

Baños a la Ciudad: Ciudad a las Personas: Caso Ocaña, Norte de Santander

Restrooms across the City: City for People: Case study of Ocaña, Norte de Santander

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RESUMEN:

La investigación estudia y analiza de manera propositiva los lineamientos jurisprudenciales adoptados por la Corte Constitucional en la Sentencia C-062 del 2021, en la cual se establece que, las entidades y/o autoridades territoriales dentro de su jurisdicción, tienen la responsabilidad de brindar asistencia social integral a las personas en situación de calle, los cuales son sujetos de especial protección constitucional por el Estado Colombiano. En el mismo sentido, se analiza a partir del estudio de casos, la perspectiva de personas de la población en mención sobre los servicios ofrecidos orientados por la administración municipal de Ocaña, Norte de Santander, para identificar el cumplimiento del nivel territorial respecto de las obligaciones constitucionales que le competen sobre dicha población dentro de la ejecución de los fines esenciales del Estado. En consecuencia, se menciona el incumplimiento de las políticas públicas sobre lo ordenado por la Corte Constitucional en el fallo aludido; lo cual se contrasta con la perspectiva de la población sobre el acceso a infraestructura sanitaria. Finalmente, la metodología utilizada tiene un enfoque cualitativo, desde un estudio de análisis de experiencias vividas para reconstruir la perspectiva de los habitantes de la calle, a través de entrevistas semiestructuradas, con apoyo en la revisión bibliográfica y fuentes formales.

Palabras clave:

Acceso universal, espacio público, obligación, habitantes de la calle, habitante de calle, habitante de vivienda no formal, política pública.

ABSTRACT:

The study examines and analyzes the jurisprudential guidelines set forth by the Constitutional Court in Ruling C-062 of 2021 in a proposal-oriented manner, all of which establishes that territorial entities and/or authorities are obligated within their respective jurisdictions to offer comprehensive social assistance to individuals experiencing homelessness. The Colombian State recognizes these individuals as beneficiaries of specific constitutional safeguards. From the case study, the perspective of individuals from the aforementioned population on the services provided by the municipal administration of Ocaña, Norte de Santander, is analyzed to assess the territorial level's observation of constitutional obligations relevant to this population within the framework of the State's essential functions. Consequently, the failure to comply with public policies regarding what was ordered by the Constitutional Court in the aforementioned ruling is mentioned; which is contrasted with the population's perspective on access to health infrastructure. Finally, the methodology used has a qualitative approach, from a study of analysis of lived experiences to reconstruct the perspective of street residents, through semi-structured interviews, supported by bibliographic review and formal sources.

Keywords:

access universal, public space, obligation, habitants at street, habitants of street, habitant of house informal, public politic.

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Introduction

The Congress of the Republic of Colombia enacted Law 1801 of 2016, which establishes the National Code of Citizen Security and Coexistence, mandating the fulfillment of social duties and obligations regarding coexistence and citizen security among individuals and legal entities by public authorities, in accordance with the Constitution and the Law.

The safety and coexistence regulation forbids the act of doing some physiological needs in public areas. Consequently, it mandates the provision of toilet facilities by business establishments, with penalties for non-compliance (Congress of the Republic of Colombia, 2016, Arts. 140, 88).

In 2021, the Constitutional Court assumed jurisdiction over the constitutionality of fines imposed for public physiological needs, due to their prohibition in public spaces. The full Chamber of the Constitutional Court resolved to implement a series of rights aimed at restoring these fines, particularly for individuals experiencing homelessness, as these groups are disproportionately affected by such measures due to their residence in public areas. Thus, this research article examines the legal judgments made in response to the individual and societal conflicts they produce, as detailed below: It was established along two conceptual lines; first, it will examine the national and international legal framework, encompassing rules and public policies, concerning the coverage of rights and other institutional and social aid for homeless individuals.; then, a complete analysis will be conducted on the framework of public policies and extensive measures enacted by the municipal administration of Ocaña, Norte de Santander, concerning the welfare of these demographic groups and the reinstatement of their rights. Considering the municipalities' responsibility for the provision of public services (Congress of the Republic of Colombia, 1994, Art. 5) Also, the public policy framework of the Municipal Authority. The material status of public policies and other integral activities of the Municipal Authority shall be examined through the experiential accounts of the beneficiaries. Ultimately, the comprehensive findings of the research and more diagnoses of the issue and its variables will be presented; hence, the research question is centered on; ¿ What actions have been implemented by the Municipal Authority of Ocaña to meet the minimum essential living conditions of people experiencing homelessness in the public space of the Municipality of Ocaña, in light of the Constitutional Court ruling C-062-21??

Methodology

This research was conducted using a qualitative approach, analyzing the participants' experiences through open semi-structured interviews to evaluate their perceptions of access to sanitary infrastructure. The material gathered from the interviews has facilitated the identification of the intersubjective context of their unfulfilled needs as individuals in this condition, thereby enhancing the comprehension of their everyday lives and the significance of their societal existence.

The research is underpinned by both formal and informal sources, including International Instruments, the Political Constitution of Colombia of 1991, Republic Laws, Constitutional Jurisprudence, Decrees, and Municipal Agreements, As for secondary sources, it includes

bibliographic studies, document review, and analysis of different theoretical references. Therefore, it is essential to critically examine governmental policies and comprehensive measures directed at homeless individuals in the Municipality of Ocaña, focusing on their rights and the satisfaction of basic needs. Consequently, this article is structured into the following parts:

Population

To advance the research, it was essential to engage with the Municipal Mayor's Office of Ocaña via the Secretary of Human Development, who provided the official census data on individuals experiencing homelessness within the municipality, which identified a total of forty-one (41) individuals (Municipal Government, 2023). In the same year, in coordination with the Secretary and the National Police, a formal session was arranged for the categorization and social assistance of the homeless population, facilitating the application of interviews. Considering the challenging access to contact and interaction with this population in the Municipality by these authorities, interviews were conducted with four individuals who voluntarily consented allowing for the development of the third objective of the research, which includes an analytical matrix based on three categories of individual and social perception.

Sample

Gender	
Feminine	1
Masculine	3

Note: Self-made based on research results.

Techniques and Instruments for Information Gathering

Para To gather insights on the perspectives of individuals experiencing homelessness in the Municipality of Ocaña, semi-structured open interviews were conducted, whose objective was to understand their attitudes, thought processes, and life experiences concerning the Colombian State's fundamental role in formulating public policies for those immersed in this life situation.

Life stories

To refer to life narratives, it is essential to include the following concept as a method for information collection, which states: These are autobiographical experiences devoid of bias, which serve as feelings and references for the author's overarching intent and for comparative analysis with other research and authors. The researcher builds a rapport with the respondent to gain acceptance and then situates oneself inside the context, location, and conditions of the meeting for narrating life stories (González, 2018, pp. 61-62).

The objective is to outline the everyday profile of an individual's life by analyzing the literal meaning of words, behavioral patterns, the surrounding environment, and other critical factors that contribute to the formation of life experiences at both individual and societal levels.

Interviews

The unstructured interview is defined by the lack of predetermined questions, instead exploring topics of interest to the researcher through a spontaneous and open trigger element, enabling the interviewee to elaborate freely and steer the conversation according to their own interests (Schettini & Cortazzo, n.d.).

State-of-art

The socio-normative framework for the protection of the rights of people experiencing homelessness

It is essential to reference the universal principles concerning the obligation of States to uphold the human rights of their populations, as articulated in the United Nations Charter and exemplified by the "Universal Declaration of Human Rights," which ensures the rights to equality, freedom, and dignity (UN, 1948). Thus, these international instruments elucidate the support that should be extended to people experiencing evident vulnerability, such as the homeless. The "International Covenant on Economic, Social and Cultural Rights," which acknowledges the previously mentioned proclamation, enables a focus on universally recognized rights, including the right to health (UN, 1966). In contrast to the social reality of unprotected individuals, namely those without a specific shelter, the "UN Refugee Agency" (UN, 1950). According to the UN High Commissioner for Refugees, around 114 million individuals are homeless owing to various conditions, predominantly violent causes (Global Refugee Forum, 2023, UNHCR). It is crucial to note the sociodemographic term employed in North America to describe these people, which is "homeless," signifying a person lacking a domicile.

Thus, Colombia is recognized as a social State of law, as per its 1991 Political Constitution, which enshrines the constitutional principle of human dignity as the core tenet guiding the actions of the Colombian State and the provision of fundamental rights to the entire population without distinction. These provisions elucidate that the Colombian legal system functions as a State guarantor per se, which is relevant to this research, particularly the principle enshrined in the Political Constitution regarding the obligation of public authorities: "The State shall promote the conditions for equality to be real and effective and shall adopt measures in favor of discriminated or marginalized groups" (National Constituent Assembly, 1991, Political Constitution, Art. 13).

Similarly, Law 1641 of 2013 was referenced, which outlines the "general guidelines for the formulation of social public policy for homeless individuals," specifying its phenomenological classification and prioritizing social services for this population (Congress of the Republic of Colombia, 2013, Art. 10). This emphasis, however, sharply contrasts with the realities faced by homeless individuals, including social stigmatization and unfair judgment of their personal lives. As Mellizo stated, by Ibáñez and Montero

(2012), contend that homeless individuals face social ostracism for not adhering to societal norms, prompting them to withdraw from traditional means of production and choose isolation while awaiting the opportunities presented by the social environment. Therefore, it is essential to consider several academic publications relating to this group. According to the research article titled 'The Homeless in Colombia: Presentation from a Social-Preventive Perspective' concludes the following:

The legislative framework for homeless individuals seeks to restore their rights; nonetheless, it raises the concern that this restoration serves merely as a response for existing concerns, without giving rise to any preventive measures (Gómez Urueta, 2013).

This underscores that any classification or designation by the pertinent authorities concerning individuals in this context fails to differentiate between their susceptibility and the actions taken against them. Initially, 'living on the street epitomizes the most extreme form of exclusion, marked by isolation, uprooting, and the dissolution of social and familial bonds' (Ararteko, 2006)

Subsequently, in 2008, the author Quintero, in his reflective article titled 'Social Exclusion in Homeless People in Bogotá,' states that;

The proposals offered by protection systems appear inadequate owing to their restricted scope. The healthcare system demonstrates a propensity for exclusion: When almost half of the population lacks health coverage, or when the integrity of the doctor-patient relationship is significantly compromised, it is unequivocal that the foundational principles of Law 100 of 1993—namely universality, equality, equity, and solidarity—are not being maintained (Quintero, 2008).

Conversely, regarding the comprehensive material care provided by territorial authorities to these populations, the research piece titled 'Obligations of Municipalities Toward the Homeless People in Colombia' is relevant for analysis, which asserts that municipalities in the country are obligated to support this population as representatives of the central State, in accordance with the provisions of Law 1641 of 2013 (Fuentes, Rodríguez, 2023).

This is based on the concerning revelations presented in the bibliographic reports from the NGO Temblores: 'Los nunca nadie' – December 2018, and 'Algo huele mal' – December 2019, as they have managed to shed light on the individuals experiencing homelessness in specific regions of the country, encompassing street dwelling, violence, abuse by authorities, and the absence of fundamental living conditions (Temblores, 2019). It also underscores the unwarranted discrimination stemming from governmental authorities' neglect of these people (Temblores, 2018). The author Martha Correa draws to conclusion on homelessness in Colombia in her book *The Other City - Other Individuals*, considering these and other factors. (Correa A., M. E., 2007). "Homelessness in Colombia is fundamentally a condition of exclusion resulting from the city's economic conditions" (Correa A., M. E. 2007).

The Public Utility Services Law (Law 142, 1994) in Colombia provides a legislative framework for the regulation and provision of fundamental services, including water,

electricity, gas, and basic sanitation. Yet, one of the primary issues of this legislation is ensuring fair access to these services for all residents, especially the homeless population. This at-risk population frequently encounters significant obstacles in obtaining essential services because of their marginalized social, economic, and legal standing. Overcoming these hardships necessitates not only legal and administrative interventions but also holistic strategies that consider the unique circumstances and requirements of the homeless, encompassing social inclusion initiatives, integrated healthcare, and effective reintegration tactics into society.

Jurisprudential pronouncements on the constitutional rights of people experiencing homelessness.

The Constitutional Court is the competent body for protecting those fundamental rights set forth in the Constitution. In this sense, this investigation is conducted in alignment with the constitutional mandates of our political charter, particularly concerning the right to equality, health, the guarantee of non-discrimination, the right to individual, family, and social privacy, the right to a good reputation, and the free development of personality. The jurisprudential rulings, both on constitutionality and on protection issued by the Constitutional Court, will be addressed as follows:

In ruling T-533 of 1992, it is established that the Constitution provides various mechanisms aimed at guaranteeing homeless individuals access to basic public services, including health care, comprehensive social security, and food subsidies (Constitutional Court of Colombia, 1992, par. 50). Subsequently, ruling T-384 of 1993 recognized and expanded the principle of State solidarity in favor of individuals in a state of manifest vulnerability (Constitutional Court of Colombia, 1993, par. 30). While in 2011, ruling T-057 recognized the right to a dignified life for a person experiencing homelessness, promoting favorable attention to this population (Constitutional Court of Colombia, 2011, par. 37). Subsequently, in ruling T-092 of 2015, it was determined that the State must protect homeless people (Constitutional Court of Colombia, 2015, para. 123). In addition, in a constitutionality review, ruling C-329 of 2019 recognized the rights of women with disabilities or individuals with reduced mobility, as individuals who are entitled to special protection by the State due to their human rights (Constitutional Court of Colombia, 2019, para. 77). Furthermore, in the same year, ruling T-389 emphasized the human dignity of women experiencing homelessness and the management of their menstrual hygiene (Constitutional Court of Colombia, 2019, para. 312). And, notably, in ruling T-088 of 2021, the Court mandated specific protection for those experiencing homelessness and their right to health (Constitutional Court of Colombia, 2021, para. 47).

Thus, in ruling C-062 of 2021, the Court affirms the conditional constitutionality of Article 140 of Law 180 of 2016, as articulated in paragraph 2, stipulating that no corrective measure or general fine of type 4 may be levied against individuals experiencing homelessness for fulfilling physiological needs in public areas. Moreover, it compels district and municipal authorities to establish a social and health public policy that ensures universal access in public places (Constitutional Court of Colombia, 2021, para. 58).

Ultimately, the Constitutional Court's jurisprudence notably emphasizes the necessity of adopting a thorough and respectful human rights approach in governmental measures aimed at those facing homelessness. This involves acknowledging their essential rights, encompassing access to healthcare, housing, employment, nutrition, and social security.

Demographic assessments or censuses of people experiencing homelessness

Accordingly, we focus on identifying these individuals within national and local jurisdictions. Evidence indicates that accessibility for this demographic is intricate and problematic, a challenge that numerous institutions and authorities strive to tackle. Bernal and Londoño assert that institutions and entities at all levels recognize the prevailing issues in the country regarding censuses of people experiencing homelessness;

What is noticeable about the several Development Plans implemented in Bucaramanga throughout the last three governmental terms is a lack of consensus over census data on the homeless population, casting doubt on the integrity of the processes employed to register and certify these individuals. This also results in ambiguity over potential inaccuracies of data duplication in past counts (Bernal, Londoño, 2016, *Revista Cambios y Permanencia*).

Furthermore, Echeverri states that 'in Colombia, there has not been a particular national census on the homeless population since 2009' (Echeverri, 2019), which intensifies the problem of inadequate information regarding this demographic. A unified national census of homeless individuals now exists (DANE, 2021, CHC), in accordance with the legal mandate of Law 1641 of 2013, which obligates the responsible administrative department to furnish updated statistical information to guide the comprehensive public services stipulated by the same law. Based on the foregoing, it is evident that efforts to achieve a thorough characterization of this population are undervalued, owing to the multifactorial cause associated with homelessness.

Discussion and Results

Identification of the legal framework regarding Guarantees and Universal Access to Public Space Availability

It is crucial to recognize that Article 12 of the ICESCR stipulates that all individuals possess the right to health at a high standard of satisfaction (UN, 1966). The Office of the President of the Republic of Colombia, with the support of the Ministry of Health and Social Protection, is responsible for formulating policies, directing administration, and enforcing laws to ensure public access to health protection, welfare, and safety services. This responsibility includes supervising health surveillance and sanitary management in public spaces, including outdoor areas, urban surroundings, industrial sites, workplaces, healthcare institutions, and analogous situations. Consequently, individuals hindered by obstacles to obtaining hospital facilities (external sanitary services) encounter restrictions that require enhanced access and coverage to address fundamental needs for those who lack them, such as people experiencing homelessness.

The Political Constitution of Colombia mandates that essential products and services provided by the State shall be prioritized for low-income citizens, allocating public expenditure to fulfill unmet needs (National Constituent Assembly, Political Constitution of Colombia, 1991, articles. 334, 366). Consequently, the State is obligated to provide equal conditions for marginalized communities.

Pursuant to Law 1641 of 2013, the Ministry of Health and Social Protection has been mandated to regulate the “Social Public Policy for the Homeless Population”. Thus, a governmental policy for the homeless demographic is established, based on principles of social inclusion to offer extensive assistance to this group. This policy establishes and executes a national comprehensive strategy for homeless individuals across multiple dimensions, encompassing support for the restoration of rights and social inclusion (Office of the President of the Republic of Colombia, 2022, Decree 1285, Art. 2.9.2.8.1).

Regarding the expansion and scope of fundamental rights as delineated in the Constitutional Court’s jurisprudence on homelessness, Ruling T-043 asserts: “poverty is not an autonomous choice, but rather a multifaceted situation from which it may be difficult, if not impossible, to escape without assistance” (Constitutional Court of Colombia, 2015, para. 60). The capacity of the overall populace to move freely and utilize public amenities securely and dependably would be advantageous for everyone, particularly for homeless individuals. Furthermore, Ruling C-329 of 2019 underscores a particular obligation placed on the legislature by the constitution to provide exceptional safeguards for the fundamental rights of individuals with disabilities or limited mobility (Constitutional Court of Colombia, 2019, para. 1).

Consequently, as determined by the examined constitutional jurisprudence, the Constitutional Court has reiterated that territorial entities are obligated to execute a nationwide public policy ensuring universal access to sanitary infrastructure in public areas, thereby making it accessible to individuals experiencing homelessness (Constitutional Court of Colombia, 2021, para. 194). Therefore, the proposed public policy must “rectify this protection deficit, in alignment with the principle of equality, by acknowledging diversity and offering sanitary infrastructure with a universal design that suitably accommodates these conditions” (Constitutional Court of Colombia, 2021, para. 8). Furthermore, Ruling C-385 of 2014 indicates that the terminology employed to describe those experiencing homelessness, as outlined in Law 1641 of 2013, may be discriminatory. Consequently, a legislative modification was implemented, reclassifying individuals in these circumstances as “inhabitants with non-formal housing” (Constitutional Court of Colombia, 2014, para. 139).

At the regional regulatory level, in 2021, the Municipality of Bucaramanga, Santander, through Municipal Agreement 024, enacted the implementation of sanitary infrastructure in public spaces for people experiencing homelessness in this city (Municipal Agreement of Bucaramanga, 2021, Art. 1). This measure is endorsed by Constitutional Court Ruling C-062 of 2021 and Law 1641 of 2013. The public policy in question seeks to safeguard those experiencing homelessness without attempting to diminish or regulate the social phenomenon. It aims to confer rights rather than restrict them, guaranteeing that fundamental needs are satisfied in public areas for all individuals, with specific protections

for those facing homelessness.

Public policy framework of the Ocaña municipal authority for people experiencing homelessness and Access to sanitary infrastructure

Initially, it is essential to acknowledge that the Regional Ombudsman's Office of the Municipality, via a memorandum of meeting minutes dated December 11, 2020, reached an agreement with the Municipal Department of Human Development to uphold human rights and safeguard the public interest by complying with governmental plans and projects, particularly the Development Plan 2020-2023 (Municipal Government of Ocaña, 2020).

Moreover, there are memoranda of understanding between the Department of Human Development, the Municipal Ombudsman, and the Regional Ombudsman's Office. On December 31, 2020, the Municipal Ombudsman signed this memorandum to consolidate efforts and establish cooperative actions among the signatories to implement, guide, and support projects and programs that strengthen the mission of ensuring the effectiveness of human rights. Specifically, this includes enforcing the assistance pathway for vulnerable communities (homeless individuals and migrants). In addition to the operations required to achieve the primary purpose of this memorandum, the parties pledge, within their respective competencies, to strengthen efforts for the execution of the following acts, among others:

- Incorporate into the agenda of the Social Policy Council matters in regard to homeless individuals and migrants, to coordinate pertinent sectoral and intersectoral plans, initiatives, and projects.
- Collaborate with the National Civil Registry Office and local offices to establish mechanisms for the comprehensive identification of the homeless population and the issuance of identification documents, especially for cases involving minors who have adopted street living and reached adulthood without identification, or when a homeless individual lacks or asserts the absence of any form of identification (Municipal Government of Ocaña, Memorandum of Understanding, 2020).
- Instruct Health Promotion Entities (EPS) to guarantee affiliation and comprehensive healthcare for the homeless population, in compliance with Resolution 429 of 2016
- Comprehensive Health Care Policy (Interadministrative Cooperation Agreement between the Municipal Ombudsman of Ocaña and the Department of Human Development of Ocaña, 2020).

It has been analytically determined that the Municipal Department has adopted the governing public policy, namely the Social Public Policy for Homeless Individuals 2021-2031 (PPSHC), as formulated by the Ministry of Health and Social Protection in 2021. This policy aims to safeguard the rights of this demographic through coordinated, intersectoral actions (Office of the President of the Republic of Colombia, 2022, Decree 1285). However,

there is a tangible deficiency in universally accessible sanitary infrastructure within public spaces in the Municipality. Despite this, targeted censuses and “social assistance” interventions have been conducted to deliver essential support to these populations, through the municipal department’s efforts and in coordination with the National Police of the Municipality. Due to the considerable obstacles in reaching this population, stemming from the complex character of the social phenomenon, it is advised that any extensive public intervention in public areas integrate differentiated and intersectional strategies, aligned with the principles of human dignity and equality, to appropriately tailor and target services, as the “population assistance pathways” and “monitoring and follow-up in rehabilitation centers,” which are immediate measures enacted by the Municipal Authority, are initiated by third parties without the informed and voluntary consent of the individuals receiving assistance, thereby failing to address the vulnerable condition of homeless individuals. Instead, they force an alternative lifestyle on them, rather than ensuring their protection and autonomy.

Analysis of perception of homeless people in the municipality concerning the state’s responsibility to establish sanitary infrastructure

The following analytical matrix is derived from interviews performed with a sample of the target demographic, as elaborated upon below:

Analysis Category	Conceptualization / Observations	Analysis subcategory
Origin	<p>The place from which an individual or object originates, in contrast to the distinct location in which it is currently situated.</p> <p>From the population examined, it can be perceived that, irrespective of their current location, their sense of belonging is not contingent upon various factors.</p>	<p>Cultural Factors: Respondent No. 2, when asked about their place of origin, stated, <i>"No, I'm from Medellín"... "I got used to the weather."</i> Regarding their permanence in the municipality, they remarked, <i>"I have been here in Ocaña for about 8 years."</i></p> <p>Family roots: Respondent No. 4, when asked about their place of origin, stated, <i>"I have my sister here, but I am already independent."</i></p> <p>Personal Factors: Respondent No. 1 and No. 3, when asked about their place of origin, refrained from explaining the reason why they are where they are.</p>

Note: self-made based on the results of the research.

The circumstances leading to an individual’s homelessness are complex, making the classifications assigned to this community by laws and societal standards inherently abstract. Therefore, the subsequent category of analysis is defined in alignment with the obtained data:

Analysis	Conceptualization	Analysis subcategory
Category	/ Observations	
Perception regarding sanitary infrastructure in public spaces.	Sanitary facilities in public areas for physiological needs to guarantee universal, private, equitable, and unrestricted access to adequate public health...	Positive Perception: Respondent No. 1, when asked about their perception of the adequacy of sanitary infrastructure in public spaces, stated; <i>"That would be a help for the homeless. In Medellín, there is one; have you been to Medellín? They are especially for the homeless. For instance, you can go dressed like this, and they won't let you in."</i>
		Ambivalent Perception: Respondent No. 2, when asked about their perception of the provision of sanitary infrastructure in public spaces, stated; <i>"Well, yeah, it would be great and all. But you know what? I think about it in two ways. One, it would be awesome; two, it would be really cool if people showed some kindness and took care of it. Sometimes, you all do things with good intentions, but there are people like us, just like you, who don't think before they act. They just start destroying and messing things up, and they only think about causing damage. And honestly, sometimes we don't take care of what we're given, right? That's why we don't get offered much either. But yeah, it would definitely be great because then we'd have a place to shower, which would be a lot better, you know?"</i>
		Positive Perception: Respondent No. 3, when asked about their perception of the provision of sanitary infrastructure in public spaces, stated; <i>"It'd be good. We wouldn't be upset if there weren't any... problems at all. That would be nice. I think it's cool; it'd be awesome!"</i>
		Positive Perception: Respondent No. 4, when asked about their perception of the provision of sanitary infrastructure in public spaces, stated <i>"Yeah, I'd love that! I mean, so many people are out there walking around, carrying babies, and when they need to change a diaper, it's tough. If there was a public restroom on the street, it would make things a lot easier, you know?"</i>

Note: self-made based on the results of the research.

The majority of respondents expressed a positive perception regarding the provision of sanitary facilities in public spaces for addressing their physiological needs. Several participants reported having had prior experiences with these public policies, demonstrating a degree of acceptance. Yet, only one individual articulated an ambivalent response.

Similarly, the concluding category of analysis is articulated in alignment with the subsequent data acquired:

Analysis Category	Conceptualization/	Analysis subcategory
Perception of comprehensive actions/services directed towards individuals experiencing homelessness by public sector agencies, non-governmental organizations, and etc...	Shelter, recovery, or rehabilitation centers designed to facilitate activities aimed at fostering the reestablishment of healthy habits, thereby ensuring the dignity of individuals by addressing their essential needs, such as access to food, bathing facilities, and sleeping arrangements, among others.	<p>Affirmative Perception: When asked about his opinion on the assistance provided by rehabilitation or recovery centers for people experiencing homelessness, Respondent No. 1 stated: <i>‘That help really makes a difference; it lifts you up. It definitely gives you a push to get off the street because sometimes you feel totally alone and forgotten. But there are folks out there who actually think about you and care, you know? They reach out and lend a hand, bring you stuff, you know? You might think no one remembers you, but deep down, you know there are people who do.’</i></p>
		<p>Affirmative Perception: When asked about his opinion on the assistance provided by rehabilitation or recovery centers for people experiencing homelessness. Respondent No. 2 stated <i>"Yeah, it's cool, but like I said, there are the ones who want and the ones who don't. Some we can help, and others we just can't, you know? It all comes down to what you can do; if you want to, you can."</i></p>
		<p>Affirmative Perception: When asked about his opinion on the assistance provided by rehabilitation or recovery centers for people experiencing homelessness, Respondent No. 3 <i>"I think it would be really nice, really classy. It would be perfect, like, yeah, a big help. I would definitely like it, I'm speaking for myself here, I would like it because, honestly, I've been here in Ocaña for a while now, figuring things out. I don't have any contact with my family, I don't know anything about them, and they don't know anything about me either. So yeah, I'd really appreciate it. But on the flip side, I always say what I really need is a job, some work. Like, if there's construction work, I could help out or whatever, just something steady. That's really what I'm missing, because I've got the will to work."</i></p>
		<p>Affirmative Perception: When asked about his opinion on the assistance provided by rehabilitation or recovery centers for people experiencing homelessness, Respondent No. 4 <i>"Honestly, I'm not used to this life. It's the first time anything like this has happened to me. You know what I mean? Yeah, I've used before, like over 20 years or so, but I've never relapsed. Well, this is my first time. I did relapse a bit, but that's because my kids are living— you get it, right? That's why I slipped a little, you know? I've got nine kids. I have nine kids. And each of them had their own bed, they had everything they needed. I've got pictures, I've got it all."</i></p>

Note: self-made based on the results of the research.

It is essential to emphasize the socio-legal framework of rehabilitation efforts for homeless individuals, as the Constitutional Court, in decision C-281, deemed a clause in the Security and Coexistence Code unconstitutional; this clause had previously conferred discretionary authority to the National Police to direct homeless people to rehabilitation centers if discovered under the influence of psychoactive substances (Constitutional Court of Colombia, 2017, para. 42). This verdict underscores that enforcing a necessary lifestyle alteration via compulsory rehabilitation is legally prohibited. This ruling underscores persistent obstacles and deficiencies in the successful implementation of comprehensive measures to restore the rights of homeless individuals.

Conclusions

The research focused on a critical examination of the following question: ¿ What actions have been implemented by the Municipal Authority of Ocaña to meet the minimum essential living conditions of people experiencing homelessness in the public space of the Municipality of Ocaña, in light of the Constitutional Court ruling C-062-21? To address this question, it is essential to clarify the following:

The study highlights the difficulties local authorities have due to the lack of comprehensive demographic data on individuals suffering homelessness, hindering targeted support initiatives and precise evaluation of their requirements. This informational deficiency, however, cannot warrant the denial of access to public spaces—a fundamental right persistently curtailed by discriminatory regulations. This situation highlights a continuous violation of fundamental rights for homeless individuals in the municipality, requiring local authorities to implement protective rather than restrictive measures to enhance their dignity, deliver adequate social support, and ensure access to essential urban sanitation facilities. The enactment of a public health strategy aligned with Constitutional Court ruling C-062 of 2021—mandating specific protections for homeless individuals—would aid in addressing the social and institutional neglect they endure. This strategy would entail the installation of universally accessible public sanitation facilities, specifically tailored to meet the basic needs of individuals experiencing homelessness. This study's conclusions seek to establish a foundation for more inclusive and sustainable public policies in the Municipality of Ocaña, Norte de Santander, promoting a more equal and just urban environment for all citizens.

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