

Homelessness is a Human Rights Issue

2008

Human Rights & Equal Opportunity Commission

Contents

Homelessness is a Human Rights Issue	1
1. Homelessness is about human rights.....	1
2. What is homelessness?	2
3. What are some of the causes of homelessness?.....	3
4. How many people are affected by homelessness?.....	3
5. Who is affected by homelessness?.....	3
5.1 Indigenous people are disproportionately affected by homelessness.....	3
5.2 Women are significantly affected by homelessness.....	4
5.3 Children and young people are disproportionately affected by homelessness ...	5
5.4 People with mental illness are disproportionately affected by homelessness.....	5
5.5 Refugees and asylum seekers are disproportionately affected by homelessness	6
6. How does homelessness impact on the enjoyment of human rights?	7
6.1 Homelessness is a breach of the right to adequate housing	7
6.2 Homelessness impacts on the right to health	8
6.3 Homelessness impacts on the right to personal safety	8
6.4 Homelessness impacts on the right to privacy	9
6.5 Homelessness impacts on the right to an education	9
6.6 Homelessness impacts on the right to work.....	9
6.7 Homelessness impacts on the right to non-discrimination	10
6.8 Homelessness impacts on the right to social security	11
6.9 Homelessness impacts on the right to vote.....	11
6.10 Homelessness impacts on the right to freedom of movement and freedom of association.....	12
6.11 Homelessness impacts on the right to freedom of expression	12
6.12 Homelessness impacts on the right to freedom from cruel, inhuman or degrading treatment or punishment.....	12
7. How does a human rights approach help address homelessness?.....	12
8. Useful links and resources	13

1. Homelessness is about human rights

People experiencing homelessness face violations of a wide range of human rights.

Access to safe and secure housing is one of the most basic human rights. However, homelessness is not just about housing. Fundamentally, homelessness is about lack of

connectedness with family, friends and the community and lack of control over one's environment.

A person who is homeless may face violations of the right to an adequate standard of living, the right to education, the right to liberty and security of the person, the right to privacy, the right to social security, the right to freedom from discrimination, the right to vote, and many more.

These human rights are protected by a number of international human rights treaties, in particular the [International Covenant on Civil and Political Rights](#) (ICCPR), the [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR), and the [Convention on the Rights of the Child](#) (CRC). As a party to all these treaties, Australia is under legal and moral obligations to promote, protect and realise the human rights of all people.

This paper explores the many ways that homelessness impacts on a person's ability to enjoy basic rights and freedoms. It shows that homelessness is more than just a housing issue. Homelessness is about human rights. Homeless people are not merely objects of charity, seeking help and compassion – like all Australians, they are individuals *entitled* to the protection and promotion of their human rights. Since human rights belong to everyone, it is in the interests of the Australian community as a whole to ensure that the rights of homeless people are respected and protected.

2. What is homelessness?

Homelessness is defined under Australian federal law as 'inadequate access to safe and secure housing'.¹ This exists where the only housing to which a person has access:

- is likely to damage the person's health
- threatens the person's safety
- marginalises the person by failing to provide access to adequate personal amenities or the normal economic and social support of a home, or
- places the person in circumstances that threaten or adversely affect the adequacy, safety, security and affordability of that housing.²

The Australian Bureau of Statistics (ABS) has identified several categories of homelessness in our society. These categories define homelessness in relation to minimum community standards regarding housing. They highlight that homelessness affects people in different ways, depending on their personal situation and needs.

For some people, being homeless means being 'roofless' – living on the streets, in parks or in deserted buildings. This is known as primary homelessness and is the most visible kind of homelessness.³ For other people, being homeless means moving between various types of temporary shelters, such as the homes of friends and relatives, refuges and hostels; or living in boarding houses on a long-term basis, with shared amenities and without security of tenure.⁴ The ABS categorises this as secondary or tertiary homelessness.

The ABS also identifies a category of people who are 'marginally housed'. These people are living close to the minimum community standard of housing, such as a family staying with relatives on a long-term basis or a couple renting a caravan without

security of tenure.⁵ While not strictly within the current definition of people who are homeless, there is debate as to whether their experience of inadequate housing means they should be included in the group of homeless persons.⁶

3. What are some of the causes of homelessness?

Just as there are many different ways in which a person can be affected by homelessness, there are many different causes of homelessness. Poverty and the inability to afford adequate housing are central to the causes of homelessness. These circumstances may result from a number of different experiences, including long-term or short-term unemployment, debt and other financial pressures, and housing market pressures, such as rising rental and house prices and the lack of public housing.

Financial difficulty is often accompanied by other personal or family problems, such as family breakdown, domestic violence, poor physical and mental health, substance and other addictions. The inability to cope with combinations of these problems can push individuals and families even closer to the edge.

Even before a person becomes homeless, they may be living at the margins of the society, with few connections to family and the community. Social isolation can mean that they lack the necessary support to assist them through periods of stress and help them manage ongoing problems.

4. How many people are affected by homelessness?

Homelessness is a significant issue facing Australia. The 2001 Census recorded almost 100 000 people living in Australia who are experiencing homelessness. This figure showed no substantial decrease in the five years since 1996, despite Australia's current economic prosperity and growth.⁷

The Census figures also show that homelessness affects people of all ages:

- 10% of homeless persons are under 12 years old
- 36% are between the ages of 12 and 24
- 30% are between the ages of 25 and 44
- 24% are over 45 years old.⁸

5. Who is affected by homelessness?

Homelessness affects a wide range of people from different regions, of different ages and different cultural backgrounds. Some groups, however, are particularly at risk of becoming homeless.

5.1 Indigenous people are disproportionately affected by homelessness

While Aboriginal and Torres Strait Islander people make up only 2% of Australia's population, they represent 9% of the total homeless population and 19% of people in improvised housing.⁹

Indigenous people in Australia face greater social and economic disadvantage than other sectors of the population. Low levels of education and training, high levels of unemployment, persistent physical and mental health problems and substance addiction all contribute to the high levels of homelessness in Indigenous communities. Many regional and remote communities also face severe housing shortages, which continue to push rent and house prices to unaffordable levels.

Indigenous communities in all areas of Australia endure housing conditions well below those of the general population. Houses are typically overcrowded and lacking in basic amenities, such as adequate sewerage and access to telecommunications.

Also contributing to Indigenous housing problems is the lack of culturally appropriate housing. Housing in Indigenous communities is often inadequate as it does not cater for the cultural importance of communal and outdoor living and the significance of using public space for cultural activities. This denies Indigenous people the right to fully enjoy their culture and to take part in cultural life, guaranteed under both the ICCPR and ICESCR.¹⁰

For more information on homelessness and other human rights issues facing Indigenous Australians, see our webpage on [Aboriginal and Torres Strait Islander Social Justice](#).

5.2 Women are significantly affected by homelessness

Statistics suggest that as much as 42% of the homeless population in Australia is female. However, homeless women are often less visible than men and the extent to which homelessness affects women is often underestimated.¹¹ Homeless women tend to remain out of sight, away from areas where homeless people congregate, for fear of violence, rape or other abuse.¹²

The major causes of homelessness amongst women include domestic violence, sexual assault and family breakdown. These experiences force women from their home, along with their children, in search of a safer place to live. Women in these situations may find they are unable to care for their children and may be forced to place them in the care of family, friends or social services. Some women do not identify themselves as homeless, but rather as targets of abuse, unable to return to their homes.¹³

Women who are homeless or at risk of becoming homeless often lack control over their lives because they are dependent on others to provide accommodation. They may be pressured to enter into and remain in relationships that offer shelter, even if this places them at risk of harm, in order to meet their immediate needs and the needs of their families.¹⁴

Women experiencing homelessness require specialised support services to cater for their particular needs. Such services include sexual assault and domestic violence counselling, pregnancy services, protection of physical safety, income support, and assistance with legal issues, such as parental rights.

For more information on human rights issues facing women, see our webpage on [Sex Discrimination](#).

5.3 Children and young people are disproportionately affected by homelessness

Youth homelessness is one of the biggest problems facing Australia. Current statistics show that almost half of all homeless persons are less than 24 years of age.¹⁵

Homelessness amongst children and young people is strongly linked to relationship and family breakdown, domestic violence, physical and emotional abuse, anxiety or depression, unemployment and substance abuse. Young people may also find themselves homeless when their families are unable to afford suitable housing or are evicted from their housing.

In addition to protection under the general body of human rights law, children under the age of 18 are entitled to special rights under the Convention on the Rights of the Child (CRC). These include the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development and the right to protection against all forms of neglect, cruelty and exploitation.¹⁶

Children who are homeless are likely to face constant violation of these rights and are forced to endure conditions which are detrimental to their health and development. Homeless children and young people often suffer from extreme levels of distress, low self-esteem, depression, mental health problems and behavioural problems because they are victims of or witnesses to abuse. They are also at high risk of exploitation and further exposure to violence, and often have difficulty participating in school education.

In 1989, the Commission conducted a *National Inquiry into Homeless Children*. The inquiry revealed disturbingly high rates of homelessness amongst children and young people and highlighted the lack of accommodation available. A range of recommendations were made aimed at improving access to education, training and employment, and increasing the availability of properly resourced and coordinated support services. Seventeen years on, the rate of youth homelessness in Australia remains shamefully high. The 2001 Census showed that 46% of all homeless people are aged 24 or under.¹⁷

5.4 People with mental illness are disproportionately affected by homelessness

A large proportion of the homeless population is affected by mental illness, making them one of the most vulnerable and isolated groups in our society. Mental illness is one of the primary causes of homelessness. People with a mental illness often experience social isolation, have difficulty accessing employment, education and support services, and generally lack control over their lives.

Homeless people affected by mental illness have a range of special needs that require specific types of accommodation and support services. Currently, however, these needs are not being met. Research has shown that there is a critical shortage of appropriate and affordable housing for homeless people with a mental illness. Many people live in homeless shelters and boarding houses, where conditions are inappropriate and inadequate for housing people with mental illnesses. This poses a major obstacle to recovery and effective rehabilitation.

During the day, there [are] up to two or three hundred people on the premises. For anyone with a psychiatric disability that is quite frightening, to be in amongst people with psychiatric, intellectual, drug and alcoholic dependency.¹⁸

In 1993, the Commission conducted a *National Inquiry into the Human Rights of People with Mental Illness*.¹⁹ The inquiry highlighted the alarming shortage of appropriate services and treatment available to homeless people with mental illness. It made a number of recommendations directed at improving coordination of government and private sector agencies, and ensuring that staff at shelters and refuges be given appropriate training in caring for people with mental illness.

In 2005, the Commission, in association with the Mental Health Council of Australia and the Brain and Mind Research Institute, conducted a national review of the delivery of health care services to people with mental illness. The final report, *Not for Service*, identified the link between homelessness and mental health issues and urged all Australian governments to recognise the need for national mental health reform.²⁰

For more information about human rights issues facing people with disabilities, see our webpage on [Disability Rights](#).

5.5 Refugees and asylum seekers are disproportionately affected by homelessness

People coming to Australia as asylum-seekers or refugees are particularly vulnerable to homelessness due to poverty and social isolation. Depending on which category of visa an asylum-seeker or refugee holds, visa conditions may restrict the right to work, the right to social security, entitlement to Medicare, and entitlement to government assistance for education and training.²¹ Consequently, refugees and asylum-seekers may be totally dependent on community support services, which are fragmented and critically under resourced.

Many refugees have little knowledge about and understanding of services available to them. New arrivals in particular face social isolation caused by fragmentation of family units, language barriers and lack of connections with the community and support networks.²²

I had no place to sleep for a little while. I didn't know where to go to get help. I drove to the country and stayed in the forest there for a little while.²³

In addition to the social and economic isolation experienced by refugees, many refugees and asylum-seekers come to Australia having survived conflict and trauma, and are grieving the loss of family, community and country. Support services, including housing support, must be designed to manage these needs.

Research has shown that children and young people coming to Australia as refugees are at even greater risk of homelessness and have distinct needs that must be addressed independently of their family or carers' needs.²⁴ The CRC guarantees protection for children who come to Australia seeking asylum.²⁵ Many young people have had limited

or disrupted schooling, they may come to Australia alone or in the care of someone unfamiliar to them, and there may be significant religious and cultural barriers that prevent them from taking advantage of available services.²⁶

For more information on human rights issues facing asylum seekers and refugees, see our webpage on [Asylum Seekers and Refugees](#).

6. How does homelessness impact on the enjoyment of human rights?

6.1 Homelessness is a breach of the right to adequate housing

International human rights law recognises that every person has the right to an adequate standard of living. This right includes the right to adequate housing.²⁷

The right to housing is more than simply a right to shelter. It is a right to have somewhere to live that is *adequate*. Whether housing is adequate depends on a range of factors including:

- legal security of tenure
- availability of services, materials, facilities and infrastructure
- affordability
- accessibility
- habitability
- location
- cultural adequacy.²⁸

As a party to the ICESCR, Australian governments at all levels are under an obligation to progressively implement the right to adequate housing. This requires ‘concrete’, ‘targeted’, ‘expeditious’ and ‘effective’ steps, including budgetary prioritisation.²⁹ In the case of children protected by the CRC, the government has an immediate obligation to take all appropriate measures to implement this right.

In a report to the United Nations Human Rights Council in 2006, the United Nations Special Rapporteur on Adequate Housing, Miloon Kathari, found that Australia had ‘failed to implement its legal obligation to progressively realise the human right to adequate housing...particularly in view of its responsibilities as a rich and prosperous country’.³⁰

Some of the specific problems relating to housing in Australia identified by the Special Rapporteur included:

- location
- the lack of complaints mechanisms for alleging violations of housing rights
- the existence of laws which criminalise poverty and homelessness, such as laws which prohibit sleeping and drinking in public
- laws that disproportionately impact on homeless people, such as begging laws, public drinking laws and public space laws.³¹

The Special Rapporteur also noted the ‘absolute decline in the availability of low-cost rental housing in both public and private sectors’.³² Low income households are

spending more than 30% of their income on rent or are forced to live in houses which are in poor condition and have little access to services. At the same time, there has been a decline in public housing stock in the face of increasing demand. The result is what the Special Rapporteur described as a serious national housing crisis, affecting many sections of the population.

6.2 Homelessness impacts on the right to health

Every person, including children, has the right to enjoy the highest possible standard of health.³³ However, homelessness may result in serious and persistent violations of this fundamental human right.

As the US Institute of Medicine states in a report entitled *Homelessness, Health and Human Needs*, homelessness is associated with poor health in three ways.³⁴

First, some health problems can cause a person to become homeless. For example, poor physical or mental health can reduce a person's ability to find employment or earn an adequate income.³⁵

Second, some health problems are consequences of homelessness. These include depression, poor nutrition, poor dental health, substance abuse and mental health problems. According to recent studies, homeless people also experience significantly higher rates of death, disability and chronic illness than the general population.³⁶

Third, homelessness exacerbates and complicates the treatment of many health problems. Homeless people have significantly less access to health services than the broader population.³⁷ Reasons for this may include financial hardship; lack of transportation to medical facilities; lack of identification or Medicare Card; and difficulty maintaining appointments or treatment regimes.

6.3 Homelessness impacts on the right to personal safety

Every person has the right to liberty and security of the person.³⁸

The physical safety of a person who is homeless is often under constant threat. Lacking a safe living environment, homeless people are more vulnerable to crime and personal attacks.

[A]s a 'street kid', I lived in constant fear of violence. There was no door I could lock to separate me from the rest of the world. There was no safe place for me to just be.³⁹

Children and young people are particularly vulnerable to attacks on their personal safety and human rights law recognises their right to special protection from sexual and other abuse.⁴⁰ Women who are homeless are also at greater risk of violence and sexual abuse and are often forced into harmful situations and relationships out of need. It is vital that people experiencing homelessness are provided with adequate support to protect them from violations of their right to personal safety.

6.4 Homelessness impacts on the right to privacy

Everyone has the right to protection against arbitrary or unlawful interference with their privacy.⁴¹ Homelessness tends to undermine enjoyment of this right. Some people experiencing homelessness may be forced to carry out their personal activities in public – sleeping, urinating, washing and eating – activities that most people are able to do in the privacy of their own homes.

People living in homeless shelters or boarding houses may be required to share facilities with others, which may also threaten their right to privacy.

The lack of privacy is unbelievable, even your clothes are put in a wire basket, people can see all your everyday activity – it is a very public thing that can happen to you.⁴²

6.5 Homelessness impacts on the right to an education

Education is a basic human right and the Australian Government must take steps to ensure that primary education and vocational education is accessible by every child.⁴³

For homeless people, financial difficulty and insecure housing conditions make it hard to access education and training facilities on a sustained basis. In addition to problems meeting the associated costs of education, such as for books, clothes, social activities, many homeless people are forced to frequently move around, which can cause disruptions in schooling and difficulty making friends and connections. For many children and young people, school is an experience of marginalisation.

The education system in high school is geared to [the] situation of being at home with a family, whereas with me I don't have that family support, either financially or emotionally, and I sort of feel like a square peg in a round hole.⁴⁴

Early school leaving has been shown to be a key risk indicator of homelessness.⁴⁵ It is often an early sign of problems in a child's personal or family life and can later lead to difficulties obtaining employment and isolation from the community.

I was away from school most of the time. And I just got so behind, I didn't know what I was doing so I just left.⁴⁶

For many people, participating in school education or vocational training is an important opportunity to interact with and contribute to the community. Improving access to education and training opportunities for homeless people and those at risk of homelessness is an important way to facilitate participation in the community, which in turn may help them to retain control over their lives and end the vicious cycle of poverty.

6.6 Homelessness impacts on the right to work

The right to work includes the right of every person to have the opportunity to gain a living by work that they have freely chosen or accepted.⁴⁷ Australia must take steps to

enable all people to fully realise this right, such as providing appropriate technical and vocational training to assist people in their chances of employment.

Despite current record lows in unemployment around Australia, unemployment levels amongst the homeless population remain high. Homeless people face many barriers to gaining and maintaining employment. Many homeless people lack basic education and skills training, due to disrupted or incomplete schooling. They may also lack community and family connections that can assist in finding employment and providing advice on work-related issues. Lack of knowledge about employment rights and lack of bargaining power make homeless people particularly vulnerable to exploitation and discrimination at work.

Homeless people may also face discrimination in the employment process on the basis of their inability to provide a fixed address or satisfy identity requirements, or because they have a criminal record from offences associated with homelessness (see section 6.10 for discussion of these offences).

I went to a job interview, and the lady was really nice to me and she asked me... if I was living at home, and I said no, and from there on she wasn't nice to me... people just think that if you don't live at home, that must have been your fault. You've done something wrong.⁴⁸

Once in employment, people experiencing homelessness often have difficulty holding down a job. Among the many reasons for this are unstable living arrangements, managing mental illness or substance addiction, and managing more immediate needs, such as caring for children or finding a place to sleep.

You can't get a job if you [have] got nowhere to sleep... Looking like 'foreman material' is not easy when you are sleeping out or in squats with no amenities like running water or electricity.⁴⁹

In order to assist homeless people to *remain* in employment, work practices and policies must provide flexibility, understanding and support to take account of their life situation.

It is critical to address homeless unemployment as this will assist people to take control of their situation. Since unemployment is also one of the major causes of homelessness, it may also prevent people from becoming homeless.

6.7 Homelessness impacts on the right to non-discrimination

The right to be treated equally by the law and to be free from discrimination is a fundamental human right.⁵⁰ International law obliges Australia to ensure that its laws prohibit all forms of discrimination on a wide range of grounds, including discrimination on the basis of 'other status'.⁵¹ A number of other countries have recognised 'homelessness' as a 'social status', 'housing status' or 'employment status' within the prohibition on discrimination.⁵² However, Australia's current anti-discrimination laws do not prohibit discrimination against homeless people on any of these grounds.⁵³

People experiencing homelessness face persistent stigmatisation and discrimination in a range of different contexts. Some of the situations in which discrimination arises have already been discussed, including access to health care, access to education and employment. Discrimination against homeless people also occurs in situations where certain laws operate in a manner that disadvantages homeless people, compared to other people in society. Such laws include rules governing eligibility for social security and voting and laws that criminalise the doing of certain activities in public space.

6.8 Homelessness impacts on the right to social security

The human right to social security imposes an obligation on the government to provide welfare necessary for subsistence to people who are unable to support themselves.⁵⁴

Australia's current welfare assistance scheme under the *Social Security Act 1991* (Cth) often fails to meet the needs of people who are homeless.⁵⁵

Firstly, in order to establish entitlement to benefits, a person must satisfy strict proof of identity requirements, which disproportionately burdens homeless people who often do not have, and cannot afford to obtain, a birth certificate or other documents that prove their identity.

Secondly, once entitlement is established, benefits are contingent upon meeting strict obligations, such as attending job interviews and responding to Centrelink correspondence. When these conditions are breached, benefits can be reduced or revoked altogether. Homeless people often have difficulty in complying with conditions due to poor literacy, problems receiving mail, and needing to give priority to more immediate pressures in their life, such as finding a place to sleep.

6.9 Homelessness impacts on the right to vote

Every Australian citizen has the right to vote.⁵⁶ This right requires government parties to take steps to ensure that everyone is able to exercise their right to vote. In Australia, homeless people continue to face great difficulties in exercising this right.

It is estimated that between 30-90% of homeless people are not registered to vote.⁵⁷ Many homeless people have difficulty meeting proof of identity requirements for enrolment because they do not have and cannot afford to obtain the necessary documents. The threat of monetary penalties for failure to vote or failure to register changes of address may also discourage homeless people from enrolling to vote.⁵⁸

Recent changes to voting laws, which shorten enrolment deadlines, have made it even more difficult for homeless people to ensure they are validly enrolled to vote. For more information on these changes, see our webpage on [The Right to Vote](#).

These barriers to voting, along with the lack of education about voting, compound the existing social isolation that homeless people face. Not only is the opportunity to vote a fundamental human right, voting can also provide a sense of empowerment and an important means of participating in society, particularly for those who are marginalised.⁵⁹

6.10 Homelessness impacts on the right to freedom of movement and freedom of association

There are a range of laws in various states of Australia which allow police to direct individuals or groups in and around public areas to move on. This usually happens where the presence of the person or group is considered by the police to be disorderly, obstructing, threatening or negative in some other way with regard to other members of the public.

These laws impact disproportionately on people who use public space more than others, such as young people and homeless people who have no other place to relax or to socialise in a group or alone. Where the use of these police powers goes beyond what is necessary for protecting the rights of others, the rights to freedom of movement and freedom of association may be breached.⁶⁰

6.11 Homelessness impacts on the right to freedom of expression

Every person has the right to freedom of expression. This includes the right of all persons to seek, receive and communicate information and ideas of all kinds, either orally, in writing, in the form of art, or through any other chosen media.⁶¹ Arguably, begging can be the expression of poverty and disadvantage.⁶² It is often the only way in which this can be expressed and is usually a last resort. However, anti-begging laws that exist in most Australian states criminalise this form of expression and undermine the right to freedom of expression. Fining people for such activity aggravates the causes that underlie it and will only encourage people to continue their activities or engage in other criminal activities.

6.12 Homelessness impacts on the right to freedom from cruel, inhuman or degrading treatment or punishment

Laws which criminalise essential human behaviours connected to being homeless, such as sleeping, bathing, urinating, or storing belongings in public, may violate the right to freedom from cruel, inhuman or degrading treatment or punishment.⁶³

Courts in the United States have held that these types of laws violate the constitutional right to freedom from cruel and unusual punishment because they punish homeless people on the basis of their status, not because of their conduct.⁶⁴ Homelessness is an involuntary status when there is insufficient accommodation to support homeless people. Consequently, homeless people are involuntarily forced to break the law as they have no alternative but to perform these acts in public.⁶⁵

7. How does a human rights approach help address homelessness?

Recognising that homelessness impacts on a person's ability to enjoy basic rights and freedoms has important consequences for the way that our society perceives and treats homeless people.

A human rights approach acknowledges that homelessness is more than just a housing issue. Addressing homelessness requires a comprehensive and integrated approach that takes into account its many and varied causes and effects.

A human rights approach departs from a welfare approach to homelessness by demonstrating that homeless people are not merely objects of charity, seeking help and compassion. Like all Australians, they are individuals who are entitled under international law to protection and promotion of their human rights.

A rights based approach also highlights the need to directly and meaningfully involve people experiencing homelessness in the development of solutions to homelessness. Active and informed participation of homeless persons is likely to result in services which are more effective and relevant to their needs.

A human rights response to homelessness would involve all levels of government committing to and taking concrete and targeted legislative, policy and budgetary steps towards the full and immediate realisation of the human rights of homeless persons.

Importantly, since human rights belong to everyone, it is in the interests of the Australian community as a whole to ensure that the rights of all people are respected and protected.

8. Useful links and resources

- Council to Homeless Persons, [Parity](#)
- Homeless Persons' Legal Clinic, [Publications](#) and [Law Reform Submissions](#)
- [International Covenant on Civil and Political Rights](#) (ICCPR)
- [International Covenant on Economic, Social and Cultural Rights](#) (ICESCR)
- [Convention on the Rights of the Child](#) (CRC)
- Australian Bureau of Statistics, [Counting the Homeless 2001](#)
- [Homelessness Australia](#)
- [Australian Homelessness Research Register](#)
- [Mission Australia](#)
- [US National Law Centre on Homelessness and Poverty](#)

¹ *Supported Accommodation Assistance Act 1994* (Cth), s 4(1).

² *Supported Accommodation Assistance Act 1994* (Cth), s 4(2).

³ Australian Bureau of Statistics (ABS), *Counting the Homeless 2001*, 2003, p12, available at [http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/5AD852F13620FFDCCA256DE2007D81FE/\\$File/20500_2001.pdf](http://www.ausstats.abs.gov.au/ausstats/free.nsf/0/5AD852F13620FFDCCA256DE2007D81FE/$File/20500_2001.pdf) [21 January 2008].

⁴ ABS, *Counting the Homeless 2001*, 2003, p12.

⁵ ABS, *Counting the Homeless 2001*, 2003, pp12-13.

⁶ ABS, *Counting the Homeless 2001*, 2003, p13.

⁷ ABS, *Counting the Homeless 2001*, 2003, p2.

⁸ ABS, *Counting the Homeless 2001*, 2003, p4.

⁹ ABS, *Counting the Homeless 2001*, 2003, p5.

- ¹⁰ International Covenant on Civil and Political Rights (ICCPR), article 27; International Covenant on Economic, Social and Cultural Rights (ICESCR), article 15; Convention on the Rights of the Child (CRC), articles 30-31; Convention on the Elimination of all forms of Racial Discrimination (CERD), article 5(e).
- ¹¹ ABS, *Counting the Homeless 2001*, 2003, p4.
- ¹² L. Syngajewski, D. O'Leary, J. Koch, D. Flynn and H. Owens, 'Women Who Are Single and Homeless: Myths and Realities' in *Parity*, May 2007.
- ¹³ D. Chung and S. Wendt, *Homeless Women and Domestic Violence: Whose needs are really being met?*, conference paper for Homelessness in the 21st Century: Working together for change, March 2000, Glenside, South Australia.
- ¹⁴ L. Syngajewski et al, 2007.
- ¹⁵ ABS, *Counting the Homeless 2001*, 2003, pp3-4.
- ¹⁶ CRC, article 27.
- ¹⁷ ABS, *Counting the Homeless 2001*, 2003, p4.
- ¹⁸ Cathy Messe in HREOC, *Human Rights and Mental Illness*, 1993, p559.
- ¹⁹ Report available at: http://www.humanrights.gov.au/human_rights/mental_illness/index.html.
- ²⁰ Report available at: <http://www.mhca.org.au/notforservice/index.html>.
- ²¹ Hanover Welfare Services, *A New Country – But No Place to Call Home*, 2004, Melbourne, p17.
- ²² Hanover Welfare Services, 2004, pp26-31.
- ²³ Hussein in Hanover Welfare Services, 2004, p25.
- ²⁴ S. Drummond, 'Homeless Twice: Exploring Resettlement and Homelessness For Refugee Young People' in *Parity*, vol 14, issue 1, 2001, pp10-11.
- ²⁵ CRC, article 22.
- ²⁶ S. Drummond, 2001, pp10-11.
- ²⁷ ICESCR, article 11; CRC, article 27; CERD, article 5(e); CEDAW, article 14(2); UDHR, article 25.
- ²⁸ ICESCR, General Comment 4: The right to adequate housing, [8].
- ²⁹ ICESCR, General Comment 3: The Nature of States Parties' Obligations, [2], [9].
- ³⁰ United Nations, Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, Miloon Kathari, A/HRC/4/18/Add.2, 11 May 2007, at [126], available at <http://daccessdds.un.org/doc/UNDOC/GEN/G07/125/72/PDF/G0712572.pdf?OpenElement> [21 January 2008].
- ³¹ Report of the Special Rapporteur, [16]-[17], [47], [132].
- ³² Report of the Special Rapporteur, [30].
- ³³ ICESCR article 12; CRC article 24; CEDAW articles 12, 14(2).
- ³⁴ US Institute of Medicine, *Homelessness, Health and Human Needs*, 1988, National Academy of Press, Washington, p39.
- ³⁵ Parliament of Australia Senate, Community Affairs References Committee, *A Hand Up Not a Hand Out: Renewing the Fight Against Poverty*, 2004, p173.
- ³⁶ E. Harris, P. Sainsbury and D. Nutbeam (eds), *Perspectives on Health Inequity*. Australian Centre for Health Promotion, University of Sydney, Sydney, 1999; A. Lucy, 'South Eastern Sydney Area Health Service Homelessness Health Strategic Plan 2004-09' in *Parity*, vol 17, no 8, 2004, pp6, 7.
- ³⁷ E. Harris, P. Sainsbury and D. Nutbeam (eds), *Perspectives on Health Inequity*, Australian Centre for Health Promotion, University of Sydney, Sydney, 1999.
- ³⁸ ICCPR, article 9(1).
- ³⁹ M. Gleeson, 'Obstacles to Surviving Homelessness' in *Parity*, November 2000.
- ⁴⁰ CRC, article 34.
- ⁴¹ ICCPR, article 17, CRC, article 16.
- ⁴² Prof. Ian Webster in HREOC, *Human Rights and Mental Illness*, 1993, p559.
- ⁴³ ICESCR, article 13; CRC, article 28; CEDAW, articles 11, 14(2); CERD, article 5(e).
- ⁴⁴ Laura in Human Rights and Equal Opportunity Commission (HREOC), *Our Homeless Children*, 1989, Canberra, pp90, 96.
- ⁴⁵ P. Lynch, 'Human Rights and the Supported Accommodation Assistance Program (SAAP)' in *Parity*, vol 17, no 1, 2004, p23.
- ⁴⁶ Helen in *Our Homeless Children*, 1989, p91.
- ⁴⁷ ICCPR, article 6; CERD, article 5(e).
- ⁴⁸ Mandy in *Our Homeless Children*, 1989, p80.
- ⁴⁹ Richard in *Our Homeless Children*, 1989, p80.
- ⁵⁰ ICCPR article 26; CERD article 5(d); CEDAW, article 2.
- ⁵¹ ICCPR, article 26; ICESCR, article 2(2).

-
- ⁵² See for example, Homeless Persons' Legal Clinic, *Promoting Equality: Homeless Persons and Discrimination*, Submission regarding Discrimination on the Ground of Social Status and the *Equal Opportunity Act 1995* (Vic), 2002, pp21-31.
- ⁵³ P. Lynch, 2004, p22.
- ⁵⁴ ICESCR, article 9; CRC, article 26; CEDAW, articles 10, 14(2); CERD, article 5(e).
- ⁵⁵ P. Lynch and J. Cole, 2003, pp158-161.
- ⁵⁶ ICCPR, article 25; CEDAW, article 7; CERD, article 5(d).
- ⁵⁷ P. Lynch, 'Begging for Change: Homelessness and the Law' in *Melbourne University Law Review*, vol 26, 2002, p694.
- ⁵⁸ P. Lynch and J. Cole, 2003, pp157-158.
- ⁵⁹ P. Lynch, 2004, p22.
- ⁶⁰ ICCPR, articles 12, 22; CRC, article 15; CERD, article 5(d).
- ⁶¹ ICCPR, article 19(2); CERD, article 5(d).
- ⁶² P. Lynch and J. Cole, 2003, p 154.
- ⁶³ ICCPR, article 7; CRC, article 37; P. Lynch and J. Cole, 2003, pp147-149.
- ⁶⁴ *Jones v City of Los Angeles*, No. CV 03-01142 ER, (9th Cir. 2006); *State v. Wicks*, Nos. 2711742 & 2711743, (Ore. Cir. Ct. Multnomah County 2000). See also The National Coalition for the Homeless and The National Law Center on Homelessness & Poverty, *A Dream Denied: The Criminalisation of Homelessness in U.S. Cities*, 2006, pp10, 79-105, available at http://www.nlchp.org/content/pubs/A_Dream_Denied1.pdf [31 January 2008].
- ⁶⁵ *Pottinger v Miami*, 810 F Supp 1551 (SD Fla, 1992).