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REFERENCE: NP

19 October 2011

Excellency,

In my capacity as Special Rapporteur for Follow-up on Concluding Observations of the Human Rights Committee, I have the honour to refer to the examination of the fifth periodic report of Australia at the Committee's 95th session, held in March 2009. At the end of that session, the Committee's concluding observations were transmitted to your Permanent Mission. You may recall that, in paragraph 29 of the concluding observations, the Committee requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 11, 14, 17 and 23 of the concluding observations.

At its 99th session, held in July 2010 in Geneva, the Committee noted that no such information had been received. On 28 September 2010, a letter of reminder was sent to your permanent mission.

On 1 April 2010, follow-up information on the referred paragraphs was received. At its 102nd session held in July 2011, the Committee analysed the information provided. While taking note of the cooperation of the State party, the Committee noted that the information provided was incomplete with regard to certain recommendations. I, therefore, wish to request additional and more specific information on the following issues:

- (a) The progresses realized with regard to the review of the 2005 counter-terrorist legislation; and the interpretation and application of the expression "for the avoidance of doubt" of article 34 ZP of the ASIO Act, under which a person may be questioned in the absence of a lawyer (paragraph 11);
- (b) The measures taken to guarantee that the application of the restrictions, expropriations and law enforcement powers under the Northern Territory Emergency Response (NTER) are not discriminatory and culturally ill-adapted (paragraph 14);

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- (c) Updated information on the results and lessons learnt from the zero tolerance policy to address violence against women (paragraph 17).

The Committee also considered that its recommendations with regard to the vagueness of the definition of terrorist act, and to the possibility to detain a person in conditions of secrecy - up to eight days and without a warrant -, have not been implemented (paragraph 11).

Therefore, I write to request that the above-mentioned additional information be submitted to the Committee at Your Government's earliest convenience. A "Word" electronic version of the reply should be sent to the Secretariat of the Human Rights Committee (Albane Prophette-Pallasco (aprophette@ohchr.org), and Kate Fox (kfox@ohchr.org)).

The Committee looks forward to pursuing its constructive dialogue with the Australian authorities on the implementation of the Covenant.

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



Christine Chanet
Special Rapporteur for Follow-up on Concluding Observations
Human Rights Committee