

Homeless elderly and litigation: exploratory study and clues for a gerontological investigation

Personas mayores sin hogar y demandas de justicia: un estudio exploratorio y pistas para la investigación gerontológica

Idosos em situação de rua e demandas judiciais: estudo exploratório e pistas para investigação gerontológica

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ABSTRACT: Many homeless seniors may have suffered various right violations in their lifetime. This explorative and qualitative study is aimed to investigate if this population is involved in litigation, the nature of the cases and the expectations concerning the outcomes. The majority of the 22 participants of the elderly homeless shelter “Casa Verde”, São Paulo, has expressed need for legal action related to their labor rights and pensions. After the resolution of the case, they intend to be able to purchase or rent a residence. They report that they do not receive support and are unaware of details about the cases. It is suggested attention from the gerontological management for the legal demands of the elderly.

Keywords: Homeless elderly; Homeless shelter; Access to justice.

RESUMEN: *Mayores sin hogar pueden haber sufrido varias violaciones de derechos en su vida. El objetivo de este estudio cualitativo y exploratorio es investigar si esta población está involucrada en litigious, la naturaleza de los casos, y las expectativas con respecto a los resultados. La mayoría de los 22 participantes de la vivienda de mayores sin hogar "Casa Verde" de San Pablo, han expresado la necesidad de acciones legales relacionadas con sus derechos laborales y pensiones. Después de la resolución del caso, tienen la intención de comprar o alquilar una residencia. Informan que no reciben apoyo y desconocen los detalles de los casos. Se sugiere la atención de la gestión gerontológica a las exigencias legales de las personas mayores.*

Palabras clave: *Ancianos que viven en las calles; Centro de Bienvenida; El acceso a la justicia.*

RESUMO: *Idosos em situação de rua podem ter sofrido, ao longo da vida, diversas violações de direitos. O objetivo deste estudo exploratório e qualitativo é investigar se essa população relata ter demandas judiciais, a natureza das mesmas, e as expectativas quanto à resolução do caso. A maioria dos 22 participantes, usuários do Centro de Acolhida Especial para Idosos "Casa Verde", relatou ter demanda judicial trabalhista ou previdenciária. Com a resolução do caso, pretendem comprar ou alugar imóvel para moradia, saindo da situação de rua. Apontam não receber apoio ou desconhecer detalhes dos processos. Sugere-se atenção por parte da gestão gerontológica para as demandas jurídicas dos idosos.*

Palavras-chave: *Idoso em situação de rua; Centro de Acolhida; Acesso à justiça.*

Introduction

In the city of São Paulo, facing a considerable number of homeless seniors, in the realm of social services, homeless shelters have been established which are implemented to attend this at risk and vulnerable senior population. Users of this service have a diverse nature of demands: socioeconomic, family, health, legal, among others. For a resolution of these conflicts involving the exercising of rights, they try to have extrajudicial solutions, but it is not always possible to avoid avoid court. Granting access to justice for the homeless seniors can contribute to the re-socialization, or a successful transition from the Homeless Shelters to society (from here on "successful transition" will be called a "successful exit").

The present study explores the theme of lawsuits by the homeless seniors, based on reports from residents of a São Paulo Homeless Shelter. The objective was to investigate if the users of the Shelter reported having legal demands, what is the nature of these requests and expectations regarding the resolution of the case.

According to The Brazilian Institute of Geography and Statistics (IBGE, 2015), the presence of seniors, 60 years old or more, is 13.7% of the total population. Furthermore, the majority is composed of women (55.7%), self-declared white (52.6%), residing in urban areas (83.9%) (IBGE, 2015) and having an average of 4.8 years of education. The larger majority indicated receiving some Social Security, just retirement funds (57.5%), only pension (9.5%) or accumulating retirement and pension (8.2%) (IBGE, 2015).

It is assumed for this work the term ‘homeless’, as the conception of Mattos and Ferreira (2005), for whom the expression represents individuals that inhabit public spaces, shelters or temporary residences due to a lack of fixed housing. According to the authors, this expression is used to point out “the procedural aspect of passing through a moment on the street of an individual biography and not as a permanent state” (p. 24).

Decree n. 7.053, on the 23rd of December 2009, institutes the National Policy for the Homeless Population, which defines homeless individuals as a heterogeneous population that does not possess regular conventional housing, and whose common characteristics are that of extreme impoverishment and whose family and social ties have been weakened or broken. Furthermore, they utilize public spaces or shelters as a form of temporary or permanent housing.

Law n. 8.842, of the 4th of January 1994 (National Policy for Seniors, art. 2) and law n. 10.741, of the 1st of October 2003 (Statute of Seniors, art. 1) define seniors as anyone who is sixty years old or more. Connecting this definition with the concept of homelessness of Mattos and Ferreira explained above, we assume that the homeless senior is a person who is sixty years old or more, who inhabits different transitional public spaces, shelters or hostels, with no fixed housing.

According to the Municipal Department of Assistance and Social Development (SMADS), the National Policy on Social Assistance (PNAS / 2004) does not define the concept of social vulnerability.

However, it points out that some situations of vulnerability can result from "poverty, deprivation, lack of income, precarious or nil access to public services, inclement weather or calamity, weakening of affective bonds and social belonging resulting from age, ethnicity, gender, sexuality, disability, among others". These discriminations hamper their access to rights and require state social protection.

In the context of law, Favier (2012) defines the concept of vulnerability as something that arises in a relation of inequality: either as 'natural' and as a result of an objective fact (age or state of health), or as a result of an agreement between private persons (arising from obligations). However, the author believes it to be a difficult concept to define; in his opinion, it is easier to think about factors and situations of vulnerability.

According to Fernandes, *et al.* (2007), the homeless senior is twice as excluded, due to age and impoverishment. It's necessary, however, to point out that there are cases of homeless seniors that are not economically poor, but display other vulnerabilities, (for example mental illness), that expose them to social risks.

In the municipal of São Paulo, the survey that was conducted by the Municipal Department of Assistance and Social Development, identified in 2015 a total of 15,905 homeless individuals: 7,335 (46,1%) are living on the street and 8,570 (53,9%) are in homeless shelters throughout the capital. Over half of this population lives in the central region of the city. The annual increase of individuals in homelessness, between the years 2000 and 2015, in the city was 4.1%. In 2015, seniors totaled 1,674 (10,5%) of homeless individuals. Seniors totaled 7% of people who were actually living on the streets. Regarding the population residing in shelters or temporary residences, seniors represented 16,8%. In addition, 1,353 (80%) of elderly homeless are residing in shelters or temporary residences (Municipal Department of Assistance and Social Development, 2015).

On their website, the Ministry of Social Development and the Fight Against Hunger (MDS)¹ released a record of the various public policies created for the homeless population. A great part of these actions for the homeless are conducted by municipals. The Federal Government also plays a considerable role either with the contribution of financial resources for other federal entities, or with the execution of national policies and the single account of management for social programs of the Federal Government.

¹ Ministério do Desenvolvimento Social e Combate à Fome. Accessed on February, 15, 2014, from: <http://www.mds.gov.br/falemds/perguntas-frequentes/assistencia-social/pse-protacao-social-especial/populacao-de-rua/populacao-em-situacao-de-rua>.

It is observed as well, that many of the actions and programs that focus on the homeless population take place within the framework of Social Services.

Social Service is the duty of the state and a right of all citizens that have a necessity for it. It is a provision in the Constitution of the Federal Republic of Brazil of 1988, as the components of Social Security. Additionally, the organization of Social Service, is defined by the Organic Law of Social Service (LOAS, Law 8.742/93). In accord with article 2 of LOAS, among the objectives of Social Service, it has the protection of senior citizens, the promotion of integration into the job market and the guarantee of social benefits equivalent of a minimum monthly salary for the seniors that prove they do not have the minimal means to provide their own care.

Social Services offers support for the homeless seniors. With relation to the homeless people, the National Typification of Socio-assistance Services² describes *The Specialized Service for the Homeless* as a service designed for the individuals that utilize the streets as a form of dwelling and/or survival. This service has, among other objectives, the sheltering and full protection, the re-establishment of family-ties, the promotion of access to a socio-assistance network and the other bodies of the Guarantee of Rights System, promotion of new life projects, access to personal hygiene, nourishment, and provision of civil documents.

As already mentioned, in relation to the homeless seniors, one of the services that integrate Social Services, are the Homeless Shelters. This service is established by the National Typification of Social Assistance Services³, as a service of special social protection of a high complexity. It is described as, “the harboring of different types of services designed for families and/or individuals with fragile or broken family ties, in order to offer full protection”⁴. In the cases of seniors, the service is described as a sheltering of individuals who are 60 years old or older, independent and/or with some degree of dependency. It is foreseen for the homeless seniors, violence, neglect, abandonment and broken and impoverished family ties.

² Conselho Nacional de Assistência Social, Resolução n. 109, de 11 de novembro de 2009, que aprova a Tipificação Nacional de Serviços Socioassistenciais.

³ Idem.

⁴ TIPIFICAÇÃO NACIONAL DE SERVIÇOS SOCIOASSISTENCIAIS. Serviço de Acolhimento Institucional, p.31, 2009. Accessed on February, 15, 2014, from: <http://www.mds.gov.br/assistenciasocial/protecaobasica/servicos/protecao-e-atendimento-integral-a-familia-paif/arquivos/tipificacao-nacional.pdf/download>.

The sheltering is not permanent, having exceptions of long permanency just in some cases that have exhausted all the possibilities of social reinsertion and self-sustainment for part of the senior.

The principal objectives of the Elderly Homeless Shelters are:

To promote access to income by; Developing conditions for the independence and self-care; Promoting a co-living mix between the residents of diverse degrees of dependency; Incentivizing the development of the capacities for the realization of daily life activities.

Accessing the shelters occurs through the Reference Center of Social Assistance (CRAS), Reference Centers Specializing in Social Assistance (CREAS), other socio-assistance services and many public policies and branches of the Justice System (that provide a guarantee of rights).

The City Hall of São Paulo made available on their site a list of all the homeless shelters in the city⁵. It mentioned 33 homeless shelters in existence: three in the north zone, one in the south, five in the east, 11 in the center west and 13 in the southwest. Among others, 16 more special homeless shelters exist designated for a specific public. Of these, seven are designated for seniors, they are: 1) the Morada Nova Luz Special Homeless Shelter (located in the central region); 2) Morada São João Homeless Shelter (located in the central region); 3) Casa Verde Special Homeless Shelter for the elderly (located in the north region); 4) Casa de Simeão (located in the central region); 5) Sítio das Alamedas (located in the central region); 6) Boraceia-Aconchego Special Homeless Shelter for the elderly (located in the western region); and 7) Umuarama (located in the southern region).

According to Dias (1999), there were changes in the objectives of the public shelters. When founded (predominately in the 60's and 70's), their objective was mostly the sheltering of the homeless population. However, from the 1990s, the objectives started to expand, providing the re-socialization and reintegration of the resident homeless population of these services, then seeking to provide a successful exit.

⁵ PREFEITURA DE SÃO PAULO. Relação dos centros de acolhida da cidade de São Paulo. Accessed on February, 19, 2015, from: http://www.prefeitura.sp.gov.br/cidade/secretarias/assistencia_social/menu/index.php?p=17317.

The successful exit is constructed together with the user, meaning the reinsertion into society and the job market (when possible and desirable), and the obtaining of their own home or being united with family, always respecting the willingness and the autonomy of the subject.

Saraceno, cited by Silva, *et al.* (2013), utilizes the concept of inhabiting, as not just *being* in the physical space, as in the case of Homeless Shelters. Through this idea, it's necessary to create the feeling of belonging to the place, which occurs through the respect for autonomy and the opinion of the individual about the organization and construction of the service.

The initial hypothesis of this work was that homeless seniors could have legal claims. One of the questions related to this hypothesis was about the successful exit that sometimes can be influenced by the resolution of legal disputes and by the enforcement of rights. As mentioned above, one of the general objectives of the Homeless Shelters is procuring the user access to the many branches of the System of the Guarantee of rights, which is one of the steps necessary for the access to justice.

In regards to the access to justice, we assumed the vision from the work of Cappelletti, and Garth (1988), for whom this expression determines two basic functions of the justice system, "the system by which the people reclaim their rights and/or resolve their litigations under the auspices of the State" (p. 3): 1) To be really accessible to all; and 2) to produce results that are individually and socially just. The access to justice is not limited to the access of tribunals and the possibility of litigating, but equally includes the right to legal advice and other extrajudicial mechanisms of conflict resolution. The access to justice must guarantee both in regards to the individual rights, the collective and defused rights.

Access to justice is a fundamental social right to all citizens. In Brazil, article 5 item XXXV of the Federal Constitution of 1988 pre-vises the access to justice in the roll of fundamental rights and disposes that "the law does not exclude the reviewing of Judicial Power to the damage or threat of rights". The Constitution itself provides various mechanisms for guaranteeing the access to justice like the Public Defenders ("Defensoria Pública").

According to art. 134 of the Federal Constitution, the body of Public Defenders ("Defensoria Pública") is:

a permanent institution, essential to the judiciary function of the State, it is incumbent to, as an expression and instrument of democracy, fundamentally, legal advice, the promotion of human rights and defense, in all grades, judicial and extra-judicial, of the individual and collective rights, full and free, to the needy under item LXXIV of art. 5 of this Federal Constitution.

Important to highlight that there is two divisions of the Public Defendant, those for legal claims in the Federal Courts (“Defensoria Pública da União”), and the Public State Defenders, for questions of legal claims in the State Courts. In the state of São Paulo, the Public Defender was created through an additional law, n. 988, on the 9th of January 2006, and their action is based on conflict prevention and the construction of a free society, justice and solidarity, the eradication of poverty and marginalization, and the reduction of social and regional inequalities (art. 3). Furthermore, the promotion of individual and collective protection of the interests and rights of seniors is one of its duties (art 5, inc IV c). Thus, the Public Defender's Offices at the state and federal level are two of the institutions that can act in conjunction with the Homeless Shelters for the homeless seniors, guaranteeing access to justice for this population.

Method

The research is of the qualitative and exploratory character. In the year of 2014, non-directive interviews were conducted with semi-constructed script, composted of nine questions regarding the research objectives. The sample for convenience had criteria of: seniors, 60 years old or more, man or woman, and a resident of the Homeless Shelter Casa Verde.

The location where the research took place was designed for homeless seniors who are 60 years old or more. It is located in the Casa Verde Alta neighborhood, in the north of São Paulo. In this occasion, the institution provides service to 60 seniors, 52 men and eight women, provisionally residing on-site and who must follow the bylaws. The Special Homeless Shelter for seniors is referenced in Casa Verde CREAS, responsible for attending and referring the seniors to the services. The seniors also come from other Homeless Shelters, through transfers.

The Shelter has 17 professionals: two cooks, seven staff who organize daily activities, five cleaning professionals, one social assistant, one psychologist and a manager with a degree in Gerontology. The building has three floors with 15 rooms, eight bathrooms, one dining hall, two living rooms and an external area. The service intends to assist the seniors for a maximum of 18 months. During this period, beyond sheltering, the seniors have social and psychological support. For the questions of health, the shelter is tended by the Basic Care Service (UBS) of Casa Verde Alta. After the 18 months, it is estimated that the residents should have a successful exit, or transfer to other Homeless Shelters. However, there are some cases where the seniors exceed this period and remain in the same place.

The analysis of the collected data is adopted from the content analysis (Gil, 2008). The results were discussed from the theoretical framework of Gerontology and the Law.

The project was submitted and approved by the Municipal Research Committee of Social Assistance of São Paulo and by the Committee of ethics in research involving human subjects of the School of Arts, Sciences and Humanities of USP. The participants signed an agreement and free consent form.

The present study was accomplished with 22 seniors, 60 years old or more, 18 being men and 4 women, residents of the Casa Verde Special Homeless Shelter for Seniors.

Results and Discussion: Clues for Reflexion and Investigation

As stated by Salgado (2007), in the first decade of the 2000s, the proportion of senior men in the world was less than the number of seniors women, who live on average seven years longer than men. This is principally due to the higher rates of mortality among men. According to Neri (2014), social and learning factors may be determinants for older women being more numerous. This is because women of all ages have characteristics that are positively associated with the relative satisfaction of social relationships, and the overall satisfaction with life being less aggressive, and being more involved in social relationships than that of men. Women tend to maintain the family and social ties more than men. What can be found in this study, the investigated site had a larger proportion of senior men than women, in the total number, as well as in the research sample.

Neri (2014) points out that despite a higher life expectancy, women tend to become fragile and debilitated. This is one of the factors that can cause them to be sent to nursing homes; this finding may also be related to the smaller number of women in the homeless shelters. Furthermore, the time spent on the streets for all participating women has been up to a year and a half, except for one that reported having been in this situation for 42 years (the longest period of time out of all the participants).

Vieira (1992) classified homeless populations into three categories according to the length of time *staying on the street (circumstantial)*, *being on the street (recently)*, and *being on the street (permanently)*. According to Vieira, *staying on the street* respects the recent situations that lead up to the individual not having a place to live (such as unemployment, migration, etc.). Due to the short period that they are in this situation, the individuals tend to remain frightened of the facts about the street and procuring places (hostels, boarding homes and Homeless Shelters) where they can stay. They seek to maintain the family ties and life projects, possessing the hope and the will to leave the streets. Already the expression *being in the streets (circumstantial)* refers to individuals that have already remained in this situation longer. These are people who consider themselves unemployed, but still are maintaining their life projects. The contact with the family still exists, although less frequent. For the final expression, *to be in the streets (permanently)* refers to individuals that found themselves in this situation, by having the street as a reference location.

According to Snow and Anderson, cited by Fernandes, *et al.* (2007), the newly displaced individuals tend to find assistant institutions in search of protection, security, food and shelter. These individuals wish to leave homelessness (including Homeless Shelters) and act in a consistent form, and in order to make that happen, they tend to search more for employment than people in longer term homeless situations. They deny the social identity 'dweller of the street' and make a point to say they are different from other peers in a similar situation. This happens principally with those who are not in fact on the streets, but reside in Homeless Shelters, boarding houses, hostels or other institutions.

We could identify the categories in practice in some of the interviewed seniors. Living in the Homeless Shelter for three months, one of the participants was eager to emphasize that she wasn't "homeless" when she read this expression in the consent form. A verbal explanation was needed for her to accept participation in the study.

Regarding the categories of Vieira, and the characteristics of the newly-displaced by Snow and Anderson, cited by Fernandes, *et al.* (2007), we can look at an interesting case involving a senior woman who has been homeless for 42 years, and who has spent time in several Shelters. This woman couldn't fit into the category of *staying on the street*; even is she is considered as *being homeless*, she reported still having plans to start a business and rent a home in order to leave the Homeless Shelters. This would be considered a characteristic of the recently-displaced, and can raise questions about if this discourse is linked to something feasible or just a desire; how much will she reproduces into a plan and concrete acts, or, the contrary, it represents just one idealistic discursive construction whose implementation would be, in actuality, viewed by the individual as something unlikely. Therefore, due to her long period of homelessness and despite her desire for a successful exit, this woman encases much of the category of being on the streets (recently), or even can be considered being on the streets (permanently), considering the street in a broad sense by including homeless shelters.

Finally, we have the case of a senior who has been homeless for 12 years. Of these, just one year has been spent in a Homeless Shelter, and eleven years actually in the streets. This senior is still considered as *being in the streets*, despite expressing his desire to leave them and to return to his hometown of Natal. This man has hope that this can be realized, if he succeeds in resolving the lawsuit on financial abuse, and which has been in court processing for about six months, according to his account.

The majority of the participants found themselves homeless for less than a year and half or for more than five years, and the latter, the majority have been for more than 10 years, which can be observed in Table 1.

Table 1 - Distribution of participants, according to time spent homeless, São Paulo, 2014

Duration homelessness	Number of Elderly
Up to 1 year and a half	8
1 year and a half-5 years	6
5 years or more	8

This data confirms the heterogeneity in the Homeless Shelters that had already been observed by other researchers such as Brêtas (2006), where they observed a considerable number of people who were circumstantially homeless, and coexisting with a considerable number of people who were permanently homeless. This interaction, many times in the same room, is generally difficult and hindered by prejudice and feelings of rejection held by those that were circumstantially homeless towards those who are seen as beggars, dunkards or hundlums.

In correlation between marital status and sex, the data presents that the majority of women are single, according to Table 2. Even though it wasn't mentioned by these women, we can hypothesize that they did not maintain or create family ties, whereas women tend to establish ties deeper and longer lasting than men, receiving more family support (Neri, 2001). In relation to men, the majority reported being divorced, which raises the question that among these cases, there may have been disruption of family ties in the reason for their own separation).

Table 2- Distribution of participants, according to marital status and sex; São Paulo, 2014

Marital Status	Sex		Total
	Women	Men	
Single	3	5	8
Married	-	1	1
Widowed	1	2	3
Separated	-	3	3
Divorced	-	7	7

Fernandes, et al. (2007) brings up a very important question. They aren't encountering many seniors over 70 in Homeless Shelters, and there hasn't been a proven explanation for this, but some hypotheses could be raised. The first is that seniors in this range would not be able to survive on the street, considering their physical capacity tends to be compromised with the advancing of age. Another hypothesis is that these senior are in nursing homes, places designed for seniors with a greater degree of dependency, since the Homeless Shelters are intended for independent seniors or those with some degree of dependency.

In Table 3 we can observe that the majority of seniors interviewed fit into the age bracket of 60 to 64 years old, and that the number of seniors decreases as the age increases.

Table 3- Distribution of participants, by age group and sex, São Paulo, 2014

Age Group	Sex		
	Women	Men	Total
60-64 years	-	10	10
65-69 years	2	5	7
70-74 years	2	2	4
75-80 years	-	1	1
80 year or more	-	-	-

As we can observe in Table 4, many of the participants have 9 or more years of schooling, which is contrary to the generalized thought that homeless people didn't have the opportunity to study. Fernandes points out that having an education doesn't always guarantee stability, since there exist professionals with higher education who are homeless. The education and the diploma can aid in stability and formal working relations, but cannot always prevent life accidents, financial difficulties and the breakup of family ties. The vulnerability related to the homelessness is not an isolated factor, but a group of factors, individual, collective, social and contextual (Fernandes, *et al.*, 2007).

Table 4 - Distribution of participants, by education and sex, São Paulo, 2014

Education	Sex		
	Women	Men	Total
Without instruction	-	4	4
1-3 years	1	3	4
4-8 years	1	5	6
9 years or more	2	6	8

Another interesting aspect to analyze, is the income. According to the IBGE, 23.9% of people who are 60 years old or more received no retirement or pension. Therefore, they need other forms of income).

As we can see in Table 5, the major form of income between the seniors interviewed, is the Program *Bolsa Família*. Retirement and the *Renda Cidadã* are the second forms.

The program Bolsa Família is designed for families with monthly income less than 140 reais per person⁶. The Renda Cidadã (program for low income citizens) is designed for families with per capita monthly income up to half the national minimum wage⁷. The homeless people also are considered a family unit and, for this, they fit into the programs.

What calls our attention is that many seniors have one or more forms of income, while four of the interviewed do not possess income of any kind, and two of these four fit into the criteria for acquiring the social allowance called *Benefício de Prestação Continuada* (BPC), and all of them fit into the criteria for income of the *Bolsa Família* and *Renda Cidadã* programs. However, there is the possibility of being kept waiting for some response to the requests by the responsible agencies.

Table 5- Distribution of participants by form of income, São Paulo, 2014

Form of Income	Number of Seniors
Retirement	6
Bolsa Família	10
Renda Cidadã	6
Benefício de Prestação Continuada	4
Work	1
Pension	1
Nothing	4

Legal claims and possible associated factors

As we can observe in Table 6, a large majority of the participants report having legal claims in progress or to be presented. Of these 22 seniors interviewed, 18 fit into such situations, which confirms our initial hypothesis that the homeless seniors may have legal claims.

⁶ MINISTÉRIO DE DESENVOLVIMENTO SOCIAL E COMBATE À FOME. Critérios para inclusão no programa Bolsa Família. Accessed on February, 15, 2014, from: http://www.mds.gov.br/programabolsafamilia/o_programa_bolsa_familia/criterios-de-inclusao.

⁷ SECRETARIA DE DESENVOLVIMENTO SOCIAL. Critérios para inclusão no Programa Renda Cidadã. Accessed on February, 15, 2014, from: <http://www.desenvolvimentosocial.sp.gov.br/portal.php/rendacidada>.

Table 6- Existence of legal claims for men and women participants, São Paulo 2014

Sex	Legal Claims			
	With a claim in progress	With a claim in progress + claim to be presented	With a claim to be presented	Without a claim
Women	2	-	2	-
Men	5	2	7	4
TOTAL	7	2	9	4

Some of the participants reported having more than one claim in progress. In total, there were eleven that reported having lawsuits. This finding permits us to raise some questions to be treated in future work: will some people be more likely to fight for their rights or have some knowledge about their rights, and what leads them to search for a resolution of their cases? Would it be common for the homeless senior to encounter multiple situations of right violations that may give rise to multiple legal actions? Or maybe, after receiving free legal assistance, either by public defenders or other entities, do the seniors, because of their previous experiences, have more of an inclination to seek free legal consulting again? Perhaps all these questions influence, to some extent, the search for legal services with the eventual and subsequent filing of lawsuits.

Although the number of senior women residents in the shelter and participants of this study is much lower than that of the senior men, we can compare the existence of the lawsuits between the two sexes in Table 6. All of the women interviewed already had lawsuits being processed or had interest in proposing a legal claim. In relation to the men, the majority also had or aimed to propose some legal action, with only four of the senior citizens stating they didn't have legal claims and had no desire to pursue a new action. Therefore, proportionally, the numbers indicate that older women living in Homeless Shelters seem to demonstrate large interest in filing lawsuits, which could be explored in studies with larger samples in order to grasp the motives related with this interest.

When we relate the time of homelessness with the existence of legal claims, it is interesting to note that even individuals that are homeless for more than a year and a half, or more than five years, report claims that they would like to propose.

Table 7- Time spent in a homeless situation or homeless shelters and the existence or no existence of legal claims of senior residents in special Homeless Shelters for seniors Casa Verde, São Paulo, 2014

Time of homelessness	Legal Claims		
	With claims in progress	Claim to be presented	Without claim
For 1 year and a half	2	4	2
1 year and half - 5 years	2	2	1
5 years or more	5	3	1

Another curiosity in relation to the existence of claims in progress, is the question about their educational level. As we can see in Table 8, education doesn't appear to have an influence on the existence or not of legal claims, given the fact that the levels of education between those that have claims and those that don't were practically equivalent. There is a small number of seniors with higher education and who are without legal claims in progress, which moves us away from the hypothesis that those homeless seniors who are theoretically more educated would have a higher tendency of proposing legal claims.

Table 8- Existence or not of legal claims relating to education of the senior residents in the Special Homeless Shelter of Casa Verde's Seniors, 2014

Education	Lawsuits	
	With claims in progress	Without claims in progress
Without instruction	2	2
1 to 3 years	2	2
4 to 8 years	2	4
9 or more	3	5

The Nature of the claims

Of the 22 participants that affirmed being a part of legal claims, we can verify a significant number of plaintiffs and that of only one defendant. Would legal advice for the elderly homeless of these shelters be necessary mostly in the cases in which elders are the proponents, rather than in cases in which they are defendants, or would we have a number of people that do not report being accused due to shame or some fear? Here we have one more question to explore in future research.

The issues of existing lawsuits were classified into some categories: inheritance; declaratory action of absence or presumed dead (missing person); labor/pension rights; civil registry rectification action; financial abuse; and attempted murder / assault (this being the case of only one defendant).

As we can see in Table 9, the category labor/pension rights are the most expressive of claims that exist between the seniors. Mattos, and Ferreira (2005) affirm that insufficient retirement is one of the factors that predisposes to streetization. This is because low retirement funds oblige the seniors (even if, many times, disabled) to work in order to guarantee housing and the basic necessities. The data of IBGE (2014) states that 26.9% of seniors do not receive retirement, combined with the fact that many retirement pensions are insufficient, revealing that many seniors should continue to work or search for employment. But, when they do not acquire other sources of income, they become exposed to vulnerable situations, even leading to streetization.

Table 9- Nature of the legal claims between men and women participants, 2014)

Nature of claims	Sex	
	Women	Men
Inheritance	1	-
Missing Person	1	-
Labor/Pension Rights	1	6
Civil registry rectification action	-	1
Financial Abuse	-	1
*Attempted homicide/assault	-	1

***Defendant**

In regards to the nature of the legal claims that the seniors would like to have resolved, the demand for cases involving inheritance appear in large demand, however these do not appear between the claims in progress amongst the men. Finally, the labor/pension rights category, continues to be the more expressive of claims, as we can observe in Table 10.

Table 10- Nature of the lawsuits that would like to be proposed for men and women participants, 2014

Nature of claims	Sex	
	Women	Men
Inheritance	-	3
Labor/Pension Rights	2	6

The hypothesis can be raised, that those individuals who would like to propose a lawsuit may have some knowledge about the violation of their rights, which then creates the expectation of the demand for legal action to resolve this violation. This reflection leads us to the next category in regards to the access of justice and the knowledge of right.

Defense of rights and life projects

From the reports of the participants, it was possible to verify that the Public Defenders were present and essential in the defense of the homeless seniors' rights. All of the seniors with lawsuits pending in the legal system, stated they were defended by the Public Defender (though it was not mentioned whether it as either a Public Defender of the State or of the Union). This shows, not only the relevance of Public Defenders, but also the knowledge of the seniors about the existence of this important institution that ensures their access to justice.

When asked if the Homeless Shelters where they resided had knowledge of their lawsuits, seven seniors (of nine with ongoing demands) never stated this to the service. This data points out that the screening of the senior's profile in these locations, may not be including aspects related to the existence of legal proceedings, or to the necessity of resolving legal conflicts. It highlights the importance of overseeing the legal issues and the realization of a network of workers with bodies who promote access to justice.

This is because the resolution of the legal claims, in some cases, could have a facilitator to put into practice life projects presented by the homeless seniors, which could lead to a successful transition from the Homeless Shelters to society.

Of the 18 participants that have lawsuits in progress, or that would like to propose some claim, 16 confirmed that, if they had their case resolved, they could put their desire of leaving homelessness into practice by establishing their own businesses, renting homes or returning to their hometowns (corresponding to Table 11).

Table 11- Projects with some favorable ruling in the lawsuit by sex of the participants, 2014

Sexo (Sex)	Projects with some favorable ruling in the lawsuit				
	Rent/Buy a home	Start their own business	Depends on the amount to be received	Return to hometown	Take care of health
Women	4	1	-	-	1
Men	8	2	2	5	-

Will the participants envision or try other strategies to achieve these projects? What frustrations and difficulties could be produced in the form of withdrawal, accommodation or even institutional dependency? Fernandes, *et al.* (2007) stated that institutional dependency, "is characterized by the use of assistance devices, which may be favorable for the establishment of this homeless population" (p. 03), the authors confirm that despite the importance of these services, they can "negatively interfere in the process of social (re)integration, contributing to the lack of stimuli for the search of autonomy" (p. 03), when instead of preparing and instrumentalizing the seniors for the rescue of their citizenship, it impedes on "their development of their autonomy which is necessary for the breaking of dependency and, consequently, the leaving of the streets" (p. 03). Such dependency tends to occur predominantly in the seniors who have already spent quite a length of time on the streets.

In the present study, almost all 100% of the participants reported their desire to acquire fixed housing and to leave homelessness.

This desire is independent of their time spent in homelessness. These participants related the possibility of carrying out this desire with the resolution of their legal dispute, and what is interesting, is that among those that have been homeless for longer periods of time, this hope hasn't faded as the years have passed (which seems to mitigate the idea of accommodation of Fernandes, *et al.*, 2007, that was mentioned above). These results affirm with what had been exposed from Gusmão, *et al.* (2012), which highlighted, according to some studies, that the majority of these seniors have the yearning to leave the shelters, and with the help of retirement (or other benefits that could be received), to rent a home that guarantee a better quality of life. However, the question remains, what is the distance between the discourse and the concrete possibilities and personal and institutional resources mobilizing them into practice.

Finally, an important thing to point out is that at no time did the participants cite that they filed a specific claim for the ensuring of the right to housing, for example, the insertion into some specific housing program. The manner of thinking of the successful exit is by the obtainment of a higher retirement pension, namely by indirect means, and not by the ensuring of the right to housing guaranteed in the Constitution.

Final Considerations

The aim of this study was to investigate if elderly homeless living in shelters reports being involved in litigation, the nature of the cases and the expectations concerning the outcomes. Based on the data from our interviews, the majority of the participants reported having various types of lawsuits. According to the reports and the expectations of the participants, the resolution of these lawsuits would allow them to achieve a successful exit.

Furthermore, we realized that a large part of the participants had some knowledge of their rights. The majority of the elderly interviewed knew of the existence of advocacy bodies and reported being attended by the Public Defender, which shows the importance of this institution for this population.

Another interesting aspect that we observed through this research was the necessity for the Homeless Shelters to ascertain the right of the elderly and the existence of legal claims, and to establish a network with legal assistance agencies, such as the State Public Defender and the Union Public Defender. The routing or monitoring of these demands can be essential for a successful exit.

Finally, we would like to propose an intervention by the Municipal Secretary of Social Welfare and Developmental Assistance (SMADS), by constructing monthly data. This material may contribute to a qualitative and quantitative knowledge of the existence of legal claims by the homeless seniors, as well as, to the development of joint strategies between social assistance and the network of those involved with the defense of rights for the elderly. In addition to requiring the Homeless Centers to collect data about the existence of lawsuits and the referrals to legal care of the cohabitants, we propose that these services develop strategies for good listening and the referrals of cases involving legal questions. The building of the capacity, in this sense of its professionals, may lead to a better knowledge of the institutions and the bodies that act in defense of the rights of the elderly person as well as a facilitation of the flow and resolution of the conflicts and demands.

Considering the results obtained from the interaction with the group that was studied, if there had been the realization of social rights in special housing, certainly there would be less homeless people and elderly. There remains, for Gerontology, a long challenge of studying the biopsychosocial variables of aging, including the relation between the access to justice and other variables, in order to contribute to building a much more informed, prepared, free, just and a like-minded caring society.

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