

# The human rights of rural Australians

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## Introduction

We Australians take great pride in what we see as uniquely Australian values. We value our sense of fairness, that is, giving and getting 'a fair go'; our camaraderie - 'mateship'; our sense of optimism - 'she'll be right'; and our sense of equality and egalitarianism. These values have forged our national identity. They are what we aspire to be, how we would like to see ourselves.

In many respects we are a reasonably fair and accepting society. The concept of a 'fair go' is generally widely accepted in principle throughout the community, there is a common dislike for pomposity and grandstanding, and we are seen to have one of the more successful multicultural societies.

However, if we look a little more closely at ourselves we find things could be *fairer* than they are; we could be more *accepting* than we are; and participation in the economic, social and cultural life this country has to offer could be more *equitable* and *inclusive* than it is.

The values of *fairness, acceptance and equality*, the values that have largely defined the character of the Australian people, find expression in different ways for different purposes. They can be expressed in theological terms, for example, by the Sisters of Mercy in their commitment to the corporal and spiritual works of mercy. They can also be expressed in legal terms. In fact, we find these essentially Australian values codified in international human rights instruments. That's why as a nation Australia has found it so natural to commit itself to respecting human rights.

## International human rights instruments

### What are human rights?

The term 'human rights' covers many different fundamental rights and freedoms. These are all based on the centrality of human dignity and constitute essential preconditions for everyone's enjoyment of life. They are designed to safeguard human integrity, freedom and equality.

By virtue of birth each of us has an entitlement to human rights. Human rights are not granted to us by others or by the government. They are ours to be enjoyed simply by reason of our common humanity and innate dignity as human beings. For that reason we can not agree to give them up and they cannot be taken away from us.

Human rights are for all people - each woman, man and child - in all places and at all times. They are for each one of us attending tonight. They are for our children. They are for people in cities, people in rural centres and people in the more remote areas of Australia. They are for indigenous Australians, Australians of non-English speaking background, people with disabilities - in fact for every one of us. They are not the preserve of minority groups. They are not privileges only for majorities. They are for everyone. Human rights transcend all borders, cultures and notions of difference.

Human rights are given international recognition in the International Bill of Rights. The International Bill of Rights includes the *Universal Declaration of Human Rights* of 1948 and the two Covenants adopted in 1966 on the basis of that Declaration, the *International Covenant on Civil and Political*

*Rights* and the *International Covenant on Economic, Social and Cultural Rights*. Since 1966 numerous conventions and declarations, for example, the *Convention on the Rights of the Child* which Australia played a significant role in drafting, have spelt out in greater detail the nature and application of these rights. The rights contained in these instruments are wide-ranging and set minimum standards with which all participating countries are obliged to comply.

### **International covenant on civil and political rights**

Civil and political rights were historically the first rights recognised. They were seen as necessary to protect the individual from the arbitrary exercise of power by the state. They proclaim basic equality and reject discrimination. Rights and freedoms recognised in the *International Covenant on Civil and Political Rights* include:

- equality before the law;
- freedom from arbitrary arrest and detention;
- freedom from arbitrary interference with privacy, family, home or correspondence;
- freedom of thought, conscience and religion;
- peaceful assembly; and
- the right to vote.

### **International covenant on economic, social and cultural rights**

The rights contained in the *International Covenant on Economic, Social and Cultural Rights* constitute three interrelated components which have links to the civil and political rights I just mentioned.<sup>1</sup>

At the core of social rights is the right to an adequate standard of living. The enjoyment of this right requires, at a minimum, adequate food and nutrition, clothing, housing and necessary care and support such as health and medical services. Closely related to this right is the right of families to assistance and support to enable them to succeed as the fundamental group in society.

These social rights are linked to certain economic rights. These are the right to property, the right to work and the right to social security.

The notion of cultural rights is a little more complex. Cultural rights include the right to take part in cultural life, the right to enjoy the benefits of scientific progress and the right to benefit from scientific, literary or artistic production.

The right to take part in cultural life is also closely linked to other rights such as the right to education but the right to education is also an essential element in economic and social rights.

All rights are universal and indivisible. Economic, social and cultural rights should not be accorded priority over civil and political freedoms or the reverse. The two are not mutually exclusive. A society that respects and promotes individual rights, with the physical and intellectual freedoms they involve, is more likely than not to be in a better position to enjoy economic growth and good standards of living.

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<sup>1</sup> A. Eide, 'Economic, Social and Cultural Rights as Human Rights', *Economic, Social and Cultural Rights: A Textbook*, ed., A. Eide, C. Krause and A. Rosas, Martinius Nijhoff Publishers, The Netherlands, 1995, pp. 31-32.

## Other international instruments

The general provisions of the International Bill of Rights have been spelt out in greater detail in other international human rights instruments that deal with specific problems or areas and the rights of particular disadvantaged groups. These include, the *Convention on the Elimination of All Forms of Racial Discrimination*, the *Convention on the Elimination of All Forms of Discrimination Against Women*, the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment*, the *Convention Relating to the Status of Refugees* and the *Convention on the Rights of the Child*.

There are also Declarations and other detailed standards on the rights of people with disabilities, on the rights of prisoners and detainees and on the elimination of religious intolerance and discrimination. At the moment, a *Declaration on the Rights of Indigenous Peoples* is in the process of development.

This body of human rights instruments sets out a very wide ranging code of behaviour for governments – not only freedoms that they must not restrict, but rights that they must take positive measures to ensure. These instruments have relevance to almost every aspect of social and public life, and government action in particular.

In addition to these universal instruments there are regional human rights arrangements.

The European human rights system has been operating for more than 40 years. The European democracies of the Council of Europe were the first to sign a binding declaration in respect of their duty to promote and enforce human rights, the 1953 *European Convention for the Protection of Human Rights and Fundamental Freedoms*. Under this Convention the European Commission and the European Court of Human Rights investigate allegations of violations and make binding orders.

The Organisation of American States was established in 1948 and currently consists of 35 member states. Member states are bound by the *American Declaration of the Rights and Duties of Man* which was adopted also in 1948. Like Europe, the Americas too have a human rights commission and court.

The Organization of African Unity, a regional political organisation of 50 African States, was established in 1961. Its member states are bound by the *African Charter on Human and Peoples' Rights* which was adopted in 1981. The Charter established the African Commission on Human and Peoples' Rights.

Our Asia-Pacific region is now alone in having no regional human rights treaty and mechanism. This is significant because some of the worst violations of human rights today are found among the governments of our region.

## Issues confronting rural Australians

As I have said, human rights are universal. They are for all of us without exception or exclusion. Indeed, each woman, man and child must be able to enjoy all their human rights, that is, civil, cultural, economic, political, social and cultural rights, to achieve full personal potential. Though rights are universal, however, situations differ. The situation of rural Australians, for example, has its own benefits and challenges that call forth a human rights response. The Human Rights and Equal Opportunity Commission has recognised and promoted for many years the human rights needs of rural Australians.

For many living in rural areas, life can be comfortable and rewarding. A more relaxed pace of life, the physical beauty of the Australian landscape and, for some, a greater sense of community are all aspects of rural life that many urban Australians dream about.

On the other hand, distance and remoteness, the extremes of weather and the uncertainties of the rural economy are all factors that can influence and erode the quality of life of many people in rural Australia.

Australia is predominately an urban country with the majority of its population in capital cities and other major centres. However, approximately 29% of its population of 18 million people live outside major urban areas in rural and remote parts of the country, that is, almost 6 million people.<sup>2</sup> Here in New South Wales, 27% of a population of 6 million live outside the major metropolitan areas of Sydney, Wollongong and Newcastle, that is, almost 2 million people.<sup>3</sup>

The overwhelming majority of towns in NSW are small. 431 have less than 4000 people, 278 less than 1000.<sup>4</sup> In some areas, population densities are so low they cannot even support viable local townships.

In Australia, with its highly concentrated areas of population in major cities and highly dispersed population in other areas, there are many inequalities in the provision of goods, services and opportunities. Let me describe just a few.

## **Economic rights**

The right to work and the right to a decent standard of living are human rights. There are serious questions about the enjoyment of these rights in rural Australia. The position in rural NSW illustrates this.

### **Employment**

Rural NSW accounts for 35% of the NSW workforce but areas outside metropolitan Sydney account for:

- 43% of people registered as unemployed;
- 45% of unemployed people aged under 25;
- 47% of long term unemployed people; and
- 52% of long term unemployed people under 25.<sup>5</sup>

Those who live in rural NSW have less opportunities for employment and are more likely to be out of work and out of work longer than their Sydney metropolitan counterparts – particularly young people under 25 years of age.

Sadly, the limited employment opportunities in rural areas have led many young people to seek employment in major cities resulting in the fragmentation of families and the destruction of many rural communities.

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<sup>2</sup> *Australia's Population Trends and Prospects*, Bureau of Immigration, Multicultural and Population Research, AGPS, 1996, p. 45.

<sup>3</sup> *NSW Social Trends Bulletin: Rural Social Trends (Issue No 2)*, Office of Social Policy, NSW Cabinet Office, National Capital Printing, 1995, p. 12.

<sup>4</sup> *id.*

<sup>5</sup> In 1994, 9% of the NSW labour force were registered as unemployed, *ibid.*, pp. 38-39.

## Poverty

In 1991, the median household income in rural NSW and smaller cities and towns was \$25-30,000, compared to \$40-50,000 in Sydney, Newcastle and Wollongong.<sup>6</sup> 28% of NSW households had an annual income of \$20,000 or less but, interestingly, 41% of households in the Orange/Bathurst area were in this income range. A further 24% of households had incomes of between \$20-40,000 but 47% of households in the Orange/Bathurst region.<sup>7</sup>

In 1990, it was estimated that, after housing costs, 13% of all households in NSW were living in poverty, that is, unable to access sufficient economic resources to acquire necessary goods and services. The highest incidence occurs among sole parents (49%), single people aged 15-24 (30%) and government and private renters (32% and 26% respectively).<sup>8</sup>

The incidence of poverty in rural and remote areas is considerably higher than the state average. A study conducted in 1993 estimated that the number of households in rural and remote areas living in poverty range from 18% in major regional centres to as high as 24% in smaller and remote regions.<sup>9</sup>

Unemployment obviously is the major factor contributing to the incidence of poverty. Clearly, the ability to exercise certain economic rights is severely diminished for those living in poverty due to limited employment prospects – as is the case in many rural and remote areas of the country.

## Social rights

The enjoyment of social rights is affected by distance and remoteness. It is also affected by poverty. For poor people living in rural areas these human rights may be very difficult to attain. Let me demonstrate this by referring to the right to health care and the right to adequate food and nutrition, specifically, the most precious commodity of all, water.

## Health

Health care in rural and remote parts of NSW and more widely in rural Australia as a whole is in crisis.

In 1993, the NSW Department of Health estimated that in the Sydney metropolitan area there were 385 people for each General Practitioner (GP) but in rural and remote areas there was 1 GP for every 833 people. In some regions (the Murray for example) the ratio was as high 1 GP for every 2,400 people.<sup>10</sup>

The Rural Doctors Resource Network estimates that there are currently 71 rural practice vacancies in NSW. 31 of those vacancies are in areas that experience long term difficulties attracting GPs. The towns of Cobar, Coleambally, Finley, Griffith, Hay, Lake Cargelligo and West Wyalong currently have *extreme* difficulties attracting and retaining GPs.<sup>11</sup>

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6 *ibid.*, p. 65.

7 *id.*

8 *ibid.*, p. 71.

9 The study was conducted by B. Davidson and J. Lees, The Rural Development Centre, UNE, *id.*

10 *ibid.*, p. 86.

11 Statistics courtesy of Tony Green, Rural Doctors Resource Network.

It has recently been reported that the NSW section of the Royal Flying Doctor Service also has difficulties attracting and retaining doctors.<sup>12</sup> This is a distressing situation that further erodes the availability of vital medical services to rural and remote communities.

Work by the Human Rights and Equal Opportunity Commission on the provision of health and medical services in far north Queensland demonstrated the particular health care problems of indigenous communities in remote areas.<sup>13</sup>

## **Water**

All Australians have the right to reasonable access to sufficient clean, safe water supplies for survival, good health and an adequate quality of life.

In urban areas of Australia the provision of water services is taken for granted. Turn on a tap and, barring plumbing problems, water comes gushing. The situation in rural and remote areas, however, is vastly different.

The Human Rights and Equal Opportunity Commission conducted a study over several years of water supplies in remote indigenous communities. It found problems in those and other rural areas. It estimated that there were some 154,000 Australians living in communities of between 30 and 1,000 people who were without a direct water supply to their homes and relied solely on rooftanks or carted water.<sup>14</sup> Some 50% of these people are in NSW and Queensland and 60% live in rural and remote communities with populations of over 30 but less than 300. A further 82,000 people were connected to supplies with inadequate capacity to meet peak demand. Most of these people live in rural and remote areas of the country. I should emphasise that this study did not include isolated properties but only settlements with at least 30 residents.

Enjoying an adequate standard of living requires the enjoyment of certain social rights. Not only are many rural Australians unable to exercise their social rights due to economic factors; many rural Australians are hampered from enjoying their social rights because necessary goods and services are wanting in the first place.

## **Human rights and priorities for public expenditure**

For all people to enjoy their human rights, especially their economic and social rights, some action or intervention by government is usually required. To draw from the examples I have discussed, the development of employment programs, the provision of adequate health services and the provision of public utilities such as water is a matter of pressing urgency for many people living in rural and remote areas of the country.

Without appropriate government action the quality of life experienced by many rural and remote Australians will be eroded. This is an issue at all times but particularly at times when governments are making hard decisions about reductions in public expenditure. It is for economists to argue about the size of the public sector the economy can afford and for governments to decide how much public money will be raised and spent. My human rights concern is about priorities. When allocating public funds, when developing or cutting programs, all levels of government ought give primary consideration to the human rights of the people they represent and serve. Priority should be given to

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12 *Sydney Morning Herald*, April 26, 1996, p. 5.

13 *Provision of Health and Medical Services for Aboriginal Communities of Cooktown, Hopevale and Wujal Wujal*, AGPS, Canberra, 1991.

14 *Water: A Report on the Provision of Water and Sanitation in remote Aboriginal and Torres Strait Islander Communities*, AGPS, Canberra, 1994, p. 12.

providing adequate funding for programs that seek to meet the human rights of our fellow Australians.

## **Particular groups with particular needs**

For many reasons, there are groups within the community whose enjoyment of human rights is diminished to such a significant degree that special attention is required to ensure their rights. Because human rights are universal, special efforts are required to make sure no group or individual misses out.

Accordingly, I turn now to the plight of particularly disadvantaged members of rural communities - people with mental illness, children and youth, the elderly and the indigenous peoples of Australia. The Human Rights and Equal Opportunity Commission has had a particular concern for their needs and has ensured the inclusion of rural issues in its work on behalf of these groups.

### **People with mental illness**

I have already mentioned the crisis in health care in rural and remote parts of the country. General health services can be scarce but mental health services can be almost entirely non-existent.<sup>15</sup> The Human Rights and Equal Opportunity Commission's Mental Illness Inquiry found that in NSW there are few psychiatrists practising west of the Blue Mountains; few rural hospitals have the resources to deal with people in acute phases of mental illness; and in many cases aftercare and follow up is at best sporadic.<sup>16</sup>

Consequently, people with mental illness in rural and remote areas are denied the care and attention necessary for treating their condition and, accordingly, undergo continued violation of the most fundamental of human rights.

### **Children and youth**

Many years ago, when I was young, I was involved in national youth organisations. In 1981 when I was President of the Youth Affairs Council of Australia we sought to identify those groups of young Australians who had special needs for services. Rural young people featured prominently among the six groups we singled out for particular attention. Their needs subsequently became a major theme in the International Youth Year in 1985. As chairperson of the NSW Steering Committee for that year I was able to meet and work with young people from all over the State, to hear about their experiences and needs and their hopes. I have carried with me since then a particular concern for young people from rural NSW. I would like to look at only three of the issues that affect them.

#### **Youth homelessness**

Youth homelessness remains an indictment on Australian society.

In 1989 the Human Rights and Equal Opportunity Commission conducted a National Inquiry into Homeless Children.<sup>17</sup> The Inquiry revealed that approximately 25,000 children and young people across the country were homeless with many more surviving in grossly inadequate housing. The Inquiry found that child and youth homelessness often resulted from family poverty.

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<sup>15</sup> *Human Rights and Mental Illness: Report of the National Inquiry Into the Human Rights of People with Mental Illness (Vol. 2)*, AGPS, Canberra, 1993, p. 678.

<sup>16</sup> *ibid.*, pp. 678-688.

<sup>17</sup> *Our Homeless Children: Report of the National Inquiry Into Homeless Children*, AGPS, Canberra, 1989.

The Inquiry led to better services for these children but more recent inquiries indicate their numbers have not fallen. A recent House of Representatives inquiry into youth homelessness reports that many rural and remote communities continue to lack essential service infrastructure required to support young people and their families.<sup>18</sup> Here inadequate services in rural areas can lead to family fragmentation and, ultimately, to more homeless children in cities and larger towns. This part of the problem of youth homelessness needs to be addressed at the source in country areas, and not merely in the streets of Sydney.

### **Youth suicide**

The problem of youth homelessness is linked in many ways with youth suicide. Australia suffers one of the highest rates of youth suicide in the developed world. And the youth suicide rate for 15 to 24 year olds, particularly young males, is higher in rural areas than urban areas.<sup>19</sup> The suicide rate of young males in small country communities has increased by 600 per cent in the space of one generation.<sup>20</sup>

The Human Rights and Equal Opportunity Commission's Report on Mental Illness identified many factors contributing to the relatively high levels of suicide among young rural males:

- rural economic downturn and the corresponding decline of many country towns and farm properties;
- high levels of unemployment and increasing poverty;
- isolation from further educational opportunities;
- family financial hardship and rising levels of stress;
- ready access to firearms;
- increasing levels of domestic violence and alcoholism within many families;
- inadequate mental health and counselling services.<sup>21</sup>

The report demonstrated how economic conditions and remoteness combine to deny young people and others their basic rights, including in too many cases the right to life itself.

### **Children and the legal process**

The *Convention on the Rights of the Child* imposes some very specific obligations on Australian governments in relation to children and the legal process. It requires, among other things, that the best interests of the child be a primary consideration in all decisions affecting children by courts and tribunals, social welfare institutions, administration authorities and other bodies.

Protecting the rights of children and young people is one of my most important priorities. In collaboration with the Australian Law Reform Commission, I am currently conducting a national inquiry into children and the legal process.

We will be giving particular attention to those children who have special needs – including young people in rural and remote areas. Today, the Inquiry has conducted hearings in Wagga Wagga.

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18 *House of Representatives Standing Committee on Community Affairs: A Report on Aspects of Youth Homelessness*, AGPS, Canberra, May 1995, p. 326.

19 *NSW Social Trends Bulletin: Rural Social Trends*, *op. cit.*, p. 86.

20 *Human Rights and Mental Illness: Report of the National Inquiry Into the Human Rights of People with Mental Illness (Vol. 2)*, *op. cit.*, p. 687.

21 *ibid.*, p.639.

One area in which rural young people experience particular difficulty with the legal system is juvenile justice. Australia's juvenile justice systems fail in many respects to recognise the special needs of young people generally. Young people are still being detained in unacceptable conditions under the criminal law and child welfare law. This is especially so in rural areas where facilities for young offenders are few and far between. This results in young people who are given a term in detention being taken far from their homes and families. They become more detached from their communities than they were before, more alienated and more likely to offend again, at greater cost to the community. Indigenous children, who also live predominately in rural areas, continue to experience enormous disadvantage in juvenile justice, including over representation in the system and harsher punishment than non-Indigenous offenders. Resources and support for child advocacy bodies remain inadequate. For many young people home is not a safe place to be because of domestic violence and abuse and yet the alternatives are so limited that many come into contact with juvenile justice rather than welfare systems.

We hope in the Inquiry to identify and address many of the most pressing issues and in so doing make the legal system less confusing for our children and young people and more effective in meeting their and society's needs.

### **The elderly**

Like discrimination on the grounds of race, sex and disability, age discrimination can result in the marginalisation of large sectors of the community and have serious economic and social consequences. It can affect all members of society, both rural and urban.

With the exception of indigenous Australians, the Australian population is living longer. The number of Australians over 85 has risen 138% in the past 20 years. Between June 1993 and June 1994 this group increased by 6%, compared with 1% growth rate for the population as whole.<sup>22</sup> With an aging population, expectations about participation and service provision have changed. Many government programs, however, have not adapted with this change.

Currently, there is no effective national mechanism of redress for age based discrimination. Special measures need to be introduced to ensure the care, self-fulfilment, independence and dignity of older persons and the protection of older persons against inequality in access and opportunity.

Equality for all older people - rural, remote and urban - cannot be realised unless a clear signal is sent to the Australian community that the interests of all members of society need to be taken into account in the provision of goods and services and in employment and that discrimination on the ground of age is a breach of human rights.

### **Indigenous peoples**

The indigenous peoples of Australia are without doubt the most disadvantaged group in our society. This disadvantage is felt especially in rural and remote areas. They experience the problems of remoteness on top of the historical legacy of two centuries of discrimination and dispossession. The death rate of Aboriginal peoples is 3 to 6 times that of the general population; the infant and perinatal mortality rates are 3 times that of the general population; and life expectancy is 18 to 20 years less.<sup>23</sup>

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22 *NSW Social Trends Bulletin: Rural Social Trends, op. cit.*, p. 14.

23 *Aboriginal and Torres Strait Islander Social Justice Commissioner: Second Report 1994*, AGPS, Canberra, 1995, p. 99.

In certain regions the figures are even more devastating. In Central Australia 40% of Aboriginal children are admitted to hospital with acute respiratory illness in the first two years of their lives. The rate of admission for x-ray proven pneumonia is 80 times higher than non-Aboriginal children.<sup>24</sup>

The health status of Indigenous peoples puts all Australians to shame. Australia's poor performance in Indigenous health corresponds to similar failure in other areas affecting their rights.

Self-determined, culturally appropriate programs and strategies are required to counter the violation of basic human rights of Aboriginal and Torres Strait Islander peoples, such as the right to health, housing and shelter, and the other subsistence rights. Until then the plight of Indigenous Australians will continue to tarnish and disgrace us all.

## Concluding remarks

I opened this speech by talking about the values on which our society is built. If we are serious about everyone's human rights, the values of *fairness*, *tolerance* and *equality* must be realised for all Australians – rural and urban, advantaged and disadvantaged.

For my part I want to give you a commitment tonight. This is the first address I have had an opportunity to give in rural Australia since my appointment as Human Rights Commissioner last August. So it is the first time I have spoken directly and specifically to rural Australians about their human rights. I have referred in my comments to the past work undertaken by the Human Rights and Equal Opportunity Commission and the ways in which it has dealt with human rights issues outside our major cities. I commit myself tonight to continuing and building upon that work. I will seek to do that in two ways: by ensuring that the distinctive human rights concerns of rural Australians receive my particular attention and by ensuring that in all the work I do the particular dimensions of issues as they apply in rural Australia are included. Whether I am working on children and the legal process or age discrimination or the enjoyment of economic, social and cultural rights or any other matter relevant to rural Australians I will ensure that rural voices are heard and rural experiences recorded and that appropriate responses are recommended. To do this I will need assistance and support. And so tonight I invite people in country towns and remote communities to see the Human Rights Commission as being at their service, to keep us informed about their views and needs in relation to human rights and to respond to our requests for their advice as we work on issues of concern to them.

Rural Australians deserve attention in their own right. Ensuring human rights for all does not mean that all people are the same and are to be treated in the same way. Rather, each of us, with all our differences, is deserving of respect and entitled to the kind of treatment that will best enhance the dignity that is inherent in our very humanity. We have inescapable duties to one another, to our local communities, to the broader Australian society and the world community. I want to play my part in advancing that cause and I invite you to join me in it.

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24 *id.*