

- ▶ take measures to ensure that no child is deprived of citizenship on any ground, irrespective of the status of the parent(s);
- ▶ make paid maternity leave mandatory for employers in all sectors;
- ▶ take further steps to raise the standards of health and education of disadvantaged groups;
- ▶ take measures to address the high rate of incarceration of aboriginal and Torres Strait Islander children, and identify the reasons for the high rate, including the possibility that the attitudes of law enforcement officers towards these children, because of ethnic origin, may be contributing factors;
- ▶ carry out further research to identify the causes of the spread of homelessness among young people and children; adopt further policies related to poverty alleviation and strengthen support services for homeless children; and,
- ▶ enact specific laws to prohibit female genital mutilation and ensure adequate implementation of the legislation.

THEMATIC REPORTS

Mechanisms of the Commission on Human Rights

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1997/60, paras. 16, 17, 18, 32, 33, 51, 67; E/CN.4/1997/60/Add.1, paras. 31–35)

The report cites information received concerning deaths in custody of persons of Aboriginal origin and indicating that, since 1989, 55 such persons had died while in custody, among them 11 minors and 7 women. The information suggested that: many of the deaths occurred because recommendations in the 1991 report of the Royal Commission into Aboriginal Deaths in Custody (RCADIC) had not been implemented to any meaningful degree; and, the deaths were in many cases investigated by a coroner's inquiry and, in a significant number of cases, the coroners' reports did not give a meaningful explanation of how the deaths occurred and included no investigation into underlying issues.

The Special Rapporteur transmitted five cases to the government of deaths in custody of persons of Aboriginal origin. No response had been received from the government at the time the report was prepared.

Independence of judges and lawyers, Special Rapporteur on: (E/CN.4/1997/32, paras. 18, 21, 61–65)

The report refers to proposals by the state government in Victoria on reform of the legal profession, including one to set up a separate regulatory body to license lawyers to practice. Information received indicated concern that such a separate body would affect the independence of the profession in the state of Victoria. The Special Rapporteur (SR) expressed the opinion that the proposals had the effect of doing away with a single organization for lawyers, such as the Law Institute of Victoria, fragmenting the legal profession, and resulting in the formation of pockets of associations. The bill was enacted and took effect on 1 January 1997. The report notes that it provides for a separate Legal Practice Board consisting of a retired judge of the Supreme Court of Victoria,

three lawyers chosen by the Law Institute and the Victoria Bar Council, and three lay persons chosen by the government. The report notes that the Law Institute and the Victoria Bar Council are at present accredited by the Legal Practice Board as recognized "professional associations" and that other legal professional associations may seek accreditation.

The report also refers to action initiated by 9 of the 11 judges of the Accident Compensation Tribunal who alleged that they had been dismissed without alternative appointments or compensation by the state government following the repeal of the legislation that had created the Tribunal. For the SR, the case raised questions about the security of tenure of judges of the subordinate courts and statutory tribunals. A hearing in the case had been scheduled for December 1996, but the nine judges settled the claim with the state government for an undisclosed sum.

Racial discrimination, Special Rapporteur on: (E/CN.4/1997/71, paras. 45–54)

The report of the Special Rapporteur (SR) on contemporary forms of racism refers to information indicating that the criminal justice remains heavily weighted against Aboriginal people and that: indigenous people still run a disproportionately high risk of arrest, detention and death in custody; there is a pattern of ill-treatment and arbitrary arrest which is carried out against a backdrop of systematic discrimination against aboriginal peoples; police continue to intimidate and harass relatives who do not accept official explanations about deaths in custody and instead have called for further investigations; and, some prisoners have been kept in leg-irons, handcuffs and chains for up to 24 hours a day and over a period of several days. The report also refers to a surge in racism, racial discrimination and xenophobia in Australia towards Aborigines, Australians of Asian origin and foreigners. No response was received from the government.

The report by the SR to the 1997 session of the General Assembly (A/52/471, paras. 10, 11, 43–44) refers to the fact that the SR is considering under taking a mission to Australia following receipt of allegations of a rise in racism and xenophobia. The government responded favourably to the SR's request for an invitation to visit. The report includes a statement by the Prime Minister made at the Australian Reconciliation Convention in Melbourne in May 1997, reaffirming a commitment to: raising the living standards and broadening the opportunities available to indigenous Australians as part of a broader commitment to providing equality of opportunity to all Australians; a realistic acknowledgement of the interrelated histories of the various elements of Australian society; and, arriving at a mutual acceptance of the importance of working together to respect and appreciate differences and to ensure that they are not obstacles to a shared future. The SR welcomed this political commitment and encouraged the government to translate it into concrete and effective action by adopting appropriate legislative or other measures.

Religious intolerance, Special Rapporteur on: (A/52/477, para. 8)

The Special Rapporteur's interim report to the General Assembly notes that a mission to Australia was conducted in February/March 1997 and that a report will be presented to the 1998 session of the Commission.