

Blake

vs

City Grants Pass

U.S Court of Appeals for the 9th Circuit

Amicus Brief

I. PUNISHING HOMELESSNESS VIOLATES FUNDAMENTAL HUMAN RIGHTS

A. International human rights standards are evidence of an evolving standard of decency crucial to interpreting violations of “cruel and unusual punishment” under the 8th Amendment in the U.S. Constitution.

B. Human rights bodies articulate a clear and consistent standard that punishing people experiencing homelessness for simply engaging in life-sustaining conduct constitutes “cruel, inhuman, and degrading treatment or punishment.”

C. The U.S. has itself acknowledged punishment of homelessness as a violation of human rights.

II. THE ROOT CAUSE OF THE CRIMINALIZATION AND PUNISHMENT OF HOMELESSNESS IS THE FAILURE TO RECOGNIZE THE RIGHT TO ADEQUATE HOUSING

A. International and regional human rights law recognize the right to adequate housing.

B. Homelessness is a prima facie violation of the right to adequate housing, as well as other rights. As the Special Rapporteur on adequate housing explained, “homelessness is an extreme violation of the rights to adequate housing and non-discrimination and often also a violation of the rights to life, to security of person, to health, to protection of the home and family and to freedom from [CIDT].”

C. The court in this case should order housing as a remedy.

