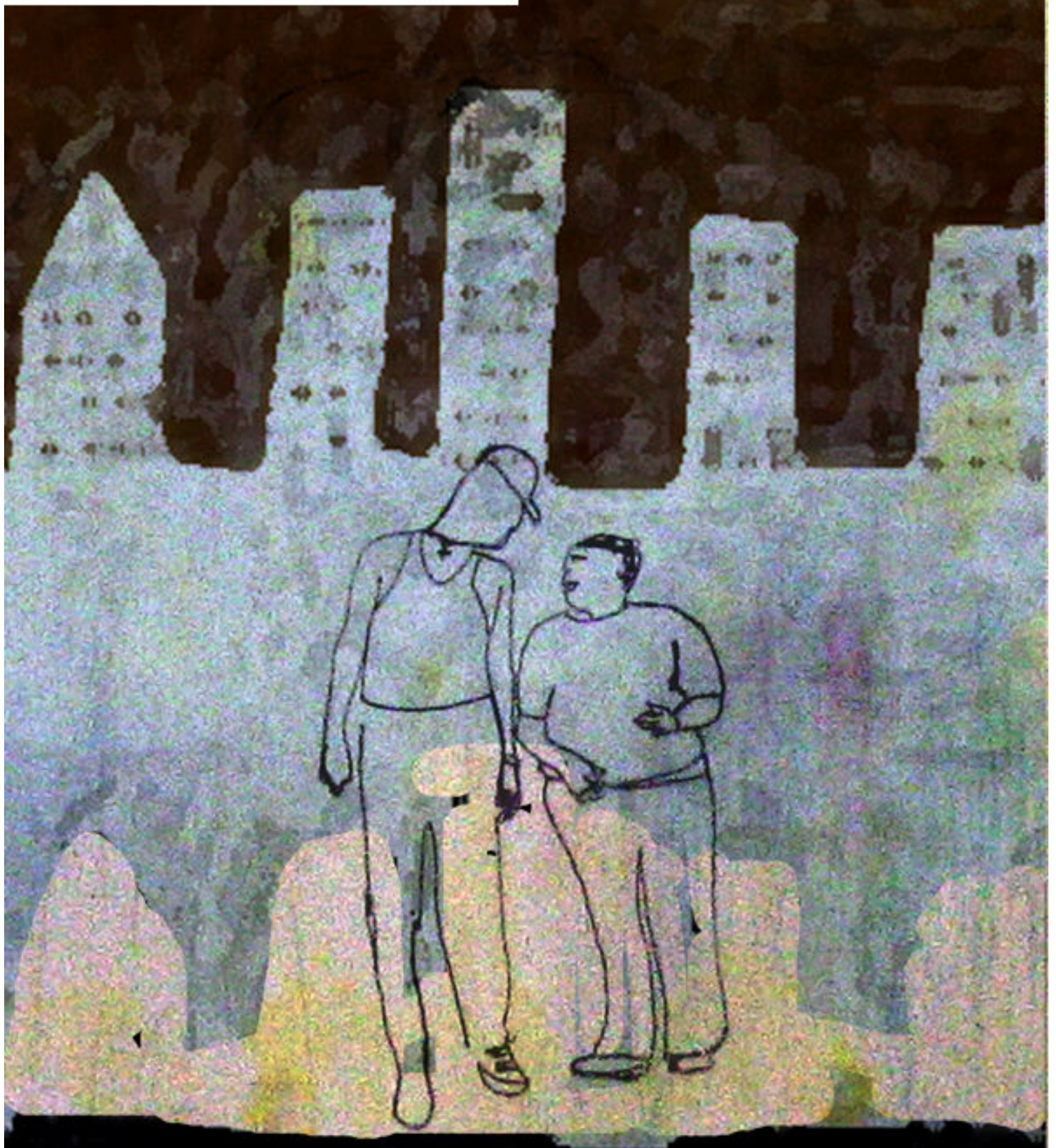


# STREET RIGHTS



NEWSLETTER OF THE PILCH HOMELESS PERSONS' LEGAL CLINIC

Edition 37 - April 2008



# Human Rights & Homelessness

## All individuals have human rights.

**E**very person is born free and equal in dignity and rights; this is a universal principle of international law. It is a principle that is set down in a number of international documents to which Australia has signed up. The Victorian government also has obligations to ensure respect for peoples human rights following the recent introduction of the *Charter of Human Rights and Responsibilities Act 2006* (the **Charter**). The Charter lists and defines a number of human rights and sets out how the Victorian government *must* promote and protect the human rights of *all* Victorians.

## The rights of the homeless under the Charter:

*Anna is hospitalised before and after giving birth in hospital, due to complications. She is a single mother and this is her first child. Due to her emergency attendance at hospital, Anna was unable to finalise a number of bills etc before leaving her home (which is in public housing). While in hospital Anna is unable to pay the rent and falls behind on paying some overdue bills and fails to pay within the required time. When it comes time to return home from hospital with her new baby, Anna receives an eviction notice.*

Eviction in these circumstances may amount to inhuman and degrading treatment. It would also be a significant interference with the right to family and home and would not promote the best interests of the child. Anna's caseworker or lawyer should negotiate for the eviction notice to be revoked or for an extension of time to allow her to

vacate and find alternative accommodation so that her human rights are not violated. A government funded service provider has obligations and responsibilities under the Charter to act in a way that is compatible with human rights.

*Jack, a homeless man with a serious liver condition requires stable accommodation and medication. The Office of Housing denies him access to accommodation and medical services without considering his special needs.*

Refusal of services to Jack by the Office of Housing (**OoH**) may amount to inhuman and degrading treatment. The OoH may be in breach of its obligations under the Charter.

(These case studies have been adapted from the British Institute of Human Rights Report - *Changing Lives*)

While all Victorians have human rights, for many people their human rights are denied on a daily basis. Homelessness significantly impacts on an individual's ability to enjoy their human rights and freedoms. The Clinic has expertise in human rights law. The Clinic regularly advocates on behalf of individuals and lobbies government for the improvement of human rights for homeless people. If you think that you have been denied your human rights, please telephone the Clinic on 1800 606 313 to speak to a lawyer.

## For more information on your human rights go to –

Human Rights Law Resource Centre website at [www.hrlrc.org.au](http://www.hrlrc.org.au)  
Human Rights and Equal Opportunity Commission at [www.hreoc.gov.au](http://www.hreoc.gov.au)

## Or contact –

Caroline Adler, Manager/Principal Lawyer, HPLC, on 9225 6684  
Amy Barry-Macaulay, Lawyer, HPLC, on 9225 6643

## What are human rights?

Human rights must be enjoyed equally, by all persons. Governments are required to take appropriate steps to ensure the realization of human rights by *all* individuals. Some human rights that may be relevant to people experiencing homelessness include:

### Social, economic and cultural rights:

- adequate standard of living
- highest attainable standard of physical and mental health
- social security
- education
- work

### Civil and political rights:

- non-discrimination
- liberty and security of person
- protection from inhuman and degrading treatment
- treatment with humanity and dignity
- voting
- not to have their privacy or home unlawfully or arbitrarily interfered with
- freedom of movement
- freedom of expression

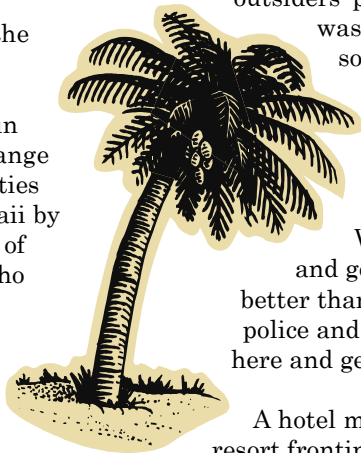
## The first day I arrived in

Hawaii the local newspaper's headline story reported a controversial proposal before the Housing Board to convert public housing units into a transitional homeless shelter to accommodate more than 200 residents from 'Next Step' - a transitional housing unit which was being closed to make way for the new headquarters of the Office of Hawaiian Affairs.

More than 7,000 people are currently on the waiting list for public housing in Hawaii and lawmakers and even the state Public Housing Authority have voiced their opposition to the conversion, saying it will result in people 'cutting in line.' But considering the alleged 'queue jumpers' are evictees themselves, there are no winners in that story except for the Office of Hawaiian Affairs who get new offices.

I spent two days with the lawyers at Volunteer Legal Services Hawaii which although based in Honolulu, provides a range of services to communities on four islands of Hawaii by drawing on a database of individual attorneys who volunteer their time.

On my first day at the Service I travelled with one of its staff members to a new emergency shelter which was built to house individuals and families who had been ordered by the authorities to dismantle their make-shift homes on a local beach. The shelter, which is made up of two large airport hanger shaped



## Emergency and Transitional Housing Shortage in Hawaii

by Tabitha Lovett

Published by the Homeless Persons Legal Clinic



Post Card

Homeless  
in Hawaii

buildings (one for singles and one for families) was constructed at a cost of US\$6.5 million. Each resident is assigned a room and a case worker who recommends counselling and job training. Although the residents I met said they liked the shelter, from an outsiders' perspective the weather was so warm and the beach so inviting that I asked one of the residents if they preferred living at the shelter compared with life on the beach. She replied 'It's a trade off. We're not as free to come and go as we like, but it's better than being hassled by the police and we have meals together here and get support with our kids.'

A hotel magnate, who owns a resort fronting the local beach, donated \$US55,000 to build a children's playground next to the shelter's outdoor meal area. As we walked through the building I asked the shelter's director if she thought his generosity was motivated in part by a desire to keep the residents off his

resort's beaches (in Hawaii all beaches are open to the public even when fronted by a resort). She smiled and showed me the framed photographs on the walls of the residents' kids blowing out candles on birthday cakes and explained, "[the resort owner] said he would donate a year's supply of cakes to celebrate the kids' birthdays. But after we invited him to come to one of their parties and he saw the child's joy, he said he would donate the cakes for the rest of his life...Now we just need to keep him healthy", she joked. "The birthday parties are so important for the children. They sometimes get teased at school for living at the shelter and we say hold your head up high and tell those kids, 'I had 150 people at my party.'"

Tabitha Lovett is the Manager of PILCH's Public Interest Law Scheme. She is travelling in the United States on a Winston Churchill Fellowship to research pro bono programs in the United States which provide legal, business and advocacy support and services to non-profit organisations.

## Welfare to Work

HPLC is conducting an inquiry into the impact of Welfare to Work on those who have experienced homelessness. The experiences of a maximum of 100 people from Victoria and NSW will be collected to determine the impact of Welfare to Work requirements on pathways out of homelessness; the ability of homeless people to obtain financial case management and the way in which the process might be improved and streamlined. In addition, the Project will examine whether the Welfare to Work is compatible with the *Charter of Human Rights and Responsibilities Act 2006* (Vic). If you would like to contribute, please contact Phoebe at the Clinic on 1800 606 313.

# The CAG Chronicle April 2008

Tanya Unger, Consumer Advisory Group

The 5th National Homelessness Conference *New Horizons: Practice, Research and Emerging Issues* is being held in Adelaide from the 21-23 May. The conference aims to create a framework for ending homelessness through increasing understanding of its social and economic impacts. Consumers are welcome to attend, and one consumer group is, in fact, presenting at the conference. However, the conference's advertising makes no mention of consumer involvement, stating that presentations will be given by *"those at the coal face — the service providers, researchers, policy developers and funding bodies."* As a consumer myself, this omission of consumer voices has left me a little 'coal faced', as in a bit 'dirty' at being left out— again.

I looked up the meaning of coal face, of which there are many. The most popular reference is to a mining term, referring to the 'surface or face' from which coal is extracted. It seems as if all the miners are gathering from across the nation but the mine is empty. In other words, what about acknowledging in the conference's promotional materials that consumers also perform a key role in the discussion of national homelessness strategies, rather than attending as mere observers from the sidelines?

Happily though, one member of the CAG is being funded to attend the conference for the three days that the conference is on. As a consumer advocate I believe it is vital that the experiences, concerns and aspirations of consumers be represented in national forums such as this, which seek to contribute to and inform National Government policy on issues relating to homelessness. One of the things that I hope we will demonstrate is the significant contribution the CAG has made to improved service provision of the HPLC. I am hopeful that a healthy, supportive and constructive discussion on the importance of consumer participation and consultation will be well received. CAG hopes to give you an update on what went on during the conference in the next chronicle.

## HPLC good news story

**Office of Housing:** Jane, a sufferer of severe osteo-arthritis, was staying in a house she had occupied since 2000 which had not been modified to cater for her special needs. Jane had been on the Office of Housing (OoH) list for alternative housing since 2001. Jane and her son were also the victims of 'neighbors from hell' who had subjected them to years of continuous verbal abuse and threats of violence, and Jane has suffered from chronic anxiety and depression as a result. HPLC Lawyers lodged an appeal to the OoH on mental health grounds. In December 2007, the OoH offered Jane alternative accommodation in a two bedroom single storey unit in a nearby suburb away from any other public housing. The unit is being modified to suit Jane's special needs, and Jane is delighted with the result.

\* Names have been changed

## Subscribe

Please contact Helen Arblaster on 1800 606 313 or [hplc@pilch.org.au](mailto:hplc@pilch.org.au) to subscribe, or to have your say. Email [hplc@pilch.org.au](mailto:hplc@pilch.org.au) to subscribe to our mailing list.

## THE CLINIC PROVIDES FREE LEGAL ADVICE AT THESE LOCATIONS AND TIMES:

### The Big Issue

148 Lonsdale Street  
Melbourne 3000

Mon: 10:00am - 11:00am

### Melbourne Citymission

214 Nicholson Street  
Footscray 3011

Mon: 10:30am - 1:00pm

Footscray train station - Tram 82 (Droop St)

### Ozanam House

179 Flemington Rd  
North Melbourne 3051

Tues: 10:00am - 12:00pm

Flemington Bridge train station  
Trams 55, 59, 68 (Flemington Rd)

### Urban Seed (Credo Café)

174 Collins St, Melbourne 3000

(Approach via Baptist Pl, off Little Collins)

Tues: 12:00pm - 1:00pm

### Flagstaff Crisis Accommodation

9 Roden St,

West Melbourne 3003

Tues: 1:00pm - 2:30pm

North Melbourne train station - Tram 57  
(Victoria St)

### Salvation Army Life Centre

69 Bourke Street

Melbourne 3000

Tues: 12:30pm - 2:00pm

### The Lazarus Centre

203 Flinders Lane

Melbourne 3000

By appointment - call 9639 8510

### St Peter's Eastern Hill

15 Gisborne Street

East Melbourne 3002

Wed: 7:30am - 9:00am

Parliament train station - Trams 24, 42, 109  
(Victoria Pde)

### Hanover Southbank

52 Haig St, Southbank 3205

Wed: 1:15pm - 3:00pm

Spencer Street train station - Tram 112  
(Clarendon St)

### HomeGround Housing

1A/68 Oxford Street

Collingwood 3066

Thurs: 12:00pm - 2:00pm

Collingwood train station - Tram 86 (Smith St)

### VACRO

116 Hardware Street

Melbourne 3000

Thurs: 1.00 - 3.00pm

Melbourne central station - Tram 19, 57 and 59  
(Elizabeth St)

### Koonung Mental Health Clinic

Friday 1pm - 3pm

Level 1, 43 Carrington Rd

Box Hill 3128

Ph: (03) 9843 5800

### PILCH

Level 1, 550 Lonsdale st.

Melbourne, VIC 3000

(03) 9225 6684 or 1800 606 313

[www.pilch.org.au](http://www.pilch.org.au)