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This International Day in Support of Victims of Torture, the Andrews Government must do better on OPCAT

Last week, on the same day that IBAC released its damning report into Victorian prisons, we marked the 15 year anniversary of the *Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* (**OPCAT**) coming into force.

And last weekend we marked the International Day in Support of Victims of Torture.

Reflecting on this past week, and on the looming January 2022 deadline for OPCAT implementation in Victoria, the Andrews Government's failure to progress implementation of a system of robust, independent detention oversight is incomprehensible.

In the year of the 30 year anniversary of the Royal Commission into Aboriginal Deaths in Custody, the Government's failure to consult on culturally appropriate OPCAT implementation for detained Aboriginal people is indefensible.

Under OPCAT, we would see regular, unannounced visits to places of detention by an independent, culturally safe detention oversight body that could identify and mitigate risks of death, torture and ill-treatment of people in prisons, youth prisons, police custody and other places where people may be deprived of their liberty.

Three and a half years on from Australia's ratification of OPCAT, we know little about the Andrews Government's intentions, other than that it has designated a paltry \$500K in the Budget for OPCAT implementation over the next four years. This level of funding, in addition to there being no indication that the powers and privileges of the detention oversight body, the National Preventive Mechanism (**NPM**), will be enshrined in legislation, calls into question the Government's commitment to preventing torture, corrupt conduct and human rights violations in places of detention.

We are still waiting for community and stakeholder consultation, particularly with Aboriginal Community Controlled Organisations and representative bodies, to ensure that implementation accords with obligations under the Protocol and is culturally safe.



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With Aboriginal people continuing to die and to be mistreated in custody in Victoria, the Andrews Government must recognise the critical role prevention plays, and ensure proper OPCAT implementation, that is effective for Aboriginal people.

You can read VALS' factsheet on culturally appropriate OPCAT implementation [here](#), and you can watch VALS' OPCAT expert webinar [here](#).

Quotes Attributable to Andreea Lachs, Head of Policy, Communications and Strategy, Victorian Aboriginal Legal Service

"This year, we marked the International Day in Support of Victims of Torture a few days after IBAC published a report into Victoria's prisons, highlighting alarming corruption and abuse."

"Implementing OPCAT properly, with independent oversight of places of detention through regular and unannounced visits, is an opportunity for the Andrews Government to create a legacy that it can be proud of."

"OPCAT needs to be culturally safe for Aboriginal and Torres Strait Islander people or they will not confidently engage with the detention oversight body, and they will be left behind. The Andrews Government must provide more resources for Aboriginal organisations like VALS so that the design of the NPM is culturally safe. Aboriginal people will continue to die preventable deaths in custody if the Andrews Government fails to implement culturally safe, independent, OPCAT-compliant oversight of places of detention."

Quotes Attributable to Monique Hurley, Acting Associate Legal Director, Human Rights Law Centre

"Abuse thrives in darkness, and time is long overdue for greater oversight and transparency of all places of detention. It is vital that the Andrews government implement the UN's anti-torture protocol – OPCAT – as a matter of priority. It is unacceptable that the Andrews government have made such little progress in establishing and resourcing independent monitoring and oversight of places of detention in Victoria, especially in light of the recent report tabled in the Victorian Parliament by the Independent Broad-based Anti-corruption Commission which painted a shocking picture of what goes on behind closed doors. We must shine a light on human rights abuses in prisons and end the use of cruel and degrading practices – like routine strip searching and solitary confinement – once and for all."



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Quotes Attributable to Julia Kretzenbacher, President, Liberty Victoria

“It is fundamentally important that OPCAT is implemented as a matter of urgency. We have seen from reports both from the Ombudsman and IBAC that custodial environments are not free from corruption and mistreatment of vulnerable people. Implementing OPCAT will ensure that there is independent oversight, with unannounced visits, to ensure that custodial environments are safe and human rights are respected and protected.”

Quotes Attributable to Megan Pearce, Managing Lawyer, Social Action and Public Interest Law, Fitzroy Legal Service

“Fitzroy Legal Service is very concerned about lack of effective protection of the human rights of people in Victorian prisons. The Victorian Charter of Human Rights is worth little if it can't be enforced. The recent IBAC investigation confirms that abuse festers in a closed environment where incarcerated people have little or no access to justice. The current avenues to report abuse, and for investigation of those reports, are woefully underfunded and overstretched. This is a recipe for more deaths in custody, more serious physical and mental injuries to people in prison – including to staff - and less community safety. Victoria urgently needs an independent, adequately funded prison oversight body.”

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