



UCLG Committee
on Social Inclusion,
Participatory Democracy
and Human Rights



RECOMMENDATIONS ON THE RIGHTS OF HOMELESS / STREET RESIDENTS IN THE NEW URBAN AND HABITAT AGENDA

Barcelona, April 5, 2016

The current urbanization model generates exclusion

Following the economic crisis of 2008 caused by the bursting of the housing bubble, mass evictions expelled hundreds of thousands of people to the street. Besides, thousands of people fleeing wars, from the consequences of climate change and from rural poverty and lack of opportunities, arrive daily to cities around the world in search of a decent life. These people are the first to be affected by the difficulties to find a place to live. As a result, today, more than one billion people live in slums and in inadequate settlements, without security of tenure and access to goods, services and opportunities that cities can and should offer. One hundred million people live on the streets.

By 2050, it is expected that 66% of the world population will be urban. That is, it would have an inverse proportion of people living in cities compared to those living in rural areas in 100 years. However, the process of massive urbanization known in the world (now extremely accelerated in sub-Saharan Africa and Southeast Asia) is made in undemocratic and exclusionary manner, privileging profit interests of the few over the rights of all people, and over the right to the city. For some sectors, the process of global urbanization meant an incredible accumulation of wealth, while the majority saw their poverty increased and deteriorating living conditions. The large number of people experiencing homelessness / street population in cities around the world is one of the strongest signals of the current competitive model city limitations to generate inclusive cities.

According to the Special United Nations Rapporteur on the Right to Adequate Housing¹, *"Homelessness disproportionately affects particular groups, including women, young people, children, indigenous peoples, people with disabilities, migrants and refugees, the working poor, and lesbian, gay, bisexual and transgender people, each in different ways, but with common structural causes. These include: (a) the retreat by all levels of government from social protection and social housing and the privatization of services, infrastructure, housing and public space; (b) the abandonment of the social function of land and housing; (c) the failure to address growing inequalities in income, wealth and access to land and property; (d) the adoption of fiscal and development policies that support deregulation and real estate speculation and prevent the development of affordable housing options; and (e), in the face of urbanization, the marginalization and mistreatment of those who are most precariously housed in*

¹ Report of the Special Rapporteur on Adequate Housing as a component of the right to an adequate standard of living and the right of non-discrimination in this regard, A / HRC / 31/54, March 2016 <http://daccess-ods.un.org/access.nsf/Get?Open&DS=A/HRC/31/54&Lang=E>



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



XAPSLL
Xarxa d'Atenció
a Persones
Sense Llar
BARCELONA



UCLG Committee
on Social Inclusion,
Participatory Democracy
and Human Rights



informal settlements, living in temporary overcrowded structures, without access to water, sanitation or other basic services and living under the constant threat of eviction” Not having a place to live is the result of the conjunction of individual circumstances and broader systemic and institutional factors. Faced with personal dynamics, as psycho-social problems or loss of a job, a family breakdown, chronic illness or addiction problems, institutions of local and national governments generally fail in their obligation to provide adequate social protection. At the same time, having abandoned the provision of housing to the private sector, the States favored the construction of a market for higher-income sectors, fueling speculation and depriving many of the right to housing. The precarious nature of informal settlements and the high number of evictions and expulsions remain the most important cause of homelessness. Promoting access to private property by public policies as the most important of access to housing, in the absence of regulation of loans caused an impact in a large segment of the population, generating the ‘subprime’ mortgage crisis.

In many cases, instead of look after the homeless persons as rights holders by public policies, people experiencing homelessness / inhabitants of street find themselves with their rights systematically violated (right to health, freedom of movement, water, among many others) and their stay in the public space is seen as a crime. In many cities, they are expelled from the historic centers to the surrounding peripheries, in order to promote tourism and facilitate the organization of public and private events of great magnitude. At the same time, in recent years, and as part of a worrying trend, there has been an increase in the number of municipal ordinances that also criminalize the institutions and individuals supporting them (NGOs, social organizations, churches, etc.).

The right to the city and human rights must be at the center of the World Urban Agenda

The phenomenon of homelessness, one of the most extreme manifestation of global poverty, is however almost absent from the major United Nations declarations. It is not mentioned as such in the recently approved Agenda 2030 and is rarely mentioned in the preparatory documents for the Habitat III conference, which will meet in Quito to define a "World Urban Agenda".

Against this and within the framework of the Preparatory thematic Habitat Conference III on Public Spaces which takes place in Barcelona, we, networks of civil society and local governments, reaffirm the need for the rights of homeless people as one of the cornerstones of this discussion and its contents.

- We reaffirm our commitment to human rights, the right to the city, and the Right to Adequate Housing as one of its most important components.
- We urge national governments, UN experts and organizations in charge of the process of definition and adoption of the New World Urban Agenda to place the



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



XAPSLL
Xarxa d'Atenció
a Persones
Sense Llar
BARCELONA



UCLG Committee
on Social Inclusion,
Participatory Democracy
and Human Rights



right to the city and housing in the center of this agenda, with concrete measures, resources and indicators, in order to prevent and reduce homelessness.

- Under the right to housing, no eviction has to result in people left on the street. According to the commitments made at international level, evictions and forced displacement constitute *prima facie* grave violations of the right to adequate housing. In this context, all possibilities must be considered before removing population, and when relocation is the only option due inappropriate or high-risk situations, States must take all necessary measures and mobilize the maximum resources available to assure that these processes are made in close consultation with those affected and that alternative housing solutions, resettlement, compensation, fair and timely compensation will be provided, including access to livelihoods equal or better than they had.
- To recognize the tenure rights of informal inhabitants, it is necessary to recognize the social function of land as a common good in the service of collective interest, and not as the privilege and wealth of a minority.
- The regulation to private actors must ensure that developers and investors take account of homelessness and work in partnership with public authorities so that in each project there is a supply of affordable housing and comprehensive welfare and inclusion policies and programs.

We require that both, the global agenda -in reference to the Sustainable Development Goals #1 (eradication of poverty) and 11# (building inclusive, safe, resilient and sustainable cities, communities and human settlements)- as well as the national and local policies recognize the rights of the homeless people and people living in the streets, understanding that phenomenon in a multidimensional and comprehensive way that should also include the population living under inadequate housing conditions.

- Beyond the right to adequate housing, special attention to the **rights to life, freedom of movement, health, water and basic services universally** is also required.
- According to these rights, any law or measure that criminalize the behaviors associated with being homeless, as the fact of staying, sleeping or eating in public spaces, use public spaces to access water and toilets; any urban planning and urban furniture developed to avoid the presence of people living in the street, or any of the laws that restrict or put fines to people because they are surviving on the street, as well as to the institutions and individuals that support them, have to be abrogated.
- These rights must be claimable both towards national states, as well to local and regional governments and in front of international human rights



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



XAPSLL
Xarxa d'Atenció
a Persones
Sense Llar
BARCELONA



UCLG Committee
on Social Inclusion,
Participatory Democracy
and Human Rights



institutions. For this purpose, policies must develop access to law and justice, and establish local, regional, national and international human rights protection mechanisms.

The public authorities have to establish action plans for social protection and housing rights with the participation of the homeless people

- Considering homelessness as a multi-dimensional phenomena, it is required that the public authorities to adopt concrete action plans, with the participation of the homeless people and their associations to ensure their rights. These plans have to provide a multi-sectoral action (health, education, urban planning, housing, employment, social protection) and articulate various spheres of governments. Special attention will be given to the inclusion of migrants and refugees, children, girls and women in these plans.
- Plans for the inclusion of the homeless must emerge from diagnoses made with the people involved and their associations, and based on disaggregated data by sex, origin and other relevant characteristics to measure the situation without forgetting anyone. They will also be based on qualitative data, as stories and interviews for a better understanding of the complexity of the phenomenon.
- According to the principle of subsidiarity, local and metropolitan governments, being closest to the people, and being directly responsible for the guarantee of economic, social and cultural rights, will have to take a leading role in defining, implementing and monitoring these measures. This implies effective decentralization, with the appropriate resources and skills. In metropolitan areas, action plans will be implemented in a coordinated manner in order to share responsibilities, and to avoid spatial segregation.
- Therefore, national or state laws must provide to each municipality the necessary resources to plan the construction of social housing and shelters with comprehensive care.
- The creation of special funds at international, national and local level for building social housing and shelters is required.
- Plans will have to consider the comprehensive care of people in the streets to ensure their dignity, a human rights approach, recognizing them as rights holders and actors of change.
- Particular attention must be given to acts of violence, sexual crimes and those related to trade or trafficking in which in many occasions people living in the street



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





UCLG Committee
on Social Inclusion,
Participatory Democracy
and Human Rights



are the main victims, through a strong performance of court justice in the repression of these crimes.

- Moreover, discrimination is both a cause and an effect of homelessness. In many laws or customs, family law discriminates against women that can not inherit, or are left without rights in case of divorce. Furthermore, the debt crisis and over-indebtedness often affects single-parent families whose head of household are usually women. Discrimination of migrants and minorities also makes them more vulnerable to homelessness, while in many countries the illegality of their status prevents them from obtaining housing or access to a shelter. Moreover, youth unemployment and job insecurity, but also family breakups make increase each day the number of young people living in the streets. In some countries, LGBTI youth are overrepresented among those populations. Finally, people with psycho-social disabilities or chronic illnesses, not having access to local support structures they need and no access to work, are more exposed to the risk of becoming homeless.
- Therefore, it is necessary to prevent discrimination and stigmatization, through awareness-raising, social cohesion actions, and supporting human rights associations. That means to end the invisible suffering of people in situations of homelessness and to promote attitudes of respect towards them. Prevention of prejudice and exclusion mechanisms are related also to media.
- Finally, the implementation of these plans and its concrete measures must be subject to regular monitoring based on quantitative and qualitative indicators, and with the involvement of the homeless, the people living in the streets and their associations.



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

