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**Ending Criminalization and Discrimination Based on
Housing Status**

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I. Introduction

The right to adequate housing is a human right that States frequently violate. In keeping with international law, States should be focused on protecting and ensuring the right to housing for those who are homeless and inadequately housed rather than criminalizing them.¹

International human rights law recognizes the right to adequate housing. The primary international instrument that recognizes the right to adequate housing is the International Covenant on Economic, Social and Cultural Rights (ICESCR).² In 2019, the Special Rapporteur on adequate housing issued a report on the access to justice to end criminalization and discrimination based on housing status. The report indicated that laws and their interpretation have frequently perpetuated discrimination on homeless people rather than treating them as rights holders and affording them remedies.³ The Human Rights Committee has found that the criminalization of homelessness can violate the right to be free from cruel, inhumane or degrading treatment.⁴ The Special Rapporteur has recommended that States provide access to effective remedies and treat those whose right to housing has been violated as equal members of the human family.⁵ This report will examine first, the systematic cycle of discrimination criminalization of homelessness causes in the United States, Hungary and the United Kingdom. Second, it will examine

¹ Leilani Farha (Special Rapporteur), *Special Rapporteur on adequate housing as a component of the right to an adequate standard of living*, U.N. Doc. A/HRC/40/61 (Jan. 15, 2019).

² United Nations International Covenant on Economic, Social and Cultural Rights, Dec. 16, 1966, vol. 993, art. 11, available at <https://www.ohchr.org/en/professionalinterest/pages/cescr.aspx>.

³ *Farha*, *supra* note 1, at ¶41.

⁴ *Id.* at ¶43.

⁵ *Id.* at ¶70-71.

countries and localities have been able to affect positive change to homelessness. Lastly, it will make recommendations for promoting this right.

II. Criminalization

Criminalization of homelessness worsens the problem, instead of fixing it. When homeless people are burdened with high fines they are systematically affected. These fines do not allow homeless people to break out of homelessness because of a continued cycle of oppression that prolongs homelessness by creating barriers to their employment and housing options.⁶ Criminalization creates a circulation from homelessness to and from the criminal justice system, which depletes resources that could otherwise be used to solve the problem.⁷ For example, a 2016 report by the United States National Law Center on Homeless and Poverty indicated that criminalizing homeless would cost cities millions, which would be wasted resources.⁸ The following are examples of countries who have attempted or have criminalized homelessness.

A. United States

An estimated 552,830 people were counted as homeless in the United States. The United States continues to take measure that are worrisome and potentially detrimental to homeless people. For example, the head of the U.S. Interagency Council on Homelessness (USICH), has expressed that localities should stop providing food to the homeless because it is enabling them.⁹ Moreover, he “supports making it illegal to sleep

⁶ National Law Cent on Homelessness & Poverty, *Housing Not Handcuffs* (Jan. 12, 2019), <https://nlchp.org/wp-content/uploads/2018/10/criminalization-one-pager.pdf>.

⁷ *Id.*

⁸ Institute of Global Homelessness, *State of Homelessness in Countries with Developed Economies* (May. 2019), available at https://www.un.org/development/desa/dspd/wp-content/uploads/sites/22/2019/05/CASEY_Louise_Paper.pdf.

⁹ *Id.*

in public spaces” and believes that the focus should shift to policing the homeless.¹⁰ As the head of the Interagency Council, he is responsible for coordinating the spending and policy decisions of 19 government departments that affect the homeless such as Commerce, Education, Labor and Housing and Urban Development (HUD).¹¹

Federally, the criminalization of homelessness is not prohibited, leaving it up to the localities to make their own laws on the issue. In response to the significant number of homeless individuals on the streets, many cities have implemented ordinances that criminalize life-sustaining activities such as sleeping outdoors.¹² Cities have employed numerous types of these ordinances which appear to be facially neutral, but actually function to remove visibly poor people from public spaces.¹³ Examples of such ordinances include restrictions on sleeping, erecting a shelter, urinating and defecating outdoors and restrictions against feeding the homeless.¹⁴ These criminal ordinances are bad policy because they serve no legitimate purpose and instead only exacerbate the cycle and problem of homelessness.¹⁵

Recently, the Ninth Circuit Court of Appeals invoked the constitutional protection of the Eighth Amendment prohibition of cruel and unusual punishment to strike down an ordinance by Boise, Idaho that would have banned the use of street, sidewalks, parks or

¹⁰ *Id.*

¹¹ *Id.*

¹² Kaya Lurie, Breanne Schuster & Sara Rankin, *Discrimination at the Margins: The Intersectionality of Homelessness and Other Marginalized Groups*, Seattle University School of Law (May. 2015), <https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1002&context=hrap>.

¹³ A Dream Denied: The Criminalization of Homelessness in U.S. Cities, National Coalition for the Homeless (last visited Feb. 2, 2020) <https://www.nationalhomeless.org/publications/facts/criminalization.html>

¹⁴ *Id.*

¹⁵ National Law Center on Homelessness & Poverty, *Criminalizing Crisis: The Criminalization of Homelessness in U.S Cities*, 10 (2011) (stating that criminal ordinances have not been shown to improve public health or safety), available at https://nlchp.org/wp-content/uploads/2019/02/No_Safe_Place.pdf.

public places as camping places.¹⁶ Boise appealed to the Supreme Court, but the Court refused to consider the case, allowing the Ninth Circuit decision to stand.¹⁷ However, the court's holding is a narrow one. The court indicated that homeless people could not be prosecuted unless jurisdictions offered "adequate" housing.¹⁸ The court failed to define adequate, leaving it to the interpretation of the localities.

1. "Adequate" Housing in the United States

ICESCR indicates adequate housing is "the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions."¹⁹ However, the United States has not ratified the ICESCR and it does not recognize a right to adequate housing in its federal laws. With the Ninth Circuit's holding on adequate housing localities need to establish what adequate housing means for them. When states attempt to address their housing issues through regulatory programs, they fall short of what would be provided under a codified right to adequate housing.²⁰ The regulatory programs fall short because they do not adequately satisfy the needs of homeless individuals.

a. Adequate Housing for Women

Inadequate housing has particular adverse impacts on women. For example, the Special Rapporteur has indicated that adequate housing should include a safe

¹⁶ *Martin v. City of Boise*, 709 F.3d 890 (9th Cir. 2019).

¹⁷ Richard Wolf & Chris Woodyard, *Supreme Court Refuses to Consider Cities' Efforts to Prosecute the Homeless for Sleeping Outside*, USA Today (Dec. 16, 2019), <https://www.usatoday.com/story/news/politics/2019/12/16/homeless-supreme-court-living-street-crime/4403793002/>.

¹⁸ *Supra* note 17, at 617.

¹⁹ David Weissbrodt, Fionnuala Ní Aoláin, Mary Rumsey, Marci Hoffman & Joan Fitzpatrick, *Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law*, 2009, page 34.

²⁰ The International Human Rights Committee of The New York City Bar Association (Feb. 2016), available at <https://www2.nycbar.org/pdf/report/uploads/20072632-AdvancingtheRighttoHousingIHR2122016final.pdf>.

environment,²¹ this should include safe environments for homeless women. In a 2016 Annual Homeless Assessment Report to Congress, the U.S. Department of Housing and Urban Development (HUD) reported that 40 percent of people experiencing homelessness were women. For example, women who are “victims of domestic violence are disproportionately represented in the overall population.”²²

Homeless women avoid staying in shelters because the reality about homeless women is that the majority are victims of physical or sexual abuse.²³ It is not surprising that homelessness women do not want to stay in shelters with men. Avoidance of homeless shelters can perpetuate their situation because homeless women may turn to abusive fathers or ex-partners to stay off the streets.²⁴ There should be programs rather than shelters that provide housing that include privacy and safety for women.

b. Adequate Housing for Families

Adequate can mean something different to families. According to the United States Interagency Council on Homelessness one-third of families with children are homeless on any given night,²⁵ which means that 7.4 out of every 10,000 families are homeless.²⁶ Many shelters prohibit men and women sleeping together,²⁷ which discourages many families from going to shelters. Moreover, more than often shelters do

²¹ *Id.*

²² *Supra* note 13, at 13.

²³ Matt Stichel, *A Hidden Side of Homelessness: Why Women Avoid Homeless Shelters*, Springs Rescue Mission (Aug. 17, 2018), <https://www.springsrescuemission.org/a-hidden-side-of-homelessness-why-women-avoid-homeless-shelters/>.

²⁴ *Id.*

²⁵ United States Interagency Council on Homelessness, *Homelessness in America: Focus on Families* (Sep. 2018), available at https://www.usich.gov/resources/uploads/asset_library/Homeslessness_in_America_Families_with_Children.pdf.

²⁶ National Alliance to End Homelessness, *Family Homelessness in the United State: A State-by-State Snapshot* (Feb. 20, 2018), <https://endhomelessness.org/resource/family-homelessness-in-the-united-states-state-by-state-snapshot/>.

²⁷ Heather Knight, *A better model, a better result?*, San Francisco Chronicle (Jun. 29, 2016) <https://projects.sfchronicle.com/sf-homeless/shelters/>.

not have health and safety policies.²⁸ The lack of policies allows families to be put in put homeless shelters with severely mentally disabled homeless adults who can become violent or are child predators.²⁹ Adequate housing for families should include permanent housing that gives families the opportunity to break from cycle of homelessness.

2. Discrimination as a Result of Criminalization of Homelessness

We are living “in an era of rising homelessness and widespread discrimination against millions of homeless Americans, particularly through the criminalization of homelessness.”³⁰ For example, minority groups in America experience homelessness at higher rate than Whites, making up a “disproportionate share of the homeless population.”³¹ During a time which a number of Americans experiencing homelessness continues to grow, “a majority of cities lack adequate shelter, hygiene facilities, food center, or low-cost storage options.”³² As a consequence, many homeless Americans are forced to engage in life-sustaining activities including sitting, sleeping, and eating on the streets.³³

²⁸Carey Fuller, *Homeless Shelter Systems and What They Don't Tell You*, Huffpost (Dec. 27, 2011), https://www.huffpost.com/entry/homeless-shelter-parents_b_1035952?guccounter=1&guce_referrer=aHR0cHM6Ly93d3cuZ29vZ2xlLmNvbS8&guce_referrer_sig=AQAAALPiEmTNoS_-8z_QvUg1cxUth75bwL5yaYH0VdKV1GCur6ICJwLBm94gVnBEy0MnmhyO0PFn5N127Qt90te8o7O5Es9ZYI8Wgfpaiywqz3YiQPY6fJVMkdHGZsyB6ywRtXBEyuIrSvWAC3r-NBkGVRAgj_15_1uHI74D29gDHG7-.

²⁹ *Id.*

³⁰ *Supra* note 13, at 1.

³¹ *Racial Inequality*, National Alliance to End Homelessness (last visited Feb. 7, 2020), <https://endhomelessness.org/homelessness-in-america/what-causes-homelessness/inequality/>.

³² *Supra* note 13.

at 1.

³³ *Id.*

a. Disparities within Criminalization of Homelessness Among African Americans

Homelessness more than often results from the systemic failures on people who are marginalized. Generally, in the United States this means there is a disproportionate number of African Americans experiencing homelessness.³⁴ African Americans represent only twelve percent of the United States' population but represent forty-two percent of the homeless population.³⁵ Poverty is a strong predictor of homelessness and in America more than one in five African Americans are living in poverty.³⁶ People who live in areas concentrated in poverty are likely to become homeless.³⁷ African American families are more likely to live in these areas.³⁸ For example, one out of every one-hundred forty-one African American family members seek refuge in homeless shelters, this rate is seven times higher than members of White families.³⁹ As a party to the International Convention on the Elimination of All Forms of Racial Discrimination (CERD)⁴⁰ the United States is bound to implement the right to housing without discrimination.⁴¹ Moreover, as a party to the International Covenant on Civil and Political Rights

³⁴ *Supra* note 8.

³⁵ National Law Center on Homelessness & Poverty, Racial Discrimination in Housing and Homelessness in the United States, 3 (Jun. 3, 2017), *available at* https://nlchp.org/wp-content/uploads/2018/10/CERD_Housing_Report_2014.pdf.

³⁶ *Supra* note 28.

³⁷ *Id.*

³⁸ *Id.*

³⁹ Ralph da Costa Nunez, *Homelessness: It's About Race, Not Just Poverty*, City Limits (Mar. 5, 2012) <https://citylimits.org/2012/03/05/homelessness-its-about-race-not-just-poverty/>.

⁴⁰ United Nations International Convention on the Elimination of All Forms of Racial Discrimination, Dec. 21, 1965, vol. 660, art. 5, *available at* <https://www.ohchr.org/en/professionalinterest/pages/cerd.aspx>.

⁴¹ United Nations Committee on the Elimination of Racial Discrimination, <https://www.ohchr.org/EN/HRBodies/CERD/Pages/Membership.aspx>.

(ICCPR)⁴² the United States is bound to respect the right to be free from discrimination regardless of status.⁴³

Criminalizing homelessness disproportionately affect racial minorities who are already subject to discrimination in the American criminal justice system. The incarceration rate for African American is more than six times the White incarceration rate.⁴⁴ According to a 2013 shadow report on the United States' Periodic Report by US Human Rights Network, discrimination and racial disparities persist at every stage of the criminal justice system in the United States.⁴⁵ For example, the government continues to perpetuate these inequalities in violation of its duties under the ICCPR to ensure all its citizens, regardless of race, are treated equally.⁴⁶ Particularly African American men are disproportionately affected by the criminal system, which has the highest incarceration rate in the world.⁴⁷

b. Disparities within Criminalization of Homelessness Among LGBTQ+ youth

States need to recognize that lesbian, gay, bisexual, transgender, and questioning persons belong to groups that often suffer discrimination and criminalization with respect to widespread homelessness.⁴⁸ In particular, youth who identify as lesbian, gay, bisexual, transgender, and questioning (LGBTQ+), can face verbal and physical abuse, sometimes

⁴² United Nations International Covenant on Civil and Political Rights, Dec. 16, 1966, vol. 999, art. 2, available at <https://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>.

⁴³ *Id.* at art. 1.

⁴⁴ *Supra* note 28.

⁴⁵ US Human Rights Network, *Shadow Report Submission Complied by the US Human Rights Network* (Sep. 13, 2013), available at https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/USA/INT_CCPR_NGO_USA_15210_E.pdf.

⁴⁶ *Id.*

⁴⁷ *Id.*

⁴⁸ Leilani Farha (Special Rapporteur), *Special Rapporteur on Guidelines for the Implementation of the Right to Adequate Housing*, U.N. Doc. A/HRC/43/43 (Dec. 26, 2019).

even homelessness when disclosing their sexual identity to family members.⁴⁹ LGBTQ+ youth are more than likely to be in-and-out foster home placements resulting in higher homelessness rates.⁵⁰ For example, the mistreatment of LGBTQ+ youth in foster homes may lead them to leave resulting in homelessness.⁵¹

LGBTQ+ youth are overrepresented among the homeless. It is estimated that LGBTQ+ youth make up to forty percent of the total unaccompanied homeless youth population, the vast majority are youth of color.⁵² LGBTQ+ youth faced a cycle of systematic oppression because they experience lower levels of long-term educational attainment leading to a disadvantage when they enter the job market.⁵³ On a federal level, there exists minimal support to provide funding for programs reduce homelessness among LGBTQ+ youth, which results in severe obstacles in their emotional and professional development.⁵⁴

Criminalizing homelessness disproportionately affects LGBTQ+ youth because they face higher detention and incarceration. A 2015 study by the Washington College Law Journals and Reviews, indicated that twenty percent of all youth in the juvenile justice system identify as LGBTQ+.⁵⁵ Incarceration for LGBTQ+ youth means that they will face harms related to incarceration at greater rates. Incarceration can be detrimental

⁴⁹ Laura Baams, Bianca D.M. Wilson, and Stephen T. Russell, *LGBTQ Youth in Unstable Housing and Foster Care*, American Academy of Pediatrics (Jan. 29, 2020), available at <https://www.childrensrights.org/wp-content/uploads/2019/04/2019.02.12-LGBTQ-Youth-in-Unstable-Housing-and-Foster-Care.pdf>.

⁵⁰ *Id.*

⁵¹ *Id.*

⁵² Human Rights Campaign, <https://www.hrc.org/blog/new-report-on-youth-homeless-affirms-that-lgbtq-youth-disproportionately-e>; see also Sarah Mountz, Moshoula Capous-Deyllas and Elizabeth Pourciau, *Because We're Fighting to Be Ourselves: Voices from Former Foster Youth who are Transgender and Gender Expansive*, CHILD WELFARE Vol. 96, No. 1 (2018).

⁵³ *Id.*

⁵⁴ *Id.*

⁵⁵ Angela Irvine & Aisha Canfield, *The Overrepresentation of Lesbian, Gay Bisexual, Question, Gender Nonconforming and Transgender Youth Within the Child Welfare to Juvenile Justice Crossover Population*, WASHINGTON COLLEGE LAW JOURNALS AND REVIEWS: VOL. 24: ISS. 2, ARTICLE 2 (2016).

to their physical and mental health and their social and economic prospects.⁵⁶

Delinquency records can prevent LGBTQ+ youth from obtaining housing and finding employment once released,⁵⁷ exposing them to systematic housing insecurity. Thus, putting LGBTQ+ youth behind bars due to homelessness will narrow their chances of leaving homelessness. Criminalizing homelessness would just exacerbate the issue of homelessness rather than eradicating it.

B. Hungary

In Hungary, a movement for anti-homeless initiated in the early 2000s included localities introducing local ordinances banning people from begging, picking up left over food from bins or sleeping in public spaces.⁵⁸ In 2018, Hungary's parliament passed a constitutional amendment banning people from living on the streets.⁵⁹ The ban forces homeless people to go into hiding and move into the outskirts forests where many will freeze to death during winters. The Hungarian government has indicated that there are enough beds to house all of their homeless population.⁶⁰ However, non-government organizations estimate that while there are 11,000 beds available there is an estimated 30,000 people who are homeless.⁶¹

In addition to being a member of the ICESCR, Hungary is also a member of CERD, therefore bound to provide housing to all regardless of race, sex, language or

⁵⁶ Daiana Griffith, *LGBTQ Youth are at Greater Risk of Homelessness and Incarceration*, Prison Policy Initiative (Jan. 22, 2019), https://www.prisonpolicy.org/blog/2019/01/22/lgbtq_youth/.

⁵⁷ *Id.*

⁵⁸ Renata De Souza, *Governments are criminalizing homeless people to distract from their own failures*, Amnesty International (Oct. 2, 2017), <https://www.amnesty.org/en/latest/news/2017/10/governments-are-criminalizing-homeless-people-to-distract-from-their-own-failures/>.

⁵⁹ Rick Noack, *Hungary bans homeless people from living in public spaces, in law described as 'cruel' by the U.N.*, Washington Post (Oct. 17, 2018), <https://www.washingtonpost.com/world/2018/10/17/hungary-bans-homeless-people-living-public-spaces-law-described-cruel-by-un/>.

⁶⁰ *Id.*

⁶¹ Valerie Hopkins, *Hungary's ban on homelessness leaves many people vulnerable*, Financial Times (Nov. 23, 2018), <https://www.ft.com/content/f8f0076e-e026-11e8-a6e5-792428919cee>.

religion. Hungary's ban on homelessness creates systematic oppression. The constitutional amendment is aimed at eliminating Hungary's homeless population, which is predominantly comprised of people living in poverty, refugees, migrants, people with disabilities and Roma.⁶² Hungary has a history of discrimination against Roma. For example, in 2012 more than 400 people associated with far-right groups took to the streets and threw rocks at homes of Roma, forcing them to barricade themselves in their homes, while the police stood by watching.⁶³ Hungarian authorities have reported that approximately 500,00 Roma live in disadvantaged regions of Hungary,⁶⁴ making them more susceptible to becoming homeless. Moreover, there is an increasing rate of evictions against disadvantaged people.

C. England and Wales

The Vagrancy Act of 1824 makes it an offence to be homeless or beg, meaning anyone who is sleeping in a public space or begging for money can be arrested and subject to a fine.⁶⁵ This law causes a circular systematic oppression since those who get fined for begging, ironically will have to beg to pay their fines. In In 2018, it was estimated that “320,000 people—number which continue to rise with spiraling rent

⁶² Leilani Farh, *Mandate of the Special Rapporteur on Adequate Housing as a component of the Right to an Adequate Standard of Living, and on the Right to Non-Discrimination in this Context*, United Nations Human Rights Office of The High Commissioner, OL HUN 4/2018 (Jun. 20, 2018), available at https://www.ohchr.org/Documents/Issues/Housing/OL_HUN_4_2018.pdf

⁶³ Barbora Černušáková, *A Drop of Hope is the Sea of Fear: Tackling Hate Crimes Against Roma in Hungary*, Amnesty International (Jan. 25, 2017), <https://www.amnesty.org/en/latest/news/2017/01/a-drop-of-hope-in-the-sea-of-fear-tackling-hate-crimes-against-roma-in-hungary/>. The Hungarian government dispute this report: Zoltán Kovács, *Hungary is not “hell” for Roma*, Politico (Letter to the Editor), (Jan. 30, 2017), <https://www.politico.eu/article/hungary-is-not-hell-for-roma/>.

⁶⁴ UNHCR: The UN Refugee Agency, *Hungary: Situation of Roma, including employment, housing, education, healthcare and political participation; whether Roma are required to pay a fee for health services (2013-July 2016)*, Refworld, (Aug. 18, 2018), <https://www.refworld.org/docid/57dfa73e4.html>.

⁶⁵ Shaista Aziz, *Why are we still using a 19th-century law that criminalizes homeless people*, The Guardian (Jan. 24, 2019), <https://www.theguardian.com/commentisfree/2019/jan/24/19-century-law-criminalises-homeless-vagrancy-act-rough-sleepers>.

prices—were homeless in Britain.”⁶⁶ Despite these staggering statistics of homelessness, the Act remains in effect in England and Wales. In 2018, a petition was brought to the government requesting the repeal of the Act. The government refused to repeal the law since it kept homeless people off the streets.⁶⁷ As a member to the ICESCR, the United Kingdom is bound to provide adequate housing.⁶⁸

The United Kingdom is also a State Party to the Convention on the Right of the Child. Under Article 27, State Parties must recognize the right of every child to have an adequate standard of living for their physical, mental, spiritual, moral and social development.⁶⁹ The number of children living in poverty in the United Kingdom is estimated at 4.1 million, meaning that these children are at risk of becoming homeless. It is estimated that a child loses their home every eight minutes.⁷⁰ In England, the age for being held criminally liable is 10, putting children at a high risk of being arrested.⁷¹ This Act perpetuates homelessness of children by creating a cycle of systematic oppression that they cannot escape.

III. Examples of Countries Addressing Homelessness

Very few countries or localities have been able to affect positive change to homelessness. The following are some examples.

⁶⁶ Hannah Richardson, *At least 320,00 people homeless in Britain*, BBC News (Nov. 22, 2018), <https://www.bbc.com/news/education-46289259>.

⁶⁷ *Id.*

⁶⁸ United Nations Treaty Collection, International Covenant on Economic, Social and Cultural Rights, https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=_en.

⁶⁹ David Weissbrodt, Fionnuala Ní Aoláin, Mary Rumsey, Marci Hoffman and Joan Fitzpatrick, *Selected International Human Rights Instruments and Bibliography for Research on International Human Rights Law*, 2009, page 139.

⁷⁰ Patrick Butler, *At least 135,000 children in Britain to be homeless at Christmas*, The Guardian (Dec. 2019), <https://www.theguardian.com/society/2019/dec/03/at-least-135000-children-in-britain-will-be-homeless-at-christmas>.

⁷¹ Consortium for Street Children, *CSC Calls for the UK Vagrancy Act to be Scrapped* (Sep. 10, 2019), <https://www.streetchildren.org/news-and-updates/csc-calls-for-the-uk-vagrancy-act-to-be-scrapped/>.

A. Finland

Over the past years the United Kingdom, Germany and France have seen an increase in the number of homeless people.⁷² However, the opposite is in taking place in Finland. Finland created “Housing First” as a program to tackle homelessness. The program uses housing as an instrument of reintegration, supporting homeless people with mental health and addiction problems. Most homelessness programs work on the premise that a homeless person has to sort problems such as lack of employment or family breakdown before they can get permanent housing. Rather than seeing housing as an end point, “Housing First” sees it as a starting point.⁷³ Finland is giving people a place of their own with support services rather than putting them in shelters. These support services are prepared to meet the needs of each individual. For example, people receive individually tailored support services such as meetings with financial and debt advisors.⁷⁴

Since chronic housing shortages contributed to Finland’s homelessness problem⁷⁵ a solution was needed to find a way to supply affordable housing. Finland converted homeless shelters to supported housing and brought private flats to build new housing blocks.⁷⁶ Today, there are no more homeless shelters.

“Housing First” has the potential of reducing cost from other areas such health services and police enforcement. For example, it is estimated that for one person 9,600 euros can be saved in terms of services “when compared to the costs that would result

⁷² Alex Gray, *Here’s How Finland Solved its Homelessness Problem*, World Economic Forum (Feb. 13, 2018), <https://www.weforum.org/agenda/2018/02/how-finland-solved-homelessness/>.

⁷³ Nicholas Pleace, *Housing First Guide Europe: Chapter 1: What is Housing First*, Housing First Europe Hub, (2016), available at <http://www.housingfirstguide.eu/website/wp-content/uploads/2016/HFG/Chapter1.pdf>.

⁷⁴ *Supra* note 72.

⁷⁵ *Id.*

⁷⁶ *Id.*

from that person being homeless.”⁷⁷ Moreover, it is estimated that one long term homeless person saves about 15,000 euros of society’s fund per year.⁷⁸

B. The United States

In 2017, the National Alliance to End Homeless found that in the United States a chronically homeless person was costing taxpayers an average of \$35,578 per year, but that supportive housing would cost \$12,800.⁷⁹ California is an example a state in the United States trying to reduce these costs.

California’s homeless population is estimated to be at 151,000.⁸⁰ High housing cost contribute to this staggering number.⁸¹ In order to amend this high number of homeless population California is considering legislation to open vacant state land to emergency shelters for homeless and has proposed creating funds to pay rent and build affordable housing for homeless people.⁸² This new housing would include board and care homes for the mentally ill.⁸³ However, the legislature still has to approve the proposal. Since California’s homelessness crisis is in part due to the lack of affordable housing, this proposal would allow for more stable living situations.⁸⁴ California’s proposal would allow housing as a starting point rather than an ending point. Recently in

⁷⁷ Housing Frist, Y-SÄÄTIÖ (last visited Feb. 7, 2020) <https://ysaatio.fi/en/housing-first-finland>.

⁷⁸ *Id.*

⁷⁹ Jon Henley, *It’s a miracle: Helsinki’s radical solution to homelessness*, *The Guardian* (Jun. 3, 2019), <https://www.theguardian.com/cities/2019/jun/03/its-a-miracle-helsinkis-radical-solution-to-homelessness>.

⁸⁰ Alicia Victoria Lozano, *California’s Rising Rents, Severe Housing Shortage Fuel Homelessness*, *NBC News* (Feb. 2, 2020), <https://www.nbcnews.com/news/us-news/california-s-rising-rents-severe-housing-shortage-fuel-homelessness-n1127216>.

⁸¹ Jill Cowan, *How Does Homelessness in California Compare with Other States*, *New York Times* (Oct. 17, 2019), <https://www.nytimes.com/2019/10/17/us/homelessness-california-population-states-comparison.html>.

⁸² Alexei Koseff and Kevin Fagan, *California will open vacant state land for homeless shelters under Newsom order* (Jan. 13, 2020), <https://www.sfchronicle.com/politics/article/California-will-open-vacant-state-land-for-14957993.php>.

⁸³ *Id.*

⁸⁴ The Times Editorial Board, *NIMBYs beware: California could make it harder to block homeless and affordable housing*, *Los Angeles Times* (Jan. 19, 2020), <https://www.latimes.com/opinion/story/2020-01-19/ceqa-exemption-affordable-housing>.

San Francisco, the Police Commission unanimously passed the “Resolution for Effective Response to Homelessness and Complaints Regarding Presence of Homeless People,” which implements the developments of alternative responses, “rather than police intervention”⁸⁵ that can lead to the criminalization of homeless people.

Additionally, the United States Supreme Court’s decision to allow the Ninth Circuit’s ruling, however narrow the holding, to strike down Idaho’s law which made it a crime to sleep in public places when homeless shelter space is unavailable is a positive direction towards not allowing the criminalization of homelessness.⁸⁶

IV. Conclusion

The criminalization of homelessness is causing human suffering, resulting in human rights violations. Action must be taken by all Nations to eradicate this violation. State Parties should take into consideration programs such as “Housing First” as steppingstones to implement programs that will provide all individuals the right to adequate housing.

V. Recommendations

Human Rights Advocates (“HRA”) urges the Human Rights Council to:

1. Further define that adequate housing means not criminalizing homelessness;
2. Urge State Parties to the convention to address the pervasive problems that homeless people face due to criminalization; and
3. Urge State Parties to not criminalize homelessness.

⁸⁵ *Resolution for Effective Response to Homelessness and Complaints Regarding Presence of Homeless People*, City and County of San Francisco Police Commission (last visited Feb. 7, 2020), available at <https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission011520-ResolutiononHomelessnessResponseDraft07JAN20.pdf>.

⁸⁶ Pete Williams, *Supreme Court won’t Disturb Ruling Against Anti-Homeless Law*, NBC News (Dec. 16, 2019). <https://www.nbcnews.com/politics/supreme-court/supreme-court-won-t-disturb-ruling-against-anti-homeless-law-n1102616>.