

**UNITED NATIONS ASSOCIATION OF
AUSTRALIA Incorporated**

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**SUBMISSION REGARDING OPTIONAL PROTOCOL TO CONVENTION
AGAINST TORTURE AND OTHER CRUEL OR INHUMAN OR DEGRADING
TREATMENT OR PUNISHMENT**

Introduction

The United Nations Association of Australia (UNAA) welcomes the opportunity to contribute to the inquiry of the Joint Standing Committee on Treaties into the Optional Protocol to the Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment (CAT). As a national organisation we are committed to education and advocacy to inform Australians about the role of the United Nations in setting international standards, particularly in the field of human rights.

We recognise that successive Australian Governments have been proactive in working to develop a range of human rights protocols to both raise awareness and encourage states to accept their responsibility for protecting citizens' basic rights. Therefore, we are disturbed that the Australian Government has retreated from this role and indeed has reacted against the strengthening of the Convention against Torture. We believe this is inconsistent with the positive role that the Australian Government plays in the Asia Pacific Forum on Human Rights where its leadership and support has been so significant in promoting national human rights institutions.

International Leadership

In April 2002, UNAA. was represented at the Commission on Human Rights in Geneva by our national president Margaret Reynolds who observed the debate and vote on the resolution to adopt the Draft Optional Protocol. At the time UNAA issued a press release which noted

"Opponents of the Optional Protocol include Cuba, Russia China and Saudi Arabia, so Australians would not expect their national government to follow these countries in denying preventive policy against torture "
(Press Release 26 April 2002)

In July 2002 it became clear at the United Nations Economic and Social Council meeting that the Australian Government was opposed to the Optional Protocol and voted against its adoption. This put Australia in a minority as the vote was 35 in favour, 8 against with 10 abstentions

In November 2002 in the Third Committee of the United Nations General Assembly, Australia again was in a minority when the vote was 104 in favour, 8 against with 37 abstentions. In the General Assembly in December 2002 Australia's isolation was highlighted by the final vote 127 in favour, 4 against with 42 abstentions.

UNAA believes this record damages Australia's international reputation as a country committed to human rights.

Impact of Optional Protocol on Domestic Policy.

The Optional Protocol is not an intrusive mechanism which need concern the Australian Government. It merely enhances the opportunity for member states to demonstrate their commitment to the original intention of the Convention against Torture, which Australia has already agreed to. States signing on to the Optional Protocol are required to put in place independent visits to places of detention to monitor standards of care. There are already mechanisms in place in Australia through the Commonwealth Ombudsman and the Human Rights and Equal Opportunity Commission to provide this independent assessment of fiduciary duty. Furthermore parliamentary committees have demonstrated a role in this regard.

Mandatory Detention

UNAA recognises that the Optional Protocol debate coincided with criticism of Australia's mandatory detention policy and understand the Government's sensitivity to allegations made about torture within Australian detention centres. We submit that this criticism will only increase if Australia is seen to resist adopting a realistic monitoring model accepted by a vast majority of nations. The Australian Government has in fact accepted independent international scrutiny of detention by enabling two United Nations inspectors to visit recently.

Recommendation

UNAA respectfully requests the Australian Government to re consider its opposition to the Optional Protocol and agree to sign this international human rights protocol to strengthen the Convention against Torture, We consider this would provide significant leadership in the Asia Pacific Region and would re establish Australia as a strong advocate of human rights. Such a decision would be most timely as Australia takes the Chair of the Commission on Human Rights In Geneva in March.

Margaret Reynolds (National President) David Purnell (National Administrator)

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