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November 12, 2015

Leilani Farha
UN Special Rapporteur on adequate housing
Office of the High Commissioner for Human Rights
Special Procedures Branch, Palais Wilson
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Via email: srhousing@ohchr.org



HRW.org

Re: 31st Session Report on Homelessness and the Right to Adequate Housing

Dear Ms. Farha,

We are pleased that your report for the 31st session of the Human Rights Council will address the link between homelessness, including among women, and the right to adequate housing.

Human Rights Watch investigations around the world have addressed human rights violations that cause homelessness, and the profound vulnerability to human rights abuses for people who are homeless. Many of our reports address marginalized populations, including women. As you know, people who are homeless may face violations of their full range of human rights, including the rights to nondiscrimination, life, physical integrity, due process, health, food, water and sanitation, privacy, dignity, education, and freedom from cruel, inhuman, and degrading treatment and torture.

This letter provides brief examples from our recent work around the world related to homelessness, supplementing our October 28 submission concerning homeless LGBT youth in the United States. We hope that your report can address some of the themes, especially concerning marginalized populations.

Women

As you are well aware, women are at risk of homelessness due to discriminatory customary, religious, and statutory laws on divorce, inheritance, and matrimonial property, and poor enforcement of basic rights that are recognized. Often, women are forced out of their homes when they divorce or become widows, and have few viable prospects for asserting legal rights to the home. In many communities, there is a strong cultural perception that the family

home belongs to a man or his extended family, not to women. Men are far more likely to have formal titles to family homes and land. Some divorced or separated women and widows end up living on the street or in housing so dangerous and inadequate that it amounts to homelessness. We have interviewed many women who ended up living in dilapidated shacks in dangerous informal settlements after divorce or the death of their husbands. Examples of our recent work on discriminatory personal status laws and their impact on women's housing include reports on Bangladesh and Lebanon.¹

A related issue is the connection between domestic violence and homelessness. Many women in violent relationships feel they have no choice but to stay with their abuser, especially in countries with discriminatory divorce and child custody laws. In many countries there is a severe shortage of shelters or transitional housing for survivors of domestic violence. As a result, women may end up homeless when they flee their abusers or exceed the time limit for staying in emergency shelters. While there is progress with some countries allowing domestic violence victims to seek orders for protection that grant a temporary right to stay in the marital home and bar the abusers from the home, these are short-term measures. In the long run, women often need affordable housing to escape domestic abuse and avoid homelessness. Recent Human Rights Watch publications addressing these issues include reports on Kyrgyzstan and Papua New Guinea.²

Many homeless or inadequately housed women are single mothers. They may struggle not only with housing, but also childcare, employment, education, and health care. Policies that fail to take their circumstances into account can contribute to homelessness. In Spain, where almost 90 percent of single-parent households are headed by women, Human Rights Watch interviewed single mothers about the impact of the mortgage crisis. The women we interviewed were over-indebted from home purchases, and had no realistic pathway toward discharging their debt. In many cases, former partners or husbands who shared mortgages with the women refused to negotiate with banks for debt restructuring, relief, or cancellation. When these women's homes were repossessed, they were left with significant debt, often living in insecure housing—at risk of homelessness. Neither government nor bank policies took their situation as single mothers into account.³

¹ Human Rights Watch, “*Will I Get My Dues ... Before I Die?*”: Harm to Women from Bangladesh's Discriminatory Laws on Marriage, Separation, and Divorce, September 2012, <https://www.hrw.org/report/2012/09/17/will-i-get-my-dues-i-die/harm-women-bangladeshs-discriminatory-laws-marriage>; and Human Rights Watch, *Unequal and Unprotected: Women's Rights under Lebanese Personal Status Laws*, January 2015, <https://www.hrw.org/report/2015/01/19/unequal-and-unprotected/womens-rights-under-lebanese-personal-status-laws>.

² Human Rights Watch, “*Call Me When He Tries to Kill You*”: State Response to Domestic Violence in Kyrgyzstan, October 2015, <https://www.hrw.org/node/282404>; and Human Rights Watch, *Bashed Up: Family Violence in Papua New Guinea*, November 2015, <https://www.hrw.org/node/282527>.

³ Human Rights Watch, *Shattered Dreams: Impact of Spain's Housing Crisis on Vulnerable Groups*, May 2014, <https://www.hrw.org/report/2014/05/27/shattered-dreams/impact-spains-housing-crisis-vulnerable-groups>.

Although people at risk of homelessness can be particularly in need of health services, once outside a formal housing setting it can be difficult to access health care and other services. Poor information, lack of insurance or money for fees, and lack of documents often coincide with homelessness, leaving health care unaffordable and inaccessible. The general homeless population often struggles with accessing key healthcare services, such as mental health care, immunizations, substance abuse treatment, HIV care, and tuberculosis treatment. Homeless women also face barriers in accessing sexual and reproductive health care, including screenings for breast and cervical cancer, obstetric care, and post-rape care.

Homeless women frequently face grave challenges in realizing their rights to water and sanitation, including their ability to manage their menstruation. Women who are homeless often lack access to affordable sanitary supplies, as well as safe and dignified spaces like toilets and showers to handle their periods. This can contribute to vaginal infections and other health problems.

People with Psychosocial Disabilities

Across the world, there are significant barriers for people with psychosocial disabilities to enjoy the right to adequate housing. A systematic review conducted in 2008 found that in Europe and North America, the prevalence of psychosocial disabilities and drug dependence are higher among homeless people than in the age-matched general population in those countries.⁴ In many countries, there is a lack of appropriate and voluntary mental health support services to ensure persons with psychosocial disabilities are able to access adequate housing.

Even in countries where services exist for people with disabilities, conditions in facilities do not always meet an adequate standard of living, and discharge practices may result in homelessness. In Ghana and India, for example, we found that some people with perceived or actual psychosocial disabilities were brought to a psychiatric hospital against their will by a family member, who then gave a false address, effectively rendering the person homeless since they had no place to go upon release.⁵ As a result, some were detained in psychiatric hospitals for a prolonged period, despite being declared fit to leave.

⁴ Fazel, Seena et al. "The Prevalence of Mental Disorders among the Homeless in Western Countries: Systematic Review and Meta-Regression Analysis," Ed. John McGrath. *PLoS Medicine* 5.12 (2008): e225. PMC. Web. 16 Oct. 2015.

⁵ Human Rights Watch, *"Like a Death Sentence": Abuses Against Persons with Mental Disabilities in Ghana*, October 2012, <http://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>; and Human Rights Watch, *"Treated Worse than Animals": Abuses against Women and Girls with Psychosocial or Intellectual Disabilities in Institutions in India*, December 2014, <https://www.hrw.org/report/2014/12/03/treated-worse-animals/abuses-against-women-and-girls-psychosocial-or-intellectual>.

Human Rights Watch has also found that when people in India travel long distances from their families and communities to seek treatment for mental health conditions, they can end up homeless in unfamiliar cities.⁶ Ensuring support services are available in remote areas is necessary to protect people with psychosocial disabilities from the threat of homelessness.

In addition to improving the quality and geographic accessibility of services, it is essential for governments to effectively manage transitions from institutional care and to support community-based services to ensure people with psychosocial disabilities access their right to housing. The World Health Organization's QualityRights Tool Kit provides countries with practical information and tools for assessing and improving quality and human rights standards in mental health and social care facilities.⁷

Other Marginalized Populations

Other highly vulnerable or marginalized populations also face a significant risk of becoming homeless, and of suffering human rights abuses while homeless. For example, sex workers, people who use drugs, undocumented migrants, LGBT people, street children, and “emancipated” minors often face discrimination and arbitrary interference with their housing. When homeless, they are at great risk of physical and sexual violence, arbitrary detention, police abuse and extortion, and other rights violations.

Human Rights Watch has recorded practices of authorities in Ghana, Vietnam, China, Cambodia, and Laos rounding up homeless people—including people with perceived or actual disabilities—with other vulnerable groups to be detained in drug user detention facilities.⁸ In Uganda, we documented how police and other officials beat, extorted money from, and arbitrarily detained street children after targeted roundups.⁹ In Rwanda, people living on the street are often swept up in law enforcement crackdowns.¹⁰ Similarly, in Greece, we found that police stop and arbitrarily detain people who are homeless, who use drugs, and sell sex in the city

⁶ “Interview: Locked Up in Institutions With No Way Out,” Human Rights Watch, December 2014, <https://www.hrw.org/news/2014/12/03/interview-locked-institutions-no-way-out>.

⁷ World Health Organization, “QualityRights Tool Kit”, 2012, http://www.who.int/mental_health/publications/QualityRights_toolkit/en/ (accessed November 12, 2015).

⁸ Human Rights Watch, *Torture in the Name of Treatment: Human Rights Abuses in Vietnam, China, Cambodia, and Lao PDR*, July 2012, <https://www.hrw.org/report/2012/07/24/torture-name-treatment/human-rights-abuses-vietnam-china-cambodia-and-lao-pdr>; and Human Rights Watch, “*Like a Death Sentence*”: *Abuses Against Persons with Mental Disabilities in Ghana*, October 2012, <http://www.hrw.org/sites/default/files/reports/ghana1012webwcover.pdf>.

⁹ Human Rights Watch, “*Where Do You Want Us to Go?*”: *Abuses against Street Children in Uganda*, July 2014, <https://www.hrw.org/report/2014/07/17/where-do-you-want-us-go/abuses-against-street-children-uganda>.

¹⁰ Human Rights Watch “*Why Not Call This Place a Prison?*”: *Unlawful Detention and Ill Treatment in Rwanda's Gikondo Transit Center*, September 2015, <https://www.hrw.org/report/2015/09/24/why-not-call-place-prison/unlawful-detention-and-ill-treatment-rwandas-gikondo>.

center, including when they are seeking support services. Moreover, people who use drugs, people with mental health problems, and people who abuse alcohol are prohibited from using government homeless shelters in Greece. This excludes many people who may be in dire need of emergency shelter.¹¹

In some countries, such as Hungary, homelessness is outright criminalized.¹² Under a 2013 law, nearly 500 people in Hungary have been charged and fined for habitually residing in public spaces, primarily in Budapest. Essentially, they are criminalized for being poor and not having a home.

Human Rights Watch has also found that children who have been in foster care, orphanages, or other alternative care programs run a high risk of homelessness when they leave these programs or are “emancipated.” In Japan, for example, lack of support for children once they leave the “alternative care system” leaves them prone to homelessness, low-paying work, and little opportunity for higher education.¹³ In the US state of California, we interviewed young people who were removed from their family homes for abuse, neglect, or abandonment and placed in the custody of the state.¹⁴ After leaving foster care, many became homeless: child welfare agencies released youth from care when they had nowhere to live. Instead of providing extra protections for vulnerable youth, California state regulations often excluded them from transitional programs.

LGBT people face discrimination by landlords that may result in homelessness, and state authorities sometimes refuse to assist them. The criminalization of same-sex sexual relations and related conduct can contribute to evictions and homelessness. In Kenya, Human Rights Watch documented the case of a man arrested on suspicion of having committed “unnatural offenses.”¹⁵ After months of detention he was released on bond, but his landlord evicted him, saying, “We can’t have your kind of creature here.” An LGBT activist in Kenya also told Human Rights Watch that police failed to respond to his complaints about being unlawfully evicted about 10 times on the basis of his sexual orientation.

In the aftermath of the passage of the Ugandan Anti-Homosexuality Act in December 2013 (which the Supreme Court later struck down on technical grounds and declared

¹¹ “Greece: Police Abusing Marginalized People,” Human Rights Watch news release, May 6, 2015, <http://www.hrw.org/news/2015/05/06/greece-police-abusing-marginalized-people>.

¹² “Hungary: Outstanding Human Rights Concerns,” Human Rights Watch news release, February 18, 2015, <https://www.hrw.org/news/2015/02/18/hungary-outstanding-human-rights-concerns>.

¹³ Human Rights Watch, *Without Dreams: Children in Alternative Care in Japan*, May 2014, <https://www.hrw.org/news/2014/05/01/japan-children-institutions-denied-family-life>.

¹⁴ Human Rights Watch, *My So-Called Emancipation: From Foster Care to Homelessness for California Youth*, May 2010, <https://www.hrw.org/report/2010/05/12/my-so-called-emancipation/foster-care-homelessness-california-youth>.

¹⁵ Human Rights Watch, *The Issue is Violence: Attacks on LGBT People on Kenya’s Coast*, September 2015, <https://www.hrw.org/report/2015/09/28/issue-violence/attacks-lgbt-people-kenyas-coast>.

“null and void”), Human Rights Watch interviewed LGBT people who had been evicted by landlords. Hanifa Q. (her name changed for security reasons), a lesbian in Kampala, showed Human Rights Watch an eviction letter she received from her landlord in March 2014. It read: “You have been nice to me and paying very well. But due to the existing situation in the country plus your behavior with your friends, forgive me to suspect you of being indecent, I cannot allow you to rent my house, I cannot fight the government.” Other interviewees had to move to new homes in order to escape threats from neighbors, in some cases after being “outed” by tabloids and on television.¹⁶ (Please see also our October 28 submission concerning LGBT youth in the United States.¹⁷)

Internally displaced persons (IDPs) and refugees are at high risk of homelessness in countries around the world. Indeed, it is rarely the case that refugees or IDPs flee their homes and immediately find adequate housing. Even those who find temporary shelter face an ongoing risk of homelessness, especially if they end up in informal settlements or lack legal residency status. Sometimes, whole neighborhoods with high numbers of refugees or IDPs are torn down by state authorities, leading to another round of displacement and homelessness. In Somalia, for example, state security forces forcibly evicted about 21,000 displaced people in Mogadishu in March 2015.¹⁸ Authorities beat some of those evicted, destroyed shelters, and left them without water, food, access to sanitation, or other services and assistance. Somali female IDPs are at heightened risk of gender-based violence in transitional settings without safe shelter, toilets, and adequate lighting.¹⁹ We documented similar risks in displacement camps after the 2010 earthquake in Haiti.²⁰

Housing Demolitions, Resettlements, and Evictions

In some situations, government actions directly cause homelessness, such as through illegal housing demolitions, mismanaged resettlements, and forced evictions. As you know, these actions impact whole communities, but have distinctive impacts on women. Women may be left out of community consultations in advance of evictions or resettlements, have lesser bargaining power to negotiate

¹⁶ “Uganda: Anti-Homosexuality Act’s Heavy Toll,” Human Rights Watch news release, May 14, 2014, <https://www.hrw.org/news/2014/05/14/uganda-anti-homosexuality-acts-heavy-toll>.

¹⁷ Human Rights Watch Submission to the Special Rapporteur on the Right to Adequate Housing, October 28, 2015.

¹⁸ “Somalia: Forced Evictions of Displaced People,” Human Rights Watch news release, April 20, 2015, <https://www.hrw.org/news/2015/04/20/somalia-forced-evictions-displaced-people-o>.

¹⁹ Human Rights Watch, “*Here, Rape is Normal*”: A Five-Point Plan to Curtail Sexual Violence in Somalia, February 2014, <https://www.hrw.org/report/2014/02/13/here-rape-normal/five-point-plan-curtail-sexual-violence-somalia>; and Human Rights Watch, *Hostages of the Gatekeepers: Abuses Against Internally Displaced in Mogadishu, Somalia*, March 2013, <https://www.hrw.org/report/2013/03/28/hostages-gatekeepers/abuses-against-internally-displaced-mogadishu-somalia>.

²⁰ Human Rights Watch, “*Nobody Remembers Us*”: Failure to Protect Women’s and Girls’ Right to Health and Security in Post-Earthquake Haiti, August 2011, <https://www.hrw.org/report/2011/08/19/nobody-remembers-us/failure-protect-womens-and-girls-right-health-and-security>.

compensation for loss of their homes and land, or have little voice concerning conditions in resettlement areas. Women may also face threats, attacks, and harassment in connection with evictions. In many communities, women spend more time in homes for family caregiving, household work, and home-based income-generating activities, so their livelihoods and responsibilities are profoundly impacted by demolitions, evictions, and resettlements. Women who then end up homeless are at increased risk of gender-based violence. Some confront sexual coercion or exploitation by landlords when trying to secure new housing.²¹

Human Rights Watch has documented situations in which government authorities have undertaken massive housing demolitions resulting in homelessness. In Egypt, for example, authorities demolished residential, commercial, administrative, and community buildings in the Sinai Peninsula along the border with the Gaza Strip, forcibly evicting thousands of people.²² Some families became homeless and lived in tents or sheds on open land or in informal settlements. In Iraq, pro-government militias and security forces raided at least 47 predominantly Sunni villages around Amerli in 2014, then demolished homes and buildings without a lawful military justification, resulting in mass homelessness.²³

Discriminatory application of zoning laws—and resulting forced evictions or demolitions—also contributes to homelessness. For example, Israeli authorities apply zoning laws in a discriminatory manner that frequently restricts the ability of Arabs to build lawfully. Around 80,000 Bedouin live under constant threat of demolition in villages that Israel does not recognize in the Negev.²⁴

In some cases, such as in the case of Zimbabwe's Tokwe-Mukorsi Dam, infrastructure projects and international commercial investments have resulted in homelessness when residents are evicted and resettlement promises are broken.²⁵ In Tajikistan, we found that residents forced out to make way for the Rogun dam lacked adequate housing. The compensation residents received was too small to build adequate houses.²⁶ Some of those impacted by the resettlement, including widows, divorced women, and people with disabilities, were not in a position to

²¹ See "Lebanon: Women Refugees from Syria Harassed, Exploited," Human Rights Watch news release, November 26, 2013, <https://www.hrw.org/news/2013/11/26/lebanon-women-refugees-syria-harassed-exploited>.

²² Human Rights Watch, "*Look for Another Homeland*": Forced Evictions in Egypt's Rafah, September 2015, <https://www.hrw.org/report/2015/09/22/look-another-homeland/forced-evictions-egypts-rafah>.

²³ Human Rights Watch, *After Liberation Came Destruction: Iraqi Militias and the Aftermath of Amerli*, March 2015, <https://www.hrw.org/report/2015/03/18/after-liberation-came-destruction/iraqi-militias-and-aftermath-amerli>.

²⁴ Israel: Court Permits Discriminatory Evictions," Human Rights Watch news release, May 19, 2015, <https://www.hrw.org/news/2015/05/19/israel-court-permits-discriminatory-evictions>.

²⁵ Human Rights Watch, *Homeless, Landless, and Destitute: The Plight of Zimbabwe's Tokwe-Mukorsi Flood Victims*, February 2015, <https://www.hrw.org/report/2015/02/03/homeless-landless-and-destitute/plight-zimbabwes-tokwe-mukorsi-flood-victims>.

²⁶ Human Rights Watch, "*We Suffered When We Came Here*": Rights Violations Linked to Resettlements for Tajikistan's Rogun Dam, June 2014, <https://www.hrw.org/report/2014/06/25/we-suffered-when-we-came-here/rights-violations-linked-resettlements-tajikistans>.

build their own homes, yet received no government assistance. Of the few houses the government did build, most were occupied by state employees.

Finally, international donor agencies, including international financial institutions such as the World Bank, can have a significant impact on homelessness through the projects that they finance and the advice that they provide to governments and companies. It is important that these donors respect human rights in all of their activities in order to avoid rendering people homeless, and to support governments in fulfilling the right to adequate housing.

We hope that these examples from our recent work are helpful. Our website has many more examples from around the world.

We look forward to your report, and guidance it will provide on ensuring that measures to prevent and respond to homelessness are grounded in human rights.

Sincerely,

A handwritten signature in cursive script that reads "Janet Walsh".

Janet Walsh
Deputy Director, Women's Rights Division