

A Human Rights Act for Queensland

How could a Human Rights Act help people who are homeless or at risk of homelessness?

A Human Rights Act will help to create a fair, just and equal society for everyone. When human rights are protected by law they help to ensure that we are all treated fairly, and with dignity, equality and respect.

Protection of human rights in legislation will also help to address particular issues – such as homelessness.

This factsheet provides examples of how human rights legislation in other places has assisted people who are homeless or at risk of homelessness.

The right to be free from inhuman and degrading treatment

A pregnant woman was living in government housing in the UK. She was issued a notice to leave the property while she was giving birth in hospital. The woman was a single parent and she was giving birth to her second child. A worker at a community organisation that was providing support to the woman helped to prevent the eviction by arguing that evicting the family in these circumstances would breach their right not to be treated in an inhuman and degrading way – a right that is protected in the UK's Human Rights Act.

Source: BIHR, Preventing a Woman and her Newborn Baby Being Made Homeless <https://www.bih.org.uk/Pages/FAQs/Category/case-studies>

Equality before the law

A Victorian woman was served with a notice to immediately vacate her property because of allegations of violence and drug dealing. The landlord had not discussed the allegations with the woman – instead relying on information provided to him by other people. Advocates argued that making these assumptions engaged the right to recognition and equality before the law – a right protected in the Victorian Charter of Human Rights and Responsibilities Act. As a result the notice to vacate was withdrawn due to the lack of evidence relating to the allegations that had been made in the notice.

Source: Council to Homeless Persons Submission to the 8 year review of the Victorian Charter of Human Rights and Responsibilities Act (2006) <<http://chp.org.au/wp-content/uploads/2015/06/150603-Submission-to-the-review-of-the-Victorian-Charter-of-Human-Rights.pdf>> (p 4).



The right to privacy

A Victorian woman was living in housing owned by a community housing provider. The housing provider had obtained a possession order from the Victorian Civil and Administrative Tribunal because of their concerns about the cluttering of personal items at the property. The woman had previously told the housing provider that the cluttering was a symptom of her mental illness – an illness that she was receiving medical treatment for.

The woman's advocate argued that as a provider of low-cost housing to vulnerable tenants on behalf of the Victorian government, the community housing provider was required to act consistently with the Charter of Human Rights and Responsibilities Act and, in particular, they were required to give proper consideration to the woman's right to privacy.

As a result of the negotiations, the woman was allowed to stay at the property.

Source: VEOHRC, 2014 Report on the Operation of the Charter of Human Rights and Responsibilities (p 41) <http://www.humanrightscommission.vic.gov.au/index.php/our-resources-and-publications/charter-reports/item/download/7862_eec6bf53a3d3b4e27cb8dd785adcc34f>

Which rights?

The case studies above show that many of the rights that protect everyone have been used to prevent homelessness. Many of these rights originally come from the United Nations International Covenant on Civil and Political Rights.

The United Nations International Covenant on Economic, Social and Cultural Rights recognises the right of all people to adequate housing. As a signatory to this Covenant, Australia has agreed to take appropriate steps to ensure that this right becomes a reality for all Australians.

In order for the rights contained in the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights to be enforceable in Queensland they need to be protected in law – for example in a Human Rights Act for Queensland.

