

Human Rights Framework

Responding to homelessness should consider a basic Human Rights platform. Australia is the signatory to the UN Charter of Human Rights and the UN Declaration on the Rights of the Child that enshrines basic rights to housing safety, education, nutrition and care. As a party to this treaty, Australia is under legal and moral obligations to promote, protect and realise the human rights of all people regardless of age.¹

Victorian has initiated a number of Legislation changes within a Human Rights Framework. The Child, Youth and Family Act 2005 focuses on the 'best interest' of the child and the impact of 'cumulative harm' over the long term; rather than single episodic events. The Act supports an integrated response from specialised services with partnerships across sectors, relying on a multi disciplinary team approach to ensure optimum outcomes for children and families. Each service area provides specific and targeted responses within their area of expertise. It does not assume that a generalised service response can address the complex issues of the families. This enables a continuum of professional services which addresses needs on a prioritized framework.

We submit that any legislative changes must reflect:

- Recognition of the rights of children as outlined within the UN Declaration on the Rights of the Child
- Children experiencing homelessness should be acknowledged as a special group in the homelessness sector and the discrete rights of children articulated.
- Children's rights, and entitlements to service provision specifically, be clearly articulated.

Recognition of children as discrete service users in their own right

An accompanying child is a person who:

- Is aged under 18 years of age
- Accompanies the client/s i.e. the parent or guardian to a SAAP agency during the support period and/or
- Receives assistance from a SAAP agency as a result of a parent/guardian being a client of the same agency
- An accompanying child may or may not require or receive assistance
- An accompanying child does not necessarily need to be present at the agency at the time the client begins the support period.²

The homelessness sector was developed as an adult response to homelessness, as reflected in the section above with the needs of children perceived as secondary and assumed to be resolved when the crisis issues for adults were addressed. The trickledown effect of this response has permeated the homelessness sector and guided the responses to children, apart from any specialist children's response. The implications of the words "accompanying children" implies that children's needs are less important to those of the presenting adult and homogenous with theirs. A cultural shift to considering the needs of children and their best interests is vital to change any directions to working with children within the homelessness and family violence sectors.

We submit that any legislative changes must reflect:

- Change the term "accompanying" children
- Develop a term that reflects the child's position and affords recognition of their status as individuals – "children within the family"
- Avoid using the term working "within a family context" – this still implies adult needs are more important those of the child.
- Clarify the response to children within the homelessness system
- Clarify responsibility for underage unaccompanied children in homelessness and the relationships and responsibilities of child protection services.
- Children experiencing homelessness should be accorded equivalent status and entitlement to service response as the adults whom they accompany into SAAP services.
- Reflect the diversity of children entering the system e.g. Indigenous, CALD, children who have disabilities and children from rural and remote areas.
- That children's rights to protection and support be clearly articulated as a paramount consideration for all SAAP agencies.

- Funding arrangements and output targets more realistically reflect the task of assessment and case management with children and families in SAAP.

Distinct experiences of child

Regardless of the fact that children present as a family unit, their needs and perceptions of the homelessness event is distinct and separate from their parents and each sibling. Each individual has their own response that should be addressed and considered in service provision.

It is estimated that the long-term economic cost to the community of not assisting the 50,000 children who pass through specialist homelessness services each year is close to \$1 billion per annum.³ Responding appropriately at an early intervention opportunity will ultimately save the community in economic and social terms by reducing the need for greater and perhaps multiple interventions in the longer term. Children are being harmed by the lack of responses available to them. The effects of cumulative exposure cause long-term harm and by not intervening the service sector is complicit in that harm.

We submit that any legislative changes must reflect:

- The Best Interests of the child as paramount to any service provision
- The detrimental effects of homelessness on all aspects of a child's wellbeing and development including, physical, social, emotional, behavioural and cognitive development.
- Attention is paid to any particular vulnerabilities, needs, and support models for children based on their age.
- The role of protecting children is a whole of government and community responsibility. Relationships across all departments including child protection, housing, disability, education, health, mental health etc should share a commitment to maximizing outcomes for children within a human rights framework.
- Improved and ongoing data collection relating to children experiencing homelessness to reflect the distinct met and unmet needs of children.

This legislation is an opportunity to be the voice for the silent and most vulnerable victims of homelessness and family violence, our nation's children. Children who accompany a parent or guardian make up 36% of all people attending SAAP services (AIHW, 2006b). The majority of these children are under 12 years of age (over 86%) and almost half are under 5 years of age (AIHW, 2006b)⁴. The experience of homelessness is not a one off event that children bounce back from, it can become a defining event that shapes their lives. With appropriate and effective interventions the service system can ameliorate the traumatic effects of homelessness and build the resiliency and competence children need to break the detrimental cycle of homelessness.

1. Homelessness is a Human Rights Issue, 2008, Human Rights & Equal Opportunity Commission, www.humanrights.gov.au/human_rights/housing/homelessness_2008.html
2. AIHW 2003 – NDCA
3. The Road Home, Homelessness Taskforce, www.fahcsia.gov.au
4. Australian Institute of Health and Welfare (AIHW) (2006b) Homeless people in SAAP: SAAP National Data Collection Annual Report 2004-05 Australia, AIHW Cat no. HOU132, Canberra (SAAP NDCA report Series 10).
5. Useful link [Convention on the Rights of the Child \(CRC\)](#)

Submitted by:

Karen Glennen on behalf of the Victorian Statewide Children's Resource Program Coordinators

Name	Agency	Postal Address	Address	Region	Phone	Fax	Mobile	email
Katrina McAuley	MOSS Broadmeadows		22 Lakeside Drive Broadmeadows	NW	9359 5493	9383 7602	0412 257 174	katrina@merri.org.au
Halime Aldemir	MOSS Broadmeadows		" "	NW	9359 5493	9383 7602	0428 584 564	halime@merri.org.au
Kay Lavender	Central Hume Support Services	PO Box 1490 Wodonga 3690		H	(02) 60437404	02)60568531		childrensproject@chss.net.au
Julie Maggs	EASE	PO Box 958 Bendigo 3552		LM	5430 3000	5443 4844	0437 454 233	julie@loma.net.au
Melinda Zammit	Wesley Homelessness Services		291A Maroondah Hwy Ringwood 3134	E	9871 1541	9879 5382	9871 1540 0423 781 422	mzammit@wesley.org.au
Susie Richards	" "		" "	E	9871 1501	" "	0423 022 883	srichards@wesley.org.au
Leonie Morris	Kilmany UnitingCare	PO BOX 1074 Sale 3850	126 Raymond St Sale 3850	GIP	5144 7777	5144 1429	0428 528 770	Leonie.morris@kilmany.org.au
Leeanne Nicholson	UnitingCare	PO Box 608 Ballarat 3353	105 Dana Street Ballarat 3350	GRA	5337 2726	5332 1055	0409 425 962	lnicholson@ucare.org.au
Karen Glennen	Colac Area Health	2-28 Connor St Colac 3250		BSW	5232 5231	5232 5190	0409 411 102	ktglennen@swarh.vic.gov.au
	WAYSS	PO Box 3 Dandenong 3174		S	9791 6111	9793 5078		

