

Australia's 2015 UPR—NGO Coalition Fact Sheet 6

Housing and Homelessness

Children and the Right to Adequate Housing

At the date of Australia's last census, an estimated 46% of Australians experiencing homelessness were under 24 years of age and 27% were under 18 years of age.¹ At least one third of young people leaving out-of-home care are expected to experience homelessness.² Aboriginal and Torres Strait Islander children continue to be significantly overrepresented in Australia's homeless population. Having ratified the UN Convention on the Rights of the Child, Australia has a duty to ensure the fulfilment of children's rights, including the rights to an adequate standard of living, health, privacy and education.³ Homelessness limits the realisation of these rights in Australia. Addressing youth homelessness requires a coordinated effort between all levels of government in Australia to provide appropriate, ongoing and adequately funded support services, including in relation to housing, family violence support, income support, education, disability, health and legal assistance.

Proposed Recommendation:

Develop and implement strategies to address the needs of children experiencing or at risk of homelessness, including specific strategies for Aboriginal and Torres Strait Islander children.

Women and the Right to Adequate Housing

At the date of Australia's last census, it was estimated that of the 105,237 Australians experiencing homelessness, 45,813 or 44% were women.⁴ 59% of people supported by specialist

homelessness services are women.⁵ Of the Aboriginal and Torres Strait Islander clients who seek assistance from homelessness services, around 62% are women.⁶ Women who are homeless are more likely to experience other breaches of their human rights, including the right to the highest attainable standard of physical and mental health, the right to be safe and free from violence, the right to privacy, the right to education and the right to be free from discrimination. Domestic and family violence has become the most common cause of homelessness in Australia.⁷ Women and children affected by domestic and family violence have diverse socioeconomic and cultural backgrounds and require a range of individualised and ongoing support, including safe, affordable, accessible and secure accommodation options and appropriate exit points from crisis accommodation.

Proposed Recommendation:

Australia should develop and implement strategies to prevent homelessness resulting from domestic violence and ensure that women and their children who are victims of domestic and family violence are provided with appropriate accommodation and ongoing, integrated and appropriately funded support.

A Housing Strategy for Australia

The realisation of the right to adequate housing in Australia requires consideration of factors including affordability, habitability, accessibility, location, cultural adequacy and availability of facilities essential for the realisation of other rights, including health, security and nutrition.⁸

¹ Australian Bureau of Statistics, *Census of Population and Housing: Estimating homelessness, 2011* (ABS Catalogue No 2049.0, 12 November 2012).

² Phil Crane, Jatinder Kaur and Judith Burton, *Homelessness and leaving care: The experiences of young adults in Queensland and Victoria, and implications for practice*, 2013, 11.

³ UN General Assembly, *Convention on the Rights of the Child*, 20 November 1989, United Nations, Treaty Series vol. 1577, page 3, Articles 27, 24, 16 and 28.

⁴ Australian Bureau of Statistics, *Census of Population and Housing: Estimating homelessness, 2011* (ABS Catalogue No 2049.0, 12 November 2012), 5.

⁵ Australian Institute of Health and Welfare 2014: *Specialist homelessness services: 2013–2014*. Cat. no. HOU 276. Canberra: AIHW, p 7.

⁶ *Ibid.*, 26.

⁷ *Ibid.*, 39.

⁸ Committee on Economic, Social and Cultural Rights, General Comment 4, The right to adequate housing (Sixth session, 1991), U.N. Doc. E/1992/23, annex III at 114 (1991), para 8.

Affordability requires that personal or household costs associated with housing should not be at a level that threatens or compromises the attainment or satisfaction of other basic needs. Australia continues to experience serious housing affordability issues with over one million lower income households paying housing costs which exceed the 'housing stress' benchmark of 30% of household income. The cost of private rental increased by 75.8% for houses and 91.8% for other dwellings between 2002 and 2012, whereas average earnings increased by 57%.⁹ There are currently around 197,848 households waiting for public or community housing.¹⁰ Further, the lack of a comprehensive legal framework and policy position to respond to homelessness prevents the progressive realisation of the right to adequate housing in Australia.

Proposed Recommendation:

Develop a comprehensive and coordinated national housing strategy that gives proper consideration to the human rights of those most vulnerable to homelessness, including people experiencing or at risk of homelessness for reasons of age, gender, race, disability, sexuality, locality or cultural background.

Criminalisation of Homelessness and Poverty

All Australian states and territories have laws which have the effect of criminalising homelessness and poverty.

In 2006, the UN Special Rapporteur on the Right to Adequate Housing, Miloon Kothari, concluded that the enforcement of public space laws in Australia 'criminalizes the homeless and may violate civil rights, including the right to be free from inhuman or degrading treatment or punishment'.¹¹

The Australian Government has failed to act on the Special Rapporteur's recommendations to revise or amend laws that criminalise homelessness and poverty, including begging offences, public intoxication offences, 'move on' powers and Prohibitive Behaviour Orders.

In 2009, the bi-partisan House of Representatives Standing Committee on Family, Community, Housing and Youth recommended that the Australian Government, in cooperation with state and territory governments, conduct an audit of laws and policies that impact disproportionately on people experiencing homelessness.¹² To date, this audit has not been conducted.

Proposed Recommendation:

Engage with state and local governments to conduct an audit of laws and policies that impact disproportionately or discriminatorily on people experiencing homelessness and encourage amendment of those laws and policies at state and local levels.

⁹ National Housing Supply Council, 'Housing supply and affordability issues, 2012–13', 2013, 7.

¹⁰ SCRGSP (Steering Committee for the Review of Government Service Provision) 2014, *Report on Government Services 2014*, Productivity Commission.

¹¹ Miloon Kothari, Report of the Special Rapporteur on Adequate Housing as a Component of the Right to an Adequate Standard of Living – Addendum: Mission to Australia (31 July to 15 August 2006), UN Doc A/HRC/4/18/Add.2 (11 May 2007) [47].

¹² House of Representatives Standing Committee on Family, Community, Housing and Youth, Parliament of Australia, *Housing the Homeless: Report on the inquiry into homelessness legislation* (2009), 81.