

About the Guidelines

FEANTSA is the only European organisation dedicated to the fight against homelessness in Europe. Our members are mainly non-profit services working with homeless people from across the EU.

Our goal is to end of homelessness in Europe through dialogue with European, national, regional and local policymakers. In order to do so, we engage in Research, Data collection and evidence sharing; exchange of information, experience and good practice, and raising awareness. One of our most notable achievements is the development of a European Typology of Homelessness and housing exclusion (ETHOS)¹ as a means of improving understanding and measurement of homelessness in Europe, and to provide a common "language" for transnational exchanges on homelessness.

FEANTSA works from different thematic perspectives. Topics currently include housing, human rights, health, migration, participation and growing homelessness amongst women, young people, LGBTQI people and families. Driven by the worsening housing situation for low-income and vulnerable groups and a growing understanding that access to housing is the best solution to homelessness, FEANTSA is increasingly active in the field of housing. Recent key annual outputs include the publication of an Overview of Housing Exclusion in Europe.

We at FEANTSA understand homelessness as a situation that deprives individuals of fundamental rights, including the right to housing. A rights-based approach to tackling homelessness should promote access to adequate housing as the indispensable precondition for the exercise of other fundamental rights. FEANTSA engages in the protection of the right to housing mainly via Housing Rights Watch, an interdisciplinary European network of lawyers, associations and academics from different countries, who are committed to promoting the right to housing for all.

In this space, we have welcomed and extensively used the different reports by the Special Rapporteur. Each and every one of them is a constant reminder of the international obligations of States in relation to the right to housing which have been useful for advocating for housing rights on the different national and local contexts. We were particularly impressed to read her 2015 thematic report on homelessness where she called for States to commit to eradicating homelessness by 2030, and this call became central to our demands. For once, the report addressed homelessness with the urgency and priority that ought to be accorded to so widespread and severe a violation of human rights.

Given the nature of our work, our comments have focused particularly on Guidelines number 6 and 7. We are delighted to see that the guidelines include the obligation to eliminate homelessness in "*the shortest possible time*". In fact, nothing stops many

¹ ETHOS Typology on Homelessness and Housing Exclusion. <https://www.feantsa.org/download/en-16822651433655843804.pdf>

European States to eliminate homelessness, as they already have the means to do so - so why indeed wait until 2030.

We are particularly pleased to read, in the implementation measures, about the immediate response to the needs of homeless people with concrete plans to reduce and eliminate homelessness. We welcome the mention to “multi-pronged strategies”. FEANTSA considers that a comprehensive approach to combating homelessness is needed, and it should include policies on emergency services but also on finding long-term accommodation for people who are homeless and propose policies on the prevention of homelessness².

We agree that states should not force people to rely on emergency accommodation for extended periods. Indeed, no one should live in emergency accommodation for longer than an ‘emergency’ period. In our experience, this is unfortunately the case in many European countries due to a lack of affordable accommodation, hence moving out of homelessness is difficult. The emergency response should be temporary in nature and governments should address the root causes of homelessness and ensure durable, adequate housing for this population as required under international human rights law. Efforts to provide additional funds in adapted housing offering security of tenure and tailored social supports corresponding to individual needs would facilitate social inclusion, which might be both more effective and more human rights compliant in addressing homelessness.

In the European context, homelessness among migrants needs to be adequately addressed in connection with Guideline 9. FEANTSA has called on EU member states to guarantee access to basic services and facilities to all homeless people, regardless of administrative status. Over the last years, an increasing number of migrants and asylum seekers have entered the European Union. Migrants in transit are at risk of human rights violations and abuses, because they may become destitute in the transit country, lack legal protection and are unable or unwilling to seek the protection of the transit country.

This migration crisis in the EU has caused a higher number of homeless people and of rough sleepers in several European cities in countries where access to emergency accommodation was not provided to irregularly residing migrants. People are left with no recourse to adequate support, with no food and no access to health and sanitary services. In the absence of a strategy and guidance from public authorities, homelessness services are often confronted with a dilemma whereby, while they believe emergency accommodation and basic support are a fundamental right and should be granted to all, they cannot provide services because they lack resources or cannot use public funding to host migrants.

We would like to highlight the extreme relevance that Guideline number 7 on criminalization has for our organisation. This guideline summarizes the main approaches and measures of action already contained in the thematic report on homeless people (A/HRC/31/54) which has been simplified. Housing Rights Watch and FEANTSA have been working on the criminalisation of homelessness and its

² Toolkit for developing an integrated strategy to tackle homelessness:
https://www.feantsa.org/download/enfr_2006toolkit_5b1_5d-2-34521781459519216752.pdf

underlying issues since 2012. The criminalisation of homelessness is growing in Europe. The banning of begging, the 'cleansing' of public spaces or the installation of 'defensive' street furniture are just some of the practices that are increasingly used to restrict and deny the basic rights of homeless people. In order to reverse this trend and reaffirm human rights, FEANTSA has invited all European cities in the European Union to endorse the **Homeless Bill of Rights** to recognise and uphold the rights of people who experience homelessness.

Nobody should have to live on the streets, but to outlaw those who have no options for a place to live is a clear violation of human rights. FEANTSA has strongly denounced the amendment to the Hungarian Constitution which forbids living in a public space, but many other penalization measures are still in place in Europe. Criminalisation is not a solution to homelessness; it simply aims to move a visible problem of homelessness out of public view when instead governments should be offering real solutions to the problem. We welcome the inclusion of clear obligations of governments such as the ones listed in Guideline 7 that will be helpful to FEANTSA to pursue our efforts on this area.

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