

## **Decriminalization of homelessness and poverty**

### **Background note and questionnaire**

In many countries persons experiencing homelessness, living in poverty or situation of vulnerability are disproportionately subjected to fines, deportation, arbitrary arrest, or detention for petty offences or conduct that is necessary to survive, such as informal street vending, waste collection, sex work, begging, sleeping, cooking or eating in public places. Persons who are unable to pay fines for petty offences, such as riding public transport without a valid ticket, continue to be imprisoned in many countries. Such sanctions do not only raise human rights concerns; they also congest the criminal justice system with issues that should be better addressed by policies addressing the root causes of homelessness, poverty, and social exclusion.

Information submitted will inform a joint report by the UN Special Rapporteur on the right to adequate housing and the Special Rapporteur on extreme poverty and human rights to the Human Rights Council in 2024.

The **Guiding Principles on Extreme Poverty and Human Rights** ([A/HRC/21/39](#)), adopted by Human Rights Council resolution 21/11 in September 2012 underline that States should "repeal and reform any laws that criminalize life-sustaining activities in public places, such as sleeping, begging, eating or performing personal hygiene activities." Furthermore, States should "review sanctions procedures that require the payment of disproportionate fines by persons living in poverty, especially those related to begging, use of public space and welfare fraud, and consider abolishing prison sentences for non-payment of fines for those unable to pay."

The **Guidelines for the Implementation of the Right to Adequate Housing** ([A/HRC/43/43](#)), specify 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 people or behaviour associated with being homeless, such as sleeping or eating in public spaces. The forced eviction of homeless persons from public spaces and the destruction of their personal belongings must be prohibited. Homeless persons should be equally protected from interference with privacy and the home, wherever they are living." They further recommend that "States should provide, within their justice system, alternative procedures for dealing with minor offences of homeless people to help them break the cycle of criminalization, incarceration and homelessness and secure the right to housing. Police should be trained to interact with homeless persons in a manner that respects and promotes their dignity and rights. "

In June 2020, the Human Rights Council resolution [43/14](#) called on States to "take all measures necessary to eliminate legislation that criminalizes homelessness."

## Questionnaire

The Special Rapporteur on the right to adequate housing and the Special Rapporteur on extreme poverty and human rights invite States, local Governments, civil society organizations, National Human Rights Institutions, and national associations working with the homeless, to submit information concerning:

1. Laws or regulations that prohibit begging, eating, sleeping, or performing personal hygienic activities in all or certain public places (please kindly include the wording of these laws and regulations and specify whether they are effectively enforced).
2. Laws or regulations that allow the detention or imprisonment of individuals who are unable to pay the fine imposed for petty offences.
3. Information about attempts made or planned to decriminalize street vending, informal business activities, sex work, begging, eating, sleeping or performing personal hygienic activities in public places.
4. Information concerning initiatives to change the response of law enforcement officials and of the criminal justice system from penalization, punishment or detention, towards facilitating social inclusion of persons living in poverty or experiencing homelessness.
5. Measures and services available at national, regional or municipal level to support people living in poverty and in situations of vulnerability from having to resort to begging, sleeping, washing, defecating or performing other hygienic activities in public places, because they lack access to employment, social assistance, adequate housing, public showers and toilets.

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### Submission instructions

New deadline for submissions: **6 October 2023**

We kindly request to submit responses, if possible, in English (preferred), Spanish or French. Responses to the questionnaire and any relevant reports or documentation should be sent to [ohchr-registry@un.org](mailto:ohchr-registry@un.org) (cc: [hrc-sr-housing@un.org](mailto:hrc-sr-housing@un.org) and [hrc-sr-extremepoverty@un.org](mailto:hrc-sr-extremepoverty@un.org))

Please provide links as well to relevant laws, regulations and policies or submit copies of them.

In order to ensure accessibility of information submitted for persons with visual impairments, submissions are preferred in Word format instead of PDF.