

US-UPR Side Event, “Human Rights Under Authoritarianism: Testimonies and Analyses from the United States”

Siya Hegde | 11/6/25

Palais Des Nations, United Nations Headquarters (Geneva, Switzerland)

Sub-topic: Criminalization of Homelessness & Poverty in the U.S.

Good afternoon, your excellencies and distinguished guests. What a privilege it is to share this moment at the United Nations as our civil society movement grapples with restless political times and the U.S. government’s apparent UPR abstention. My name is Siya Hegde, and I’m a lawyer with the National Homelessness Law Center, where my colleagues and I partner in the movement to decriminalize homelessness in America through law and policy strategic perspectives. As I’m here today to address the U.S.’s housing insecurity and the paired criminalization crises of homelessness and poverty, I also speak from the perspective of a human rights movement advocate and a former public defender in New York City.

The State’s criminalization of homelessness is nothing new in the story of our country. It dates back to the U.S.’ founding on the pretextual, colonial legacies of tribal land dispossession, the federal acquisition of over 2B land acres from native, Indigenous nations, and the coercive migration of those peoples from their communities. Presently, Indigenous people in the U.S. have lost nearly 99% of their ancestral land. Concurrent with this history of tribal removal policies is the trafficking and exploitation of Black bodies shipped to the U.S. through the transatlantic slave trade in the 17th and 18th centuries. What remains today is a government system that prioritizes profit over people, subjugating other vulnerable groups like these to a white supremacist, exclusionary housing policy legacy.

The structural root causes of the U.S.’s homelessness epidemic are the lack of affordable housing, stagnant wages, economic and intergenerational debt, natural disasters, forced displacement, family separation, criminal and other legal system involvement, and entrenched systemic racism. Criminalization measures have increasingly become a frontline billionaire-backed political response to homelessness prevention, with criminal legal system resources strategically employed nationwide to disappear individuals that the State deems unworthy of society’s redress and compassion. A right-wing ‘think tank’, the Cicero Institute, has drafted state-level template legislation banning acts of sleeping, camping, and long-term shelter stays on state and local lands. It further penalizes communities refusing to enforce the ban by redirecting housing funds for mass encampment roundups and police-led outreach teams. At least 4 states—Missouri, Tennessee, Texas, and Florida—have passed their own versions of Cicero legislation.

In this past UPR cycle, we have seen a troubling divestment of federal funding for permanent supportive housing—one of several evidence-based solutions to homelessness designed for unhoused individuals with disabilities. In its place, the reality

has been the coercive round-up of unhoused people into jails and psychiatric hospitals by use of discretionary and highly variable standards that leverage the power of law enforcement agencies in making indeterminate decisions.

So called ‘civil’ systems of involuntary commitment are in fact proxies of criminalization, utilizing excessive use of force and arbitrary detention tactics under the guise of addressing public health and safety concerns. We made this argument before the Human Rights Committee during the 2023 ICCPR treaty body review. This same ‘crime and disorder’ language undergirded the Trump administration’s July 2025 Executive Order, conflating the causes and conditions of homelessness and relegating the authority to state, local, municipal agencies to implement flexible and arbitrary civil commitment standards—in doing so, the Order establishes an inference that unhoused people with mental health issues are risks to themselves or the public. Additionally, while the Order lacks its own legally binding authority, it sends a green light to local governments to crackdown on encampment sweeps through local legislation. For civil society and other organizations working to provide resources to stop these sweeps from continuing, the Order implicates a potential funding cut to their services and operations. In short, the Executive Order is a wholesale attack on unhoused individuals across the country, in turn undermining the rights of people with disabilities, people exiting from carceral institutions, migrants, and unsheltered homeless people with no safe and humane alternative option made available to them.

In the absence of sound federal executive oversight, we have also seen a consequential regression of judicial authority toward these same vulnerable communities criminalized by homelessness and poverty. In the 2024 case of *Grants Pass v. Johnson*, SCOTUS deemed the issuance of civil or criminal penalties against individuals sleeping or camping outside as constitutional. While the decision interpreted the U.S. constitutional prohibition on cruel and unusual punishment through a narrow, obsolete perspective frozen in time at the time of America’s founding, it has deeply impacted scores of unsheltered people across the country. Shortly after the decision, the city of Grants Pass, Oregon had about 100 of its unhoused residents forced into an open field surrounded by barbed wire, deprived of water, sufficient sanitation, emergency non-congregate shelter facilities and cooling centers.

Over 320 criminalization policies have proliferated past the one-year anniversary of the fateful court ruling. Washington, D.C., has been under a militarized occupation – members of the federal national guard have torn down homeless encampments in response to a so-called “crime emergency” unsupported by data and without providing for new housing or shelter resources. National guard have been deployed to other major cities run by the president's political opponents including Los Angeles and Chicago under the same false pretenses of “law and order”.

The disparate impacts have most directly affected racial minorities, Indigenous communities, LGBTQ+ communities, and other marginalized populations on the basis of migration status, disability, and incarceration.

Meanwhile, the U.S. is experiencing a mass eviction crisis affecting millions of renter households, with some jurisdictions like New York State reporting nearly 900,000 eviction court filings since the COVID-19 pandemic. While the vast majority of eviction cases are predicated on a tenant's inability to afford rent, there are glaring intersections in the ways that substandard housing triggers constructive evictions and risks additional contact with other legal systems, such as the family policing system and loss of federal housing subsidies. More state and local jurisdictions are passing civil right to counsel laws, establishing infrastructures where due process is afforded to tenants at risk of displacement (though a right that requires full funding to achieve the breadth of its potential).

Finally, we find grave concern over the federal administration's cuts and changes in essential services and public benefits, further entrenching housing insecure populations in the criminalization of poverty. In late May of this year, the Trump administration presented an alarming and unprecedented budget proposal, foreseeing a 44% cut to federal Housing and Urban Development programs, including a 43% cut to rental assistance programs most directly impacting rent burdened renter households. In July, the mandates of the Special Rapporteurs on adequate housing and on extreme poverty and human rights published a powerful letter to the U.S. government reiterating these challenges. To date, the U.S. government has issued no response.

Fast forward to the present and we find ourselves on the 37th day of a federal government shutdown, with food banks and nonprofits nationwide scrambling to support the 42M people, including 16M children, whose food assistance was cut as of November 1st. We are truly in the midst of an economic and public health crisis in the U.S., with no contingency plan in place to ensure the full replenishment of these entitlements.

Despite the Trump administration's offensive non-cooperation with the UPR, the UN Human Rights Council must promote and ensure the UPR's equal treatment principle to signal that no State—not even the United States of America—is above the process it was designed to achieve. Should the U.S. move ahead without impunity, its flagrant human rights record on domestic soil—including the criminalization of millions living in poverty and housing insecurity—is at risk of intensifying. Accordingly, I join my colleagues in urging this Council's condemnation of the U.S.'s boycott such that it does not evade accountability on the global or domestic stage.

Thank you.