

Seminar 4: (ROOM TBC) Housing Rights and Right to the City

Chair: Eoin O'Sullivan, IE

Nicolás Palacios, SE: Public Space and the Banning of homelessness in Copenhagen: Struggle and revindications of alternative spatial practices



Nicolás Palacios is a Political Scientist from the Pontificia Universidad Católica, Chile and a master's in human Geography from Lund University. His work is in the intersection of politics, critical urban geography and geographies of everyday life.

Since April 2017, legislation fining people in 'encampments' in public spaces was enacted in Copenhagen. This regulation was tightened by July 2018, becoming an effective ban, where the subject of the fine was expelled from the administrative limits of the municipality. The measure comes as an ineffective way to deal with homelessness, as it does not address the conditions that lead to it, working as a de facto ban on homelessness, displacing people from one local area to other, in a country where homelessness has been slowly but steadily rising (SFI, 2017). To analyse this phenomenon, in what is deemed to be the post-welfare Nordic States in transition (Beaten et.al, 2016) a series of interviews to different intermediate organization representatives who deal with homelessness related issues on a daily basis, have taken place, as well as an analysis of official documents from Copenhagen municipality linked to their urban life strategies for the period 2009-2015 and 2015-2025. This phenomenon is framed under actually existing neoliberalism (Brenner, 2002) encompassing austerity measures, rollback neoliberal approaches to social services and practices of annihilation of space by law (Mitchell, 1997) raising questions in relation to who has the right to the city? And what is the place of the homeless in this new landscape. In this paper, I argue that the criminalization of homelessness forces homeless people to rethink their relation to public space and develop new spatial practices., not just as a form of survival but as well as tools of everyday resistance (Scott,1989).

Tamara Walsh, AU: Homelessness, Evictions and Human Rights Law



Tamara Walsh is a Professor of Law at the University of Queensland in Australia. Her research focus is on social welfare law and social justice, and her studies examine the impact of the law on vulnerable people including people experiencing homelessness, people on low incomes, and children and young people. Most of her studies are sociolegal and empirical in nature, and she draws on human rights discourse and social exclusion theory to explore the influence that the law has on complex social problems. She is the lead researcher of a national project on the criminalisation of poverty and homelessness, and she runs the UQ Deaths in Custody Project.

Homelessness in Australia has increased by 4.6 per cent in the past five years. Despite this, the amount of public housing stock has substantially decreased relative to household growth. Existing housing and homelessness services in Australia are unable to cope with demand. One third of the people who approach specialist homelessness services are not provided with any assistance at all, and the wait for public housing is up to ten years in some cities. For those who do obtain public housing, this is may not be a stable form of accommodation. Many people are evicted from public housing to homelessness, often for 'no reason'. There is no right to housing recognised in Australian law, so there is often no legal recourse available to people who experience evictions under these circumstances. This study considers the extent to which human rights arguments can prevent evictions to homelessness. Two (soon to be three) Australian States/Territories have Human Rights Acts. Whilst they do not include a right to housing, they do protect other rights including the rights of children and the right to protection from arbitrary interference in one's family or home. In this study, I compare the outcomes of housing cases for people who live in States/Territories with human rights legislation, with those who do not. I will discuss the extent to which legal responses, including human rights laws, can help bring about positive outcomes for people who are affected by homelessness and evictions