

Which human rights and responsibilities should be protected and promoted?

Housing is a fundamental human right. Through the United Nations International Covenant on Economic, Social and Cultural Rights, Australia has made a commitment with other Nations of the world to work towards ensuring adequate housing for its citizens.

Article 11 of the Covenant begins:

The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living...including adequate food, clothing and housing and the continuous improvement of living conditions...

The intent of this Covenant is further explained through detailed Comments, which state:

The right to housing should not be interpreted in a narrower, restrictive sense which equates it with, for example, the shelter provided by merely having a roof over ones head ...rather it should be seen as the right to live somewhere in security peace and dignity.

Adequate housing is defined to comprise security of tenure, availability of services, affordability, habitability, accessibility, location and cultural adequacy.

Are human rights sufficiently protected and promoted?

No, in relation to housing and homelessness, human rights are not sufficiently protected and promoted in Australia.

Australia is experiencing a growing housing crisis. Australia is a signatory to the International Covenant on Economic, Social and Cultural Rights. Yet in 2009 there are an increasing number of homeless people, less adequate housing available and a small safety net. There are limited options for people experiencing homeless and this is an area of concern for Australia.

Some of the issues arising in housing are:

Private Rental Market

Rents have sharply risen in the private rental market causing housing stress and a lack of available affordable rental properties. In Queensland the private rental market continues to offer a relatively low security of tenure and provide for without ground eviction of households. There is currently no maximum threshold on rent increases legislated in the Residential Tenancies Act 1994; the Lessor can increase rent above median prices. According to the Residential Tenancies Authority the median rent for a 4 bedroom property in the Inner Southern Suburbs Brisbane in the March quarter 2004 was \$290 per week. On March 10th 2009 properties advertised on real-estate.com 4 bedroom properties in the Inner Southern Suburbs range from \$650 to \$1400.

Levels of income for Centrelink and rent assistance are low, private market rents are not affordable for people on these payments. Housing needs to be acknowledged as a human right and affordable housing made available for people on low incomes.

Home Ownership

It is becoming increasingly difficult to buy your own home, due to inflated house prices across Australia. In the current financial climate these difficulties are on the increase, with people from all backgrounds experiencing unemployment and financial stress.

Public Housing

In Public and Social Housing there is a limited supply of housing with people waiting for many years to obtain Public Housing with no guarantee of being placed in housing. Currently, in Queensland there has been a shift to the One Social Housing system, this new system is needs based, focusing on priority housing and merges Public and Social Housing. A focus on priority and needs based assessments is disempowering and rigid for people in the system. People are required to draw out all their difficulties and hardships to get housed in a priority based system, yet there is no guarantee for people to be housed. This system based on priority and needs compromises people's dignity. The system needs to shift to a human rights based assessment. This shift to a priority housing system reflects a housing assistance program that has given up on housing the majority of people and focusing on the people in the most need. This indicates we cannot meet our obligations to provide all people with the right to housing.

Emergency Housing

Emergency accommodation is limited and short term for people experiencing homelessness in Australia. Often emergency accommodation is not suitable or available for people with children or people with disabilities.

Homeless People and Public Space

In a climate of increasing homelessness there are many people sleeping rough in public spaces. Currently, there is a lack of awareness and understanding around the visibility of homelessness in public spaces. In July 2006, the Police Powers and Responsibilities Act 2000(Qld) was amended to make move on powers available to police in all public places in Queensland (s.44). These laws affect homeless people negatively using public spaces. As people can be moved on to another place for 24 hours for making people anxious, disrupting an event, offending or threatening people, interfering with trade or business or being in a prescribed place.

These powers effectively move the problem of homelessness to another place and targets homeless people. Australia needs to ensure that homeless people are protected from discrimination and move on powers. In establishing a Bill of Human Rights in Australia there is need to acknowledge and understand that homeless people do co-exist in public space and that this space is their home until they are able to secure housing.

How could Australia better protect and promote human rights?

Australia could better protect human rights by creating a National Charter of Human Rights. This Charter should clarify rights of people experiencing homelessness and highlight the responsibility of the community to protect citizens experiencing homelessness from the discrimination of move on powers and clarify that people have a right to access public space.

Create a National Bill of Human Rights that is actively monitored similar to the UN Convention on Human Rights and legislate around this for an increased level of protection. This can identify gaps and work on solutions to housing in Australia.

Actively work towards a flexible system that ensures all people can access appropriate housing and people are not locked in a cycle of homelessness because of rigid, inflexible systems. Ensure the system is empowering and supportive for people in need and does not further disempower people experiencing hardship. This involves shift towards a human rights based system for the Department of Housing to house all Australians in need.

Promote a human rights culture and discourse in Australia with all citizens. Encourage ideas and how this human rights discourse can be implemented to ensure all Australians have access to affordable, appropriate housing.