

People Without Housing - Homelessness is a Human Rights Violation

J. David Hulchanski

“States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. [...] Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.”— Declaration on the Right to Development, Article 8.1

Nations such as Canada and the United States, two of the most economically prosperous on earth, have organized their public and private institutions in such a manner that mass homelessness is now one of the “normal” outcomes. A growing number of people are excluded from having an adequate and secure place to live. For some this is a temporary situation, for some an occasional situation, for others it is a long-term reality. These are people who once had housing but are now unhoused.

Having no place to live means being excluded from all that is associated with having a home, a surrounding neighbourhood and a set of established community networks. It means being exiled from the mainstream patterns of day-to-day life. Without a physical place to call “home” in the social, psychological and emotional sense, the hour-to-hour struggle for physical survival replaces all other possible activities.

Having no fixed address, however, is only the most obvious characteristic of this group of excluded poor. They are also people with no fixed status. The homeless are people who have passed from one “status slot” in society to a situation that has no status. The discrimination and unequal treatment is as complete as it possibly can be. They cannot access or enjoy any of the rights or opportunities of people who are adequately housed. In the ordinary course of day-to-day life, they are in a state of “social abeyance.” They are dependent on emergency services for their basic survival. These services are not provided in a comprehensive and systematic fashion so as to help people “exit” their social abeyance as quickly as possible. Rather, the emergency services have emerged on a haphazard basis

and have proven to be inadequate by many forms of evaluation and research.

The right to housing

It is now very common to hear the assertion that people have a “right to housing.” Although one need not resort to the International Bill of Rights to conclude that mass homelessness is a legally, let alone morally, reprehensible state of affairs, adequate housing is indeed an internationally recognized human right.

Article 25(1) of the Universal Declaration of Human Rights refers specifically to adequate housing: “Everyone has the right to a standard of living adequate for health and well-being [...] including food, clothing, housing.” According to article 11 of the International Covenant on Economic, Social and Cultural Rights: “The States Parties to the present Covenant recognize 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. The States Parties will take appropriate steps to ensure the realization of this right [...]”

A person or household’s right to adequate housing is violated when the nation fails to continue making progress to the extent that its resources allow. The drafters of the Covenant on Economic, Social and Cultural Rights recognized that no nation could solve its housing problems all at once. Continual improvement is the assessment criteria in the Covenant. There must be measurable progress.

Each country must set for itself achievable and measurable benchmarks for progressive realization of



Illustration : Jean-Marie Benoit

this and related social and economic rights. It must also identify and address all forms of discrimination. Growing homelessness is one clear sign of failure to make progress.

“Dehousing” processes are human rights violations

Countries with homeless people amidst great prosperity have created and are maintaining homeless-making processes. These are the “normal” day-to-day mechanisms which result in people becoming unhoused and remaining unhoused. These are dehousing processes.

The reason there are so many – and an increasing number of – people becoming dehousing and remaining unhoused in North America has to do with the relationship between trends in housing costs and the cash resources available to households. They are: housing and job market conditions; public policies relating to housing and income assistance programs;

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and cultural patterns such as discrimination due to racism and sexism, and negative community stereotypes about poverty and the poor. Structural conditions must change to create a context in which individual-level interventions will have a significant and lasting impact.

The relationship between housing costs and household income is central to explaining the growth in the number of people without housing.

Housing costs have increased and the availability of low-rent housing has declined. Rental housing has been lost in large numbers to demolition and conversion to other uses. Not enough new low-rent public or private housing is being built. At the same time, the real incomes and the range of social benefits for the poor have declined.

Dehousing processes are human rights violations. They result in the failure of people to obtain one of the necessities of human life and one of the essential elements of achieving an adequate standard of living.

A society with dehousing mechanisms must take action to stop the increase in the number of people being dehousing and create an implementation plan with targets for eliminating existing and preventing any further homelessness.

A good beginning is to accept as a policy objective the wording in Article 31 of the European Social Charter¹:

“With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: to promote access to housing of an adequate standard; to prevent and reduce homelessness with a view to its gradual elimination; to make the price of housing accessible to those without adequate resources.”

Since poverty is the key cause of homelessness, Article 30 of the European Social Charter expresses another objective North America needs to accept: “With a view to ensuring the effective exercise of the right to protection against poverty and social exclusion, the Parties undertake: (a) to take measures within the framework of an overall and co-ordinated approach to promote the effective access of persons who live or risk living in a situation of social exclusion or poverty, as well as their families, to, in particular, employment, housing, training, education, culture and social and medical assistance; (b) to review these measures with a view to their adaptation if necessary.”

Housing rights challenges

There are indeed many barriers to eliminating homelessness. In countries like Canada² and the US, the barriers are not caused by a lack of financial or other physical resources. In a housing system dominated by market provision and market allocation the majority of households can afford to buy their bundle of housing

rights. This is one reason the voting majority who are generally contented with their housing rarely support, and indeed often oppose, measures aimed at the provision of adequate housing for those in need. Organizing around homelessness as a human rights violation provides yet another strong rationale for people and organizations to make moral claims upon governments and the electorate.

Governments must develop national and regional housing strategies containing specific targets (e.g. for wealthy Western nations, the elimination of mass homelessness within three to five years). The struggle for social justice in relation to the provision of adequate housing for all should include, but not be limited to, a struggle over constitutional and international human rights claims. These claims and court challenges can be one important part of the struggle, a struggle that must, in addition, be waged through political parties, social movements, demonstrations, protests, boycotts, strikes, civil disobedience, grassroots activism, and critical commentary and art.

1. Cf. <www.coe.fr/eng/legaltxt/35e.htm>
2. For information about Canada's policy regarding homelessness, visit the web site <www.hrdc-drhc.gc.ca>.

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