

Clearing homeless camps compounds the violation of human rights and entrenches the problem

Written by Cristy Clark, Lecturer in Law, Southern Cross University

On Wednesday evening, the New South Wales state government [passed legislation](#) empowering police to dismantle the Martin Place homeless camp in the heart of Sydney's CBD. This follows

[similar actions in Victoria](#)

, where police cleared a homeless camp outside Flinders Street Station. Melbourne Lord Mayor Robert Doyle proposed a bylaw to ban rough sleeping in the city.

In March, the UN special rapporteur on the right to housing, Leilani Farha, censured the City of Melbourne's actions, [stating](#) that:

... the criminalisation of homelessness is deeply concerning and violates international human rights law.

As the special rapporteur highlighted, homelessness is already "a gross violation of the right to adequate housing". To further discriminate against people rendered homeless by systemic injustice is prohibited under international human rights law.

Further reading: [Ban on sleeping rough does nothing to fix the problems of homelessness](#)

Real problem is lack of affordable housing

In contrast to her Melbourne counterpart, Sydney Lord Mayor Clover Moore had been [adopting a more human-rights-based approach](#) to resolving the challenges presented by the Martin Place camp.

After negotiating with camp organisers, Moore made it clear her council would not disperse the camp until permanent housing was found for all of the residents. [As she pointed out](#) :

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You can't solve homelessness without housing — what we urgently need is more affordable housing and we urgently need the New South Wales government to step up and do their bit.

It's no secret that housing affordability in both Sydney and Melbourne has [reached crisis point](#) . And homelessness is an inevitable consequence of this. But we have seen little real action from government to resolve these issues.

The NSW government has been offering people temporary crisis accommodation or accommodation on the outskirts of the city. This leaves them isolated from community and without access to services.

In contrast, these inner-city camps don't just provide shelter, food, safety and community; they also send a powerful political message to government that it must act to resolve the housing affordability crisis.

Having established well-defined rules of conduct, a pool of shared resources and access to free shelter and food, the Martin Place camp can be seen as part of [the commons movement](#) .

This movement seeks to create alternative models of social organisation to challenge the prevailing market-centric approaches imposed by neoliberalism and to reclaim the [Right to the City](#) .

Further reading: [Suburbanising the centre: the government's anti-urban agenda for Sydney](#)

We should be uncomfortable

It is not surprising that right-wing pundits have described these camps as “eyesores” or that they

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make NSW Premier Gladys Berejiklian “ [completely uncomfortable](#) ”. The breach of human rights these camps represent, and the challenge they pose to the current system, should make people uncomfortable.

[Unlike most comparable nations](#) , Australia has very limited legal protections for human rights. In this context, actions like the Martin Place and Flinders Street camps are one of the few options available to victims of systemic injustice to exercise their democratic right to hold government to account.

In seeking to sweep this issue under the carpet, both the City of Melbourne and the NSW government are not only further breaching the right to adequate housing, they are also trying to silence political protest.

It is clear from Moore’s demands, and the NSW government’s own actions, that the Martin Place camp is working to create pressure for action. What will motivate the government to resolve this crisis once the camps have been dispersed?

As Nelson Mandela argued in 1991 at the ANC’s Bill of Rights Conference:

A simple vote, without food, shelter and health care, is to use first-generation rights as a smokescreen to obscure the deep underlying forces which dehumanise people. It is to create an appearance of equality and justice, while by implication socioeconomic inequality is entrenched.

We do not want freedom without bread, nor do we want bread without freedom. We must provide for all the fundamental rights and freedoms associated with a democratic society.

Mandela’s words were hugely relevant to apartheid South Africa, where a ruling elite had established a deeply racist and unjust system that linked political disenfranchisement and material deprivation. But they also resonate today in Australia where [inequality is on the rise](#) – driven in large part by

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[disparities in property ownership](#)

Homelessness is a deeply dehumanising force that strips people of access to fundamental rights. The policies that are creating this crisis must be seen as unacceptable breaches of human rights. We need to start asking whether our current economic system is compatible with a truly democratic society.

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Read more <http://theconversation.com/clearing-homeless-camps-compounds-the-violation-of-human-rights-and-entrenches-the-problem-82253>