

NATIONAL LAW CENTER ON HOMELESSNESS & POVERTY

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U.N. Human Rights Committee Calls U.S. Criminalization of Homelessness “Cruel, Inhuman, and Degrading”

Call Follows Death of Homeless Veteran, in Jail for Seeking Shelter from Cold

The U.N. [Human Rights Committee](#) in Geneva today condemned the criminalization of homelessness in the United States as “cruel, inhuman and degrading treatment” that violates international human rights treaty obligations, and called upon the U.S. government to take corrective action.

The Committee’s statement is part of its [Concluding Observations](#), following a two day review of U.S. government compliance with the [International Covenant on Civil and Political Rights](#), a treaty ratified in 1992.

The [National Law Center on Homelessness & Poverty](#) (“NLCHP”), which had submitted a [report](#) to the Committee as part of the review process, applauded the Committee’s findings.

“Criminally punishing people simply for having no legal place to be is cruel, inhuman and degrading treatment to which homeless people across the country are subjected every day,” said Maria Foscarinis, NLCHP Executive Director. The organization regularly issues reports on the criminalization of homelessness and litigates to challenge the practice. “We welcome the Committee’s Concluding Observations and call on our government to take swift action to solve homelessness with homes, not jails and prisons.”

NLCHP noted that the Committee’s Observations follows last week’s reports of the death of Jerome Murdough, a homeless veteran, in an overheated prison cell, following his arrest for trespassing after seeking shelter in an enclosed stairwell of a New York City public housing building during a week of sub-freezing temperatures.

“Jerome Murdough never should have been in jail in the first place,” said Eric Tars, Director of Human Rights and Children’s Rights Programs at NLCHP. “Despite the recession, our country is still the wealthiest country in the world, and we have the resources to ensure that everyone has a safe place to live. Criminalization is a barbaric approach to homelessness that should be rejected.”

“I’m just simply baffled by the idea that people can be without shelter in a country, and then be treated as criminals for being without shelter,” said Sir Nigel Rodley, Chairperson of the Human Rights Committee, in [his closing statement on the U.S. review](#). “The idea of criminalizing people who don’t have shelter is something that I think many of my colleagues might find as difficult as I do to even begin to comprehend.”

The Committee’s Concluding Observations welcomed the positive steps taken by federal and some state and local authorities to address criminalization as a human rights violation, but noted concern that the practice is still [routine](#). It called on the U.S. to “engage with state and local authorities to: (a) abolish criminalization of homelessness laws and policies at state and local levels; (b) ensure close cooperation between all relevant stakeholders including social, health, law enforcement and justice professionals at all levels to intensify efforts to find solutions for the homeless in accordance with human rights standards; and (c) offer incentives for decriminalization and implementation of such solutions, including by providing continued financial support to local authorities implementing alternatives to criminalization and withdrawing funding for local authorities criminalizing the homeless.”

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The National Law Center on Homelessness and Poverty is a leader in the movement to prevent and end homelessness. To achieve its goal, the Law Center uses three main strategies: policy advocacy, public education, and impact litigation.