

Criminalising poverty: Vagrancy law and human rights in the Philippines. Legal legacies and the global struggle for social justice

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Abstract: This article examines the global phenomenon of criminalising poverty, with a focus on the Philippines and its enduring Mendicancy Law of 1978. Despite constitutional commitments to social justice, punitive frameworks continue to target homeless individuals, vagrants, and beggars – treating poverty as a public nuisance rather than a structural condition. The study traces the historical roots of English vagrancy laws, especially the 1824 Vagrancy Act, and explores their influence on former British colonies such as Bangladesh, Kenya, Pakistan, and Singapore, as well as the United States. These legal legacies perpetuate exclusion and undermine human dignity. In the Philippine context, the persistence of antimendicancy measures despite the 2012 decriminalisation of vagrancy reflects a fragmented policy landscape oscillating between welfare and control. Local government responses vary, with some enforcing anti-mendicancy measures under the guise of public order, while others pursue reintegration strategies. Methodologically, the article adopts a comparative legal-historical approach informed by critical postcolonial scholarship, tracing how colonial categories migrated into contemporary statutes and administrative practice. It evaluates these continuities against international human-rights standards, which condemn punitive responses to homelessness and poverty. The article argues that such approaches contradict international human-rights norms and the constitutional mandate for social justice. To deepen the analysis, the study draws on philosophical and theological foundations of justice, including classical and contemporary thinkers from religious and secular traditions. These perspectives illuminate the moral imperatives behind social justice and challenge the legitimacy of exclusionary legal regimes. The article

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concludes by advocating for rights-based frameworks that prioritise dignity, equality, and inclusion. Drawing on legal reforms and decisions from international tribunals, it calls for the dismantling of punitive legal legacies and the implementation of structural reforms that address the root causes of poverty. Only through such transformation can States fulfil their constitutional and international obligations and ensure justice for the poor.

Keywords: criminalisation of poverty; vagrancy law; mendicancy law (Philippines); homelessness and public space; legal legacies; colonial legal history; human rights and social justice; international human rights standards; social protection and inclusion

1. Introduction

While the adage “to be poor is divine” may offer spiritual comfort, poverty persists as a global crisis that is too often addressed with punishment rather than compassion. In many liberal democracies, institutions, including the judicial system, frequently exacerbate the burden by imposing fines and fees that criminalise poverty and deepen legal debt (Espinosa Azcarraga and Misra 2022; Pager et al. 2022). A striking example is the 2024 United States Supreme Court decision in *City of Grants Pass, Oregon v. Johnson*, which upheld the imposition of fines on a homeless individual for sleeping in a public space. The ruling dismissed arguments that such penalties violated constitutional protections against cruel and unusual punishment, thereby reinforcing a punitive approach to poverty. This decision raises a critical question: can liberal democracies genuinely claim to uphold social justice while systematically penalising the poor amid widening global inequality?

In the Philippines, the 1987 Constitution, born out of the People Power Revolution, enshrines the principle of social justice and mandates the protection of marginalised sectors (Philippines Constitution, Article XIII). The passage of national legislation in 2012 decriminalising vagrancy (Republic Act No. 10158 2012) marked a significant step towards aligning legal frameworks with these constitutional ideals. However, despite these legal safeguards and the country’s Christian-majority identity that emphasises compassion for the poor, it remains uncertain whether the Philippines truly serves as a bastion of justice for the economically disadvantaged.

Global inequality continues to deepen across multiple dimensions, including wealth, income, and access to opportunities, disproportionately impacting the economically disadvantaged (UN DESA 2016). When income is used as a measure of social imbalance, the disparity is striking: the richest 10 percent of the global population owns 76 percent of all

wealth and earns 52 percent of global income, while the poorest half owns just 2 percent of wealth and earns only 8 percent of income. Among the global regions, the Middle East and North Africa (MENA) stand out as the most unequal (Chancel et al. 2022). As of 2024, nearly 700 million people around the world lived in extreme poverty, surviving on less than \$2.15 per day (UN n.d.).

In the Philippines, approximately 10 percent of the population – around 2.99 million people – live below the poverty line. Regions such as Bicol (Region V), Zamboanga Peninsula (Region IX), and the Bangsamoro region consistently reported poverty rates above the national average (Resurreccion 2025). The face of poverty is unmistakable in the presence of homeless and idle individuals occupying public spaces. Homelessness, a complex global issue, varies widely in prevalence, from under 20 to over 300 per 100,000 people, due to inconsistent definitions and data collection methods across countries (Herre and Arriagada 2024).

The Philippines ranks highest in Southeast Asia, with 300 homeless individuals per 10,000 people (Sukoco 2025). Poverty incidence is particularly severe among Indigenous peoples, followed by fisherfolk and farmers, who remain among the most vulnerable sectors of society (PSA 2025). The higher poverty incidence outside the capital aligns with Mendoza et al. (2022), who argue that provinces further from Manila face greater poverty due to limited access to development opportunities concentrated in the capital.

Farrugia and Gerrard (2016) argue that homelessness is a persistent feature of capitalist societies, deeply rooted in historical and ongoing social, cultural, and economic conditions such as vagrancy, destitution, and institutional responses to poverty. Maesele et al. (2014) further emphasise that homelessness is not merely a matter of housing or welfare, but a complex issue shaped by both material and immaterial factors. In response to poverty, many countries implement punitive laws – such as bans on begging, vagrancy, informal labour, and camping in public spaces – that criminalise the survival strategies of homeless individuals. Although often framed as neutral measures to maintain public order or protect the environment, these laws disproportionately impact the homeless by penalising their lack of access to private spaces for meeting basic needs (UNGA 2024).

While existing literature has explored poverty and homelessness separately, this study uniquely examines how legal systems perpetuate poverty by criminalising survival strategies, particularly in postcolonial and democratic contexts. In the Philippines, despite the decriminalisation of vagrancy, the Mendicancy Law of 1978 remains in force, continuing to impose punitive measures on the poor and undermining efforts to adopt more humane, rights-based approaches. Advocates of a rights-based

approach to poverty reject such punitive measures, emphasising the need for policies grounded in human dignity and justice.

Moellendorf (2009) argues that global gaps in health, education, and income are not just economic problems; they are moral injustices caused by the current global system, which needs to be changed to create a fairer world. Echoing this perspective, the United Nations promotes a human rights-based approach to extreme poverty, viewed as a preventable, human-induced condition, by calling for accountability and the protection of rights such as equal legal access, justice, and adequate housing (UNOCHR 2012). Sepúlveda and Nyst (2012) further assert that States have legally binding domestic and international obligations to ensure human rights shape all aspects of public policy, including social protection programmes.

The question of whether a particular form of government is necessary to advance social justice remains deeply contested. Shapiro (1996) contends that democracy does not inherently guarantee social justice, noting its potential failure to ensure equitable wealth distribution, protect minority rights, and uphold equal opportunities. This concern is echoed in the Democracy Index 2024, which reports a global decline in democratic standards across 130 countries, with the average score dropping to 5.17, the lowest since 2006. Currently, only 45 percent of the world's population lives in a democracy, while 39 percent reside under authoritarian regimes, with civil liberties experiencing the sharpest deterioration. Although Nordic countries continue to rank highly, the overall decline underscores a critical reality: democratic governance alone is insufficient to secure social justice (Economist Intelligence 2025).

This study examines the criminalisation of poverty as a global phenomenon, wherein laws and judicial systems are frequently used to target homeless individuals, vagrants, beggars, and other marginalised groups based on their socio-economic status. The Philippine experience serves as a central case throughout the discussion. To understand the historical roots of this penal approach, the study explores the legacy of England's mediaeval vagrancy laws and their influence on former British colonies such as Bangladesh, Kenya, and Pakistan, as well as the United States. Although the Philippines was not a British colony, it is included in the analysis due to its adoption of United States-influenced vagrancy laws. By tracing these legal traditions and their modern applications, the study aims to critically assess how institutional frameworks, regardless of the regime type, can undermine the principles of human dignity and justice that global human rights instruments seek to uphold.

Building on this foundation, the article uses a comparative legal-historical approach shaped by postcolonial critique. It shows how colonial laws

and later national laws are connected, carried forward through borrowed legal texts, ongoing administrative practices, and institutional routines. The Philippine case is thus situated within a broader historical lineage of poor-law categories and assessed against international human-rights standards, particularly the Guiding Principles on Extreme Poverty and Human Rights and the reports of the UN Special Rapporteur.

By combining doctrinal comparison, archival tracing, and enforcement analysis, the study aims to show how colonial antecedents migrated into contemporary law and practice, and to evaluate the extent to which current enforcement aligns or fails to align with international obligations. To situate the Philippine Mendicancy Law within this broader global pattern, the following literature review traces the historical genealogy of poor laws and vagrancy statutes, showing how colonial categories migrated into contemporary legal systems and continue to shape punitive responses to poverty. This article adopts a postcolonial, Third World Approaches to International Law (TWAIL) perspective to foreground how colonial legal categories and global hierarchies shape contemporary mendicancy regimes and enforcement practices.

2. Review of related literature

This study is informed by TWAIL, which emphasises how colonial legal legacies and global power asymmetries continue to structure law, policy, and enforcement in formerly colonised States. TWAIL directs attention to the ways legal texts, administrative routines, and policing practices reproduce hierarchies between metropolitan and peripheral jurisdictions; it therefore shapes the comparative selection of Bangladesh, Kenya, Pakistan, Singapore, and the United States and the interpretive lens applied to Philippine statutes and municipal practice.

Historical studies of English vagrancy laws, particularly the 1824 Vagrancy Act, illuminate their enduring influence across former British colonies – including Bangladesh, Kenya, Pakistan, and Singapore – as well as the United States. These legal legacies provide the backdrop for understanding the persistence of punitive approaches in the Philippine context. The origins of these regimes can be traced to England's legislative responses to the Black Death of 1348, which decimated nearly half the population and produced severe labour shortages. In response, the state enacted the 1349 Ordinance of Labourers and the 1351 Statute of Labourers to stabilise wages and compel employment, effectively criminalising idleness and poverty (Roller 2021; Shipman 2014).

Although framed as reforms, these laws disproportionately targeted the poor and institutionalised punitive measures such as fines and imprisonment to enforce labour discipline (Bailey 2025). Over time, vagrancy statutes evolved as explicit tools of labour discipline and

moral regulation, culminating in the 1824 Act's broad criminalisation of behaviours deemed socially undesirable (Roberts 2023). Exported through colonial rule, these laws enabled authorities to police public space using vague criteria that conflated poverty with criminality (Open Society Foundations 2020).

This genealogy provides the foundation for examining the Philippine Mendicancy Law of 1978. Like its English predecessors, the Philippine framework reflects a punitive orientation that equates poverty with disorder and moral failure. Despite the 2012 passage of Republic Act No. 10158 decriminalising vagrancy, enforcement practices remain prone to abuse. In 2018, then President Duterte ordered the arrest of *tambays* (loiterers), resulting in nearly 3,000 arrests (Anonas-Carpio 2018). More recently, Department of the Interior and Local Government (DILG) Memorandum Circular No. 2024-037 instructed Local Government Units LGUs to continue suppressing vagrancy and mendicancy through ordinances grounded in the Local Government Code of 1991 (DILG 2024).

The enduring disparities in global wealth and resource distribution have long provoked critical inquiry among social justice advocates. Yet a fundamental question persists: what does social justice truly require in theory and practice? Despite its frequent invocation in political and academic discourse, social justice remains contested, lacking a universally accepted definition. Its modern interpretation is shaped by political philosophy and enriched by insights from disciplines such as sociology, psychology, law, and geography (Khechen 2013).

While definitions vary, scholars generally converge on the principle that social justice involves fair treatment and equitable distribution of resources and opportunities. Its roots run deep in religious traditions, particularly within Roman Catholic teaching, where it has held a prominent place since 1931 (Burke 2014). Building on classical theological insights, Pope Leo XIII's *Rerum Novarum* (1891) marked a pivotal moment in Catholic social teaching, championing workers' rights, fair wages, humane conditions, and protection from exploitation. Secular political philosophy has provided complementary tools: Locke emphasised fairness and equal access to resources, Marx framed justice as class struggle, Keynes warned that inequality undermines cohesion, and Rawls (1971) described social justice as the highest virtue of institutions. Later theorists, including Young (1990), expanded the discourse by shifting focus from distribution to dismantling institutionalised oppression.

The transferability of European welfare models remains contested. Einhorn and Logue (2010) argue that the Nordic model's success lies in democratic corporatism and evidence-based governance, while others highlight structural barriers in countries such as the United States, where federalism and entrenched property rights hinder reform (Alesina et al.

2001; Pope 2023). Okun (2015) notes that capitalist democracies often accept inequality as a trade-off for efficiency, complicating efforts to balance justice and growth. In Africa, attempts to replicate European systems face challenges including corruption and gender-based land inequality (World Economic Forum 2019).

Alternative models, such as those in Singapore and Switzerland, demonstrate that prosperity can be achieved through diverse institutional paths (Tiemer 2018). Yet critiques persist: Sabir et al. (2023) argue that welfare States often fall short in promoting fairness, while Nagel (2005) contends that global justice remains unattainable without a corresponding institutional framework. In sum, the evolution of welfare from England's Poor Laws to modern regimes reveals a persistent tension between inclusion and control. This legacy continues to shape debates in contexts where poverty is treated as a moral failing rather than a structural injustice (Gillin 1929; Ocobock 2008).

Empirical and monitoring literature on homelessness and mendicancy in the Philippines remains limited in scope but increasingly substantive in its documentation of enforcement practices and rights impacts. Commission on Human Rights monitoring reports and thematic statements provide the most authoritative public record of rights concerns arising from municipal "cleanup" operations, local ordinances, and police actions that affect homeless and beggar populations (OHCHR 2023).

Complementing these official sources, civil society and non-governmental organisation (NGO) studies combine field observation, incident logs, and case studies to reveal how enforcement practices operate on the ground and whom they affect. For example, coalition reports and NGO briefs document repeated instances in which local authorities have relied on relocation drives, temporary detention, or fines rather than durable housing or social protection, producing recurring patterns of displacement and rights violations (Joly Homes Foundation and Association Soeur Emmanuelle Philippines, Inc. 2023).

Sectoral studies further nuance these findings by highlighting the differentiated impacts of enforcement on women, children, and indigenous communities, and by tracing how municipal definitions of "vagrancy" shape who is targeted (UNANIMA/NYU Capstone 2019; Magumbol 2026). Where quantitative data exist, they are often municipal or projectbased rather than national in scope, which constrains generalisability but nonetheless provides crucial evidence of enforcement trends. Media and government communications – such as reports from the Philippine Information Agency and local council resolutions – offer contemporaneous accounts of policy rationales and official justifications for enforcement measures, illustrating the policylevel tensions between publicorder rhetoric and welfare claims (Philippine Information Agency 2023; Manila City Council 2024).

Taken together, these empirical sources reveal three consistent patterns relevant to this study. First, statutory decriminalisation (Republic Act No. 10158) has not uniformly translated into de facto protection at the municipal level; local ordinances and administrative directives continue to enable punitive responses (Commission on Human Rights 2024; DILG Memorandum Circular No. 2024-037). Second, social protection programmes such as the Pantawid Pamilyang Pilipino Programme (4Ps) coexist with coercive measures, producing a fragmented policy landscape that oscillates between welfare and control (Joly Homes Foundation and Association Soeur Emmanuelle Philippines, Inc. 2023). Third, empirical gaps persist, most notably the absence of a centralised, nationwide dataset on mendicancy enforcement, making systematic cross municipal comparison difficult (Magsumbol 2026). This article therefore uses available monitoring reports, municipal ordinances, and case law to bridge doctrinal analysis and enforcement practice, and it identifies where further empirical research is most urgently required.

3. Methodology

This study combines doctrinal legal analysis, historical genealogy, and comparative policy review. The primary corpus comprises Philippine statutes and administrative issuances (Presidential Decree No. 1563; Republic Act No. 10158), Department of the Interior and Local Government Memorandum Circular No. 2024037, relevant Supreme Court and lower-court jurisprudence (including *People v. Evangeline Siton and Krystel Kate Sagararo*), municipal ordinances, and enforcement directives from selected cities (Manila, Cebu, Iligan), and monitoring reports from the Commission on Human Rights and civil society organisations (e.g., Joly Homes Foundation and Association Soeur Emmanuelle Philippines, Inc. 2023). Secondary sources include historical scholarship on English poor laws and comparative studies from Bangladesh, Kenya, Pakistan, Singapore, and the United States.

TWAIL informed the comparative design and source selection: priority was given to jurisdictions and documents that reveal colonial continuities, postcolonial state practice, and asymmetrical legal transfers. This lens guided the choice of municipal ordinances, enforcement reports, and historical sources used to trace how poor-law categories migrated and persisted. Documents and cases were identified through systematic searches of legal databases (Supreme Court ELibrary; LexisNexis), the Commission on Human Rights reports archive, UN and OHCHR repositories, NGO archives, and Google Scholar using keywords such as “mendicancy”, “vagrancy”, “begging ordinance” and “cleanup operations”. Search coverage was legal and historical materials (January 1900–May 2026); enforcement and monitoring review (2010–2025). Selection criteria prioritised primary legal texts (statutes, ordinances), judicial decisions that interpret mendicancy provisions, and monitoring reports containing firsthand enforcement data.

Analytically, doctrinal reading identified statutory categories and judicial rationales; thematic coding of monitoring reports identified enforcement patterns; and comparative policy review used a structured matrix to map legal provisions against enforcement practices and human rights outcomes. Limitations include uneven municipal reporting and the absence of a centralised arrest database.

4. The institutionalisation of vagrancy and the policing of public space in Philippine history

Building on the global genealogy of poor laws and vagrancy statutes, the Philippine case demonstrates how colonial legacies and domestic policies converged to criminalise poverty. Although the Philippines was not a British colony, its legal system absorbed similar punitive frameworks through American colonial influence, situating the Philippine experience within the wider comparative analysis of colonial vagrancy regimes and the United States.

During Spanish rule, there was no formal vagrancy policy targeting native Filipinos. However, under United States occupation, Act No. 519 (1902) criminalised a broad range of behaviours associated with poverty, including loitering and prostitution (Mehl 2014). This punitive orientation was reinforced by the 1932 Revised Penal Code, which classified vagrancy as an offence against decency and good customs. The Marcos-era Mendicancy Law of 1978 (Presidential Decree No. 1563) further entrenched this approach, framing begging as a moral and legal offence rather than a symptom of systemic deprivation.

Despite the 1987 Constitution's emphasis on social justice, the omission of socio-economic rights from the Bill of Rights reveals a structural ambivalence towards poverty as a rights issue (Chopra 2021). This contradiction was evident in the Supreme Court's ruling in *People v. Evangeline Siton and Krystel Kate Sagararo*, which upheld the constitutionality of vagrancy laws by invoking the need to "protect the streets" from the "scourge of humanity." Such judicial language underscores how legal discourse dehumanises the poor and legitimises their exclusion from public space.

The 2012 passage of Republic Act No. 10158 marked a partial shift by decriminalising vagrancy. Yet, the continued enforcement of the Mendicancy Law and recent directives such as Department of the Interior and Local Government Memorandum Circular No. 2024-037 reveal the persistence of punitive governance. While national social protection programmes – such as the Pantawid Pamilyang Pilipino Programme (4Ps) and Oplan Pag-Abot (PTNI 2025) – offer welfare pathways, their coexistence with penal measures reflects a fragmented policy landscape oscillating between welfare and control.

Local government responses further illustrate this tension. In Iligan and Cebu, strict enforcement of anti-mendicancy laws has been justified by concerns over public order and alleged misuse of aid (Philippine Information Agency 2023; Politiko 2025; Esteban 2025). By contrast, Manila has emphasised inter-agency collaboration and reintegration strategies through Resolution No. 124 (Manila City Council 2024). These divergent approaches highlight the absence of a unified, rights-based strategy and the enduring influence of moralistic narratives that frame poverty as deviance. The Philippine Commission on Human Rights has rightly criticised the penalisation of begging as a violation of constitutional guarantees of dignity and human rights.

Taken together, the persistence of these laws suggests that poverty continues to be governed through exclusion rather than inclusion. The institutionalisation of vagrancy in Philippine legal history exemplifies how colonial legacies, moral judgements, and fragmented welfare policies converge to criminalise the poor and police public space, undermining the very ideals of social justice enshrined in the Constitution. This Philippine trajectory demonstrates how punitive traditions endure despite constitutional commitments to social justice, and it provides a crucial comparative lens for examining similar legacies across Bangladesh, Kenya, Pakistan, Singapore, and the United States.

5. The enduring legacy of colonial vagrancy laws across former British territories and the United States

Colonial-era vagrancy laws in former British territories and the United States reveal a global pattern of exclusion, criminalising poverty under the guise of public order. Originally designed to control labour and suppress disorder, these laws have endured in postcolonial legal systems, often repurposed to manage urbanisation, homelessness, and informal economies. This section examines how these legacies manifest in Bangladesh, Kenya, Pakistan, Singapore, and the United States, revealing both commonalities and divergences in their evolution and reform.

Bangladesh. Bangladesh hosts one of Asia's largest populations of beggars, with an estimated 700,000 nationwide and about 40,000 in Dhaka alone (BSS News 2024). Begging often functions as an informal labour system, with associations (*samiti*) organising activities, while extreme poverty and trafficking push many children into this practice (Jackman 2022). Many child beggars in Dhaka's slums are pushed into this practice by extreme poverty, parental coercion, peer pressure, or trafficking (BSS News 2024). To address the issue, Bangladesh long relied on the Bengal Vagrancy Act of 1943, introduced during the famine to rehabilitate beggars and persons with disabilities (Ray 2013; Begg 2000). Although replaced by the Vagrant and Shelterless Persons (Rehabilitation) Act of 2011, the new law retains broad powers to arrest and detain those labelled as "vagrants,"

allowing confinement for up to two years and criminalising escape. Despite its rehabilitative framing, it preserves punitive elements reminiscent of colonial efforts to remove visible poverty from public spaces (Institute of Commonwealth Studies 2024). Despite reforms, the 2011 Vagrant and Shelterless Persons (Rehabilitation) Act retains punitive elements, showing continuity with colonial efforts to remove visible poverty.

Kenya. Following independence, many African States retained colonial era vagrancy laws, which, though originally designed for labour control, are now primarily used to manage urbanisation. In Kenya, British colonial rule introduced the 1902 Vagrancy Act to control African labour and remove “undesirables” from urban centres like Nairobi. This law enabled punitive measures and redirected youth to rural reserves, later evolving into institutional mechanisms such as youth camps by the 1930s (Ocobock 2006).

The 1925 Vagrancy (Amendment) Ordinance further restricted African movement after 6 p.m. without a registered address (Muendo 2017). Post independence, Kenya’s 1968 Vagrancy Act shows the criminalization of prostitution, initially framed as vagrancy and later entrenched through police raids and abuses, served less to address social conditions than to stigmatize, control, and violate the rights of poor and marginalized women while consolidating state power (Mulei 1981; KESWA 2019).. Although repealed in 1997 through the Statute Law (Repeals and Miscellaneous Amendments) Act, the legacy of these colonialera laws continues to shape contemporary legal and policing practices.

Pakistan. Persistent poverty in Pakistan has fuelled both domestic and transnational begging networks, with reports of individuals being sent to countries such as Saudi Arabia, Iran, and Iraq to solicit alms. In 2024, the Government responded by blocking the passports of over 2,000 identified beggars and their agents to protect its international image (The Economic Times 2024). Since independence in 1947, Pakistan has retained colonialera laws on vagrancy under its federal system, with provinces enacting their own legislation in the absence of a national statute.

Generational begging, particularly among large families, remains widespread, with children often forced into street solicitation. NGOs have stepped in to address welfare gaps amid limited state resources and dependence on foreign aid (Laila et al. 2020). Despite being illegal since 1958, begging has become a lucrative, organised trade involving criminal networks and, in some areas, entire communities. In response, Punjab amended its vagrancy law to make employing beggars a nonbailable offence (The Express Tribune 2024), and in 2025, Pakistan revised its Prevention of Trafficking in Persons Act to criminalise “organised beggary” following international complaints (Yusuf 2025).

Singapore. Despite its compact size and advanced economy, Singapore continues to grapple with homelessness. A 2019 nationwide count recorded between 921 and 1,050 rough sleepers, declining to 530 by 2023, largely due to a 90 percent homeownership rate supported by tiered housing grants and the Public Rental Scheme (Ng 2019; Ministry of Social and Family Development 2023). While Singapore lacks a legal definition of homelessness, the Destitute Persons Act of 1989 allows for the institutionalisation of “destitute” individuals, framing them as public nuisances and reinforcing stigma, exclusion, and defensive urban design. The Destitute Persons Act exemplifies how colonial categories were repurposed into welfare-framed but still coercive regimes, combining rehabilitation rhetoric with detention powers.

Vagrancy is penalised under the Miscellaneous Offences (Public Order and Nuisance) Act (Chapter 184), which criminalises behaviours linked to “rogues and vagabonds,” including prostitution and fortune-telling. These laws reflect colonial-era views that equated poverty with disorder, and Singapore’s response – through surveillance and housing policies – continues to pursue inclusion via regulation and control (Chioffi 2025). Yet, Singapore’s approach also illustrates how punitive laws can be masked by technocratic governance and welfare provision.

United States. In 2024, the homeless population in the United States rose to 771,400, with Hispanic, Black, Native Hawaiian/Pacific Islander, Native American, and male individuals disproportionately represented relative to their share of the population (McKay and Cowles 2025). Across the country, laws rooted in England’s Poor Laws continue to criminalise survival behaviours such as panhandling, loitering, and food sharing, disproportionately affecting unhoused individuals and often suppressing free speech while obscuring poverty (Dholakia 2023; Hershkoff and Conner 1993).

Nearly every state in the United States adopted some form of English vagrancy legislation, except West Virginia, which recognised vagrancy only at common law (Maher and Williams 1970). A national study found that 34 percent of cities prohibit public camping, 18 percent ban public sleeping citywide, 24 percent ban begging, and 76 percent criminalise food sharing with homeless individuals (Carr 2015). While the United States Supreme Court declared a vagrancy ordinance unconstitutional in *Papachristou v. City of Jacksonville* (1972), a 2024 ruling in *City of Grants Pass, Oregon v. Johnson* upheld fines against a homeless individual for occupying public space, rejecting claims of cruel and unusual punishment.

Across these jurisdictions, the enduring influence of colonial vagrancy laws underscores a global pattern: the use of legal instruments to manage poverty through exclusion rather than inclusion. While some countries have undertaken reforms, these often retain the punitive ethos of their

colonial predecessors. A comparative analysis reveals that despite differences in political systems and economic development, former British territories and the United States continue to grapple with reconciling public order with human dignity. Integrating postcolonial legal theory and humanrights frameworks into domestic law remains essential to dismantling these legacies and advance social justice.

Together, these cases demonstrate how colonial vagrancy laws were adapted across diverse contexts, retaining punitive elements even when framed as welfare or rehabilitation, and reinforcing the global challenge of reconciling public order with human dignity.

6. International human rights framework on extreme poverty

Extreme poverty is recognised in international human rights law not only as an economic condition but as a violation of dignity and equality. In 2012, the UN Human Rights Council adopted the Guiding Principles on Extreme Poverty and Human Rights, designed to help States apply human rights standards in poverty-eradication efforts. These principles emphasise foundational values such as dignity, equality, participation, transparency, and accountability, ensuring that policies reach the poorest and respect their rights despite structural obstacles. They highlight the equal enjoyment of rights by persons living in poverty, gender equality, the rights of the child, and the agency and autonomy of those affected. To implement the principles, States are required to adopt comprehensive national strategies, prioritise persons living in extreme poverty, and guarantee that essential services are accessible, affordable, and of good quality. Finally, governments must ensure policy coherence so that anti-poverty measures are consistent across all sectors and levels of governance (UNHR-OHCHR 2012).

The UN Special Rapporteur on extreme poverty and human rights (UNSR), established in 1998, has consistently emphasised that poverty must be addressed through rights-based approaches rather than punitive measures. In his 2026 report to the United Nations, Olivier De Schutter argued that poverty is “manufactured” through political and economic choices that prioritise growth over rights, entrenching exclusion and inequality (UN General Assembly 2026). He subsequently launched the Global Roadmap for Eradicating Poverty Beyond Growth, developed through consultations with over 400 stakeholders to rethink poverty eradication beyond reliance on economic growth. The Roadmap advances a rights-based “human rights economy” by moving past the traditional “grow-tax-transfer” model and combining redistribution with in-market reforms and pre-market social investment (OHCHR 2026).

Beyond the Guiding Principles and the UNSR mandate, the Committee on Economic, Social and Cultural Rights (CESCR) has issued authoritative interpretations of International Covenant on Economic, Social and

Cultural Rights (ICESCR) (1966) obligations that directly address poverty. General Comment No. 4 highlights homelessness and inadequate housing as disturbing forms of deprivation, requiring States to guarantee minimum essential levels of housing as enforceable rights (CESCR 1991). General Comment No. 7 underscores that forced evictions gravely violate the right to housing, disproportionately harming the poor and demanding legal safeguards and remedies (CESCR 1997). General Comment No. 20 links poverty to systemic discrimination, requiring proactive measures to ensure equal access to housing, health, education, and social security for marginalised groups (CESCR 2009).

These General Comments frame poverty as a multidimensional rights violation, reinforcing the global shift from punitive control toward rights-based approaches. Taken together, the Guiding Principles, UNSR reports, and CESCR General Comments establish a normative baseline: poverty is recognised as a structural injustice and a violation of human rights, requiring States to adopt proactive, rights-based reforms. Building on the UNSR's mandate, the Guiding Principles, and the CESCR General Comments, the following chapter traces how international and regional human rights instruments have reinforced this shift, moving global poverty governance away from punitive control and toward a rightsbased approach. This framework sets the standards and principles, while the following chapter examines how tribunals, UN bodies, and global institutions are enforcing them in practice.

7. The global shift from punitive control toward a human rights approach to poverty

The universal recognition of the fundamental rights and inherent dignity of all human beings was formally enshrined in the Universal Declaration of Human Rights (UDHR), adopted by the United Nations General Assembly (UNGA) in 1948 in response to the atrocities of the Second World War. The UDHR affirms every individual's rights, beginning with the foundational guarantee of equality and freedom (Article 1), which underpins the protection from torture (Article 5) and the right to an adequate standard of living (Article 25).⁷ To ensure that countries uphold these civil, political, socio-economic, and cultural rights, the UN General Assembly adopted two binding treaties in 1966: the International Covenant on Civil and Political Rights (ICCPR) and the ICESCR.

However, the lofty ideals embodied in the UDHR, ICCPR, and ICESCR often stand in stark contrast to the persistent realities of global poverty and its devastating effects. As of 2024, nearly a billion people remain trapped in extreme poverty, with progress stalled due to the lingering impacts of COVID-19, sluggish economic growth, and increasing fragility in many regions (World Bank 2024). The United Nations further reports that

over 1.6 billion people lack adequate housing worldwide, including 1.12 billion living in informal settlements and slums, and at least 330 million experiencing absolute homelessness (UN-Habitat 2024).

As many countries continue to wield criminal statutes and punitive measures to target the poor – particularly those who roam the streets in search of scraps – international tribunals have emerged as key defenders of fundamental rights. In the landmark case *De Wilde, Ooms and Versyp v. Belgium*, the European Court of Human Rights (ECtHR) examined the detention of three Belgian nationals under vagrancy laws. While the ECtHR upheld the legality of their initial detention under national law and Article 5(1)(e) of the European Convention on Human Rights (ECHR), it found Belgium in violation of Article 5(4) for failing to provide an effective legal mechanism to challenge the lawfulness of that detention, delivering a rebuke of arbitrary confinement and affirming the right to judicial review for society's vulnerable.

In *Lăcătuș v. Switzerland*, the ECtHR examined the criminalisation of public begging after *Lăcătuș*, a Romanian national, was repeatedly fined and imprisoned under Geneva's local law. Swiss courts upheld the penalties despite her inability to pay, leading to her eventual imprisonment in 2015. The ECtHR acknowledged that the Swiss Government's interference with the right to private life under Article 8 had legitimate aims, such as maintaining public order and protecting others' rights. However, it ruled that the blanket ban on begging required stronger justification and closer scrutiny due to its broad impact on individual freedoms.

In an advisory opinion requested by the Pan African Lawyers Union (PALU), the African Court on Human and Peoples' Rights examined whether vagrancy laws – which criminalised poverty-related conditions in several African Union countries – are compatible with key human rights treaties. These include the African Charter on Human and Peoples' Rights (African Charter), the Charter on the Rights and Welfare of the Child, and the Protocol on the Rights of Women in Africa. The Court concluded that vagrancy laws violate fundamental rights such as dignity, equality, and freedom from discrimination, and urged governments to repeal or reform these laws to comply with their human rights commitments.

In *Advocaid Ltd v. Republic of Sierra Leone*, the ECOWAS Court (Community Court of Justice of the Economic Community of West African States) heard a challenge to outdated loitering laws that Advocaid argued violated rights to non-discrimination, equality, and freedom of movement under the African Charter. The government defended the laws as crime prevention measures, but the Court found them discriminatory and prone to arbitrary enforcement due to vague language. It ordered Sierra Leone to amend, modify, or repeal the laws to meet its human rights obligations.

The Office of the High Commissioner for Human Rights (OHCHR) has underscored the urgency of addressing homelessness as a human rights issue. In its guidance, the Special Rapporteur states that “States, including their judiciaries, must ensure that the right to adequate housing is recognised and enforceable as a fundamental human right through applicable constitutional and legislative provisions or through interpretations of interdependent rights such as the right to life.” This principle is captured in Guideline No. 1, which calls on governments to guarantee housing as a fundamental right intrinsically linked to human dignity and the right to life (UN Human Rights Council 2020, Guideline No. 1) According to Report A/HRC/56/61/Add.3, criminalising poverty and homelessness violates human rights and deepens social exclusion, discrimination, and inequality (2024). Such punitive measures not only erode human dignity but also place costly burdens on the state – resources that could be more effectively used to implement rights-based strategies aimed at reducing poverty and ending homelessness (OHCHR 2024).

This global jurisprudential and institutional turn underscores the incompatibility of punitive laws with human rights and sets the stage for examining how these tensions play out in national contexts, including the persistence of antimendicancy measures in the Philippines.

8. Conclusion

This article returns to its central question: why do liberal democracies and advanced economies persist in criminalising poverty despite constitutional guarantees and international human rights commitments? From mediaeval England’s vagrancy statutes to contemporary antiloitering and antibegging ordinances, legal frameworks have long treated poverty not as a structural condition requiring reform, but as a public nuisance to be suppressed. The endurance of such laws across diverse political systems – including former British colonies like Kenya, Bangladesh, and Singapore, as well as the United States – reveals a global pattern of exclusionary governance. Although the Philippines was not a British colony, its adoption of United States-influenced vagrancy laws illustrates the transnational legacy of punitive approaches to poverty.

By combining doctrinal analysis of Philippine statutes, historical tracing of poor laws and vagrancy regimes, and comparative policy review across jurisdictions, this article demonstrates how punitive traditions persist even in contexts that profess commitments to social justice. The literature shows that these laws are not neutral instruments of public order but mechanisms of social control that reproduce colonial hierarchies and moralistic distinctions between the “deserving” and “undeserving” poor.

Amid this persistence, a growing international movement rooted in human rights offers a transformative path forward. The Guiding Principles

on Extreme Poverty and Human Rights (2012), successive reports of the UN Special Rapporteur on extreme poverty, and jurisprudence from the European Court of Human Rights, the African Court on Human and Peoples' Rights, and the ECOWAS Court have increasingly challenged the legitimacy of laws that penalise poverty. These institutions affirm that housing, social protection, and access to basic services are not privileges but enforceable rights.

This article's findings also affirm the relevance of a TWAIL lens: colonial legal legacies continue to shape contemporary governance of poverty, embedding hierarchies of exclusion that disproportionately affect the Global South. By foregrounding TWAIL's critique of international law's colonial continuities, the analysis underscores that dismantling punitive vagrancy regimes is not only a domestic reform imperative but also part of a broader struggle to decolonise legal frameworks and advance human rights globally.

To truly advance social justice, States must abandon punitive control and embrace structural reforms that address the root causes of poverty. This requires dismantling colonial legal legacies, strengthening welfare systems, and embedding rightsbased frameworks into domestic law. Only through such a shift can governments credibly uphold the ideals they profess and ensure that social justice becomes a lived reality for all.

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