



UCLG Committee
on Social Inclusion,
Participatory Democracy
and Human Rights



Global Platform for the Right to the City
Plataforma Global por el Derecho a la Ciudad
Plataforma Global pelo Direito à Cidade



Homeless people's rights in the New Habitat Agenda

On 5 April 2016, the side event "Homeless people's rights in the New Habitat Agenda" took place in Barcelona as part of the Habitat III Conference on public spaces, gathering more than 50 people. It emphasized the need for including rights of homeless people in the New Urban Agenda that will be defined by Habitat III Conference in Quito. To this end, it was adopted the Declaration "[Recommendations on the Rights of Homeless people in the New Habitat Agenda](#)". The panel was organized by the [UCLG Committee on Social Inclusion, Participatory and Human Rights](#) along with [Habitat International Coalition](#) (HIC), the [Global Platform for the Right to the City](#), the [Office of the UN High Commissioner for Human Rights](#) and the [Global Taskforce of Local and Regional Authorities](#).

Speakers:

- **Miquel Fuster**, Arrels Fundació, former homeless person;
- **Ibrahima Seydi**, spokesperson of the Poblenou (Barcelona) informal settlements of migrant people;
- **Jesús Ruiz**, Barcelona Homeless Care Network;
- **Laia Ortiz**, Barcelona Deputy Mayor for Social Rights;
- **Patrick Braouezec**, President of Plaine Commune (urban community of the Paris metropolitan area);
- **Jorge Enrique Rojas**, former Bogota Secretary for Social Integration;
- **Giovanni Allegretti**, researcher at the Centre for Social Studies of the University of Coimbra;
- **Lorena Zarate**, President of the Habitat International Coalition (HIC);
- **Bahram Ghazi**, Office of the UN High Commissioner for Human Rights;
- **María José Aldanas**, European Federation of National Organizations Working with the Homeless ([FEANTSA](#))

The panel was divided in three parts: the first one focused on homeless people's situation at local and global levels. The second part explored public policies effectively addressing the rights of homeless people, through an integral approach and emphasising residential exclusion as main issue. In the third part, conclusions were focused on the formulation of recommendations for the New Habitat Agenda so as it includes these rights.

Introduction

Homelessness is one of the main consequences of the economic crisis (and notably the housing crisis), but is also one of the less addressed issues by public policies implemented since 2008. In many situations, urban development plans are oriented to promote territorial attractiveness and tourism and contribute to move the focus away from addressing underlying causes of homelessness. In parallel, during these last years, there has been a process of criminalization of homelessness in urban public spaces through punitive laws and regulations. It illustrates States' denial of their obligations to guarantee human rights and social protection for all.

The Zero draft of the New Habitat Agenda preparatory documents' reference on homeless persons are weak. Therefore, the goal of the event was to frame homelessness as a central issue of the Habitat III process and to elaborate recommendations for the New Habitat Agenda on public policies guaranteeing homeless persons' rights and on fighting this phenomenon in a multidimensional way.

Before starting the panel, a short documentary video produced by *The City is for All*, an Hungarian organization, was aired. It showed how a group of homeless people organized to report human rights violations and to become actual interlocutors for public authorities. *The City is for All* is an organized social movement in which former or current homeless people work hand in hand with people that have never been in this situation towards a real enforcement of human rights – especially, homeless people's right to adequate housing.

First part: What is homeless people's situation in cities at global and local level?

This first panel included the testimonies of Miquel Fuster and Ibrahima Seydi –former homeless person and former spokesperson for an informal settlement of migrant people, respectively-, and the remarks of María José Aldanas (FEANTSA), Bahram Ghazi (Office of the UN High Commissioner for Human Rights) and Giovanni Allegretti (Centre for Social Studies of the University of Coimbra).

Miquel Fuster explained his background, focusing on his experience of living in the street and the flagrant human rights violations he had suffered in this situation. "Living in the street is a complete destruction of the self: you know that your life has come to an end and you get adapted to the behaviours of people also living in the street".

Fuster highlighted two main aspects of his homelessness: on one side, the threats, vexations and violence committed by groups ("such attacks are always committed in group, they are acts of cowardice"). On the other side, he mentioned the lack of cooperation between homeless people. "There is no rest; one can be attacked at any moment. In the street, there is a permanent fear. One must adapt to the environment: you have to become a selfish person if you want to survive". As a result of this, in some cases, alcoholism becomes part of this process of personal deconstruction and reconstruction as a homeless person.

"The experience of living in the street leaves a mark for life" and anyone may eventually be in such situation, he warned –"homeless people come from all social classes". But it is possible to overcome it. There are organizations that accompany homeless people in this double process of overcoming homelessness: a restoration of the self and an abandonment of the resentment against other

people. Fuster described the different stages he went through until his full social reinsertion and personal rehabilitation: firstly, he took the decision to ask for help from a social organization and then to effectively attend to the first meeting. The second step was to comply with the pharmacological treatment to stop drinking –although it has psychologic side-effects, he explained. Throughout all this process, he kept in mind the need for recovering himself, with all his defects and virtues; it was about not becoming someone different than he was, but precisely to avoid stopping being himself. Finally, he had to comply with the official protocols for social and labour reinsertion.

Fuster highlighted the crucial role of the organizations accompanying homeless people in the recovery process: “Alone, from the street one can only end either in jail, in hospital or in grave”. It is essential for these organizations to be able to adapt to every person’s needs, as “no one can recover by himself, but there is no unique solution either”.

This testimony was followed by **Ibrahima Seydi**’s, who explained the struggle of the Poblenou (Barcelona) former settlements’ dwellers –which were evicted by the previous city government. Seydi defended occupation as a solution for the breach of the right to adequate housing, but he also highlighted the fact that this is only one of many issues that the migrants’ group he represents has to face: due to their administrative status, they do not have access to basic services hampering their human rights. “No one emigrates to reach the life we have found here, but to fight for new horizons, to contribute to our countries’ development”.

However, Seydi also emphasized that the current local government is in line with them regarding the need to guarantee all city inhabitants’ human rights and ensure a decent life for all. To this end, it is essential to untie people’s administrative status from their labour situation.

María José Aldanas, FEANTSA representative, highlighted the breach of the right to adequate housing, within the human rights framework, as main cause of homelessness. She explained that FEANTSA has two instruments to work on this subject: the Housing Rights Watch and a working group of experts. The former is a European network of activists, lawyers and scholars from different countries that promotes the right to the city for all as a fundamental right. The latter is made up of 8 experts and it is oriented to produce policy evaluations and recommendations on the right to adequate housing in different countries.

Aldanas also highlighted the relevance of Ms. Leilani Farha, UN Special Rapporteur on Adequate Housing, last report: *Homelessness as a global human rights crisis that demands an urgent global response*. This report enshrines a human rights-based approach to homelessness –which is defined as an “extreme violation” to human rights, as it threatens health and lives of most vulnerable people.

Bahram Ghazi, from the **United Nations Office of the High Commissioner for Human Rights**, claimed that the issue of homelessness gets little attention at the international level: “people’s voice is missing in international fora like Habitat III”. That is why having testimonies, such as those of Fuster and Seydi, is crucial: they are the ones raising the most important questions to the decision-makers, those which demand structural responses and that put human rights at the centre.

Ghazi also referred to homelessness as a consequence of the absence of recognition of and compliance with human rights, the lack of legislation, policies and programmes implementing them

in practice, and issues such as affordability and the withdrawal of states in providing access to housing for all. He recalled the call of the Special Rapporteur on adequate housing to end homelessness by 2030. Since causes and actors involved are diverse (and are not properly represented in the international arena), he proposed the creation of a global platform of actors and organizations to collaboratively address the causes of homelessness worldwide and for guaranteeing the respect of homeless people's human rights, and to set this issue as a global agenda priority.

Giovanni Allegretti (Centre for Social Studies of the University of Coimbra) presented the work carried out by the Bogota City Hall programme regarding street dwellers –especially the inclusion of a human rights-guarantee approach in the public action of the Bogota City Governments and the change of paradigm when addressing this issue.

In this regard, to develop a public management system from a Human Rights-based approach involves the definition of a new relationship between rights holders and duty bearers, as well as building the capabilities needed for them to be able to effectively demand specific behaviours and services to public powers. Above all, this new relationship means to respect people's autonomy, acknowledging their specificities and singularities, working to for them to be able to assume the full responsibility of their lives –which means to be able to make decisions and to make them real.

Second part: public policies' role in the guarantee of homeless people's rights and the prevention of homelessness

Laia Ortiz, Barcelona Deputy Mayor for Social Rights, began her remarks by explaining how the city policy-making to tackle homelessness looks like: working in network, putting a face on homelessness, breaking stigmas associated with homelessness and promoting policies to ensure the social function of housing.

Regarding homelessness' causes, the Deputy Mayor highlighted the housing crisis, as well as Spanish migration laws –that actually prevent the effective inclusion of most vulnerable migrants. She also mentioned some structural causes: the labour factor is not able to redistribute incomes anymore and, in addition to this, governments have not created proper mechanisms to guarantee a sufficient income.

Ortiz highlighted the need for co-producing public policies together with homeless people and the organizations working with them, as well as for working on its prevention, the guarantee of human rights (all of them, not only the right to adequate housing), the meeting of basic needs regardless of markets' performance, and the maintenance of adequate public spaces for street dwellers. "We need to work on social housing, but also to review mechanisms to reintegrate homeless people in society: current policies do not meet their expectations and needs".

Jesús Ruiz, from the Barcelona Homeless Care Network, agreed with Ortiz on the need for sound public policies to fight against structural causes of homelessness. His remarks were focused on social organizations' role in guaranteeing the compliance of homeless people's rights: on one side, they need to keep doing their essential work of accompaniment to this people in their recuperation process, along with local administrations. On the other side, they need to carry out a strong work of

political advocacy and promotion and evaluation of public policies that actually meet homeless people's needs. "Civil society organizations rely on the empowerment of homeless people and have the knowledge and the collaboration of those who work on the ground. Network work and continuing to raise awareness among citizens are crucial for our goals".

For his part, **Jorge Enrique Rojas**, former Bogota Secretary for Social Inclusion, emphasized the need to acknowledge the diversity of people dwelling in the street, and to translate these differences into public policies. To do so, "we need to re-humanize social status of homeless people –and this requires a lot of money and budget".

Rojas also identified another cause of homelessness: discrimination. He highlighted the fact that "every four of ten homeless persons in Bogota are LGBTI, and the half of them are transgender", and he mentioned other collectives that are also victims of discrimination: women, children, some ethnic groups, people with disabilities... "The solution to this problem demands the recognition, the valorisation of their identity, as well as their political participation".

Lastly, the former Secretary explained something related to the political mainstreaming included in the Bogota Humana public policy for homeless people: in his view, part of the people living in the street do so as a result of a free choice. "It is part of their sphere of autonomy, and we have to respect this and empower them".

Third part: recommendations for the inclusion of homeless people's rights in the New Urban Agenda

The panel's last part started with an open floor turn for the attendants to make their recommendations for the Habitat III process regarding homeless people.

Albert Sales (researcher at Pompeu Fabra University) responded to what Jorge Enrique Rojas said about the existence of a desire to live in the street in some homeless people –which are homeless due to a free personal election that, therefore, must be respected. Sales stated that "the preference for living in the street rather than what social organizations and public administration may offer shall be respected; however, we shouldn't say that people live in the street because they want to do so: they only prefer it in comparison to other options that they consider as worse alternatives".

Another participant stated for the inclusion of the right to housing as a judiciable right in the Habitat III Barcelona Declaration and showed a strong opposition against criminalization of public spaces' occupation.

Álvaro Puertas, HIC Secretary General, also talked about the right to adequate housing as a fundamental human right that constitutes a prerequisite for the enjoyment of many other rights. He proposed the inclusion in the New Urban Agenda of the need for providing cities with sufficient resources against forced evictions, as well as resources to improve homeless people's standards of living. Another important issue that should be considered at international level is some form of coordination mechanisms between UN-Habitat, Habitat III and UN-Human Rights, which should be oriented to make sure that the rights included in the New Habitat Agenda are effectively implemented.

Jorge E. Rojas took the floor to raise two ideas: on one side, he proposed to develop local research that emphasizes the multi-causality of homelessness by classifying causes that generate it, so as to have a general view on the phenomenon at city level. On the other side, he also proposed this same research at global level, by classifying cities according to their rates of homeless people per 5000 inhabitants and the issues this phenomenon correlates with.

Finally, **Lorena Zarate** (HIC) and **Patrick Braouezec** (Plaine Commune) concluded the panel by assessing the challenges the New Urban Agenda has to face regarding homeless people's rights, and by making some recommendations to be included in the Habitat III final declaration.

Lorena Zarate insisted on the idea that homelessness is, above all, a political problem: "There are more than 4 million homeless people in Europe alone, whereas there are 11 million empty houses". Indeed, since the last greatest crisis in 2008, figures of people living in the street have grown exponentially, particularly in the global north countries. "However, it is difficult to find out these figures, as national governments do not produce such statistics –although it is actually their obligation to collect these data and the UN mechanisms have required them to do so.

In addition to this proposal of collecting and disseminating data, HIC president proposed to guarantee the security of tenancy "regardless its legal form, which means to unlink the guarantee of right to the tenancy form". The current model implies that, without being able to proof a legal relationship between the tenant and the house, the former can't have real access to many other rights. "There must be an end to discrimination on the grounds of tenancy".

Zarate also highlighted the importance of voices, of testimonies, in the Habitat III process: "we must ensure their presence; they have to attend conferences and official discussions". She finally recalled that States' commitment to homeless people exists since Habitat II and that, however, "their situation not only hasn't improved, but their criminalization has grown".

Lastly, **Patrick Braouezec** expressed the need to make homelessness visible, to acknowledge it as a constitutive element of our cities at the same time that we fight to avoid it. This means for local governments to create adequate places, to develop services in the street: "no one chooses to live in the street, but, should this situation arrive, one must be able to do so with dignity". And this requires a strong commitment with right to access to health, to sanitation, to culture, to leisure...

Braouezec concluded the debate by highlighting the fact that, against the inability of States to guarantee all their inhabitants' rights, solidarity between people and working in network do work. "In Habitat III, we have to achieve States' and local governments' commitment to guarantee homeless people's rights and to reaffirm that their criminalization is unacceptable. And we have to assess these engagements and the situation of homelessness in our cities on a regular basis. We need to work together".