

The Hon Julie Bishop MP  
Minister for Foreign Affairs  
Parliament House  
Canberra ACT 2600

By email: [Julie.Bishop.MP@aph.gov.au](mailto:Julie.Bishop.MP@aph.gov.au)

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 letters<sup>1</sup>.

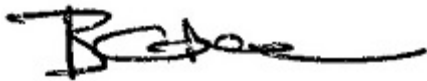
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<sup>1</sup> See, 'Joint Statement: Call for Australia's Ratification of the OPCAT' signed by 18 Medical Colleges, October 2015. Online at: [http://www.acrrm.org.au/docs/default-source/documents/the-college-at-work/joint\\_statement\\_opcat.pdf?sfvrsn=2](http://www.acrrm.org.au/docs/default-source/documents/the-college-at-work/joint_statement_opcat.pdf?sfvrsn=2) (accessed 21 December 2015). See also Letter from 64 organizations to the Attorney General regarding OPCAT, 15 September 2014. Online at: <http://www.amnesty.org.au/news/comments/35544/> (accessed 21 December 2015).

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  
Boyd Craig, Queensland  
Corinne Dobson, Public Health Consultant, ACT  
Michael J Dudley AM, University of NSW, Prince of Wales Hospital, Sydney Children's Hospital  
Patrick Earle, Executive Director, Diplomacy Training Program  
Professor (Dr) Jaya Earnest, Curtin University  
Dr Caroline Fleay, Curtin University  
Gaylene Galardi, Curtin University  
Dr Fran Gale, Western Sydney University  
Dr Michael Gliksman  
Dr Piers Gooding, The University of Melbourne  
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,  
Professor Simon Rice OAM, The Australian National University  
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  
Adjunct Professor Chris Sidoti, University of Western Sydney  
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