

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

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



Special Rapporteur on the Rights of Indigenous Peoples
Submitted by email: hrc-sr-indigenous@un.org
20 March 2026

Dear Colleagues,

Call for Input: Country Visit to Australia from 2 to 13 November 2026 by the Special Rapporteur on the Rights of Indigenous Peoples

Sincere best wishes for the preparations, visit and outcomes of the Special Rapporteur's upcoming Country Visit to Australia.

We acknowledge the traditional owners of Country throughout Australia and express our respect to them, their culture and their Elders past, present and emerging.

This submission recommends including place, location and geography as cross-cutting themes in relation to the rights of Indigenous Peoples in Australia.

Submission

About the 4Rs Network

The National Regional, Rural, Remote and Very Remote Community Legal Network (**4Rs Network**) promotes access to justice in regional, rural, remote and very remote (**4Rs**) areas. The Network's vision of **Justice where we live. Every community. Every person. Everywhere** - reflects that solutions must be present to ensure equality, wellbeing and rights wherever people are in Australia.

The Network consists of about 85 community-based legal assistance services, networks and peaks, most provide legal and related assistance in or to 4Rs areas. This includes participating Aboriginal Community Controlled Organisations (ACCOs) and non-Indigenous organisations.

There are members in each Australian state and territory and while most members are in inner regional, outer regional, remote or very remote areas the membership includes city-based efforts and services with state-wide or national service areas and national peaks with city-based operations. Accordingly, the Network connects members across Very Remote, Remote, Outer and Inner Regional and Major Cities¹ and all Modified Monash Model areas.²

Australia's geography and human rights inclusion

1. Australia is the sixth largest country in the world by landmass and one of the most urbanised,³ While Aboriginal and Torres Strait Islander people are located in city, regional, rural, remote and very remote areas, Indigenous people make up an increasing proportion of the population as distance from the main cities increases.⁴
2. In general terms socio-economic disadvantage in Australia increases with distance from the main metro centres, as shown on the map below:⁵

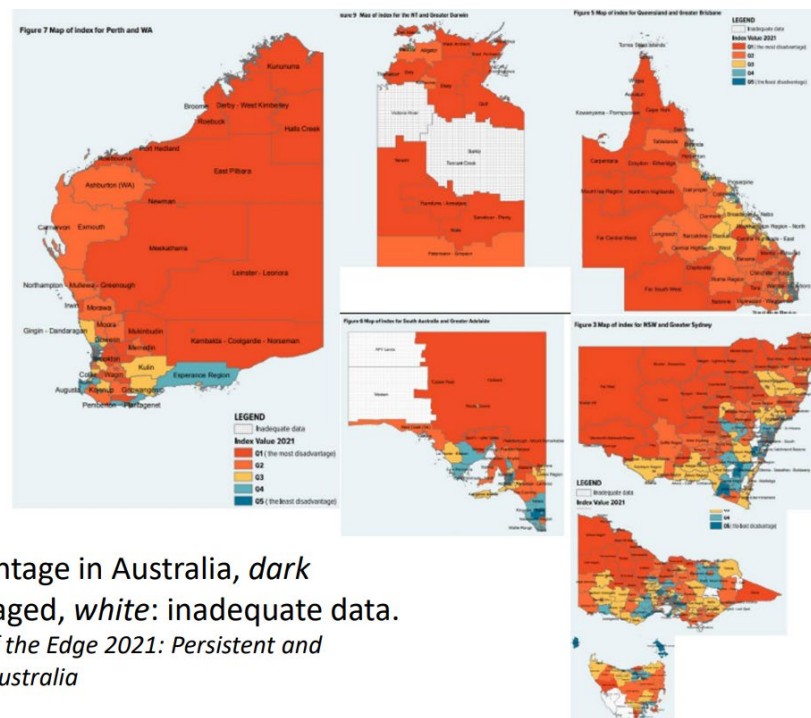


Image: Areas of disadvantage in Australia, *dark orange*: most disadvantaged, *white*: inadequate data.
 Compilation from *Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia*

¹ Australian Bureau of Statistics. (Jul2021-Jun2026). [Remoteness Areas](#). ABS. Released 21 March 2023

² Department of Health, Disability and Ageing, [Modified Monash Model](#) (2026) (Webpage)

³ World Bank, 'Land area (sq. km)', [DataBank](#) (Webpage, 2023)

<https://data.worldbank.org/indicator/AG.LND.TOTL.K2?most_recent_value_desc=true>; Amity James et al, 'Population growth and mobility in Australia: implications for housing and urban development policies, AHURI Final Report No. 365' <<https://www.ahuri.edu.au/research/final-reports/365>>; World Bank, 'Population density (people per sq. km of land area)', [DataBank](#) (Webpage, 2023) <https://data.worldbank.org/indicator/EN.POP.DNST?most_recent_value_desc=false>.

⁴ Australian Institute of Health and Welfare, 'Profile of First Nations people', [AIHW](#), 16 October 2025) <<https://www.aihw.gov.au/reports/australias-welfare/profile-of-indigenous-australians>>.

⁵ Robert Tanton et al, 'Dropping Off the Edge 2021: Persistent and multilayered disadvantage in Australia', [DOTE2021](#) (Report, 19 November 2021) <<https://www.dote.org.au/>>.

3. Aboriginal and Torres Strait Islander people experience disproportionate levels of disadvantage and in general terms the nature and extent of disadvantage increase with distance from the main cities.⁶

Geography used as an excuse for insufficient safety nets

4. The causes of disproportionate disadvantage include the treatment of Aboriginal and Torres Strait Islander peoples under historical and contemporary settler-colonialism, capitalism, land use and forms of production, resource extraction and the like as well as factors which have blocked distribution.
5. However, the causes do not excuse the lack of effective safety nets which are highly absent for many Indigenous people in regional, rural, remote and very remote areas. In broad terms the safety nets required are increasingly absent with distance from metro areas. This is occurring despite human rights being universal, not geographically contingent.
6. There is a high correlation between duty-bearers failing to ensure safety nets and Indigenous people living with very poor socio-economic conditions in many remote, rural and other non-urban areas in Australia. Insufficient safety nets especially in remote and very remote Indigenous communities, are correlated with entrenched poverty, lack of food security, lack of economic, and housing security, inadequate health care across the life course, inadequate education, inadequate transport and transport links, and inadequate communications. Insufficient safety nets diminish living conditions, cultural security and human rights.
7. Indigenous people are overrepresented in the justice system, child protection, as victims and survivors of violence, in health statistics and in rates of reliance on social security. Indigenous people experience burdens of disease and disability at higher rates, and like most other patterns these also have a geographic dimension with greater prevalence as distance from the cities increases.⁷

Countering geography as an excuse

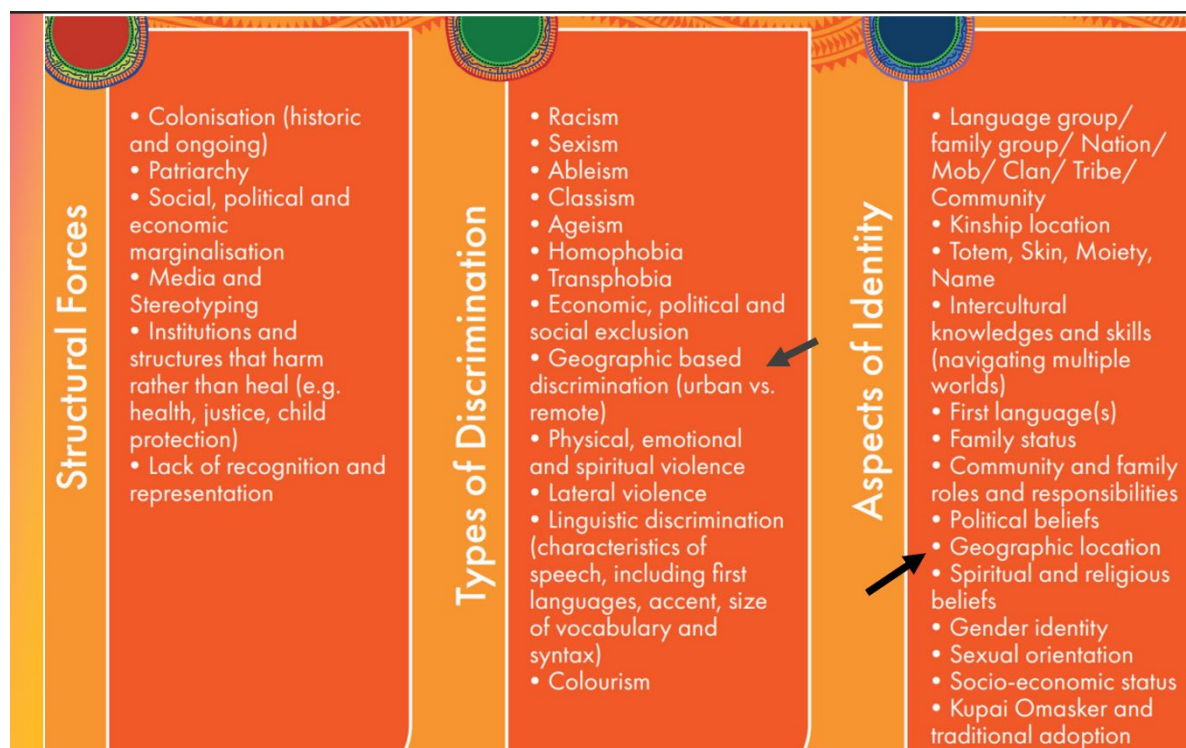
8. Countering how non-urban location and geography are used against Indigenous peoples in Australia is theme in in 4Rs Network submissions and is reflected in the Australian NGO Coalition Report to the Human Rights Committee for Australia's 4th Universal Periodic Review.⁸ Examples from both are in **Attachment 1** below.

⁶ For wide ranging discussion and references see: Australian NGO Coalition, 'Australia's 4th Universal Periodic Review – 2025-26 Joint NGO Report on behalf of the Australian NGO Coalition', *Australia's human rights record under scrutiny through 2025-26 UN Universal Periodic Review* (Report, 17 July 2025) <<https://www.hrlc.org.au/projects/universal-periodic-review-2025-26/>>.

⁷ Ibid.

⁸ Ibid.

9. The following graphic from the *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Final Report*⁹ highlights the analysis that types of discrimination in Australia include 'geographic based discrimination (urban vs remote)'.



10. Although the above graphic did not indicate geographical discrimination as a structural force, it is commonly expressed to be structural by Indigenous and non-Indigenous people facing disadvantage in non-urban areas in Australia, especially by Indigenous people in remote and very remote areas. This analysis is also expressed by a multitude of sources, social service and social justice sectors as reflected in analysis and extensive references in the NGO Coalition Report for Australia's 4th Universal Periodic Review.¹⁰ Examples from the Report are at **Attachment 1**.

11. That types of discrimination can include 'rural' (i.e. non-urban) location was expressed by Professor Megan Davis when Chair of the Permanent Forum on Indigenous Issues, when she referred to Indigenous women experiencing '*triple layers of discrimination*':

'They are discriminated as women. They are discriminated as indigenous. They are discriminated as rural'.¹¹

⁹ Aboriginal and Torres Strait Islander Social Justice Commissioner, *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Final Report* (Australian Human Rights Commission, 2020) 74.

¹⁰ Australian NGO Coalition (n 6).

¹¹ Megan Davis, 'Woman, Rural And Indigenous – Breaking Triple Layers Of Discrimination' (UN DESA Media Release, 15 October 2015) <<https://social.desa.un.org/issues/indigenous-peoples/news/woman-rural-and-indigenous-breaking-triple-layers-of-discrimination>>.

12. It is important to communicate how geography and geographic location are being used against Aboriginal and Torres Strait Islander people in remote and very remote areas. This includes how both are being used to purportedly justify inadequate responses and human rights shortfalls.

Four frameworks which reinforce that geography is not an excuse

13. The following are four frameworks that call on duty-bearers rather than blame Indigenous people in remote, rural and non-urban areas.

- **Geographic determinism** – hostile geographic determinism portrays geography as destiny, and hardships which may come with living in certain locations as ‘natural’ and to be expected. Geographic determinism suggests that it is ‘normal’ for poverty to be pervasive in remote and very remote Indigenous communities – ultimately because of their problematic, uneconomic, hard to ‘service, locations. A small number of people a long way away (from the urban ‘centre’) – is how many of the justifications are rolled out, and that little more can be done. This compares with critiques by people in these communities, who call for their human rights to be respected. They do not accept reasons given for insufficient safety nets and they call on duty-bearers to deliver.¹²
- **Structural urbanism** – which means that the urban is a structure not only an issue of population density.¹³ Structural urbanism could be a force for human rights inclusion, safety and wellbeing wherever people live, but it is frequently a force which contributes to hostile geographic determinism (as just described above)
- **Urban normativity** – which means that the ‘urban’ is treated as the most present, important, influential and natural frame. This is connected to how ‘non-urban’ is spatially, conceptually, politically and economically governed.¹⁴ For

¹² See for example the following statement which condemned geographic determinism: Asia Pacific Regional Civil Society Organisations CSW70 Forum, 'CSO Joint Statement Asia Pacific Regional CSO Forum on the Priority Theme for the 70th Session of the Commission on the Status of Women (CSW 70)', *Asia Pacific Women's Watch* (Statement, 27–28 January 2026) <<https://apww-slwngof.org/newsupdates/>>.

¹³ See the discussion by Janice Probst, Jan Marie Eberth and Elizabeth Crouch, 'Structural Urbanism Contributes To Poorer Health Outcomes For Rural America' (2019) 38(12) *Health Affairs* 1976; For discussion using the framework of 'spatial justice' see for example: Karen Hayes, Kristy Coxon and Rosalind A Bye, 'Rural and remote health care: the case for spatial justice' (2025) 25(1) *Rural and Remote Health* 1; For the use of a 'geographic equity' lens see for example: Healthy Communities Foundation Australia, 'Geographic Equity', *HCFA website*, (2025) <<https://www.thcfa.org.au/geo-equity>>; World Health Organization, *Operational framework for monitoring social determinants of health equity* (World Health Organization, 2024).

¹⁴ For example: Gregory M. Fulkerson and Alexander R. Thomas, *Urbanormativity: Reality, Representation, and Everyday Life* (Lexington Books, 2019); Gregory M. Fulkerson and Alexander R. Thomas (eds), *Reimagining Rural: Urbanormative Portrayals of Rural Life* (Lexington Books, 2016); Carole Zufferey and Donna Chung, 'Red dust homelessness': Housing, home and homelessness in remote Australia' (2015) 41 *Journal of Rural Studies* 13; Gregory M. Fulkerson and Alexander R. Thomas, 'Urbanization, Urbanormativity, and Place-Structuration' in Gregory M. Fulkerson and

example, promoting societal approaches that it is '*normal*' if socio-economic disadvantage is greater in non-urban areas, particularly in remote and very remote areas and that non-urban populations, or those in certain areas – are surplus.¹⁵

- **Intersectionality** – is often used in Australia to elaborate how people and people and peoples are adversely discriminated by two or more kinds of discrimination. Intersectionality encompasses structural discrimination, practices, norms and actions. However, descriptions and understandings about intersectionality in Australia often leave out geography, geographic location, place, remote, isolated or rural location completely.¹⁶

14. The 4Rs Network calls for **Justice where we live. Every community. Every person. Everywhere.** This means that human rights must be made real, wherever people live or area located. It means that, that duty-bearers and stakeholders must be educated to understand that human rights do not dissipate with distance from metro areas. It means that backdoor discrimination against Indigenous peoples and people in non-urban areas, which uses geography as a defense for lack of safety nets- must be called out and overcome.

De-normalising geographic discrimination

15. Currently the following are normal in Australia:

- Human rights and anti-discrimination laws *not to address* discrimination on the basis of remote, very remote, rural or non-urban location – even though there is a high level of awareness that this discrimination is occurring.
- Socially important legislation is not likely to *visibly reflect* where people affected by it are located – even though there are high risks of uneven benefits resulting from implementation shortfalls in remote, rural and non-urban areas unless special measures are applied.
- Government reports, strategies, Issues Papers and those of various entities make no reference geographic location, or to remote, rural and non-urban areas – or do but it is only minor and superficial. If there is reference to geographic location it is typically factual (*there are remote and rural areas*) not conceptual (*there are power relations, structural relations and societal practices* which can operate against peoples and people in remote, rural and non-urban areas).

Alexander R. Thomas (eds), *Studies in Urbanormativity: Rural Community in Urban Society* (Lexington Books/Fortress Academic, 1st ed, 2013) 8.

¹⁵ Tania Murray Li, 'To make live or let die? Rural Dispossession and the Protection of Surplus Populations' (2010) 41(S1) *Antipode* 66.

¹⁶ For example, see the outline of these issues in the 4Rs Network, 'Submission Disability Discrimination Act (Cth) Review', *4Rs Network* (Submission, 28 November 2025) <<https://clcs.org.au/4rs-network/>>.

- Lack of geographic coverage for essential needs and services. Examples relating to food, housing, health and others have already been given. A further example is the extensive geographic gaps in access to justice, especially insufficient resources for coverage by Aboriginal and Torres Strait Islander Legal Services. This contributes to the perpetuation of socio-economic and structural disadvantage across multiple domains.

16. De-normalisation involves the reverse of each of these practices; it requires direct engagement how geography is being used, and why it is being used in these ways against Aboriginal and Torres Strait Islander peoples.

Conclusion

17. It is hoped that this submission will be of assistance in reviewing the human rights of Indigenous peoples and people in Australia and making recommendations which can help change the trajectory.

Regards,
Judy Harrison
Co-convenor 4Rs Network

Attachment 1

This attachment lists the following for further background and reference:

- some submissions and resources from the 4Rs Network
- examples of how the Australian NGO Coalition UPR Report highlighted how geography is being used against Indigenous people in remote, very remote and rural areas in Australia
- examples of language by the Australian Child Rights Taskforce to make expectations and requirements of human rights wherever people live explicit, present and operative.

1.1 Examples of submissions and resources from the 4Rs Network

The following are selected submissions and resources, for more see: <https://clcs.org.au/4rs-network/>.

- **Submission to the review of the federal Disability Discrimination Act, November 2025**¹⁷ – highlighted lack of treatment of where people with disability are located in Australia, outlined failure of the approach to intersectionality, and how this

¹⁷ Ibid.

is systemic. Included explanatory diagrams and references

- **Submission to the Productivity Commission Review of Regional Airfares, 15 March 2026¹⁸ (email attachment to this submission)** – gives case studies outlining how insufficient safety nets are impacting the human rights, inclusion and wellbeing of Indigenous peoples and people and others facing disadvantage in non-urban areas, especially remote and very remote areas.
- **Federal Pre-Budget submission 30 January 2026¹⁹** - highlighted geographic issues regarding justice and access to justice in regional, rural, remote and very remote areas – scale of the shortfalls, human rights and ways to address
- **Input into the Zero Draft of the Agreed conclusions for the UN Commission on the Status of Women 70th session on the priority theme of access to justice for women and girls 29 January 2026²⁰** - highlighted how drafting could better respond to power dynamics relating to location impacting where women and girls in remote, rural and other non-urban areas live.
- **Justice where you live: workshop with the 4Rs Network and Economic Justice Australia, September 2025²¹ – workshop presented at the Community Legal Centres Australia Biennial National Conference in Canberra** – power point includes the following:
 - **Submission to the Standing Committee on Health, Aged Care and Disability, Inquiry into the thriving kids initiative October 2025²²** - outlined human rights, inclusion, wellbeing, principles for the Thriving Kids initiative in relation to children, carers and others affected in regional, rural, remote and very remote areas.
 - **Submission on legal assistance workforce in Northern Australia to the federal parliamentary inquiry into Northern Australia Workforce Development, 8 November 2024²³** - outlined serious workforce issues affecting all legal assistance

¹⁸ 4Rs Network, 'National Regional, Rural, Remote and Very Remote Community Legal Network Submission to the Productivity Commission Inquiry into the Determinants of Regional Airfares', *Productivity Commission* (Submission, 15 March 2026) <<https://assets.pc.gov.au/2026-03/sub095-regional-airfares.pdf?VersionId=VpBQpjf8vJmnLiAGRO.VsU0z8VNv1m.B>>.

¹⁹ 4Rs Network, '4Rs Network 2026-7 Federal Pre-Budget Submission', *Community Legal Centres Australia* (Submission, 30 January 2026) <<https://clcs.org.au/4rs-network/>>.

²⁰ 4Rs Network, 'Input by noon Thursday 29 January 2026 by the National Regional, Rural, Remote and Very Remote Community Legal Network', *Community Legal Centres Australia* (Input, 29 January 2026) <<https://clcs.org.au/4rs-network/>>.

²¹ 4Rs Network and Economic Justice Australia, 'Justice where you live', *The Law and More: National Community Legal Centres Conference* (PowerPoint, 2–5 September 2025) <<https://clcs.org.au/4rs-network/>>.

²² 4Rs Network, 'Submission to the Standing Committee on Health, Aged Care and Disability, Inquiry into the thriving kids initiative', *Submissions* (Web page, 3 October 2025) <<https://www.aph.gov.au/DocumentStore.ashx?id=ec05dfb9-371e-4490-8c6c-6ce66e3f67e0&subId=779195>>.

²³ 4Rs Network, 'Submission to the inquiry into Northern Australia Workforce Development', *Submissions* (Submission, 8 November 2024) <<https://www.aph.gov.au/DocumentStore.ashx?id=8c40cf55-7d4a-4a6c-8418-921937165edd&subId=769503>>.

sectors, justice and access to justice in Northern Australia and contributors including lack of a National Regional, Rural, Remote and Very Remote Access to Justice Strategy, lack of a Northern Australia and Australia wide Workforce Plans addressing non-urban areas – highlighted effects on human rights, justice and access to justice especially for Indigenous peoples and people.

- **Submissions concerning social security in non-urban areas including geographic profiling - without** assessment of individual circumstances in relation to compulsory income management which is disproportionately related to Indigenous people and without effective access to social security legal assistance.²⁴
- Submissions concerning the National Disability Insurance Scheme in remote, rural and regional areas ²⁵ - including major implementation issues, lack of geographic access to independent advocacy and community based legal assistance. Alarming Darwin Community Legal Service in the Northern Territory has recently highlighted the rorting and abuse of the NDIS allocations to Aboriginal people with disability in remote and very remote communities in the Northern Territory highlighting lack of contextual planning, delivery arrangements and oversight. ²⁶

1.2 Examples of calls to address geographic discrimination by the NGO Coalition's Report dated 17 July 2025 for Australia's 4th Universal Periodic Review

The following are some annotated screen shots from the Report²⁷ relating to addressing duty-bearer failures towards, and/or adversely affecting, Indigenous people in non-urban areas.

²⁴ 4Rs Network, 'Submission to the Parliamentary Joint Committee on Human Rights Inquiry into Enhanced Income Management and Compulsory Income Management for Compatibility with Human Rights', *4Rs Network* (Submission, 22 March 2024) <<https://clcs.org.au/4rs-network/>>; For systemic justice issues relating to women and social security in non-urban areas, including remote and very remote communities, see: Economic Justice Australia, 'Social Security for Women Outside Our Cities - Part 1: Service Delivery Barriers', *Reports*, May 2025) <https://www.ejaustralia.org.au/wp-content/uploads/Womens-access-project-report-FINAL_All-Chapters.pdf>; Economic Justice Australia, 'Social Security for Women Outside Our Cities Part 2: Issues of Eligibility', *Research Reports*, August 2025) <<https://www.ejaustralia.org.au/social-security-for-women-outside-our-cities-issues-of-eligibility-report-2-of-3/>>.

²⁵ 4Rs Network, 'Submission to the Joint Standing Committee on the National Disability Insurance Scheme Inquiry into NDIS participant experience in rural, regional and remote Australia', *Submissions* (Submission, 8 March 2024) <<https://clcs.org.au/4rs-network/> and <https://clcs.org.au/wp-content/uploads/2024/05/8-March-24-4Rs-with-endorsements-included-16-April-24-Network-NDIS-RRRR-submission-combined.pdf>>.

²⁶ Darwin Community Legal Service, Integrated Disability Action Inc. and Disability Advocacy Service, 'Submission: Curbing Sharp Practices in the Northern Territory's NDIS Market Submission: Curbing Sharp Practices in the Northern Territory's NDIS Market', *Darwin Community Legal Service* (Submission, November 2025) <<https://www.dcls.org.au/news/ndis-sharp-practises-in-the-nt>>.

²⁷ Australian NGO Coalition (n 6).

Constitutional, Legislative and Institutional Framework

1. The Australian Constitution and its political and juridical institutions remain racially biased against Aboriginal and Torres Strait Islander Peoples.¹ Australia has failed to establish a Makarrata Commission to enact truth-telling and negotiate a treaty.² Consequently, Australia fails to meet its obligations under UNDRIP.³
2. **Australia must coordinate with Aboriginal and Torres Strait Islander Peoples to establish a national action plan and an Indigenous independent monitoring body to implement UNDRIP, within 12 months.**⁴
3. **Australia must establish a Makarrata Commission to supervise negotiations on a national treaty and truth-telling, within 18 months, to recognise the self-determination of Aboriginal and Torres Strait Islander Peoples.**⁵
4. **Australia must establish reparations for Stolen Generations.**⁶
5. Australia's fragmented approach to human rights fails to ensure equal protection,⁷ and overlooks the intersecting discrimination faced by marginalised groups.⁸

⁸ In this submission marginalised groups and communities refers to populations that are systemically exclude, oppressed, or disadvantaged due to factors such as race, ethnicity, genders, socioeconomic status, religion, disability, sexual orientation, or geographical location, who face structural barriers to equal opportunities in education, employment, healthcare, and political representation.

Aboriginal and Torres Strait Islander Peoples

21. Aboriginal and Torres Strait Islander Peoples lack a national representative body following previous funding cuts,²⁰ which contributes to poor outcomes across every social indicator²¹ and fails to recognise Indigenous rights to self-determination.²² Additionally, there is chronic underfunding of Aboriginal and Torres Strait Islander human rights advocacy.²³
22. **Australia must commit funding to empower Aboriginal and Torres Strait Islander Peoples to establish a permanent national representative body,²⁴ and fund Indigenous human rights bodies, within 12 months.**
23. Aboriginal and Torres Strait Islander Peoples living in remote communities suffer profound disadvantage,²⁵ reflected in food insecurity,²⁶ poor water quality,²⁷ and lower life expectancy.²⁸ Poorer health outcomes include high rates of preventable blindness,²⁹ diabetes,³⁰ and kidney failure eight times non-Indigenous rates,³¹ with 82% of rheumatic heart disease cases being Indigenous.³²
24. Remote communities are marred by historical neglect of infrastructure, chronically overcrowded housing,³³ poverty,³⁴ inconsistent telecommunications and power³⁵ and unmaintained roads and airstrips.³⁶
25. Remote communities face systemic challenges exacerbated by punitive and racially targeted policies, such as the Cashless Welfare Card,³⁷ Income Management³⁸ and the Community Development Program with mutual obligations and financial penalties.³⁹ The Remote Jobs and Economic Development Program⁴⁰ is replacing CDP with employment but is limited to 3,000 of 45,000 people on CDP.
26. **Australia must work with Aboriginal and Torres Strait Islander remote communities to adequately resource infrastructure, housing, health, languages,⁴¹ education⁴² and employment, and implement self-determination through local community decision-making bodies, within 18 months.**

Justice

33. Funding shortfalls, increasing complexity, high volumes of legal need, and insufficient responses to legal assistance market failure,⁵⁶ especially in remote and rural areas, is causing chronic access to justice failures.⁵⁷
34. **Australia must deliver needs-based funding, planning and initiatives for geographically comprehensive access to legal assistance.**⁵⁸
35. Aboriginal and Torres Strait Islander Peoples are subject to mass incarceration,⁵⁹ with increasing numbers held on remand.⁶⁰
36. Women experience rising incarceration rates, particularly Aboriginal and Torres Strait Islander women and mothers,⁶¹ who outstrip other groups.⁶²
37. **Australia must ensure geographically comprehensive non-carceral early intervention, prevention and diversionary solutions, co-designed with impacted communities, including trauma-informed, GBV-informed and culturally safe services.**⁶³
38. Children as young as 10 are being criminalised and incarcerated.⁶⁴
39. **Australia must raise the minimum age of criminal responsibility to at least 14 years, without exceptions.**⁶⁵
40. Investigations of abuses by police must be conducted by appropriately resourced and independent agencies.⁶⁶
41. **Australia must ensure all jurisdictions establish and properly resource fully independent investigative bodies that meet human rights standards.**⁶⁷
42. 'Intelligence-led' policing⁶⁸ and punitive bail laws⁶⁹ disproportionately harm Aboriginal and Torres Strait Islander Peoples, racially diverse communities, young people,⁷⁰ and those experiencing homelessness, who face greater bail refusals and difficulty meeting conditions.⁷¹
43. **Australia must audit policing laws to eliminate predatory and discriminatory policing,⁷² repeal punitive bail laws, and invest in culturally safe and geographically inclusive⁷³ bail support programs that are readily accessible.**⁷⁴

Democratic Rights and Freedoms

64. Despite compulsory voting, Australia excludes thousands of people from voting,¹¹⁹ including prisoners¹²⁰ and people with disabilities.¹²¹ Many eligible voters face significant barriers.¹²² Many Aboriginal and Torres Strait Islander People could not vote in the Voice referendum.¹²³

¹²² Including Aboriginal and Torres Strait Islander people, people with disabilities, those in aged care or hospital and prisoners. Many Aboriginal and Torres Strait Islander people in Australia are unable to exercise their right to vote due to requirements for identification documents that some Indigenous people do not have. The Australian Electoral Commission does not use auto-enrolment processes for parts of remote Australia, creating a further barrier to voting that disproportionately impacts Aboriginal and Torres Strait Islander people. While 97.8 percent of eligible Australians are enrolled to vote, only 92.9% of Aboriginal and Torres Strait Islander Australians are enrolled to vote as [at 20 June 2024]. In Western Australia just 86.1 percent and in the Northern Territory just 87.9 percent of Aboriginal and Torres Strait Islander Peoples have been able to enrol to vote [as at 30 June]. See Australian Electoral Commission data : Australian Electoral Commission. (2024). *Indigenous enrolment rate* (Updated at 3 September 2024) [Dataset]. https://www.aec.gov.au/Enrolling_to_vote/Enrolment_stats/performance/indigenous-enrolment-rate.htm. For a considerable proportion of Aboriginal and Torres Strait Islander people, English is not the language spoken at home – and who may be additionally excluded from voting due to different levels of English literacy. In the 2021 Census, a total of 88,370 Aboriginal and Torres Strait Islander people (11.4% of the population) reported speaking a language other than English at home, whatever the language and whatever their proficiency in English. See NLAS. (2025). *NLAS (Aboriginal & Torres Strait Islander peoples)*. https://lawfoundation.net.au/wp-content/uploads/2025/02/NLASAboriginal-and-Torres-Strait-Islander-peoples_for-publication.pdf; People with physical disabilities are inadequately catered for by federal and state/territory electoral processes: See Committee on the Rights of Persons with Disabilities, *Views: Communication No 19/2014*, UN Doc CRPD/C/19/D/19/2014 (29 March 2018) ('*Given v Australia*'). In addition to laws that disenfranchise prisoners according to length of sentence, there are also significant participation issues among eligible voters in prison, with issues around enrolling and accessing the material needed to place a vote. In the 2013 election, only three people in the entire Silverwater Correctional Centre voted in the federal election. And it was revealed in 2017 that correctional service officers in several states had barred Australian Electoral Commission staff from entering prisons, preventing them from enrolling people to vote and helping them to cast a ballot.

Culturally and Linguistically Diverse People and Communities

94. Systemic racism disproportionately impacts CALD communities,¹⁷⁷ including in immigration, employment, education, healthcare, housing, and the legal system, resulting in poorer life outcomes, limited access to opportunities, and intergenerational disadvantage.¹⁷⁸

¹⁷⁷ Systemic racism is deeply imbedded in in policies, practices, and social structures including in immigration, employment, education, healthcare, housing, regional, rural, remote and very remote populations and the criminal legal system; Committee on the Elimination of Racial Discrimination. (2009). *General recommendation No. 32: The meaning and scope of special measures in the International Convention on the Elimination of All Forms of Racial Discrimination*. United Nations. https://adsdatabase.ohchr.org/IssueLibrary/CERD_Recommendation%20No32.pdf; United Nations. (1965). *International Convention on the Elimination of All Forms of Racial Discrimination*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

Older People

102. Older people¹⁸⁷ lack adequate sanctions, redress or remedy to serious human rights violations.
103. **Australia's Draft National Plan to End the Abuse and Mistreatment of Older People 2024-34¹⁸⁸ must include stronger measures, adequate funding and clear accountability.**¹⁸⁹
104. **Australia must develop a geographically comprehensive National Plan against Ageism.**¹⁹⁰
105. *Aged Care Act*¹⁹¹ rights are not directly enforceable. The Act does not support diversity,¹⁹² including for LGBTQIA+ people and people with disability.¹⁹³ Systems lack sufficient awareness, resourcing, and training to support older people experiencing violence, abuse, and use of restrictive practices; especially women in residential care.¹⁹⁴
106. There are insufficient culturally safe, community-led ageing-in-place services, and a lack of systems to address cultural abuse for older Aboriginal and Torres Strait Islander Peoples.¹⁹⁵ Despite Closing the Gap commitments and Royal Commission findings, Australia's support for ACCOs to deliver self-determined aged care is inadequate.¹⁹⁶
107. More older women than men live in poverty,¹⁹⁷ are at increased risk of homelessness,¹⁹⁸ and experience gendered¹⁹⁹ and age-related violence.²⁰⁰ Gendered ageism and care responsibilities impede workforce participation.²⁰¹ Australia's new approach references older women but must clarify how they will be prioritised.²⁰²

¹⁹⁷ Including those that live in regional, rural, remote and very remote areas; 34 per cent of retired women rely on their partner's income to meet their living costs at retirement compared to 7 per cent of retired men. See, Department of the Prime Minister and Cabinet. (2024). *2024 Status of Women Report Card*. Australian Government. <https://genderequality.gov.au/status-women-report-cards/2024-report-card>.

¹⁹⁸ Older women (including those that live in regional, rural, remote and very remote areas) are more likely than older men to be in supported accommodation for homelessness, staying temporarily with other households or living in severely crowded dwellings. Of those experiencing homelessness in 2021: 68,516 (55.9%) were male, an increase of 1.6% from 2016; 53,974 (44.1%) were female, an increase of 10.1% from 2016. See, Australian Bureau of Statistics. (2023). *Estimating homelessness: Census, 2021*. Australian Government. <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>.

People with Disability

109. People with disability are deeply disappointed²⁰⁵ by ongoing segregation and Australia's response²⁰⁶ to the DRC.²⁰⁷
110. **Australia must implement DRC recommendations regarding full desegregation in education, employment and housing, and incorporate DRC recommendations into Australia's Disability Strategy²⁰⁸ with binding targets and legislative mandates.**
111. Implementation gaps in CRPD²⁰⁹ rights to prevent discrimination, violence,²¹⁰ abuse, neglect and exploitation of people with disability exist,²¹¹ and are compounded for Aboriginal and Torres Strait Islander Peoples²¹² geographically and other marginalised communities.²¹³

²⁰⁵ National disability representative organisations including those representing First Nations and people in remote and rural areas, have expressed significant concern that only 13 recommendations of 222 have been fully accepted [Media Statement from Australia's Disability Representative Organisations regarding Government Response to Disability Royal Commission today Wednesday 31 July - People with Disability Australia, 2024](#).

²¹³ Groups impacted by implementation gaps in CRPD include Aboriginal and Torres Strait Islander People, and people living in regional, rural, remote, and very remote geographical areas and people from CALD backgrounds. See, for example: Royal Commission Into Violence, Abuse, Neglect and Exploitation of People with Disability, *The experience of First Nations people with disability in Australia Issues paper*, (June 2020); National Ethnic Disability Alliance (NEDA), People with Disability Australia (PWDA), and Federation of Ethnic Communities' Councils of Australia (FECCA), *The Experiences & Perspectives of People with Disability from Culturally and Linguistically Diverse Backgrounds: joint submission to the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability* (2021); Dew, Angela. 2022. "What, If Anything, Has Changed over the Past 10 Years for People with Intellectual Disabilities and Their Families in Regional, Rural, and Remote Geographic Areas?" *Research and Practice in Intellectual and Developmental Disabilities* 9 (2): 103–7; submissions to the Joint Standing Committee on the National Disability Insurance Scheme Inquiry into NDIS participant experience in rural, regional and remote areas (2023-2025).

Sexual Orientation, Gender Identity and Expression and Sex Characteristics

117. By 2030, Australia must:

- (a) **Ensure universal access to gender-affirming healthcare.**²²¹ Access barriers include gaps in Medicare and PBS coverage, limited supply and service availability, and out-of-pocket costs.²²²

²²¹ See also Queensland Health. (2025, January 28). *Treatment of gender dysphoria in children*. Queensland Government. <https://www.health.qld.gov.au/system-governance/policies-standards/health-service-directives/treatment-of-gender-dysphoria-in-children>. Access should also be readily available to regional, rural, remote and very remote populations.

Children and Young People

118. Children²³⁰ are key stakeholders in many policy areas. Yet, their views are not seriously considered in policy development.²³¹ Consultations are fragmented and lack accountability.

119. **Australia must prioritise children's rights²³² and best interests in policies impacting them, including on climate change,²³³ youth justice, education, mental health, GBV, immigration²³⁴ and technology.²³⁵**

120. Aboriginal and Torres Strait Islander children are over 10 times more likely to be removed from their families and 29 times more likely to be detained.²³⁶ Disproportionate use of suspensions in schools perpetuate a school-to-prison pipeline.²³⁷

²³⁰ In this context, 'children' refers to children and young people under the age of 18 years as defined in the *Convention on the Rights of the Child*, opened for signature 20 November 1989, 1577 UNTS 3 (entered into force 2 September 1990) ('UNCRC'), and includes children throughout Australia, whether located in urban, regional, rural, remote and very remote areas.

²³¹ In breach of UNCRC (n 1) Article 12.

²³² Australia fails to adequately protect children's right to be heard in administrative and judicial decisions about matters affecting them: see [22] in: UN Human Rights Office of the High Commissioner. (2019). Committee on the Rights of the Child: Concluding observations on the combined fifth and sixth periodic reports of Australia. United Nations. <https://www.ohchr.org/en/documents/concluding-observations/committee-rights-child-concluding-observations-combined-fifth-and-sixth>. Australia must provide systems and services that provide direct advocacy for children, including those that live in non-urban areas.

Women

131. Aboriginal and Torres Strait Islander women and girls are subject to unacceptably high rates of GBV, mass incarceration and destruction of family wellbeing through child removals.²⁴⁹ They are also subject to economic disempowerment and poverty, through geographic discrimination,²⁵⁰ financial abuse, and pay inequity,²⁵¹ and their families are overrepresented in Income Management Policies.²⁵²
132. **Australia must urgently deliver a principled,²⁵³ coordinated, whole-of-government response led by Aboriginal and Torres Strait Islander women to ensure safety, economic security, and self-determination.**
133. Australia's systematic and pervasive withholding of services from remote and rural areas violates women's rights under Australia's treaty obligations, including CEDAW.²⁵⁴
134. **Australia must ensure women's human rights inclusion without geographic exception or discrimination.²⁵⁵**

²⁵⁰ Australian Human Rights Commission. (2020). *Wiyi Yani U Thangani (Women's Voices): Securing Our Rights, Securing Our Future Final Report*. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_wiyi_yani_u_thangani_report_2020.pdf - see page 74 which refers to geographic based discrimination (urban v remote); Davis, M. (2015). *Woman, Rural and Indigenous – Breaking Triple Layers of Discrimination*. United Nations. <https://www.un.org/development/desa/indigenouspeoples/news/2015/10/woman-rural-and-indigenous-breaking-triple-layers-of-discrimination/>.

²⁵⁴ CEDAW Committee, *General Recommendation No. 34 (2016) on the rights of rural women*, UN Doc CEDAW/C/GC/34 (7 March 2016)
²⁵⁵ Including through attitudinally, legislatively and holistically innovation.

137. **Australia must address all forms of GBV and intersecting discrimination,²⁵⁸ including by:**
 - (a) **implementing accountability measure to address racism, sexism, geographic relegation,²⁵⁹ perpetrator accountability, and structural inequities,²⁶⁰ especially for women accessing services in rural and remote communities;**
 - (b) **ensuring legal protections for women on temporary visas facing family violence;²⁶¹ and**
 - (c) **amending laws to extend absolute defamation privilege for reports made to police, medical, housing, education, employment and complaints bodies.²⁶²**

homophobia and transphobia and economic inequality.

²⁵⁹ Including those who live in regional, rural, remote and very remote populations.

Equality and Non-Discrimination

139. **Australia must:**
 - (a) **Enact uniform anti-discrimination legislation which provides a clear, consistent and comprehensive pathway of redress, and effective remedies against intersectional discrimination, to promote substantive equality.²⁶³**

²⁶³ See pages 19, 32, 33 and 35: Australian Human Rights Commission. (2021). *Free & Equal: A reform agenda for federal discrimination laws*. https://humanrights.gov.au/sites/default/files/document/publication/ahrc_free_equal_dec_2021.pdf. The reform to Australian discrimination law should include a positive duty in discrimination law which applies to all attributes. Law Council of Australia. (2019). *Free and equal: An Australian conversation on human rights*. <https://lawcouncil.au/resources/submissions/free-and-equal-an-australian-conversation-on-human-rights>. This legislation should also be visibly geographic inclusive of those who live in regional, rural, remote and very remote areas. Instead of incremental changes to each State/Territory laws, Australia should undertake holistic reform of discrimination legislation. See: NSW Law Reform Commission. (2023). Review of the *Anti-Discrimination Act 1977* (NSW): Terms of Reference. <https://lawreform.nsw.gov.au/current-projects/anti-discrimination-act-review/anti-discrimination-act-review-terms-of-reference.html>.

Aboriginal and Torres Strait Islander Peoples have reported increased racism since the unsuccessful referendum on an Indigenous Voice to Parliament. See, Collard, S. (2025, March 6). Voice referendum normalised racism towards Indigenous Australians, report finds. *The Guardian*. <https://www.theguardian.com/australia-news/2025/mar/06/voice-referendum-normalised-racism-towards-indigenous-australians-report-finds>.

Poverty

140. Structural inequalities place millions in poverty.²⁶⁹ Australia's social security system supports survival for many²⁷⁰ but falls far short of its responsibility to respect, protect and fulfil human rights.²⁷¹ Payments are too low, causing and compounding poverty.²⁷²
141. Conditionality and surveillance harm, or exclude altogether, people accessing payments,²⁷³ often increasing intersectional and spatial inequality. Australia marginalises input from poor people, ignores evidence and perpetuates colonial violence²⁷⁴ by refusing to act on recommendations.²⁷⁵
142. **Australia must urgently increase social security payments²⁷⁶ and establish robust, locationally equitable anti-poverty measures.**
143. Compulsory participation and unpaid labour requirements, and income quarantining²⁷⁷ are inequitable, intrusive and discriminatory, and violate the right to social security. Conditionality has been applied experimentally, without ethical frameworks or due process safeguards.
144. **Australia must immediately abolish compulsion in programs for people accessing social security and within 3 years implement effective, responsive, voluntary programs to assist people who want help.**

Part of footnote 275

[management-program](#). Indigenous cash poverty rates in remote and very remote areas were extremely high at 41.0% and 57.1% respectively in 2021, having increased 10.8 per cent over the decade from 2011. The average cost of basic food items is 40 per cent higher in remote stores (which service communities where the population is predominantly Aboriginal and Torres Strait Islander people) than in district centre supermarkets. Social security payment recipients living in these communities receive an allowance of \$9.10 a week on top of their base social security payment to account for higher living costs. Research shows an additional amount of \$145.34 a week would be necessary to bring people living on the main unemployment benefit in remote communities to parity with people in urban areas. See: Northern Territory Government. (2024). NT Market Basket Survey 2023. <https://data.nt.gov.au/dataset/nt-market-basket-survey-2023>; Markham, F. (2024). The Poor Pay More: Why the Remote Area Allowance Needs Urgent Reform. Australian National University Policy Brief. <https://policybrief.anu.edu.au/the-poor-pay-more-why-the-remote-area-allowance-needs-urgent-reform/>. Social security eligibility criteria maintain a highly paternalistic system that is a hangover from an era where men-controlled women's finances. The partner income test enforces financial dependency on adults, enabling economic and other forms of abuse for people while they are in a relationship and when they are not. Abusers are able to report that a single person is in a relationship to claim that they are committing fraud and not disclosing it, which can cause the target's payment to be reduced, trigger an investigation and in some cases lead to the payment recipient being issued with a debt to repay money they were entitled to and lawfully received. The partner income test also deters some people from entering an intimate relationship as they cannot afford to lose some or all of their social security payment. Women aged 21-28 years in financial hardship were more than three times as likely to report severe partner abuse in a year, and more than 60,000 women aged 15-24 years who experienced violence in 2019 also experienced moderate to very high levels of financial hardship. See: Anti-Poverty Week. (2024). Fast Facts: Women, Violence and Poverty. <https://antipovertyweek.org.au/resources/fast-facts/>; Antipoverty Centre. (2024). Welfare residualisation and deterrence. <https://drive.google.com/file/d/1Hkceai8GfV0qyBZ-awDK6sfGbsPgIL2n/view>.


²⁷⁵ We argue that Australia has engaged in an abusive cycle of consultation and inquiry into poverty and related policies, repeatedly asking people in poverty

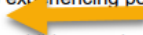
Housing and Homelessness


148. Since 2021, homelessness has increased,²⁸³ particularly for people with disability,²⁸⁴ women,²⁸⁵ children²⁸⁶ and Aboriginal and Torres Strait Islander Peoples.²⁸⁷ Social housing stock has proportionally declined²⁸⁸ and housing affordability worsened.²⁸⁹
149. **Australia must deliver a national housing and homelessness strategy which includes significant investment in support services²⁹⁰ and social housing stock for diverse needs.²⁹¹**

²⁸⁷ In the 2021 Census, 24,930 Aboriginal and/or Torres Strait Islander Peoples were experiencing homelessness – an increase of 6.4% from 2016. This represents one in five of people experiencing homelessness in Australia (Australian Bureau of Statistics. (2021). *Estimating Homelessness: Census*. Australian Government. <https://www.abs.gov.au/statistics/people/housing/estimating-homelessness-census/latest-release>; See Aboriginal and Torres Strait Islander peoples and Graph 6, which is grossly disproportionate as Aboriginal and Torres Strait Islander Peoples make up about 3.2% of the Australian population (Australian Bureau of Statistics. (2021). *Aboriginal and Torres Strait Islander People: Census*. Australian Government. <https://www.abs.gov.au/statistics/people/aboriginal-and-torres-strait-islander-peoples/aboriginal-and-torres-strait-islander-people-census/latest-release>; Australian Bureau of Statistics. , Aboriginal and Torres Strait Islander peoples experiencing homelessness. Australian Government. <https://www.abs.gov.au/articles/aboriginal-and-torres-strait-islander-peoples-experiencing-homelessness>. Aboriginal and Torres Strait Islander Peoples experience racial and spatial housing injustice. Rates of homelessness in Australia increase with distance from capital and major cities, and are highest for Aboriginal and Torres Strait Islander Peoples in remote and very remote areas: Batterham, D., Cigdem-Bayram, M., Parkinson, S., & Reynolds, M. (2024). The changing geography of homelessness in Australia (2001–21) and its structural drivers: Final Report No. 429. AHURI. <https://www.ahuri.edu.au/research/final-reports/429> – see Figure 5: Number and rate of homeless by broad area type: 2001, 2006, 2011, 2016 and 2021 (p. 33), Figure 2: National shares (%) of homeless persons and population by broad area type: 2001, 2006, 2011, 2016 and 2021 (p. 27), Figure 4: Lowest and highest rates of homelessness by nationwide decile, Australian SA3s, 2021 (p. 32); Australian Housing and Urban Research Institute. (2024). Empowering Indigenous communities to reduce homelessness is key to Closing the Gap. <https://www.ahuri.edu.au/analysis/brief/empowering-indigenous-communities-reduce-homelessness-key-closing-gap>.

Climate Change


156. Australia is failing to prevent human rights harms caused by climate change.³⁰⁴ While emissions reduction policies have strengthened in the past 3 years,³⁰⁵ Australia's 2030 target remains inadequate to limit global warming to 1.5°C.³⁰⁶ The transition has been neither equitable nor inclusive. Fossil fuel subsidies, mining, and exports are increasing,³⁰⁷ undermining global targets and human rights.³⁰⁸
157. **Australia must:**
- (a) **increase its 2030 emissions reduction target to at least 75% and work towards net zero by 2035;**
 - (b) **stop new coal and gas projects, develop a plan for winding down exports, and end fossil fuel subsidies by 2026;**³⁰⁹
 - (c) **accelerate renewable energy, storage, electrification, and energy efficiency with socially, economically and geographically inclusive policies and uphold Aboriginal and Torres Strait Islander Peoples' self-determination; and**
 - (d) **ratify the Global Oceans Treaty.**³¹⁰
158. Australia is failing to ensure people can adapt to climate change and to facilitate just transitions for all.
159. **Australia must develop mitigation and adaptation policies, including a rights and equity-based National Adaptation Plan, with effective monitoring and accountability mechanisms, and with the meaningful participation of affected communities.**³¹¹ 

³¹¹ Including children, young people, First Nations people, older people, people with a disability, women, people experiencing poverty and inequality and rural, remote, and very remote communities who will experience negative impacts on health and wellbeing. 

Children disproportionately suffer from climate disruptions: See, eg, Hickman, C. et al. (2021). Climate anxiety in children and young people and their beliefs about government responses to climate change: a global survey. *Lancet Planet Health*, 5(12), e863 - e873. 

[https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(21\)00278-3/](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(21)00278-3/). Aboriginal communities are disproportionately impacted by climate change, with inadequate housing, little shade, and a lack of water security: Standen, J. C., Spencer, J., Lee, G. W., Van Buskirk, J., Matthews, V., Hanigan, I., Boylan, S., Jegasothy, E., Breth-Petersen, M., Morgan, G. G. (2022). Aboriginal Population and Climate Change in Australia: Implications for Health and Adaptation Planning. *Int J Environ Res Public Health*, 19(12):7502. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9223431/>. Torres Strait Islanders and Aboriginal Islanders are particularly vulnerable to sea inundation: United Nations Office of the High Commissioner for Human Rights. (2022). *Australia violated Torres Strait Islanders' rights to enjoy culture and family life, UN Committee finds*. United Nations. <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>.

³¹¹ Including children, young people, First Nations people, older people, people with a disability, women, people experiencing poverty and inequality and rural, remote, and very remote communities who will experience negative impacts on health and wellbeing.

Children disproportionately suffer from climate disruptions: See, eg, Hickman, C. et al. (2021). Climate anxiety in children and young people and their beliefs about government responses to climate change: a global survey. *Lancet Planet Health*, 5(12), e863 - e873. 

[https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196\(21\)00278-3/](https://www.thelancet.com/journals/lanplh/article/PIIS2542-5196(21)00278-3/). Aboriginal communities are disproportionately impacted by climate change, with inadequate housing, little shade, and a lack of water security: Standen, J. C., Spencer, J., Lee, G. W., Van Buskirk, J., Matthews, V., Hanigan, I., Boylan, S., Jegasothy, E., Breth-Petersen, M., Morgan, G. G. (2022). Aboriginal Population and Climate Change in Australia: Implications for Health and Adaptation Planning. *Int J Environ Res Public Health*, 19(12):7502. <https://pmc.ncbi.nlm.nih.gov/articles/PMC9223431/>. Torres Strait Islanders and Aboriginal Islanders are particularly vulnerable to sea inundation: United Nations Office of the High Commissioner for Human Rights. (2022). *Australia violated Torres Strait Islanders' rights to enjoy culture and family life, UN Committee finds*. United Nations. <https://www.ohchr.org/en/press-releases/2022/09/australia-violated-torres-strait-islanders-rights-enjoy-culture-and-family>.

Pandemic and Disaster Response

163. Since 2020, Australia has endured COVID-19, floods, bushfires, and other disasters made worse by climate change. Another pandemic is increasingly likely because of global travel and environmental exploitation.
164. **The Australian Health Protection Committee must establish a mechanism that supports a national response focused on prevention that incorporates geographic, social, and economic inclusion,³¹⁶ is informed by advice³¹⁷ from disproportionately impacted communities,³¹⁸ and does not prioritise a criminal legal response.**
165. National emergencies³¹⁹ disproportionately impact marginalised communities.³²⁰
166. **Australia must prioritise community-led responses by Aboriginal and Torres Strait Islander and other communities impacted by emergencies.³²¹**
167. **Within one year, Australia must ensure government grant and procurement arrangements support the rapid delivery of funding and services, including legal assistance services and social security,³²² in national emergencies.³²³**

Health

176. People in Australia live 13% of their lives in ill-health, with poorer outcomes for marginalized and younger populations.³³⁷
177. **Australia must invest 5%³³⁸ of the health budget in prevention and establish a Centre for Disease Control.³³⁹**
- Health access disparities³⁴⁰ reflect social, cultural, and commercial determinants of health and underinvestment in remote and rural areas and community-based mental health supports.³⁴¹ Intensifying climate events exacerbate these disparities.³⁴²
- Australia must invest in equitable geographic access to culturally safe, affordable healthcare that enables self-determination, bodily autonomy and reproductive justice.³⁴³**
178. Aboriginal and Torres Strait Islander Peoples carry disproportionate health burdens due to intergenerational trauma, mass incarceration and racism.³⁴⁴ The health gap remains substantial with inadequate progress on Closing the Gap.³⁴⁵
179. **Australia must implement the Priority Reforms of the National Agreement on Closing the Gap to support improved health outcomes.**

³³⁸ This investment must include health peak bodies, public health and the health workforce to support preventive and public health for all, especially priority populations. Preventive health is key to circumvent disease and address health inequity for disadvantaged populations, including children and young people, those residing in rural, remote, and very remote communities and populations impacted by low socioeconomic backgrounds. Preventive and public health interventions yield high return on investment of \$14 for every dollar. Masters, R., Anwar, E., Collins, B., Cookson, R., Capewell, S. (2017). Return on investment of public health interventions: a systematic review. *J Epidemiol Community Health*, 71(8), 827-834. doi:10.1136/jech-2016-208141.

1.3 Australian Child Rights Taskforce

The Australian Child Rights Taskforce submission in relation to the call for inputs by the Committee on the Rights of the Child on the draft *General Recommendation 27 Children's Rights to Access to Justice and Effective Remedy*²⁸ promoted and included drafting which aimed to reflect and ensure the rights of children wherever they live or are located. This

²⁸ Australian Child Rights Taskforce, 'Submission to the United Nations Committee on the Rights of the Child on the Draft General Comment 27 on Access to Justice', *Our Work* (Submission, June 2025) <<https://childrightstaskforce.org.au/our-work/> and <https://www.ohchr.org/en/calls-for-input/2025/call-submissions-draft-general-comment-no-27-childrens-right-access-justice>>.

emphasised that

- human rights, and a human rights-based approach means geographic inclusion,
- language and technical effort are required to achieve this, and
- It's possible to craft concise and direct language for this purpose.

The inclusions of particular note are highlighted green in the following screen shots:

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Further Attention Required

We propose further key adjustments to the current Draft GC.

- To rigorously affirm the right of each child to access to justice **where they live, including children in remote and rural areas and challenging settings.**
- To call for **fundamental review and reform** to ensure all children are empowered to receive and enjoy access justice, all children's rights are judiciable, and all abuse can be reviewed and remedied to achieve justice.
- To provide a **compelling vision of how this can be achieved.**

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- A visible and affirmative expression and implementation of the principle of **inclusion** is required. All aspects of access to justice and effective remedies are enjoyed **by all children wherever they live including in remote and rural areas.** This should include
 - the design, implementation and availability of **flexible, accessible, and effective complaints mechanisms throughout decision-making processes.**
 - **recourse and redress locally** with timely rights of review and appeal
 - Review of all processes including **formal court systems, to be child friendly.**
- Providing the **essential supports and mechanisms** that address structural and procedural barriers to justice and access to justice for children - such as the **discriminatory practices** that:
 - relegate children to inferior participants through lack of legal standing and limitations on the weight given to their views and evidence,
 - reflect, or fail to address, discrimination such as that based on race, sex, language, disability, or other status **including where the child lives or is located.**

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Commentary on Sections

The following commentary on Sections in the Draft GC text should be read considering the recommendations above.

I. Introduction and II. Objectives

These sections provide sound groundwork for the General Comment, although we recommend:

- A stronger **opening statement** about the context for children e.g. number of children in the world, gender, diversity of cultures, indigenous status, disability and **geographic location including rural and remote areas;** and
- A statement that children's access to justice means **every child, and specifically and visibly refers to children in urban, rural and remote areas,** and children experiencing poverty, disadvantages and systemic harm.

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IV General Principles and Foundational Elements

This section draws the relevant support from the Convention and child rights jurisprudence.

We encourage framing to include preventative as well as remedial approaches in justice.

We call for greater detail in the reference to 'intersectionality' including to the implications of locational and other forms of disadvantages at the conclusion of para 15 (a) and how this recognition should guide the development of innovative child centred systems and solutions.