



To:

all Permanent Representatives of the Member States to the EU;
all Hungarian Embassies in all Members States of the EU;
Hungarian Mission to the United Nations (New York and Geneva);
the UN Special Rapporteur on Adequate Housing,
the UN Special Rapporteur on Extreme Poverty and Social Exclusion;
Members of the European Parliament
Commissioners Andor (Employment and Social Inclusion) and Redding (Justice) of the European Commission
Fundamental Rights Agency of the European Union
Human Rights Commissioner of the Council of Europe, and the President of the European Committee of Social Rights

Brussels, 1 March 2013

Subject: Statement against the continued persecution and criminalisation of homeless people in Hungary

Dear Madam/Sir,

FEANTSA members are alarmed about the Hungarian government's campaign to punish and imprison homeless people who are unable to find accommodation. Over the past two years, the government has systematically targeted vulnerable people living in extreme poverty and is now on the brink of changing the Hungarian constitution in a vote on Monday 11 March to enact a perverse law that will allow for the conviction of people 'habitually residing in public places'.

We drew your attention to this issue in late 2011 when the Hungarian government had passed its first law that allowed for the imprisonment of those found "guilty" of rough sleeping twice in a 6 month period. Now the situation is much worse. After sustained campaigning from advocacy and human rights groups in Hungarian and across Europe, the Hungarian Constitutional Court over-ruled the government's

Fundamental Law in November 2012. However, the current Hungarian government has employed a perverse logic and decided to amend the Constitution. This proposed constitutional amendment clearly violates the spirit of the many international human rights treaties to which Hungary is a signatory, including the Revised European Social Charter, the European Convention on Human Rights, the UN Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights, and of course the European Union's Charter of Fundamental Rights.

Homelessness is an unacceptable violation of fundamental human rights and dignity that continues to affect people in all EU Member States. It is one of the clearest indicators of deepening poverty and social exclusion. It has far reaching implications, both for the individuals who experience it and for the society at large.


There are multiple pathways into homelessness. External factors can be structural; poor access to decent affordable housing, unemployment, precarious employment and discrimination and stigmatisation; these factors are exacerbated by the current economic crisis and austerity measures. They can also be institutional; release from institutions such as prisons, medical or children's institutions, poorly structured and administrated benefits systems and lack of service coordination. Often, experiences such as relationship breakdown, illness, addiction, eviction or experience of violence combine with external factors to cause homelessness.

Many EU Member States have employed a variety of successful approaches to combat homelessness. Criminalising homeless people is not the answer. Punitive measures, which stigmatise and criminalise homeless people, are cruel, since they punish the most vulnerable. These measures, whether they be fines that are absolutely unaffordable for people who have no means, or convictions for misdemeanors and other administrative offenses, make it even more difficult for people to emerge from situations of extreme poverty. People face additional stigma, huge bureaucratic burdens and debts when attempting to re-integrate into society and the labour market. Criminalisation measures are ineffective, since they aim to move the visible problem of homelessness out of view rather than offering any real solution.

So what can Hungary do instead? Countless examples from Europe and abroad demonstrate that integrated homelessness strategies, which offer real housing options for homeless people, either in social rental properties or in supported housing on the private rental market are successful. These strategies are not more expensive than using police and the justice system to fine, arrest and imprison homeless people. Concrete progress on homelessness can be made in the framework of ambitious, integrated, homelessness strategies. The European Parliament voiced its support for this approach by passing a resolution in September 2011 by a large majority, and calling on the EU institutions and Member States to address homelessness through positive measures.

FEANTSA¹, and its members urge you to join them in condemning this new attempt to criminalise homelessness, which would open the door to human rights violations in the Hungarian constitution. Instead, we call on Hungary to work towards developing an integrated homelessness strategy as a positive and effective way of putting an end to this unacceptable situation.

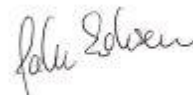
Yours sincerely,



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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. It is the only major European network focusing exclusively on homelessness at European level.



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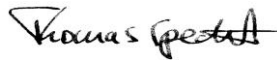


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