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# MEAN STREETS

A REPORT ON THE CRIMINALISATION  
OF HOMELESSNESS IN EUROPE

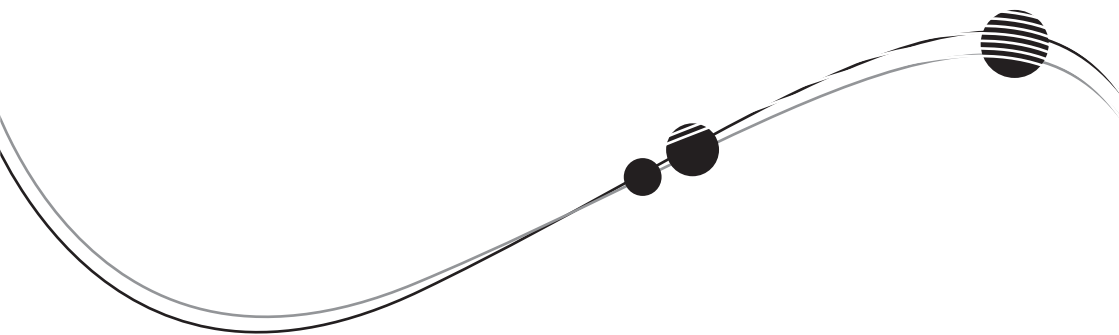
POVERTY IS NOT A CRIME. IT'S A SCANDAL.



POLITICAL MEASURES  
CHAPTER IX

Homeless People  
at the Barcelona Airport

A Model of Inter-Administration  
Coordination



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## MOTIVES FOR THE ACTION HISTORICAL EVOLUTION

For every person working for homeless people in train or bus stations, or even in airport terminals, it is a well-known fact that these places attract many people who find themselves homeless, who are socially excluded, and who use these spaces as a home. They do so for a variety of reasons: these places provide them with security in the broadest sense of the term, including not only a roof but also safety against aggression; these are also intermediate resting points in the long way that homeless people often have to travel. It is precisely in this widest sense of protection that airports can provide attention and security to extremely vulnerable people; these places are apart from the dynamics of cities and towns and come to shelter the most defenceless individuals.

As for the Barcelona Airport, it satisfies all these protection conditions: a roof, shelter from the winter cold and the summer heat, lavatories for hygiene, food provided by some stores, medical attention if needed, protection from aggressors (thanks to the security staff), etc. Over time, these conditions have developed into an unsustainable situation, both in terms of the increasing number of homeless people and in terms of the unfitness of living conditions. These facts have prompted the need for action to address this situation. It should not be forgotten that both the strategic role of the airport and “image” issues play an important role.

Barcelona Airport (13 km away from the centre of Barcelona, located in the municipality of El Prat), has long been used by homeless people who move there and live permanently on these premises, and it is now structural reality, like in many other international airports. With the opening of a new terminal (T1) and the economic crisis, this situation, identified more than ten years ago, has become worse. While ten years ago the daily average number of people living in the airport was 12, in the new context this average skyrocketed to around 96 in 2010 (57 people in T1 and 39 people in T2). AENA (Aeropuertos Españoles y Navegación Aérea, the agency in charge of the Barcelona Airport) and the Catalan police force (Mossos d'Esquadra) set up joint initiatives to refer some people to the El Prat municipal social services, as well as to offer flights to some of them to help them return to their hometown. Proposal for the night closure of both terminals was even considered.

The difficulties of resolving this problem led AENA to call attention to the complexity of the situation and to alert the Generalitat (Catalan regional government) of the need for an inter-institutional intervention that would involve different administrations

and departments, as well as the collaboration of the most specialised services for people in extreme exclusion.

So, in February 2011 a task force was formed to analyse the situation and to design an Action Plan. This task force, led by the ICASS (Catalan Institute for Social Services, an agency of the Catalan government), included AENA, the management of the Department of Quality of Life, *Sports and Equality*, of the Barcelona City Council, and the Directorate of Social Services of the El Prat City Council.

## STAGES OF THE INTERVENTION

The Action Plan was divided in three stages:

- *Stage 1: Social diagnosis.* This stage took place between 14 February and 8 March 2011. It consisted of a social diagnosis on the group of homeless people sleeping in the airport, which would later serve as a point of departure for a comprehensive intervention. This diagnosis was made by the Barcelona City Council's Equip de Gestió de Conflictes (Conflict Management Team), specialised in the management of conflict situations on the streets.
- *Stage 2. Comprehensive intervention.* The diagnosis set the guidelines for the subsequent intervention, which was designed in a second stage of the Action Plan. This second stage took place from 1 April 2011 to 13 August 2011, was divided in two parts and was implemented by a team of professionals specialised in interventions for homeless people. The team was supervised by the Barcelona City Council and the costs were defrayed by AENA and ICASS. As stated above, this stage had two parts:
  - The first part, the Emergency Plan, took place from 1 April to 30 June, and was aimed at working in groups on the problems of the 63 people identified as airport sleepers.
  - The second part, the Maintenance Plan, took place from 1 June to 13 August, and was aimed at tackling the dynamics that cause homeless people to settle in the airport.
- *Stage 3. Monitoring-Prevention.* Started in November 2011 and is ongoing. Given the good results of the first two stages of the Plan, an agreement has been reached to prolong this joint action at the airport in order to help homeless people living there, as well as to undertake actions to prevent the recurrence of the situation that emerged in early 2011. These actions are currently being undertaken by the SIS (Social Integration Service), a team specialised in interventions for homeless people, in the framework of the municipal plan of assistance to homeless people of the Barcelona City Council.

## CURRENT MODEL FOR ACTION FOR HOMELESS PEOPLE AT THE BARCELONA AIRPORT - RESULTS

During the first stage of action at the airport (social diagnosis), the team of educators of the Barcelona City Council's Equip de Gestió de Conflictes started to operate at

the airport in order to analyse the situation. In this process they took the following steps:

- Gathering information on the presence and evolution of homeless people at the airport and on the conflict generated.
- Contact with the terminal staff, including personnel devoted to commercial activities or operational tasks (maintenance, private security, local police, Catalan police, transportation, parking management, etc).
- Personalised contact with airport sleepers.
- Definition of the situation and proposals for action.

This task was executed in an intensive manner for one month, working around the clock from Monday to Friday. Sixty-three people were identified, fifty-four of whom were successfully contacted for information interviews (in turn, 20 of these 54 people had already been in touch with the Barcelona municipal social services). Twenty-six of the fifty-four people were located in Terminal 1 and 28 in Terminal 2. It was established that some of them travelled daily to Barcelona and came back to sleep at the airport in the evening; 20% had criminal records and all of them had committed acts of uncivil behaviour (e.g. using toilets for personal hygiene, sleeping on seats in the terminal during the day, accumulating of garbage, asking for food in shops, begging, alcohol consumption, petty robbery in shops, aggressive behaviour, et cetera).

It has been observed that people sleeping in Terminal 1 show a distinctive profile, and tend to be more fragile and vulnerable (with some cases of severe mental problems), while people installed in Terminal 2 have a profile more related to criminal dynamics. This situation may have its origins in the reduced presence of security forces (both private and public) in this terminal, because it is the lesser used of the terminals.

Following this diagnosis stage, the second stage of action began: a comprehensive intervention targeted at the problems identified. This second stage witnessed the creation of the Board of Technical Coordination, which two institutions were invited to join: the Consorci Sanitari (Health Consortium), to address situations of severe health problems, and the Catalan Department of Justice, in order to accelerate judicial proceedings if needed (primarily for people with disabilities). In addition to these institutions, the Board also includes technical staff from ICASS, AENA, Mossos d'Esquadra (airport detachment), El Prat City Council, and Barcelona City Council, as well as technical staff from the SEM (emergency medical services) and the Catalan government Directorate of Mental Health and Drug Abuse. A team of educators, specialised in interventions for homeless people, was hired to work under the supervision of the Barcelona City Council.

In this stage, a new set of rules and/or recommendations was enacted, governing the operation of the airport public spaces, and the airport was closed by night; only passengers with a flight ticket were allowed inside. At this point, the educators helped to disseminate this new protocol of rules both among airport sleepers and in airport shops and services.

Thanks to the presence of the specialised teams and to a higher presence of security personnel (as well as improved coordination with them), the number of people staying overnight in the airport has fallen steeply. Many of these people returned to their places of origin (upon receiving a free flight), while others received assistance from the social services of their respective municipalities. About fifteen people needed comprehensive assistance given the difficulties involved — they did not want to leave the premises and were clearly in a very vulnerable situation. In these cases, professionals with expertise in interventions for homeless people carried out essential coordination with the health agencies, the Generalitat social services, and the security forces.

The most complex cases received close attention from the Board, so that the different administrations involved could find a plausible solution. Consequently, elderly people, substance abusers, undocumented persons, etc. were helped and referred to municipal social services, either from Barcelona or from El Prat or any other town they claimed to have a connection with. By the end of July 2011, the most difficult cases had already been resolved (admission to hospital, admission into a facility for older people, return to his/her family, proceedings for official recognition of a disability, etc.) and there were virtually no people staying overnight in the airport. In mid-August, it was decided to put an end to this kind of intervention, to evaluate it and to study its possible continuation.

In the last stage (monitoring and prevention) in November 2011, given the good results of the policy, it was agreed to continue the coordinated intervention of the different actors involved. However, the intervention was given a new perspective, with an enhanced emphasis on monitoring and prevention, departing from the emergency approach that had characterised the two previous stages. In this fashion, it was agreed to delegate to the Barcelona Town Council (with their SIS team) the social work aspects for people that are known to stay overnight in the airport, and, thus, to manage the airport as a district of the city of Barcelona. All the actors involved agreed to stay in this project of airport monitoring and signed a collaboration agreement.

A team of two educators (who had already taken part in the previous stage of the project) was hired and integrated into the SIS Detecció team (a service specialised in helping homeless people living on the streets) and in the Municipal Support Programme for Homeless People. As compared to the previous stage, the main difference was in the intensity of intervention: these professionals work day and night, in shifts and with schedules allowing them to address any emergency, but not with a permanent presence at the airport.

The general work approach was the same: if a person who has settled in the airport has a connection with other localities, educators will try to rebuild that connection. The spaces of coordination with all the airport actors were maintained, while the educators become a reference point for the daily operating dynamics of the airport. During this stage, educators had an office in the airport.

In this new stage, the Board of Technical Coordination continued and now included social workers from the Barcelona Court (section in charge of disabilities), as well as the medical examiner from the El Prat Court. The rest of collaborators stayed in the project. The EMSE team from Baix Llobregat joined the interventions at the airport, in order to provide psychiatric care in the form of a mobile unit. This is a very relevant development, as it allows this team to intervene at the airport whenever there are psychiatric emergencies, and hence every resource can be activated as swiftly as possible.

From the start of the intervention by the SIS, 64 people received assistance, with a monthly average of 20 people, of whom approximately 10 people received continuous attention. About 50% of the people identified as airport sleepers were not installed on its premises, but were occasional users of the airport as a temporary shelter. As for the rest of people, 20% (12 individuals) had been referred to social services for homeless people, others to services for drug abusers, and others returned to their families or to their hometown. Mental health problems, alcohol consumption and other addictions mark the profiles that were hardest to tackle. We needed to evaluate the evolution of the profiles of homeless people located in the airport and the people receiving assistance, taking into consideration the time required to address the problems and the results obtained.

## **GOOD PRACTICES A MODEL TO FOLLOW**

The good results obtained -- thanks to the active involvement of all the agencies -- highlighted the value of positive attitudes and coordinated action, and also set an example. While this action did not eliminate the problem at hand, it allowed us to address, in an effective and efficient manner, the situation of particular individuals that find themselves in a situation of extreme exclusion, preventing their situation from becoming chronic due to lack of assistance. Inter-administration coordination in a specific and limited space, and with the purpose of resolving situations of need and social emergency, is not a new practice; indeed, this is a practice that, when applied to homeless people, is especially effective and successful from a technical standpoint. These experiences and their dissemination can help to extend this practice and to raise awareness, to help politicians, experts, citizens and excluded individuals themselves to consider the possibility of successful assistance approaches.



*That's justice, that's what street law is all about: Dignity.  
The Street Lawyer by John Grisham (1998)*

## GOOD PRACTICES - LEGAL STRATEGIES

*Juli Ponce (2009) makes an interesting reflection on “Law and Lobbying” where he tells us that regulatory changes to protect the human rights of homeless people should be adopted by public authorities that are democratically legitimate and empowered to do so.<sup>1</sup> Obviously, in a democratic society, keeping these matters on the public policy agenda will also depend on the pressure exerted by the citizens, whether individually or in groups, on their institutions. Also essential, is that the public and private organisations that are familiar with the problem of homelessness and are in a position to understand the needs and possible solutions, be assured the opportunity and responsibility of having their voices heard in formal and informal public decision-making processes. Organisations engaged in lobbying on these issues must have in-depth knowledge of the existing regulatory limits and the legal possibilities that can be developed. Thus, those homelessness organisations that are aware of the needs and have the essential legal know-how can play an important role. Of course, the role of Law does not end in the prevention of conflicts and the oversight of rights through the approval and amendment of legal rules.*

*Unfortunately, the fight for Law, in the words of the illustrious German jurist Caspar Rudolf von Ihering, sometimes means resorting to the last possible mechanism: legal guardianship. In order for legal guardianship to exist, someone has to ask for it. In other words, the control by courts of public (and sometimes private, for example in the case of discrimination or housing harassment) omissions and activities must be required by a person, or by a group on behalf of that person, who is procedurally empowered to appear before judges and courts and who has the resources (time, money) and the drive to do so. As a result, even if it is theoretically possible, claiming the human rights of homeless people before the courts is very difficult, given the personal circumstances of the homeless people involved, as well as those of the organisations that are trying to help. Homeless and other organisations shy away from taking legal action because of a lack of legal expertise or resources, or because of close ties to the government administration against which such claims are being made. While these reservations are understandable, the failure of public authorities to fulfil their legal obligations, for example, by failing to create appropriate policies to ensure access to rights, is in itself problematic. It is difficult to challenge laws or policies as violating human rights if governments have failed to enact them. It is important to speak out against these omissions, as well as actual laws that violate rights.*

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1. Ponce, J. (2009): “El Derecho a la Vivienda de las Personas sin Hogar y el Tercer Sector en España: Derecho y Lobbying”. In *¿Derecho a la vivienda? Milhistorias Magazine*. Fundación Rais.

*Therefore, the purpose of this chapter is to propose that the lack of legal know-how and/or resources can and should be overcome, through various alternatives. In this chapter we venture to present different experiences to show organisations that work with homeless people to see how they might incorporate or participate in the Human Rights Approach. This chapter examines the experiences of working with pro bono lawyers, consulting with university legal clinics, the existence of organisations specialising in the legal issues of homelessness or the sharing of legal services by various institutions. In addition, the effective networking between social institutions and ombuds-offices, and the experiences of social movements in empowering the homeless as persons entitled to human rights are worth noting. In conclusion, the Law allows homeless people to no longer be considered as a political or merely bureaucratic issue. These examples will show a practical reality that includes the Human Rights Approach in the fight against homelessness from a far broader perspective, as well as reflecting on the strategies of social institutions in the development of the subjective rights and public obligations, with the ultimate goal of expanding the concept of human dignity.*



# MEAN STREETS

A REPORT ON THE CRIMINALISATION  
OF HOMELESSNESS IN EUROPE

Criminalising and penalising homeless people for carrying out life-sustaining activities in public because there is no where to go is a problem across the EU. Policies and measures, be they at local, regional or national level, that impose criminal or administrative penalties on homeless people is counterproductive public policy and often violates human rights.

Housing Rights Watch and FEANTSA have published this report to draw attention to this issue. This report brings together articles from academics, activists, lawyers and NGOs on the topic of human rights and penalisation. Divided into three main sections, the report provides an important theoretical and historical background, before highlighting examples of penalisation across the EU, and finally suggesting measures and examples on how to redress this dangerous trend.

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