

25 August 2020

Dear Honourable Premier of Victoria, Daniel Andrews,

Attn: Hon. Jenny Mikakos,
Hon. Martin Foley
Hon. Richard Wynne
Hon. Luke Donnellan
Hon. Gabrielle Williams
Deborah Glass, Victorian Ombudsman

I am writing this letter in my capacity as Global Director of The Shift, the international movement to secure the right to housing. Prior to this appointment I was the United Nations Special Rapporteur on the Right to Housing for six years (2014 – 2020).

I have received concerning information regarding hard lockdown orders in the North Melbourne and Flemington estates in Melbourne, Victoria. It has come to my attention that 9 residential tower blocks, housing approximately 3,000 social housing residents who are predominantly from migrant and refugee communities, were subject to an immediate lockdown without due notice, enforced by approximately 500 police officers. A number of factors indicate that the government of Victoria has contravened its international human rights obligations, in particular with respect to housing, and non-discrimination and equality. These factors include: the racial makeup of the residents of the towers, the small number of residents in the towers who tested positive for COVID-19, the severity and urgency of the lockdown relative to neighbouring communities, the lack of consultation and communication with residents, and the lack of regard for their needs.

According to the information received:

1. Your Government announced the “hard lockdown” (‘Detention Directions’) on 4 July 2020, which applied only to nine public housing towers,¹ and not to any private rental accommodation.

¹ These estates, in the Flemington and North Melbourne areas, included: 9 Pampas Street, North Melbourne; Melrose Street, North Melbourne; Holland Court, Flemington; 120 Racecourse Road, Flemington; 126 Racecourse

2. As your Government would have known, these estates are home to approximately 3,000 residents in 1,345 units, many of whom are pensioners, migrants or refugees, people who have fled war or family violence, people who have experienced homelessness, and those with severe health or mental health challenges. Residents are disproportionately from racialized groups, including a large population from East Africa, and many live below the poverty line in Australia.

3. Your Government stated that the hard lockdown measures were put in place to address a purported outbreak of COVID-19 across the estates, attributable to “patterns of movement, friendship groups, family groups” and increased risk of COVID-19 transmission due to crowded living conditions and numerous communal spaces.

4. Under the Detention Directions, residents of these estates were not permitted to leave their units for a minimum of five days, and up to 14 days, for any reason.² Unlike those under [Stay at Home restrictions](#), residents could not leave their units to access healthcare, go grocery shopping, conduct essential caregiving, or attend work or study. Once announced, the Detention Directions were instantaneously enforced by police officers, 24 hours a day. According to media reports, these were the harshest lockdown rules applied to date in Australia in response to COVID-19.³

5. As of 9 July 2020, these Detention Directions were lifted for all but one estate (33 Alfred Street, North Melbourne), which remained under hard lockdown measures until 18 July 2020. All other estates were put under Stay at Home restrictions as of 5pm on 9 July 2020.

Lockdown Enforcement & Policing

6. According to both media reports and reports by residents, the hard lockdown measures were announced at a press conference, held only in English and during the middle of the day. Residents received no prior warning of the decision to impose hard lockdowns and no efforts were made to provide them with translated versions of the announcement.

7. Beginning 4 July 2020, [five hundred police officers](#) were deployed to the nine towers to enforce the Detention Directions on a 24-hour basis. Many residents were out when lockdown measures were

Road, Flemington; 130 Racecourse Road, Flemington; 12 Sutton Street, North Melbourne; 76 Canning Street, North Melbourne; 33 Alfred Street North Melbourne

² “Refusing or failing to comply with a direction given under the Emergency Powers and Public Health Powers, without a reasonable excuse, could result in a fine of up to \$1,652 for individuals and \$9,913 for businesses.”

³ <https://www.bbc.com/news/world-australia-53316097>

announced and arrived back to find armed police surrounding their homes. The Government's failure to adequately communicate procedures to police and authorities resulted in inconsistent treatment across estates, with some buildings locked down immediately, while others were locked down only after midnight. This caused confusion and increased anxiety.

8. Community advocates and residents questioned the scale of the police presence, particularly given that most residents had complied with previous city and nation-wide orders during the pandemic.

9. Residents' experience of this large-scale police response occurs in the context of a history of over-policing of the North Melbourne and Flemington estate communities. As a result, residents and advocates expressed that the hard lockdown has been "re-traumatizing for the community." Residents further expressed concern that utilizing a police-led response for a public health issue prohibited meaningful engagement and involvement with residents, and that without accountability mechanisms in place, residents have no means of challenging decisions affecting their lives. Residents have informed us that they get angry because of the treatment and as a consequence of this they are further policed – a vicious circle.

10. Residents and community advocates expressed that the Victorian Government intentionally pursued a police-led response, rather than community-led response, in order to "set an example" of their tough approach to COVID-19. Residents and community advocates felt that this approach was also pursued in order to control a racialized population they viewed as vectors of the disease. Residents have expressed to us that they feel the situation is centred in discrimination, because while infection rates in the estates were high, they were not so disproportionately high as to justify such punitive treatment. In fact, as noted above, the estates were subject to differential treatment whereby private rentals in different suburbs were engaged with in a more courteous manner. This difference in approach towards racialized people appears to have played itself out in terms of the overall approach by authorities toward residents during lockdown as well.

Communication with Residents

11. When the hard lockdown was announced on 4 July 2020, the CEO of Victorian Council of Social Service released a [public statement](#) emphasizing that it is critical that "every tenant knows what's going on" and "is given the support they need" during the lockdown. Despite this, residents and media reported limited and at times non-existent communication between the Government of Victoria and estate residents – both before and during the lockdown. For instance, residents reported a lack of clarity with regards to the legal ramifications for breach of the lockdown, and confusion about whom to call to seek clarification.

12. The accessibility of information about the lockdown was a significant issue, particularly on the basis of language. Many residents do not speak English as a first language and the Victorian Government did not provide translated information or materials about the lockdown, its rationale, tenant rights, or how to seek assistance. For example, during the lockdown residents were meant to receive a daily letter concerning updates on the lockdown measures. However, in at least one tower, no letters were received by any residents until 14 July 2020 and even once letters were received, they were only sent to some of the residents and were only provided in English.

13. Residents reported that the lack of translated materials and information had significant consequences for them, including delays in access to medications and medical attention.

Access to Food, Healthcare, and Other Essential Services

14. While the Government indicated that access to food, healthcare, and other services would be provided to estate residents, details about how this would occur were not communicated to residents. One resident described the first 5 days under lockdown as “complete chaos,” with no processes in place for the allocation of food, no allocation for medications, and no allocation of PPE. They reported receiving calls from fellow residents “begging for insulin” or “begging for food.” Residents report waiting as long as 7-8 days to receive the basic essentials they needed. Given the absence of critical services and supports provided for residents, the self-organizing skills and labour of the residents was critical to their survival during the lockdown. Despite this, residents reported that police and other officials hampered their efforts to self-organize.

Food

15. Residents reported that the food provided by the Department of Health and Human Services (DHHS) was often of poor quality, and in many cases was stale dated, including essential items such as milk. The DHHS also failed to take into account the actual needs of residents when delivering foods, particularly in light of their religious beliefs. For example, pork pies were provided to the North Melbourne estates where many non-pork eating Muslim and Buddhist tenants reside. One resident noted that the DHHS collects extensive data on estate residents – including data on religious affiliation – and thus should have been able to ensure religion-appropriate foods.

16. Residents further reported that when food was delivered this was sometimes done very late in the evening and in unsafe ways. For example, in one instance, during the third day of lockdown, food was not delivered to one block until 10:30 pm and was placed in the refuse area before being distributed to residents, posing a risk of contamination.

17. In the absence of adequate food provisions, residents reported attempting to self-organize food access through local mosques and other organizations or agencies. However, they noted instances wherein food delivered by a local Mosque was taken by authorities, requiring residents to “beg” to be given access to this food. One resident stated, “we were surviving on Weetabix.”

Healthcare

18. Residents reported that access to information about healthcare and essential medical supplies was very limited, and that many residents were not told whether they would be able to leave their units in order to attend essential medical appointments, such as cancer treatments. One resident reported that access to medicine was consistently difficult or impossible during the lockdown, commenting that after 5 days the only way to get medicines was to call an ambulance and have the ambulance staff write prescriptions. It was noted that to get medicines into the building was a battle between residents, the DHHS and the police. Residents reported struggling tremendously to procure and deliver medication for other tenants, including those who had tested positive for COVID-19.

19. While the DHHS established a phoneline for residents for inquiries regarding healthcare and other issues, advocates reported that it could take over an hour to get through, and often no translators were available. One advocate provided several examples of situations where residents lives were at risk due to poor healthcare access during lockdown. In one incident, for instance, a young girl was left waiting for health care for an inordinate period of time and as a result ultimately had to undergo emergency surgery.

Mental Health Supports

20. The consequences of the lockdown on residents’ mental health and wellbeing were particularly severe. Residents experienced acute and ongoing severe mental trauma. Commenting on the 14-day hard lockdown at 33 Alfred Street, North Melbourne, one resident reported being aware of 13 suicide attempts during this period. Another resident reported knowledge of 1-2 suicide attempts per day among residents.

21. Residents reported that the government did not establish any mental health and wellbeing checks leaving residents to self-advocate. Such efforts were met with variable success. One resident reported that any communication about mental health with the DHHS ended with them being told to triage residents experiencing mental health crises. One resident with schizophrenia and bi-polar disorder did not receive medication for 3 days. Mental health in-patients who had just been released from hospital were stated to not be receiving basic care. This is despite the DHHS having knowledge of those residents who are considered at-risk due to their mental health.

Outdoor Space

22. Under hard lockdown, residents were prohibited from going outside. As a result, a number of residents experienced claustrophobia and anxiety. In one instance, a mother with a child with autism pleaded to get some fresh air for her son but was told that it was not essential and not a right. Residents indicated that in one tower where the DHHS provided outdoor time for residents, they did so by building cages. This is obviously inhumane and degrading treatment.

Sanitation Supplies

23. Adequate supplies for hygiene and sanitation were not provided to residents or were not adequately maintained. For example, one resident reported that hand sanitizer bottles were placed in estate buildings early on in the pandemic, but that once these were empty, they were not re-filled or replaced. Following the end of the hard lockdown on 18 July 2020, the DHHS conducted an audit of hand sanitizer facilities across all towers and reported back to residents that a large proportion of these were faulty, without batteries and empty. More broadly, residents reported weak cleaning regimes within the buildings and a range of maintenance issues, including broken lifts and flooding, that continue to exacerbate the health risks faced by residents during the pandemic.

Ongoing Building Safety

24. Following the conclusion of the hard lockdown, but with COVID-19 still posing a significant risk to people in Melbourne, the residents have been actively seeking assurances from the DHHS that the towers are safe, and they have been asking what disease control measures are in place, and what measures were in place prior to the hard lockdown being imposed so as to ensure the considerable mistakes of the past are not replicated. Despite repeated calls for the provision of this information, nothing has yet been made available by the DHHS or other authorities, leaving residents in a position of significant anxiety with respect to their future protection from an outbreak of COVID-19 in their buildings.

COVID-19 Testing Regime & Enforcement

25. The Government of Victoria's rationale for the hard lockdown was reported to be, in part, to facilitate testing for COVID-19 amongst estate residents. While testing was ostensibly a voluntary process, residents reported that if they refused to be tested they would be detained for 14 days, in addition to 10 further days "as a penalty." Residents reported that these practices were continued in towers where very few COVID-19 cases were identified; a practice not employed in other towers with similar or higher COVID-19 case numbers. This is further evidence of intentionally discriminatory treatment being afforded to the residents of the Flemington and North Melbourne estates and is in line with the history of disproportionately punitive treatment that these residents have faced, putatively as a result of their perceived socioeconomic and other statuses, including their race, religion, and

immigration statuses. When residents did test positive for COVID-19, they were advised to self-isolate in small rooms. However, the overcrowded conditions in many of the small units made this very difficult. For residents that tested negative, they were still prevented from leaving their units.

Overall Impact of Lockdown Measures

26. The residents with whom I communicated indicated that the Government's actions in implementing and enforcing the hard lockdown measures left them feeling that they were not seen as human beings. This is a grave human rights concern.

27. In describing the impact of the hard lockdown on themselves and their fellow tenants, residents consistently used the language of "humiliation," "degradation," and "dehumanization." For some residents these effects were the direct result of degrading interactions with police and other authorities. One resident commented that when they crossed a poorly marked line during a 30-minute yard session they were shouted at by the police, which caused such feelings of humiliation they did not return for a further session.

28. Residents expressed that they had to constantly negotiate with police and authorities to have their dignity respected and their needs met, often to no avail. One resident stated, "We've had to go through many battles to be treated with basic humanity ... we are not people anymore." Another resident expressed, "I have to petition for my dignity." In characterizing the long-term impact of the hard lockdown on the estates, one resident commented:

"I don't think any of us are coming out of this as fully formed individuals ... People have lost their livelihoods. They have lost their self-esteem. They have to totally rebuild their lives with no support. The result of the Government's lockdown has been the destruction of their entire being."

Lack of Compliance with International Human Rights Law and Standards

29. In connection with the above allegations, and without wishing to prejudice their accuracy, I wish to express my serious concern regarding the lack of compliance of the hard lockdown policy with international human rights law and standards. As the evidence presented to you above exposes, it had a serious and profound detrimental impact on the housing conditions and the general well-being of residents living on the Flemington and North Melbourne estates.

30. Australia ratified the International Covenant on Economic, Social and Cultural Rights in 1975 as well as a number of other international treaties that codify the right to housing. Bound by these

commitments Australia is legally obliged to respect, protect and fulfil the right to adequate housing for all. As you may know, the right to housing has a broad definition and goes well beyond access to four walls and a roof. Under Article 11 (1) of the International Covenant on Economic, Social and Cultural Rights and General Comment No. 4, the right to housing is understood as the right to live in peace, security and with dignity, and should be enjoyed without discrimination. Adequate housing under international human rights law includes the right to access to basic services, materials and infrastructure.

31. The standards developed through international human rights jurisprudence pertaining to the right to adequate housing were clearly breached by the measures and restrictions imposed by the Government of Victoria and the Department for Health and Human Services on the North Melbourne and Flemington estates.

32. The hard lockdown imposed by the Government unnecessarily deteriorated the adequacy of living conditions, undermining residents' ability to live in peace, security and with dignity.

33. Residents explicitly indicated that they suffered injury to their dignity as a result of the conditions that were imposed upon them, including not being provided information in languages they understood, being forced to exercise in a cage, and having their homes permanently surrounded by large numbers of police. All of these outcomes are inconsistent with the obligations placed on the Government of Victoria under the human right to adequate housing.

34. The failure of the Government to ensure the availability of suitable sanitation equipment, including hand sanitizer in communal areas, the problems faced by residents in obtaining vital medicines and health supports during the lockdown, and the lack of provision of edible food, represent a failure by your Government to ensure the habitability of the towers under lockdown, and access to necessary services, materials and infrastructure. The Government's actions and omissions were extremely detrimental to the health and well-being of residents and in fact served to have the opposite impact on tenants than was purportedly intended. The Government's actions and omissions served to exacerbate pre-existing health conditions, worsen mental health problems, increase the risk of suicide, hunger and, in fact, infection from COVID-19.

35. Furthermore, the information received from residents and other sources and reflected here strongly suggests that the police-led hard lockdown in the North Melbourne and Flemington estates breached the obligation placed upon your Government to realise the human right to housing in a non-discriminatory manner as enshrined in Article 2(2) of the ICESCR. The treatment of those living in the North Melbourne and Flemington estates was substantially different and more punitive than the

treatment afforded to people living in private housing where cases of COVID-19 were also present. The difference in treatment between the communities in North Melbourne and Flemington and other private market housing suggests that it was based in discriminatory attitudes towards those living on these estates, in particular because of their race, religious beliefs, economic, and immigration status, and the long history of racially charged over-policing they have suffered. Based on the evidence received, it appears to me that your Government and the Department of Health and Human Services felt that the tenants in North Melbourne and Flemington needed to be detained as if criminals and were undeserving of the basic necessities for health and well-being.

36. Even if, in some cases, the treatment of those living in North Melbourne and Flemington was the same as residents living elsewhere, your Government could have foreseen that there was likely to have been a differential impact on estates tenants in light of the makeup of the residents. In turn, due accommodations should have been made. For example, where information was provided in English to all residents in Melbourne, those living in the towers would not have benefited equally from the information in light of language barriers. Your Government should have ensured all information was available in relevant languages. Where some residents could cope with the stress of a hard lockdown, many of those in the towers suffering from mental disabilities did not have the ability to do so. Your Government should have ensured mental health professionals oversaw every aspect of the hard lockdown. As you are no doubt aware, even where government measures are not intended to discriminate, if the effects are discriminatory, the measures are still contrary to anti-discrimination provisions in human rights law.

37. In addition to undermining the human right to housing, we also wish to express our concern that the hard lockdown policy is likely to have had a negative impact on the residents' rights to life, liberty and security of the person, food, and health.

Recommendations

38. As a result of these serious human rights concerns and the failure of the Government of Victoria and the Department of Health and Human Services' to meet their human rights obligations, I have outlined a set of recommendations to remedy the injury suffered by the residents of the North Melbourne and Flemington estates. Mindful that the Victorian Ombudsman is completing her investigation into the failures, with a particular focus on Alfred Street, North Melbourne, I have recommended steps and policy measures the Government ought to take when responding to ensure compliance with international human rights law and standards are met on a go forward basis.

Steps requiring immediate action

39. Public housing residents in the North Melbourne and Flemington estates were subject to unprecedented restrictions that caused unnecessary harm that has not been addressed or remedied. Accordingly, it is recommended that your Government should immediately:

- a) Afford the residents of the North Melbourne and Flemington estates with access to justice for the breaches they experienced to their human rights as a result of the hard lockdown policy. The mechanism through which this is achieved should be determined in consultation with residents and in consideration of my report on access to justice (A/HRC/40/6). It should include a full range of options, including, but not limited to, the opportunity for residents' experiences to be officially and publicly documented, public assurances of improved human rights based treatment, a public declaration that such policies will no longer be implemented, monetary compensation and the establishment of human rights based accountability mechanisms for all government decisions regarding COVID-19 related measures. Residents should be provided with access to information about their rights and how to claim and enforce them and should be provided with legal aid to assist them in doing so.
- b) Conduct risk assessments of all public housing blocks to ensure that conditions therein are capable of adequately protecting residents from contracting COVID-19. These assessments should be conducted by independent experts in collaboration with residents, and all findings must be made available to all residents, in languages they understand, immediately on publication. Where risks are found, urgent action must be taken to rectify these. This may include improving cleaning regimes, increasing the supply of PPE and, if requested to do so by the residents, ensuring people living in overcrowded units are provided with alternative accommodation nearby and that such relocation is made financially viable by the government. Residents must be allowed to move back to their original units if they so wish once it is safe to do so.
- c) Afford the residents of the North Melbourne and Flemington, on an urgent and priority basis, with the necessary culturally appropriate and accessible mental and physical health supports required to overcome the trauma experienced during the hard lockdown.

Action required when responding to the Victorian Ombudsman's Inquiry

40. Moving forward, the Government of Victoria must abide by its human rights commitments with respect to the right to adequate housing and all other human rights and ensure that human rights are fully integrated into its COVID-19 response. Accordingly, it is recommended that your Government should:

- d) Publicly acknowledge the importance of the human right to housing in the context of COVID-19.
- e) Alongside the Department of Health and Human Services, immediately reconsider the use of Detention Directives and the implementation of hard lockdowns as a response to COVID-19 outbreaks and instead implement public health and community-based policies. Police-led policies, which are unnecessary, harmful to human rights and disproportionate, should be ceased. When responding to public health crises, the Government must commit to genuine collaboration with communities.
- f) Undertake a human rights-based assessment of the entirety of its COVID-19 response policies and practices to ensure they meet human rights standards and are compliant with the obligations set out in international human rights law. To this end, it is imperative to consult the guidance notes published during my tenure as United Nations Special Rapporteur on the right to adequate housing on how to ensure the enjoyment of the right to adequate housing during and following the coronavirus pandemic (<https://www.make-the-shift.org/covid19/>). Equally, other documents should be reviewed, including my authoritative guidelines on the implementation of the right to adequate housing (A/HRC/43/43), my report on human rights-based national housing strategies (A/HRC/37/53), on the indivisibility and interdependence of the right to adequate housing and the right to life (A/71/310), and on the responsibilities of local and sub-national governments in relation to the right to adequate housing (A/HRC/28/62), with a view to ensuring all policies are compliant with the recommendations set out therein.
- g) Leverage the Victorian Ombudsman's findings to initiate a comprehensive, independent inquiry into the hard lockdown of the estates. The inquiry must be capable of determining fault, binding judgments and determinations as to reparations and compensation for residents. Every measure to ensure the inquiry is capable of undertaking its responsibilities must be taken, without hinderance, and must fully comply with the findings of such an inquiry.

41. I would be grateful for a timely response to this letter and from the Government of Victoria and the Department of Health and Human Services prior to 29th August 2020. On this date, I intend to publicly publish this letter. Any response received either prior the publication of this letter or after its publication will also be made public via The Shift's website and social media channels. This letter will also be submitted to the Victorian Ombudsman in support of her ongoing enquiry into the hard lockdowns in North Melbourne and Flemington.

I look forward to hearing from you in response to our concerns.

Yours faithfully,



Leilani Farha
Global Director, The Shift
Former UN Special Rapporteur on the right to housing

Annex:

International Human Rights Law and Standards for Subnational Governments

In light of the above allegations, I wish to draw to your Government's attention a number of relevant legal provisions and standards.

I wish to remind your Government that it has been well recognised that sub-national government entities and local governments, such as the Government of Victoria, are fully bound by the international human rights instruments ratified by the national government. For instance, the Committee on Economic, Social and Cultural Rights, has stated in its General Comment No. 9 (E/C.12/1998/24), that "all administrative authorities will take account of the requirements of the Covenant in their decision-making" (para. 9). Equally, the Human Rights Committee noted in its General Comment No. 31 (CCPR/C/21/Rev.1/Add. 13) that "[a]ll branches of government (executive, legislative and judicial), and other public or governmental authorities, at whatever level – national, regional or local - are in a position to engage the responsibility of the State party" (para. 4). Accordingly, the Government of

Victoria, as well as the Department of Health and Human Services and the police service, are all bound by the obligations accepted by Australia under international human rights law.

In this context, I draw your attention to the obligations set out in the International Covenant on Economic, Social and Cultural Rights (the Covenant), which Australia ratified on 10 December 1975. In particular, I draw your attention to Article 11(1) of the Covenant, which states that “[t]he States Parties to the present Covenant recognize 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 realization of this right....”

In its General Comment No. 4 (E/1992/23), the Committee on Economic, Social and Cultural Rights has defined the right to adequate housing as the “right to live somewhere in security, peace and dignity” and set out a number of criteria which must be met in order for housing to be deemed to be ‘adequate’, as per Article 11(1) of the Covenant. Under these criteria, housing must be ‘habitable’, meaning that it must be capable of providing inhabitants with “adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors.” Similarly, adequate housing must ensure the “availability of services, materials and infrastructure”, meaning that it “must contain certain facilities essential for health, security, comfort and nutrition” and must ensure sustainable access to “natural and common resources ... and emergency services.” Furthermore, housing must be ‘accessible’, which means that “such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere” and that “housing law and policy should take fully into account the special housing needs of these groups.”

I further draw your attention to Article 2(2) of the Covenant, which requires that the right to adequate housing, and all other rights within the Covenant, must be afforded to all people “without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” This has been supported by the Committee on Economic, Social and Cultural Rights in its General Comment No. 4, where it states: “individuals, as well as families, are entitled to adequate housing regardless of age, economic status, group or other affiliation or status and other such factors. In particular, enjoyment of this right must, in accordance with article 2 (2) of the Covenant, not be subject to any form of discrimination.” Similarly, Article 5(e)(iii) of the International Convention on the Elimination of All Forms of Racial Discrimination, which was ratified by Australia on 30 September 1975, states that “States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of 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: [...] the right to housing.” I also note that the right to enjoy and exercise human rights without discrimination is guaranteed under Section 8 of the Victorian Charter of Human Rights and Responsibilities.

I also draw your attention to Article 6 of the International Covenant on Civil and Political Rights, ratified by Australia on 13 August 1980, which protects the right to life. The right to life also protected by Section 9 of the Victorian Charter of Human Rights and Responsibilities. In its General Comment No. 36 (CCPR/C/GC/36), the Human Rights Committee noted that the right to life is “the supreme right from which no derogation is permitted” and the “effective protection of which is the prerequisite for the enjoyment of all other human rights and the content of which can be informed by other human rights.” As per the Human Rights Committee, the protection of the right to life includes introducing, where necessary, “measures designed to ensure access without delay by individuals to essential goods and services such as food, water, shelter, health care” It is, therefore, very clear that where residents of buildings are, as a result of government policy, unable to access adequate food and medicines, their right to life is being breached.

The texts of the legal provisions and standards which are set out in this letter are available online at the following web addresses:

The International Covenant on Economic, Social and Cultural Rights:

<https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>

The International Covenant on Civil and Political Rights:

<https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>

International Convention on the Elimination of All Forms of Racial Discrimination:

<https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>

General Comment No. 4 of the Committee on Economic, Social and Cultural Rights:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fGEC%2f4759&Lang=en

General Comment No. 9 of the Committee on Economic, Social and Cultural Rights:

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=E%2fC.12%2f1998%2f24&Lang=en

General Comment No. 31 of the Human Rights Committee:

<https://undocs.org/CCPR/C/21/Rev.1/Add.13>

General Comment No. 36 of the Human Rights Committee:

https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/1_Global/CCPR_C_GC_36_8785_E.pdf

Guidelines for the Implementation of the Right to Adequate Housing:

<https://undocs.org/en/A/HRC/43/43>

Report on Human rights-base national housing strategies:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G18/007/65/PDF/G1800765.pdf?OpenElement>

Report on the right to life + the right to adequate housing: the indivisibility and interdependence between these rights:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/N16/253/02/PDF/N1625302.pdf?OpenElement>

Report on the responsibilities of local and sub-national governments in relation to the right to adequate housing:

<https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/248/16/PDF/G1424816.pdf?OpenElement>