



De Jure Temporary, De Facto Permanent.

Shelters for People Experiencing
Homelessness in Germany

15th European Research Conference on
Homelessness, 24 Sept 2021

Claudia Engelmann, German Institute for Human Rights



Overview

- Human Right to Housing
- Background: Situation in Germany
- Results of the analysis
- Discussion

Human Right to Housing

Human Right to Housing

- Recognised in several international human rights treaties, e.g. International Covenant on Economic, Social and Cultural Rights, Revised European Social Charta but also in domestic constitutions
- States are obliged to ensure that adequate housing is available to everyone in their respective country
- A state may realise the right to adequate housing by different means, e.g. through a policy of investing in social housing, trough statutory tenants protection or social benefits or ... (means are not determined but goal is)

UN Special Rapporteur on adequate housing

Homelessness is
“perhaps the most visible and most severe
symptom of the lack of respect for the right
to adequate housing.”



→ States are obliged to take measures to prevent and overcome homelessness.
i.a. short-term shelter for people experiencing homelessness

Background: Situation in Germany

Legal obligation to provide shelter

- Municipalities in Germany are obliged to provide emergency support to people experiencing homelessness (including short-term shelter).
- Obligation arises from a general clause in police and public order-laws of the 16 regional state legislation. However, clauses are very broad.
- Municipalities thus have considerable leeway in their implementation.
- Shelter provided by the municipality can mean very different things
→ 10.799 Municipalities in Germany with historical, financial and political differences →

Variety of shelters

- A low-cost hotel room or a multi-bed dormitory or a regular apartment
- Continuous social support (where desired) or being left-alone despite multiple problems
- A stay of several days before moving into a new apartment or a lifelong wait in the housing queue

How many people are we talking about?

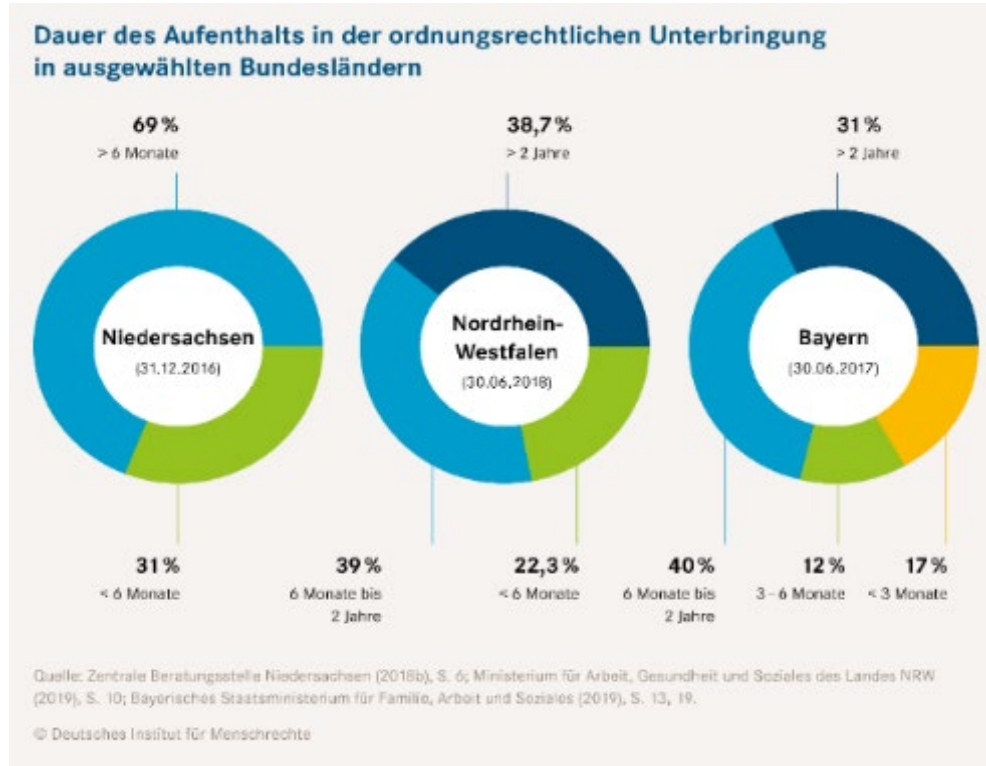
There is no nationwide homelessness statistic. Few regional states collect numbers, mostly on an irregular basis.

People living in shelters:

- North-Rhine-Westphalia (the most populous of the 16 regional states): 36 082 (30 June 2020)
- Bavaria: 12.681 (30 June 2017)
- Hamburg: 18.537 (November 2020)

→ As of 2022 (Act on Reporting on Homelessness): all municipalities are legally obliged to report numbers on people living in emergency accommodation (and in accommodation for the homeless)

Duration of stay in homeless shelters (in three regional states)



Starting point of the analysis

1. There is a legal obligation to provide shelter.
2. Number of homeless persons in shelters is (presumably) very high.
3. People stay there much longer than legally intended.
4. We know from support organizations / civil society: Standards are (presumably) very poor.

-- > What does that mean for the right to housing?

Research focus

In how far does the normative content of the RtH resonate with German law?

Right to adequate housing encompasses seven criteria, i.a. legal security of tenure, availability of services, accessibility, protection from violence ...



Jurisprudence by German administrative courts

Who does (not) get into the shelters?
What does it look like inside? How do people 'overcome' shelters?

Qualitative interviews with 28 experts in six municipalities

Desk-research: studies, official information and statistics

February - June 2019

Results of the analysis

Results: Getting into shelters

Many municipalities provide no shelter (to all or some groups of persons experiencing homelessness)

- People are (unlawfully) excluded because of a local connection rule and / or they are not entitled social assistance

Municipalities provide inadequate access to shelters for several groups, e.g.

- Women
- Persons with disabilities

As a result: People continue (or start) living on the street; they live in shelters and their situation gets worse; hidden homelessness (esp. women)

“I am not allowed to let him in, due to fire regulations. He can also not get into another shelter in the neighbourhood, and not on another one. Hospitals regularly drop them here in front of the shelter. They take the wheelchair with them because it belongs to them. What do I do with these people?”

(social worker of a shelter in a large city)

Results: Inside shelters

Conditions vary greatly.

Inadequate standards are rather the norm than the exception.

- Cramped sleeping and living conditions
- Lack of privacy
- Sanitary conditions
- Climate of violence, noise and fear of being robbed

“The tiles are very dirty, there is no bin. The last bin has been destroyed [...] There is litter everywhere [...] The doors can't be locked because someone destroyed them [...] a lot of broken things have simply never been replaced [...] toilets are broken.“

(long-time volunteer for a homeless support organisation)

Results: Inside shelters

Large shelters have been linked with poor health and wellbeing of their inhabitants, characterized by crime and drug use (Grunberg and Eagle 1990, Mackie et al 2017, Hansen Löffstrand 2015).

These circumstances ...

... explain why people experiencing homelessness choose to live on the streets rather than in shelters.

... provide one explanation why people do not leave shelters but adapt to these circumstances („Shelterization“).

Results: Getting out

There are many reasons why people remain in shelters for a long time.

Two (of many) have been studied in more detail:

- Lack of adequate support
- Discrimination in the housing market

“And then we talk about stigmatisation meaning landlords say that they will not take people who receive social assistance. I can hear it when [homeless] people phone the landlords: No chance without an employment contract; they want to see six salary slips, a paper of proof that there are no rent arrears. And in the ideal case also a household insurance and a liability insurance, and so on.”

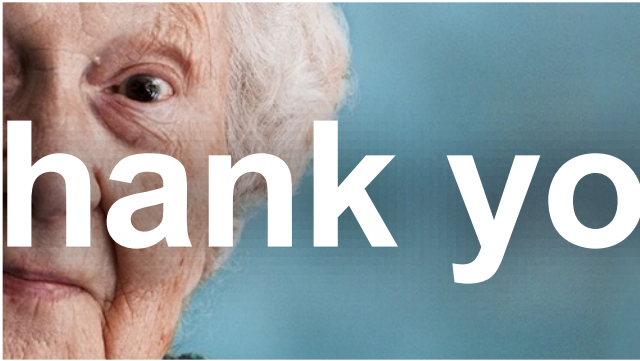
(social worker)

Discussion



Discussion

- Call for standards
- An example on legal grounds – but what about enforcement?
- Regional and national developments – window of opportunity
- Role of shelters in the support system



Thank you

