Stigma and Lack of Personal Dignity

Generally, there is a misunderstanding by the public about who is poor or homeless and the causes of poverty and homelessness. This creates a stigma that negatively impacts the poor and homeless. Stigma involves negative perceptions and social rejection of the stigmatized person. The UN Committee on Economic, Social and Cultural Rights has emphasized, “[A] person’s social and economic situation when living in poverty or being homeless may result in pervasive discrimination, stigmatization and negative stereotyping.”

Roughly half of Americans (51%) believe “lack of will” is one cause of poverty. Several studies have shown that Americans tend to attribute poverty and homelessness to individuals’ shortcomings. In surveys conducted in the 1970’s, between 80 and 90 percent of Americans surveyed believed that too many people receive welfare when they should be working. A national survey in the United States asked respondents to evaluate causes of poverty; the survey found that respondents placed more importance on poor people’s behavioral characteristics, such as lack of proper money management (59%), lack of effort (57%), lack of ability (54%), loose morals and drunkenness (50%), than on societal factors such as scarcity of jobs (29%) or poor schools (38%). Homeless people are often stigmatized more than other poor groups because “factors inherent in homelessness activate key dimensions that cause stigmatization.” Homelessness is often considered more disruptive than other forms of poverty because homeless individuals occupy public spaces and have an inability to groom and clean themselves regularly. Further, homelessness is linked to several other conditions that also carry a negative stigma including mental illness and substance abuse.

Research suggests that stigma varies along a set of dimensions. These include:

- Functionality (more functional persons are more acceptable)
- Aesthetics (visibly or socially acceptable appearance)
- Ability to socially interact
- Personal culpability (perception of person’s responsibility for their condition)
- Unpredictability and dangerousness
- The degree of contagion associated with various conditions

The implications of the stigma of poverty are prevalent. In communities facing significant poverty issues, there are increased tensions because of wealth disparity, profiling, decreased private contributions to nonprofit organizations, and lack of public support for tax-funded welfare programs.

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1 M. Deer & B. Gleeson, Urban Geography, Community Attitudes Towards the Homeless (1993)
Furthermore, organizations providing service for issues commonly associated with poverty, such as substance abuse or mental illness, lack significant support.

Over the years the ABA has taken policy positions and sponsored position papers focused on the various issues involved with this topic. These policies and positions are based on the knowledge and intellectual work product of lawyers who could be in a unique position to strengthen community-based efforts to address the stigma and lack of personal dignity associated with people experiencing homelessness and poverty. Lawyers can work shoulder-to-shoulder with stakeholders including community-based entities, providers/advocates, academic communities, foundations/funders, politicians, program users/beneficiaries, and the general public.

The ABA Commission on Homelessness & Poverty has compiled for informational purposes only – and without any intended endorsement – the following issues and potential strategies for consideration as each community develops its own unique local plan of action for eliminating the stigma and lack of personal dignity associated with people experiencing poverty and homelessness. The Commission is equipped to offer technical assistance in identifying and convening community stakeholders for roundtable discussion to develop strategic plans for local community action.

**ISSUE: NEGATIVE/INCORRECT PERCEPTIONS OF POVERTY AND HOMELESSNESS**

As noted in a study on the stigma of homelessness, “a stigma allows one to make negative judgments based on the title a person is given rather than on any actual behavior.” The title “homeless” is socially viewed as an imperfection, and the nature of stigma speaks to the human tendency of “imput[ing] a wide range of imperfections on the basis of the original one.” This stereotyping casts homeless persons in a negative social role, and limits their self-perception, as well as the way they are perceived by others. From 1999-2013, housed individuals perpetrated 1,437 acts of violence against homeless individuals, in 47 states, Puerto Rico, and the District of Columbia, resulting in 375 deaths, though many more may have gone unreported.

The ABA is collaborating with the Department of Veterans Affairs and the Department of Health and Human Services through its Office of Child Support Enforcement to resolve child support issues for Veterans who are homeless or at risk of being homeless. Outstanding child support obligations serve as barriers to benefits, employment, and housing. The Veterans Child Support Initiative addresses the child support issues of veterans in a manner that will allow the veteran to stay connected to ongoing rehabilitation and support services, while at the same time taking steps to meet their child support obligations. (See the ABA’s Commission on Homelessness and Poverty’s Homeless Veterans Justice Initiative).
STRATEGIES:

- Encourage collaboration among local governmental, business and community stakeholders to develop and implement programming that includes one or more of the following elements:
  - Allow formerly homeless individuals to serve as mentors and share their stories with individuals attempting to escape homelessness.
  - Raise public awareness within the community about those experiencing poverty and homelessness.
  - Have schools incorporate Service Learning Courses, where students perform public-spirited work, as a part of school curriculum. Studies show that even with limited contact, a significant number of service learning students came away from time with homeless individuals holding fewer stereotypes and expressing more nuanced perspectives of the causes and consequences of homelessness.
  - Use social media, op-eds, local programming to raise public awareness about the challenges faced by people who are homeless, low income, mentally ill, or with criminal records. Personalize the issue—tell the stories of the excluded.
  - Develop community-based initiatives that promote tolerance and anti-bias instruction, multicultural awareness training, hate crime/violence prevention education, and anti-bullying/harassment programs for children, parents, teachers, and school administrators.
  - Increase positive communication. Provide opportunities for engagement and interaction between various groups.

ISSUE: COLLATERAL CONSEQUENCES OF THE CRIMINAL JUSTICE SYSTEM

Employment, housing, educational and entitlement programs are all impacted by an arrest or conviction. Persons convicted of felonies are disenfranchised as well. Since 2011, city-wide bans on camping in public have increased by 60%; city-wide bans on begging in public have increased by 25%; city-wide bans on loitering, loafing, and vagrancy have increased by 35%; city-wide bans on sitting or lying down in particular public places have increased by 43%; and bans on sleeping in vehicles have increased by 119%. According to the National Law Center on Homelessness & Poverty, “Not only does criminalization fail to address the root causes of homelessness, but it is actually counterproductive – it saddles homeless individuals with criminal records, making it more difficult for them to secure or maintain employment, housing, and benefits; burdens the criminal justice system; and violates homeless individuals’ civil and human rights.” Both private landlords and public housing authorities frequently deny people with criminal convictions or even arrest records access to housing, which leaves 1 in 11 released prisoners homeless.
STRATEGIES:

- Encourage state and local court systems to consider alternatives to incarceration, such as counseling or restorative justice programs for individuals experiencing poverty and homelessness.

- Encourage collaboration among local community stakeholders to establish community accountability programs that seek to create mentorship initiatives.

- Encourage collaboration among local community stakeholders to establish a city sponsored “Homeless Outreach Team” composed of police officers, psychiatric clinicians, and mental health eligibility technicians.

- Encourage state and local court systems to consider providing self-help tools for individuals seeking to expunge criminal records.

- Encourage collaboration among local community stakeholders to establish local Reentry Legal Clinics that work to remove barriers to employment, housing and access to other public services for clients with a criminal record. Such a clinic, in partnership with volunteer attorneys, provides brief information and advice without any cost. Clinic cases may sometimes form the basis for class-wide advocacy as necessary to enforce anti-discrimination laws impacting previously incarcerated persons.

- Encourage collaboration among local community stakeholders to establish local community consensus to advocate for consideration of federal, state and local legislation that removes barriers to work that are based solely on prior criminal history and involvement with the criminal justice system. Examples of such innovative policies include so-called “Ban the Box” and “Fair Shot” legislation and ordinances that offer a potential worker the opportunity to be interviewed and explain prior criminal justice system involvement instead of facing automatic rejection. Such policies aim to reduce the stigma of incarceration and base employment decisions on applicants’ qualifications.

The ABA strongly supports the repeal of laws and policies that punish people who are homeless for living a non-criminal life or sustaining practices or acts in public places, such as eating, sitting, sleeping, or camping when no alternative private spaces are available. The decriminalization of homelessness can be successful if local bar associations work in cooperation with courts, lawmakers, law enforcement, advocates and service providers to revise laws and recognize the problems faced by individuals who are homeless. (SEE the ABA policy on Decriminalization of Homelessness-February 2007).
• Encourage collaboration among local community stakeholders to establish local community consensus to advocate for consideration of legislation similar to the Certificate of Restoration of Opportunities Act (“CROP”), which would remove barriers to occupational licenses for persons with a criminal history. If passed, the bill would allow a formerly incarcerated person to apply for a certificate showing that they had met the terms of their sentence. Once received, a licensing board could not deny an application based on criminal history alone.

• Encourage collaboration among local community stakeholders to establish local community consensus to advocate for consideration of a Youth Equality and Reintegration “YEAR” Act, which would abolish most of the court costs, fees and fines levied against juveniles, who, due to childhood mistakes, have little hope of paying upon their release.

• Advocate for local and state governments to decrease the amount of laws that criminalize homelessness. Encourage the adoption of a Homeless Bill of Rights.

• Encourage collaboration between local police departments and NGOs to develop training programs for police officers on how to approach calls differently—to calm people and refer them to programs and services.

ISSUE: LACK OF ACCESS TO MENTAL HEALTHCARE

Another issue that plagues those experiencing homelessness is that “many people with serious mental illness are challenged doubly. On one hand, they struggle with the symptoms and disabilities that result from the disease. On the other, they are challenged by the stereotypes and prejudice that result from misconceptions about mental illness. As a result of both, people with mental illness are robbed of the opportunities that define a quality life: good jobs, safe housing, satisfactory health care, and affiliation with a diverse group of people.”

STRATEGIES:

• Encourage local and state governments and NGOs to consider the creation of community-based mental health centers with a full continuum of services, to include case management, medication management, outpatient services, crisis services as well as various levels of residential facilities to address varying mental health care needs.

• Encourage local school boards and state governments to consider expanding school-based and home visiting mental health services.

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2 P. Corrigan & A. Watson, Understanding the Impact of Stigma on People with Mental Illness
• Encourage your local and state lawmakers to support increased funding for public mental health systems, so that individuals suffering from mental health issues do not become an undue burden on the system. See ABA Policy on Mental or Emotional Illness in Criminal Justice System.

• Encourage local and state governments and NGOs to consider improving access to clinical treatment and recovery support services for veterans and their family members.

ISSUE: STIGMA SURROUNDING STREET YOUTH

The U.S. Department of Education survey revealed that more than 1.3 million children and youth had been homeless at some point in the 2013-2014 school year, marking an increase of 3.4% from the prior academic year. Children who are homeless or in an unstable housing situation face frequent disruptions in education, which can negatively impact their development. Further, the disruption in education perpetuates the stereotype that homeless people are uneducated. Homeless children score lower than their housed peers on achievement tests and are less likely to be promoted to the next grade at the end of the school year.

STRATEGIES:

• Encourage local and state governments to provide alternatives to detention or incarceration for street youth engaged in the juvenile or criminal justice systems. See the community-based alternatives, from the Juvenile Justice Information Exchange.

• Encourage collaboration between local governmental, business and community stakeholders to create community programs that enhance mentorship of street youth, such as the Stand Up for Kids mentorship program.

• Encourage local school boards to consider whether “residency” requirements for school enrollment impose undue obstacles to those experiencing poverty or homelessness.

• Encourage local school boards to consider expanding public transportation services beyond just those residing in normal housing situations so children experiencing poverty or homelessness can get to and from school safely.

ISSUE: STIGMA CONCERNING UNDOCUMENTED STATUS

Undocumented persons can face a myriad of challenges including obtaining a decent job and housing, as well as hostility from the community based on bias and stereotyping.
STRATEGIES:

- Collaborate with all governmental, business and community stakeholders to develop a local community consensus on whether to support legislation addressing undocumented statuses.

- Provide noncitizens, who reside in the U.S. and have significant ties within their community, an opportunity to obtain lawful permanent citizenship for themselves and their family.

- Outreach programs to educate noncitizens on gaining citizenship or permanent residence status.

- Reform immigration laws and policies that negatively affect those experiencing poverty and homelessness.

- Allow those with significant ties to the United States the ability to remain in the United States and have an opportunity to acquire a permanent residence while they seek citizenship.

ABA POLICIES

The ABA House of Delegates establishes Association policy. This policy-making body is comprised of approximately 550 delegates who represent various groups within the ABA and the legal profession as a whole. ABA policy statements have successfully been used as the foundation for legislative advocacy campaigns on the federal, state and local levels with advocates highlighting the policy as the statement of the organized bar.

The Commission on Homelessness & Poverty has developed a comprehensive body of policy positions that have been approved by the ABA House of Delegates; these policy statements are available online here, and the Commission is equipped to provide free technical assistance to advocates. A searchable database of all policy resolutions adopted by the ABA may be accessed here.

- **Decriminalization of Homelessness** (February 2007) The American Bar Association opposes the enactment of, and supports the repeal of, laws and policies that punishes persons experiencing homelessness for carrying out non-criminal life-sustaining practices or acts in public spaces when no alternative private spaces are available.

- **Implementation of the Human Right to Adequate Housing** (August 2013) The American Bar Association urges governments to promote the human right to adequate housing for all through increased funding, development and implementation of affordable housing strategies and to prevent infringement of that right.
• **Mental or Emotional Illness in Criminal Justice System** (February 2004) The American Bar Association urges Congress to enact legislation that would address the complex problem presented by the large number of adults with mental illness and juveniles with mental or emotional disorders who come into contact with the criminal and juvenile justice systems. The ABA urges federal, state, local and territorial governments to: (1) increase funding for public mental health systems so that adults with mental illness and juveniles with mental or emotional disorders can obtain the support necessary to enable them to live independently in the community, and to avoid contact with the criminal and juvenile justice systems, and (2) improve their response to these adults and juveniles who come into contact with the criminal and juvenile justice systems by developing and promoting appropriate programs, policies and laws."

• **Employment of People with Convictions** (February 2007) Urges state agencies and licensing boards to develop and enforce policy on the employment of people with convictions, including the contractors and vendors who do business with the state. 07M103C

• **Opportunities for Youth in the Juvenile or Criminal Justice Systems** (February 2010) Urges federal, state, territorial and local governments to increase the opportunities of youth involved with the juvenile or criminal justice systems and to prevent the continuing discrimination against those who have been involved with these systems in the past by limiting the collateral consequences of juvenile arrests, adjudications, and convictions. 10M102A

• **Discrimination on the basis of Homeless Status** (August 1986) Support legislation to (1) prohibit discrimination on the basis of transient or homeless status; (2) address the need for emergency relief to individuals and families without permanent shelter; (3) encourage public and private initiatives to increase the supply of habitable low-cost housing in the United States; and (4) adopt public policies and programs that will contribute to the ability of homeless people to become productive citizens. 86A115