

## HOMELESSNESS IN SPAIN: RIGHTS VIOLATION BEYOND HOUSING

**Summary:** Homelessness is a form of extreme social exclusion affecting 33,000 people in Spain and which is directly related to poverty. It is a phenomenon impacting different groups all of them vulnerated in their right to access a decent house. The lack of access to an adequate house entails the vulneration of other rights such as the right to access health care services or safety itself. Homelessness is a phenomenon that could be solved in 8 years with the adequate public policies.

**In Spain, housing is a right included in the Constitution and in the international treaties which is vulnerated every day.**

The Sustainable Development Goals (SDGs) include in their objective 11.1<sup>1</sup>, *"to ensure that everyone has access to adequate, safe and affordable housing and basic services by 2030"*. On the other side, the Office of the High Commissioner for Human Rights stresses that international law *"acknowledges the right everyone has to an adequate level of life, including an adequate housing (...)"*<sup>2</sup>.

Likewise, principle number 19 of the document "The European Pillar of Social Rights" adopted by the EU mentions the duty to provide access to social housing or aids for a good quality housing for those people who are in need.

In the Spanish legislation, article 47 of the Constitution states the right to enjoy from a decent and adequate housing; but that disposition is set in the "guiding principles of social and economic policies" and they are rights that can only be claimed before ordinary jurisdiction as to what the concerning laws may stipulate. In practice, this means that wide groups of population see how this right is impinged while courts cannot force public powers to act in order to guarantee it.

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<sup>1</sup> UNO. (2015). Sustainable Development Goals: Sustainable cities and communities. Retrieved 25 October, 2019, from <https://www.un.org/sustainabledevelopment/es/cities/>

<sup>2</sup> Office of the High Commissioner for Human Rights. (April 2010). The right to an adequate housing. Retrieved 25 October, 2019, from [https://www.ohchr.org/Documents/Publications/FS21\\_rev\\_1\\_Housing\\_sp.pdf](https://www.ohchr.org/Documents/Publications/FS21_rev_1_Housing_sp.pdf)

## Homelessness is a situation of serious infringement of rights and social exclusion directly related to poverty.

Homelessness is a phenomenon directly related to poverty. The data from INE (2013)<sup>3</sup> show that 45% of the people surveyed said they had abandoned their house because they had previously lost their job and 26% because they could not face the costs of the housing. This clearly shows that poverty has a direct link making people lose the house.

Poverty does not only have a role in the origin of homelessness, but also in its chronification. Homeless people see how the effects of social exclusion stemming from poverty are fostered and create a spiral in which both phenomena, that are closely related, seriously hinder finding a solution.

The Statistics Office of the European Commission uses material deprivation<sup>4</sup> as a mechanism to measure poverty. It is considered that someone is under material deprivation when at least three previously established indicators are met, and under severe material deprivation when five are met. These indicators are based on the capacity of the person to face the following questions: pay the rent bills or the mortgage; maintain the house adequately warm; facing unexpected expenses, eat meat or proteins on a regular basis; going on holidays; pay a tv set; pay a washing machine; pay a car; pay a telephone. A homeless person meets practically all those indicators and it could even be deemed absurd to try to apply any of them, because it is for example impossible to adequately heat a house or buy a washing machine when there is no house.

Regarding poverty monetary indicators, according to INE (2013), 19.74% of the homeless lack revenues and 85.41% of them had revenues below 600€ per month. Therefore the INE sets the risk of poverty threshold at 612€ per month per unit consumption of a family unit. Also, only 4.9% of the surveyed stated work as a source of income.

These figures are consistent with a report drafted by the Regional Government of Andalusia in 2017<sup>5</sup> stating that 23.7% of the people surveyed lacked revenues and 85.10% of the people saying that they have revenues, declared revenues lower than 537.84€ per month, being therefore in a situation of severe poverty. Only 5.6% of the people surveyed replied that they were working and 73.1% said that access to employment was one of the 3 most important needs to be able to solve their homelessness situation.

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<sup>3</sup> INE. (2013, 23 mayo). Survey on homeless people. Recuperado 29 octubre, 2019, de [https://www.ine.es/dyngs/INEbase/en/operacion.htm?c=Estadistica\\_C&cid=1254736176817&menu=ultiDatos&idp=1254735976608](https://www.ine.es/dyngs/INEbase/en/operacion.htm?c=Estadistica_C&cid=1254736176817&menu=ultiDatos&idp=1254735976608)

<sup>4</sup> EUROSTAT. (2018, 24 September). Glossary: Material deprivation - Statistics Explained. Retrieved 25 October, 2019, from [https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Material\\_deprivation](https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Material_deprivation)

<sup>5</sup> Regional Government of Andalusia (2017) Knowing to Act. Results Report . Rais Fundacion



Not having a house represents an obstacle when requesting subsidies as social services of local governments require the person to be registered as a resident in order to apply for those subsidies.

### **At least 33.000 people in Spain see how their right to a house is violated**

According to data from the INE (2013)<sup>6</sup> in 2012 there were 22,938 homeless people receiving the assistance of special housing and food services. This figure has several limitations:

The first one: it is old. 7 years have gone by since this figure was gathered and the effects of the economic crisis of 2011 were still not totally felt at that moment. The second: it does not take into account the people living on the street outside the care centres. The National Comprehensive Strategy for the Homeless 2015-2020 (2015)<sup>7</sup> approved by the Council of Ministers in November 2015 acknowledged these limitations and tried to provide an estimate by using these data and complementing them with the ones offered by the headcounts done on a voluntary basis by some municipal governments. This estimation is weak because there is no common methodology to carry out those headcounts in the municipalities, and it is therefore difficult to aggregate data or to benchmark; the data is gathered by voluntary workers, therefore, though they get information, there is a greater risk of errors and finally, every estimation entails distortion risks. Anyway, the aforementioned strategy accepts that there are between 30,250 and 35,300 homeless in Spain.

### **Homelessness is a masculine phenomenon, but there is a hidden feminine population**

If we analyse the homeless, according to data from the INE (2013) we could say that approximately 80% of the homeless are men and 20% women. These figures have been criticised by some experts who say that the definition of homelessness is androcentric and hides the reality of the women who are not on the street nor on the care centres for the homeless, but that suffer very severe residential exclusion processes, have to face great vulnerability and in many cases, their human, social, cultural and economic rights are violated even more severely than the population falling in usual categorizations.

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<sup>7</sup> MINISTRY OF HEALTH, SOCIAL SERVICES AND EQUALITY. (2015, 6 November). Comprehensive National Strategy for the Homeless 2015-2020. Recovered from <https://www.mscbs.gob.es/ssi/familiasInfancia/ServiciosSociales/docs/StrategyHomeless20152020English.pdf>

### **Homelessness is a chronic violation of rights for 44% of the people living in such a situation.**

According to data from INE (2013), 44% of the homeless in Spain have been in this situation for more than 3 years. This is a proof that this is not a temporary problem for a great part of this population, and that it is neither a matter to be solved by emergency social services, but that we are facing the structural violation of the rights of these people.

### **Lacking a house entails a major risk for the safety of these people.**

The same data of INE (2013) throw that 51% of the homeless have been victims of some kind of crime, and according to researches done by HATEnto Observatory (2015)<sup>8</sup>, 47.1% of the homeless have suffered at least one incident or one aggression based on hate and 81.3% of these people have suffered more than one. These figures show that homeless people see how their right to safety is violated frequently, and more seriously than the rest of the population. Though there have been attempts to include aporophobia as an aggravating factor in the Criminal Code, reality says that no legal reform can substitute the ontological safety that having an adequate house provides.

### **Living on the street kills, homelessness seriously harms health**

The National Comprehensive Strategy for the Homeless 2015-2020 acknowledges that people in homelessness situations have a life expectancy 30 years shorter than the rest of the population. Several studies mentioned by the aforementioned strategy state that certain factors such as youth or gender (being a woman) increase the possibilities of premature death. The National Comprehensive Strategy for the Homeless acknowledges that there is a trimorbid element that increases the risk of early death: drug-abuse, mental disease and chronic disease. Nevertheless, out of these 3 circumstances, the one with the greater influence in premature mortality is suffering from a chronic disease. 44% of the homeless, according to INE (2013), have a negative self-perception of their health and the Strategy acknowledges that some surveys show that there is an overuse of the emergencies services probably due to the fact that 24.3% of the Spanish homeless and 75.5% of the foreign homeless do not have a healthcare card. This produces a de facto exclusion from the primary care network and in the case of the foreigners, in irregular conditions in the country, this is worse because the dispositions regarding immigration law exclude them from certain aspects of health care, more specially primary health care, which is the system providing prevention actions and care for chronic diseases.

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<sup>8</sup> HATENTO. (2015). Hate crimes against homeless. Retrieved October 25, 2019, from <http://hatento.org/wp-content/uploads/2015/11/resumen-ejecutivo-ingles.pdf>



## **Homelessness is a phenomenon that can be solved**

HOGAR SÍ is an organization working so that no one lives on the street and to provide a solution to the extreme exclusion and poverty lived by the homeless. In our website (<https://hogarsi.org/en/>) you will find more information on the different programs we carry out on housing, health and employment; programs that according to the evaluations carried out have proven to be efficient solutions. We would be delighted to have a meeting with you in order to give you more detailed information and to visit our projects and to meet the beneficiaries so that you can gather all the first-hand information you may need and include it to your report if you deem it appropriate.