



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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10 May 2019

Excellency,

I wish to inform you that the Committee on the Elimination of Racial Discrimination, during its 98th session, considered the follow-up report submitted by the Government of Australia, pursuant to Article 9 (1) of the Convention, and Rule 65 (1) of the Rules of Procedure of the Committee.

The Committee welcomes the submission of the report, in response to its request to receive information within one year of the implementation of the recommendations contained in paragraphs 16 (c), 26 (c), and 31 (b) of the Concluding Observations (CERD/C/AUS/CO/18-20), adopted following the consideration of the State party's combined 18th to 20th periodic reports, at its 94th session held in November – December 2017.

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 combined 21st and 22nd periodic reports, to be submitted in a single document by 30 October 2020.

Paragraph 16 (c) of the Concluding Observations

The Committee welcomes information provided by the State party on the increase in funding of the Australian Human Rights Commission in 2018-2019; however, it regrets the lack of information on the use of this funding to strengthen the discharge of its functions more effectively, including investigation of complaints brought under the Racial Discrimination Act 1975 (Cth). The Committee recommends that the State party continue to ensure that the Australian Human Rights Commission is provided with adequate financial resources in order to effectively discharge its mandate.

Her Excellency Ms. Sally Mansfield
Permanent Representative of Australia
to the United Nations Office
Geneva
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Paragraph 26 (c) of the Concluding Observations

The Committee welcomes information provided by the State party on measures taken to improve places of detention in its States and Territories; however, it notes that different measures are being undertaken in different regions with regards to juveniles in detention. The Committee recommends that the State party continue to step up efforts to improve places of detention in all States and Territories in a consistent manner. The Committee thanks the State party for the information provided on the implementation of the recommendations of the Royal Commission into the Protection and Detention of Children in the Northern Territory, and requests that the State party provide updated information on implementation of these recommendations and their impact. The Committee welcomes information on complaints from youth in detention; however, it regrets that there is no information on prosecutions, convictions, or compensation provided to victims as a result of human rights violations which may have occurred in detention facilities. The Committee reiterates its recommendation that the State party launch an effective criminal investigation into the human rights abuses that have occurred, with a view to bringing the alleged perpetrators to justice, punishing them appropriately, if convicted, and compensating the victims.

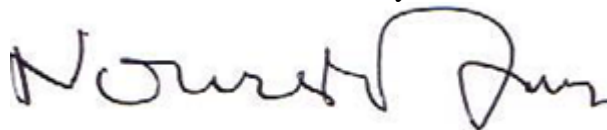
Paragraph 31 (b) of the Concluding Observations

The Committee while noting the State party's response to its recommendation, reiterates its concern about the detrimental impact of offshore processing of asylum claims on persons in regional processing centres, who are at risk of facing human rights abuses with impunity. The Committee reiterates its recommendation that the State party process asylum claims in the State party, guaranteeing all procedural safeguards to migrants, asylum seekers and refugees.

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.

Please accept, Excellency, the assurances of my highest consideration.

Yours sincerely,



Nouredine Amir
Chair

Committee on the Elimination of Racial Discrimination