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13 March 2009

Excellency,

The Committee on the Elimination of All Forms of Racial Discrimination appreciated the open and constructive discussion which took place on Wednesday 25 February 2009 between representatives of the Australian Mission and the Working Group on Early Warning and Urgent Action Procedure on the issues raised before the Committee in relation to the Northern Territory Emergency Response. The Committee also acknowledges the written information received from the Australian Mission in this respect.

The Committee's attention has been drawn to reports according to which measures being implemented to achieve the objectives contained in the Northern Territory Emergency Response (NTER) have allegedly led to serious discrimination against Aboriginal persons in certain communities of the Northern Territory. The Committee notes with concern that the Racial Discrimination Act was suspended as a necessity to enact the measures contained in the NTER.

However, the Committee, taking into account information received from the State party, observes that the current government, in consultation with indigenous communities affected by the NTER, is in the process of redesigning key NTER measures in order to guarantee their consistency with the Racial Discrimination Act. In this regard, the Committee recalls article 2.2 of the Convention according to which, "States parties shall, when the circumstances so warrant, take [...] special and concrete measures to ensure the adequate development and protection of certain racial groups or individuals belonging to them, for the purpose of guaranteeing them the full and equal enjoyment of human rights and fundamental freedoms. These measures shall in no case entail as a consequence the maintenance of unequal or separate rights for different racial groups after the objectives for which they were taken have been achieved."

Her Excellency Mrs. Caroline Millar
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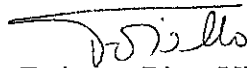
In light of the above, and in order to continue a constructive dialogue with your Government, the Committee requests the State party to submit further details and information on the following issues no later than 31 July 2009:

- Progress on the drafting of the redesigned measures, in direct consultation with the communities and individuals affected by the NTER, bearing in mind their proposed introduction to the Parliament in September 2009.
- Progress on the lifting of the suspension of the Racial Discrimination Act.

The Committee welcomes the government's commitment to building a new relationship with Indigenous Australians based on mutual respect, mutual resolve and responsibility.

Allow me, Excellency, to reiterate the Committee's wish to pursue a constructive dialogue with your Government, and to underline that the Committee's request for information is made with a view to assisting your Government in the effective implementation of the Convention.

Yours sincerely,



Fatimata-Binta Victoire Dah
Chairperson of the Committee for the
Elimination of Racial Discrimination