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PRESS RELEASE

UN COMMITTEE TOLD AUSTRALIA IN BREACH OF ITS INTERNATIONAL HUMAN RIGHTS OBLIGATIONS REGARDING TORTURE

Australia is in breach of fundamental human rights under the international *Convention against Torture and other Cruel, Inhuman or Degrading Treatment* according to a coalition of leading human rights organisations.

The coalition will meet in Geneva* Switzerland on 5 November with the UN Committee against Torture to give expert evidence regarding Australia's implementation of and compliance with the Convention.

"The right to be free and effectively protected from torture and other cruel treatment or punishment is a fundamental human right. The Convention prohibits the use of torture in any circumstances whatsoever and commits Australia to take all necessary action to prevent and remedy torture or cruel treatment," said Simeon Beckett, a spokesperson for the coalition and President of Australian Lawyers for Human Rights.

The coalition has made written submissions and will give oral evidence to the Committee that various aspects of Australian law, policy and practice are incompatible with human rights under the Convention.

"Australia remains the only developed democracy without a national Bill of Rights," said Mr Beckett. "The international prohibition on torture and other cruel, inhuman or degrading treatment or punishment is not adequately enshrined in Australian domestic law."

In the absence of a Bill of Rights, Australia's response to terrorism has not been counterbalanced by human rights considerations. "Australia's anti-terrorism laws are grossly disproportionate and manifestly inadequate in their protection of human rights," said Michael Walton of the NSW Council for Civil Liberties. "The detention and treatment of Australian citizens David Hicks and Mamdouh Habib, together with the Australian Government's failure to properly investigate their corroborated allegations of torture, also raises significant issues under the Convention," said Mr Walton.

Australia's immigration law and policy is another area of major concern. "Australia's continued policy of mandatory indefinite detention of asylum-seekers, together with the impact of such detention on the mental and physical health of asylum-seekers, especially children, breaches fundamental human rights under the Convention against Torture. It also contravenes the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child," said Philip Lynch, Director of the Human Rights Law Resource Centre and representative of the National Association of Community Legal Centres. Mr Lynch expressed grave concern about the numerous cases in which Australia has returned asylum-seekers to countries where there is a possibility that they may be tortured.

The coalition will also give evidence regarding the treatment of prisoners and prison conditions. "The disproportionate incarceration of Indigenous Australians, who account for almost 25% of the prison population compared with about 2% of the total population, the solitary confinement of prisoners with psychiatric illnesses for 'management reasons', and the lack of access to adequate health care services for prisoners are issues which directly engage the Convention," said Mr Lynch.

According to Mr Walton, the coalition is particularly concerned by the highly oppressive, punitive and restrictive conditions in 'supermax prisons'. He noted recent comments by the Supreme Court of Victoria that such conditions "pose a risk to the psychiatric health of even the most psychologically robust individual".

The Australian Government has submitted a report to the Committee but will not appear before it. "The fact that the Australian Government has cancelled its appearance before the Committee because of the federal election is another example of its unwillingness to be drawn to account for its actions. Australia's report relates to a period during which the Coalition government was in power," said Mr Beckett.

Background

The Committee has been reviewing Australia's periodic report of its compliance with the Convention Against Torture and will meet with NGOs at 4.00pm, 5 November 2007.

The Convention against Torture, which Australia has ratified, governs a number of important human rights including detention of migrants, prison conditions, deaths in custody and counter-terrorism laws.

The coalition comprises Australian Lawyers for Human Rights, the Human Rights Law Resource Centre, the National Association of Community Legal Centres and the NSW Council for Civil Liberties.

The coalition has published a range of thematic Fact Sheets regarding issues relevant to Australia's implementation of, and compliance with, the Convention:

1. Australia's Immigration Law, Policy and Practice
2. Australia's Counter-Terrorism Laws and Measures
3. Australia's Treatment of Prisoners and Prison Conditions
4. Australia's Failure to Investigate Torture
5. Australia's Domestic Implementation of the *Convention against Torture*
6. Indigenous Australians and the *Convention against Torture*

The Fact Sheets are available at www.alhr.asn.au, www.hrlrc.org.au or www.nswccl.org.au.

Spokespersons

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*Geneva is 10 hours behind Australia. Spokespersons are generally not available from 10.00am to 4.00pm EST. Australian mobile numbers will connect to spokespersons in Geneva.