

# COUNCIL TO HOMELESS PERSONS



## **SUBMISSION TO THE NATIONAL HUMAN RIGHTS CONSULTATION**

The Council to Homeless Persons (CHP) is the peak Victorian body representing individuals and organisations with a stake or interest in homelessness. It is supported by hundreds of members in Victoria, interstate, and internationally.

CHP's vision is to work towards an inclusive society, committed to eliminating homelessness through strategic state and national policy development and systemic advocacy, focusing on the right to housing. CHP holds the firm belief that no person who is homeless should be discriminated against whether it be directly, indirectly or systemically.

CHP welcomes the opportunity to make a submission to the National Human Rights Consultation, a process which provides a positive starting point to gathering a range of views and perspectives in order to improve on Australia's human rights law and establish new human rights standards and benchmarks.

CHP strongly supports a National Human Rights Charter that enumerates an overarching and comprehensive integrated set of rights and mechanisms that draw on our common humanity. We support the establishment of a Charter, which is based on the human rights framework outlined in United Nations International Covenants.

The CHP endorses the following submissions to the National Human Rights Consultation:

The Public Interest Law Clearing House (PILCH);  
The Human Rights Law Resource Centre;  
Youthlaw

In addition, it wishes to highlight the following points, in relation to human rights and homelessness.

### **Definitions of Homelessness**

The following definitions of homelessness have now been widely adopted as "homelessness is now recognised as a 'community problem'" (2001 Chamberlain and MacKenzie, Counting the Homeless 2001):

Primary homelessness: people without conventional accommodation (living on the streets, in deserted buildings, improvised dwellings, under bridges, in parks, etc.)

Secondary homelessness: people moving between various forms of temporary shelter including: friends, emergency accommodation, youth refuges, hostels and boarding houses

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Tertiary homelessness: people living in single rooms in private boarding houses – without their own bathroom, kitchen or security of tenure.

Further, CHP defines a homeless person as someone who is “without a conventional home and lacks the economic and social supports that a home normally affords. She/he is often cut off from the support of relatives and friends, she/he has few independent resources and often has no immediate means, and, in some cases, little prospect, of social support”.

## **Human Rights and Homelessness**

It is well-documented that people who are homeless are among the most disadvantaged in our communities. Discrimination against homeless people may occur across groupings of homelessness in both different and overlapping ways. Regardless of the level or type of homelessness, people experiencing homelessness are at a disadvantage economically and socially.

The CHP believes that any and all human rights charters and legislation should make provision to protect and promote the rights of homeless people in relation to homelessness being a social status.

CHP is aware that there can be a chasm between broad legislative human rights statements and the fulfillment of human rights for disadvantaged citizens. This supplementary submission is designed to explore ways in which that gap can be closed.

Individuals who are homeless are at an extremely high risk of being systematically discriminated against and denied basic human rights. Actual and potential breaches of homeless person’s human rights span across many areas and include, but are not limited to: the right to safe and secure housing, the right to work, the right to education, the right to personal safety, the right to be treated with dignity, and the right to protection from discrimination.

## **Promoting Human Rights**

Of fundamental importance to CHP is that any legislation arising from consultations is supported and implemented through awareness building and public engagement. This will ensure it is a Charter which actively promotes social inclusion and is integrated into communities, public consciousness and service provision.

CHP recommends that this be achieved through intense promotion and education of human rights issues – in schools, communities, through government, public forums, through services and individuals.

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As outlined in the Human Rights Law Resource Centre's submission, education around human rights shows a country's commitment to living, promoting and upholding those rights it advocates. It also serves to inform people about where breaches of rights occur.

Education, through schools, service providers, the media, the government and individuals provides opportunity for dissemination and reflection. The CHP asserts that all people should be made aware of their human rights.

People who are disadvantaged are at most risk of human rights breaches, and are also the least likely to be aware of their rights, or be able to exercise their rights due to their personal circumstances.

Any charter arising from the HRC must make provision for disadvantaged or discriminated against individuals. Human rights information must be accessible, timely and clear and concise.

## **Upholding Human Rights**

CHP highlights the need for any Charter to incorporate methods of remedy for those whose rights are breached. In addition, there must be accessible, transparent and consistent processes of enforcing the Charter.

The CHP believes this is particularly important for our most disadvantaged and at-risk populations. People living in poverty may have difficulty accessing systems designed to protect their rights. This can stem from a lack of recognition of rights, lack of resources to follow up breaches or from the plethora of other issues which result in people not having adequate information or capacity to act on breaches (language barriers (both ESL and literacy), disability, mental health, drug and alcohol, etc.)

The CHP promotes a charter that empowers people and their advocates to act on breaches of human rights in an easily accessible way. The CHP is not a legal, legislative or human rights expert. It is however a policy advocate and would welcome an opportunity to become involved in addressing a National Charter that protects the rights of all Australians, regardless of age, sex, religion, race or socio-economic status.