**Decriminalization of homelessness and poverty**

These inputs were collected from the workers of GAT, Group of Activists in Treatment. The two main contributors for this document are GAT IN-Mouraria, a harm reduction service directed to people who use drugs and GAT Housing First, a housing project for people experiencing homelessness. We are based in Lisbon, Portugal, but we work with people from all over the country.

Before adressing the questions, we would like to introduce the main challenges that we face regarding house exclusion and poverty.

A huge issue that Lisbon and its metropolitan area are facing is the crisis of The Right to Housing (65th article of the Portuguese Constitution). Ou are facing a housing crisis

* The finantial help that the State allocated to people in situation of homelessness is unrealistic compared to the housing prices and even room prices;
* There are not enough housing solutions in the private market, and the ones that exists are mainly directed to rich investors, digital nomads and foreigners, and exclude undocumented people.
* People in situation of homelessness or in extreme poverty, are barely never chosen in the formal housing market. The mains reasons are stigma, lack of incomes, lack of the possibility to pay various months in advance ecc…
* The criminalization of squatting is a big issue. Squatting as an act of resistance and survival is fundamental for people who are more vulnerable and without the right to live in the city.
* The criminalization of poverty has a huge impact on families. Moms are being threaten by socials and child protection services of taking away their kids for lack of housing conditions or poverty.
* Eviction is a form of institutional violence. There is a lack of social support for people who are squatting or are no longer able to pay rent because they lost their jobs, the increase of the cost of living. Food, electricity, gas, telecommunications, hygiene products or the rent are increasingly unaffordable.
* People who squat are penalized by local and national institutions.
* “Cleaning” and expulsion of tents and people who sleep in the rough by police and the public authority are happening more frequently. The tents and personal belongings of these people are being thrown out in the garbage with the excuse of making the city more “beautiful”.
* The lack of policy on short leases like Airbnb and low costs airfares, increase the number of tourists and reduce the number of houses available, turning housing prices unrealistic.
* The minimum wage is 750 euros, and the average of the price of the rent of an apartment in 2023 are pretty much the same.
* The maintenance of social housing doesn’t exist. People living in the house provided by the national or local governments don’t have access to maintenance.
* The precarity of work and the need of multiple employment doesn’t allow a good quality of life and can cause huge health and social issues.
* There is a lack of a public construction plan and housing cooperatives that makes it impossible to reach the European average on social housing.
* The huge increase in interest rates makes it almost impossible to low to medium income people to access bank loans for buying houses.
* We need a rent control system which takes count on the wage average of the majority of people living in Portugal. Considering the OCDE data, Portugal is the country with more imbalance within housing prices and population’s salaries, counting that the first one goes over 47,1% of the second one.
* We would like to see the implementation of public policies that takes in to account the democratic participation of its citizens. The social support doesn’t have to be a form of criminalization of the most vulnerable people.
* We need a democratic participation of the people living in the social housing projects when we talk about housing solutions, subdivisions and public policies of these areas.
* Taking into account that the relocation processes carried out in recent decades have been disastrous, as in addition to leaving many people without a home, they have also destroyed the neighborhood structure and community solidarity networks, especially in cases where populations were sent for the outskirts of the outskirts, where after 9 pm there is no public transport and where there is a lack of social facilities, it is proposed: firstly, the recognition of the right to the existence of self-built neighborhoods, plus budgets for their requalification, in a process based on democratic participation of populations. That is, people must be recognized as having the right to stay in the neighborhood they built and requalify/create their living, socializing and leisure spaces.

Our concerns are also around the topic of shelters for people in situation of homelessness.

* In Lisbon the ones that exist are not enough for the number of people and are probably going to be moved outside the city centre (where some of them already are).
* There is too much bureaucracy requested to access a shelter and, usually, people need to be regular in the country. We need more housing options including more places that allows to sleep just for the night, requiring less bureaucracy and less responsibilities.
* The ones that exist are in poor conditions, not adequate for the people, who a lot of time prefer to sleep in the rough
* Some of the shelters have rules which exclude some populations and/or don’t consider the needs of the communities that are more vulnerable (such as people who use drugs, migrants and people LBTQAI+
* Shelters should be a rapid but temporary solution for the problem. At the moment there are not a lot of options for people who stay in shelters to improve their quality of life and housing. They are more like a stable solution, which is not good. In order to improve the situation of these populations there is the need to build plans which allows them to enter in other and better housing solutions such as Shared apartments, Housing Firsts program or Social Housing.
* We also need to deinstitutionalize the housing solutions existing in order to provide more respect for Human rights and Dignity, improve quality of life, access better to social integration, personalized better the care, improve mental health and Well-being, prevent abuse and neglect and empower community resilience.

Another problematic which has been already and rapidly discussed, regards the salary and finantial support:

* The criteria to access the financial support are largely paternalistic. The people have to adress several requests that are not always adequate, in order to receive the help.
* The financial support is not enough, compared to the cost of living.
* The rules for keeping financial support are not flexible nor adequate to the people that its suppose to help. People who access the financial support have usually multi vulnerabilities which makes it more difficult to be able to respect all the criteria requested in order to maintain the support.
* People who use drugs and people in situation of homelessness are frequently target from police harassment and receive fines, mainly on public transports. Fines make the integration of the person in the community and in the job market harder. They also make it hard to accesses social protection.
* There are few programs that help the inclusion of people with vulnerabilities in the job market. It’s really hard for people with CV with time gaps or without a stable house to find a job. Without a job there are not enough money to improve their situation. It’s a circle that doesn’t allow to come out of the situation. We propose more programs that take in count the vulnerabilities of these populations and incentives to employ people who are facing unemployment.
* With the advance of technologies and the huge employment crises that we are facing, the most vulnerable people are the firsts ones taken out of the market. There should be a program working on the reallocation of people in other jobs in the first period after the end of the first job.

Another big issue that we are facing regards the prisons.

* At the moment people who are in jails get out without any housing solution planned and sometimes even without personal ID. A lot of time we tried to work with the public services in order to help providing a housing solution, but so far, we were unable to collaborate.
* Prisons are full of people from marginalized minorities, such as poor people, racialized people, and people who use drugs, but prisons are not addressing these differences, don’t work on it and just make it harder to work on inclusion. Prisons are just an institution that marginalize even more.
* There is not any housing solution that allow dignity and help decrease the recurrence.
* Prisons are against human rights, dignity, are impossible to collaborate with and don’t offer a good access to health and social care.
* We suggest the opportunity to build a better collaboration with the teams working on the field and the institution in order to find better time of punishment for the crimes.
* We also would like to introduce more restorative justice, that can prevent from marginalization, exclusion, poverty and improve the possibilities of social inclusion.
* We believe that prisons are useless. The state should invest more on alternatives that are not involving the reclusion.

We are really concerned for the situation of sex workers too:

* In Portugal sex work has been depanelized, but it’s not legalized yet. We believe that legalizing sex work is the best solution to reduce human traffic, improve better health and security conditions and allow people to do their jobs legally.

Our last big concern is regarding migrants:

* The waiting list for people to be regularized is too long and people are waiting years before being able to have their document and legally live in Europe. These conditions make people even more vulnerable, denied to access housing, jobs and social support.
* A lot of migrants are sharing small apartment that are overcrowded, leading to bad housing conditions, and a risk for their lives and public health.
* We are seeing an increase in the number of people experiencing homelessness in Lisbon that are migrants. These number is increasing faster and faster every year.
* A lot of migrants are working in conditions of work exploitation without dignity.
* There are not enough low threshold social and health services for migrants.
1. Laws or regulations that allow the detention or imprisonment of individuals who are unable to pay judiciary costs and some fines imposed for petty offences.

The Portuguese penal Code allows in different cases to imprison for short period of time people who are not able to pay fines or court. The article art. 23º of the DL n. 126-A/2017, of 6/10 declares that the basic monetary support for the government is unattachable. This is not enough to prevent people from getting to jail because of old fines or judiciary costs. Some people also have to been imprisoned even after their already spent their full sentence because they have to pay the costs of the trial. This is a common practise which can be avoid by asking for the social support before the trial. Unfortunately, the complex of the bureaucracy doesn’t allow a lot of people to know and be able to make this request.

1. Information about attempts made or planned to decriminalize street vending, informal business activities, sex work, begging, eating, sleeping, or performing personal hygienic activities in public places.

Sex work has been depanelized in Portugal since the early 2000. Begging, eating, sleeping and performing personal hygienic activities is not illegal. But the police and the current municipality government of Lisbon are enforcing it to be antisocial by putting in the trash tents and personal items of people <https://www.reuters.com/world/europe/lisbon-city-council-accused-sweeping-homeless-under-rug-ahead-popes-visit-2023-07-12/> and making them move from the city centre. They are also planning on close one of the best shelters in Lisbon’s city centre to move it outside, where the access to services and transportation is hard.

1. Information concerning initiatives to change the response of law enforcement officials and of the criminal justice system from penalization, punishment, or detention, towards facilitating social inclusion of persons living in poverty or experiencing homelessness.

Right now there are different initiatives taking place in Portugal and in Lisbon. One is the collective of signatures in order to make the municipality respect the law that doesn’t allow airbnb in buildings that are made for living. https://referendopelahabitacao.pt/

Also the movement Vida Justa “Right Life” is putting the attention on the problematic of Housing, life costs and Poverty: <https://vidajusta.org/>

A lot of protest and manifestation for the right of housing and life are happening in the lasts months and are going to happen in the next weeks.

1. Measures and services available at national, regional or municipal level to support people living in poverty and in situations of vulnerability from having to resort to begging, sleeping, washing, defecating or performing other hygienic activities in public places, because they lack access to employment, social assistance, adequate housing, public showers and toilets.