

31 July 2009

The Hon Robert McClelland MP  
PO Box 6022  
House of Representatives  
Parliament House  
Canberra ACT 2600

Dear Attorney-General,

**Australia's Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights**

We are writing to encourage the Australian Government to sign and ratify the *Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* (**Optional Protocol**). The Optional Protocol will open for signature on 29 September 2009 by States who are a party to the *International Covenant on Economic, Social and Cultural Rights* (**ICESCR**), and will enter into force upon ratification or accession by ten States.

The PILCH Homeless Persons' Legal Clinic (**HPLC**) strongly supports Australia's early and full ratification of the Optional Protocol, including the two opt-in mechanisms. The HPLC calls on the Australian Government to sign and ratify the Optional Protocol at the signing ceremony in September 2009. Ratification of the Optional Protocol will reinforce the Australian Government's commitment to ensuring improved promotion and protection of human rights for all Australians and will confirm Australia's position as a global leader in human rights. As Australia is already a party to the ICESCR, which commits Australia to respect, protect and fulfil economic, social and cultural rights, implementation of the Optional Protocol within Australia should be relatively easy and is consistent with Australia's current social and political structures.

The Human Rights Law Resource Centre (**HRLRC**) has provided you with a full and comprehensive submission, recommending that the Australian Government ratify the Optional Protocol, including the two opt-in mechanisms. The HPLC unreservedly endorses the HRLRC's submission entitled *Australia's Ratification of the Optional Protocol to the International Covenant on Economic, Social and Cultural Rights* and we refer the Attorney-General to that submission, which provides incontrovertible evidence and arguments about why the Australian Government must ratify the Optional Protocol in full. Further to the matters set out in the HRLRC's submission, the HPLC encourages the Australian Government to sign and ratify the Optional Protocol in full because implementation of the Optional Protocol will better protect the human rights that matter most to people experiencing or at risk of homelessness.

Between March and May 2009, the HPLC consulted with over 140 individuals experiencing or at risk of homelessness about human rights in Australia as part of its response to the National Human Rights

Consultation. The resounding response of participants at those consultations was that the human rights that matter most to them are economic, social and cultural rights including: the right to adequate housing; the right to access appropriate health care, the right to education; and the right to social security. Many participants considered that these rights (which entitle them to access basic necessities such as food, clothing and shelter) are most important and enable them to live with dignity and security. However, participants also stated that they experience violations of their economic, social and cultural rights most frequently. Many participants expressed that violations of their human rights occur on a daily basis and that therefore, in reality, these rights do not exist for them. As one participant 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.'*

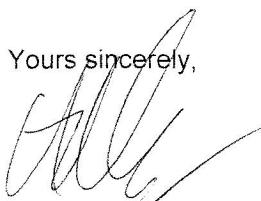
Ratification of the Optional Protocol will improve protection of economic, social and cultural rights in Australia both directly, by providing an avenue of redress for individuals, and indirectly, by improving awareness and understanding of economic, social and cultural rights in government and society through engagement in the constructive, participatory and capacity building processes created by the Optional Protocol. In addition, ratification of the Optional Protocol will significantly strengthen the protection of human rights for people experiencing or at risk of homelessness, as it will provide them with an avenue to redress the violations that they most commonly experience and it will also improve protection of economic, social and cultural rights in government decision-making, including the development of laws and policies.

The HPLC notes that people experiencing or at risk of homelessness in Australia also often experience poverty, social exclusion and discrimination, and are some of the most disadvantaged and marginalised members of our society. Their daily experiences demonstrate that they are in urgent need of better human rights protections. Implementation of the Optional Protocol in Australia will be a solid step towards improving human rights protections and the lives of society's most disadvantaged members. It will also be an important step towards addressing issues of homelessness, poverty and social exclusion in Australian society. For these reasons the Australian Government must sign and ratify the Optional Protocol, including the two opt-in provisions.

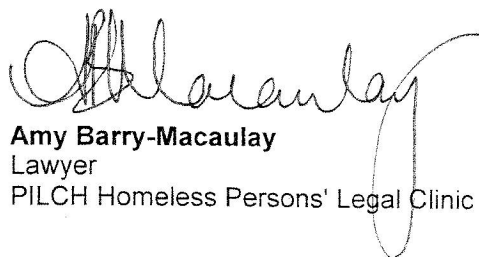
The HPLC would welcome the opportunity to discuss the contents of this letter with you in more detail.

Please do not hesitate to contact us on (03) 9636 4408 if you have any questions.

Yours sincerely,



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