

OPCAT Expert Symposium – 11 October 2017

Welcome everybody, it's great to see such a significant group of national and international human rights experts gathered together for this important event.

Before I begin, I want to acknowledge the traditional owners of the land on which we meet, the Wurundjeri people of the Kulin Nations, and pay my respects to Uncle Colin and other elders, past and present and any other elders here today.

We're here today to have an important discussion:

How can we ensure that Australia's likely ratification of the Optional Protocol on the Convention against Torture actually fulfils its potential, by ensuring that people in closed environments are treated in accordance with their basic human rights?

Human rights are ordinary but important things that, when respected and promoted, can make an extraordinary difference. They belong to you, they belong to me...they belong to everyone. People in prisons

and hospitals, refugees in detention centres, our elderly parents in aged care.

And yes...that includes kids in jail.

These children, of course, are in the care and custody of the state. They're in our care.

But as recent events here in Victoria, and indeed right across Australia have shown, young people who are "out of sight and out of mind" are extremely vulnerable.

Rarely does the light shine on them, and in the dark places of detention, human rights abuses can flourish.

The shocking revelations of Don Dale have shown us that children as young as 10 and 11 have been tortured under our watch.

Clearly this is not something that any of us could countenance for our kids, for any kids. But it was sheer luck that we found out.

A series of unlikely events took place. The abuses of Dylan Voller and others were actually captured on video. Then, against the odds, the graphic footage survived intact for long enough to somehow find its way out of a high security juvenile detention facility and into the hands of a journalist. Not just any journalist, but a journalist interested enough in the issues, and working for a broadcaster able to support a lengthy investigation, and prepared to screen a program so shocking that the Prime Minister called a Royal Commission within 24 hours of the broadcast.

Although it led to a Royal Commission, one of the lessons of Don Dale, then, is that the protection of vulnerable people in closed environments must not be left to chance.

We cannot outsource the prevention of abuse to FourCorners.

We can't simply react with outrage when these abuses are *accidentally* uncovered.

We need much more than a piece-meal approach.

If we are able to get the implementation right --- and that is of course why we are all here together today --- OPCAT offers us a golden opportunity to ensure that, right across Australia, regular and effective monitoring of places like Don Dale takes place.

OPCAT offers us an approach that is not reactive, and based on chance. Rather, OPCAT done well brings the potential for an approach to monitoring that is regular and planned, proactive and preventative.

Importantly, OPCAT may also allow us to address practices that are, objectively, as shocking as Don Dale, but have continued un-remarked and unregulated.

Strip searching is a practice so commonplace that it seems to have been accepted as convention. Women in Dame Phyllis Frost Centre, a women's prison here in Victoria, are routinely strip searched before and after 'contact' visits. Yet it is traumatising and distressing for women, many of whom 'dissociate' when subjected to these searches.

Many of these women are victim/survivors of sexual abuse and family violence and controlling behaviour from violent partners. Searching them is an exercise of control that serves little purpose other than to humiliate women who have already been victimised.

And yet thousands upon thousands of these searches have occurred and continue to occur. In the last six months, according to recent reports by the Human Rights Law Centre and the Ombudsman, such searches disclosed 14 items of contraband, almost all of which, apart from one unidentified item, were tobacco products. To date, despite the best efforts of advocates and activists, and even our esteemed Ombudsman who I see is here today, the practice has continued unabated.

Let us hope then that the advent of OPCAT, with its preventative focus and international reach, can bring about much needed change. That is why the work you are doing today is so important. If we get it right, OPCAT has the best chance of protecting and promoting the human rights of vulnerable people now, and improving conditions in detention for others in the future.

We must not miss this opportunity, just as we must not lose sight of the fact that all of this is happening on our watch.

We cannot abrogate our responsibility. If we turn a blind eye, then we are all culpable.

It's up to us, not FourCorners, to ensure that we do not fail people in closed environments.

Doing monitoring effectively is the end game.

And that is what today is all about.