



International **Congress**
on Public **Safety in a**
Diverse Society

Symposium on the Protection of the Right to Have a Home

International Congress on Public Safety in a Diverse Society

2nd Draft

**International Guidelines on the Protection of the Universal
Right to Have a Home**

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Introduction

The following objectives are designed to serve as a guide for different services in a diverse society, regarding preserving people's homes and to the partial or complete loss of it. These guidelines have been drawn with the aim of finding lines of work which will guarantee access and the establishment of a home for each and every member of a more and more complex, diverse, open, dynamic and mobile global society. A diverse society brings us a challenge and an opportunity to define common guidelines which may be applied and shared by different cities and countries.

1. Principles

The United Nations estimates that there are over 125 million homeless people in the world today. However, there are no exact, verified figures or statistics because the homeless are often anonymous. Thousands of people do not have a home, but they belong to a reality which does not wish to be seen and which others do not want to see. There is little information and what is available is not up-to-date given that the people concerned are practically invisible.

For example, in Spain there are hardly any official studies on this group of people. In fact, depending on which source you consult, the number of homeless people varies between 20.000 and 30.000 in Spain and 2.000 and 9 000 in a city such as Madrid. According to



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data from Caritas and the European Anti-Poverty Network, in 2010, the number of homeless people in Spain reached 30 000 with another 273 000 not having a fixed address.

The causes leading to homelessness are numerous and diverse. Instead of being in decline, it is more and more common due to various factors including the negative impacts of globalisation, increased migration and mobility, and instabilities due to local and global economic crises. The increase in migration means that collaboration and mutual responsibility between city of origin and destination city is more vital than ever before in order to be able to guarantee a home to all people and to prevent a growing amount of homeless on our streets. At the same time, public administrations are often reluctant to deeply address the issue for fear of a “calling” effect meaning that people from other cities or countries which do not provide adequate solutions would flock there. In this context, the need to come up with a series of international guidelines to reach the necessary consensus and collaboration between cities and countries to assist this group of people and preserve the universal right to housing is obvious.

2. Objectives

General:

Promote the debate and international consensus by defining guidelines to protect the universal right to have a home which may be applied among a plurality of cities, cultures and countries across the World.

Specifically:

- To open a space for international analyses, understanding, collaboration, and consensus to guarantee the universal right to have a home for all in our open, interconnected, interdependent, and mobile societies.
- To contribute to define joint working systems among agencies, public services and communities within and between cities and countries based on principles of co-responsibility and collaboration between people and governments in guaranteeing home for all, including those changing their homes from one city or country to another.
- To enable services to break through the current limitations in terms of cost-efficiency and effectiveness and truly contribute to satisfying basic needs regarding access to a home, promoting the integration of individuals within their communities.



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- To devise integral concepts of home including social aspects such as community participation and integration and the respect and protection of human rights, allowing for the development of a civic culture adapted to our diverse society and international social mobility.

3. Background

“Home” is a social construct with a polyhedral meaning beyond just a physical space (“housing”), but always generally linked with the concept of an individual or a group of persons with special bounds living in a given space which is considered their own and main stable place of residence. The development of a home is usually linked with that of the family and consequently of society itself. These considerations account for the vast typology of homes. Not having a home places people in a particularly vulnerable situation and often leads to social exclusion and unsafety. This is why the right to a home has been established as one of the main pillars of human rights.

Key among the United Nations’ actions to protect and promote human rights and fundamental freedoms is the International Bill of Human Rights which consists of three instruments:

- The Universal Declaration of Human Rights (1948);
- The International Covenant on Economic, Social and Cultural Rights (1966);
- The International Covenant on Civil and Political Rights (1966).

These three documents defining human rights and fundamental freedoms are the basis of over 50 UN conventions, declarations and series of regulations and principles on human rights. Even though the narrow term “housing” is still used, the right to housing is understood in a broader sense, including economic, social and cultural rights which are being more and more closely studied and reinforced not only by human rights entities, but also by the United Nations Centre for Human Settlements (Habitat). The process began with the Vancouver Declaration on human settlements in 1976, followed by the proclamation of the International Year of Shelter for the Homeless in 1987, and the adoption of the Global Strategy for Shelter to the Year 2000 by the UN General Assembly in 1988.

The International Year of Shelter for the Homeless in 1987 allowed us to gain more insight into the situation of homelessness and related problems. As a consequence, the Global Strategy for Shelter to the Year 2000 was adopted and now, the right to housing is in a



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more prominent position than ever before among human rights issues dealt with by the United Nations. In the Global Strategy the term “adequate housing” is defined as follows: a place in which one may isolate oneself if they wish to do so, providing adequate space, safety, illumination and ventilation, a basic adequate infrastructure and reasonable location with regards to the place of work and basic services, all provided at a reasonable cost. The generalised legal recognition of the right to adequate housing comprising the integral meaning of “home” is of great importance. In practice, specific measures that governments need to adopt to make these rights a reality for all concerned persons must be defined.

The Committee on Economic, Social and Cultural Rights helped to clarify governments’ various obligations in recognising the right to adequate housing. In order to do so it has carried out various initiatives including: a) Holding a “general debate” on the right to adequate housing; b) Carrying out an in-depth revision of the relevant guidelines in the reports States are compelled to submit under articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights; c) Adopting General Comment 4 on the right to adequate housing. In order to overcome conceptual difficulties, FEANTSA (*the European Federation of National Organisations Working with the Homeless*) has developed a system to help classify homelessness and provide a common language to facilitate the transnational exchange of homeless persons. Initiated in 2005, this instrument aims to contribute to adapting and integrating intervention and prevention plans and processes by gathering data to monitor and improve methods used to compute the number of homeless people in Europe.

The ETHOS (*European Typology on Homelessness*) classification is an instrument which aims to address and identify all the possible situations a homeless person may face. It is based on the principle that a home has three sides (physical, social and legal), and states that there are four conceptual categories depending on one’s living situation as well as thirteen operational categories which regroup different situations in which the following problems may arise:

- *Roofless*: without any kind of shelter.
- *Houseless*: with a place to sleep in a centre, institution or shelter.
- *Insecure Housing*: meaning that there is no legal hold on the home or that it is threatened by a member of the family or partner.
- *Inadequate Housing*: which is not legally recognised, consists of a temporary structure, a shack or which is overcrowded.

Homelessness is seen and dealt with in different ways depending on the country. ETHOS has been developed through the review of current definitions of homelessness and the real situation of homeless people that service providers deal with every day. The ETHOS categories therefore try to cover all living situations corresponding to homelessness across



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Europe. ETHOS's approach proves that a lack of housing is the result of a process (as opposed to a static situation) which affects many vulnerable families at different points in their lives.

More and more efforts are being carried out at European and national level to find long-term solutions to eradicate homelessness. The European Parliament adopted the Declaration on ending street homelessness by 2015 in April 2008. This principle has frequently been repeated in reports published since then. The European campaign implies a change in concepts to search for an end to homelessness instead of "managing" it; with a clear objective of putting an end to street homelessness by 2015. This framework strategy contributes to moving towards eradicating homelessness and increasing awareness among politicians and the general public.

We also find good examples of important efforts at more local levels in the last years. For instance, a group of entities in the Community of Madrid, Spain, issued a series of ten proposals addressed to those in charge of policies in the Community and local councils of Madrid. This was run along with the European Year for Combating Poverty and Social Exclusion in 2010 and was in line with the European Campaign for the eradication of homelessness promoted by FEANTSA. The final goal is to put an end to situations of homelessness on the Spanish capital's territory. Each of the 10 proposals has its own goal and provides means of action to attain it for the period spanning 2010-2015:

1. Rights: To promote the effective application of article 47 of the Spanish Constitution in the Community of Madrid.
2. Social Policy: For administrations to adopt a global approach allowing for the integration of social and housing policies.
3. Prevention: Through general and specific public policies.
4. Employment: To develop an integral policy regarding access to work, taking into account the needs and particularities of homeless people.
5. Housing models: To provide enough alternative residences to cover the various needs of homeless people as well as possible.
6. Quality: To guarantee the quality of services to homeless people in accordance with the law 11/2002.
7. Relation-empathy: To promote and support more psycho-educational programmes as part of resources for homeless people which adopt a personal and specific approach to intervention.
8. Participation: To create the necessary structures to enable dynamic and participatory experiences.
9. Gender: To incorporate a gender approach in services for homeless people.
10. Co-ordination and networks: Create a working group including different actors involved in order to design complementary interventions, to minimise current



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limitations in the network of services and to encourage reflection allowing for continuous improvement.

4. Preparatory Process

The preparation process of these Guidelines consisted in the merging process of a series of studies and analyses:

1. Analysis of needs and proposals regarding methods and practices in managing different public services within a participative study aimed at developing current public safety methods used in Madrid Central District. Professionals working in different public service agencies and institutions (local and national police, social services, health, urban planning, environment, NGOs...) took part in this study along with experts from different countries and fields and a Citizens' Participation Forum made up of residents and businessmen from Madrid Central District. The collaboration resulted in the definition of an Integral Community Management System which is continuously being improved thanks to the feedback from experts, professionals and the public (available <http://safetyinnova.ie.edu>).
2. An international study on good practices in local public services management, part of the Public Safety Community Programme research in which experts and entities from Spain and abroad took part.
3. A working group on the Protection of the Right to Have a Home made up of different national and international experts and entities including the Public Safety Community Programme (Madrid, Spain). This group drafted a series of International Guidelines aiming to integrate the conclusions on needs, challenges and proposals at local level (Madrid's Central District), as well as experiences, recommendations and good practices brought by other countries.
4. A Symposium during the International Congress on Public Safety in a Diverse Society organised by the entities making up the working group. In this meeting, the challenges and good practices at international level were reviewed and the draft guidelines were discussed for approval.
5. Presentation and dissemination of the guidelines among national and international institutions.

5. Guidelines

5.1. Definitions.

- 5.1.1. Principle:** A home is to be understood as the place (or places) which a person may consider most as their own and which allows them to satisfy their



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fundamental biological, psychological and social needs in an integral way. It provides shelter, protection, belonging, independence, the possibility of settling, and a personal and existential reference and identity, which allows for basic needs to be covered. The home is the fundamental core in which all the elements needed for an individual's integral development come together.

- 5.1.2. The home should be one of the most universal human rights as it is indispensable in order to enjoy the other rights. Even though it may not guarantee all human and civil rights, however, its absence leads to an important likelihood of not having access to them.
- 5.1.3. A home is an integral unit of spaces which allows for the development of integral citizens. It is not only a physical space – building a home implies an integration process of physical, biological, psychological, economic and social components. In other words, it implies human development. The absence of a home is indicative of individual and social fragmentation as well as a series of social problems in areas such as social integration and public safety.
- 5.1.4. The home is an essential element which must be protected in our society. It may be understood as a social capital for cohesion and development, but at the same time is often very vulnerable. Protection of people's homes must be seen as a highly efficient and effective investment to prevent huge economic, social and human costs caused by a series of associated social problems.

5.2. Prevention and home promotion

- 5.2.1. **Principle.** All public services must contribute to guaranteeing homes for all, prioritising the maintenance and reinforcement of its integrity within physical, biological, psychological and social components, and also foster its integration within the community. Administrations should guide their actions based on the consideration that recovering a home once it has been lost is much more difficult and expensive at individual, social and the economic levels.
- 5.2.2. Public services must focus on the integral relationship among the composing elements of a home and among homes in the community. In the most broken, destroyed homes, repositioning must take into account internal elements as well as the ability to maintain independence and integration within the local community.
- 5.2.3. Public and private services must design rigorous methods and instruments to guarantee that any situation of vulnerability on the integrity of people's homes



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that may imply a risk of losing it or an actual loss of it be detected and treated with pro-active measures before the situation spirals and becomes far more difficult to handle.

5.2.4. In precarious situations or when a person loses their home, services must act swiftly using progressive multi-professional methods making it possible to re-establish the home via reconstruction and integration of the physical, biological, economic, psychological and social components while trying to regain individual's independence and power over their own space and themselves.

5.2.5. Means of preserving and reconstituting the home ought to be focused on the different needs and conceptions of a home in society based on criteria of inclusivity and extensiveness.

5.2.1. If the home is temporarily or permanently lost due to unavoidable circumstances (demolition or ruin, emigration, prison...), public institutions will have to guarantee its reconstitution or recovery when possible. In order to do so, all parties will have to provide the necessary conditions to make sure the process of preserving or re-establishing a home is carried out as if when the loss occurs.

5.3. Coordination, public participation and organisational change

5.3.1. Principle. The home's multifaceted character requires close inter-professional, inter-area, and inter-agency collaboration. Institutions must establish procedures for working in a networks empower by inter-agency teams, themselves boosted by collaborative leaderships of agents making possible to manage and integrate resources in a direct relationship with the community.

5.3.2. Preservation or re-constituting of people's homes implies a development process involving co-responsibility between people and the institutions providing services to people and communities. This should also imply the involvement of at least public service institutions related to urban planning, housing, health, education, employment, economy, social services, environment, leisure, public safety, and public management.

5.3.3. Public services should promote homes on the basis of encouraging and strengthening public participation through informal networks and community organisations serving as a safety net for the psychological,



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social, economic, biological and physical elements of the most vulnerable and at risk individuals and groups.

- 5.3.4. Organisations providing public services must adapt their structures and organisational processes, basing them on the direct relationship with the home as a unit of public services management centred on the integrative relationship of all and each home in their communities.
- 5.3.5. Organisations must simplify their processes and structures, adapting them to inter-departmental and inter-organisational collaboration while minimising the duplication of services and making sure that each individual has access to services, especially those most vulnerable, at risk of exclusion, lacking psychosocial and economic resources, and those invisible ones.
- 5.3.6. Organisations must rely on agents with the necessary competencies to work in a highly specialised profession, who must also have broad and general cross-cutting and inter-disciplinary competencies. They should also define and clearly differentiate professional posts from volunteer roles.
- 5.3.7. Organisations will facilitate continuous adequate training to its staff and guarantee basic training for volunteers.

5.4. Legal framework and international collaboration.

- 5.4.1. **Principle.** Local, regional, national and international administrations should clearly define the right to have a home and procedures to guarantee it in their legislation. They should also define the mutual collaboration mechanisms deployed between cities and countries in order to protect this right.
- 5.4.2. In a more and more open and globalised World, the right to housing must be guaranteed through the collaboration and consensus of local, regional, national and international administrations.
- 5.4.3. Protecting the universal right to a home requires mutual agreements between cities in the same country and between different countries to guarantee it. These should include agreements on collaboration and co-responsibility in terms of housing between local authorities, and between countries in the case of people who move internationally.



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- 5.4.4.** National and international institutions will have to establish an **International Convention for the Universal Right to a Home** in which all signatory countries commit to guaranteeing a home for all their residents and which establishes basic norms relating co-responsibility regarding people's mobility and that of their homes.