



OPCAT

For service providers

Preventing
torture and ill-treatment in
places of detention in the
ACT

Introducing the ACT's National Preventive Mechanism

The *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT) is an international human rights treaty that Australia has agreed to implement. It aims to prevent torture and ill-treatment in all places where people are, or may be, deprived of their liberty. The Australian Government voluntarily signed up to OPCAT in December 2017.

Unlike other human rights treaties, which deal with harms *after* they happen, OPCAT focuses on strengthening protections against torture and ill-treatment of detained people *before* these harms can occur.

To do this, OPCAT creates a system of regular, independent visits to places of detention, across the country, by a 'National Preventive Mechanism' (NPM). By visiting places of detention that are outside the public's gaze, the NPM helps to ensure that all people who are deprived of their liberty are treated humanely.

There are three bodies in the ACT who perform this role together as the 'ACT NPM.' We are:

- the Office of the Inspector of Correctional Services;
- the ACT Human Rights Commission; and
- the ACT Ombudsman.



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A system of regular visits to places of detention

'Places of detention' is broadly defined, and includes correctional facilities (e.g. Alexander Maconochie Centre), youth detention facilities (e.g. Bimberi), police custody (cells and vehicles), court cells and closed mental health and disability facilities (e.g. Dhulwa).

While many oversight and accountability mechanisms for places of detention are reactive (e.g. complaints mechanisms), what makes OPCAT unique is the objective to *prevent* the harm before it occurs. This is achieved by establishing a system of regular visits undertaken by independent domestic and international bodies to places of detention.

At the domestic level, these preventive visits are to be carried out by a number of bodies designated by the Federal, State and Territory Governments, that are collectively known as the NPM. The deadline for an operational Australian NPM was 20 January 2023, and the coordinator for the whole Australian NPM is the Commonwealth Ombudsman.

At the international level, Australia is required to permit and facilitate visits by an independent body of international experts - the United Nations Subcommittee on Prevention of Torture (SPT) - to all places of detention.



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The ACT visiting bodies (NPM)

In the ACT, the Office of the Inspector of Correctional Services (OICS), the ACT Human Rights Commission and the ACT Ombudsman have been appointed to be the multi-body NPM. We are jointly responsible for visiting places of detention in the ACT, and examining treatment and conditions in detention, with the aim of strengthening protections against torture and ill-treatment.

The OPCAT intends government/detaining authorities to constructively engage with the NPM, including examining our recommendations and entering into dialogue.

Under OPCAT, we should

- have unfettered access to all
 - information concerning the number of detained persons, and the number of places of detention and their location;
 - places of detention (including making unannounced visits at any time of day or night);
 - information and records regarding treatment of detained people and conditions of detention, (including CCTV, hand-held camera footage, electronic systems and files);
 - detained people, staff and contractors (including being able to conduct private interviews).



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- be able to
 - make recommendations regarding treatment and conditions in detention;
 - publish our reports;
 - submit proposals on draft and existing legislation.

Protection of people and organisations which engage with the ACT bodies (NPM)

The OPCAT prohibits any authority or official ordering or allowing any sanction against a person or organisation for having communicated to the NPM any information, whether true or false.

This prohibition of reprisals includes the following detrimental actions:

- injury, damage or loss;
- change of the conditions of or treatment in detention;
- intimidation or harassment;
- discrimination, disadvantage or adverse treatment in relation to employment;
- dismissal from, or prejudice in, employment;
- disciplinary proceedings.



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Contact



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ACT Inspector
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**ACT HUMAN RIGHTS
COMMISSION**

Australian Capital Territory

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ACT Ombudsman

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We acknowledge the traditional custodians of the ACT, the Ngunnawal people. We acknowledge and respect their continuing culture and the contribution they make to the life of this city and this region.