

Advocating
for the rights
of homeless people

**The Homeless
Bill of Rights
*User Guide***

A handbook
for social actors to engage
with the Homeless Bill of Rights



The Homeless Bill of Rights User Guide

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ABOUT THE EUROPEAN CAMPAIGN

The criminalisation of homelessness is growing in Europe. The banning of begging, the 'cleansing' of public spaces or the installation of 'defensive' street furniture are just some of the practices being increasingly used to restrict and deny the basic rights of some of homeless people.

In order to reverse this trend and reaffirm the ideals upon which Europe is built, we invite all cities in the European Union to endorse the Homeless Bill of Rights to recognise and uphold the rights of people who experience homelessness.

While this endorsement will not solve this complex problem, it will send a clear message to the general public, local policy makers and other local stakeholders that there are other ways to address homelessness. We would like to create a collective dynamic in which cities in the European Union profile themselves as safe places for homeless people. The main objective of the Homeless Bill of Rights is to safeguard the basic rights of people forced to live on the streets. However, it should not be seen as a document advancing the right to be homeless. No one should have to be homeless but if they are, we should be protecting their rights and dignity.

This handbook wants to provide a framework and suggest actions to advocate for cities to endorse the Homeless Bill of Rights. You will need to adapt the concepts included in the guide to your own context.

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POLICY CONTEXT

We understand homelessness as a situation that deprives individuals of fundamental rights, including the right to housing. Framing homelessness from a rights-based perspective gives homeless people a right of action, as rights holders, rather than having homelessness considered simply as a political issue.

The fundamental rights included in the Homeless Bill of Rights derive from the inherent dignity of the person. All human beings should be afforded fundamental rights as enshrined in human right treaties. Many recent International and European instruments include a strong call to prevent and eliminate homelessness:

- In 2016 a resolution adopted by the Human Rights Council, and endorsed by all EU Member States, called “to take all measures necessary to eliminate legislation that criminalizes homelessness”.
- The New Urban Agenda, approved at the UN Habitat III Conference in November 2016, called for measures to “prevent and eliminate homelessness” to “combat and eliminate its criminalization” and for “the progressive realization of the right to adequate housing”.
- The United Nations Sustainable Development Goals (SDGs) has called for an end to poverty, specifically extreme poverty by 2030.
- In 2017 the European Commission and Member States proclaimed the European Pillar of Social Rights (EPSR), which includes the right to shelter under Principle 19.

In parallel to these policy developments at the International and European level, criminalisation is growing and present in most European countries, making it illegal for people to sit, sleep or eat in public spaces, despite the absence of housing, shelter, and other basic resources.

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Research shows that penalisation strategies can push homeless people further into poverty and social exclusion. Public funding should be effectively used to assist and protect homeless people, not to carry out costly penalisation operations. Criminalization of homelessness could cost more money than simply solving the problem by ensuring access to adequate housing. We would like to generate awareness among the general public that using the criminal system is not the solution to social problems.

OBJECTIVES

- Informing people of their fundamental rights, encouraging them to assert their rights, and to exercise them.
- Raising awareness amongst city officials, social stakeholders and the general public.
- Calling on the local authorities to fulfil their obligations to welcome and assist homeless people.

WHAT IS THE HOMELESS BILL OF RIGHTS?

The Homeless Bill of Rights is a compilation of basic rights drawn from European and International human rights law but specifically tailored to the situation of homeless people. The main goal is for cities across Europe to sign up to the Bill and reaffirm their **commitment to human rights**.¹ Cities are closer to citizens and provide many of the services needed at local level. They have most of the policy and legal competence to stop criminalisation measures but can't always end homelessness themselves.

¹ Homeless Bill of Rights, Housing Rights Watch. 2017.
<http://www.housingrightswatch.org/billofrights>

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The Homeless Bill of Rights is a template and represents a **flexible document** that can be adapted to every context in Europe, respecting the basic human rights enshrined in the text.

The main objective of the Homeless Bill of Rights is to **safeguard the basic rights of people forced to live on the streets** - not as the right to be homeless, but as a reality where appropriate shelter or housing solutions are not accessible to all homeless people.

We want to highlight that every person who is experiencing homelessness is entitled to the same rights as any other resident in the city. No one should be denied their human rights because they are homeless.

Every person deserves to be treated with dignity. Criminalizing measures are enforced on people that are suffering the social stigma of being homeless and that are already suffering degrading and dehumanizing conditions.

The Homeless Bill of Rights includes the right to access decent emergency accommodation, the right to use public space and to move freely within it, the right to equal treatment, the right to a postal address, right to access basic sanitary facilities, right to emergency services, the right to vote, the right to data protection, the right to privacy and the right to carry out practices necessary to survival within the law. The implementation of these rights has an impact in different local policies that should be taken into account when endorsing the Homeless Bill of Rights.

The Homeless Bill of Rights

I. The right to housing

The most important right a homeless person has is the right to housing. Services that support access to appropriate accommodation must be accessible to all homeless people.

II. Access to decent emergency accommodation

Where housing cannot be immediately provided, the right to access decent emergency accommodation must be maintained for all homeless people..

III. The right to use public space and to move freely within it

People who are homeless should be granted the right to use public space, and to move freely within it, with no greater restrictions than apply to others.

IV. The right to equal treatment

The Council is committed to ensuring that our staff and services uphold the right to equal treatment for all, without discriminating against those who do not have a home.

V. The right to a postal address

People who are homeless often experience restricted access to the labour market and public services because they cannot provide a postal address. People who are homeless have the right to an effective postal address.

VI. The right to basic sanitary facilities

The right to access basic sanitary facilities must be provided for. This includes running water (drinking fountains), showers, and toilets, of a standard that allows a dignified level of hygiene to be maintained.

VII. The right to emergency services

Homeless people should have the right to emergency services – social services, health services, the police and the fire service – on equal terms with any other resident of the Council area.

VIII. The right to vote

People experiencing homelessness should be included on the electoral register and given the necessary documents to prove their identity when voting in elections, without being discriminated against because of their housing situation.

IX. The right to data protection

Homeless people have the same right to data protection as other citizens and the same right to exercise control over their personal records (health, housing, any criminal record) and information..

X. The right to privacy

A homeless person's right to privacy must be respected and protected to the fullest extent possible in all types of accommodation, including any communal accommodation structure or informal accommodation they may occupy.

XI. The right to carry out practices necessary to survival within the law

Homeless people should have the right to carry out practices necessary to survival within the law. Survival practices such as begging, or foraging for discarded food should not be criminalized, banned, or arbitrarily confined to specific areas.

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ENDORISING THE HOMELESS BILL OF RIGHTS

The endorsement of the Homeless Bill of Rights is a concrete way for local governments to step in and show that they assume their responsibility for upholding the rights of all residents. There is not a single procedure for endorsement. The approaches have been quite flexible and diverse until now. Some examples are shown below:

- **In SLOVENIA**, FEANTSA members translated the Bill of Rights into Slovenian as part of a wider campaign including a public presentation to representatives of the main cities in the country, which led to four city councils signing it.
- **In SPAIN**, Barcelona, Móstoles² and Santiago de Compostela have publicly endorsed the Homeless Bill of Rights spontaneously without participation of local actors.
- **In FRANCE**, a platform of French organisations working at local level with the homeless initiated a strategy that included homeless people themselves, with the aim to persuade French cities to join them in defending fundamental rights for the homeless.³
- **In POLAND**, the city of Gdansk committed to endorsing the Homeless Bill of Rights in a Conference in Warsaw in May 2018.
- In the **UNITED KINGDOM**, a platform of actors in Brighton are currently working to persuade the Brighton and Hove City Council to endorse the Homeless Bill of Rights.⁴

Different cities have used two main ways of endorsement:

² Mostoles leading ambitious strategy in Spain. UCLG. Committee on Social, Inclusion, Participatory Democracy and Human Rights. 2019. <https://www.uclg-cisdp.org/en/news/latest-news/m%C3%B3stoles-spain-leading-ambitious-strategy-right-housing-and-rights-homeless-people>

³ Déclaration des Droits des personnes sans abri, Fondation Abbé Pierre. 2019 <https://www.fondation-abbe-pierre.fr/droitsdespersonnessansabri>

⁴ Homeless Bill of Rights, Brighton and Hove Housing Coalition. 2019. <https://housingcoalition.co.uk/homeless-bill-of-rights/>

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DIRECT ENDORSEMENT BY THE MUNICIPALITY:

The bravest municipalities believe that endorsing the Bill of Rights was something they wanted to do. They did this showing a public commitment to its content and sending a signed copy of the Bill to FEANTSA. The bill is only a starting point for continuous commitment, improvement and engagement to defend rights of homeless people.

PARTICIPATORY PROCESS OF ACTORS AT LOCAL LEVEL:

Local stakeholders work together to advocate for the Homeless Bill of Rights, to promote a rights-based approach to tackling homelessness. The process may lead to new cities signing the bill, it may be used to challenge penalisation of homeless people, it may create a local movement for the rights of homeless people and/or raise public awareness.

Having a strategy for your advocacy efforts will help you to outline your goals and identify the stakeholders that will need to be involved and how you will reach them. Such strategy would require at least some activities:

DECIDE WHAT YOU WANT:

In principle, we want homeless people rights to be respected at local level even if they are sleeping rough. We want bylaws and ordinances to be respectful of those rights. We want the city to provide shelter and eventually housing for all those sleeping rough.

ESTABLISH WHO IS THE RESPONSIBLE BODY OR PERSON (S) FOR WHAT YOU WANT:

The city council and specifically those dealing with social services in the city. We will need to define who exactly is the person responsible for this area.

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DECIDE WHAT YOU NEED TO DO TO CONVINC THAT PERSON (S):

We need to find spaces to explain the relevance of the Homeless Bill of Rights.

This might require varied strategies over time using both creativity and persistence. You might need several complementary initiatives to achieve the strategic goal. (In the following page, we have included ideas for potential actions you could take).

HOW DO YOU KNOW IF YOUR PLAN IS WORKING?

The fact that the city endorses the Bill of Rights means that the City is ready to commit but you will need to follow up to make sure that policies and laws are really in line with the Bill and respected in the medium and long term.

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We have imagined a successful linear process whereby the Homeless Bill of Rights is endorsed, and it looks like this:

Presentation of the Bill of Rights to local actors

Public event to present the Bill

Social stakeholders and other private actors invited

FEANTSA involved

Invite and persuade the city to endorse it



Contact and meet City council representatives

Analyse possibilities of endorsement

Analyse impact on public policies

Consider needs of the city



Endorsement by the city



Follow-up of the commitments

Periodical meetings

Participation of the different actors

City council explains respect of the Bill

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IMPLEMENTING THE HOMELESS BILL OF RIGHTS

The endorsement of this charter of rights may have an impact on various public policies within the municipality (urban planning, social cohesion, police, shop owners' associations, etc).

The city council should make sure that every department knows and adapts its functioning and bylaws to the content of the Bill of Rights.

INVOLVING THE HOMELESS PEOPLE THEMSELVES

Social actors working with homeless people are essential to develop the Homeless Bill of Rights, but it is fundamental to involve homeless citizens themselves to advocate for their own rights. At FEANTSA, we are committed to fighting prejudices regarding homelessness. We advocate for including destitute citizens in the process. Participation is crucial in order to have their views and wishes genuinely considered to avoid making decisions about their lives without them. The strategy to get the Bill of Rights endorsed by local authorities should involve the participation of homeless people themselves.

MONITORING THE IMPLEMENTATION OF THE BILL

Local stakeholders must work together with social actors to establish a monitoring system for the correct transposition and implementation of the Bill of Rights into the city's regulation and, if necessary, make them accountable for the non-respect of the established rights. In most cities in Europe, there is a local joint forum, where both municipalities and social organisations come together. This collaborative space is a good one for following up on the implementation. Adequate objectives and indicators should be defined in order to adequately evaluate the implementation of the Bill.

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CONTACT

María José Aldanas. Policy Officer

maria.jose.aldanas@feantsa.org

WEBSITE: Homeless Bill of Rights

