

SUBMISSION NO. 5
TT on 28 February 2012

Committee Secretary
Joint Standing Committee on Treaties
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Parliament House
CANBERRA ACT 2600
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Dear Secretary

The Illawarra Legal Centre strongly supports the ratification of the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT).

The Illawarra Legal Centre works to support and enable people who live with disadvantage to have access to justice and for policies and laws that ensure this outcome for all. In this regard, we are particularly concerned that Australia has not ratified the optional protocol.

We note that the focus of OPCAT is on prevention of cruel, inhuman or degrading treatment or punishment through independent inspection and other forms of monitoring by the United Nations Subcommittee on Prevention of Torture (SPT) and the National Preventative Mechanism (NPM). In this way, OPCAT will assist Australian governments to protect the basic rights of people who are detained and prevent conduct or environments that might lead to cruel, inhuman or degrading treatment or punishment.

OPCAT relates not only to prisons and immigration detention, but also to places of detention such as psychiatric hospitals and places where people with disabilities are kept behind locked doors.

Australia has ratified the United Nations Convention Against Torture (UNCAT). However, it is OPCAT that mandates preventive mechanisms that cannot be achieved under UNCAT. OPCAT empowers independent inspectorates acting as part of the NPM to achieve this goal.

We consider that it is in the interests of the broader community to prevent ill treatment in prisons in order to promote rehabilitation and reintegration into the broader community. People with disabilities should not be locked away without scrutiny. Immigration detention centres must also be monitored.

Our position is based on the serious and well-documented concerns with conditions of detention, including prisons, mental health facilities and immigration detention. There is strong evidence that external scrutiny of places of detention can deter and, where necessary, help to redress torture and other forms of ill treatment.

Independent inspections are also cost effective. The UK Chief Inspector of Prison's Office, one of the UK NPMs under OPCAT, runs at something around 0.4% of the cost of running the various activities that it inspects. Importantly, inspections and monitoring creates costs savings by improving conditions for those held in detention, leading to less litigation, and fewer complaints, injuries and hopefully fewer deaths in custody.

We urge Joint Standing Committee on Treaties (JSCOT) to recommend to the Commonwealth Government that Australia ratify OPCAT.

On behalf of Illawarra Legal Centre staff we urge you to set this right.

Yours Sincerely,

Truda Gray
Coordinator
(On behalf of Illawarra Legal Centre)