

REPORT 2024

Ending the Criminalisation of Homelessness in Europe

**HOMELESS
NOT
GUILTY**





This report was produced by the Fondation Abbé Pierre, FEANTSA, and Avocats Sans Frontières (ASF) as part of the Global Campaign to Decriminalise Poverty and Status.

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HOMELESS, NOT GUILTY!

Ending the criminalisation of homelessness in Europe

Around 1.2 million people are homeless in Europe, with many sleeping on the streets and having little to no means of support. This figure, which has been increasing since 2008, is the result of a worsening housing crisis and rising inequality that deeply impacts European households, especially the most disadvantaged. An increasing number of young people, women, and even children are becoming homeless.

Many people find themselves living on the streets both during the day and at night, unable to access decent housing. With insufficient social welfare to cope with the high costs of housing and daily living expenses, they struggle to find shelter in overcrowded systems that are often temporary and of poor quality. As a result, they survive by seeking out public spaces, attempting to meet their basic needs in an environment completely ill-suited to their welfare. They resort to begging for food or money to afford a place to sleep for the night. They create informal living spaces wherever they still can, and sometimes occupy vacant properties abandoned by their owners.

In several European countries, organisations supporting homeless individuals are witnessing a rise in hostility towards them, which is becoming more tangible. An increasing number of behaviours related to homelessness are being categorised as nuisance in public discourse, policies, laws, and local regulations, with a focus on suppression, leading to more frequent police interventions. This reflects the growing criminalisation of homeless individuals, which is part of a broader, ongoing trend of penalising poverty.

The gradual erosion of the welfare state, the growing focus on security both nationally and internationally, and the overall deterioration of socioeconomic and environmental conditions are deeply concerning.

The Fondation Abbé Pierre, FEANTSA, and ASF have decided to shed light on this issue by conducting a survey in four countries (Belgium, Denmark, France, and Hungary), engaging with frontline actors to examine how the criminalisation of homeless individuals manifests itself and to identify its mechanisms and consequences at a European level. The new European Commission has announced its intention to strengthen policies aimed at combating poverty and has reaffirmed the importance of the European Pillar of Social Rights, which it believes should be at the heart of member states' social policies.

Against this backdrop, these three organisations sought not only to raise awareness of the issue but also to present our recommendations to European institutions and governments to put an end to laws and practices that penalise poverty. The criminalisation of homelessness is an unacceptable societal choice, with consequences that are devastating both for the individuals affected and for society as a whole.



¹ FEANTSA, 'Homelessness in Europe: The State of Play', *Ninth Overview of Housing Exclusion in Europe*, 2024. Available at: https://www.feantsa.org/public/user/Activities/events/2024/9th-overview/EN_Chap1.pdf.

² European Commission, *The European Pillar of Social Rights in 20 principles*, 24 October 2023. Available at: https://employment-social-affairs.ec.europa.eu/european-pillar-social-rights-20-principles_fr.

1

THE CRIMINALISATION OF HOMELESSNESS: A SOCIETAL CHOICE?



The criminalisation of very vulnerable communities is becoming normalised, both in regulations and in practice and discourse, at national and local levels. Homeless individuals are frequently pushed out of public spaces, made invisible, penalised, and even imprisoned, with some facing harsher and more violent treatment than others.



3 > The Fundamental Law of Hungary. Available at: <https://www.parlament.hu/documents/125505/138409/Fundamental+law/7381893-c377-428d-9808-ee03d6fb8178>.

4 > Article 178/B (1) of the Hungarian Act II of 2012 on infractions, infraction procedure and the infraction records system: 'Use as a habitual dwelling shall be construed to mean all behaviours on the basis of which it can be established that the public space is used as a dwelling for long-term stay without the intention of returning to any domicile, place of residence or other accommodation and the circumstances of the use of the public space or the behaviour suggest that the activity generally carried out in the public space used as domicile, including, in particular, sleeping, bathing, eating and animal keeping, is carried out recurrently at short intervals and regularly in the public space by the perpetrator.'

5 > Service de lutte contre la pauvreté, la précarité et l'exclusion sociale et Institut fédéral pour la protection et la promotion des droits humains. 'La réglementation de la mendicité sous l'angle des droits humains', Cahier jurisprudence, no. 3, May 2023, p. 8 et seq. Available [in French] at: https://luttepauvrete.be/wp-content/uploads/sites/2/2023/05/Cahier_Lacatus-FR_04-05-2023.pdf.

6 > Article 312-12-1 of the French Penal Code.

7 > Article 227-15 of the French Penal Code.

8 > Article 3(4), and Article 6(3) of the Danish Public Order Act. Available [in Danish] at: <https://www.retsinformation.dk/eli/ta/2020/1094>.

9 > Sections 2 and 3 of Article 197 of the Danish Penal Code. Available [in Danish] at: <https://danskelove.dk/straffeloven/197>.

1. The many faces of criminalisation

The fact that laws criminalising begging or vagrancy have been repealed in many countries does not mean that homeless individuals are no longer penalised for behaviours vital to their survival in public spaces. This criminalisation simply takes a much more varied and often subtle form. It occurs at the local level, increasing the arbitrariness of enforcement. It also manifests as broader bans which, at first glance, do not appear to target homeless individuals but are, in practice, almost exclusively applied to them. Moreover, it extends beyond homelessness and begging, criminalising people who are at risk of homelessness.

From the central government to local authorities: sanctions at every level

Several legislative attempts in **Hungary** to criminalise homelessness faced obstacles due to the Fundamental Law until it was amended in 2018. Since then, Article XXII(3) states that 'Using a public space as a habitual dwelling shall be prohibited'.³ Protected by this constitutional basis, the offence of using public space as a permanent residence⁴ can now be fully enforced and punished with a fine or community service. If the fines are not paid or the work is not carried out, these penalties can be converted into imprisonment by a judge.

While begging in **Belgium** was removed from the country's Penal Code in 1993, it is still

subject to administrative fines, varying from one municipality to another, which can reach the legal maximum of EUR 350 for adults and EUR 175 for minors. According to a 2023 survey, 253 out of 581 Belgian municipalities have adopted regulations that prohibit begging. These regulations are problematic when measured against human rights standards.⁵

A similar situation exists in **France**, where the offences of begging and vagrancy were abolished in 1994. However, begging in groups or 'aggressively', or with a dangerous animal, remains punishable by six months of imprisonment and a fine of EUR 3,750.⁶ There are also restrictions on begging involving children, particularly if it endangers their health. Additionally, many municipalities still prohibit a wide range of behaviours, mostly adopted by homeless individuals in public spaces. Fines for these offences can reach up to EUR 150. The country's Transport Code also enforces a nationwide ban on begging in public railway areas, on trains, and at bus terminals, with fines of up to EUR 450.⁷

In **Denmark**, the Danish Public Order Act prohibits sleeping in camps that are likely to cause 'discomfort' for the neighbourhood.⁸ Begging is generally penalised with a warning for a first offence.⁹ However, harsher penalties apply to so-called 'intimidating' begging, which is considered an aggravating circumstance and usually results in a 14-day prison sentence without suspension. This type of begging is defined as occurring in four specific public places: pedestrian streets, train and bus stations, supermarkets, and public transport.

Law enforcement not only has to navigate a wide range of regulations with overlapping and varied content but is also granted discretionary power in how these regulations are applied. In cases where the ban is not universal, the circumstances that could constitute a public order violation and justify police intervention are seldom clearly outlined. This lack of clarity inevitably results in arbitrariness, subjectivity, and legal uncertainty for homeless individuals.

Criminalising homelessness without acknowledging it

These measures criminalise basic survival activities of homeless individuals.¹⁰ Actions considered deviant are often necessary responses to their situation, and penalising these behaviours shifts the blame onto them. Even when regulations do not directly target homeless people, they criminalise behaviours that arise from their difficult circumstances.

The enforcement of these regulations often reveals the underlying, sometimes hidden, intent of lawmakers or local authorities to penalise and remove homeless individuals from certain areas of the city – those that are busy, commercial, tourist-focused, or key transit hubs.

In **France**, municipal decrees target a wide range of behaviours. These include: prolonged occupation of public spaces; sitting or lying down in certain areas; littering or disrupting public order; using communal facilities in a way that hinders shared use; gatherings, however small, accompanied by music or loud voices; groups of dogs, even if leashed and with their owners; consuming alcohol in public spaces outside café and restaurant terraces; wild camping or bivouacking; storing or setting up equipment on public streets without permission; and rummaging through bins.

Legal actions taken against such municipal decrees by various organisations reveal that most police reports do not mention any significant disturbances or incidents that would justify intervention. Instead, the reports consistently highlight the clear distress of the individuals involved. Examples include individuals saying the following:

- ‘I have no other way to eat.’
- ‘I do this to buy my medication.’
- ‘They always ask us to leave.’

Or police reports noting the following:

- ‘Two homeless individuals spent the night under the arches to shelter from the weather.’
- ‘A homeless person was lighting small fires in the rubbish area to stay warm.’
- ‘A homeless person has been sleeping on a bench outside the hospital for several days. They were told they must leave by Thursday morning so the bench can be removed. They acknowledged the request and are making arrangements to leave.’
- ‘They placed clothes under the hatch of an EDF utility room and agreed to clear the area by morning.’¹¹

Municipal regulations in **Belgium** also prohibit alcohol consumption in public spaces in certain neighbourhoods,¹² citing ‘public order disturbances’ and an aim to cultivate ‘calm public spaces’. In the city centre, this ban explicitly references an ‘unstable and at-risk community’.¹³ While these regulations do not specifically target homeless individuals, they are naturally the ones most affected. Lacking access to private spaces to consume alcohol, homeless individuals have no alternatives, making them highly visible and, according to local organisations, subject to intense scrutiny, control, and sanctions by law enforcement.

Sometimes, the implementation of these measures borders on the ridiculous. Like in the Belgian city of Namur, where even the police officers themselves complain about the daily ‘homeless patrols’ aimed at ‘pursuing the homeless’ and systematically fining people occupying public spaces. Virgile, a police officer, recalled ‘feeling a lump in my throat and chills after an encounter. The individual involved was neither consuming alcohol nor drugs, nor was he begging – he was simply sitting there’.¹⁴

Criminalising informal housing

Criminalisation is not confined to living on the streets. It extends to alternatives such as squatting as well as to tenants who remain in their homes despite an eviction order.

In **Belgium**, a law was passed in 2017¹⁵ punishing squatting with imprisonment of between eight days and one month and a fine of between EUR 26 and EUR 100, or one of these penalties only.¹⁶ In 2020, the country’s Constitutional Court annulled Article 12 of this Law, which authorised the eviction of occupants solely on the orders of the public prosecutor, ruling that eviction could only be ordered by a



10 > On this topic, see also the report by the United Nations Special Rapporteur on Extreme Poverty and the Special Rapporteur on Adequate Housing, ‘Breaking the Cycle: Ending the Criminalization of Homelessness and Poverty’, A/HCR/56/61/Add.3, 26 June 2024.

11 > Excerpts from police reports compiled in the French cities of Nice and La Rochelle, as well as the collective complaint filed by FEANTSA and FIDH against France, and translated into English. Available at: [https://224/2023-European-Federation-of-National-Organisations-Working-with-the-Homeless-\(FEANTSA\)-and-International-Federation-for-Human-Rights-\(FIDH\)-v.-France--Social-Rights](https://224/2023-European-Federation-of-National-Organisations-Working-with-the-Homeless-(FEANTSA)-and-International-Federation-for-Human-Rights-(FIDH)-v.-France--Social-Rights).

12 > Brussels Mayoral Police Ordinance to Calm Public Spaces in Saint-Gilles: Prohibition on Alcohol Consumption in Public Spaces within Designated Areas, from 22 June 2023 to 11 September 2023. Available [in French] at: <https://stgillis.brussels/wp-content/uploads/2023/06/20230622-Projet-ordonnance-B6-Interdiction-alcool-PARVIS-ET-ENVIRONS-DEF-Filature-fr.pdf>.

13 > Decree of the Municipal Council of the City of Brussels, Protocol No. 39, 9 September 2024. Available [in French]: <https://www.bruxelles.be/sites/default/files/bxl/R%C3%A9glement%20alcool.pdf>.

14 > Article discussing allegations made by several police officers in Namur, Belgium, who expressed concern over being tasked disproportionately with operations targeting homeless individuals, RTBF News, 2 July 2024. Translated into English. Available [in French] at: ‘[Un a l'impression de ne plus faire que ça](https://www.rtbf.be/actualites/actualites/article_114271389-Des-policiers-qui-ont-une-pression-accablante)’ – RTBF Actus, 2 July 2024.

15 > Article 12 of the Belgian Law of 18 October 2017, regarding unauthorised entry, occupation, or stay on another’s property, and Executive Article 442/1 §1 of the Belgian Penal Code.

16 > Article 442/1 §1 of the Belgian Penal Code.



17 -> Belgian Court of Cassation, Judgement No. 39/2020 of 12 March 2020.

18 -> Belgian Law of 6 December 2022, aimed at making justice more humane, faster, and stricter.

19 -> This is normally stipulated by law only if this is not possible due to the particular circumstances of the case, such as when the occupants cannot be identified.

20 -> Ligue des Droits Humains, La LDH dénonce le recours abusif aux requêtes unilatérales: on ne juge pas une affaire sans en entendre les deux parties, 15 November 2023. Available [in French] at: <https://www.liguehdh.be/la-ldh-denonce-le-recours-abusif-aux-requetes-unilaterales-on-ne-juge-pas-une-affaire-sans-en-entendre-les-deux-parties/>

21 -> French Law No. 2023-668 of 27 July 2023, aimed at protecting housing from illegal occupation.

22 -> Article about how since the 'anti-squatting' law, eviction orders have become faster and more frequent in *Le Monde*, 29 July 2024. Available [in French] at: ["Depuis la loi "antisquat", les décisions d'expulsions sont devenues plus rapides et plus nombreuses"](https://www.lemonde.fr/actualites-france/article/2024/07/29/les-decisions-dexpulsions-sont-devenues-plus-rapides-et-plus-nombreuses_6144647_188.html).

23 -> This amount is added to their debt for rent and charges. It should be noted that this same law, at the same time, reduces the eviction procedure timeline by about two months and limits the judge's authority to grant delays for eviction, leaving less time to seek assistance.

24 -> Article 167 of the Hungarian Law of 2012.

25 -> Article about Amnesty International appealing to the Attorney General in Switzerland. Available [in French] at: <https://www.tdg.ch/squat-de-la-rue-royaume-amnesty-international-saisit-le-procureur-general-776490600777>.

26 -> Lovbjerg Hansen, M. 'Criminalising rough sleeping in Denmark, Homeless in Europe', FEANTSA magazine, 2020, p. 19: <https://www.feantsa.org/public/user/Resourcess/magazine/2020/Criminalising-Rough-Sleeping-in-Denmark--Homeless-in-Europe-Magazine-Spring2020-Criminalisation-of-homelessness-6.pdf>.

27 -> Article by David Vitézy about how public transportation cannot be a homeless shelter in Hungary. Available [in Hungarian] at: <https://vitezzydavid.hu/a-tomegkozelekedes-nem-lehet-hajlekitalanszallo/>

magistrate.¹⁷ In 2022, as part of the reform of the Belgian Penal Code, the power to authorise evictions was entrusted to examining magistrates.¹⁸ In practice, these eviction procedures are carried out in a way that is alarming from a human rights point of view – increasingly often, they are carried out unilaterally, in other words without informing, summoning, or hearing the occupants of the squat.¹⁹ The Belgian human rights organisation – Ligue des Droits Humains – has strongly condemned the abusive use of this unilateral procedure, which undermines the fundamental principles of the right to a fair trial and deprives individuals of their right to a proper defence.²⁰

In **France**, two new offences were created in 2023, one relating to the fraudulent occupation of premises intended for residential, commercial, agricultural, or professional use, whether or not they are intended for habitation, occupied, furnished, or vacant. This offence is punishable by two years of imprisonment and a fine of EUR 30,000.²¹

Maitre Bonaglia, a French lawyer, stated that law enforcement now intervenes based on the new offence, placing the occupants in police custody while simultaneously returning the building to the owner. He argued that, in his view, this constitutes an illegal *de facto* eviction unless the offence is proven.²²

The other offence was established against tenants who are behind on rent or have received an eviction notice from their landlord, such as in cases where the property is being sold vacant. These tenants now face a fine of up to EUR 7,500 if they remain in the property after the eviction process is completed.²³

In **Hungary**, squatting is punishable by imprisonment.²⁴ However, according to the Street Lawyers Association (SLA), civil eviction procedures are more common than criminal proceedings, and courts almost never impose prison sentences. According to data from the Ministry of the Interior, around 200 to 300 squat-related procedures are recorded each year.

Although they do not always lead to charges, police operations targeting squatters and leaving people homeless are becoming more prominent across Europe. This was evident in the violent police intervention to evacuate a squat in the Swiss city of Geneva on 9 February 2023, which led to allegations of police violence. In response, Amnesty International contacted the Attorney General urging an investigation and potential criminal charges.²⁵

2. Security discourse and the stigmatisation of the most vulnerable

This criminalisation of homelessness serves interests that have nothing to do with any actual threat. It is part of the prevailing security-driven climate, which views public spaces solely through the lens of safety, eclipsing any sense of solidarity.

The repressive measures stem from policies based on stereotypes about homeless people. Their motivation is primarily rooted in the image constructed around the homeless individual, who is perceived as violent, rude, dirty, intoxicated, and inherently lawbreaking.

This is evident in the broader political discourse, which has intensified in recent years. In 2017, during the local elections in **Denmark**, several outspoken local politicians made reducing the number of migrants on the streets their top priority. These individuals were labelled 'Roma and thieves' – with their presence deemed harmful to the entire Danish population. Both politicians and the police urged Danes to report groups of homeless people sleeping on the streets so that law enforcement could monitor and control them.²⁶

The populist movement in **Hungary**, particularly under the leadership of the Fidesz party, has been marked by the use of a divisive 'us versus them' rhetoric, portraying the poor and marginalised as an inherent threat to society. During his 2024 Budapest campaign, candidate David Vitézy proposed strengthening the powers of security personnel in public transportation and allowing citizens to report homeless individuals who smell.²⁷ Despite his electoral defeat, this campaign significantly contributed to reinforcing prejudices against the homeless.

In **Belgium**, George-Louis Bouchez, the candidate from the MR (Mouvement Réformateur, a right-wing liberal party), made the fight against begging a central theme of his campaign in Mons during the October 2024 municipal elections. His slogan about excessive begging undermining people's generosity (*trop de mendicité tue notre générosité*) and his overall rhetoric directly and unequivocally associated homeless individuals with drug use and violence.

A heavily stigmatising discourse in **France** against people occupying vacant buildings has been perpetuated since 2020, often based on



28 ▶ Official record of the 74th session of the French National Assembly for the 2022-2023 regular session, specifically the second session held on 29 November 2022. Translated into English. Available [in French] at: [MasterAPP_AN_2022-091.pdf](#).

29 ▶ A letter signed by dozens of associations denounces the growing insecurity in Brussels in 2023, for example. Available [in French] at: <https://bxl.be/gare-du-midi/lettre-ouverte-des-dizaines-dassociations-denoncant-linsecurite-grandissante-a-bruxelles/>

30 ▶ See article about residents of the 16th arrondissement of Paris lashing out against a homeless shelter. Available [in French] at: [Paris : des habitants du 16^e arrondissement se déclament contre un centre d'hébergement pour SDF](#); and this article about residents of the 20th arrondissement of Paris strongly opposing a future homeless shelter – France Bleu. Available [in French] at: [Paris : des habitants du 20^e arrondissement s'opposent à un centre d'accueil des sans-abris – France Bleu](#); and this article about residents of the 20th arrondissement of Paris opposing a homeless shelter [available in French]: [Paris: des riverains du 20^e arrondissement s'opposent à un centre d'accueil pour sans-abris](#).

31 ▶ See the op-ed published on Mediapart on 17 October 2023, signed by a group of twenty associations in Paris, 'Interdiction des distributions alimentaires à Paris : nourrir l'errance et l'isolement'. Translation into English.

32 ▶ See, in particular, the characterisation of the 'crime of solidarity' in France, as well as in the legal battle of Cédric Herrou, who was initially prosecuted for 'assisting the entry and movement of foreigners in an irregular situation'.

33 ▶ Article 226-4-2-1 of the French Penal Code.

34 ▶ See, for example, the arrest of six individuals during a protest aboard a plane against an eviction in Brussels in 2016. The six were acquitted by the Brussels Criminal Court in December 2017; however, their lives and their act of solidarity were nonetheless impacted by this unjustified arrest. Available [in French] at: <https://solidarityisnotacrime.org/2018/08/29/2017-appel-a-soutien-aux-six-heros/>

35 ▶ This trend was further intensified by the adoption of the 'New Pact on Migration and Asylum' in 2021.

36 ▶ Audiovisual reports on violent police evictions in Saint-Denis, Paris. Available [in French] at: https://information.tvmonde.com/video/france-evacuation-du-camp-de-migrants-de-saint-denis-https://www.youtube.com/watch?v=CzUNo3j4UM; https://www.francetvinfo.fr/faits-divers/police/violences-policieres/paris-evacuation-d-un-rassemblement-de-migrants-place-de-la-republique_4193571.html.

rare, sometimes false, stories. This narrative is periodically revived whenever the aim is to reinforce property rights, often for populist and electoral purposes. Some media outlets clamour to echo this discourse, either for the sake of ratings or political complicity, further aggravating the stigmatisation of homeless individuals without any regard for their circumstances. In the same vein, Minister of Justice Éric Dupond-Moretti, has defended the anti-squatting law in the National Assembly: 'I know people like that, you see! Last night, I shared this story at the podium that I find absolutely chilling: an elderly lady, nearing the end of her life, moves into a care home... some scoundrels notice that her place is empty... and they move right in'.²⁸

These frequent discourses contribute to the stigmatisation of homeless people and encourage resistance from residents or business owners in many European cities opposing the presence of homeless individuals, citing concerns about insecurity or the nuisances they cause.²⁹ Such opposition also extends to efforts to establish shelters in their neighbourhoods. In Paris, particularly in the affluent 16th and 20th arrondissements, residents have expressed concerns about shelters for homeless people. They have warned that the risks associated with such shelters – such as violence, alcoholism, and drug use – are real, and they fear these issues could lead to the deterioration of their neighbourhoods.³⁰

Criminalising solidarity

Beyond the homeless individuals themselves, solidarity towards them is also penalised and, as a result, discouraged.

In **Denmark**, legal aid organisation Stenbroens Jurister has expressed concern over the fact that local authorities are pressuring service providers to exclude undocumented individuals from shelters. Danish authorities have warned shelter managers that accepting people without legal status could lead to criminal consequences and jeopardise the possibility of future funding. As a result, service providers are now forced to verify that the individuals they accommodate have a Danish personal identification number (CPR number).

In October 2023, a prefectural decree in **France** banned food distributions for a month in a district of Paris, 'on the grounds that these recurring food distributions organised by various associations lead to gatherings of marginalised individuals and are likely to disrupt public order'.³¹ This ban is part of a broader trend in France, which has been

growing since the COVID-19 pandemic, aiming to limit solidarity with those described as 'roaming', especially when it comes to people with a migrant background.³² By September 2020, the prefecture in Calais had already issued several successive decrees banning 'any free distribution of drinks and foodstuffs' in the city centre for several months, again citing the 'nuisances' caused by these distributions. Associations and volunteers were repeatedly fined in this regard.

In 2023, a new article in the French Penal Code introduced an offence for incitement to squatting, penalising 'any form of propaganda or advertising that promotes methods facilitating or encouraging squatting', with a fine of EUR 3,750.³³ However, it remains unclear where the boundary lies between activism and solidarity efforts, on the one hand, and the humanitarian, social, and legal support provided to squatters, on the other.

In addition to regulations restricting acts of solidarity, there are also practices aimed at discouraging mobilisation in support of the rights of homeless and migrant people, particularly the growing use of police violence during squat evictions or protests demanding their rights. Both police repression and the judicial measures that often accompany it tend to deter solidarity actions.³⁴

3. An over-criminalisation of racialised and migrant individuals

The criminalisation of solidarity is particularly harsh when it comes to supporting people in exile, but it is also because racialised and migrant individuals themselves are particularly targeted by the most violent practices, which go far beyond the mere application of the law.

Police persecution of migrant communities

In Europe, the situation of migrants is characterised by hardening migration policies.³⁵ This security-driven shift is particularly evident in the tightening of migration controls, the increased use of detention, and the evictions of homeless migrants occupying public spaces.

In **France**, the violent police evictions in Saint-Denis³⁶ and Place de la République in Paris in November 2020 rightfully shocked public opinion. In reality, these events merely represent the ordinary violence faced by



37 - The Observatoire des Expulsions de Lieux de Vie Informels in France reports that living spaces are evicted and reoccupied in a cyclical manner, with some places being evicted hundreds of times throughout the year. This strategy by the authorities amounts to harassment as individuals living in these spaces may face multiple evictions each year. Available [in French] at: https://www.assemblee-nationale.fr/dyn/docs/PNRFANR5116B2398_raw#.ftn6.

38 - The Observatoire des Expulsions de Lieux de Vie in France discusses issues related to evictions, providing detailed analysis, statistics, and recommendations for addressing the social and legal challenges associated with forced removals in France. Available [in French] at: https://www.observatoiredelexpulsions.org/storage/wsm_publication/FxalkGJadLHDm8bes20CWLs4N3FDVHMQ20laMmH.pdf.

39 - The Council of Europe criticises Belgium's insufficient actions to address the increasing number of asylum seekers. Available [in French] at: <https://institutfederaaldroitshumains.be/sites/default/files/2024-08/Rapport%20Etat%20de%20droit%202024%20FR.pdf>; Myria and the Federal Human Rights Institute (IFDH) highlight gaps in the Belgian's government's response, pointing to issues such as long waiting times, inadequate accommodation, and a lack of political will to resolve the crisis. Available [in French] at: <https://www.myria.be/fr/publications/communiqu%C3%A9-de-urgence-de-l'accueil-leurope-poin-te-a-nouveau-les-maquements-de-la-belgique>.

40 - Tsourdi, E. and De Bruyker, P., Research Handbook on EU Migration and Asylum Law, London and Brussels, Edward Elgar, 2022.

41 - United Nations Committee on the Elimination of Racial Discrimination, Concluding observations on the combined twenty-second to twenty-fourth periodic reports of Denmark, 105th session, 15 November to 3 December 2021, Part 29. Available at: https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CERD%2F2021.DNK%2F2021.29&Lang=en.

42 - Bachlakova, P., 'Denmark's tough laws on begging hit Roma women with few other options', *Al Jazeera*, 4 March 2024; [Denmark's tough laws on begging hit Roma women with few other options](https://www.aljazeera.com/news/2024/3/4/denmark-tough-laws-on-begging-hit-roma-women-with-few-other-options) | *Al Jazeera*.

thousands of people every day. Along the northern coastline, a so-called 'zero settlement points' policy is deliberately and systematically implemented by the state, '...aimed at destroying camps, wooden shelters, and water distribution points, deterring humanitarian aid, and relying on the constant mobilisation of law enforcement along the coast',³⁷ targeting exhausted and hungry individuals. French eviction watchdog Observatoire des Expulsions de Lieux de Vie reports that many unaccompanied minors have testified to being victims of police violence such as LBD shots, repeated and unjustified use of tear gas, and racist verbal abuse during eviction operations carried out by the authorities as they struggled to survive on the streets.

In **Belgium**, 2023 was marked by the deployment of federal police forces in Brussels to carry out several large-scale evacuations at the city's Gare du Midi, during which dozens of people, mostly without legal residence status, were arrested. This occurred against an increasingly hostile and repressive political backdrop where migrant people are concerned, with such individuals being regularly expelled from any form of camp or informal shelter they attempt to set up. This comes despite the fact that Belgian authorities have been condemned over 9,000 times by Belgian courts for failing to meet international obligations regarding the accommodation of asylum seekers.³⁹ Furthermore, the country's Secretary of State for Asylum and Migration, Nicole de Moor, made the decision to completely suspend the accommodation of single male asylum seekers, thereby dramatically increasing the number of people forced to sleep on the streets or in emergency shelters.

The EU and its member states, while capable of showing solidarity in the context of the war in Ukraine, demonstrate much less commitment to protecting other migrant communities.⁴⁰

The stigmatisation of the Roma community

In **Denmark**, the criminalisation of Roma individuals takes the form of targeted repression. The implementation of legislation on begging and encampments, established in 2017, is entrusted to the foreign nationals control section of the Copenhagen police, which has clearly signalled its intention to specifically target this community. This has been noted by the United Nations Committee on Economic, Social and Cultural Rights (CESCR), which in 2022 recommended that Denmark take measures to evaluate the enjoyment by Roma of 'their economic, social and cultural rights on

an equal footing with the rest of the population in the State party ... [and] take measures to ensure that its provision that criminalises establishing and staying in certain camps is not applied or enforced in a discriminatory manner'.⁴¹ While there are no reliable numbers available for those who self-identify as 'Roma,' 'from 2017 and 2023, Romanians and Bulgarians made up 84% of individual begging convictions in Denmark'.⁴²

In **Hungary**, Roma individuals, who make up about 7% of the population, are disproportionately represented in the prison system. Although official data is lacking, research with national police revealed systemic inequalities, with Roma people being three times more likely to face arrests and searches. What's more, estimates suggest they account for over 80% of those affected by sleeping rough prohibitions and anti-begging measures.

The stigmatisation of homeless people in public debate and political discourse, coupled with the criminalising measures that follow, is deeply concerning. These repressive measures – evictions, bans, and criminalising survival behaviours – only serve to keep vulnerable individuals in a state of extreme deprivation, exposing them to increasingly severe penalties, including imprisonment.

2

THE COST AND CONSEQUENCES OF CRIMINALISING HOMELESSNESS



The increasing criminalisation of homelessness, coupled with the discrimination faced by homeless individuals, forces them into a damaging cycle of legal repercussions with both immediate and long-term consequences for their lives and fundamental rights. This penal approach also harms society as a whole by perpetuating a distorted perception of homelessness and the solutions required. Moreover, it incurs significant costs while leading to a large-scale disinvestment in and erosion of social policies and practices that have proven more effective in tackling homelessness and addressing the true needs of those affected.

1. The vicious circle of a punitive approach

All the survival strategies adopted by homeless individuals are liable for punishment and may result in fines or even arrests. However, what distinguishes these individuals from others is that they have little choice but to engage in these behaviours, as the actions being penalised are inherent to their situation.

As long as they remain homeless, individuals are trapped in a cycle of reoffending and accumulating penalties. Fines, which they cannot pay, can lead to imprisonment. A report from Emmaüs France and Secours Catholique reveals that, in 2021, nearly 60% of prisoners in France lived below the poverty line, compared to just 14% of the general population.⁴³ The link between homelessness and prison is strong,⁴⁴ and the cycle of moving back and forth between the two is all too common.

Individuals in **Hungary** can opt for community service instead of paying a fine, provided they meet specific conditions, such as having a mobile phone number and being in good health. A medical certificate confirming their ability to work is required, and individuals must cover the cost of this. For homeless individuals or those living in extreme poverty, meeting these criteria is often impossible, leaving them

with no option but to pay the fine, and if they cannot, they face the risk of imprisonment.

Worse still, homeless individuals often face challenges that are seen as aggravating circumstances. Those with mental health issues or addictions are considered more dangerous than others and the fear they provoke often overshadows the fact that these individuals are primarily vulnerable. When these issues lead to criminal acts, imprisonment becomes a common institutional response, serving as an alternative to the closure of many hospital beds and, more importantly, the lack of resources to provide appropriate, dignified care.

A study by Médecins du Monde conducted in **France** of 1,650 cases of individuals appearing for immediate hearings revealed that homeless people with mental health disorders are at a higher risk of being sentenced to imprisonment.⁴⁵ There is also an overrepresentation of mental health issues among the homeless community. A study conducted for the Un Chez Soi d'Abord programme found that, of 700 homeless individuals with schizophrenia or bipolar disorder, 90% did not receive appropriate treatment,⁴⁶ 'despite the fact that such extreme vulnerability contributes to significant psychological distress and exacerbates these disorders'.⁴⁷ In Paris, a third of homeless people were reported in 2009 to suffer from



⁴³ - Secours Catholique, 'Au dernier barreau de l'échelle sociale : La prison. 25 recommandations pour sortir du cercle vicieux prison-pauvreté', October 2021.

⁴⁴ - Baronnet, J. and Vanlemmens, T., 'Aux portes de la rue ou quand les institutions produisent l'exclusion : les sortants de prison', Recherche sociale, n°229(1), 5-99.

⁴⁵ - Allaria, C. and Boucequine, M., 'L'incarcération des personnes sans logement et en grande difficulté psychique dans les procédures de comparution immédiate', Champ Penal, 2019.

⁴⁶ - Fond G., Tinland A., Boucequine M., Girard V., Loubière S., Auquier P., and Bayer L., 'Prescription of potentially inappropriate psychotropic drugs in homeless people with schizophrenia and bipolar disorders. Results from the French Housing First (FHF) program', in Progress in Neuropsychopharmacology, August 2018. Study cited in Fondation Abbé Pierre, Rapport annuel sur l'état du mal-logement en France, 26^e annual report 2021, p. 194.

⁴⁷ - Haute Autorité de Santé, 'Comment intervenir auprès des personnes en situation de grande précarité présentant des troubles psychiques', 7 September 2021, p. 3. Translation into English.

severe psychiatric disorders, including psychotic disorders, severe mood disorders, and anxiety disorders.⁴⁸

People experiencing extreme poverty face additional challenges upon leaving prison, including the inability to request early release. The Association L'Îlot in Belgium reports 'that many cannot apply for early release because they have no address, and as a result, serve their full sentence and, once released, are left without an address, going directly from prison to the streets'.

For the most vulnerable, especially those experiencing homelessness and already struggling with social, economic, or psychological challenges, 'this can be viewed as a form of "double punishment"'. These individuals are not only more likely to receive prison sentences due to the lack of alternatives to incarceration, but they also have the least access to opportunities for adjustments to sentences'.⁴⁹ As a result, they end up spending potentially more time in detention.

This is evident in **France**, where a study by Emmaüs France and Secours Catholique reveals that 69% of those surveyed anticipate temporary or uncertain housing arrangements upon release, while 26% report having no housing options planned.⁵⁰ Additionally, many of these individuals face challenges due to a lack of awareness of their rights or insufficient information concerning available support services for their reintegration.⁵¹

Finally, simple fines can further reduce homeless individuals' housing prospects by deepening their debt, especially when increased for non-payment within a certain period. In **Belgium**, organisations like Association l'Îlot and Doucheflux, which run Housing First programmes, report that these fines tend to accumulate, particularly for individuals without an address or for those who are insolvent. When housing is finally secured, they then face significant wage or bank account garnishments. Many homeless people then fall back into severe financial insecurity, creating an additional barrier to a sustainable exit from homelessness. These fines only serve to reinforce economic vulnerability.⁵²

These findings demonstrate the significant difficulties, or even the impossibility, for homeless people to defend their rights before administrative bodies and courts.

Limited Access to Justice

This criminalisation immediately renders homeless individuals guilty as they are among those with the least access to justice, unable

to defend themselves, contest illegal and abusive sanctions, appeal their convictions, explain their situation to judges, or request fine reductions or sentence adjustments. They are also highly exposed to the systematic nature of their sentencing.

Few individuals manage to assert their rights in court or access adequate legal counsel. Often, the harsh realities of their living conditions prevent them from organising a defence or navigating lengthy legal processes. When procedures need to be completed online, they require access to a computer and digital literacy – resources and skills that are frequently out of reach.

Individuals are often detained, issued documents, summoned for hearings, or expected to appear in court in a language they do not read or understand, without access to a translator or support – posing a clear barrier to justice.

Field workers further highlight that police interventions frequently occur 'in silence, in isolated locations, during late-night or early-morning hours without witnesses, making it difficult to collect the evidence needed to seek legal recourse'.⁵³

Homeless individuals face significant challenges in preparing their defence or avoiding pretrial detention, as they are disproportionately represented in expedited proceedings with shortened timelines that hinder their ability to mount an adequate defence.⁵⁴ A 2011 study in **France** found that homeless individuals are five times more likely to be brought to trial in immediate hearings and over ten times more likely to be placed in pretrial detention compared to those with a personal address. In **Belgium**, field workers in Brussels report a significant decline in access to justice and the ability of homeless individuals to defend and assert their rights.

According to Doucheflux, 'most of the individuals supported are convicted by default due to lacking an address, which leaves them unaware of their court summons or convictions, preventing them from defending themselves and resulting in the maximum penalty'.

An expedited review mechanism for begging cases, known as 'Begging Tuesday', has been introduced in **Denmark**. One Tuesday each month is dedicated to hearing new begging cases, which are processed more quickly – within a month compared to up to two years for other cases. Fortunately, committed lawyers use this dedicated day to identify affected individuals and to offer to represent them. Specialised attorneys and Danish NGOs provide



⁴⁸ - Baronnet, J. and Vanlemmens, T., 'Aux portes de la rue : les sortants de prison', Recherche sociale 2019/1 (N° 229).

⁴⁹ - Baronnet, J. and Vanlemmens, T., 'Aux portes de la rue : les sortants de prison', Recherche sociale 2019/1 (N° 229). Translation into English.

⁵⁰ - Secours Catholique, 'Au dernier barreau de l'échelle sociale : La prison. 25 recommandations pour sortir du cercle vicieux prison-pauvreté', October 2021.

⁵¹ - See 'From a Cell to the Street', Prison Insider, 29 May 2024. Available at: <https://www.prison-insider.com/en/articles/de-la-celle-a-la-rue>.

⁵² - The INESAC project, a research initiative examining the potential consequences of SACs on inequality, was recently launched by UNIA (the independent public inter-federal institute responsible for combating discrimination). See also Tatti, D., 'Sanctions administratives communales et transaction pénale : punition pour tous-tes?', Chronique de la Ligue des droits humains n°207, June 2024.

⁵³ - Investigation report by Collectif d'Accès au Droit in France, 'Les conditions des personnes exilées à Paris, 8 années de violences policières et institutionnelles', 2015-2023. Translation into English. Available [in French] at: <https://collectifaccessaudroit.org/etudes/>

⁵⁴ - Baronnet, J. and Vanlemmens, T., 'Aux portes de la rue : les sortants de prison', Recherche sociale, no. 229, 2019.

free legal assistance to support homeless individuals. However, those who do not reach out to these organisations are assigned a court-appointed lawyer, often unfamiliar with such cases, who typically meets their clients only briefly before the hearing, leaving little opportunity to discuss their personal circumstances.

Homeless individuals also struggle to gather the necessary documents to explain their situation, including proof of identity, which they may have lost, seen damaged due to their inability to store items safely, or had destroyed during evictions.

Access to justice is also shaped by what transpires in court during the hearing, with numerous factors coming into play, including the judge or magistrate's attitude. Field workers have noted instances where judges or magistrates make moralising, guilt-inducing, or even infantilising remarks, although some demonstrate greater empathy and attentiveness. Outcomes can be influenced by various elements, such as the nature of the charges, whether the defendant is present, the choice of legal representation, and even the timing of the hearing.

While non-custodial measures in **Hungary** are rarely enforced in practice, they remain on the books and can be applied at any time. Authorities often adopt stricter enforcement during sporting or religious events. For instance, during the 2019 European Maccabi Games in Budapest, a significant number of individuals were prosecuted, with one individual fined HUF 50,000 simply for begging during the 52nd International Eucharistic Congress.

Field workers stress that the frequency and intensity of repressive measures can shift rapidly, influenced by various factors such as changes in government at the national, regional, or local level, the appointment of a new prefect or commissioner, neighbourhood transformations, or urban development projects.

Organisations sometimes attempt to challenge regulations that criminalise homelessness, but the process is far from straightforward. Associations in **France** seeking to contest municipal decrees often struggle to access the relevant information, relying on local volunteers or media coverage, which is often inconsistent and unreliable. Judicial decisions, even when expedited through emergency procedures, are typically issued far too late, allowing the decree to remain in effect for weeks or months before being suspended or annulled.

These repressive measures, however, come at a cost – not only to the individuals subjected to them but also to society as a whole.

2. The human cost of homelessness and criminalisation

Under pressure from regulations, the police, and public condemnation, homeless individuals are increasingly forced to make themselves invisible in public spaces, constantly moving from one district or city to another. This permanent sense of displacement often leads them to abandon administrative processes, lose access to services or rights, and become overwhelmingly discouraged.

The impact on their physical and mental health is devastating. Constant flight and exclusion erodes self-esteem, disturbs daily routines, compromises hygiene, and disrupts access to healthcare. Many live in a state of exhaustion and hyper-vigilance, particularly in cities with a strong police presence.

According to Douchefflux, 'mental health issues have skyrocketed in recent years, and sometimes they are solely caused by the physical exhaustion of individuals. There are cases of people who, when given the opportunity to sleep several nights in a row – such as when they are hospitalised – become much calmer and have significantly fewer problems. These individuals never get a break; they are moved on in the middle of the night and forced to flee from place to place'.

Often pushed out of city centres, homeless individuals are distanced from the essential services they need to survive. They lose access to support networks, hygiene facilities, and healthcare, and are deprived of their personal, geographic, and community landmarks. The connections social workers have worked hard to forge with them are frequently broken by forced evictions or because, fearing checks on public transportation, they stop attending appointments or even food distributions.

Field workers with Douchefflux in Brussels have observed that 'most of the individuals supported are convicted by default due to lacking an address, which leaves them unaware of their court summons or convictions, preventing them from defending themselves and resulting in the maximum penalty'. This perspective is also shared by Association l'Îlot and Infirmiers de Rue.

As a result, such individuals stop seeking help, and hide out in remote, isolated, degraded, sometimes dangerous, and polluted areas. In **France**, many individuals have taken refuge in the forests around Paris.⁵⁵ At this point, some emergency services refuse to intervene in certain areas considered 'sensitive', such as specific squats or encampments.

These avoidance strategies significantly contribute to the invisibility of homeless individuals, making them much more vulnerable to exploitative networks such as slumlords or unscrupulous employers. Additionally, this situation places them in heightened insecurity, making them more exposed to violence and theft. Isolation and anxiety also contribute to substance abuse and exacerbate the mental vulnerabilities already caused by hunger, cold, heat, and other struggles.



55 » Article about how many homeless people take shelter in the woods in the Paris region. Available [in French] at: <https://www.radiofrance.fr/franceinfo/podcasts/les-documents-franceinfo/c-est-un-peu-plus-tranquille-de-nombreux-sdf-s-abritent-dans-les-bois-en-region-parisienne-2523285> » .fb

56 » Report of the UN Special Rapporteur on Extreme Poverty and Human Rights, *Breaking the Cycle: Ending the Criminalization of Homelessness and Poverty*, A/HRC/56/61/Add.3.

57 » Report of the UN Special Rapporteur on Extreme Poverty and Human Rights, *Breaking the Cycle: Ending the Criminalization of Homelessness and Poverty*, A/HRC/56/61/Add.3.

58 » Between January 2008 and June 2011, police costs totalled CHF 1.22 million, with around CHF 200,000 spent on fines administration and CHF 1.8 million on related legal procedures. These figures exclude the cost of imprisoning offenders, estimated at CHF 124.10 per day for those unable to pay their fines (A/HRC/56/61/Add.3). Available at: <https://www.ohchr.org/en/documents/thematic-reports/a-hrc56add3-breaking-cycle-ending-criminalization-homelessness-and>.

59 » An article about the Un Chez Soi d'Abord programme, which allows vulnerable homeless individuals, particularly those with mental health issues and multiple challenges, to directly access regular housing and receive support for reintegration. Available [in French] at: <https://www.ecologie.gouv.fr/chez-soi-dabord>.

60 » DIHAL, *'Un Chez Soi d'Abord, Retour sur 6 ans d'expérience'*, 2017. Available [in French] at: https://www.info.gouv.fr/upload/media/organization/0001/01/sites_default/files/contentu_pieccointe_2017_04_ucsa.pdf.

61 » Bayenet, B., Carlier, J., Tojerow, I., and Verdonck, M. *'Le sans-chez-soirisme : suite ou fin ?'* Final Report, DULBEA, 18 July 2022. Available [in French] at: <https://syndicatdesimmenses.be/wp-content/uploads/2022/09/Rapport-DULBEA.pdf>.

62 » Specifically, the use of emergency shelters, reception centres, day centres, street outreach services, CPAS assistance, hospital care or medical services, the justice system and legal aid in Belgium, as well as the loss of tax revenue and social security contributions generated.

63 » More than EUR 85,000 for a man with mental health issues, compared to less than EUR 30,000 for an individual using almost no services.

whether due to geographic exclusion or mistrust fostered by a repressive approach towards institutions and their representatives, exacerbates physical and mental health deterioration, which inevitably leads to more intensive healthcare needs and higher costs. Similarly, by contributing to the persistence or escalation of violence or drug use, these policies increase the number of interventions required from emergency services such as fire brigades, emergency healthcare, and the police.

A study conducted by the University of Aix-Marseille in France as part of the Un Chez Soi d'Abord⁵⁹ programme measured the opposite effects of this programme on the health, well-being, and social integration of 353 participants, as well as the costs incurred compared to a control group of 352 homeless individuals following a 'traditional' path. The study shows a rationalisation of public spending. The average annual cost of healthcare, housing, and justice services used by a participant at the start of the study is EUR 30,000. Being supported by the Un Chez-Soi d'Abord programme results in savings due to reduced reliance on all assistance services, particularly hospitalisations (which account for 70% of the costs avoided) and accommodation facilities (30% of the costs avoided). The total annual cost of the programme, estimated at EUR 14,000, is thus entirely offset by the savings achieved.⁶⁰

A study commissioned by the Syndicat des Immenses and Droit à un Toit in **Belgium** and conducted by researchers from the Université Libre de Bruxelles' Department of Applied Economics, quantified the costs of homelessness in the Brussels-Capital region and proposed policy solutions to reduce it.⁶¹ The average cost of using services⁶² ranged between EUR 40,000 and EUR 50,000 per homeless person in 2019.⁶³ Based on the experience of Housing First programmes, the cost of either social or private housing with support to help homeless individuals exit the streets ranges between EUR 33,000 and EUR 70,000, depending on the level of support required. While rehousing homeless individuals sustainably does incur a cost, this study shows it is lower than the combined cost of homelessness and repressive measures, including their impact on public spending (security, justice, social assistance, healthcare, etc.).

Providing housing and support for homeless individuals remains the most effective policy, both for the individuals themselves and for society as a whole.

3. Spending on criminalisation: when punishment costs more than solidarity


Criminalising homelessness has significant consequences for public finances. These policies incur substantial structural costs in areas such as security through police mobilisation, justice through the administration and adjudication of cases, and incarceration when applicable. These costs are further exacerbated by the fact that, as previously discussed, criminalisation often worsens the socio-economic vulnerability of homeless individuals.

The handling of fines also incurs high costs, especially since a significant portion of the fines imposed on people in precarious situations is never paid – over 50% in cities like Barcelona.⁵⁶ In **Germany**,⁵⁷ for instance, the government allocates EUR 200 million each year to enforce a law against the fraudulent use of public transport services.

Enforcing the ban on begging cost the Canton of Geneva CHF 3.2 million.⁵⁸ The extremely high recidivism rate confirms the ineffectiveness of a measure that fails to actually achieve its goal of reducing begging.

The exclusion and isolation caused by these repressive policies towards homeless individuals also come with significant health and social costs. The expenditure associated with inadequate care for these individuals are significant across multiple sectors. The distance from social and healthcare services,

3 RECOMMENDATIONS



The decriminalisation of homelessness involves removing laws that regulate the normal activities of homeless individuals in public spaces and eliminating the fines or even prison sentences that result. Furthermore, repressive approaches towards homeless people must be replaced by appropriate social and welfare interventions. These include integrated healthcare, access to harm reduction services, and the provision of adequate housing, particularly through housing-focused strategies like the 'Housing First' model. The following key points from our survey should be highlighted to support the decriminalisation of homelessness.

1. Protecting and defending the rights of homeless people

Abolishing criminalising laws and regulations

It is essential to continue efforts to **repeal laws that still directly or indirectly criminalise** the practices and behaviours of homeless people in public spaces, and to prevent the adoption of any new legislation that would reverse the rights of homeless individuals.

For example, a proposed law in **France** related to transportation security created an offence for repeated acts of anti-social behaviour, with begging being one of the behaviours that could be punishable by up to six months in prison and a EUR 7,500 fine.⁶⁴ Following initiatives by associations, the proposal was amended – not only was begging removed from the list, but it was also stipulated that this new offence 'cannot serve as a basis for repression against people without a fixed address or those whose vulnerability is evident'. While the wording of the text is still under discussion, this approach illustrates the direction that needs to be taken.

Dissuading and penalising repressive practices

The actions carried out by both local and national police forces, as well as local administrations and judicial authorities, to render homelessness invisible, to evict, stigmatise, or punish homeless people, must be firmly opposed. Measures must be implemented, and directives issued to **dissuade and penalise such repressive practices**.

Raising awareness and providing training

for law enforcement, key administrative personnel such as public service social workers and administrative agents, and the judicial system, particularly magistrates, would help ensure the fundamental rights of homeless individuals are respected. This would involve reframing interventions as social measures rather than law enforcement actions, while equipping authorities with the necessary skills for mediation when handling complaints and grievances.

Law enforcement must face penalties for the disproportionate use of force or for engaging in unlawful violence. Initiatives aimed at raising awareness and **training local police forces** to better understand the specific needs of homeless people, and how to appropriately refer them to social services, should be encouraged. In Brussels, for instance, the Herscham team has been deployed for several years, achieving relatively positive results. However, it is crucial to recognise that while raising awareness among police forces is important, they should not be expected to take on the roles of social workers or frontline support.

Civil society initiatives that **raise awareness and promote greater understanding within institutions** should also be facilitated. In **Hungary**, for instance, the Hungarian Helsinki Committee has actively engaged with the police to address the treatment of homeless individuals with disabilities. In 2023, it organised nationwide training sessions on how to handle cases involving disabled individuals



⁶⁴ - French bill proposal before the French National Assembly on enhancing security in transportation. Available [in French] at: https://www.assemblee-nationale.fr/dyn/17/dossiers/DL_R5L16N49I76#ANJ.

who had committed minor offences. These efforts have led to a significant reduction in fines imposed on this vulnerable group, according to police reports.

A better defence of the rights of homeless people

In the legal domain, the first step is to **strengthen alternatives to imprisonment** and ensure effective access to these options for homeless individuals. The lack of a permanent address should not necessarily lead to pretrial detention or the denial of alternative sentences or early release.

When it comes to **minor offences and the accumulation of debts** from administrative fines in particular, it is vital to **rethink the approach to punishment and remove prison as an option**. Imprisonment only serves to exacerbate existing vulnerabilities, increasing the risk of re-entering homelessness and reoffending.

The mechanisms for **accessing free legal aid** need to be improved and strengthened to ensure homeless individuals are adequately defended.

It is crucial to improve **notification measures** for homeless individuals to ensure they are not judged in their absence without the chance to defend themselves. This is particularly vital in cases involving squats, where procedural errors are common. The right to a fair trial must always be protected, and appeals must have suspensive effects when the fundamental rights of already vulnerable individuals are at risk.

Magistrates and judges must also be formally given training regarding the living conditions of homeless individuals, which sometimes force them to act outside the legal framework.

Improving homeless people's access to their rights and expanding legal aid services

Associations need to be **financially supported to open legal advice centres** in locations frequented by homeless individuals. These organisations are often working in limited areas, and are familiar with local issues, which makes them particularly well-positioned to provide effective support for individuals navigating the judicial process.

Models of legal advice services that make access to justice more attainable for homeless people should be facilitated and financially backed. For instance, the Street Lawyers Association (SLA) in **Hungary**, founded in

2010 in Budapest, offers low-threshold legal services to homeless individuals and those living in housing poverty. SLA offers free legal services to individuals experiencing homelessness every week, with additional support provided through phone and email assistance. It addresses a broad range of housing and social rights issues, from drafting petitions and representing clients to eviction prevention and advocacy for systemic change. The association demonstrates how accessible legal aid can combat systemic injustices in housing while enabling marginalised communities to assert their rights effectively.

Recognising and guaranteeing the rights of homeless people

It is key to work towards **embedding positive rights for homeless people within public policies** and to legislate in this regard.

In 2017, FEANTSA and the Fondation Abbé Pierre called on cities within the European Union to adopt the Declaration of the Rights of Homeless People.⁶⁵ This commitment aims to recognise and protect the rights of those facing severe housing exclusion. It sends a strong message to citizens, local decision-makers, and all relevant stakeholders. Several cities have already signed⁶⁶ or are considering signing the declaration, which seeks to inform homeless individuals of their fundamental rights, raise awareness among professionals and the general public, and remind authorities of their responsibilities in providing support and accommodation to homeless people. More recently, discussions have been held on adding an addendum to the declaration, which would include regular reporting by signatory cities and the involvement of NGOs in monitoring its implementation.

Documenting violations and promoting strategic litigation

It is vital to **strengthen systems for monitoring and documenting** human rights violations affecting particularly vulnerable individuals, especially homeless people, racial minorities and migrants. Such documentation should be systematic in cases of police intervention.

In addition, strategic litigation should be promoted as a means of **advancing the rights of homeless individuals**.

Laws, decisions, and repressive practices that significantly impact homeless people must be challenged at all levels – be it individual, collective, local, national, or international. These efforts must be pursued persistently,



⁶⁵ Housing Rights Watch, European Campaign for the recognition of the Rights of Homeless People: <https://www.housingrightswatch.org/billofrights>.

⁶⁶ Barcelona, Brighton and Hove, Copenhagen, Gdańsk, Graz, Kranj, Maribor, Mostoles, Murska Sobota, Santiago de Compostela, Slovenj Gradec, Central Union of Municipalities of Greece, Warsaw, Villeurbanne, Lyon, Strasbourg, Lille, Bordeaux, Tucquegnieux, and Serrouville.

supported by legal research and the documentation of both individual cases and the broader systemic effects and consequences of repressive measures.

At the European level, for example, two collective complaints have been filed with the European Committee of Social Rights against municipal decrees in France and Belgium,⁶⁷ highlighting the social exclusion, health impacts, and barriers to housing access these measures create.

2. Establishing structural social policies to make these rights effective

States need to adopt a comprehensive and coordinated approach to combating exclusion in all its forms, aiming to establish a set of priorities and measures that effectively address and remove barriers to accessing social rights. These rights include employment, housing, training, education, culture, and social and medical assistance. Reducing social exclusion must be a priority across all areas of public policy, with every public measure or intervention evaluated against this goal.

The aim should be to end homelessness rather than conceal or repress it, through a commitment to long-term policy. The solutions are well-established:

A home; not a court sentence

Housing is the cornerstone of a structural approach to combating homelessness, with numerous effective and proven solutions already available, just waiting to be implemented. Among these, the **Housing First** model stands out as the most effective response to homelessness. This approach prioritises rapid rehousing, providing individuals with stable accommodation alongside support from a multidisciplinary team tailored to their needs, without any conditions or prerequisites.

Successfully trialled in countries such as Finland, France, and Belgium, Housing First has proved its effectiveness by allowing individuals to rebuild their lives at their own pace, all while having a place to call home. This housing can be private or incorporate shared communal spaces, such as family hostels, depending on individual preferences. The results are striking – on average, between 80% and 95% of participants remain housed several years after moving in.⁶⁸

The Housing First programme underwent a three-year pilot phase in Belgium, with continuous evaluation. During this period, it was found that 90% of participants remained in their housing and experienced improved health outcomes after one to two years.⁶⁹ The evaluation also revealed that, over two years, individual hospitalisation costs dropped by 46%, and Housing First practices proved less costly for the state than the long-term impacts of homelessness. This approach stands as the most effective response to homelessness, upholding fundamental rights to housing and human dignity..

Providing financial and material support to frontline actors

Strengthening financial resources and support for frontline services is crucial, particularly for outreach teams and mobile units capable of reaching homeless individuals wherever they are. These teams play a vital role in addressing immediate needs and ensuring daily access to support services, including seven-days-a-week daytime shelters.

Many grassroots organisations provide essential daily assistance to homeless individuals, helping them survive, access their rights, and obtain healthcare. These organisations form a critical network that should not be overlooked or marginalised. Comprehensive financial and material backing should be extended to all frontline actors, not just to the most visible organisations or those implementing public authority mandates.

Ensuring proximity, accessibility, and universality of services for rights and healthcare

Access to legal and social rights must remain available through various channels, ensuring that there is no over-reliance on digital-only services, particularly in areas like social assistance and institutions that support individuals who are disconnected from their rights.

Unconditional and universal access to healthcare must also be prioritised. This includes establishing more multidisciplinary healthcare centres that bring together nurses, doctors, psychologists, psychiatrists, interpreters, and support services to provide comprehensive care for those in need.

Improving care and material support for migrant people

Upon arrival in the country, migrants must be provided with immediate care, regardless of



⁶⁷ - Collective complaint filed by FEANTSA and FIDH against France. Available at: [No. 224/2023. European Federation of National Organisations Working with the Homeless \(FEANTSA\) and International Federation for Human Rights \(FIDH\) v. France - Social Rights](#).
Collective complaint filed by FIDH and Mouvement International ATD - Fourth World against Belgium. Available at: [No. 233/2023. International Federation for Human Rights \(FIDH\) and Mouvement International ATD - Fourth World v. Belgium - Social Rights](#).

⁶⁸ - Housing First. 'What is Housing First', accessed in December 2024. <https://housingfirsteurope.eu/what-is-hf/a-beginners-guide-to-housing-first/>.

residency status, to prevent them from ending up on the streets. This requires ensuring that everyone, irrespective of their legal status, has access to dignified accommodation or housing. Additionally, it is essential to streamline the process of regularisation and ensure the full exercise of rights that stem from it, particularly the right to work.

Promoting free urban services

It is urgent to implement free access to as many services as possible, including public transport, at least for individuals receiving social welfare benefits or those without income, regardless of their legal status.

Ending the criminalisation of informal living spaces

Informal living spaces such as slums or squats must be reimagined not as 'illegal' areas but as spaces that can improve the living conditions of the people residing there, providing a pathway to suitable housing.

Rethinking transitions from institutional care

For vulnerable individuals exiting prison or recovering from long stays in general or psychiatric hospitals, being homeless must no longer be their only option. Effective housing and relocation solutions should be established for those transitioning from institutional settings.

Affirming the EU's responsibility and encouraging community-driven initiatives for homelessness policies

The European Platform for Homelessness (EPOCH),⁷⁰ established by the European Commission in March 2021, aims to eradicate homelessness by 2030 by promoting person-centred approaches, the exchange of best practices, and evidence-based strategies. It brings together civil society organisations, social partners, EU governments, and institutions that align with the Union's principles, such as the combating of social exclusion enshrined in Article 3 of the TEU⁷¹ and Principle 19 of the European Pillar of Social Rights.⁷² However, despite its ambitious goals, EPOCH does not adopt a rights-based approach and has yet to address the criminalisation of homelessness in Europe. While the platform promotes access to housing, it fails to address the contradictions within legal systems that penalise actions such as sleeping on the streets or begging, which could hinder its goal of eradicating homelessness by 2030.

Moreover, it is crucial that the European Commission takes a stand on this issue – the resources of the European Union are significant enough to justify intervention in favour of the decriminalisation of homeless people.

Shifting mindsets, deconstructing stereotypes, and promoting a counter-narrative

Structural policies designed to combat poverty and homelessness, can only be effective within a media and political environment that allows the public to comprehend the realities faced by vulnerable individuals and the promotion of global solidarity. It is therefore key to launch a counter-narrative and claim a larger presence in the media. Organisations need to use these platforms to convey a different image of people experiencing poverty and raise awareness of the challenges they face, offering them the space and means to express themselves if they wish.

This positive narrative needs also to be championed in the political sphere to shift the public's perception and dismantle the stereotype of the harmful or criminal homeless individual.

Public authorities, political representatives, and media figures need to adopt non-stigmatising, inclusive, and solidarity-driven language and must be systematically **held accountable for illegal, discriminatory statements** that sow hate and division.

Citizens' solidarity initiatives must also be supported and publicised across society to promote a sense of community in this regard.

Finally, **the voices of homeless individuals must be given much greater weight, and their perspectives should be integrated into the development of public policies.** The active involvement of those affected in all bodies working to combat homelessness is key to evaluating and improving support measures. It is crucial to listen to these individuals, engage with them, and centre their voices at the heart of decision-making processes.



⁶⁹ Federal Public Planning Service (PPS) for Social Integration in Belgium. Available [in French] at: <https://www.mi-is.be/en>.

⁷⁰ European Platform on Combating Homelessness. Available at: https://employment-social-affairs.ec.europa.eu/policies-and-activities/social-protection-social-inclusion/addressing-poverty-and-supporting-social-inclusion/homelessness_en.

⁷¹ Article 3 of the Treaty on European Union. Available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX%3A12008M003>.

⁷² The European Pillar of Social Rights in 20 Principles. Available at: https://employment-social-affairs.ec.europa.eu/european-pillar-social-rights-20-principles_en?preflang=fr.

Notes

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