



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS

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29 August 2016

Excellency,

In our respective capacities as Chairperson of the Committee against Torture and Rapporteur of the Committee for Follow-up to Concluding Observations, we have the honor to refer to the follow-up to the examination of the combined fourth and fifth periodic reports of Australia, in accordance with the Guidelines for Follow-Up to Concluding Observations (CAT/C/55/3).

At the end of its 53<sup>rd</sup> session, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/AUS/CO/4-5, para. 25) requested the State Party to provide within one year further information on the specific areas of concern identified in paragraphs 9, 12, 15 and 16 of the concluding observations.

On behalf of the Committee, allow us to express appreciation for your letter of 26 November 2015, providing your Government's response on the above-mentioned paragraphs (CAT/C/AUS/CO/4-5/Add.1), and to make the following comments:

Violence against women (para. 9)

The Committee appreciates the extensive and thorough information provided by the State party on the implementation and revision of the existing legal framework concerning violence against women. It considers that the State party has taken substantive steps towards implementing the recommendation. The Committee would appreciate receiving updated information about any steps taken to specifically address violence against indigenous women and on measures to facilitate the reporting of such crimes (3/B1).

Indigenous people in the criminal justice system (para. 12)

The Committee appreciates the information provided by the State party which addresses the main parts of its recommendation and shows that substantive steps have been taken towards its implementation. While acknowledging the funds provided for legal aid to indigenous people, the Committee considers that the recommendation to ensure their legal representation from the very outset of deprivation of liberty does not seem to have been implemented in practice. The same applies to the recommendation to review mandatory sentencing laws (2/B1).

.../...

H.E. Mr. John, Patron Quinn  
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Non-refoulement (para. 15)

The Committee appreciates the thorough information provided by the State party but remains concerned about the possible lack of assessment of non-refoulement cases and with regard to legal safeguards available to unlawful non-citizens who are being removed in accordance with the recently adopted legislation. It therefore considers that this recommendation has not been implemented (3/C).

Mandatory immigration detention, including of children (para. 16)

The Committee appreciates the thorough information provided by the State party but remains concerned at the mandatory detention of immigrants, including children, and considers that this recommendation has not been implemented (3/C).

The Government of Australia is encouraged to provide additional information, if any, which may further contribute to the Committee's analysis of the progress made regarding the specific issues of concern. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fourth and fifth periodic report of Australia.

The Committee looks forward to a continued constructive dialogue with the authorities of Australia on the implementation of the Convention.

Accept, Excellency, the assurances of our highest consideration.

Jens Modvig  
Chairperson  
Committee against Torture

Abdelwahab Hani  
Rapporteur for Follow-up to Concluding Observations  
Committee against Torture