



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

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Excellency,

I wish to inform you that the Committee on the Elimination of All Forms of Racial Discrimination, in the course of its 80th session, considered the follow-up report submitted by the Government of Australia, pursuant to Rule 65(1) of the Rules of Procedure of the Committee.

The Committee welcomes the timely submission of the report, in response to its request to receive information within one year on the implementation of the recommendations contained in paragraphs 11, 16 and 23 of the Concluding Observations (CERD/C/AUS/CO/15-17) adopted following the consideration of the State party's fifteenth to seventeenth periodic reports in September 2010. The Committee appreciates the opportunity provided to continue its dialogue with the State party, and would like to draw the State party's attention to the observations mentioned below. The Committee requests that comments and responses on actions taken by the State party on these issues be included in its eighteenth and nineteenth periodic reports to be submitted in a single document by 30 October 2012.

**Paragraph 11 of the concluding observations.** The Committee takes note of the detailed information submitted by the State party with regard to the funding of the Australian Human Rights Commission and warmly welcomes the appointment of Dr Helen Szoke as the Race Discrimination Commissioner. The Committee requests further information on the project aimed at consolidating Australian anti-discrimination laws, including reviewing the design of the complaints handling process and the related role and functions of the Commission. It requests updated information on the revision of these laws and whether the State party intends to take additional measures in order to expand the powers and functions of the Commission.

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**Paragraph 16 of the concluding observations.** The Committee thanks the State party for the extensive information provided. It welcomes, in particular, the reinstatement of the Racial Discrimination Act and the State party's commitment to organize consultations with Aboriginal peoples and communities on future plans to tackle disadvantage. Nevertheless, the Committee reiterates the need for the State party to always guarantee the free, prior and informed consent of the communities concerned notably by ensuring that these consultations are inclusive, translated into languages of indigenous peoples, and that they provide sufficient time for them to send their inputs.

The Committee requests further clarification on how the Northern Territory Emergency Response legislation enforcement and the income management scheme are implemented in practice, so as to avoid not only discrimination but any further negative impact on indigenous peoples. The Committee encourages the State party to monitor the effectiveness of these measures and review them if necessary.

**Paragraph 23 of the Concluding Observations.** While taking note of Australia's efforts to ensure international students' personal security, the Committee notes that the State party does not routinely collect data on victims' nationality, ethnicity or immigration status. The Committee recalls the importance of such statistics and reiterates its request that Australia take measures to ensure that police forces in all Australian jurisdictions collect data on the nationality and ethnicity of victims of crime.

The Committee notes that the State party has not submitted updated information on the application of legal provisions which consider the motive of ethnic, racial or religious hatred as an aggravating circumstance in criminal offences. Therefore, it requests Australia to do so in its next periodic report.

Finally, the Committee asks for further clarification on how the search powers of the police are implemented in practice, and how the State party makes sure that these stronger powers are not used disproportionately against ethnic minorities. The Committee reiterates its recommendation that the State party provide updated statistical data on the number and nature of reported hate crimes, prosecutions, convictions and sentences imposed on perpetrators, disaggregated by age, gender and national or ethnic origin of victims.

Rest assured, Excellency, that the Committee looks forward to continuing its constructive dialogue with the Government of Australia, with a view to providing it with assistance in its efforts to ensure the effective implementation of the Convention.

Yours sincerely,

Alexei Avtonomov  
Chairperson of the Committee  
on the Elimination of Racial Discrimination