

JOINT STATEMENT – AUSTRALIA’S NATIONAL PREVENTIVE MECHANISM UNDER THE OPTIONAL PROTOCOL TO THE CONVENTION AGAINST TORTURE

We are members of the Australian National Preventive Mechanism (NPM) appointed or nominated by the Australian, Australian Capital Territory, Northern Territory, South Australian, Tasmanian and Western Australian Governments, to implement the United Nations (UN) *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT). Our governments appointed or nominated us to undertake the important work of advancing efforts to prevent the torture and ill-treatment of detained people, including by visiting places where people are or may be deprived of their liberty.

Today marks the deadline for Australia to establish its NPM, across the country, under OPCAT. Australia voluntarily agreed to meet the obligations outlined in OPCAT, and yet 5 years later, there is still much work that needs to be done. Progress towards designating and operationalising NPM bodies varies across different states and territories. OPCAT is about protecting fundamental human rights. It is designed to strengthen protections for people deprived of their liberty, because they are vulnerable to breaches of their rights including through torture or ill-treatment. People may be deprived of their liberty for a range of reasons, including where accused or convicted of a crime, for mental health reasons or for immigration detention. A person must never be exposed to torture or ill-treatment, regardless of the reason why they are detained.

OPCAT requires countries that sign up to it to establish a system of regular preventive visits to places of detention by independent NPMs. Places of detention are any places where persons are or may be deprived of their liberty. This includes, for example, adult prisons, youth detention facilities, secure health facilities, police/court cells and immigration detention centres. The UN specifies that, in carrying out this role, an NPM is not an investigative or complaint-handling body. Our role is to conduct these visits and consider systemic issues that increase the risk of torture or ill-treatment. NPMs make recommendations and suggestions for improving the treatment and conditions of people in detention, and engage constructively with governments and detaining authorities to strengthen these protections.

Australia’s NPM is firmly committed to our work. An NPM plays an important role in identifying risk of ill-treatment and making recommendations for improvements to tackle some of the most challenging detention-related issues facing Australia. This includes, the treatment of children, people with disability and First Nations people. Where they have not yet done so, we call on all Australian governments to appoint NPMs, to legislate their role and powers, and to resource them to fully discharge their mandate to carry out preventive visits to places of detention.

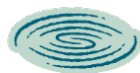
OPCAT also requires signatory countries to accept visits from the UN Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (SPT). We regret that the SPT was denied access to some places of detention during its visit to Australia in 2022, which resulted in the SPT suspending its visit. Australia’s NPM benefited from valuable and open engagement with the SPT during its visit. We encourage governments to ensure the SPT can resume its visit to Australia in 2023 without restriction. We look forward to continuing to work alongside the SPT, Australian governments, civil society organisations, and other oversight bodies to advance OPCAT in Australia.



ACT HUMAN RIGHTS
COMMISSION



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