

JOINT STATEMENT – SUBCOMMITTEE ON PREVENTION OF TORTURE DECIDES TO TERMINATE VISIT TO AUSTRALIA

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 *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT).

OPCAT is designed to protect the fundamental human rights of people detained in places including, but not limited to, police stations, prisons (military and civilian), detention centres (pre-trial detention centres, immigration detention centres, youth justice establishments, etc), mental health, and social care institutions. Our governments appointed or nominated us as NPMs to undertake the important work of helping to prevent torture and ill-treatment, including by visiting places where people are or may be deprived of their liberty.

In addition to establishing an NPM, by signing up to OPCAT, Australia agreed to allow visits to places of detention around the country by the UN Subcommittee on Prevention of Torture (SPT). During these visits, the SPT examines the treatment and conditions of people in detention and makes recommendations to strengthen protections against torture and ill-treatment.

The SPT's first visit to Australia was scheduled from 16 – 27 October 2022. We regret that the SPT was denied access to some places of detention during its visit, which resulted in the SPT suspending its visit on 23 October. The Australian NPM has released a statement regarding the visit suspension, available [here](#).

The plenary of the SPT met from 6 to 10 February 2023. The SPT decided to terminate its visit to Australia. This was because Australia was unable to provide the assurances required to enable the SPT to resume its visit within a reasonable timeframe; notably, assurances that the SPT would be able to carry out its visits to Australian detention facilities without restriction. This is a disappointing outcome. Australia now joins Rwanda as the only other country where the SPT has decided to terminate a visit.

Australian governments, detaining authorities, civil society organisations and other oversight bodies have lost a valuable opportunity to work cooperatively with the SPT to progress our shared goal of protecting the human rights of people in detention. The SPT has indicated that the Australian Government will be provided a report as soon as possible outlining its observations from the October 2022 Australian visit. Australia's NPM welcomes the SPT's feedback and guidance. Australia's NPM had constructive and practical engagement with the SPT during its October visit. We look forward to further engagement with the SPT over the coming months and years.

The termination of the SPT's visit does not change Australia's obligations under OPCAT. Australia's existing network of NPM bodies remains firmly committed to our work of identifying risks of ill-treatment in places of detention and making recommendations for improving the treatment and conditions of people who are detained.

Where they have not yet done so, we call on all Australian governments to appoint NPMs, legislate their role and powers, and resource them fully to discharge their mandate to carry out preventive visits to places of detention.

A link to the SPT's media release can be found [here](#).

OFFICIAL



Richard Connock
Tasmanian NPM

