

## **A Study on the Homeless and Protection of Fundamental Human Rights**

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### **Abstract**

This paper first discusses the legal points of homeless issues. It is observed that the homeless problems are related to the Social Law and Police Law. Although it may do harm to public safety and order, the human dignity and basic human rights should be protected as an object. The homeless problems are one-sided issues from the perspective of the Social Law and the Police Law. Solutions to the problems lie in public safety and protection of human rights. Based on the principles of Social Law, the ultimate goal should be set to protect human rights and to put it into real practice. Being the margins in society, the homeless have special identity and status. This paper mainly discusses the constitutional scope of human right protection for the homeless, including life, right to live, physical body, human dignity, personal rights, work, property, family and refugee rights. It is important to put human right protection into real practice. This paper also explores the regulations and administrative actions of human rights for the homeless, especially the double act of intervention and protection, including the police command, placement, seizure, and restraint. Through the discussion, this paper proposes that basic human rights should be explicitly provided in the Constitution and relevant laws and provisions for the homeless in Taiwan should be more specified. Additionally, the homeless should remain in local affairs, so it is of great importance to formulate the standards for local homeless management, which should follow a higher-ranking autonomy regulation. Currently, in Taiwan, no measure is taken for the homeless in the relevant laws and local autonomous regulations. No regulation is made in the

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above-mentioned police command, placement, detention and restraint. Relevant provisions in German law should be referred to and be included in future amendments of laws for the homeless.

**Keywords: Problems of the homeless, fundamental human rights, social administrative law, police law, social order law, regulations of the homeless, police agencies, order agencies, placement, bundle**