

Finding that the rights of its city's homeless population were often being neglected, the Brighton and Hove Housing Coalition – a group of housing activist organizations and individuals – brought the Homeless Bill of Rights before their council. David Thomas explains how BHHC did it and what the future might look like for a city that has adopted the Homeless Bill of Rights.

THE BRIGHTON AND HOVE HOMELESS BILL OF RIGHTS



By **David Thomas**, Brighton and Hove Housing Coalition, UK

INTRODUCTION

The Brighton and Hove Housing Coalition (BHHC)¹ was founded by Steve Parry, a veteran housing activist, in 2017. It is a coalition of housing activist organizations and individuals, excluding political organizations and organizations in receipt of state funding, which maintains a fiercely critical stance and campaigns on many housing related issues. Its executive includes several people who have been homeless themselves. Its work is specific to Brighton and Hove, a city on the south coast of Britain.

The situation in the UK with regard to homelessness is a familiar one in Europe. The financialization of the housing market and the very limited amount of social housing being built led to a problem with homelessness that was made much worse by the austerity policies pursued since 2010; much reduced funding for local authorities was coupled with reduced funding for a welfare state that was less and less capable of acting as a safety net. As a result, from 2010 to 2019, the official figure for the number of rough sleepers increased by 141% to 4,266 in England,² with the true figure believed to be very much higher. The total number for people experiencing homelessness, including those in temporary and emergency accommodation and hostels, stood at 280,000 in England in 2019.³

1 <https://housingcoalition.co.uk/>

2 MCLGH (Ministry of Housing, Communities and Local Government) 2020. *Rough Sleeping Snapshot in England: Autumn 2019*. <https://www.gov.uk/government/publications/rough-sleeping-snapshot-in-england-autumn-2019>

3 Shelter 2019. *This is England: A Picture of Homelessness in 2019: The Numbers Behind the Story*. https://england.shelter.org.uk/_data/assets/pdf_file/0009/1883817/This_is_England_A_picture_of_homelessness_in_2019.pdf

Throughout its campaigning work on homelessness, the Coalition has become increasingly concerned with the way that rough sleepers are treated. Far too often rough sleepers experience criminalisation and exclusion from public places. The Vagrancy Act 1824 makes begging a crime. Brighton and Hove, like many other local authorities, had a local criminal/administrative measure - a "Public Spaces Protection Order" - targeting homeless encampments.⁴ Also, in practice, the city's rubbish collection agents frequently dispose of rough sleepers' belongings without warning and private security (paid for by retailers) move them on from privately owned "public" spaces.

Even where national and local policies and services are intended to help homeless people, they tend to treat them as a problem to be solved, rather than as citizens who should be treated as such. Homeless people complain that they are treated in a patronising manner and without respect.

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We often found ourselves making arguments against these tendencies, using human rights; we fought for better provision of severe weather shelters, for better protection for tent dwellers, and for more consideration for the belongings of the homeless. Eventually we came across FEANTSA's campaign for the Homeless Bill of Rights. This document, intended for adoption and use at a municipal level, seemed to us to be a campaign worth pursuing. If we could persuade the City Council to adopt it, we could use it to hold them to account and to make arguments across the whole range of our concerns.

4 This expired in December 2019 and (partly because of campaigning efforts) was not renewed.





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We particularly liked the fact that Article 1 restated the right to a home. We did not wish to normalize homelessness. The fact that homelessness exists in the UK means that the country is **already** in breach of its human rights obligations.

Working with FEANTSA, we tweaked the English translation of the document to make it clearer and more colloquial, and added two more Articles to reflect the concerns of a consultation we carried out with currently homeless people. The first was the right to personal property, which is protected in Article 1 of Protocol 1 to the European Convention for Human Rights. Homeless people were seeing their property casually confiscated or destroyed very regularly and this issue was vital for them. The second required the City to investigate and record homeless deaths; then and now there is no duty on the state or local authorities to do this, which we found unacceptable. FEANTSA was happy with our amendments.

We launched the Homeless Bill of Rights for Brighton and Hove at the local street kitchen and in a nearby hall on 28th of October 2018. Maria José Aldanas of FEANTSA attended, as did Jamie Burton, Chair of the UK human rights organization Just Fair, and many local activists. The city was due for local elections in May 2019. By that time we had managed to induce both the Labour Party and the Green Party (the two largest parties in the event) to commit to the Homeless Bill of Rights in their manifestos. Following the election, we promoted a 38 Degrees petition, which, when it reached 2,500 signatures, we took to the full Council in a public event.⁵ Since then the Homeless Bill of Rights has been passing through committees and consultations and we strongly hope that it will be fully adopted before the summer. The campaign and its various stages and achievements are documented at a dedicated website for the Homeless Bill of Rights in the UK: www.homelessrights.org.uk.

⁵ <https://you.38degrees.org.uk/petitions/adopt-the-homeless-bill-of-rights-for-brighton-hove/>.



CONSIDERATIONS

There is a danger that the Homeless Bill of Rights will be adopted by the city simply as an expression of public goodwill with no actual policy consequences. Against this danger, we have repeatedly said to the City Council that the Homeless Bill of Rights and its principles should be embedded in everything they do relating to homeless people from the point of adoption: that they should review all their existing policies, practices and procedures that affect the homeless for compliance with the Homeless Bill of Rights, and make proposals for new policies that will work effectively towards making the council compliant. Moreover, every future measure dealing with homeless people from now on must report on the manner and the extent to which it is compliant. Homelessness is not one of the “protected characteristics” in UK equalities legislation, but we claim that at this time of widespread and increasing homelessness, in this city, it must be treated as if it is. Furthermore, the Council should seek, in all its relationships with NGOs, to encourage, and require where appropriate, compliance with the Homeless Bill of Rights.

It is not clear whether these demands will be met, in full or in part. But what we can do, and intend to do ourselves, is to carry out an annual audit of the Council’s activities against the Homeless Bill of Rights, an audit in which we hope all the independent organizations helping the homeless in the city will join. In addition, as we have always intended, we shall use the Homeless Bill of Rights to sustain arguments in many specific battles to improve the situation of the homeless.

Human Rights have their problems as a method or theory for activism. They can blur political issues into moralism, and they have

the potential to disempower the collective efforts of the oppressed in favour of the humanitarian intervention of the elites. If we were to start this campaign again, we might argue for a further Article to be included, a development of Article 11 (the right to survival practices); a right to act collectively in making informal settlements in self-protection.

However, in some ways human rights are a very good fit for the worldwide campaign against the criminalisation and marginalization of homeless people. Here what we are arguing for is the rights of the individual, and the universality of human rights – that all human beings are born free and equal in dignity and rights – is what we need; in particular, human rights cut through all the distinctions of national legislation, between children and adults, those with a local connection and those without, and especially those who have a right to stay in the nation and those who have not. Many of the people on our streets throughout Europe are without papers but we can refuse that distinction by using human rights.

CONCLUSION

We are told that it is unusual for the demand for the Homeless Bill of Rights to come from independent, grassroots organizations such as Brighton and Hove Housing Coalition. We think there are advantages to such an approach. The danger is always that such a document is co-opted by the city bureaucracy. If there is an external independent movement advocating for it, that can hold the city to account for the dignity and equality of all its citizens, whether or not they have a home, then there is a chance that the original, radical edge of human rights can be perpetuated.

