**Homelessness and the right to adequate housing: Questionnaire**

**Submission by UN-Habitat, 12 November 2015**

**Question 1**

*Please explain how your organization or institution defines homelessness in various contexts, for example, when measuring the extent of homelessness or conducting research about it, or preparing proposals and advocacy projects. Please explain why the definition was chosen. Do these definitions differ from those used by your government? Please provide any available data on the extent of homelessness in general and among particular groups in your country and identify any limitations to this data.*

Within the context of UN-Habitat’s Global Housing Strategy and its vision of placing “Housing at the Centre” of sustainable urban development comes a renewed focus on the homeless. Housing at the Centre is needed for the New Urban Agenda to meet the growing needs of urbanization in a way that benefits all people. The momentum could not be better with the first ever worldwide Sustainable Development Goal to “make cities and human settlements inclusive, safe, resilient and sustainable” and targets to ensure access for all to adequate, safe and affordable housing and basic services and upgrade slums.

The former Special Rapporteur on adequate housing has called homelessness “perhaps the most visible and most severe symptom of the lack of respect for the right to adequate housing.” There is no internationally agreed definition of homelessness. Definitions range from the narrow—equating homelessness with “rooflessness”—to the broad, based on the adequacy of the dwelling, the risk of becoming homeless, the time exposed to homelessness and responsibilities for taking alleviating action.

**Definition**

* For statistical purposes, the United Nations has defined homeless households as “households without a shelter that would fall within the scope of living quarters. They carry their few possessions with them, sleeping in the streets, in doorways or on piers, or in any other space, on a more or less random basis.”[[1]](#footnote-1)
* The United Nations Statistics Division distinguishes two broad categories of homelessness:

(a) Primary homelessness (or rooflessness). This category includes persons living in streets or without a shelter that would fall within the scope of living quarters;

(b) Secondary homelessness. This category may include persons with no place of usual residence who move frequently between various types of accommodation (including dwellings, shelters or other living quarters); and persons usually resident in long-term “transitional” shelters or similar arrangements for the homeless.

**Data on the extent of homelessness[[2]](#footnote-2)**

The United Nations Human Settlements Programme (UN-Habitat) estimates that:

* 1.1 billion people live in inadequate housing conditions in urban areas alone globally, and that100 million have no housing whatsoever.

**Question 2**

*What population groups are most affected by homelessness in your country/ in your organization’s area of work? Please provide any information you have about the extent or experiences of homelessness among particular groups such as children and youth, women, indigenous peoples, persons with disabilities, and others. If relevant studies exist please indicate or share a link, a reference or a copy.*

UN-Habitat’s Global Housing Strategy envisions a national housing strategy at the centre of national urban development and advocates for the integration of housing policies into broader social, economic and environmental policies as well as urban policies. Policies and programmes need to be geared around the strategic need of increasing the supply of affordable housing for all at the centre especially for persons and groups in vulnerable situations.

Towards Habitat III, UN-Habitat has concentrated efforts to re-establish the role of housing for the future of sustainable urbanization. With that aim, it is proposing the ‘Housing at the Centre’ approach, which positions housing at the centre of national and local urban agendas. ‘Housing at the Centre’ aims to shift the focus from simply building houses to a holistic framework for housing development, orchestrated with urban planning practice and placing people and human rights at the forefront of urban sustainable development. In line with the Human Rights-Based Approach, focus should be on persons in vulnerable situations such as children, youth, elderly, people with disabilities, displaced persons and migrants, indigenous peoples, homeless persons, minorities, people living with HIV/AIDS, and in particular women in these categories.

**Women**

Without control over housing, land or property, women enjoy little personal or economic autonomy and are more vulnerable to abuse within the family, community and society at large. When women’s access to housing, land or property depends on a third person—their husbands, brothers, fathers or other male relatives—they become vulnerable to homelessness, poverty and destitution if this relationship comes to an end.

Domestic violence has been identified as a major cause of women and children becoming homeless, especially when there is insufficient protection by law enforcement officials or by the legal system itself. Conversely, fear of homelessness might compel women to remain in abusive relationships.

**Children**

In its State of the World’s Children 2005 report, the United Nations Children’s Fund (UNICEF) revealed that more than one out of every three children in the developing world—over 640 million children—does not live in adequate housing. Given the pervasiveness and the impact of homelessness and inadequate housing on children, the United Nations Committee on the Rights of the Child has emphasized the universal character of the right to adequate housing, stressing that it applies to every child without distinction or restriction of any kind.

Homelessness has particular effects on children, compromising their growth, development and security. Homeless children can be vulnerable to a range of emotional problems, including anxiety, sleeplessness, aggression and withdrawal. Their access to basic services, such as health care and education, can also be seriously impaired if they have no fixed address. Children living and working in the street are particularly vulnerable to threats, harassment and violence by private individuals and the police.

**Persons with disabilities**

In general, where stigmatization remains unaddressed and social or community services are unavailable—including social housing—persons with disabilities continue to face discrimination when seeking housing, or more general challenges in securing the resources necessary for obtaining adequate housing. Such challenges inevitably make them more vulnerable to forced evictions, homelessness and inadequate housing conditions.

**Migrants and displaced persons**

Irregular migrants are often homeless, as an inability to pay rent usually results in immediate eviction. Their lack of legal status, and the criminalization of irregular migration in many countries, means that most will be unable or unwilling to challenge discriminatory or otherwise abusive rental practices and seek legal remedies. National housing strategies rarely include migrants, and will practically never include irregular migrants.

**Indigenous Peoples**

Indigenous peoples are more likely than other groups to live in inadequate housing conditions and will often experience systemic discrimination in the housing market. While the majority of indigenous peoples around the world still live in rural areas, increasing numbers are, voluntarily or involuntarily, migrating to urban areas, leaving behind their traditional lands, territories and resources, and often facing increased poverty. As a result, the housing conditions of many indigenous peoples and individuals in urban areas are inadequate, often leading to conditions of homelessness.

**Homeless persons**

The Special Rapporteur on adequate housing has highlighted that poverty is a common denominator in the experience of the homeless. Other causes or factors which make people more vulnerable to homelessness are unemployment, a lack of social security systems, a lack of affordable housing, forced evictions, non-availability of social housing, conflicts and natural disasters, as well as a lack of attention to the needs of the most vulnerable.

Besides the violation of their right to adequate housing, homeless persons may be deprived of a whole range of other human rights. Laws that criminalize homelessness, vagrancy or sleeping rough, along with street cleaning operations to remove homeless people from the streets, have a direct impact on their physical and psychological integrity. Merely by not having a secure place to live, nor any privacy, homeless persons are much more vulnerable to violence, threats and harassment.

Relevant study: The Right to Adequate Housing Factsheet and Forced Evictions Factsheet:

<http://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_en.pdf>

<http://www.ohchr.org/Documents/Publications/FS25.Rev.1.pdf>

**Question 3**

*In your organization’s view, what are the primary systemic and structural causes of homelessness? How is your organization addressing these and how should these be addressed by Governments?*

States’ obligations towards the full realization of the right to adequate housing include taking measures to prevent homelessness. Among the steps to be taken immediately, general comment No. 4 (paras. 10–13) mentions determining the extent of homelessness, as well as adopting a national housing strategy which should reflect extensive genuine consultation with the homeless. General comment No. 7 (para. 17) also emphasizes that forced evictions should not result in individuals being made homeless.

Joint UN-Habitat/OHCHR Factsheet 21 on Forced Evictions describes the prohibition of forced evictions in the context of homelessness (p. 31) as follows: *Forced evictions should not result in homelessness or put people in life- or health-threatening situations. Alternative and sustainable accommodation should be provided before any eviction is carried out.*

**Forced Evictions** - Every year, millions of people around the world are threatened by evictions or forcibly evicted, often leaving them homeless, landless, and living in extreme poverty and destitution. Forced evictions commonly result in severe trauma and set back even further the lives of those that are often already marginalized or vulnerable in society.

General Comment No. 4 provides that ‘Evictions should not result in individuals being rendered homeless or vulnerable to the violation of other human rights’.

**Lack of secure tenure**

The lack of secure tenure and forced eviction are conditions that could lead to homelessness. As a component of the right to adequate housing, housing is not adequate if its occupants do not have a degree of tenure security which guarantees legal protection against forced evictions, harassment and other threats.

**Extreme poverty**

Poverty is an urgent human rights concern. For those living in extreme poverty, many human rights are out of reach. Among many other deprivations, they often lack access to adequate housing, education, health services or safe drinking water and basic sanitation.  They are often excluded from participating meaningfully in the political process and seeking justice for violations of their human rights. Extreme poverty can be a *cause*of specific human rights violations, for instance because the poor are forced to work in environments that are unsafe and unhealthy and live in less than adequate housing without security of tenure which may lead to forced evictions and homelessness. At the same time, poverty can also be a *consequence*of human rights violations, for instance when children are unable to escape poverty because the State does not provide adequate access to education.

**Question 4**

*Please provide any information available about discrimination and stigmatization of people who are homeless, including laws or policies that may be used to remove homeless persons from public spaces or to prohibit activities in public spaces such as sleeping, camping, eating, sitting, or asking for money. Please explain whether such discrimination is prohibited by law at national and/or local levels and describe any initiatives being taken or proposed to address this problem.*

Discrimination is frequently a factor in forced evictions. Discrimination means any distinction, exclusion or restriction made on the basis of various grounds which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise of human rights. It is linked to the marginalization of specific population groups and is generally at the root of fundamental structural inequalities in society. Prohibited discrimination can exist in either the public or the private sphere. Rights can be violated through the direct or indirect action or omission by States, including through their institutions or agencies at the national and local level, as well as in their international cooperation and assistance.

**Discriminatory legislation regarding homelessness and homeless persons**

Use of the law to discriminate against the homeless takes on disparate forms: restricting the public areas in which sitting or sleeping are allowed, ordinances restricting aggressive panhandling actions intended to divert the homeless from particular areas, penalizing loitering or anti-social behavior,or enforcing laws on the homeless and not on those who are not homeless.

**Question 5**

*Please indicate if you know whether homelessness has been recognized as a human rights violation by courts, by national human rights institutions in your country/ in the area of your expertise, and if so, on the basis of which human rights (for example: right to adequate housing, right to life, etc) Provide information on any initiatives being taken by your organization or others to address homelessness using an explicit human rights framework.*

The international community has repeatedly stated that forced evictions are a gross violation of human rights, in particular the right to adequate housing. This statement recognizes that human rights are interdependent, indivisible and interrelated. In addition to being a violation of the prohibition on arbitrary or unlawful interference with the home, forced evictions all too often result in other severe human rights violations, particularly when they are accompanied by forced relocation or homelessness.

**Question 6**

*Please provide information on how your organization has used or intends to use administrative procedures to challenge homelessness as a violation of human rights?*

An upcoming UN-Habitat/OHCHR Consultation on Homelessness in November 2015 is meant to bring together external expertise to explore state-of-the-art research and analysis, identify good practices and lessons learned with a view to developing policy recommendations on homelessness.

A UN Housing Rights Programme publication entitled Assessing the Impact of Eviction Handbook raises awareness of the importance of assessing the impact of eviction for individuals as well as communities, and it provides a framework for doing so during any stage of the eviction/resettlement process. While seeking to consolidate and build upon current eviction impact assessments practices as well as disseminating existing initiatives and tools at the global level.

The UN-Habitat/OHCHR Forced Evictions Factsheet examines the prohibition on forced evictions under the international human rights framework, specific obligations of States and others to refrain from and prohibit forced evictions, and how, when violations of rights and obligations do occur, there can be accountability and remedies.

**Question 7**

*Please provide information about any proposed or existing strategies or legislation that your organization or institution might be familiar with aimed at reducing or eliminating homelessness. Explain any goals or timelines that have been adopted for this purpose, describe how progress has been monitored, describe how those affected by homelessness have been involved and provide information on results to date. Does your institution/organization have any suggestions for how existing or proposed strategies could be improved?*

**Strategies aimed at reducing homelessness**

* **Housing at the Centre Approach -** UN-Habitat is mandated to promote sustainable urbanization and adequate housing for all. The growing urgency to provide adequate housing to millions of households and the need to do so in ways to guarantee a sustainable future for cities calls for a paradigm shift in housing policy and practice. UN-Habitat proposes that this shift, referred to as ‘Housing at the Centre’, comes to position housing as a priority in the public debate around urbanization, integrated within the framework of national urban policies and urban planning.
* **Global Housing Strategy: Re-positioning Housing at the Centre of the New Urban Agenda -** Since 2013, UN-Habitat is implementing the Global Housing Strategy (GHS), a collaborative global movement towards adequate housing for all. Under the framework of the GHS UN-Habitat aims to support member States to formulate and implement national housing polices, strategies and programmes for the promotion of access to adequate, sustainable and inclusive housing. The GHS is based on the principle of inclusive cities as the foundation for sustainable urban development. Inclusive cities are achieved by mainstreaming human rights in urban development, including housing and slum upgrading, to ensure opportunities for all, social integration and cohesion.

1. "United Nations Demographic Yearbook review: National reporting of household characteristics, living arrangements and homeless households : Implications for international recommendations", United Nations, Department of Economic and Social Affairs, Statistics Division, Demographic and Social Statistics Branch, 14 April 2004 [↑](#footnote-ref-1)
2. Home at Last? The State of the Homelessness in Today’s Cities < <http://www.un.org/wcm/webdav/site/dpingorelations/shared/Documents/PDF%20Documents/Final%20NGO%20Homelessness%20Programme%20edited%20gbts.pdf>> Date accessed 8th October 2015 [↑](#footnote-ref-2)