



PILCH

Homeless Persons' Legal Clinic

ATTENTION: The Editor

RE: OPINION PIECE – for publication during National Homeless Persons Week

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Homelessness: a daily violation of human rights

- the Australian Government's forthcoming White Paper must enshrine human rights and focus on ending homelessness

By Caroline Adler, Manager, Public Interest Law Clearing House (PILCH) - Homeless Persons' Legal Clinic and Deb Tsobaris, CEO, Council to Homeless Persons

Through its recent Green Paper process, the Australian Government has signalled its commitment to tackling homelessness and creating a more socially inclusive society.

There is a strong correlation between a Government's respect for human rights and its success in addressing homelessness and poverty. Despite Australia's ratification of the *International Covenant on Civil and Political Rights* and the *International Covenant on Economic, Social and Cultural Rights* more than 25 years ago, the rights of homeless people in Australia are violated on a daily basis. Indeed, people experiencing homelessness are subject to multiple and intersectional human rights violations including violations of the right to dignity and respect, participation, non-discrimination, privacy, social security, health and, of course, the right to adequate housing. Perhaps unsurprisingly, people experiencing homelessness remain among the most marginalised and powerless groups in our country.

During May and June this year, the PILCH Homeless Persons' Legal Clinic and the Council to Homeless Persons both conducted consultations with people who have experienced, or are experiencing, homelessness.

Overwhelmingly, people spoke of the stigma associated with homelessness and provided compelling evidence of their disadvantage and social exclusion. In their words:

"Being homeless makes me feel worthless and invisible."

"You have to live it to understand how desperate people become, no family, no documentation to use as proof of identity, no income, no postal address, no Centrelink payment for eight weeks, no one to talk to..."

For the Australian Government to fulfil its commitment to social inclusion, it must take immediate action to redress these violations. While the Green Paper on Homelessness, *Which Way Home*, took a first step by recognising that all people should be treated with dignity and respect, it did not acknowledge that it is a person's *right* to be treated with dignity and respect and that the Government has a *responsibility* to ensure the realisation of that right.

The forthcoming White Paper on homelessness must demonstrate a commitment from the Government to uphold human rights as well as to solve homelessness. This approach will ensure that the rights and entitlements of some of the most disadvantaged members of our society are respected, protected and fulfilled.

The Government's Green Paper suggests that it is unrealistic to end homelessness. In fact, ending homelessness is achievable and should be Government's ultimate goal. Legislation enshrining the right to adequate housing would be a great step towards achieving this.



Such legislation would reflect the right to adequate housing as it appears in international law. In particular, it would provide for an *enforceable* right, including a right to shelter and crisis accommodation as well as longer-term housing options. Importantly, it would also impose obligations on Government to realise peoples' right to adequate housing and commit to a long-term and sustainable response to homelessness.

While the *Supported Accommodation Assistance Program Act 1994 (SAAP Act)* recognises international human rights, it does not provide any clear mechanisms by which those human rights can be adequately protected (i.e. there is no clear correlation between the funding mechanisms in the *SAAP Act* and the need to ensure that services have the effect of realising human rights). This legislation, developed in the 1980s, has provided an important foundation in legislative protection for people experiencing homelessness. However, it is time for the reach of legislation to be extended. While the *SAAP Act* remains important today, it must be transformed into a national *Homelessness Act* that takes a broad and holistic approach to solving homelessness through a human rights framework and that creates an enforceable mechanism to ensure the

promotion and protection of human rights for people experiencing homelessness.

The Green Paper suggests the *SAAP Act* may be scaled back, or repealed. If this happens and the *SAAP Act* is not replaced with new and more comprehensive legislation, Australia will not have any legislative framework in relation to homelessness. Without such legislation in place, the Government could not be held accountable for its actions and human rights violations against people experiencing homelessness will continue and, conceivably, worsen.

The Green Paper process has provided the community with an opportunity to create a new national homelessness strategy. A national *Homelessness Act* will not only send a strong message about the Australian Government's commitment to eliminating homelessness but, more importantly, will provide necessary human rights protections for individuals experiencing homelessness. As one participant at the Homeless Persons' Legal Clinic forum said:

"Our human rights don't exist. We are homeless and it (is) looked upon as our fault. Sometimes it is other times not, but if someone keeps falling should we pick them up or walk straight over them, which is what's being going on too much."

We look forward to the White Paper with anticipation.

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The **Council to Homeless Persons** is the peak Victorian body representing individuals and organisations with a stake or interest in homelessness. Our mission is to work towards ending homelessness through leadership in policy, advocacy and sector development.

The **Public Interest Law Clearing House** is an independent not-for-profit legal referral service that seeks to meet the legal needs of community groups, not-for-profit organisations and individuals from disadvantaged or marginalised backgrounds.

Deb Tsorbaris and Caroline Adler are available for media interview. For interview arrangements and further information:

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