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**SR Report: Decriminalization of homelessness and poverty**

**UN Women submission**

Women and girls are disproportionately represented among the world’s poor; an estimated 388 million women and girls were living in poverty in 2022 versus 372 million men and boys.[[1]](#footnote-1) The perpetuation of the feminization of poverty is due to patriarchal and “gender-blind” systems, including laws, policies and programmes, which advance existing hierarchies to the detriment of gender equality and women’s empowerment. The advancement of existing hierarchies also translates to the multiple and intersecting forms of discrimination faced by women and girls living in poverty based on race, ethnicity, migration status, age, disability, sexual orientation, gender identity, gender expression and sex characteristics (SOGIESC) among others.

Gender inequalities in labour markets as well as the gendered division of unpaid domestic work undermines women’s ability to access decent work. Women, in particular migrant women, are overrepresented in informal, vulnerable and precarious employment, including care and domestic work, with limited or no labour rights protections and experience gender pay gaps for work of equal value, lower lifelong earnings and income insecurity. To remedy this, governments as duty-bearers, along with other stakeholders, need to create enabling environments for all women and the world of work. Because women in many countries are less likely than men to have access to social protection or contribute to or receive pensions, there is a need to focus on building gender-responsive universal social protection systems to promote gender equality while also transforming economic systems to recognize, accommodate and value all forms of paid and unpaid labour, including care.

Pay audits and pay transparency measures can help expose pay differences between men and women and identify the underlying causes. There is also need for policies that lift wages for most workers through increased minimum wages while also reducing gender and racial/ethnic pay gaps. Women, who tend to occupy lower-paying jobs, have been shown to benefit the most from increases in minimum wages. Strengthening workers’ rights to bargain collectively for higher wages and benefits is similarly critical. UN Women promotes equal pay for work of equal value through the Equal Pay International Coalition (EPIC), a multistakeholder initiative established with the ILO and OECD in 2018. EPIC accelerates progress towards gender pay equity by raising awareness, sharing knowledge, embracing innovation and scaling up initiatives and programmes that have already yielded positive results. The Coalition also provides support to improve legislation, build capacity and strengthen monitoring and enforcement mechanisms.

To support the transition from informal employment and the growth of women’s MSMEs, governments, organizations and the private sector can implement gender-responsive procurement policies and practices. This would change financial flows, contributing to leveling the playing field in procurement so that women-led, -owned and gender-responsive businesses are able to equally benefit. Between 2018 and 2021, UN Women helped more than 1,000 organizations to improve their gender-responsive procurement practices, contributing significantly to opening up markets for women entrepreneurs. For example, in South Africa, UN Women connected women’s energy suppliers with government buyers, while supporting the government to put in place affirmative procurement measures that benefits women’s enterprises.

Finally, it is critical to recognize the importance of ensuring full and equal access to an adequate standard of living, which must include housing, education and health. This is a human rights imperative, and a critical step to address homelessness and poverty. The concerns of the most marginalized in society have been made invisible. For example, in many countries around the world, particularly those where non-normative SOGIESC is criminalized, LGBTIQ+ migrants are seldom supported by their families. Family rejection is a leading cause of homelessness among LGBTIQ+ people, particularly youth, who may be expelled from their homes if and when they reveal their SOGIESC. And the extreme marginalization many transgender people face—including physical and sexual violence, homelessness and employment discrimination—may result in a disproportionate number of them engaging in sex work, heightening their risks of being trafficked. Decriminalizing, all sex work would enable industry employees and clients benefit from full labour rights and protections. Additionally, it would provide access to law enforcement and court protection from violence and mistreatment. Recognizing and addressing these situations of vulnerability is a critical step to ensuring that the discrimination and stigma they face is not further entrenched in laws and policies.

Similarly, homelessness and its criminalization disproportionally influences racially marginalized groups. For example, in the United States, racial minorities experience homelessness at a significantly disproportionate rate. African Americans represent 13 per cent of the general population but 40 per cent of the homeless population. Indigenous people, 1 per cent of the population, comprise 5 per cent of homeless people.[[2]](#footnote-2) In terms of criminalization, these and other racialized groups are disproportionately harassed by law enforcement; homeless persons are eleven times more likely to be incarcerated than a housed person in the United Sates.[[3]](#footnote-3)

Apart from the overt criminalization of homelessness, racism is embedded in the deep structure of global law enforcement systems, as a historical outcome of global colonization and enslavement, where colonial governance structures and systems were developed – and still remain largely in place – to legitimize the control of enslaved and colonized people. This manifests today through the militarization of police forces, the phenomenon of “racial profiling” and sentencing disparities.

Racially marginalized and minoritized women face greater rates of homelessness and greater impact of criminalization than their majority counterparts due to racism, compounded by multiple and intersecting forms of discrimination, embedded in policies that affect their access to housing. These include exacerbation of impacts of:

* Physical, sexual and emotional abuse,
* Systemic racism in medical services and healthcare, including sexual and reproductive health, maternal health, and mental healthcare;
* Specific hygiene needs including menstrual needs;
* Responsibility for childcare – exacerbated by the fact that homelessness among women can be a result of domestic violence;
* Risk of family separation due to racism in child welfare systems;
* Lack of access to legal and social protection,
* Legal status or lack thereof, especially among migrant and refugee populations.

The Durban Declaration and Program of Action acknowledges the injustices of the past which manifest today and the need for measures to overcome the legacy by identifying measures to combat racism and related intolerances. While not specifically addressing homelessness and its criminalization, it promotes social inclusion, equal access to resources and opportunities and other comprehensive recommendations for achieving racial justice globally. Full implementation of the Program of Action would significantly address issues related to the criminalization of homelessness.

1. A/HRC/53/39 [↑](#footnote-ref-1)
2. Olivet, J., Wilkey, C., Richard, M., Dones, M., Tripp, J., Beit-Arie, M., ... & Cannon, R. (2021). Racial inequity and homelessness: findings from the SPARC study. *The ANNALS of the American Academy of Political and Social Science*, *693*(1), 82-100. [↑](#footnote-ref-2)
3. Batko, S., Gillespie, S., Ballard, K., Cunningham, M., Poppe, B., & Metraux, S. (2020). Alternatives to arrests and police responses to homelessness. *Retrieved September*, *20*, 2021 [↑](#footnote-ref-3)