

# National Regional, Rural, Remote and Very Remote Community Legal Network

<https://clcs.org.au/4rs-network/>

Professor Susan Harris Rimmer  
Independent Review of the Queensland Human Rights Act  
By email: [admin@humanrightsreview.qld.gov.au](mailto:admin@humanrightsreview.qld.gov.au)  
21 June 2024

Dear Professor Harris Rimmer,

Independent review of the Human Rights Act 2019 (Qld)

This submission by the National Regional, Rural, Remote and Very Remote Community Legal Network ('**4Rs Network**') relates to full inclusion of people in regional, rural, remote and very remote areas parts of the State - in Queensland's human rights regime.

## 1. About the 4Rs Network

The 4Rs Network is a network of non-profit legal services in 4Rs areas which provide legal and related assistance via an incorporated non-profit structure or auspicing arrangement.

The 4Rs Network's services are based in, and/or service localities within 4 of the 5 classes of remoteness including:

- Inner Regional Australia
- Outer Regional Australia
- Remote Australia
- Very Remote Australia<sup>1</sup>

This equates to 6 of the 7 levels in the Modified Monash Model being MM2 Regional centres to MM7 Very remote communities.<sup>2</sup>

The 4Rs Network members work with and for their communities and regions. Their methods and programs often reflect deep understanding and long-term efforts to address important community needs. Their programs, services and advocacy often reflect involvement in community issues that have not been addressed by other means, including by local, state, or federal governments.

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<sup>1</sup> Applying the Australian Bureau of Statistics Remoteness Structure, Australian Statistical Geography Standard (ASGS) Edition 3, Reference period, July 2021 - June 2026 ([updated by the ABS on 21/03/2023](#)).

<sup>2</sup> Department of Health, [Modified Monash Model Fact Sheet](#) (online)

The 4Rs Network has been facilitated from within, and supported by, Community Legal Centres Australia and builds on a significant history of community legal centre-based networking from the mid 1990's seeking to address the specific and nuanced legal needs and rights of regional, rural, and remote and very remote communities and thereby increase the wellbeing those living within them.

## 2. Terms of Reference

The Background and Scope of the Review is included below for ease of reference in the submission.

### **Background**

The Human Rights Act 2019 (the Act) commenced in full on 1 January 2020.

Queensland was the third jurisdiction to adopt a human rights legislation, following the Human Rights Act 2004 (ACT) and the Charter of Human Rights and Responsibilities 2006 (Vic).

The main objects of the Act are:

- to protect and promote human rights;
- to help build a culture in the Queensland public sector that respects and promotes human rights; and
- to help promote a dialogue about the nature, meaning and scope of human rights.

The Act protects fundamental human rights that are recognised in international covenants including the International Covenant on Civil and Political Rights, the Universal Declaration of Human Rights, the United Nations Declaration on the Rights of Indigenous People and the International Covenant on Economic, Social and Cultural Rights (ICESCR). The Act primarily protects civil and political rights but it also protects two economic and social rights drawn from the ICESCR (the right to education and right to health services). The Act also explicitly recognises cultural rights and, in particular, the distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples.

The Act imposes obligations on all three arms of government:

- the legislature (Parliament must consider human rights when proposing and scrutinising new laws);
- the judiciary (courts and tribunals, must interpret legislation in a way that is compatible with human rights so far as it is possible to do so); and
- the executive (public entities must act and make decisions in a way that is compatible with human rights and in making a decision, must give proper consideration to human rights relevant to the decision).

The Act provides for a complaints and dispute resolution process, the first of any Australian state or territory jurisdiction. The Queensland Human Rights Commission (QHRC) has a dispute resolution (complaints handling and conciliation) function. The QHRC also plays an important role in providing information and education about human rights and the Act.

## **First Independent Review of the Act**

Section 95 of the Act requires the operation of the Act to be independently reviewed by an appropriately qualified person as soon as practicable after 1 July 2023.

It is intended that the first review of the Act will be a targeted review aimed at the effectiveness of the current provisions in the Act, including any issues that have arisen in relation to its operative provisions since the Act's substantive provisions commenced on 1 January 2020 up to 30 June 2023.

In this respect the review will provide an opportunity to assess how well the Act has been implemented and how well it is meeting its objective of building a culture of human rights across the Queensland public sector.

However, pursuant to section 95(4) of the Act, the Reviewer will also be required to specifically consider;

- whether additional human rights should be included as human rights under the Act;
- whether further or different provision should be made in the Act with respect to remedies available under the Act; and
- whether the amendments made by the Act to the Corrective Services Act 2006 and the Youth Justice Act 1992 are operating effectively

The matters in section 95(4) will ensure the Act continues to reflect the values and aspirations of the Queensland community.

### **Scope**

The review of the Human Rights Act 2019 (the Act) should consider:

1. the extent to which implementation of the Act has helped to build a culture of human rights in the Queensland public sector including the role of support, education, training and guidance provided by the Queensland Government and the Queensland Human Rights Commission;
2. the matters referred to in section 95(4) of the Act, namely;
  - a. whether additional human rights should be included as human rights under the Act, including, but not limited to, rights under—
    - i. the International Covenant on Economic, Social and Cultural Rights; or
    - ii. the Convention on the Rights of the Child; or
    - iii. the Convention on the Rights of Persons with Disabilities; or
    - iv. the Convention on the Elimination of All Forms of Discrimination against Women;
  - b. whether further or different provision should be made in the Act about proceedings that may be brought or remedies that may be awarded in relation to acts or decisions of public entities made unlawful because of the Act;
  - c. whether the amendments made by the Act to the Corrective Services Act 2006 and the Youth Justice Act 1992 are operating effectively, or whether further or different provision should be made for the interrelationship between the Act and those Acts.

3. the effectiveness, and whether there is a need for reform, of the provisions of the Act in relation to:
  - a. existing protected rights (Part 2, Divisions 2 and 3 of the Act);
  - b. the scrutiny of legislation and regulation by Parliament (Part 3, Divisions 1 and 2 of the Act);
  - c. court and tribunal proceedings, including the interpretation of laws (Part 3, Division 3 of the Act);
  - d. the obligations of public entities to act and make decisions in a way that is compatible with human rights and to properly consider human rights in making a decision (section 58 of the Act);
  - e. the provisions in relation to human rights complaints and dispute resolution (Part 4, Division 2 of the Act);
4. whether (as recommended by the Women’s Safety and Justice Taskforce in its Report - Hear her voice – Report two – Women and girls’ experiences across the criminal justice system and the Legal Affairs and Safety Committee Report on the Inquiry into Support provided to Victims of Crime (Report No. 48, 57th Parliament, May 2023)) the recognition of victims’ rights under the Charter of Victims’ rights in the Victims of Crime Assistance Act 2009 should be incorporated into the Act; and
5. any other matter the Reviewer considers appropriate and relevant.

### 3. Submission

1. As noted in the Background to the Review (above), Queensland was the third jurisdiction after the ACT and Victoria to adopt human rights legislation.
2. A point of commonality between the legislation in the three jurisdictions is that none deals with being discriminated on the basis of regional, rural, remote or very remote location.
3. International covenants, including those outlined in the Background to the Review (above) – being:
  - the International Covenant on Civil and Political Rights,
  - the Universal Declaration of Human Rights,
  - the United Nations Declaration on the Rights of Indigenous People (UNDRIP)
  - the International Covenant on Economic, Social and Cultural Rights (ICESCR).
4. In relation to the ICESCR the Background notes that

‘The Act primarily protects civil and political rights but it also protects two economic and social rights drawn from the ICESCR (the right to education and right to health services). The Act also explicitly recognises cultural rights and, in

particular, the distinct cultural rights of Aboriginal peoples and Torres Strait Islander peoples.’

5. As you know between the mid 1990’s and early 2000 the Australian Human Rights and Equal Opportunity Commission undertook a number of initiatives relating to the rights of people in rural areas which have included education and health.
  - In 1996 the Commission released an Occasional Paper on the rights of rural Australians<sup>3</sup> followed by the ‘Bush Talks’ initiative in 1998 when the Commission engaged in dialogue and reported.<sup>4</sup>
  - In February 1999 the Commission initiated the major Rural and Remote Education Inquiry which included direct consultations and input via a survey, producing a final report in August 2000.<sup>5</sup>
  - Many subsequent references have focused on aspects of education, health and other human rights issues in regional, rural, remote and very remote areas.
  - The work of the successive Aboriginal and Torres Strait Islander Social Justice Commissioners have been distinctive for inclusion of 4Rs areas. Most recently, the major Wiyi Yani U Thangani (Women’s Voices) initiative, elevated Indigenous women’s voices and engaged extensively in relation to the rights of Indigenous women especially in rural, remote and very remote areas.<sup>6</sup>
  
6. The Background and Scope of the current review also require consideration about whether additional human rights should be included, as required by s95(4) of the Act. Section 95(4)(a) states:
  - (4) The review must include consideration of the following—
    - (a) whether additional human rights should be included as human rights under this Act, including, but not limited to, rights under—
      - (i) the International Covenant on Economic, Social and Cultural Rights; or
      - (ii) the Convention on the Rights of the Child; or
      - (iii) the Convention on the Rights of Persons with Disabilities; or

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<sup>3</sup> Human Rights and Equal Opportunity Commission, *The human rights of rural Australians – Occasional Paper* (HREOC, May 1996).

<sup>4</sup> HREOC, Bush Talks Report 1999; Australian Human Rights Commission, *Rural and Remote Education Inquiry* (Webpage, last updated 2002) <<https://humanrights.gov.au/our-work/rights-and-freedoms/projects/rural-and-remote-education-inquiry>>.

<sup>5</sup> HREOC, *Rural and Remote Education Inquiry Education Access Final Report* (n#);

<sup>6</sup> Aboriginal and Torres Strait Islander Social Justice Commissioner, *Wiyi Yani U Thangani Report 2020*; Wiyi Yani U Thangani (Women’s Voices): *Securing Our Rights, Securing Our Future—Community Guide* (AHRC, 2020) and Wiyi Yani U Thangani (Women’s Voices) *Summit Communiqués* at <<https://wiyiyaniuthangani.humanrights.gov.au/>>.

(iv) the Convention on the Elimination of All Forms of Discrimination against Women;

7. Table 1 attached relates to references to 'rural' and 'or other status' in the core human rights instruments to which Australia is a party including ICESCR, CROC, CRPD and CEDAW. This indicates a picture of a mixed approach, with most instruments treating people in 'rural' (meaning non-urban and consequently including – in the Australian context – regional, rural, remote and very remote areas i.e. '4Rs') as included via the universality of human rights. By contrast CRPD and CEDAW make some direct references. The CEDAW Committee has in effect outlined that human rights are (again for an Australian context) regional, rural, remote and very remote women's rights.
8. However, lack of visible reference to the human rights of people in 4Rs areas in Queensland and in Australia – if not contentious - should be made visible – and if contentious should also be made visible to put the matter beyond question. This on the basis that human rights apply equally in 4Rs areas and myths to the contrary should be debunked. Human rights do not attenuate with distance from perceived 'centres' such as the metro. As outlined in a number of 4Rs submissions referred to below, the apparent non-treatment of the human rights of people in 4Rs areas in Australia leaves the door open for the 4Rs to be used to derail other recognised rights such as the right to non-discrimination on the basis of race and to non-discrimination on *prohibited grounds*. Discrimination on the basis of 4Rs location often appears to be normalised, such that decision makers do not appreciate that it is their attitudes and decision making, not 4Rs location per se which is the problem.
9. As noted in the Background to the Review

“The Act imposes obligations on all three arms of government:

  - the legislature (Parliament must consider human rights when proposing and scrutinising new laws);
  - the judiciary (courts and tribunals, must interpret legislation in a way that is compatible with human rights so far as it is possible to do so); and
  - the executive (public entities must act and make decisions in a way that is compatible with human rights and in making a decision, must give proper consideration to human rights relevant to the decision).”
10. It is submitted that a visible reinforcement that human rights apply equally to people in regional, rural, remote and very remote areas would be an important, educative, preventative and inclusive step forward.

11. The 4Rs Network has outlined the importance of making the human rights of people in 4Rs areas visible in federal legislation in several recent submissions, which are linked below. Each outlines the reasons, all of which are also pertinent to the Queensland Human Rights Act. These are:

- The March 2024 [submission](#) (no 82) with [endorsement list](#) to the Joint Standing Committee on the NDIS [inquiry into NDIS participant experience in rural, regional and remote Australia](#). The 4Rs Network submitted that the proposed new Disability Rights Act should visibly include reference to the rights of people with disability in regional, rural, remote and very remote areas and outlined reasons for this. In response to a question on notice, [drafting notes for this inclusion were provided](#).
- The [May 2024 submission \(no. 98\)](#) to the Senate Community Affairs Legislation Committee inquiry into the National Disability Insurance Scheme Amendment (Getting the NDIS Back on Track No. 1) Bill 2024 – the 4Rs Network submission called for the Objects in s.3 of the NDIS Act to be amended to include visible reference to (i) the human rights of First Nations people and (ii) to the human rights of people in regional, rural, remote and very remote areas. The submission outlined why these amendments are needed.
- The [May 2024 submission \(no. 24\)](#) to the Parliamentary Joint Committee on Human Rights inquiry into compulsory income management – called for Objects to be added to the Social Security Act 1991 (and similar provisions for the e Social Security (Administration) Act 1999) to include human rights obligations (similar to the NDIS Objects) in the Act with visible reference to the human rights of First Nations people and to the human rights of people in regional, rural, remote and very remote areas included. This proposal is supported by the Accountable Income Management Network ([submission no. 6](#)) and Economic Justice Australia ([submission no. 9](#)).

12. That Australian human rights legislation does not provide a current example which can be used as a model for visible inclusion of the human rights of people in 4Rs areas, is symptomatic.

13. In 2022 proposals were made for the Northern Territory to become the first jurisdiction in Australia to visibly and affirmatively protect against discrimination on the basis of geographic location. This was in the context of proposed amendments to

the NT Anti-Discrimination Act 1992,<sup>7</sup> and while not successful a number of submissions outline human rights issues which are also pertinent to the current Review.<sup>8</sup>

14. In conclusion, there are many instances in which human rights need to be illuminated and made more visible. Examples include the Convention on the Elimination of All Forms of Discrimination Against Women, the Convention on the Rights of Persons with Disability, UNDRIP and current efforts towards an intended Convention on the Rights of Older People.<sup>9</sup>

As human rights apply to all, not only to people in metro or urban areas - this submission proposes that non-discrimination on the basis of rural location (defined as regional, rural, remote and very remote) be made a visible and protected human right in Queensland.

Yours sincerely,



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<sup>7</sup> Information about the opportunity for public input to the Northern Territory Department of Justice and Attorney-General ('DoJAG'), which closed in August 2022, is on the DoJAG web site at <<https://justice.nt.gov.au/law-reform-reviews/published-reports-outcomes-and-historical-consultations/historical/2022/exposure-draft-anti-discrimination-amendment-bill-2022/fact-sheet-modernising-the-anti-discrimination-act-1992>>.

<sup>8</sup> Submissions highlighting the gap and the desirability of geographic location or similar becoming a ground of discrimination in the Northern Territory, included the following submissions to the Northern Territory Department of Attorney General and Justice on the NT Consultation Draft Anti-Discrimination Amendment Bill 2022: Darwin Community Legal Service, *Submission* dated 12 August 2022 (online at: <<https://www.dcls.org.au/events-and-publications/submissions/>>; Australian Discrimination Law Experts Group, *Submission* dated 12 August 2022 (online at: <https://www.adleg.org.au/submissions>); Tangentyere Council Alice Springs, *Submission* August 2022 (online at <<https://www.researchgate.net/profile/Michael-Klerck>>).

<sup>9</sup> Australian Human Rights Commission, *Age Discrimination Commissioner calls for a Convention on the Rights of Older Persons* (Media Release, 9 May 2024); Bill Mitchell, 'Making the Case for a Convention on the Human Rights of Older Persons' (2021) 27 (3) *Australian Journal of Human Rights* 532–553; Bill Mitchell, *Human rights and social justice: shifting client control*, ADA Australia National Conference 23-24 March 2017, Gold Coast, Australia



**Table 1: Example of treatment of 'rural' and 'or other status' in the seven core treaties to which Australia is a party**

Instrument	Coverage	Refers to 'rural' or similar	'or other status' included	General Comments / General Recommendations – examples
<i>International Covenant on Civil and Political Rights</i> ('ICCPR') <sup>10</sup>	All peoples (art 1), all individuals within a member State's territory (Art 2), 'no one shall be' (etc, variations), e.g. Art 7 & 8, 'everyone' (e.g. Art 9)	No	Yes (Art 2(1) <sup>11</sup> and Art 26 <sup>12</sup> )	<ul style="list-style-type: none"> <li>• HRC <i>General Comment 31, Nature of General Legal Obligations on State Parties (2004)</i> <ul style="list-style-type: none"> <li>○ '14. The requirement under Art 2, para 2, to take steps to give effect to the Covenant rights is unqualified and of immediate effect. A failure to comply with this obligation cannot be justified by reference to political, social, cultural or economic considerations within the State.'<sup>13</sup></li> </ul> </li> <li>• HRC <i>General Comment no. 18 Non-Discrimination (1989)</i> <ul style="list-style-type: none"> <li>○ '... the Committee believes that the term "discrimination" as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms.'<sup>14</sup></li> </ul> </li> </ul>
<i>The International Covenant on Economic, Social and Cultural Rights</i>	'All peoples' (Art 1, 'everyone')	No	Yes (Art 2(2)) <sup>16</sup>	<ul style="list-style-type: none"> <li>• CESCR <i>General Comment No. 20 Non-discrimination in economic, social and cultural rights (Art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights) (2009)</i><sup>17</sup></li> </ul>

<sup>10</sup> *International Covenant on Civil and Political Rights*, opened for signature 16 December 1966, 999 UNTS 171 (entered into force 23 March 1976).

<sup>11</sup> Which reads: 'Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

<sup>12</sup> Which reads: 'All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

<sup>13</sup> Human Rights Committee ICCPR *General Comment No. 31, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant* Adopted on 29 March 2004 (2187th meeting) CCPR/C/21/Rev.1/Add. 13.

<sup>14</sup> Human Rights Committee ICCPR General comment No 18: Non-discrimination, Thirty-seventh session (1989).

<sup>16</sup> Which reads: 'The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.'

<sup>17</sup> Committee on Economic, Social and Cultural Rights, *General Comment No 20 - Non-discrimination in economic, social and cultural rights (art. 2, para. 2, of the International Covenant on Economic, Social and Cultural Rights)* 2 July 2009 E/C.12/GC/20.

<i>Economic, Social and Cultural Rights</i> ('ICESC R') <sup>15</sup>	multiple references e.g. Art 11 adequate standard of living, Art 12 freedom from hunger.			<ul style="list-style-type: none"> <li>○ 'Place of residence 34. The exercise of Covenant rights should not be conditional on, or determined by, a person's current or former place of residence; e.g. whether an individual lives or is registered in an urban or a rural area, in a formal or an informal settlement, is internally displaced or leads a nomadic lifestyle. Disparities between localities and regions should be eliminated in practice by ensuring, for example, that there is even distribution in the availability and quality of primary, secondary and palliative health-care facilities.'</li> <li>● <i>CESCR General Comment No. 5: Persons with Disabilities (1994)</i> refers to 80% of people with disability living 'in rural areas in developing countries'<sup>18</sup></li> </ul>
<i>Convention on the Elimination of All Forms of Racial Discrimination</i> ('CERD') <sup>19</sup>	'everyone without discrimination' (Art 5)	No	No, for example, not included in Art 5 <sup>20</sup>	<ul style="list-style-type: none"> <li>● None identified relating to rural, 'or other status', or 'place of residence'</li> </ul>
<i>Convention on the Elimination of All Forms of Discrimination Against</i>	'women'	Yes, in Art 10 and 14	No	<ul style="list-style-type: none"> <li>● <i>CEDAW Committee General recommendation No.39 (2022) on the rights of Indigenous women and Girls</i><sup>22</sup> <ul style="list-style-type: none"> <li>○ [1]: 'Discrimination and violence are recurrent phenomena in the lives of many Indigenous women and girls living in rural, remote and urban areas'</li> <li>○ [23] The Committee recommends that States parties: (a) (paraphrased) States should adopt comprehensive policies to eliminate discrimination against Indigenous women and girls including measures to address intersectional discrimination experience by persons with disabilities and</li> </ul> </li> </ul>

<sup>15</sup> *International Covenant on Economic, Social and Cultural Rights*, opened for signature 16 December 1966, 993 UNTS 3 (entered into force 3 January 1976).

<sup>18</sup> CESCR, *General Comment No. 5: Persons with Disabilities Adopted at the Eleventh Session of the Committee on Economic, Social and Cultural Rights, on 9 December 1994*

(Contained in Document E/1995/22) [8].

<sup>19</sup> *International Convention on the Elimination of All Forms of Racial Discrimination*, opened for signature 21 December 1965, 660 UNTS 195 (entered into force 4 January 1969).

<sup>20</sup> Article 5 reads: 'States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law,'

<sup>22</sup> CEDAW Committee, *General recommendation No.39 (2022) on the rights of Indigenous women and Girls*, 26 October 2022, CEDAW/C/GC/39.

<p>Women (‘CEDAW’) <sup>21</sup></p>				<p>women living in rural and urban areas (wording with bold added below) <sup>23</sup></p> <ul style="list-style-type: none"> <li>○ [24] Access to justice and plural legal systems ‘24. Access to justice for Indigenous women requires a multidisciplinary and holistic approach that reflects an understanding that their access is linked to other human rights challenges that they face, including racism, racial discrimination and the effects of colonialism; sex- and gender-based discrimination; discrimination on the basis of socioeconomic status; disability-based discrimination; barriers in gaining access to their lands, territories and natural resources; the lack of adequate and culturally pertinent health and education services; and disruptions and threats to their spiritual lives.....</li> <li>○ [28]. States parties should ensure the establishment, maintenance and funding of courts and judicial and other bodies throughout their territories in urban, rural and remote areas....</li> <li>● CEDAW Committee <i>General recommendation No. 36 (2017) on the right of girls and women to education</i><sup>24</sup> <ul style="list-style-type: none"> <li>○ refers to rural areas [29, 32, 33, 35 63(j)]</li> </ul> </li> <li>● CEDAW Committee <i>General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19</i> <sup>25</sup></li> </ul>
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<sup>21</sup> *Convention of the Elimination of All Forms of Discrimination against Women*, opened for signature 18 December 1979, 1249 UNTS 13 (entered into force 3 September 1981).

<sup>23</sup> Ibid “23. The Committee recommends that States parties: (a) Develop comprehensive policies to eliminate discrimination against Indigenous women and girls, centred around the effective participation of those living inside and outside Indigenous territories, and pursue collaboration with Indigenous Peoples more broadly. The policies should include measures to address intersectional discrimination faced by Indigenous women and girls, including persons with disabilities and those with albinism; older women; lesbian, bisexual, transgender and intersex women; women and girls in situations of poverty; **women living in rural and urban areas**; forcibly displaced, refugee and migrant women inside and outside their countries; and women and girls who are widows, heads of households or orphaned owing to national and international armed conflicts. States parties should collect data, disaggregated by age and disability status, on the forms of gender-based discrimination and violence faced by Indigenous women and girls, and undertake these efforts in ways that respect the languages and cultures of Indigenous Peoples.’ And (c) ‘... as well as ensuring that Indigenous women in rural and urban areas have equal access to ownership, title, possession and control of land, water, forests, fisheries, aquaculture and other resources that they have owned, occupied or otherwise used or acquired, including by protecting them against discrimination and dispossession’.

<sup>24</sup> CEDAW Committee, *General recommendation No. 36 (2017) on the right of girls and women to education*, 23 Nov 2017 CEDAW/C/GC/3.

<sup>25</sup> CEDAW Committee, *General Recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19* 24 Jul 2017 CEDAW/C/GC/35 (bold added) ‘12. In general recommendation No. 28 and general recommendation No. 33, the Committee confirmed that discrimination against

				<ul style="list-style-type: none"> <li>○ the Committee related that women’s urban or rural location, health status, disability’ and other factors related to intersecting forms of discrimination with aggravating negative impact [12] and laws deterring reporting or restricting women with disability testifying should be repealed [29(c) iii], protecting measures should be provided for women with disability [31(a)(ii)]</li> <li>● CEDAW Committee <i>General Recommendation No. 34 (2016) on the rights of rural women</i> – emphasises that while Art 14 is the only provision in an international human rights treaty that specifically pertains to rural women, that all rights under the Convention apply to rural women and girls<sup>26</sup> Reinforces inclusion of rural women with disability<sup>27</sup></li> <li>● <i>CEDAW Committee General recommendation No. 33 (2015) on women’s access to justice</i><sup>28</sup> - intersecting / compounding discrimination against women based on factors including ‘urban/rural location’ [8], deficiencies in access to justice for women in rural and remote regions [13] and access is required including women facing compound forms of discrimination [14 (c)] and [16(a)], [17(f)], including disability [15(g)]<sup>29</sup></li> </ul>
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women was inextricably linked to other factors that affected their lives. The Committee, in its jurisprudence, has highlighted the fact that such factors include women’s ethnicity/race, indigenous or minority status, colour, socioeconomic status and/or caste, language, religion or belief, political opinion, national origin, marital status, maternity, parental status, age, **urban or rural location**, health status, disability, property ownership, being lesbian, bisexual, transgender or intersex, illiteracy, seeking asylum, being a refugee, internally displaced or stateless, widowhood, migration status, heading households, living with HIV/AIDS, being deprived of liberty, and being in prostitution, as well as trafficking in women, situations of armed conflict, geographical remoteness and the stigmatization of women who fight for their rights, including human rights defenders. Accordingly, because women experience varying and intersecting forms of discrimination, which have an aggravating negative impact, the Committee acknowledges that gender-based violence may affect some women to different degrees, or in different ways, meaning that appropriate legal and policy responses are needed.’

<sup>26</sup> CEDAW Committee, *General Recommendation No. 34 (2016) on the rights of rural women*, CEDAW/C/GC/34 (7 March 2016).

<sup>27</sup> Ibid [14] “As recognized in general recommendation No. 18 (1991) on disabled women, while women with disabilities face unique challenges in all areas of life, this is particularly the case of those living in rural areas.”; [15], [37], [39], [43], [94].

<sup>28</sup> CEDAW Committee, *General recommendation No. 33 on women’s access to justice*, 3 August 2015, CEDAW/C/GC/33.

<sup>29</sup> Ibid, 14(c) ‘(c) Accessibility requires that all justice systems, both formal and quasijudicial, be secure, affordable and physically accessible to women, and be adapted and appropriate to the needs of women, including those who face intersecting or compounded forms of discrimination;’

				<ul style="list-style-type: none"> <li>• CEDAW Committee General Recommendation No. 25 (2004), on Art 4, para 1 – temporary special measures<sup>30</sup> - [12] regarding that temporary special measures may be required.<sup>31</sup></li> <li>• CEDAW Committee General Recommendation No. 24 (1999) (article 12 : Women and health)<sup>32</sup> access by rural women’s nutritional needs [7] and access to health facilities [28].</li> <li>• CEDAW Committee General Recommendation No. 19 (1992) Violence against women<sup>33</sup> para [14] rural women and girls at risk, [24] required responses.</li> <li>• CEDAW Committee General Recommendation 16 Unpaid Women Workers in Rural and Urban Family Enterprises<sup>34</sup> recommended States parties ‘(c) Take the necessary steps to guarantee payment, social security and social benefits for women who work without such benefits in enterprises owned by a family member.’</li> </ul>
The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (‘CAT’) <sup>35</sup>	Everyone per recital referring to Art 5 of UNDHR and Art 7 of ICCPR that ‘no one’ shall be subjected to torture or to cruel, inhuman or degrading	No	No	<ul style="list-style-type: none"> <li>• None identified relating to rural, ‘or other status’ or ‘place of residence</li> </ul>

<sup>30</sup> CEDAW Committee, *General recommendation No. 25, on article 4, paragraph 1, of CEDAW on temporary special measures* (13<sup>th</sup> session, 2004).

<sup>31</sup> Ibid “12. Certain groups of women, in addition to suffering from discrimination directed against them as women, may also suffer from multiple forms of discrimination based on additional grounds such as race, ethnic or religious identity, disability, age, class, caste or other factors. Such discrimination may affect these groups of women primarily, or to a different degree or in different ways than men. States parties may need to take specific temporary special measures to eliminate such multiple forms of discrimination against women and its compounded negative impact on them.”

<sup>32</sup> CEDAW Committee, *General Recommendation No. 24 (20th session, 1999) (article 12: Women and health)*.

<sup>33</sup> CEDAW Committee *General Recommendation No. 19 (11th session, 1992) Violence against women*.

<sup>34</sup> CEDAW Committee (adopted at the 10<sup>th</sup> session, 1991) contained in document A/46/38.

<sup>35</sup> *Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, opened for signature 10 Dec 1984, 1465 UNTS 85 (entered into force 26 June 1987).

	treatment or punishment			
<i>Convention on the Rights of the Child</i> ('CRC') <sup>36</sup>	Preambular para 3 emphasises universal inclusion. Art1 states in the CROC 'a child' means every child <sup>37</sup>	No	Yes (preambular para 3 <sup>38</sup> and Art 2(1)) <sup>39</sup>	<ul style="list-style-type: none"> <li>• CROC Committee <i>General Comment 26 (2023)</i> <ul style="list-style-type: none"> <li>○ Refers at [56] to ensuring access to schools during water shortage and weather events especially for children in remote or rural communities; [61] public planning in urban and rural settings for children to be able to engage in recreation activities; [62] safety standards for toys in rural and urban development projects.<sup>40</sup></li> </ul> </li> <li>• CROC Committee <i>General Comment 9 (2006) on Children with Disabilities</i><sup>41</sup> <ul style="list-style-type: none"> <li>○ Commenting at para [8] on Art 2: 'In many cases forms of multiple discrimination - based on a combination of factors, i.e. indigenous girls with disabilities, children with disabilities living in rural areas and so on - increase the vulnerability of certain groups. It has been therefore felt necessary to mention disability explicitly in the non-discrimination article.'</li> </ul> </li> </ul>
Convention on the Rights of Persons with Disability (CRPD) <sup>42</sup>	'all persons with disabilities' (Art 1)	Yes, in art 9, 25 and 26	Yes (preambular)	<p>There are 8 general comments – the following refer to obligations being inclusive of people with disability in rural areas:</p> <ul style="list-style-type: none"> <li>• <i>CRPD General comment No. 8 (2022) on the right of persons with disabilities to work and employment</i><sup>44</sup> includes expression that multiple barriers regarding employment on grounds including 'place of</li> </ul>

<sup>36</sup> *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990).

<sup>37</sup> *Ibid* Art 1 'For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.'

<sup>38</sup> **Which reads:** 'Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,'

<sup>39</sup> **Which reads:** 'States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.'

<sup>40</sup> Committee on the Rights of the Child, *General comment No. 26 (2023) on children's rights and the environment, with a special focus on climate change* 22 August 2023 CRC/C/GC/26

<sup>41</sup> Committee on the Rights of the Child, *General Comment No. 9 (2006) The rights of children with disabilities*, 27 February 2007 CRC/C/GC/9.

<sup>42</sup> *Convention on the Rights of Persons with Disabilities*, opened for signature 30 March 2007, 2515 UNTS 3 (entered into force 3 May 2008) ('CRPD').

<sup>44</sup> CRPD, *General comment No. 8 (2022) on the right of persons with disabilities to work and employment*, 09 September 2022 CRPD/C/GC/8.

			statement (p) <sup>43</sup>	<p>residence’<sup>45</sup> Also regarding conditions ‘26. The right to just and favourable conditions of work is a right of all workers with disabilities in all settings,... whether they are employed in the formal or informal sectors, self-employed or employed in the agricultural sector or in rural and remote areas.’<sup>46</sup></p> <ul style="list-style-type: none"> <li>• <i>CRPD General Comment No. 7 (2018)</i><sup>47</sup> States consultation obligations should include rural areas,<sup>48</sup> data collection should include rural/urban.<sup>49</sup></li> <li>• <i>CRPD General comment No. 6 (2018) on equality and non-discrimination</i><sup>50</sup> refers to obligations of State parties relating to the communities in which people with disability live<sup>51</sup> and consultation obligations include those relating to the diversity including rural communities.<sup>52</sup></li> <li>• <i>CRPD General Comment No. 5 (2017) on living independently and being included in the community</i><sup>53</sup> relates to Art 19 which refers to obligations of respect regarding place of residence or where they live<sup>54</sup> At</li> </ul>
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<sup>43</sup> Which reads: ‘(p) Concerned about the difficult conditions faced by persons with disabilities who are subject to multiple or aggravated forms of discrimination on the basis of race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age or other status,’

<sup>45</sup> Ibid [4] which refers to multiple barriers facing people with disability in relation to employment and states: ‘Data and other evidence indicate that these differences particularly affect persons with disabilities on such grounds as age, gender, sex, ethnicity and place of residence.’

<sup>46</sup> Ibid [26].

<sup>47</sup> CRPD, *General comment No. 7 (2018) on the participation of persons with disabilities, including children with disabilities, through their representative organizations, in the implementation and monitoring of the Convention* 9 November 2018 CRPD/C/GC/7.

<sup>48</sup> [45], [50] and [87].

<sup>49</sup> Ibid [91].

<sup>50</sup> CRPD *General comment No. 6 (2018) on equality and non-discrimination*, 9 March 2018 CRPD/C/GC/6.

<sup>51</sup> Ibid, for example [64] ‘24 (2) (b), which requires States parties to ensure an inclusive education for persons with disabilities on an equal basis with others in the communities in which they live’.

<sup>52</sup> Ibid [33].

<sup>53</sup> CRPD Committee, *General comment No. 5 (2017) on living independently and being included in the community* 31 August 2017.

<sup>54</sup> Ibid, para [24], [39] and [46] refer to States not impeding choice of place of residence; para [47] reads: “47. The obligation to respect requires States parties to refrain from directly or indirectly interfering with or in any way limiting the individual exercise of the right to live independently and be included in the community. States parties should not limit or deny anyone’s access to living independently in the community, including through laws which directly or indirectly restrict the options of persons with disabilities to choose their place of residence or where, how and with whom to live, or their autonomy. States parties should reform laws that impede the exercise of the rights enshrined in article 19.”

				<p>[19] also discusses intersectional discrimination and multiple discrimination (copy included in footnote).<sup>55</sup></p> <ul style="list-style-type: none"> <li>• <i>CRPD General comment No. 3 (2016) Women and Girls with Disability</i> refers to Art 9 &amp; insufficiencies in urban and rural areas.<sup>56</sup></li> <li>• <i>CRPD General comment No. 2 (2014) Article 9: Accessibility</i><sup>57</sup> notes at [13] and [16] Art 9 ‘both in urban and in rural areas.’<sup>58</sup></li> </ul>
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<sup>55</sup> *CRPD General comment No. 6 (2018) on equality and non-discrimination*<sup>55</sup> at para [19] regarding *intersectional discrimination and multiple discrimination*:  
“19. Discrimination can be based on a single characteristic, such as disability or gender, or on multiple and/or intersecting characteristics. “Intersectional discrimination” occurs when a person with a disability or associated to disability suffers discrimination of any form on the basis of disability, combined with, colour, sex, language, religion, ethnic, gender or other status. Intersectional discrimination can appear as direct or indirect discrimination, denial of reasonable accommodation or harassment. For example, while the denial of access to general health-related information due to inaccessible format affects all persons on the basis of disability, the denial to a blind woman of access to family planning services restricts her rights based on the intersection of her gender and disability. In many cases, it is difficult to separate these grounds. States parties must address multiple and intersectional discrimination against persons with disabilities. “Multiple discrimination” according to the Committee is a situation where a person can experience discrimination on two or several grounds, in the sense that discrimination is compounded or aggravated. Intersectional discrimination refers to a situation where several grounds operate and interact with each other at the same time in such a way that they are inseparable and thereby expose relevant individuals to unique types of disadvantage and discrimination”

<sup>56</sup> *CRPD Committee, General comment No. 3 (2016) on women and girls with disabilities 26 August 2016, CRPD/C/GC/3 [48].*

<sup>57</sup> *CRPD General comment No. 2 (2014) Article 9: Accessibility, 11 April 2014 CRPD/C/GC/2, [13] and [16].*

<sup>58</sup> [16] “...The application of universal design makes society accessible for all human beings, not only persons with disabilities. It is also significant that article 9 explicitly imposes on States parties the duty to ensure accessibility in both urban and rural areas. Evidence has shown that accessibility is usually better in bigger cities than in remote, less developed rural areas, although extensive urbanization can sometimes also create additional new barriers... In both urban and rural areas, access should be available for persons with disabilities to the natural and heritage parts of the physical environment that the public can enter and enjoy.”