**Evidence Submission – October 2017**

*Mandate of the Special Rapporteur on the right to adequate housing*

*Request for contributions: Designing and implementing effective human rights-based housing strategies.*

Contribution by the [International HIV/AIDS Alliance](http://www.aidsalliance.org/)

A United Nations ECOSOC accredited civil society organisation.

**Context: HIV, Human rights and homelessness**

States must design and implement effective human rights-based housing strategies to realise the right to housing and to fulfil commitments made in the 2030 Agenda for Sustainable Development and the New Urban Agenda[[1]](#endnote-1). This is particularly important for all people living with HIV, because **homelessness and unstable housing have been associated with HIV risk behaviour and poorer health among people living with HIV**[[2]](#endnote-2).

Children, youth and adolescents

* As of 2016, roughly 16.5 million children under the age of 18 had lost one or both parents to AIDS. Millions more have been affected by the epidemic, through a heightened risk of poverty, **homelessness**, school dropout, discrimination and loss of opportunities. These hardships include prolonged illness and death[[3]](#endnote-3).
* Young people who inject drugs and who have overlapping vulnerabilities, such as **homelessness**, living or working on the street, or economic marginalization, may consider these to be more pressing concerns. In 2013, an estimated 1.7 million (range: 0.9 million to 4.8 million) people who injected drugs worldwide were living with HIV. This represents a global HIV prevalence of 13.1% among all people who inject drugs aged 15–64 years[[4]](#endnote-4).

Harm reduction

* In many regions, injecting drug use is most prevalent among socially marginalized young people, including those who are from dysfunctional family environments, out of school, living in extreme poverty, or **living or working on the streets[[5]](#endnote-5)**.
* In Albania, over one-quarter of males aged 15–24 years who inject drugs surveyed in 2008 had never been to school, and **30% were homeless[[6]](#endnote-6).**
* Access to antiretroviral therapy (ART) by people who inject drugs is disproportionately low compared with other key populations at higher risk of HIV – particularly in low- and middle-income countries. Where ART is available **homelessness** can make adherence to HIV treatment harder to maintain[[7]](#endnote-7)

Transgender people

* Evidence suggests that, in some settings, a significant proportion of young transgender women engage in selling sex. Selling sex has been significantly associated with low levels of education**, homelessness**, drug use and a perceived lack of social support. In El Salvador, close to 47% of transgender women reported that their main income comes from selling sex.
* Young transgender people are particularly vulnerable to **homelessness,** unemployment and economic instability, as they often depend on family and education institutions for housing and other resources.[[8]](#endnote-8)
* In Latin America, 44–70% of transgender women and girls have felt the need to leave home or were thrown out of their homes.[[9]](#endnote-9)
* In a report on LGBTQ organizing in West Africa, **homelessness** was listed as one of the issues faced by LGBTQ youth living in West Africa.[[10]](#endnote-10)

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| Case study  The International HIV/AIDS Alliance has provided funding to an organisation, The Larry Chang Foundation, which provides a comprehensive and holistic approach to homeless men who have sex with men (MSM) and transgender people in Jamaica.  In Jamaica, many MSM and trans gendered people have been displaced and made homeless as a result of homophobia and stigma, and have resorted to residing in storm drains, from which they are regularly displaced by the police and city council, and subjected to violent attacks by members of the public. They do not have ready access to social support from the government, and are thus prevented from full inclusion within wider society. This has become a significant social issue, and the Health, Safety and Housing concerns of this group of people continue to go unaddressed, leading to increased risk with regards to HIV and treatment for both the group and wider society, as sex work is common amongst the group as a means of generating an income.  View this short video for further information (3 mins) [Unreported World: Jamaica's Underground Gays](https://www.youtube.com/watch?v=WVJ5gS7EfRM&feature=youtu.be&utm_source=You+Tube&utm_medium=Email&utm_campaign=Jamaica)  The Larry Chang Foundation’s work is led from a social work perspective, which is a holistic approach, and includes assessment and care planning aimed at responding to the individual needs of each person, identified from initial and core assessments. These care-plans include ensuring access to discrimination free services.  Based on the findings and data analysis from assessments, they have organised their interventions into four sections; 1) **Housing (stable living opportunities**) 2) health and nutrition (access to quality health care and health education) 3) case-management (social interactions and civil society) and vocational training (identifying life-skills 4) training to facilitate employable opportunities for their independence and social stability). Because of their approach, the organisation has been able to persuade the Ministry of Health and the Ministry of Education to provide services for this hard to reach group as part of their programme.  The Foundation provides safe and stable housing in a residential home facility with nursing care on hand, but requires more support to fulfil the demand. The residential home facility is crucial as it enables higher risk clients to receive a rapid response to their immediate needs and a holistic package of support and interventions within a contained facility.  Recommendations for the government based on this example, can be found in 3a, 5 and 9 below |

Recommendations for national housing strategies:

1. Design, development and implementation of housing must provide for **meaningful engagement with and participation of people living with HIV and their representative organisations**, including sex workers, men who have sex with men, LGBTI people and people who use drugs, adolescents, youth and children living with HIV.
2. Set clear goals and reasonable timelines to combat homelessness and ensure access to adequate housing for all people living with HIV.
3. Tackle the root causes of homelessness for people living with HIV. For example, by:
4. Decriminalising key populations and their activities: people who use drugs, sex work, men having sex with men and LGBTI people.
5. Promoting evidence- and rights-based, LGBT-inclusive comprehensive sexuality education. All young people require complete and accurate information about their sexual and reproductive health, including sexuality, condoms and contraception, healthy relationships, and the prevention of violence, stigma, and discrimination.
6. Providing a full range of youth-friendly sexual and reproductive health services with guarantees that such services are confidential, affordable, and respectful of young people’s rights to privacy and informed consent.
7. Ensure access to justice for claimants living with HIV of the right to housing.
8. Ensure access by people living with HIV to public housing programmes.
9. Ensure co-ordination of relevant ministries, authorities and different levels of government with key populations at risk of HIV.
10. Ensure that housing policies do not discriminate against tenants based on sexual orientation, gender identity[[11]](#endnote-11), HIV status or drug use.
11. Take appropriate steps to safeguard and promote the realisation of the right to adequate housing.
12. Establish shelters for homeless women subjected to intimate partner violence, LGBTI persons, with specific attention to youth, older persons and those in emergency situations.[[12]](#endnote-12)

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1. Human rights-based housing strategies are required for compliance with the right to adequate housing under international human rights law and essential to realize target 11.1 of the SDGs, to “ensure access for all to adequate, safe and affordable housing and basic services” by 2030. The New Urban Agenda, paragraph 31, similarly recognizes the importance of housing policies “that support the progressive realization of the right to adequate housing for all; that address all forms of discrimination and violence and prevent arbitrary forced evictions; and that focus on the needs of the homeless, persons in vulnerable situations, low-income groups and persons with disabilities, while enabling the participation and engagement of communities and relevant stakeholders.” [↑](#endnote-ref-1)
2. Kidder DP, Wolitski RJ, Royal S, Aidala A, Courtenay-Quirk C, Holtgrave DR, Harre D, Sumartojo E, Stall R; Access to Housing as a Structural Intervention for Homeless and Unstably Housed People Living with HIV: Rationale, Methods, and Implementation of the Housing and Health Study. *AIDS Behav*.2007 Jun 2; [↑](#endnote-ref-2)
3. UNICEF: HIV/AIDS Global and Regional Trends: [https://data.unicef.org/topic/hivaids/global-regional-trends/#](https://data.unicef.org/topic/hivaids/global-regional-trends/) [↑](#endnote-ref-3)
4. United Nations Office on Drugs and Crime. World Drug Report 2014. New York: UNODC [↑](#endnote-ref-4)
5. Barrett D, Hunt N & Stoicescu C (2013) Injecting drug use among under 18s: A snapshot of available data. London: Harm Reduction International 2012. [↑](#endnote-ref-5)
6. Institute of Public Health in Albania (2008). Behavioral Surveillance for HIV and STI among Most at Risk Adolescents in Tirana. [↑](#endnote-ref-6)
7. A TECHNICAL BRIEF HIV AND YOUNG PEOPLE WHO INJECT DRUGS, WHO 2015 [↑](#endnote-ref-7)
8. Copyright © 2014. Joint United Nations Programme on HIV/AIDS (UNAIDS). the Gap Report 2014 - Transgender People [↑](#endnote-ref-8)
9. *Ibid* [↑](#endnote-ref-9)
10. We exist: Mapping LGBTQ Organizing in West Africa 2015. [↑](#endnote-ref-10)
11. Recommendation from *Report of the United Nations High Commissioner for Human Rights on Discrimination and violence against individuals based on their sexual orientation* and gender identity, 2015, UN Human Rights Council: Geneva. [↑](#endnote-ref-11)
12. *Ibid* [↑](#endnote-ref-12)