

Thursday, 09 February 2017

Australia takes historic step to help prevent torture

Australia has taken a positive and historic step today in the campaign to end torture, through the announcement by the Attorney-General and Minister for Foreign Affairs that the Government will ratify the Optional Protocol to the Convention Against Torture (OPCAT).

OPCAT is designed to strengthen the protection of persons deprived of their liberty against torture and other cruel, inhuman or degrading treatment or punishment.

It requires the government to establish a system of regular visits, to be undertaken by independent international and national bodies, to all places of detention in Australia, including prisons, youth and immigration detention and mental health facilities.

Law Council of Australia President, Fiona McLeod SC, said the Law Council had long pressed for ratification, arguing that OPCAT will assist in preventing torture from occurring in any place of detention in Australia, as well as encouraging a culture of transparency and accountability.

"Ratification will build upon Australia's history as a nation determined to eradicate and prevent torture, cruel, inhuman and degrading treatment at home and abroad," Ms McLeod said.

"It will enhance the protection of the fundamental rights of people in detention in Australia and improve conditions in detention facilities where required. Independent and regular external scrutiny will provide an incentive for those running detention facilities to develop effective prevention strategies.

"Ratification of OPCAT provides an opportunity for Commonwealth, State and Territory governments to work together to address long standing human rights concerns relating to the treatment of Indigenous Australians in custody, and conditions in youth and immigration detention facilities. Our concerns regarding the over representation of Indigenous people in jails and lock ups across Australia are well known."

OPCAT has now been in force for over five years and has 81 States Parties, with a further 17 countries listed as signatories.

"Jurisdictions that have already ratified and implemented OPCAT, such as New Zealand and the UK have noted improvements in terms of rights protections," Ms McLeod said.

"They have also recorded an enhancement of coordination, accountability, and transparency within and between detention-related agencies.

"We look forward to working with Parliament during the OPCAT ratification process."

Ms McLeod also said the Federal Government's announcement was timely, with Australia campaigning for a seat on the United Nations Human Rights Council for 2018-20.

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