

To: Human Rights Commissioner, AHRC

Re: Consultation on the Optional Protocol on the Convention Against Torture

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NSW Ombudsman comment:

The NSW Ombudsman has provided input through several roundtable workshops run by the Australian Human Rights Commissioner around the implementation on the Optional Protocol on the Convention Against Torture (OPCAT). In summary we remain of the view that any OPCAT inspection regime in Australia should:

- be inclusive of all situations where people are in a position that may enable others to treat them cruelly, inhumanely or to torture them. This would not therefore be limited only to primary places of detention such as prisons, juvenile custody, police cells, court cells, immigration detention and military facilities;
- in line with Article 18(1) of the Protocol, ensure all bodies or agencies with responsibility for inspecting any places subject to OPCAT are functionally independent and have no direct relationship to the Minister responsible for the places being inspected;
- have inspecting bodies representing the diversity of people in places being inspected, and expertise in a range of areas relevant to the place of inspection;
- ensure inspecting bodies liaise with and/or seek advice from civil society to inform their inspections.

24 July 2017