22 December 2015

Dear Minister,

RE: Ratification of the Optional Protocol to the Convention Against Torture (OPCAT)

Thank you for your response of 29 June 2015 to the joint letter from civil society groups and individuals urging Australia’s ratification of the OPCAT. In that letter, the endorsees encouraged expeditious ratification in order to assist Australia’s bid for a seat on the United Nations Human Rights Council from 2018-2020.

We were encouraged that the Australian Government confirmed at Australia’s recent Universal Periodic Review before the UN Human Rights Council that it is considering ratification of the OPCAT. It is also positive to note in the Draft report of the Working Group on the Universal Periodic Review that the Australian Government will examine the recommendation of 28 States, that Australia proceed with OPCAT ratification.

As you note in your response to our letter, there are a range of bodies monitoring places of detention at federal, state and territory levels. Many of these bodies – Ombudsman Offices, Human Rights Commissions and Inspectorates – will be well placed to take on domestic roles as part of a National Preventive Mechanism under the OPCAT. However, our research indicates that not all places of detention in Australia are currently subject to monitoring, and some monitoring bodies have limited capacity to ensure human rights protections.

There is strong community support in Australia for OPCAT ratification, as evidenced by the signatories to this letter, and previous letters¹.

Ratification of the OPCAT would promote comprehensive protection of the rights of people in detention in Australia, and would confirm the Australian Government’s commitment to human rights issues nationally. Of the 80 States that are currently a State Party to the OPCAT, only 6 of these are in the Asia Pacific region, thus ratification by Australia of this important treaty would also provide regional leadership.

Opening up all places of detention to OPCAT-compliant oversight would be of great benefit not only to the human rights of a particularly vulnerable group but also to Australia’s international reputation. We therefore strongly urge that the Australian Government announce ratification at the March session of the United Nations Human Rights Council.

Yours sincerely,

Associate Professor Bronwyn Naylor, Law Faculty, Monash University

Copy to: The Hon Malcolm Turnbull, Prime Minister
Sen. the Hon George Brandis QC, Commonwealth Attorney-General
Mr Simon Corbell MP, ACT Attorney General
The Hon Gabrielle Upton MP, NSW Attorney-General
The Hon Johan Wessel Elferink MLA, NT Attorney-General
The Hon Yvette D’Ath, QLD Attorney-General
Mr Jon Rau MP, SA Attorney-General
Ms Vanessa Goodwin MLC, TAS Attorney-General
The Hon Martin Pakula MP, VIC Attorney-General
The Hon Michael Mischin MLC, WA Attorney-General

Joint signatories to letter:

Organizations:
Access Community Services Ltd
Act for Peace
Amnesty International Australia
Association for Services to Torture and Trauma Survivors
Asylum Seeker Resource Centre
Australian Churches Refugee Taskforce
Australian College of Mental Health Nurses
Australian Cross Disability Alliance
Australian Migration Options Pty Ltd
Centre for Asylum Seekers, Refugees and Detainees
Centre for Human Rights Education, Curtin University
Darwin Asylum Seeker Support and Advocacy Network
Deaths in Custody Watch Committee (WA) Inc.
Federation of Community Legal Centres
The Humanitarian Group
Human Right Council of Australia
Human Rights Law Centre
International Service for Human Rights (Geneva)
Jesuit Refugee Service Australia
Melaleuca Refugee Centre Torture & Trauma Survivors Service of the NT Inc.
Melbourne Catholic Migrant & Refugee Office
Mercy Community Services SEQ Ltd
National Ethnic Disability Alliance
National Justice Project Ltd
NSW Council for Civil Liberties
Pax Christi Queensland
People With Disability Australia
Public Health Association of Australia
Public Interest Advocacy Centre
Queensland Advocacy Incorporated
Queensland Program of Assistance to Survivors of Torture and Trauma
Refugee Council of Australia
Service for the Treatment and Rehabilitation of Torture and Trauma Survivors
Settlement Services International
Soroptimist International, Australia
St Vincent de Paul Society, National Council of Australia
Survivors of Torture and Trauma Assistance and Rehabilitation Service Inc.
Tasmanian Asylum Seeker Support Network
The Tasmania Opportunity
UnitingJustice Australia, Uniting Church in Australia
Victorian Foundation for Survivors of Torture
Women With Disabilities Australia

**Individuals:**

Dr. Anna Arstein-Kerslake, the University of Melbourne
Assoc. Professor Ignacio Correa-Velez, Queensland University of Technology
Stephen Blanks, NSW Council for Civil Liberties
Dr Bijou Blick, General Practitioner
Dr Robyn Bradley, Psychiatrist
Pastor David Busch, Coordinator Redlands for Refugees
Professor Tony Butler, Kirby Institute
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Adjunct Associate Professor Amanda Gordon, University of Canberra
Dr Lisa Hartley, Curtin University
Dr Rosemary Howard, child and adolescent psychiatrist
Ivan James AO, Tasmania
Sylvia Jones
Professor Sarah Joseph, Monash University
Prof Jon Jureidini, Women’s and Children’s Hospital, Adelaide, University of Adelaide
Professor Stuart Kinner, Griffith Criminology Institute & Menzies Health Institute
Dr Nick Kowalenko, Sydney Medical School, University of Sydney
Rebecca Lim, Queensland
Dr Brigid Limerick, Queensland
Dr Sarah Mares, University of New South Wales and Menzies School of Health Research
Professor Bernadette McSherry, The University of Melbourne
Peter Miller
Rebecca Minty, Consultant, Association for the Prevention of Torture
Michael Moore, CEO, Public Health Association of Australia; Vice President & President Elect of the World Federation of Public Health Associations
George Newhouse, National Justice Project Ltd, NSW
Prof Louise Newman, AM – Director, Centre for Women’s Mental Health
Professor Baden Offord, Curtin University
Michelle O’Flynn, Director, Queensland Advocacy Incorporated
Dr Barri Phatarfod, Co-founder and convenor of Doctors for Refugees
Dr Emma Phillips, Systems Advocate, Queensland Advocacy Incorporated
Margaret Pickup,
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Professor Alan Rosen AO, University of Wollongong, University of Sydney
Dr John-Paul Sanggaran
Anne Sheehan, National Representative Soroptimist International of the South West Pacific
Dr Elfie Shiosaki, Curtin University
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Kevin Smith, Queensland
Michael Smith, Clinical Nurse Consultant
Josef Szwarc, Victoria
Assoc. Professor Dr Savitri Taylor, La Trobe University
Dr Dinesh Joseph Wadiwel, the University of Sydney
Pat Wood RSM, Queensland
Dr Peter Young, former IHMS medical director mental health services
Barbara Young AO, Queensland
Assoc. Professor Matthew Zagor, the Australian National University