

European Federation of National Organisations Working With the Homeless¹
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Hungary: FEANTSA opposes draft law that restricts the rights of homeless people

Background

Worrying trends are taking shape in several European cities. Homeless people are facing repressive and coercive measures, threatening to expel them from public spaces. While governments of EU Member States have committed themselves to developing integrated homelessness strategies and are promising to take concrete steps to end homelessness, instead of addressing their situation of extreme poverty and marginalization, they are offering responses that would only exacerbate the social exclusion and human rights violations of people experiencing homelessness. These efforts aim at making homeless people invisible rather than meeting their needs.

In one of the districts of Budapest and in other Hungarian cities (e.g. Szeged, Pécs, Kaposvár), local authorities have already enacted ordinances forbidding all forms of begging, including silent begging in the city centers. Begging and homelessness are not synonyms. However, these measures intend to exclude homeless people from certain public spaces. In a recent interview, Sándor Pintér, the Hungarian Minister of the Interior promised that the government “will clean public spaces of beggars and all those who give you a bad mood”.

Draft law to “expel homeless people from public spaces”

The new amendment² proposed by the Hungarian Ministry of Interior would allow local authorities to tackle homelessness by means of law enforcement. The draft law defines the concept of public space and its functions, and mandates local authorities to apply sanctions if

¹ FEANTSA is the European Federation of National Organisations working with the Homeless. It is an umbrella of not-for-profit organisations which participate in or contribute to the fight against homelessness in Europe. Established in 1989, FEANTSA represents today more than 150 organisations working with people experiencing homelessness in about 30 European countries which provide a wide range of services to people experiencing homelessness, including housing, health, employment support, social protection, rights and participation. It is the only major European network that focuses exclusively on homelessness at the European level. More information is available at: www.feantsa.org

² Act 2010...amending Act 1997/LXXXVII on the transformation and protection of urban environment and Act 1996 XXI on territorial development and settlement

public spaces are not used accordingly. As an example, it explicitly refers to homeless people living and sleeping in public spaces. Homeless people could be expelled from public spaces and could be subject to fines and police harassment which would lead to their criminalization.

Arguments against the draft law

The proposed amendment to the law is contrary to the constitutional principles in Hungary as well as international human rights law. As a response to the mere presence of homeless people in public spaces, the most vulnerable people's rights to equality and human dignity would be violated by restricting their freedom of movement and the free (voluntary) choice of their habitation. Such restriction is illegitimate, unless it protects another human right. However, measures aiming at increasing public safety, protecting cityscape, or easing the malaise of non-homeless local citizens can not be considered legitimate reasons for restricting one's fundamental freedoms.

Apart from the legal arguments the measures proposed in this draft law would only conceal the problem without offering any real solution. It is also clear that the mere withdrawal of the draft law would not bring any improvement to the situation of homeless people. It is, therefore, essential to design a legal framework and implement integrated policies that aim at improving the living and housing conditions of homeless people. Such policies are the key to address this problem.

Recommendations

- FEANTSA recommends withdrawing the draft law which would lead to the human rights violation of homeless people
- We recommend holding regular consultation with representatives of civil society and organisations working in the field as well as homeless people themselves, in view of better understanding the reality of homelessness, assessing the existing needs and designing appropriate legal and policy measures
- We recommend guaranteeing the enforceable right to housing for all and ensuring the effective exercise of the right to housing
- We recommend improving the services and conditions of homeless shelters, increasing the social housing stock and increasing housing assistance
- We recommend developing a long-term and strategic approach towards ending homelessness