

WHY NOT INVOLVE THE HOMELESS? HOUSING RIGHTS AND COMMUNITY BUILDING

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Human Dignity is the Foundation of Human Rights

Article one of the Universal Declaration of Human Rights underscores this

“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

Nature of Human Rights

- Inalienable
Human rights are derived from the inherent dignity of the human person.
- Universal
Human rights belong to all people everywhere – the principle of equality.
- Interdependent and indivisible
Civil, political, economic, social and cultural rights are inter-related, interdependent and indivisible.

Article 11.1 of the International Covenant on Economic, Social and Cultural Rights (ICESCR) states that:

*“The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and **housing**, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international co-operation based on free consent.”* (emphasis mine)

Article 5 (e) (iii) of the International Convention on the Elimination of all forms of Racial Discrimination (CERD) states;

*In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and eliminate racial discrimination in all of its forms and to give guarantee the right to everyone, without distinction as to race, colour, or national or ethnic origin to equality before the law, notably in the enjoyment of the following rights:(e) in particular..(iii) **the right to housing.*** (emphasis mine)

Article 14 (2) (h) of the International Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) states:

*State Parties shall take appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right.... (h) **to enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.*** (emphasis mine)

Article 27 (3) of the International Conventions on the Rights of the Child (CRC) states:

States Parties in accordance with national conditions and within their means shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing. (emphasis mine)

State Party or Government's Obligations

Respects Human Rights by abstaining from carrying out, sponsoring or tolerating any practice, policy or legal measure that violate these rights.

Protects Human Rights by creating mechanisms for the ensurance that the government is complying with its international obligations.

Promotes Human Rights by ensuring domestic laws conform to these international standards and policies are developed, resources allocated to ensure these rights are fulfilled.

Some adverse effects homeless people suffer are:

- they are socially discriminated;
- their human dignity is violated;
- they have a low self-esteem and lack confidence;
- they do not have an address and may miss out on social security payments;
- if no address they are unable to vote; denied the right to participate in the political process;
- they experience continuous and often increasing poverty;
- a negative impact on their physical and mental health;
- they experience a reduction in employment prospects;
- often they experience breakdown in family and social ties.

Adequate housing is where a person can live in a clean environment, with basic amenities (such as clean drinking water, sewage, electricity, etc.), in peace, dignity and security.

Reclaiming Housing Rights means that those people, whose rights are violated, have to organise to reclaim them.

The relationship between the homeless and the Agency is that:

- One is the receiver and the other is the giver;
- One has no power to deal with their problems and the other has the power to do something;
- One has no ability to do anything and one has all the ability to do something;
- One cannot think for themselves and the other thinks for them;
- One has no voice and is unable to speak for themselves (and if they do speak no one wants to hear them), the other has the voice and often speaks on behalf of the homeless;

A Rights Based Approach

Understands: Human Needs as Human Rights

Recognises: Economic, social and political development as an inalienable human rights

Views: Poverty as a violation of human rights, which offends the inherent dignity of the human person and the principle of equality.

Attributes: Responsibility to national governments.

Focuses on: Legal dimension

Ensuring that laws and redress mechanisms are consistent with international human right standards.

Policy dimension

Translates human rights obligations into development objectives.

Implementation

Uses international human rights norms as a framework. Adopts a participatory and inclusive approach, involving citizens whose rights have been violated in every step of the decision making process.

Micro Level

- People as active participants in the process of development at the local and national level.
- Aims to empower local communities
 - To see issues in terms of “rights”
 - To act together and participate in decision making at all levels.
 - Campaign for changes in law, policy and practice.

What a Human Rights Approach is not

- NOT about paternalism or conditionality
- NOT about legalism but the active exercise of rights.
- NOT only about representational democracy but participation in political and social processes.

Implications for NGOs

- Shift in thinking from welfare to human rights and dignity
- Using human rights framework to identify development objectives.
- Emphasis on partnerships with marginalised groups.
- Building capacity of marginal groups and others to advocate their concerns and issues.
- Flexibility to respond to people’s needs.
- Possible broadening the range of activities.