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Geneva, 31 May 2010

Excellency,

I write to inform you that in the course of its 76th session, the Committee considered the situation of the Aboriginal peoples in Australia, in particular the access to legal aid available from the Aboriginal Legal Rights Movement (ALRM), under its early warning and urgent action procedure, in light of information submitted to it by the ALRM.

According to the information before the Committee, the funding of Aboriginal legal aid through the ALRM has been stagnant since 1996, resulting in a decrease in real terms by over 30 per cent, whereas State funding of mainstream legal aid during this period has increased by over 120%. The ALRM mentions that a denial of access by Aboriginal peoples to basic services and in particular services related to justice, evidenced in the lack of funding for these services, compounds their already precarious situation.

The Committee notes with concern the areas mentioned by ALRM that are impacted by a situation of under-funding of Aboriginal legal aid. Firstly, Aboriginal women, whilst making up 2% of the general female population, make up 32% of the women's prison population. Second, regarding programs for Aboriginal women who are victims of family violence, ALRM states that the Federal Government is only funding programs in regional and remote communities, impacting ALRM's ability to meet the needs of Aboriginal women victims living in cities. Finally, the Committee notes with concern that the situation of gross underfunding has implications for ALRM's ability to meet requests for assistance for compensation from members of the so-called Stolen Generations, following the Trevorrow Test Case.

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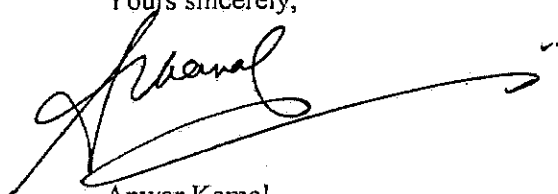
In the light of this information, the Committee expresses concern about the underfunding of Aboriginal legal aid services, such as those offered by ALRM, and requests the State party to submit detailed information addressing the issue. The Committee urges the State party to establish clear funding responsibilities between the Federal and State Governments in Australia in this regard, and highlights that the current budget situation for Aboriginal legal aid providers may have serious implications on access to justice of Aboriginal communities, and is in potential violation of article 2 (1c) and (1e) and article 6 of the Convention.

The Committee also wishes to refer and express its support to the relevant recommendations of the UN Human Rights Committee in this context (CCPR/C/AUS/CO/5, 7 May 2009, paras. 15, 17, 25), including that (a) the State party take effective measures to ensure equality in access to justice, by providing adequate services to assist marginalized and disadvantaged people, including indigenous people and aliens; (b) the State party strengthen its efforts towards the elimination of violence against women, especially perpetrated against indigenous women; and (c) the State party adopt a comprehensive national mechanism to ensure that adequate reparation, including compensation, is provided to the victims of the Stolen Generations policies.

In accordance with article 9 (1) of the Convention and article 65 of its Rules of Procedure, the Committee requests the State party to submit its response before **31 July 2010**. In this regard, please note that the issue will be raised by the Committee during its consideration of the combined fifteenth, sixteenth and seventeenth periodic reports of Australia at its 77th session on 10 and 11 August 2010.

Allow me, Excellency, to reiterate the wish of the Committee to continue to engage in a constructive dialogue with the Government of Australia, with a view to provide it with assistance in the effective implementation of the Convention.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Anwar Kemal', with a long horizontal flourish extending to the right.

Anwar Kemal
Chairperson of the Committee on the
Elimination of Racial Discrimination