

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT

Group 2

Program 1.1

Question No. 72

Senator Singh asked the following question at the hearing on 18 November 2013:

Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment

1. What are Australia's obligations under OPCAT?
2. To what places within would OPCAT be expected to apply?
3. By when is ratification of OPCAT required to occur?
4. When is ratification expected to occur?
5. List the places under Australian Government control or jurisdiction OPCAT would be expected to apply.
6. What steps are currently taken to ensure that the Convention Against Torture is adhered to in place under Australian Government control or jurisdiction?
7. Would Australia's OPCAT obligations be expected to apply to off-shore detention centres?
8. Is there a suitable body to undertake the domestic inspection role of OPCAT?
9. Are Australia's detention centres currently under any independent scrutiny?

The answer to the honourable senator's question is as follows:

1. Australia has no obligations under the Optional Protocol, because Australia has not ratified it.

2. See answer to Question 1.
3. There is no deadline for ratification of the Optional Protocol.
4. Whether, and if so when, to ratify the Optional Protocol is a matter for Government.
5. See answer to Question 1.
6. The Government is responsible for ensuring compliance with all of the obligations under treaties to which it is a party, including the Convention against Torture.
7. See answer to Question 1.
8. See answer to Question 1.
9. Australia's detention centres are currently under independent scrutiny by a range of bodies including the Commonwealth Ombudsperson and State and Territory Ombudspersons and the Australian Human Rights Commission.