



## No Forwarding Address

### Violating the rights of the homeless in Israel: Status report and proposed new policies

Position paper prepared by the Association for Civil Rights in Israel and the Law and Welfare Clinic of Tel-Aviv University<sup>1</sup>. May 2009

#### Executive Summary

While we are sleeping in our warm beds tonight, many people in Israel – men and women, single people and families, youth and the elderly – will not have a proper bed of their own. Some will be sleeping in parks, streets, construction sites or bomb shelters; some in one-night hostels or shelters for the homeless. Some will find temporary refuge with acquaintances or spend the night at their place of work, not knowing what tomorrow will bring. And some will sleep in places unfit for human habitation. This position paper examines Israel's current policies for the homeless, policies with serious oversights that have led to violations of the human rights of the homeless in Israel.

**Homelessness** is a dynamic, usually temporary, phenomenon that is affected by many factors. The term "homelessness" describes a broad range of circumstances that must be addressed together – from living in conditions unfit for human habitation, unsafe or temporary housing, hostels for the homeless or other institutional settings, to sleeping rough on the streets. A variety of factors increases the risk that an individual will become homeless: structural factors such as an economic crisis or the shortage of affordable housing; high-risk events such as a family crisis or de-institutionalization; and membership in groups-at-risk such as youth without family support, immigrants, or those addicted to psychoactive substances. Sound policies must take this range of circumstances into consideration and address the social and housing aspects of all these situations.

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## **Definitions and Comprehensive Policymaking**

Israeli policies do not cover the range of situations, but are limited to “street dwellers” – the small group of homeless who live on the streets in harsh conditions, provided that they also suffer from specific individual problems such as neglect or mental dissociation. These cases are handled by the Ministry of Welfare as well as the municipal departments that deal with street dwellers in accordance with Social Work Directives. Other homeless people must turn to the Ministry of Housing for help, although this ministry has no policies for assisting the homeless. The Housing Ministry offers housing solutions to those who meet the eligibility criteria, which generally do not address the reality or needs of the homeless. Coordination is also inadequate among authorities whose work is relevant for addressing the distress of the homeless.

- The division of labor between the Ministry of Welfare and the Ministry of Housing is artificial. The needs of the homeless should be consolidated into one ministry that has a clear mandate for formulating policy, sufficient funding, and the tools to enforce its policies; in the absence of one central body, the homeless in Israel will continue to fall between the cracks.
- The Ministry of Housing, not the Welfare Ministry, must be responsible for providing comprehensive assistance – from housing to social support – for all the homeless.
- An inter-ministerial body should be established under the authority of the Ministry of Housing that will define a unified policy and coordinate among the multiple authorities.
- The expression “street dweller” must be replaced by a legal term that captures the reality of the population of “homeless”. This term must reflect the range of circumstances so that those included will be able to access support and realize their rights in the framework of this policy. We propose adoption of the definition used by FEANTSA, a European umbrella group for hundreds of organizations that assist the homeless. This policy must be anchored in law.

## **Prevention**

Israel currently has no policy designed to prevent individuals from slipping into homelessness, and government assistance begins only after someone falls into that grim reality. Indeed, the Ministry of Housing conditions assistance on an individual sleeping rough for at least thirty days. This approach significantly lags behind other developed countries, which operate on the principle that prevention is not only a sound policy but also a more economical one.

- Prevention must become the national policy of bodies directly responsible for homelessness, with the goal of reducing the number of homeless people.

## **Data Collection**

Israel has made no effort to assess the number of homeless people and their profiles, which thwarts good policymaking. Data collected by the Ministry of Welfare are partial and relate only to the group defined as “street dwellers” – those who, in addition to sleeping rough, also suffer from mental disorders. The Ministry counts 3,000 street dwellers in Israel, but this excludes the homeless who do not meet this definition.

- The Central Bureau of Statistics must conduct a comprehensive survey and profile the entire population of homeless.

## **Hostels and Emergency Accommodation**

No law in Israel mandates the establishment of hostels, and the only relevant regulations are the Social Work Directives. However, these Directives are not applied, and the Ministry of Welfare claims it is unable to enforce them. Only fourteen municipalities provide some form of accommodation. For homeless couples or families with children who need time to reorganize their lives, no hostel or emergency accommodation is available.

- Full enforcement powers must be given to the authorities to take action against uncooperative municipalities that refuse to establish and operate hostels or shelters.
- While the aspiration must be that hostel stays and emergency accommodations be as brief as possible and not replace permanent housing, homeless people should not be denied their right to a roof over their heads. In the absence of more permanent arrangements, their stay in a hostel should not be curtailed.

- Access to a hostel should not be contingent upon cooperation or agreement to enter a rehabilitation program of any kind. A night hostel is not a treatment tool, but response to a fundamental right of every human being in need of this support.
- The authorities must ensure that the hostels admit all groups of homeless, and not exclude any. An individual must not suffer discrimination in admission to a hostel.

### **Long-Term Housing Solutions**

The permanent solutions currently offered by the Ministry of Housing do not meet the needs of the homeless. The eligibility criteria for public housing or rent subsidies are stringent and not applicable to the lives of the homeless. Some do not meet the Ministry of Housing criteria for assistance; others who meet the criteria often have an extended wait until receipt of an eligibility certificate; and no special framework exists for homeless people who need immediate solutions. Those who are eligible do not always manage to realize their rights because the assistance is partial and low.

- Long-term housing solutions must be designed for the homeless. One cannot rely on the general assistance given by the Ministry of Housing.
- The assistance must be multi-systemic and address the range of needs of the homeless. Financial help for housing is not enough. Eligible persons must be supported throughout the process and helped to overcome obstacles until the assistance comes through. To this end, social workers should be integrated into the process.

### **Housing First**

The dominant approach in Israel is for transitional homes – hostels or satellite housing – which are expected to prepare the homeless for independent living. The problem, however, is that progress toward an independent home is made conditional upon the behavior of the homeless person. In our view, a housing solution should not be considered a prize for cooperative behavior, just as the denial of housing should not be a sanction for being uncooperative. In general, temporary housing solutions such as hostels are also problematic as they afford the tenants no rights and constrain their freedom. Breaking certain rules of behavior could lead to immediate expulsion from the hostel, without any protection. A hostel is not a substitute for suitable housing.

- The use of transitional housing should be reconsidered. Living in a hostel does not necessarily strengthen life management skills, and sometimes even distances the tenant from a permanent housing solution because of the stigma associated with being in a hostel for an extended period.
- Housing First, a model that has been successful in other countries, should be considered for Israel. This social-oriented policy seeks to ensure that a “normative” permanent housing solution is put into place as quickly as possible. After the homeless person has accommodation, he or she is eligible for ongoing counseling and social assistance, exactly as they would have received in transitional housing, and the counseling is intended to assist them in coping with the routine of living independently and overcoming obstacles.

### **Forced Eviction**

Homeless people who reject solutions offered to them evoke hard feelings among welfare workers and policymakers; especially when their living conditions endanger their health. The authorities are under public pressure to “do something” about the homeless, both by those who wish to do good and those who view the homeless as a blight that must be eliminated. As a result, legislation is periodically tabled that would force the homeless into hostels, hospitals, or psychiatric wards. We are of the view that, in general, the compulsory evacuation of the homeless is neither moral nor legal, and certainly not good policy.

- Legislative initiatives that seek to constrain the freedom of the homeless and enable their forced removal from the street – even when they do not endanger themselves or others – should be removed from the agenda.
- The main avenue for providing incentives to the homeless to enter hostels and receive medical care is to significantly improve the system of emergency housing solutions, and improve access to medical services.