



Australian National Preventive Mechanism Joint Statement **Response to the Report of the Subcommittee on Prevention of Torture – 2022 visit to Australia**

We are members of the Australian National Preventive Mechanism (NPM):

- Australian Capital Territory (ACT) Human Rights Commission
- ACT Office of the Inspector of Correctional Services
- ACT Ombudsman
- Commonwealth NPM
- Northern Territory (NT) Principal Community Visitor
- NT Ombudsman
- Office of the Children's Commissioner NT
- South Australian Training Centre Visitor
- Tasmanian NPM
- Western Australian (WA) Office of the Inspector of Custodial Services
- WA Ombudsman

We have been nominated or appointed by Australian governments as part of Australia's implementation of the United Nations (UN) *Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (OPCAT). Along with the UN Subcommittee on Prevention of Torture (SPT), we are part of a system created under OPCAT to visit places where people are deprived of their liberty and examine the treatment and conditions of people in them, towards preventing torture and other ill treatment.

In October 2022, the SPT visited Australia to examine Australia's progress towards implementing its OPCAT commitments. Due to multiple issues obstructing their ability to perform their work, the SPT suspended their visit on 23 October 2022 and formally terminated it on 20 February 2023.



On 19 June 2023, the SPT provided the Australian Government with a report of their visit. In doing so, the SPT requested a reply from the Australian Government within six months. On 20 December 2023, at the Australian Government's request, the SPT publicly released both [their visit report](#) and [the Australian Government's reply](#).

The Australian NPM is reviewing the SPT's visit report and the Australian Government's reply. We intend to provide our own response to these documents shortly, to both the SPT and to all Australian governments. We will also release our response publicly at that time.

We know from the public release of the SPT's past post-visit reports to other countries that these reports are invaluable. The SPT are experts in monitoring places of detention, and their observations are important to improving conditions in Australia. We hope that all Australian governments will carefully consider the content of the SPT's report to Australia, as part of their collective efforts in meeting Australia's ongoing human rights obligations to people deprived of their liberty.

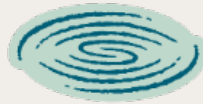
Finally, implementation of OPCAT in Australia is incomplete: both in relation to the visits of the SPT as international experts, and Australia's own domestic protection through NPMs and appropriate legislative frameworks.

OPCAT requires that the SPT is able to exercise its full mandate when visiting. This did not occur during the SPT's 2022 visit to Australia. While some jurisdictions had legislation in place, and another has since passed legislation, there remain legislative gaps to guarantee the SPT can exercise its full powers across Australia when visiting all places falling within scope of Article 4 of OPCAT. We call on all governments to rectify this situation.



We reiterate our call on all Australian governments to – where they have not yet done so – appoint NPMs, legislate their role and powers, and resource them fully to, at a minimum, discharge their mandate to carry out regular, preventive visits to places of detention.

As members of the Australian NPM, we remain committed to working with the SPT and with Commonwealth, state, and territory governments in fulfilling our own responsibilities towards the preventive goals of OPCAT. Improving Australia's places of detention, including through increased transparency and accountability, benefits everyone.



OFFICE OF THE INSPECTOR OF CUSTODIAL SERVICES

