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To: Chair JSCOT (Mr Kelvin Thomson)

Dear Mr Thomson

Civil Liberties Australia (CLA) thanks the Parliamentary Joint Standing Committee on Treaties (JSCOT) for the opportunity to provide a submission in support of the content of the National Interest Analysis [2012] ATNIA 6 and in support for the ratification by the Australian Government of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

CLA believes that by ratifying the Optional Protocol, the Australian Government will be demonstrating its commitment to the prevention of torture and other ill treatment. Australia will serve as a model for other countries, especially in the Asia-Pacific and it will further emphasise our society's commitment to the values and commitments in the Convention. The measures contained in the Optional Protocol will enhance compliance with the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

CLA supports the model of 'dialogue and review' between the detaining body and the visiting body, as promoting a means of improving conditions and treatment. We believe that the National Preventative Mechanism working in co-operation with the United Nations Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment will ensure detaining authorities are accountable, increase international transparency and ensure consistent and humane treatment standards that accord with international human rights standards across places of detention in Australia. CLA also recognises the significance in broadening the scope of the monitoring mechanism beyond prisons and immigration detention to psychiatric hospitals and places where people with disabilities or mental illness are deprived of their liberty.

CLA believes that the process of bringing Australia into compliance with OPCAT will promote regular and systematic analysis of conditions and treatment of persons in detention which will mitigate torture and other forms of ill treatment in the future. The experience should yield a more national and comprehensive approach, an increase in the identification of gaps and mismatches in the systems across the federation and improve outcomes for people in detention.

CLA considers that the prevention of ill treatment or torture in all places of detention in Australia to be in the national interest. Improved monitoring mechanisms across all places of detention provides a means for ensuring compliance with the commitments Australia has already undertaken and is strongly supported by CLA. We urge the JSCOT to recommend that the Australian Government ratifies OPCAT as soon as possible.

Yours sincerely,

Dr Kris Klugman OAM  
President

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Friday 30 March 2012