

OPCAT seminar November 25, 2009

Business as usual or the chance for civil respect globally?

Justice Action accepts the integrity and compassion of those involved in the OPCAT process but the weakness built into it guarantees its failure to make a difference.

The process around OPCAT fails to involve the human beings directly affected – the detainees. By not recognising their central position in this exercise it fails before it begins, and is fundamentally disrespectful. It confirms their subservience and untrustworthiness for everyone including those who detain them. They are like chicken or papers to be numbered and filed. There has been no mention of a consultation with them or the officers, no notices to those who are the intended beneficiaries and who should have an expectation of change. Yet they know the problems like a patient for a doctor, and involving them means structural respect.

Detainees in prisons, mental health institution, youth and immigration centres feel they have no rights and no one cares. They are mostly powerless, indigenous, and sick citizens - victims of the system. Yet authorities get from \$75k to \$205k for each person for their annual budgets. The new “human rights” AMC in Canberra has spent \$1m a cell and has deliberately restricted the exercise area and social contact for difficult prisoners, without even answering criticism. Corey Brough’s UN finding and the HRMU segregation tell the real story.

Ombudsmen, Inspector Generals, Official Visitors and NGOs all come and go whilst detainees remain, becoming more cynical with every exercise. The AHRC Rpt p.36 acknowledges the problems with current monitoring, but wishes to rebadge the same people. The proposed OPCAT NPM structure relies on scarce money centrally offered, and dependent on the goodwill of those liable for criticism.

OPCAT mustn’t squander this opportunity for real change in its desire to avoid opposition or gain political support. That compromise has led nowhere in the past.

After an international consultation we propose:

- using the prisoner representative structure of the Inmate Development Committees (IDCs) which allows cost free continual monitoring, gives community training, presents collective concerns and avoids victimisation.
- using existing technology including the video camera monitoring in the high security cells as a communication device back to the NPM as well as to families and communities. Internet access to the NPM and legal databases through recycled computers in cells doesn’t cost money and makes the process real.
- strengthening the NGO’s and ex-prisoner community to be independent of government funding and coordinating information to assist the NPM.