

UN Sabbatical leave programme 2021

## **Homelessness:**

### **A human rights guide for its prevention and eradication**

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[European Federation of National Organisations Working with the Homeless](#) (FEANTSA)

## **Thematic Areas**

Prevention and eradication of homelessness; international and regional human rights law; right to adequate housing; SDG target 11.1; discrimination and protection of persons experiencing homelessness; prevention of evictions; extreme poverty; social protection; national and local governments, lawyers; judges; housing and social service providers; humanitarian organizations; policing.

## **Purpose**

The research project is aimed at developing a guide on [homelessness and human rights](#) setting out human rights standards for its prevention and eradication, and for combatting discrimination and criminalization of persons experiencing homelessness. Target audience are government officials; judges and lawyers; policy makers; social, health and humanitarian workers; law enforcement officials; housing and social service providers and persons experiencing homelessness.

The study will highlight homelessness as a global concern and violations of human rights, with more than 1 billion people in substandard housing or in situation of homelessness worldwide, including increasing levels of homelessness in highly developed countries.

The guide will be one of the first publications that will set out in more detail human rights standards related to homelessness as enshrined in international and regional human rights law and reaffirmed by the jurisprudence of human rights bodies and UN resolutions and declarations. It will stress that persons experiencing homelessness are far and foremost rights-holders to be recognized and treated as persons with human dignity.

## **Outline of the topic or topics to be covered, including specific questions or subtopics that your research**

The guide will discuss homelessness as a severe and widespread violation of the right to adequate housing and the principle of human dignity enshrined in human rights law. It will review how homelessness relates to the rights to life, health, water and sanitation, social security; security of person; the prohibition of cruel, inhumane and degrading treatment; and the protection of privacy,

home, family, children, women, IDPs, migrants, refugees, indigenous peoples and persons with disabilities in international human rights law.

The guide will specify human rights obligations and good practices in relation to the:

- prevention of homelessness
- eradication of homelessness;
- protection of persons in situation of homelessness
- elimination of discrimination of persons experiencing homelessness;
- combatting criminalization of homelessness;
- monitoring of homelessness and
- specify avenues for ensuring access to justice and remedies for persons in situation of homelessness.

While setting out relevant human rights standards the guide intends also to alert its readers to good and effective practices to address homelessness in conformity with international human rights standards.

The following issues will be discussed:

**Prevention:** Good practices in preventing evictions into homelessness; human rights standards in relation to evictions ; minimum standards applicable to provision of alternative housing; prevention of homelessness caused by family or gender based violence, by family break-down, death of partner or dissolution of marriage; prevention of LGBT homelessness; human rights obligations and good practices to ensure that institutionalized persons (former prisoners, people in child care or mental health institutions) are housed after they are discharged; prevention of homelessness in the context of deinstitutionalization of persons with disabilities required by the CPRD; prohibition of refoulement of refugees into homelessness; protection of migrant and domestic workers in relation to housing; housing policies to ensure access to adequate and affordable housing and to remain in it; regularization of informal settlements and legal reform to strengthen security of tenure to prevent homelessness.

**Eradication:** Obligations of States, regional and local Governments and public housing and social service providers to eliminate homelessness through rights based housing strategies, including through provision of emergency, temporary and long-term housing; best practices and effective practices to eradication of homelessness, including Housing-First approaches; housing obligations in relation to IDPs, migrants, undocumented migrants and refugees, including unaccompanied minors; voluntary return of displaced persons and protection of secondary occupants from homelessness; minimum housing standards applicable for collective shelters, permissible restrictions in emergency or collective housing.

**Protection:** Human rights standards and good practices to protection of persons in situation of homelessness from violence, abuse, inhuman and degrading treatment and to ensure their right to an adequate standard of living in relation to food, clothing, water and sanitation. Norms and best practices applicable in relation to children in street situation; protection of privacy, children, women and families in emergency or transitional housing; investigation of crimes and human rights violations committed against persons in situation of homelessness; human rights compliant operative guidance for private and public security officials, training of emergency and health and social workers interacting with persons in situation of homelessness.

**Discrimination:** Exclusion and discrimination of persons in situation of homelessness in accessing work, water and sanitation; health care and education, social benefits, discrimination in relation to civil and political rights; discrimination based on lack of official or postal address; protection of home an privacy when living in informal housing, sheltering in caravans , cars, tents or other makeshift quarters; discrimination related to data collection, such as financial status, health or criminal record.

**Criminalization:** deportation, detention, imprisonment and forced institutionalization of homeless persons; confiscation of possessions of homeless persons; laws, regulations and policies prohibiting staying, eating, sleeping, begging or working in public spaces (street vending or other informal business activities); anti-homelessness infrastructure in public spaces; review of national and local law and regulations to end criminalization; human rights supported alternatives to criminalization.

**Monitoring:** human rights obligations of public authorities to monitor homelessness and good practices of data collections and monitoring, including human rights issues related to data collection. In this context different frameworks to measure or assess various forms of homelessness will be discussed and how monitoring can inform human rights compliant policy making.

**Access to Justice:** avenues for human rights complaints and litigation by or on behalf of persons in situation of homelessness before national, regional and international non-judicial and judicial protection mechanism and their suitability and effectiveness.

Planned length of the final guide: Between 80-160 pages

**Detailed methodology explaining how you will address or investigate the questions or subtopics that you listed in above, that is, the primary or secondary research methods that you will use.**

The guide will be developed on the basis of a review of international and regional human rights law applicable to the particular issues, including its interpretation by international and human rights bodies, such as Decisions, General Comments and recommendations of UN treaty bodies, of the European Court of Human Rights, the Inter-American human rights System and the African Commission on Human and Peoples Rights.

The guide will also review relevant UN Declarations, resolutions of the Human Rights Council and General Assembly and reports by international and regional human rights mechanisms. Selected national law and regulations, as well as key judgements by national courts will be reviewed and discussed in light of the existing international human rights law, including relevant EU law, directives and policies.

Academic literature will be used as supplementary source to inform the interpretation of human rights law. The primary research method will be a desk review of applicable human rights standards, and decisions and recommendations of human rights bodies related to the issues covered by the guide. Sources used will be referenced to ensure that the guide can as well be relied on by lawyers; judges, public officials and other actors.

Good practices will be collected based on a review or academic literature, publications of UN bodies and agencies, public authorities, national human rights institutions, human rights and civil society organizations and service providers working with persons in situation of homelessness. Guidance and best practice documentation developed or collected by the humanitarian community on housing and shelter in context of internal or international displacement will also be reviewed. Care will be given to include examples and good practices from highly developed and developing countries and from different world regions.

In addition a number of interviews will be conducted with experts, government officials, health professionals, social and humanitarian workers, police officers and other practitioners from different countries and regions using video or audioconferencing to inform the guide. It is also envisaged to undertake a focus group discussion with persons that have experienced homelessness to ensure that the guide covers and addresses properly rights issues that they have faced or continue to face.

A draft chapter of the guide will be presented at an academic seminar at the academic institution collaborating with this project.

The final draft guide will be submitted to expert review and commentary before its publication to ensure quality, validity of the findings and usefulness of the advice provided.

### **Schedule of work of the research or study project, with an indication of any preparatory work already accomplished**

Preparatory work completed or to be undertaken before the start of the sabbatical:

- Preliminary bibliography covering international and regional human rights law, general comments, decisions, recommendations and judgements by international and regional human rights mechanism, including relevant resolutions and guidelines
- Correspondence with key experts to check their willingness to provide advice, review outline, bibliography and the final draft
- List of experts and organizations for conducting interviews and consultation.

November 2021

- Revision of outline based on feedback received by experts
- Additional literature research
- Drafting of introduction and chapter on prevention of homelessness

December 2021

- Qualitative interviews with experts and practitioners on particular topics included in the guide
- Focus group discussion with persons in situation of homelessness (or who have experienced homelessness in the past)
- Drafting of chapter on elimination of homelessness
- Drafting of chapter on discrimination

January 2022

- Additional expert interviews
- Drafting of chapter on criminalization
- Drafting of chapter on monitoring
- Presentation at academic seminar of selected chapter/content

February 2022

- Drafting of chapter on access to justice
- Submission of the draft guide to reviewers
- Integration of comments by reviewers.

After the sabbatical:

- submission of the guide to external publisher or to the Publication Committee of OHCHR (if accepted to become an official OHCHR publication)

## Relevance of the research or study project to the current and future work of the United Nations and to your current or future responsibilities

Combatting homelessness is an important target of the Agenda 2030 on Sustainable Development of the United Nations, in which States have made the commitment to ensure by 2030, access to adequate and affordable housing for all. Homelessness has remained one of the most pervasive violations of the right to adequate housing and other human rights and results every year several thousand premature and preventable deaths. The COVID-19 pandemic has underscored the importance of housing and of addressing homelessness in efforts to tackle the global health crisis.

In June 2020 the Human Rights Council has called in its resolution [43/14](#) on States to “take all measures necessary to eliminate legislation that criminalized homelessness, and to take positive measures with a view to prevent and eliminate homeless by adoption and implementing laws, administrative orders, cross-sectional strategies and programmes at all levels ... based on international human rights law.”

The Economic and Social Council has also given new attention to the issue by adopting in 2020 for the first time a resolution on affordable housing and homelessness ([E/Res/2020/7](#)). The study will thus provide helpful guidance to States and other actors to meet their human rights obligations, accomplish relevant SDGs and implement the above mentioned UN resolutions.

As support staff of the [UN Special Rapporteur on the right to adequate housing](#) my research will directly assist me in carrying out further work for the UN expert on this issue, further strengthen my competencies as human rights officer; and provide a valuable contribution to the following strategic priorities of OHCHR: a) advancing the sustainable developments goals through human rights; b) countering discrimination; and c) ensuring protection of human rights through national policies, laws and accountability mechanism.