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**Decriminalization of homelessness and extreme poverty: Addressing the vulnerabilities and global challenges for LGBTI people.**

*Submission to the Special Rapporteur on the right to adequate housing and the Special Rapporteur on extreme poverty*

06 October 2023

**Report submitted by:**

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# 1. Introduction

In this report, we use evidence gathered from reports, academic articles, laws, policies, global databases, and civil society contributions to highlight the criminalization of homelessness and poverty in different regions, countries, and social contexts. We seek to expand on what the Independent Expert on Sexual Orientation and Gender Identity (SOGI) has expressed in previous reports, about how ‘exclusionary processes lead to a disproportionate representation of LGBT people […] within the homeless population’[[1]](#footnote-2) and how subsequently ‘homelessness can result in further exclusion, criminalization and stigma.’[[2]](#footnote-3)

We echo the sentiment provided in a submission on the same topic by American University’s Department of Justice Law and Criminology[[3]](#footnote-4) which asserts that the prevention of homelessness in the first instance is the core issue, rather than the laws that criminalize the subsequent minor and petty offences: ‘with emphasis on the root problem, all other restrictive laws become null’.[[4]](#footnote-5)

In this vein, this submission provides information on how homelessness and extreme poverty intersect and adversely impact people with diverse SOGIESC.[[5]](#footnote-6) We begin by outlining the current legislation, by noting recent positive legislative developments concerning SOGIESC protections regarding housing, homelessness, and poverty. We then demarcate the states where legislation reveals a lack of legal protections in these areas. Following this, the second chapter of this submission explores the impact and enforcement of this legislation on SOGIESC populations, through three thematic areas: youth, refugees and migrants, and sex work. This second chapter also explores the specific national context of Peru, contributed by *Más Igualdad* *Perú*. The third section of this report explores initiatives and best practices for the decriminalization and social inclusion of persons of diverse SOGIESC living in poverty and in situations of vulnerability, focusing on examples from Belgium, Canada, Denmark, Germany Ireland, and the USA. Finally, the submission concludes with recommendations based on the contents of the report.

Although there have been some recent positive developments in protections for those who are homeless and specific protections for people that are part of sexual and gender minorities, there are still many states that do not offer any kind of protection against discrimination targeting both groups: sexual and gender minorities who are homeless and/or living in poverty. This lack of protection disproportionately impacts LGBTI young people and migrants and refugees; with few states offering specific effective initiatives and legal protection for these demographics.

Furthermore, it is imperative to highlight that during the drafting process of this submission, there was a significant challenge in finding data on these topics from the ‘Global South’, with most research centering around Europe and North America. Overall, we found that there is not extensive documentation - public reports, research, accessible statistics - on homelessness and extreme poverty experienced by LGBTI[[6]](#footnote-7) people in regions like Asia, Africa and Latin America.

Finally, ILGA World would like to extend a special thanks and acknowledgement to those who contributed with testimonials, statistics, information, and data to the report, including collaborations from: *Más Igualdad Perú*, *Transgender Europe*, *Victorian Pride Lobby*, and the individual LGBTI activists, researchers and journalists from Aotearoa New Zealand, Australia, and the Caribbean.

# 2. The Current Situation: People of diverse SOGIESC and Laws and Regulations regarding homelessness and poverty

## 2**.1 Current Legislation: SOGIESC and Housing**

Most countries do not provide protection against housing discrimination for LGBTI persons. In the instances where there are legislative protections on the grounds of sexual orientation, these are seldom extended to protections on the grounds of gender identity, gender expression and sex characteristics. Of the 193 UN member states, 51 protect against discrimination in housing based on sexual orientation; meanwhile, only 38 have protections on the grounds of gender identity, 16 gender expression, and 14 on sex characteristics.[[7]](#footnote-8) However, there is a growing trend of states offering such protections in recent years.

First, the following explores the **recent positive developments** in housing legislation protections of SOGIESC persons. The subsequent section outlines examples of the **lack of protections** of SOGIESC persons in housing legislation. These are divided into subsections based on geographic region.

#### 2.1.1 Recent positive developments

#### Africa

The 2019 National Housing Policy in **Cape Verde**, in Section 8, states it was established under the principle that regardless of their ‘sexual orientation’ everybody has a right to housing.[[8]](#footnote-9) Furthermore, in 2021, it was reported that the National Commission for Human Rights and Citizenship (CNDHC) was drafting an anti-discrimination bill, ‘particularly regarding the lesbian, gay, bisexual transvestite, transsexual and intersex (LGBTI) community.’ In 2022, the draft bill was submitted to the Parliament for consideration.[[9]](#footnote-10) As such, at present, there is no legislation that protects against housing discrimination on the grounds of gender identity, gender expression or sex characteristics in Cape Verde.

**Mauritius**’ 2008 Equal Opportunities Act includes sexual orientation in the definition of ‘status’, defining it as ‘homosexuality (including lesbianism), bisexuality or heterosexuality.’[[10]](#footnote-11) The Act applies to accommodation, such as housing.[[11]](#footnote-12) However, currently there is no legislation that protects against housing discrimination on the grounds of gender identity, gender expression or sex characteristics in Mauritius.

In **South Africa**, the Rental Housing Act (1999) ensures the protection of tenants from a landowner discriminating against them on the basis of sexual orientation. [[12]](#footnote-13) In 2005, the Judicial Matters Amendment Act (Act. No. 22) (2005) amended Section 1 of the Promotion of Equality and Prevention of Unfair Discrimination (Act No. 4) (2000) to include sexual orientation and sex. This amendment outlined that the term ‘sex’ includes ‘intersex’ as grounds for discrimination and defines intersex as ‘a congenital sexual differentiation which is atypical to whatever degree.’[[13]](#footnote-14) Housing is included under Section 6 of Act 4, which states that ‘neither the State nor any person may unfairly discriminate against any person.’ Section 29 of this Act includes housing.[[14]](#footnote-15) At present, there is no legislation that protects against housing discrimination on the grounds of gender identity or gender expression in South Africa.

#### Asia-Pacific

Nationwide legal protection against discrimination on the grounds of sexual orientation, gender identity, gender-related appearance or mannerisms and intersex status in **Australia** was introduced in 2013 when the 1984 Sex Discrimination Act[[15]](#footnote-16) was amended through the Sex Discrimination Amendment (Sexual Orientation, Gender Identity, and Intersex Status).[[16]](#footnote-17) This amendment includes accommodation and facilities. Despite this, private religious-owned institutions, such as schools and hospitals, are exempt from this.[[17]](#footnote-18)

Regardless of this protection, the [Victorian Pride Lobby](https://www.vicpridelobby.org/) conducted a survey on LGBTI homelessness and housing in Ballarat, a regional town in Australia. This survey showed that some respondents were kicked out of their family homes due to their sexual orientation or gender identity. These respondents experienced periods of homelessness or insecure housing. Victoria-wide, 47.5% of LGBTIQ people have experienced homelessness, housing insecurity or have been at risk of homelessness.[[18]](#footnote-19) Furthermore, 36.1% of respondents reported that they had faced discrimination in housing and or/accessing homelessness services (including being refused a home evicted).[[19]](#footnote-20)

Furthermore, the following testimonial of an Australian activist recounts their experiences of navigating homelessness, insecure housing, disability, and poverty after coming out as trans. They have observed an epidemic of hidden homelessness in their community, with many poor or unemployed trans people ‘couch surfing’ or living in crowded conditions and shared housing:

*Many trans people struggle to find work due to both discrimination and the expensive housing market, in which only the highest paid workers can afford housing in the cities where there are services that provide support for trans people. Often, people in this community resolve to living in overcrowded or poor conditions in cities, in order to access services. The other option is to live in a regional area, and face discrimination and lack of access to community and affirmation. In their experience, few government housing programs are seeking to address this issue, or are willing to acknowledge that LGBTIQ+ people are at higher risk of homelessness, despite trans people suffering from higher rates of suicidality, mental illness and drug and alcohol abuse, which is exacerbated by lack of access to secure, stable housing*.[[20]](#footnote-21)

Although there are no legal protections, in April 2022, section 3 of the Anti-Discrimination Bill was submitted by **Bangladeshi** parliamentarians proposed legislation that distinguishes discrimination against third gender people and sets up a bureaucratic process to report discrimination. However, many activists have voiced that the recognition of diverse gender identities would be more inclusive and expand protections. Under this bill, evicting any person, imposing onerous rent conditions, and refusing rent is recognized as discrimination.[[21]](#footnote-22) Despite this development, at present, there is no legislation that protects against housing discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics in Bangladesh.

In the **Micronesian** Congress, Bill No. 20-258 (2018)[[22]](#footnote-23) in Chapter 1 of the Code of the Federated States of Micronesia (2014)[[23]](#footnote-24) updated the country’s anti-discrimination law with Article 107 which includes sex orientation for anti-discrimination. This includes housing, as this prohibition is expressed in broad terms. Currently, there is no legislation that protects against housing discrimination on the grounds of gender identity, gender expression or sex characteristics in Micronesia.

In **Mongolia**, the 2015 Penal Code[[24]](#footnote-25) criminalizes acts of discrimination based on sexual orientation and gender identity, and is drafted in broad terms, thus encompassing, and applying to, housing. Article 14.1.2.3 intensifies penalties if such acts are committed by public officials.[[25]](#footnote-26) However, there is no legislation that protects against housing discrimination on the grounds of gender expression or sex characteristics in Mongolia.

Discrimination in housing on the grounds of gender identity and gender expression is protected in Article 4 of **Pakistan**’s 2018 Transgender Persons (Protection of Rights) Act.[[26]](#footnote-27) Article 2(n) of this legislation also includes ‘intersex (Khunsa)’ people, who are defined as persons with a ‘mixture of male and female genital features or congenital ambiguities.’[[27]](#footnote-28) However, there is no legislation that protects against housing discrimination on the grounds of sexual orientation in Pakistan.

#### Europe

Law No. 10,221[[28]](#footnote-29) in the 2010 Protection from Discrimination Act in **Albania** prohibits discrimination on the basis of sexual orientation and gender identity in Article 5, both in the public and private sectors (as outlined in Article 7.1). Article 1 of the 2020 amendment (Law No. 124/2020) also prohibits discrimination based on ‘sex characteristics.’[[29]](#footnote-30) Article 20 applies the law to the sale or renting of premises and residences, or to wherever housing is offered.[[30]](#footnote-31) Despite this, there is currently no legislation that protects against housing discrimination on the grounds of gender expression in Albania.

**Andorra**’s Article 4(2) in Law No. 13/2019, the 2019 Law on Equal Treatment and Non-Discrimination, prohibits housing discrimination in Article on the basis of sexual orientation, gender identity and gender expression. While this legislation is a positive development, and intersex people are categorized as a vulnerable group protected by law under Article 2(3)(e), discrimination against sex characteristics is not universally protected in the same capacity.[[31]](#footnote-32) There is currently no legislation that protects against housing discrimination based on sex characteristics in Andorra.

Article 4(1) of the Law against Discrimination (2004)[[32]](#footnote-33) in **Bulgaria** bans both direct and indirect discrimination based on sexual orientation. This was amended by the Law on Amendment and Supplementation of the Law against Discrimination (2015),[[33]](#footnote-34) to include Additional Provision 1(17) establishing that the term ‘sex’ includes the category ‘sex change.’ Although this is a positive advancement, it may fail to protect persons who experience discrimination based on ‘gender identity.’[[34]](#footnote-35) However, there is currently no legislation that protects against housing discrimination on the grounds of gender expression or sex characteristics in Bulgaria.

In **Denmark**, Article 2 of the Law on Equality between Women and Men (Law No. 751) (2021),[[35]](#footnote-36) bans any discrimination based on sexual orientation, gender orientation, gender expression and sex characteristics.[[36]](#footnote-37)

Article 1 of Law No. 89-462 (1989)[[37]](#footnote-38) in **France** was updated in 2002 in Article 158 of Law No. 2002-73[[38]](#footnote-39) to prohibit a landowner from discriminating against tenants based on sexual orientation. The provision was modified in Law No. 2014-366 (2014), but kept the aforementioned prohibition. It is unclear whether universal protection is in place to prevent against discrimination based on gender identity; however, the amended Law No. 2014-366 (2014) prevents landowners from discriminating against tenants on the grounds by Article 225-1 of the Penal Code[[39]](#footnote-40) which does include gender identity.[[40]](#footnote-41) At present, there is currently no legislation that protects against housing discrimination on the grounds of sex characteristics in France.

**Serbia**’s Prohibition of Discrimination Act (2010)[[41]](#footnote-42) bans discrimination against sexual orientation and gender identity according to Articles 1 and 2; Article 27a applies this to housing.[[42]](#footnote-43) There is currently no legislation that protects against housing discrimination on the grounds of gender expression in Serbia.

The Act on Equal Treatment in Certain Areas and Protection against Discrimination (2004)[[43]](#footnote-44) in **Slovakia** was amended by Law No. 85 (2008)[[44]](#footnote-45) to prohibit sexual orientation (Section 2(1)) and gender identity (Section 2a(11)). This was amended to include housing as per Section 5 of the Law.[[45]](#footnote-46) There is currently no legislation that protects against housing discrimination on the grounds of gender expression or sex characteristics in Slovakia.

**Slovenia**’s Penal Code (1995)[[46]](#footnote-47) criminalizes any act of discrimination based on sexual orientation and applies to housing, as it applies to all human rights or fundamental freedoms recognized by the international community. This was kept in the new Penal Code (2009), Article 131.[[47]](#footnote-48) Article 2 of the Protection against Discrimination Act (2016) prohibits discrimination on the basis of sexual orientation, sexual identity, and sexual expression.[[48]](#footnote-49) Despite this, there is currently no legislation that protects against housing discrimination on the grounds of sex characteristics in Slovenia.

**Spain**’s Integral Law for Equal Treatment and Non-Discrimination (Law No. 15) (2022)[[49]](#footnote-50) prohibits discrimination based on sexual orientation, sexual identity, and gender expression. Article 3 (Law No. 29) (1994) explicitly includes access to goods, and housing. Furthermore, the Law on Urban Rentals has many conditions aimed at protecting the tenant’s partner in housing which explicitly state that any partner can benefit regardless of sexual orientation.[[50]](#footnote-51)

In 2023, both of Spain’s legislative chambers approved the Law for the real and effective equality of trans people and to guarantee the rights of LGBTI people (Law No. 4).[[51]](#footnote-52) Article 4 of this law establishes the duty of all public authorities to protect against discrimination based on sexual orientation, sexual identity, gender expression and sex characteristics. It sanctions discriminatory denial of housing in Article 79, denouncing it as a ‘very serious infraction.’ In addition, this legislation states public authorities should develop policies to ensure equality in housing of LGBTI persons.[[52]](#footnote-53)

In **North Macedonia**, Article 3(5) of the Law on Prevention of and Protection against Discrimination (2019)[[53]](#footnote-54) prohibits housing discrimination on the grounds of sexual orientation. The Constitutional Court struck down this law in May 2020 stating procedural issues. However, this was temporary, and the Law was reinstated in October 2020 as the Law on Prevention and Protection from Discrimination (2020).[[54]](#footnote-55) There is currently no legislation that protects against housing discrimination on the grounds of gender expression or sex characteristics in North Macedonia.

#### Latin America and the Caribbean

The **Brazilian** Federal Supreme Court passed legislation[[55]](#footnote-56) to acknowledge acts of homophobia to be included within the definition of racism under Law No. 7,716 (1989)[[56]](#footnote-57) in 2019. This applies to housing and will be in effect until Parliament rules in legislation that specifically condemns discrimination on the grounds of sexual orientation. Bill PL No. 1947 (2021) was brought to the National Congress in 2021, to explicitly include same-sex couples as a group to be given priority in a national-level housing program.[[57]](#footnote-58) Currently, there is currently no legislation that protects against housing discrimination on the grounds of gender expression or sex characteristics in Brazil.

In **Chile**, the Law on the Adoption of Measures against Discrimination (Law No. 20, 609) (2021) prohibits discrimination based on sexual orientation, gender identity and gender expression in regards with any right in the Constitution, including housing.[[58]](#footnote-59) A bill was introduced to amend this law in 2020, which would protect against discrimination based on sex characteristics.[[59]](#footnote-60) The 2021 Bill No. 14,748-1 had the same goal.[[60]](#footnote-61) Despite this, there is currently no legislation that protects against housing discrimination on the grounds of sex characteristics in Chile.

Article 3 of the Law No. 1,482 (2011)[[61]](#footnote-62) amended **Colombia**’s Criminal Code[[62]](#footnote-63) to criminalize acts of discrimination - including housing discrimination - based on sexual orientation.[[63]](#footnote-64) However, at present, there is no legislation that protects against housing discrimination on the grounds of gender identity, gender expression or sex characteristics in Albania.

In the **Dominican Republic**, no law broadly offers protection on the basis of sexual orientation; however, two laws do mention sexual orientation as prosecution grounds for youth (persons aged 14-25) and people living with HIV. In 2021 there was discussion of the Penal Code prohibiting discrimination based on ‘sexual preference or orientation,’ although the final draft, did not feature in the text approved by the Congress of Deputies. This mention reinstated in the text discussed by the Senate, but the consideration of the bill had to be restarted.[[64]](#footnote-65) However, at present, there is currently no legislation that protects against housing discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics in Dominican Republic.

**Mexico** has federal level protections through Article 1(2) of the Federal Act to Prevent and Eliminate Discrimination (2003).[[65]](#footnote-66) This law – which applies to housing as per Article 9(XXI) – includes discrimination against ‘sexual preference’ as grounds for protection.[[66]](#footnote-67) Despite this, there is currently no legislation that protects against housing discrimination on the grounds of gender identity or sex characteristics in Mexico.

**Peru**’s Constitutional Procedural Code establishes that the writ of amparo is sufficient in cases of discrimination based on sexual orientation.[[67]](#footnote-68) In 2017, the Criminal Code (1991)[[68]](#footnote-69) was amended to explicitly criminalize acts of discrimination based on sexual orientation and gender identity, including housing, with public servants receiving penalties if they commit such offences.[[69]](#footnote-70) Subnational legislation enacted by regional governments complements national protections.[[70]](#footnote-71) However, there is currently no legislation that protects against housing discrimination on the grounds of gender expression or sex characteristics in Peru.

#### North America

**Canada**’s Human Rights Act was amended in 1996 to include sexual orientation as a prohibited ground for discrimination.[[71]](#footnote-72) The Act was amended again in 2016 through Bill C-16 to include gender identity and gender expression.[[72]](#footnote-73) These amendments apply to ‘residential accommodation’.[[73]](#footnote-74) Currently, there is no legislation that protects against national housing discrimination on the grounds of sexual characteristics in Canada. Currently, Canada has no legislation that protects against housing discrimination on the grounds of sex characteristics.

### 2.1.2 Lack of protections

This section explores current housing laws and regulations that negatively and unfavorably impact sexual and gender minorities today, and which directly affect their enjoyment of human rights.

#### Asia-Pacific

In 2018, a public rental housing application submitted by a same-sex couple was rejected by the Housing Authority in **Hong Kong**, despite their marriage being registered overseas. Their application was rejected because they were not deemed an ‘ordinary family’ in the Housing Authority’s Spousal Policy. Following a judicial review, the court ruled that the policy was in fact unconstitutional, allowing the couple to apply for the public housing scheme. The court ruled that the policy violated Article 22 of the Hong Kong Bill of Rights, which guarantees equality before the law. However, the government has filed for an appeal to overturn this decision.[[74]](#footnote-75) Overall, at present, Hong Kong offers no legislative protections against housing discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics.

In December 2018, the Bill on Promotion of Elimination of Discrimination on the Grounds of Sexual Orientation or Gender Identity (2018) was presented in **Japan**’s House of Representatives but did not pass. There are ongoing efforts to pass a law that offers protection for sexual orientation, gender identity, gender expression and sex characteristics at the national level.[[75]](#footnote-76) A number of subnational jurisdictions enact local provisions that provide some protection.[[76]](#footnote-77) Currently, Japan offers no legislative protections against housing discrimination on the grounds of gender expression or sex characteristics.

#### Europe

In **Austria**, there is no federal level law that prohibits discrimination on the grounds of ‘sexual orientation’ in housing. In April 2021 and April 2022, Austria’s Social Democratic Party (SPÖ) submitted a draft bill for consideration that would prohibit discrimination based on ‘sexual orientation’ in areas of life such as ‘accessing apartments.’[[77]](#footnote-78) At present, Austria offers no legislative protections against housing discrimination on the grounds of gender expression or sex characteristics.

In **Cyprus**, despite Article 6 of the Combating Racism and Other Forms of Discrimination (Commissioner) Act (2004)[[78]](#footnote-79) including ‘sexual orientation’ in housing, there does not translate to legal prohibition that is enforceable by the courts.[[79]](#footnote-80) Overall, at present, Cyprus offers no legislative protections against housing discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics.

At the national level in **Italy**, there is no national law that offers protection from discrimination based on ‘sexual orientation’ in housing. Much like aforementioned states, several subnational jurisdictions have local laws that protection that applies to matters under the control of the local governments.[[80]](#footnote-81) There is currently no legislation that protects against housing discrimination on the grounds of sex characteristics in Italy.

#### Latin America and the Caribbean

In **Argentina**, certain regional laws in Argentina provide protection against housing discrimination based on ‘sexual orientation’, ‘gender identity’ and ‘gender expression.’[[81]](#footnote-82) However, no housing law exists against discrimination based on ‘sexual orientation’, ‘gender identity’, ‘gender expression’ or ‘sex characteristics’ at the federal level, and no regional laws protect ‘sexual characteristics.’[[82]](#footnote-83) Since at least 2005, multiple attempts to incorporate ‘sexual orientation’ as a protected factor into the current anti-discrimination law has been unsuccessful.[[83]](#footnote-84) Therefore, at the federal level, there is currently no legislation that protects against housing discrimination on the grounds of sexual orientation, gender identity, gender expression or sex characteristics in Argentina.

#### North America

There is no federal law in the **United States of America** that provides legal protection against discrimination based on ‘sexual orientation’ or ‘gender identity’. The US House of Representatives passed the 2021 Equality Act, which would codify protections based on ‘sexual orientation’ in housing on the federal level; the bill is still pending.[[84]](#footnote-85) Overall, no federal legislation in the United States to protect against housing discrimination based on sexual orientation, gender identity, gender expression or sex characteristics.

## 2**.2** Impact and enforcement of legislation on people of diverse SOGIESC

The second section of this report focusses on 4 main areas: youth, refugees and migration, sex work and a spotlight on Peru, with a submission from Más Igualdad Perú.

### 2.2.1 Youth

LGBTI youth are disproportionately impacted by homelessness and its criminalization. For instance, in United States LGBTI youth experiences a 120% higher risk of reporting homelessness compared to young people who identify as heterosexual and cisgender.[[85]](#footnote-86) Overall, this demographic also tends to be homeless at a younger age and for longer periods of time than their heterosexual and cisgender counterparts of the same age.[[86]](#footnote-87)

In another study conducted in the **US**, data suggests that LGB young people were between 4 and 13 times more likely to report homelessness than that of their heterosexual peers.[[87]](#footnote-88) The organization Human Rights Campaign estimates that of all unaccompanied homeless young people [in the US], LGBTI youth make up 40% of the total figure.[[88]](#footnote-89)

Moreover, the Albert Kennedy Trust found that in the **UK** 24% of young homeless people identify as LGBTI.[[89]](#footnote-90) Meanwhile in **Canada**, 29.5% of homeless young people self-identify as LGBTI.[[90]](#footnote-91)

In 2021, over 60% of LGBTI organizations surveyed by ILGA-Europe stated that they had worked with young people who had experienced homelessness.[[91]](#footnote-92)

In **India**, transgender children are abandoned at as early as 12 years old, according to the National Human Rights Commission, and in some contexts LGBTI youth make up as much as 40% of homeless people in their age group.[[92]](#footnote-93)

Overall, however, LGBTI youth homeless is a hidden problem; there is a gap in the data surrounding this subject area to entirely understand the scale of the issue,[[93]](#footnote-94) particularly outside of Europe and North America.

#### Causes of LGBTI youth homelessness

The most consistent cause for LGBTI youth homelessness is ‘the coming out process and all of the fallout that is often associated with it.’[[94]](#footnote-95) According to a Williams Institute study on LGBTI youth homelessness in the **United States**, 46% family rejection was the cause of LGBTI running away from home, while 43% were ‘forced out’ by their parents.[[95]](#footnote-96)

In the Independent Experts for SOGI’s Country Visit to **Georgia**, ‘coming out’ was cited as a common reason for young people with diverse sexual orientations or gender identities being banished from the home, leaving the in ‘extremely vulnerable situations.’[[96]](#footnote-97) Furthermore, in a study conducted in **Europe**, 72% of LGBTI homeless youth surveyed stated identity-related family conflict as the main cause for their homelessness.[[97]](#footnote-98)

Also cited as causes for LGBTI+ youth homelessness in the US context, was young people running away from families who reject them because of their sexual orientation or gender identity, as well as ageing out of or running away from the foster care system.[[98]](#footnote-99)

In **Europe**, lack of institutional support and social rejection was reported by 44% of respondents as another major contributing factor to the rates of LGBTI+ homeless youth.[[99]](#footnote-100) Other causes cited include poverty, mental health issues and substance abuse.[[100]](#footnote-101)

#### Intersection between LGBTI+ youth homelessness and poverty

There is a clear intersection between homelessness and poverty. In **India**, due to many LGBTI homeless children running away or being rejected from their family homes, many do not receive State benefits. As a result, these children often do not have means for survival and shelter, which leaves them in vulnerable positions. In the case that a child is protected by State services such as shelter programs, young people with diverse sexual orientation and gender identity find themselves homeless when they reach legal adulthood.[[101]](#footnote-102)

This impacts trans and intersex communities more than it impacts cisgender LGB people; in a study conducted by the European Union Agency for Fundamental Rights, one third of LGBTI respondents stated that their households had run into financial difficulty. For trans respondents this rose to 46%, and for intersex respondents this rose to 52%. According to the same data, within their lifetime, 25% of trans respondents and 29% of intersex respondents had had some form of housing difficulty in their lifetime, compared to 17% of cisgender LGB respondents.[[102]](#footnote-103)

#### Consequences of LGBTI+ youth homelessness

LGBTI+ homeless youth face poorer outcomes than their heterosexual and cisgender counterparts[[103]](#footnote-104) across several axes. This demographic is more likely to suffer from poor mental health, suicidal behaviors, sexual exploitation, substance abuse, physical victimization, sexually risky behaviors, violence, and discrimination/stigma.[[104]](#footnote-105)

Survival sex can be a strategy used by homeless people as a means of obtaining food, money, shelter, or other needs.[[105]](#footnote-106) In the **USA**, homeless LGBT you between the ages of 10 and 25 are 70% more likely to engage in survival sex than their homeless heterosexual peers.[[106]](#footnote-107) Furthermore, those aged 13 to 21 are more likely to have unprotected intercourse, and experience physical or sexual violence while homeless.[[107]](#footnote-108)

In the Toronto and surrounding areas in Ontario, **Canada**, homelessness was exacerbated by the COVID-19 pandemic, when it was reported that there was a clear rise in LGBTI youth in precarious housing situations (shelters, transitional housing programs, group homes, public spaces). Pre-pandemic statistics indicated that 12% of youth lived in a public space, with this rising to 23% after the start of the pandemic.[[108]](#footnote-109) This was linked to the need to self-isolate in unsafe and unsupportive living conditions, paired with a reduced access and availability to housing and care services.[[109]](#footnote-110)

### 2.2.2 Refugees and Migrants

This section explores the intersection between homelessness, LGBTI persons, and refugees and migrants. There is specific focus on the Venezuelan refugee crisis and the experiences of LGBTI Venezuelan refugees in Brazil and Colombia. Following this, there is an exploration the Syrian refugee crisis, and their experiences in Lebanon. Finally, the situation of refugees in Spain is outlined, particularly focusing on those who identify as travesti and transgender.

#### Venezuelan Refugee Crisis

Venezuela currently faces a multidimensional emergency that has led to one of the largest humanitarian crises in the world, with over 7 million Venezuelan refugees and migrants worldwide.[[110]](#footnote-111) Although consensual same-sex sexual acts are not criminalized in Venezuela, same-sex marriage, and protection against various forms of discrimination based on sexual orientation and gender identity are not enacted in the country’s legislation.[[111]](#footnote-112) LGBTI persons are among the most vulnerable demographics of the migrants, refugees, and asylum seekers who decide to flee the country,[[112]](#footnote-113) and face challenges regarding criminalization of homelessness while displaced.

Many Venezuelan migrants and asylum seekers that have crossed the border to northern Brazil are experiencing a housing crisis with many living in tents or on the streets. Casa Miga is the first-known shelter for homeless LGBTI and refugees in the **Brazilian Amazon** region. In partnership with Manifesta LGBT+, refugees can stay in the shelter for up to three months, receiving health care, educational opportunities, help obtaining documentation and employment training.[[113]](#footnote-114) While migrant policy in Brazil has taken steps that make it easier to secure refugee status for Venezuelan asylum applicants,[[114]](#footnote-115) there are no specific protections in place for those with diverse sexual orientation and gender identity.[[115]](#footnote-116)

Homeless transgender refugees face high levels of discrimination, violence, and harassment. In Maicao, a municipality in **Colombia**, four homeless, transgender, Venezuelan refugees were subject to arbitrary detention for performing sex work; the police officers also insulted, humiliated, and beat the women, while threatening them with rape and death. A client who had intimidated them and tried to attack them after they refused to accept sexual penetration without a condom participated in the harassment and beatings by the police. The motivation of the attack was the women’s gender identities, and they are particularly vulnerable and exposed to violence due to their status as migrants, their occupation as sex workers, and the isolation measures implemented due to the COVID-19 pandemic. The perpetrators are unpunished, and the violence by Colombian authorities forced the women to move internally.[[116]](#footnote-117)

#### Syrian Refugee Crisis

The Syrian refugee crisis is also a homelessness crisis, especially among LGBTI refugees, as shown by a report by the Heartland Alliance on the vulnerabilities and experiences of Syrian individuals of diverse sexual orientation and gender identities in Lebanon. Due to the criminalization of same-sex acts in the country, LGBTI Syrian refugees face disproportionate marginalization accessing services such as housing, employment, and healthcare. Syria and Lebanon present difficult contexts for LGBTI persons; statistics show high-level threats of violence against this demographic in both countries.[[117]](#footnote-118)

Homeless Syrian refugees of diverse sexual orientation and gender identities surveyed by Heartland Alliance International consider personal security and shelter to be a priority with 87% living in dorm-style accommodations for single persons or in apartments with roommates.[[118]](#footnote-119) Due to belonging to such a vulnerable population, it is common for this demographic to borrow money, share apartments with multiple people and engaging in survival sex, which increases the risk of facing abuse, exploitation, discrimination and trafficking. 7% of the surveyed persons by the organization highlighted that they had been sexually coerced exclusively in exchange of housing benefits, while 25% reported that they engaged on that due to multiple reasons such as access to services and food, for example.[[119]](#footnote-120)

#### Refugees in Spain

Spain is a usual destination for Latin-American refugees and migrants. LGBTI+ refugees, especially transgender and travestis often experience abandonment by the government, mainly regarding housing and employment. It is reported 40% of the trans people in the **European Union** that experienced homelessness also identified as belonging to an ‘ethnic minority (including migrant background).[[120]](#footnote-121) Furthermore, in Madrid, more than 85% of trans people are unemployed, a percentage rises when including migrant individuals, thus facilitating a precarious cycle of homelessness.[[121]](#footnote-122)

Local activists and representatives from Civil Society Organizations affirm that the main problem is the ‘Ley de Extranjería’, which inhumanly categorizes migrants as ‘a different human category.’[[122]](#footnote-123)

#### Trans & Poverty: The experiences of trans migrants in the European Union

*The following information has been provided by* [*Transgender Europe (TGEU)*](https://tgeu.org/wp-content/uploads/2021/11/TGEU-trans-poverty-report-2021.pdf)*. This information is based on the report entitled ‘Trans & Poverty: Poverty and Economic Insecurity in Trans Communities in the EU.’[[123]](#footnote-124)*

The report emphasizes that poverty, discrimination, and violence reinforce one another in a **vicious cycle**, as shown in the figure.[[124]](#footnote-125) Trans A circle with text in the center

Description automatically generatedpeople – who are highly affected by discrimination in multiple social spheres, such as housing, education, employment, healthcare – will therefore be impacted by high rates of poverty due to this. As a consequence to living in poverty, trans people will then experience more discrimination and violence, and so the cycle continues. This severely impacts those with intersectional discrimination, for example trans migrants.[[125]](#footnote-126)

Furthermore, TGEU’s report on 2020 *Impact Assessment: COVID-19 and trans people in Europe and Central Asia* showed undocumented migrants as one of the groups that especially and disproportionately experienced socio-economic injustice, which was further exacerbated by the COVID-19 pandemic.[[126]](#footnote-127) Specifically regarding the pandemic, TGEU member organizations reported that many trans people ‘struggle to cover bare necessities since many have lost their jobs and/or homes’, trans people often ‘suffer decrease or loss of income, especially undocumented migrants and/or sex workers and face high risk of homelessness’, or ‘shelter with unaccepting or abusive family members or relatives.’[[127]](#footnote-128)

This information is corroborated by the testimonies of LGBTI activists from the Caribbean in Paris, France who experienced the intersecting issues of being LGBTI migrants and sex workers, resulting in experiences of homelessness and poverty.[[128]](#footnote-129)

### 2.2.3 Sex work

The criminalization of sex work has several consequences on the housing situation of LGBTI+ people. The Global Network of Sex Work Projects (NSWP) outlines several[[129]](#footnote-130) ways that this criminalization impedes access to safe and affordable housing. It bolsters discrimination from landlords and mortgage lenders and blocks access to formal rental agreements or mortgages subsequently pushing sex workers to pay higher rates and bank on informal arrangements. Furthermore, rent space for sex workers is criminalized, resulting in landlords refusing to rent properties to sex workers.[[130]](#footnote-131) Criminalization also feeds the exclusion of sex workers from legally owning property[[131]](#footnote-132) or being unable to access shelters due to strict policies regarding illegal behaviors such as sex work.[[132]](#footnote-133)

Examples outlined by the Global Network of Sex Work Projects (NSWP) show the mass eviction of sex workers in Bangladesh and Indonesia.[[133]](#footnote-134) Red-light districts have been demolished leaving thousands of sex workers without housing, compensation, or shelter.[[134]](#footnote-135)

As mentioned in the context of migration, there is a cyclical nature to this issue; having no housing stability excludes and jeopardizes an individuals’ ability to access services where one would require an official permanent address, such as social protections, finance support, or voting. For example, during the COVID-19 pandemic, because of the closure of affordable short-term housing or sex work workplaces, many sex workers were driven to homelessness. On top of this, self-isolation measures impeded sex workers’ ability to earn money to survive. Due to the criminalization of sex work, many sex workers are not eligible for emergency support such as mortgage or rent relief.[[135]](#footnote-136)

#### Aotearoa New Zealand

In Aotearoa New Zealand, the 2018 census showed that 41,000 people - nearly 0.9% of New Zealanders - are homeless.[[136]](#footnote-137) Furthermore, while there is little data on the rates of homelessness for takatāpui/LGBTIQ+ homelessness in Aotearoa NZ, estimations show that 1 in every 5 trans and gender diverse people have experienced homelessness.[[137]](#footnote-138)

Aoteoroa NZ was also the first country to decriminalize sex work in 2003, with the passing of the *Prostitution Reform Act 2003*.[[138]](#footnote-139) It has been found that LGBTIQ+ people who experience homelessness engage in sex work and ‘survival sex’ at a higher rate than their non-LGBTIQ+ counterparts.[[139]](#footnote-140) In one study, of those interviewed, the majority engaged in sex work so as to make money to meet basic needs, such as homelessness and poverty. They also felt unsupported and failed by institutional support systems. Furthermore, those interviewed who experienced sex work and homelessness stated that this situation resulted in ‘exploitation and reduced personal safety’.[[140]](#footnote-141) Thus, according to this report, doing sex work while in the confines of structural inequalities such as homelessness and poverty had mixed consequences; for some it was a catalyst through which to meet needs, for others it resulted in negative sense of self, in part also due to stigma.[[141]](#footnote-142)

Although the decriminalization of sex work has created a safer industry for many, for those who feel unsafe while engage in sex work whilst homeless, implementing institutional support such as the Welfare System to bolster and complement this decriminalization would be advisory.[[142]](#footnote-143)

#### Argentina

Provincial legislation in the Buenos Aires code of offences gives the police power to act against persons or groups on the grounds of ‘public decency’, an ambiguous term that lends itself to inconsistencies and injustices when it comes to sex work. The Mendoza law No. 3.365 of 1965 that concerns ‘Scandalous prostitution and homosexualism’ outlines that ‘a women and a homosexual who, alone or in company, exhibits, incites, offers, or makes provocative signs or gestures to others in public, open or exposed to the public, for the purpose of engaging in prostitution, shall be punished by arrest for a term of ten to thirty days and fines of up to one million five hundred pesos’. [[143]](#footnote-144)

In 2015, figures from the Public Defence Office of the City of Buenos Aires’ District 134 showed that of 805 sex work charges, 543 had been brought against homeless, transgender Peruvians. In certain areas, such as the Jujuy and Tucumán Provinces, police arrests of transgender women were abusive and violent.[[144]](#footnote-145)

In Argentina, homeless transgender people, particularly women from racial minority groups, have an elevated exposure to human rights violations such as killings, assaults, and harassments. As a vulnerable group, where social exclusion can lead to poverty and socioeconomic deprivation, there is an increased number of transgender women who engage in sex work and are homeless.[[145]](#footnote-146) This vicious cycle of exclusion makes this population more susceptible to violence and discrimination in community homes, shelters and on the street.[[146]](#footnote-147)

The Inter-American Court recognized that LGBTI communities are disproportionately impacted by poverty, at the ‘individual level, but also at the societal level, as LGBTI persons who are denied basic rights such as work, health, education and housing live in situations of poverty, deprived of any economic opportunity.’[[147]](#footnote-148)

#### Consequences of sex-work criminalization on trans people in Europe

*This information is based on two TGEU reports and a TvT press release: ‘Trans & Poverty: Poverty and Economic Insecurity in Trans Communities in the EU’;[[148]](#footnote-149) ‘The vicious circle of violence: Trans and gender-diverse people, migration, and sex work’;[[149]](#footnote-150)and ‘Trans Murder Monitoring Update Trans Day of Remembrance 2022’[[150]](#footnote-151)*

The structural exclusion [of trans people] from legal and formal employment leads to a high prevalence of trans people working in criminalized and/or informal settings, for instance, doing sex work or care work. The criminalization of sex work increases trans people’s vulnerability to discrimination, violence, exploitation, and HIV. The lack of official recognition of sex workers as workers also means that those engaging in sex work are not entitled to social and welfare benefits, such as sick pay, parental leave, or pension schemes.[[151]](#footnote-152)

Decriminalization allows for sex workers to be protected by employment law, to negotiate, organize, and challenge exploitation. As the European Sex Workers’ Rights Alliance highlighted in 2021, ‘decriminalization also contributes to enabling sex workers’ rights to health, housing and justice, access to which is hampered through criminalization.’[[152]](#footnote-153)

Laws that prohibit consenting adults to buy and/or sell sex and legal provisions that criminalize same-sex relations, and non-normative gender identities and/or expressions negatively impact trans sex workers’ wellbeing and access to services, exposing them to police violence, incarceration, and dangerous working conditions, that lead to negative health outcomes. Prostitution laws also deeply affect many non-sex worker trans people who are perceived, through hypersexualized prejudices, as sex workers.[[153]](#footnote-154)

Police surveillance and control is one of the harshest consequences of legal oppression and criminalization. Trans women and trans-feminine people are often perceived as sex workers by police, through racialized and gendered stereotypes that frame them as hypersexual and sexually available. Law enforcement officers’ internalization and perpetuation of these stereotypes, combined with the high degree of discretion afforded by vague ‘quality of life’, ‘nuisance’, ‘public morality,’ and prostitution regulations, results in police profiling of trans women, more often trans women of color and/or migrants, as sex workers, with selective targeting for harassment, detention, and arrest.[[154]](#footnote-155)

Results from the 2015 U.S. Transgender Survey showed high rates of police harassment, abuse, or mistreatment among trans people who interacted with the police either while doing sex work or who were mistakenly thought to be doing sex work, ‘with nearly nine out of ten (86 per cent) reporting being harassed, attacked, sexually assaulted, or mistreated in some other way by police.’[[155]](#footnote-156) A survey carried out in Beijing and Shanghai in China also confirms high police abuse rates among female trans sex workers. According to the results, 64% of the sex workers had been arrested and detained by the police, many of whom had been arrested more than once.[[156]](#footnote-157)

Furthermore, the 2022 Trans Murder Monitoring project update found that as of International Trans Day of Remembrance on November 1st, 2022, there had been 372 reported murders of trans and gender diverse people between 1st October 2022 and 30 September 2022 globally; half of those reported murdered whose occupation is known were sex workers. To quote the press release update: ‘the data continues to indicate a worrying global trend when it comes to the intersections of misogyny, racism, xenophobia, and whorephobia, with most victims being Black and migrant trans women of color, and trans sex workers.’[[157]](#footnote-158)

### 2.2.4 Spotlight on Peru: Contribution from Más Igualdad Perú

*The following text has been provided by* [*Más Igualdad Peru*](https://www.masigualdad.pe/)*, an intersectional feminist organization that works for the visibility and rights of LGBTIQ+ people in Peru*.

LGBTI people in Peru are exposed to increased rates of experiencing homelessness and extreme poverty due to their sexual orientation and gender identity and expression. For queer, transgender, and non-binary people, lack of access to stable working conditions due to having identification documents that don’t reflect their social name and preferred gender pushes them to seek accommodations that require daily or weekly payments, often more expensive than in a regular monthly contract.

Additionally, discriminatory ideas about sexual orientation and gender expression still affect lesbian, gay and bisexual people in the search for housing. This is especially notorious when a same-sex couple is looking to rent housing. Landlords and rental administrators can impose harsher conditions to same-sex couples in an attempt to discourage them from going forward with the rental, such as greater number of payments as security deposits or advanced payments, which has an important impact in the financial capabilities of LGBTIQ+ tenants.

We have received information on several cases of transgender individuals who have been threatened with eviction for unpaid rents due to the inability to find and maintain stable jobs. In one case, LGBTIQ+ organizations had to put in place an emergency campaign to support a transgender activist that was in the verge of eviction so that supporters could donate money to prevent this eviction. Like this case, there are many others, especially related to transgender and non-binary people and activists, that require support from civil society organizations. This is because there are no refuges or public accommodation houses that allow transgender people to spend the night in them, since it’s mainly oriented to serve women victims of domestic violence.

In the last few years, there have been two notorious cases of gay men that have been evicted from their residence after the death of their same-sex partner, this is because in Peru there are no laws that guarantee fundamental rights for same-sex couples. In the case of [Armando Zorrilla](https://incidenciainternacional.promsex.org/casos/armando-zorrilla/), after the death of his partner of 26 years, his partner’s sons decided to take possession of all of the properties registered under their father’s name, even if they were acquired with funds from both Alejandro and Armando. This included an independent room that Armando requested to keep. After this, Armando is litigating the post-mortem recognition of their same-sex union with the help of Promsex.

In the case of [Jonathan Huamaní](https://panamericana.pe/24horas/locales/298113-miraflores-familiares-luis-repetto-desalojan-companero-domicilio-vivian), he and his partner, former Minister of Culture and a renowned cultural promoter, Luis Repetto, lived for 8 years in Repetto’s apartment in Miraflores. After Repetto’s death, his family violently evicted Jonathan from the residence, after which Jonathan reported this action to the Police and also reported the stealing of his personal belongings. Jonathan has not been allowed to return to the apartment ever since.

During the COVID-19 pandemic quarantines, Más Igualdad Perú received numerous reports of transgender and non-binary people that, due to the immobility orders across the country, were unable to provide food and shelter for themselves and their families. In response, Más Igualdad organized a [widespread donation campaign](https://ilgaworld-my.sharepoint.com/personal/ilia_projects_ilga_org/Documents/Attachments/masigualdad.pe/covid-donación-para-personas-trans), in coalition with Féminas, Diversidades Transmasculinas and the individual trans activists, aimed at receiving and distributing funds to transgender and non-binary people to be used to buy food, personal items, and pay rent. As a result, they were able to benefit 433 people that could not benefit from the stimulus program implemented by the Government.

# 3. Future Inclusion: Examples of Initiatives for Social Inclusion that focus on SOGIESC Homelessness

The following section outlines several measures and services available at the national, regional, or municipal level to support LGBTI 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 spaces because they lack access to employment, social assistance, adequate housing, public showers and toilets.[[158]](#footnote-159)

## 3.1 Belgium: Refuge Bruxelles

Refuge Bruxelles provides accommodation and support for people aged 18 – 25 with diverse sexual orientation and gender identities. Refuge Bruxelles started in 2018, and now has approximately 30 emergency and post-refuge accommodation places.The Refuge offers emergency accommodation for up to three months, and offers support for access to social support like physical and mental health care, social activities, help finding employment, aid in finding accommodation and support in continuing education or studies. [[159]](#footnote-160) Since 2018, the refuge has seen incredible growth in demand; in 2022, 32 people were accommodated and 143 people received support, there were many other people who had to be turned away due to the refuge’s capacity.[[160]](#footnote-161) Due to the lack of data collected in Belgium on this topic, the organization advocates for comprehensive research to be conducted to better understand the situation for LGBTI people who need accommodation and protection. In their approach to sourcing data on this topic, the center aims to coproduce data with the communities that are affected, follow the laws around personal data and its protection across all stages of data processes, be clear about its purpose of collecting data and how they will collect it, and maintain the principles of transparency and accountability, also.[[161]](#footnote-162)

## 3.2 Canada: National Housing Strategy

The Canadian Government launched the National Housing Strategy in 2018 and have dedicated billions of dollars in their attempt to reduce homelessness by 50%.[[162]](#footnote-163) This 10-year initiative aims to give people access to affordable housing to meet their needs. The strategy pledges to focus on the most vulnerable Canadians first, including LGBTI persons, young adults, and recent immigrants, especially refugees.[[163]](#footnote-164) In Canada, it is LGBTI youth are estimated to comprise between 25% and 40% of all homeless youth in Canada; as such, almost 1 in 3 homeless young people in Canada identify as LGBTI.[[164]](#footnote-165)

## 3.3 Denmark: Project Udenfor

Project Udenfor, an NGO in Denmark, started a 3-year project in May 2023 which focusses on LGBTI homeless people. This follows the conclusion of a 1-year pilot investigation report that concluded LGBTI people lack places to go to feel safe and receive professional help with their specific needs.[[165]](#footnote-166) Located in Copenhagen, the initiative is made up of three strands:

* A street-level outreach and relationship-building effort. This strand focusses on homeless people who have diverse sexual orientation and gender identity.
* The teaching and preparation of teaching material for existing institutions with the goal of disseminating knowledge about the specific challenges facing LGBTI homeless persons.
* Establishment of a safe and inclusive programs for LGBTI homeless people.[[166]](#footnote-167)

## 3.4 Germany: Diakonie Frankfurt and Offenbach Facility

In Germany, the Diakonie Frankfurt and Offenbach facility[[167]](#footnote-168) named ‘Hannah - Living for Women’ provided support to women experiencing social difficulties, including emergency housing for homeless women. The facility saw an increase in admissions of trans woman as inpatients to the facility between 2020 and 2022, so the staff hosted a consultation seminar with an external consultant on best practice in this area, to learn about how to best support the trans women coming to the facility. Following the seminar, common consensus resulted in the following conclusions:

* Trans women should be admitted both for an overnight emergency stay and in the residential group setting.
* The individual’s gender self-determination should be recognized, and not based only on official identity documents or physical characteristics. Admission should be based solely on the admission interview, as is the case with cisgender women.
* In the case that a transgender woman still may be read as ‘male’, it should be discussed with her how she and the staff would like to deal with potential queries or perhaps difficult interactions with other residents.
* The facility and house rules should be updated to include that the facility is a discrimination-free space. This is signed by all clients on admission.
* Staff members are offered training on gender and sexual diversity.[[168]](#footnote-169)

## 3.5 Ireland: Focus Ireland and BelongTo LGBTQ+ Youth Ireland[[169]](#footnote-170)

Following the publication of a 2020 report commissioned by Focus Ireland[[170]](#footnote-171) and BelongTo LGBTQ+ Youth Ireland[[171]](#footnote-172) authored by Professor Michelle Norris and Dr Aideen Quilty, entitled ‘A Qualitative Study of LGBTQI+ Youth Homelessness in Ireland’, the charity Focus Ireland has worked towards realizing the report’s recommendations.[[172]](#footnote-173)

The Homelessness Network in Ireland also established an LGBTI homelessness working group, which in 2021 conducted a training needs analysis through the surveying of staff working in homelessness services. The survey found 4 areas of focus for staff training:

* To understand LGBTI terminology.
* Training on LGBTI homelessness to make sure staff are confident in their practice.
* To have support of in their role by their Senior Manager.
* To develop knowledge on pathways for LGBTI specific support services.[[173]](#footnote-174)

A specializing training pilot program delivered in 2022 by BelongTo LGBTQ+ Youth Ireland focused on these four areas.

Through this specialist training, Focus Ireland and BelongTo LGBTQ+ Youth Ireland have advocated for the inclusion of LGBTI homelessness on the regional and national levels. As a result, the Department of Housing launched its Youth Homelessness Strategy 2023-2025 and includes LGBTI homelessness.[[174]](#footnote-175) The policy document identified LGBTI youth as particularly vulnerable and outlines how service providers can meet the needs of this population. Furthermore, Ireland signed the European Platform on Combatting Homelessness’ Lison Declaration in 2021 which aims to end homelessness by 2030.[[175]](#footnote-176)

## 3.6 United States of America: Runaway and Homeless Youth Act[[176]](#footnote-177)

In the USA, the reauthorizing of the Runaway and Homeless Youth Act (2018) delegated $115 million per year of the federal budget to help homeless youth.[[177]](#footnote-178) The act spans across three pillars of intervention:

* Street outreach, including education, treatment, and referrals to vital services.
* Basic centers, including temporary shelter, family reunification, and aftercare.
* Transitional living, including long-term housing and support services.

This initiative has not necessarily proved to be beneficial for LGBTI youth. The Obama administration[[178]](#footnote-179) initially made it illegal for federally funded shelters to discriminate against persons with diverse sexual orientation or gender identity, these protections were later weakened.[[179]](#footnote-180)

# 4. Recommendations

Our recommendations based on this report are split into three sections: addressing the ‘root causes’ of homelessness and poverty; data collection, research, and methodologies; and recommendations for initiative implementation.

## 4.1 Recommendations for addressing the ‘root causes’

* Encourage states to implement legal protections against housing discrimination towards LGBTI persons, to aptly address the ‘root causes’ of the criminalization of LGBTI persons who experience homelessness and poverty. For these protections to be fully comprehensive, states should enact national housing policy and legislation on a federal level to explicitly encompass discrimination on the grounds of sexual orientation, gender identity, gender expression and sex characteristics.
* Address the decriminalization of housing and poverty with an understanding that there are distinct causes for LGBTI homelessness and poverty, such as familial rejection due to diverse SOGEISC, exacerbated mental health issues or substance abuse. In a similar vein, LGBTI people who face homelessness also experience challenges distinct from their non-LGBTI peers, including heightened risk of sexual exploitation, physical victimization, violence, and suicidal behaviours.
* Explore further the contexts of the criminalization of LGBTI persons as a risk factor to homelessness and extreme poverty. For example, tackle the inadequate structural and systemic infrastructures that expose LGBTI persons to socio-economic injustices, and which result in homelessness or poverty. For example, the lack of employment protections for sex work can lead to vulnerability, discrimination, violence, and exploitation. Lack of official recognition also excludes sex workers from entitlements to welfare support.[[180]](#footnote-181) Or if migrants and refugees are disallowed from working, this will exacerbate the exposure to poverty and homelessness due to lack of economic agency and autonomy.[[181]](#footnote-182)
* Design campaigns that specifically focus on the ‘root causes’ and consequences of homelessness and extreme poverty within the LGBTI population, with focusses on more marginalized populations such as migrants and refugees, racial and ethnic minorities, women, sex workers and youth.

## 4.2 Recommendations for data collection, research, and methodologies

* Encourage states to increase and improve their data collection and research on LGBTI persons who experience homelessness and poverty. This should include tailored surveys that consider the specific challenges experienced by LGBTI persons, and the reporting of data disaggregated by SOGIESC.
* Encourage data and research methodologies on the criminalization of homelessness and poverty to use an intersectional feminist approach, that factors in and addresses the multifaceted and overlapping identities of LGBTI persons, paying specific attention to those most vulnerable and marginalised who are most likely to get left the furthest behind: migrants and refugees, racial and ethnic minorities, women, sex workers and youth.
* Encourage data and research to be informed by the lived experiences of LGBTI persons who have lived through homelessness and poverty.
  + For example, organize consultations and build relationships with local, grassroots LGBTI groups and Civil Society Organizations whose focus is combatting LGBTI homelessness and poverty to ensure meaningful community involvement in data collection and research. Once again, centre the lived experiences of those most marginalized, to reach those left furthest behind.
* Implement the ‘vicious cycle’ as a framework for understanding the intersecting issues faced by vulnerable LGBTI communities. To exemplify how the ‘cycle of exclusion’ can been used effectively for such analyses, one can look to reports published by the Independent Expert on sexual orientation and gender identity[[182]](#footnote-183)

## 4.3 Recommendations for initiative implementation

* Finance and fund community-based initiatives that aim at addressing existing gaps of access to housing for LGBTI persons, with particular focus on those that are most vulnerable, including migrants and refugees, racial and ethnic minorities, women, sex workers and youth.
* Encourage initiatives to actively address the specific housing and poverty issues faced by LGBTI persons; establish and follow best practice for LGBTI service-users, based on their specific needs.
  + For example, establish clear internal policies about how to deal with anti-LGBTI and racist discriminations and incidents; facilitate staff education and learning of LGBTI terminology and best practices; ensure senior management are competent and supportive of LGBTI inclusion.

1. United Nations General Assembly. *Protection against violence and discrimination based on sexual orientation and sexual identity.* (17 September 2019). Paragraph 15. URL: https://undocs.org/en/A/74/181 [↑](#footnote-ref-2)
2. Ibid. Paragraph 17. URL: https://undocs.org/en/A/74/181 [↑](#footnote-ref-3)
3. Crock, J., Stevenson, W., Mercer, J., Butt, W., Lawlor, B., Baker, S., Federowicz, L., Khan, L., da Silveira, E., & Plourde, A. (2021). *The Human Right to Housing and the United States: Submission to the UN Special Rapporteurs on the Right to Adequate Housing and Extreme Poverty and Human Rights*. https://www.ohchr.org/sites/default/files/2022-03/AmericanUniversityWashingtonDC.pdf [↑](#footnote-ref-4)
4. Ibid. Pg. 4. [↑](#footnote-ref-5)
5. SOGIESC is an acronym for ‘Sexual orientation, gender identity and expression and sex characteristics’. [↑](#footnote-ref-6)
6. This submission uses the acronym LGBTI (Lesbian, Gay, Bisexual, Transgender, Intersex), unless citing a source that uses an alternative. [↑](#footnote-ref-7)
7. ILGA World Database, [*Legal Frameworks | Protection against discrimination in housing*](https://database.ilga.org/discrimination-housing-lgbti) (retrieved 30 August 2023) [↑](#footnote-ref-8)
8. ILGA World Database, [*National Housing Policy – Cape Verde*](https://database.ilga.org/api/downloader/download/1/CV%20-%20LEG%20-%20National%20Housing%20Policy%20(2019)%20-%20OR-OFF(pt).pdf) (retrieved 30 August 2023) [↑](#footnote-ref-9)
9. ILGA World Database, [*ILGA World Database: Protection against discrimination in housing - Cape Verde*](https://database.ilga.org/discrimination-housing-lgbti)(retrieved 30 August 2023) [↑](#footnote-ref-10)
10. ILGA World Database, [*Equal Opportunities Act 2008 - Mauritius*](https://database.ilga.org/api/downloader/download/1/MU%20-%20LEG%20-%20Equal%20Opportunities%20Act%20(2008)%20-%20OR(en).pdf) (retrieved 01 September 2023) [↑](#footnote-ref-11)
11. ILGA World Database, [*ILGA World Database: Protection against discrimination in housing - Mauritius*](https://database.ilga.org/discrimination-housing-lgbti) (retrieved 01 September 2023) [↑](#footnote-ref-12)
12. ILGA World Database, [*Rental Housing Act (1999) – South Africa*](https://database.ilga.org/api/downloader/download/1/ZA%20-%20LEG%20-%20Rental%20Housing%20Act%20(1999)%20-%20OR-OFF(en).pdf) (retrieved 01 September 2023) [↑](#footnote-ref-13)
13. ILGA World Database, [*Judicial Matters Amendment Act – South Africa*](https://database.ilga.org/api/downloader/download/1/ZA%20-%20LEG%20-%20Promotion%20of%20Equality%20and%20Prevention%20of%20Unfair%20Discrimination%20Act%204%20(2000)%20-%20OR-OFF(en).pdf) (retrieved 01 September 2023) [↑](#footnote-ref-14)
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15. ILGA World Database, [*Sex Discrimination Act 1984 – Australia*](https://ilgaworld-my.sharepoint.com/personal/ilia_projects_ilga_org/Documents/Attachments/Information%20obtained%20from%20the%20ILGA%20World%20database,%20ILGA%20World%20Database:%20Protection%20against%20discrimination%20in%20housing%20–%20Australia%20(retrieved%2001%20September%202023))(retrieved 01 September 2023) [↑](#footnote-ref-16)
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