

RIGHTS OF PEOPLE EXPERIENCING HOMELESSNESS

PARLIAMENTARY OBSERVATORY OF THE UNIVERSAL PERIODIC REVIEW¹

RECOMMENDATIONS TO BRAZIL

3RD CYCLE OF THE UNIVERSAL PERIODIC REVIEW (2017 - 2021)



RELATED NORMATIVE FRAMEWORK

There is no federal law that specifically address the protection of the rights of people experiencing homelessness.

Decree No. 7.053/2009

Establishes the National Policy for the Population experiencing Homelessness and an Intersectoral Monitoring Committee.

It aims to guide the actions of the Union in relation to the population experiencing homelessness, while creating possibilities via decentralization and articulation to implement public policies therein listed by subnational entities, through its own adhesion instrument.

Definition of people experiencing homelessness: a heterogeneous population that has in common extreme poverty, interrupted or weakened family ties and no regular conventional housing, that uses public spaces and degraded areas as a place for housing and livelihoods, either temporarily or permanently, and uses shelters for overnight stays or as temporary housing.

Decree No. 9.894/2019

Revoked provisions granted to the Intersectoral Committee for Monitoring the National Policy for Population Experiencing Homelessness, establishing a new structure, and redefining the committee's responsibilities.

Decree No. 10.883/2021

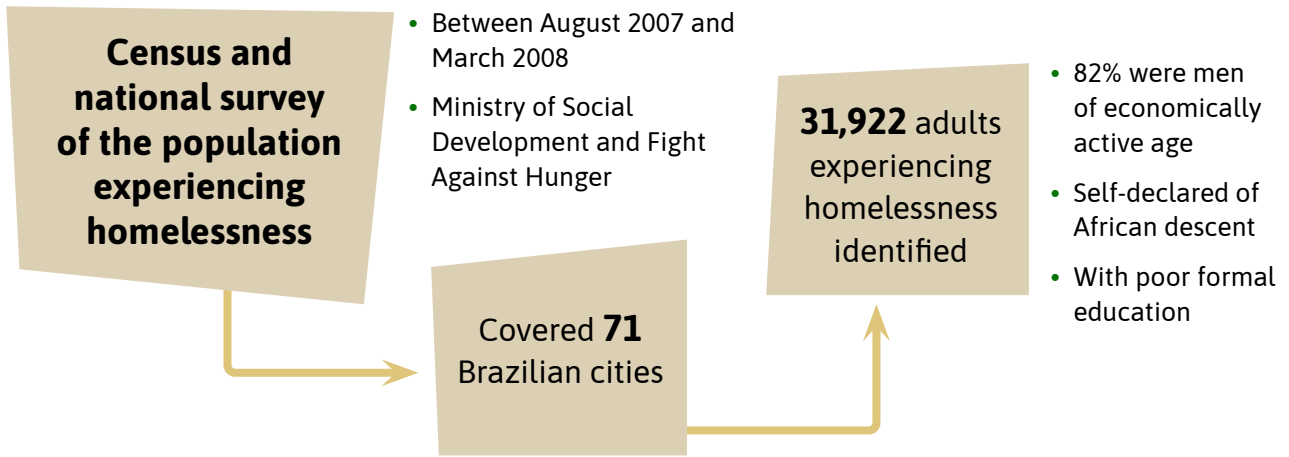
It is the responsibility of the National Secretariat for Global Protection, from the Ministry of Women, Family, and Human Rights (MMFDH), to coordinate actions related to public policies aimed at vulnerable groups, such as lesbians, gays, bisexuals, *transvestis*, trans people and people experiencing homelessness.

Resolution No. 40/2020 of the National Human Rights Council

Provides for the **guidelines** for the promotion, protection and defence of the human rights of people experiencing homelessness, in accordance with the National Policy for the Homeless Population.

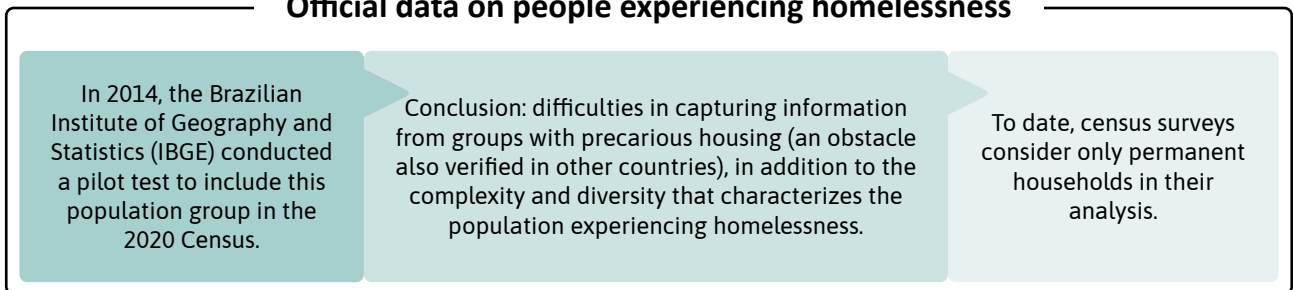
→ Related to housing, health, education, social security, protection of children and adolescents, among others.

¹ The Observatory is a government mechanism to monitor the effectiveness of the recommendations made to Brazil in order to improve our human rights situation. It is a partnership between the House of Representatives and the United Nations in Brazil (UN Brazil)

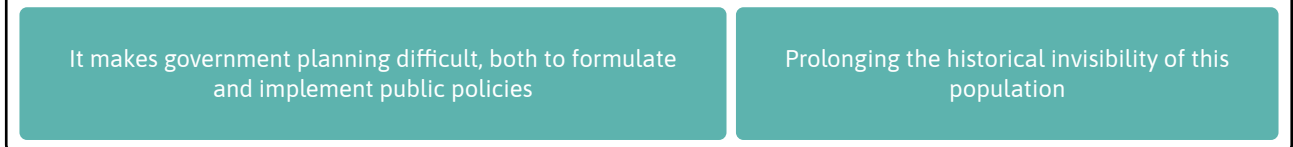


NATIONAL POLICY FOR THE POPULATION EXPERIENCING HOMELESSNESS

Official data on people experiencing homelessness



Consequences of not collecting data on the population experiencing homelessness at a national level



Census surveys on the population experiencing homelessness

	Survey in:
City of Sao Paulo	2019 and 2021
City of Rio de Janeiro	2019 and 2020
Paraná	2021
Fortaleza	2021
Metropolitan Region of Vitória	2018

221,869 is the estimated number of people experiencing homelessness in Brazil in March 2020

Growth of 140% in the number of people experiencing homelessness in all Brazilian regions over the period analysed by the survey.

Technical note of the Institute of Applied Economic Research (Ipea), entitled "Estimation of the population experiencing homelessness in Brazil (September 2012 to March 2020)"

Estimate was based on data from the SUAS Census (Unified Social Assistance System) and the Unified Registry for social programmes of the federal government (Unified Registry)

Only those experiencing homelessness who are already visible to public power will be able to access public policies, which consequentially generates a severe underestimation of such phenomenon in the country.



PROTECTION AND WELFARE OF CHILDREN EXPERIENCING HOMELESSNESS

RELATED NORMATIVE FRAMEWORK

FEDERAL CONSTITUTION

Art. 227

LAW NO. 8.069/1990

Estatuto da Criança e do Adolescente (ECA) – The Brazilian Child and Adolescent Statute

JOINT RESOLUTION NO. 1/2016

National Council for Social Assistance and National Council for the Rights of the Child and Adolescent

RESOLUTION NO. 425/2021

National Council of Justice (CNJ)

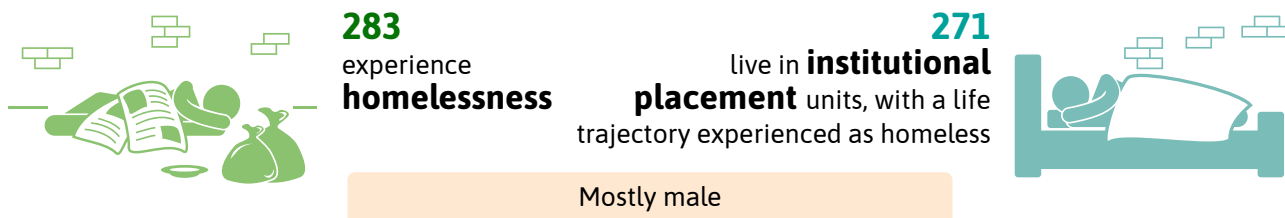


Several of children's fundamental rights are violated: the right to health, education, adequate housing, leisure, protection against all forms of violence, quality care, among others.

The invisibility in official statistics strongly contributes to the fact that violations are difficult to identify and makes it almost impossible to adopt measures to enable their access to basic rights.

“SAMPLE PROFILE OF CHILDREN AND ADOLESCENTS EXPERIENCING HOMELESSNESS AND INSTITUTIONAL PLACEMENT IN BRAZIL”²

Sample of **554 children and adolescents** in Brazilian cities with more than 1 million inhabitants



Age group

54% adolescents aged 14 to 17 years
24% children between 7 and 12 years

34% between 16 and 17 years
17% children

Race

85% self-declared as of African descent

89% declared themselves of African descent

Access to formal education

42% reported not attending school

30% reported not attending school

Child labour

72% said they worked

Activities such as: sale of small value products, begging and artistic performances

17% said they worked

Activities such as: working as a young apprentices, sales of small value products and sexual exploitation

² Publication prepared by Irene Rizzini, Juliana Batistuta Vale and Renata Mena Brasil do Couto, presented in Ciespi 8 notebooks (International Center for Studies and Research on Childhood) in agreement with the Pontifical Catholic University of Rio de Janeiro (PUC/Rio), 1st ed, 2020. It is part of the Conhecer para Cuidar (Knowing to Care Project), developed in partnership with the charity O Pequeno Nazareno, and had the support of Conanda and the national network Criança Não é de Rua (Children do not belong on the streets).

Receipt of social benefits

50% declared that their family received some kind of benefit

32% declared that their family received some kind of benefit

The Bolsa Familia Programme, now extinct and replaced by the Auxílio Brazil Programme, was mentioned by most interviewees as the origin of income transfer.

Violence

12% said they had never suffered any kind of violence

3% said they had never suffered any kind of violence

The main types of violence were physical and psychological. Law enforcement officers and family members or guardians were identified as the main perpetrators of rights violations.

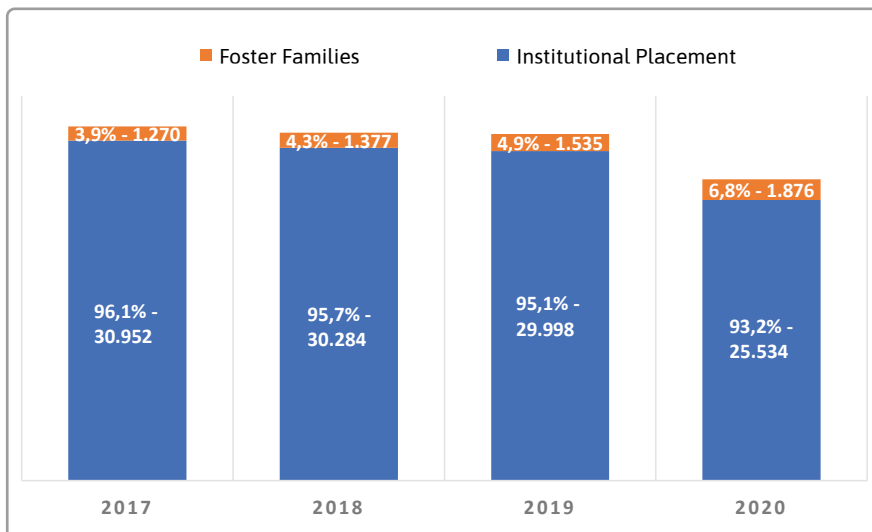
TEMPORARY FOSTER CARE FACILITIES OR SHELTERS



Temporary foster care services for children and adolescents are part of the Unified Social Assistance System (SUAS), are part of the Special Social Protection of High Complexity and are included in the National Social Assistance Policy.

Although the preference for foster families has been legally foreseen since 2009, the proportion of care in this modality is still very small. The growth trajectory has been timid but constant, however there is still strong predominance of institutional placement.

Foster children and adolescents (2017-2020)



Source: authors, with data from the SUAS Census.

November 2021



27,619 children and adolescents in institutional placement = **94.9%**



1,465 in foster families = **5%**

Source: online panel of the National Adoption and Reception System (SNA).

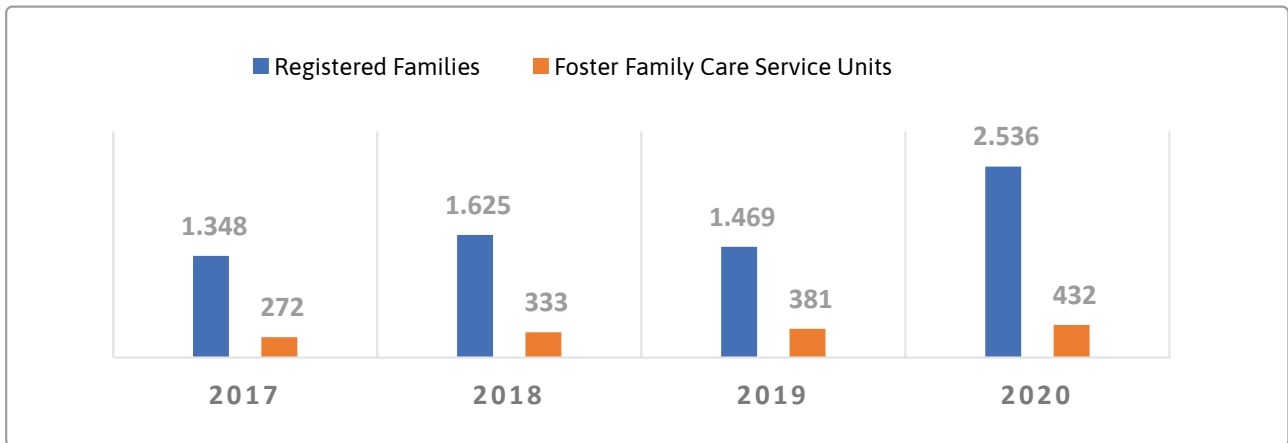
There was an increase in the number of Foster Family Service (SAF) units and registered families, especially in 2020.

HOWEVER

Growth was not equally reflected in the number of children and adolescents attended by this modality.

Indicates the need to make judicial authorities more aware of the SAF.

Registered families and foster family care units (2017-2020)



Source: authors, with data from the SUAS Census.

National Plan for the Promotion, Protection and Defence of the Rights of Children and Adolescents to Family and Community Life (PNCFC), 2006

An important framework for temporary sheltering policies

Guided several institutional changes



ADEQUATE HOUSING

(More than 5 years experiencing homelessness, abusive use of alcohol and other drugs and experiencing mental disorders)

Housing First Programme

Established by Ordinance No. 2.927/2021

(National Secretariat for Global Protection of the Ministry of Women, Family and Human Rights)

Aims at providing immediate access for people experiencing chronic homelessness to a safe, individual housing dispersed in the territory of the municipality and integrated into the community.

→ The beneficiary is accompanied by a team of professionals from different areas, so they can receive support and required assistance to remain in their new home.

→ Pilot projects: Curitiba (PR), Porto Alegre (RS) and Fortaleza³ (CE).

→ There is little information available about the programme, as well as the non-identification of legislative initiatives or from the Executive Branch related to the implementation of the right to adequate housing for people experiencing homelessness.



Number of people experiencing homelessness

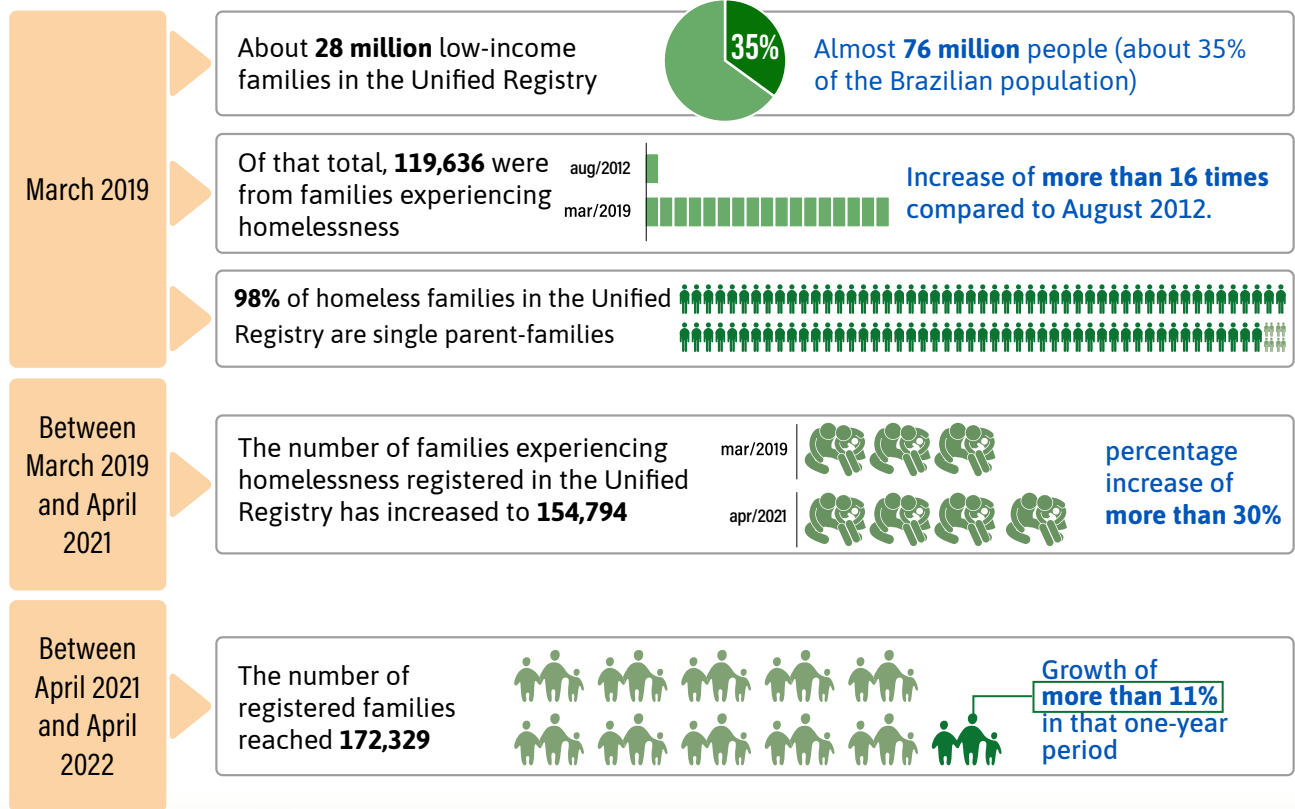
Between 2017 and 2020: an increase of 41% compared to estimates from 2015

→ The increase is most likely strongly related to the economic crisis and unemployment, a scenario that has worsened due to the covid-19 pandemic.

³ Information obtained by the Budget and Financial Inspection Consultancy of the House of Representatives (Conof) affirm that a development agreement was also signed with the municipality of Fortaleza-CE for the implementation of an adapted model of housing first programme, aimed at assisting the population experiencing homelessness.

REDUCING POVERTY AND INEQUALITY AND PROMOTING HUMAN RIGHTS

POPULATION EXPERIENCING HOMELESSNESS IN THE UNIFIED REGISTRY FOR SOCIAL PROGRAMMES⁴



- almost 70% live in the Southeast region;
- 89% are men;
- 87% sleep on the street or in shelters;
- 67% are of African descent;
- main reasons for experiencing homelessness: family problems (27%), unemployment (23%), problems with alcohol or other drugs (19%), loss of housing (13%).

⁴ Data presented by the Secretariat of Management and Evaluation (Sagi) of the Ministry of Citizenship.



Bolsa Família Programme

(between 2012 and 2019)

Homeless families benefiting from the programme grew almost **20 times**



More than 4,789 families in August 2012 to **93,092** families in April 2019

Auxílio Brasil Programme

132,924 homeless families enrolled



Increase of **29.7%** compared to April 2019 (at the time, the equivalent programme was Bolsa Família)

Continuous Cash Benefit (BPC)

7,000 homeless beneficiaries

Auxílio Emergencial (Emergency Aid)

It was not possible to identify the number of beneficiaries experiencing homelessness.

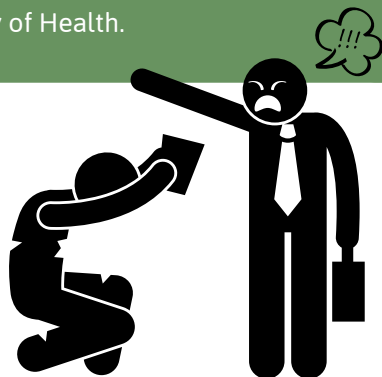
We can observe that both the BPC and the Bolsa Família have limitations for assisting the population experiencing homelessness, as they were not originally created for this public, which points out the need for future reflections on the design of an income transfer programme more adherent to the reality of those experiencing homelessness.



DISCRIMINATION AND VIOLENCE AGAINST VULNERABLE GROUPS

"Epidemiological Bulletin on the homeless population and violence: an analysis of notifications from Brazil from 2015 to 2017 – volume 50", publication prepared by the Secretariat of Health Surveillance of the Ministry of Health.

Between 2015 and 2017
17,386 records of violence with the main motivation being the condition of the person experiencing homelessness.
 Most of the victims were female.



Number and percentage of allegations of human rights violations against people experiencing homelessness (Dial 100)⁵

	2017	2018	2019
Total Complaints	142,665	137,869	159,063
Complaints or Grievances from people experiencing homelessness	996 0.70%	889 0.60%	899 0.56%

⁵ "Dial 100" Data

Most recurrent violations against people experiencing homelessness

Types of violations	2017	2018	2019
Neglect	62.74%	54.19%	In 2019, there was a methodological change in the way data was presented, as the population experiencing homelessness began to be analysed within the item "other vulnerable groups". Data was not presented as in the previous 2017 and 2018 publications, neither were the segmentations contained in the tables above or the occurrence percentage of each type of violation.
Psychological violence	11.46%	14.73%	
Physical violence	9.11%	9.34%	
Institutional Violence	8.87%	12.96%	
Discrimination	0.86%	1.61%	
Other violations	6.91%	7.17%	

Street Clinic Strategy, instituted by the National Primary Care Policy in 2011

It aims to expand the access of the population experiencing homelessness to health services

Individual treatments – Clinics on the Streets

2017	2018	2019	2020	2021
19,591	92,485	56,617	12,276	49,832



LEARN MORE

[Full report – Rights of the Population Experiencing Homelessness](#)

- [Public Hearing held on 6/22/2022](#)
- [Report on the hearing](#)
- [Parliamentary Observatory of the Universal Periodic Review](#)