

# Housing Rights

Celebrating

# Sixty Years

1964 – 2024

**People, prevention and partnership:  
marking 60 years of Housing Rights**

**Keynote address, United Nations Special  
Rapporteur on the Right to Adequate Housing,  
Mr. Balakrishnan Rajagopal**

**14 May 2024**



It is a privilege to speak to you today on the occasion of the 60<sup>th</sup> anniversary of Housing Rights, Northern Ireland. My warm congratulations to everyone at Housing Rights and to all those who have contributed to its enormously important work advancing the right to adequate housing in Northern Ireland.

Most countries in the world are experiencing a situation of ‘polycrises’ – an intersection of multiple crises from security, political, economic, ecological, health and social. A crisis of affordable housing amidst climate change is a major dimension of these crises and one that has an enormous impact on homelessness. Homelessness is a manifestation of these polycrises but remains a problem which is actually within the power of most wealthy countries to solve. While there is a lack of reliable worldwide statistics, homelessness is a global concern in all world regions. For those countries or organizations that have made efforts to track these various forms of homelessness, the figures are alarming. For example, according to latest [official figures](#) of the **United States of America**, over 650,000 people were considered homeless as of 1 January 2023 – that’s more than a 12% increase from 2022. It should be noted that over 40% of them are people of African descent, who make up only 12% of the population.

In most EU-countries homelessness has significantly increased since 2010 [at least by 70 percent](#). The [8<sup>th</sup> Overview on housing exclusion in Europe](#) published on 5 September 2023, estimates that at least 895,000 persons live in Europe either in street situation, in emergency accommodation or in accommodation for the homeless.

In many developing nations homelessness is either not surveyed or often the issue is named differently, but homelessness as a human rights violation is similarly persistent. The most common form is housing deprivation and exclusion, visible in the form of large under-serviced poorly built informal settlements also called slums, often without access to safe water and sanitation, and electricity and in which residents frequently live in constant fear of forced evictions. However, other forms of homelessness exist as well in the Global South, whether it is pavement dwellers, people occupying dangerous, often so-called ‘unauthorized’ structures, or residing in Internationally Displaced Persons or refugee camps. As pointed out in the studies that we have seen over many years in several countries around the world, large informal settlements house the most marginalized communities in the Global South who are at the highest risk of evictions and displacement.

Although the right to adequate housing has been enshrined in the International Covenant on Economic, Cultural and Social Rights since the 1960s, it is denied to millions worldwide who lack access to any form of housing or even shelter, are forced to sleep rough or in structures unsuitable for a life in safety and security.

Homelessness is not only a serious concern in terms of the right to adequate housing: If we look at morbidity and mortality rates of persons in situation of homelessness and compare those with people who are adequately housed, the difference is shocking. The median age of death for persons in street situation has in some industrialized countries been estimated to be 49 years, over 25 years lower than for

the overall population.<sup>1</sup> There is no doubt that homelessness violates also the right to the highest form of attainable health, to water and sanitation, to privacy and the right to life, which is more than mere survival, but includes as well the notion of a life with dignity.<sup>2</sup>

Failure of public authorities to prevent and address homelessness is a State failure to uphold the most essential elements of the human right to adequate housing and other fundamental human rights that everyone should enjoy without any discrimination. Unfortunately, too many countries fail to recognize or protect economic, social and cultural rights such as the right to adequate housing whose denial is almost exclusively felt by the poorest and the most marginalized. Homelessness cannot be solved without recognizing and protecting the right to housing – in fact, if not in law as well.

While the pathways into homelessness are manifold, it is possible to prevent, reduce and end it, or at least reduce it to marginal numbers. This is particularly true for countries that have access to significant financial and other resources and have functioning public administrations. We saw how it could be done during the Covid-19 pandemic. Regrettably, many measures, including anti-eviction measures, have all ended in most places and we are back to square one.

For those 13 European countries where there are more reliable estimates, the persons in situation of homelessness in Europe are of course still too many, but not so many that that this problem could not be dealt with: those in situations of severe forms of homelessness represent only 0.174 per cent of their total population in these European countries. This surely, is a solvable problem.

For example, Finland has actually shown that reducing homelessness is possible by adopting a housing-led approach, providing affordable housing and if necessary additional ambulant social support. In 1987 over 17,110 persons were counted in Finland as homeless; latest official figures from 2022 indicate 3686 persons in various forms of homeless - a reduction by 83 percent.<sup>3</sup> Netherlands and Singapore have shown success by adopting a housing first approach and by emphasizing prevention and care dimensions occasioned by homelessness.

I am encouraged by the fact that more and more countries have adopted national action plans to prevent and end homelessness or have started to undertake official data collection.<sup>4</sup> Four African countries initiated at the UN General Assembly resolution [76/133](#) on affordable housing to end homelessness that was adopted in 2021 and the UN Secretary- General has recently published a comprehensive report ([A/78/236](#)) arguing strongly for a human-rights based approach to prevent and end homelessness. During its EU Presidency in 2021, Portugal spearheaded the establishment of the [European Platform on Combatting Homelessness](#), in which all

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<sup>1</sup> These are findings from research undertaken in France, see <https://pubmed.ncbi.nlm.nih.gov/27335327/>.

<sup>2</sup> See on this in particular Human Rights Committee, [General comment No. 36](#) on the right to life.

<sup>3</sup> See 8<sup>th</sup> European Overview on Housing Exclusion, page 31, available at [https://www.feantsa.org/public/user/Resources/reports/2023/OVERVIEW/Rapport\\_EN.pdf](https://www.feantsa.org/public/user/Resources/reports/2023/OVERVIEW/Rapport_EN.pdf).

<sup>4</sup> For example, Germany has started, since 2022, collecting data on several forms of homelessness.

EU states agreed to work towards ensuring by 2030 that no one sleeps rough for lack of accessible, safe and appropriate emergency accommodation, that evictions should be prevented whenever possible and no one is evicted without assistance for an appropriate housing solution, when needed.

A major current concern in the global debate about how to address homelessness relates to the criminalization of homelessness. It has indeed been a particular focus of an ongoing campaign to end criminalization of homelessness that I have embarked on, together with the UN Special Rapporteur on extreme poverty and human rights, Professor Olivier de Schutter<sup>5</sup>.

Regrettably, the use of criminal and administrative law to punish the poor, the homeless, persons with mental disabilities, and other persons considered to be different, unpleasant, or deviating in their behaviour from the majority has a long and outrageous tradition.

Colonialism helped to export vagrancy laws globally, such as the British Vagrancy Act of 1824. Many European countries introduced similar vagrancy laws which provided the legal basis to imprison so-called ‘idle and disorderly persons’, ‘rogues and vagabonds’ or ‘incorrigible rogues’, and subject them to forced labour or intern them in so-called “work houses”.

Regrettably, the development of international human rights law did not immediately result in the discrediting of vagrancy or other laws criminalizing persons experiencing homelessness or poverty.

The first international human rights treaty that came into force after World War II, the European Convention on Human Rights, includes for example in its Article 5 (1) (e) on the right to liberty and security of person a provision allowing for the lawful detention of “persons of unsound mind, alcoholics or drug addicts or vagrants.”

In 1971 the European Court on Human Rights ruled in the so called “vagrancy–cases”<sup>6</sup>, that the detention of the applicants in vagrancy centres in Belgium where they were made to work in exchange for payment at a low rate was neither a violation of their right to liberty and security of person nor a violation of Article 4 of the same Convention prohibiting slavery and forced labour.

In the United States of America, it was only in the early 1970s that a succession of vagrancy laws was ruled unconstitutional by the US Supreme Court although life sustaining activities like sleeping or cooking continues to be criminalized by local jurisdictions or state laws. Germany’s Constitutional Court ruled only in 1970 that begging and vagrancy should not be criminalized. Finland’s 1883 vagrancy law was only repealed in 1987. Belgium abolished its laws against vagrancy and begging in 1993. In Greece a provision in the penal code on vagrancy was repealed in 1994, while

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<sup>5</sup> ‘EU must treat homeless as rights holders, not criminals’, EU Observer (with Olivier de Schutter and Brigit van Hout), 16 June 2021

<sup>6</sup> *ASES OF DE WILDE, OOMS AND VERSYP v. BELGIUM* at <https://hudoc.echr.coe.int/eng#%7B%22dmdocnumber%22:%5B%22695483%22%2C%22itemid%22:%5B%22001-57606%22%5D%7D>

begging was decriminalized only in 2018. In Argentina a police edict on vagrancy and begging was declared unconstitutional in 1995. In Mexico, there are still laws and regulations in force prohibiting begging, eating, sleeping, or performing personal hygienic activities in all or certain public places, while they are allegedly not enforced anymore.<sup>7</sup>

As most of you know, there have been several attempts to repeal the Vagrancy Act in England, Wales, and Scotland that has served as a blueprint in so many formerly colonial. While Scotland managed to repeal this law in 1982, in 2022, this infamous Act was formally scrapped in England and Wales as well, although the repeal lacks an implementation date and there are many concerns that some form of criminalization of vagrancy or associated behaviours will continue. Indeed, this archaic law is still being used to arrest many people: more than 3800 homeless persons have been arrested in England and Wales since 2018 – more than 1,000 homeless persons have been arrested for sleeping rough or begging since the UK government pledged to scrap the Act.<sup>8</sup>

The scrapping of vagrancy acts, the amendment of penal codes, and judgments by constitutional courts regrettably do not mean an end to the criminalization of homelessness or sanctions and punishment for performing life-sustaining activities in public through local by-laws. In fact, in countries such as in Switzerland, several Cantons reintroduced or expanded laws prohibiting begging. Hungary reintroduced the criminalization of persons experiencing homelessness in 2018. In the United States of America many cities have made efforts to circumvent the 1970s judgement of the Supreme Court by criminalizing homelessness by adopting regulations that are considered to meet the requirements of US constitutional law. Many western States and cities in the US are currently engaged in a constitutional tussle before the US Supreme Court, in the case of *Grants Pass v. Johnson*, challenging a 9<sup>th</sup> circuit ruling which had held criminalization of life sustaining activities of homeless persons to be a violation of the 8<sup>th</sup> amendment of the Constitution. It prohibits cruel and unusual punishment. This is also a case where I have submitted an amicus curiae petition before the Supreme Court. As far as Africa is concerned, the Campaign to Decriminalize Poverty and Status made a comprehensive submission to me covering 19 African countries, indicating that in most of these countries “vagrancy laws” dating back from the colonial period are still in force.<sup>9</sup> In South Asia, anti-vagrancy or ‘anti-beggary’ statutes were adopted during the colonial period and are systematically used to hound and harass the poor who lack adequate housing and income. All of them are fundamentally inconsistent with modern human rights norms, including the constitutional jurisprudence of their own courts.

At the United Nations, the Guiding Principles on Extreme Poverty and Human Rights (A/HRC/21/39), as well as the Guidelines for the Implementation of the Right to

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<sup>7</sup> See submissions available at: <https://www.ohchr.org/en/calls-for-input/calls-input/call-input-decriminalization-homelessness-and-extreme-poverty>

<sup>8</sup> <https://www.theguardian.com/society/2023/apr/02/thousands-of-homeless-people-arrested-under-archaic-vagrancy-act>;  
[https://www.crisis.org.uk/media/240604/cr10220\\_vagrancyact\\_report\\_aw\\_web.pdf](https://www.crisis.org.uk/media/240604/cr10220_vagrancyact_report_aw_web.pdf)

<sup>9</sup> <https://www.ohchr.org/sites/default/files/2022-03/CampaigntoDecriminalizePoverty.docx>

Adequate Housing (A/HRC/43/43), recommend that "States should prohibit and address discrimination on the ground of homelessness or other housing status and repeal all laws and measures that criminalize or penalize homeless persons or behaviour associated with being homeless, such as sleeping or eating in public spaces."

In June 2020 the Human Rights Council of the UN in resolution 43/14 called on States to "take all measures necessary to eliminate legislation that criminalized homelessness." While the UN General Assembly adopted an important resolution on homelessness (A/RES/76/133), calling homelessness an affront to human dignity in 2021, and reiterated the same resolution in 2023, the resolution itself, has regrettably remained silent on the issue of decriminalization of homelessness.

Given the continued difficulties to decriminalize homelessness and petty offences at the local, national and international level, the contribution of regional human rights mechanisms to overcome the use of criminal law for petty offences must be lauded. The Principles on the Decriminalization of Petty Offences in Africa, adopted in 2017 by the African Commission on People and Human Rights, the Advisory Opinion of the African Court adopted on 4 December 2002 which states that various vagrancy laws, which continue to be in force in many African countries since colonial times, are incompatible with human rights law binding on their States, the ruling by the European Court of Human Rights (ECHR) in 2021 in the case of *Lăcătuș v. Switzerland* (application no. 14065/15) are examples that could be noted here.

Despite these judgements, criminalization of homelessness remains a serious concern in Europe and elsewhere. For example, on 2 February 2022, the Danish Supreme Court sentenced a Lithuanian citizen to 60 days unconditional imprisonment for begging. Since 2017, changes in the Danish Penal Code have contributed to increasing criminalisation of the presence of homeless persons in public spaces. Strongly condemned by civil society, the inhumane policies introduced restrictions on sleeping rough and increased punishment for begging. There is, *prima facie*, a strongly xenophobic element to this legislation in Denmark. In debates introducing the new sanctions it was openly stated, that the aim of these policies is to target non-Danish citizens living homeless on the streets of Denmark. The figures so far confirm this as true: From 94 convictions under paragraph 197 of the Danish Penal Code, 91 were of non-Danes.<sup>10</sup>

Finally, as a recent report of a fellow UN rapporteur has pointed out<sup>11</sup>, more clearly than any other publication so far, homelessness can be a pathway into contemporary forms of slavery and sexual exploitation and that there can also be the reverse risk: that persons subjected to contemporary forms of slavery may be at increased risk of becoming homeless. Labour and sexual exploitation may leave individuals trapped in housing, without any security of tenure, where they can be quickly pushed into homelessness. The threat of homelessness is usually a core part of the system of enslavement, for example through slave labour like exploitation in agriculture or in

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<sup>10</sup> <https://www.feantsaresearch.org/en/press-release/2022/02/04/feantsa-denounces-the-criminalisation-of-homeless-people-in-denmark>

<sup>11</sup> Homelessness as a cause and consequence of contemporary forms of slavery : report of the Special Rapporteur on Contemporary Forms of Slavery, Including Its Causes and Consequences, Tomoya Obokata, A/HRC/54/30.

domestic work. Often, those subjected to such exploitation are housed as well by those exploiting them. If the concerned individual wants to flee the exploitation, they have literally no place to go, and no access to any alternative housing that they could afford. They are trapped in continued exploitation. If they want to exit their exploitation, they end up on the street which in turn may keep them trapped in slavery or be sent to jail under the wave of criminalisation.

Therefore, much more needs to be done to ensure that - for example - domestic and migrant workers have security of tenure that is independent from their employers. Regulations must ensure that those housed by their employers as part of the working arrangement, cannot be pushed into the street when their employers end their work contracts, at short notice. As the world witnessed, during the COVID-19 outbreak, in many countries employers of migrant or domestic workers literally overnight ended their contracts for assistants, workers or servants, resulting not only in sudden job loss and loss of income, but in loss of housing, sending domestic and migrant workers to the streets, often unable to return to family members or foreign countries.

The gender dimension is critical and central to this issue. The more visible street homelessness is in most countries 60-80 percent male – while homelessness itself is not. In particular, women, girls, children, and LGBTQ youth usually avoid as much as possible the street or unsafe homeless shelters. Homelessness then takes the form couch surfing or “doubling up” with other people, friends, or relatives, or whoever may be willing to host the distressed person. These living arrangements hardly provide any security of tenure, and hosts can kick people into the street in a matter of minutes or hours without breaking any national law. This comes with alleviated risk of exploitation, whether labour or sexual exploitation, forcing women, girls or youth including LGBTQ youth into unwanted relationships or other forms exploitation. Relationships under duress may be maintained to have a roof over the head, but do not provide a safe, secure place to live in dignity. This form of homelessness is hardly visible, receives much less attention, but can be as rights violating than having to survive on the street as a rough sleeper. It may be even more difficult to escape and is more difficult to monitor and measure. Many support services that have been established to address street homelessness, do not offer adequate support and housing solutions for people trapped in this form of hidden homelessness.

In the presence of these and other pervasive challenges raised by homelessness, I applaud the important work done by Housing Rights in Northern Ireland and strongly endorse their advocacy for prevention of homelessness including through legal guarantees. Northern Ireland has other special challenges in meeting the Right to adequate housing as well, including spatial segregation between communities and discrimination especially against Travellers, inherited from its historical past. None of these are impossible to overcome – as I have suggested here, many countries including some in Europe have indeed done so. Indeed, Northern Ireland has proven its ability to collectively meet its challenges by ending conflict and paving the way for a better future. I encourage a whole of government approach to the promotion and protection of the right to adequate housing, a strong foundation in law including prevention of homelessness, and a focus on addressing structural causes of the challenges to the right to adequate housing, including access to land and a democratic and community-

centred approach which encourages experimentation. I wish you all my very best and pledge my support as UN rapporteur to support your efforts in every way to promote and protect the right to adequate housing.



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