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MEAN STREETS

A REPORT ON THE CRIMINALISATION
OF HOMELESSNESS IN EUROPE

POVERTY IS NOT A CRIME. IT'S A SCANDAL.



EXECUTIVE SUMMARY

Criminalising and penalising homeless people for carrying out life-sustaining activities in public because there is nowhere to go is a problem across the EU. Policies and measures, be they at a local, regional or national level, that impose criminal or administrative penalties on homeless people are counterproductive and often violates human rights.

WHAT IS CRIMINALISATION AND PENALISATION OF HOMELESSNESS?

Definitions:

Criminalisation undermines real solutions

Cities, regions and even some countries (e.g. Hungary) across Europe are using the criminal and administrative justice systems to minimise the visibility of people experiencing homelessness. Some local governments are motivated by the frustrations of business owners, residents and politicians who feel that homelessness puts the safety and livability of their cities and towns at risk. These feelings have prompted governments to establish formal and informal measures and enforcement policies to “limit where individuals who experience homelessness can congregate, and punish those who engage in life-sustaining or natural human activities in public spaces.” Examples of such criminalisation strategies include the following¹

- + Legislation that makes it illegal to sleep, sit or store personal belongings in public spaces;
- + Ordinances that punish people for begging in order to move people who are poor or homeless out of a city or area;
- + Local measures that ban or limit food distribution in public places in an attempt to curb the congregation of individuals who are homeless;
- + Sweeps of areas in which people who are homeless are living in order to drive them out of those areas;
- + Selective enforcement of neutral laws (e.g. crossing the street against the light, loitering, and public consumption of alcohol) against people who are homeless;
- + Public health ordinances related to public activities and hygiene (e.g. public urination) regardless of whether public facilities are available;
- + Prohibition of removing items from rubbish or recycling bins.

¹ Searching out solutions – constructive alternatives to the criminalization of homelessness, United States Interagency Council on Homelessness, 2012, retrieved from: http://www.usich.gov/resources/uploads/asset_library/RPT_SoS_March2012.pdf on 7 August 2013

Another definition of the criminalisation of homelessness comes from Canada: *the use of laws and practices to restrict the activities and movements of people who are homeless, often with the outcome being fines and/or incarcer-*

ation. This definition also includes the use of security (including private security) to enforce local/regional regulation of public space and activities that go beyond the realm of the criminal justice system².

THE CONCEPT OF “PENALISATION”

In this report we have chosen to use the concept of “penalisation” to describe the different ways in which homeless people are punished through the criminalising of their everyday activities in public spaces, administrative or legal obstacles blocking their access to basic services and rights, and attempts to rid the public space of visible reminders of poverty by putting homeless people in prisons, banning them from

public places and detaining and deporting migrants. This concept of penalization has been used by authors like Loïc Wacquant (2001) and the UN Special Rapporteur on Extreme Poverty and Human Rights (Sepúlveda, 2011). Wacquant (2011) shows that the management of “dangerous” or “sensitive” populations in Europe is being developed with a dual emphasis on social and penal regulation.

SOCIAL POLICY AND CRIMINAL JUSTICE – INTERLINKED IN PUBLIC POLICY FOR THE POOR

Trends in penal policy cannot be understood without examining social policy and vice versa.

It is not possible to understand crime trends without understanding changes in welfare provision, public housing, foster care, and related state programmes, including the oversight of irregular migration that affects the life options of the populations most susceptible to street crime (as both perpetrators and victims). In other words, welfare and criminal justice are two modalities of public policy toward the poor, and so they must be analysed—and reformed—together.

There is consensus amongst academics that increased regulation of public spaces and criminalisation of homeless people in Europe is a trend that has crossed the Atlantic from the United States. Where authors differ, is on the

pace and intensity of this expansion of repressive policies (Wacquant, 2001; Busch-Geertsema, 2006; Tosi et al. 2006; Tosi, 2007). There are also nuances regarding the evolution of the penal and punitive system on both sides of the Atlantic Ocean. Iñaki Rivera (2006) explains how over the last 30 years, two approaches to criminal policy have crossed over in Western Europe and spawned many of the “policies of intolerance” (Young, 1999). The American and Anglo-Saxon tradition of “Law and Order”, which is based on statistics and the “Broken Windows”, “Zero Tolerance” and “Three Strikes and You Are Out” approaches, is discussed by Eoin O’Sullivan in Chapter 7.

A “culture of criminal exceptionality and emergency”, which was developed in the anti-terrorist legislation that restored the concept of the “enemy”, is also now apparent in Europe. In

² Can I See Your ID? The Policing of Youth Homelessness in Toronto, Bill O’Grady, Stephen Geatz and Kristy Buccieri, Street Youth Legal Services, Justice for Children and Youth, and Homeless Hub Press, Toronto, Canada, 2011.

the heady atmosphere following the 2001 terrorist attacks, this “culture” was born to combat a particular phenomenon (terrorism) and it was meant to be temporary. Yet, while the “emergency” has faded over the past decade, the repressive policies and extra police pow-

ers remain in force and have been extended to the foreign immigrant, portrayed once again as the enemy. Even more worrying is that these repressive measures and attitudes now extend to other spheres (Aranda et al., 2005) including health care and social policy.

ABOUT THIS REPORT

This is the first European report that examines the extent and nature of criminalization of homelessness in Europe. We were inspired by the National Law Center on Homelessness, Poverty in the United States that regularly monitors criminalisation of homelessness and advocates for the repeal of criminalising measures and cam-

paigns for human rights for homeless people³. Housing Rights Watch and FEANTSA wanted to respond to the fears, discussions and questions posed by the specific experiences and problems of homeless people in their everyday lives in the European Union.

FORMAT

This report was coordinated by Guillem Fernández Evangelista who contacted experts across the European Union to contribute to articles. Samara Jones planned and designed the structure of the book and provided editorial support from FEANTSA’s office in Brussels. A full list of expert contributors can be found at the beginning of the book. This report brings together articles from academics, activists, lawyers and NGOs on the topic of human rights and penalisation. Divided into three main sections, the report provides an important theoretical and historical background, highlightings examples of penal-

isation across the EU, and finally suggestings measures and examples for how to redress this dangerous trend.

Several case studies (Chapters 3 to 6) illustrate how homelessness is penalised, including the criminalisation of homeless people’s everyday activities in Belgium, Poland and Hungary. Chapter 6 examines how homeless people are penalised, discriminated against and often prevented from accessing social services, social housing and shelters in France, England and The Netherlands.

3 Criminalizing Crisis: The Criminalization of Homelessness in U.S. Cities, NLCHP, 2011 <http://www.nlchp.org/content/pubs/11.14.11%20Criminalization%20Report%20&%20Advocacy%20Manual,%20FINAL1.pdf>

PENALISATION AS A VIOLATION OF HUMAN RIGHTS

EU Member States have committed themselves to protecting and promoting human rights; the EU has a Charter of Fundamental Rights that reinforces this commitment. All EU Member States have signed on to the UN's International Covenant on Civil and Political Rights (ICCPR) and to the Council of Europe's (Revised) Social Charter, which enshrines economic and social rights.

However, as this report reveals, even when governments work to reduce homelessness (e.g. by implementing integrated homelessness strategies), to protect rights, and to ensure access to rights and justice, their inclusive social policies might be undermined by local, regional or even national policies and rules that criminalise and penalise homeless people.

In fact, these measures often violate international human rights treaties like the International Covenant on Civil and Political Rights (ICCPR) and the European Social Charter. Criminalisation and penalisation policies routinely penalise people for their involuntary status and violate individual's rights to be free from cruel, inhuman and degrading treatment (Article 7 ICCPR), the right to liberty and security of the person (Article 9), the right to privacy (Article 17), the right to the family (Articles 17 and 23), the right to freedom of assembly (Article 21) and voting rights (Article 25).

Discrimination against homeless people, based on their poverty and other factors, further entrenches the laws and social norms that allow systematic violations of these rights⁴.

This report reinforces the importance of taking a human rights-based approach when creating and delivering all policies—particularly social policy. The report reviews the history of human rights and the interdependency between economic, social and cultural rights and civil and political rights (Chapter 1). Human rights are universal legal guarantees protecting individuals and groups against actions and omissions that interfere with fundamental freedoms, entitlements and human dignity. Human rights law obliges governments and other duty-bearers to do certain things and prevents them from doing others. So, in order to respect human rights (under a human rights-based approach), homeless policies are anchored in a system of rights and corresponding obligations established by international law.

How can policies be developed and implemented using a human rights-based approach? First of all, the risk factors and immediate, underlying and basic causes of the problems of homelessness must be assessed and all stakeholders brought together to build effective alliances. The strategies for eradicating homelessness should encourage the development of human rights because they must oversee and assess results as well as processes. Therefore, policy targets and goals should be measurable as they are basic components for programming and assessment. In fact, strategies should ensure the accountability of all stakeholders, and include the participation of the people affected by homelessness as both a means and an end.

⁴ Cruel, Inhuman and Degrading: Homelessness in the United States under the International Covenant on Civil and Political Rights, National Law Centre on Homelessness and Poverty, August 2013

In other words, homeless people should be recognised as the main protagonists of their own development instead of being viewed as passive receivers of products and services. For some governments and service providers this may mean a radical change in the way that policies are developed and put into practice.

One of the findings of this report is that the development of national strategies for eradicating and preventing homelessness are good practices in this respect. The report highlights how homelessness strategies have a direct link to the human rights based approach. Unfortunately, a country that has a national strategy to eradicate homelessness may still have policies and practices that violate basic human rights. This is why awareness about criminalisation of homelessness is so important.

We also found that it is possible for a countries and cities that do not have a national homelessness strategy to develop programmes that respect and promote the human rights of homeless people. Building bonds with the long-term homeless and eschewing repressive or force-

based measures are crucial to developing good, effective and successful policies that respect human rights.

Many service providers and NGOs are not used to taking a rights-based approach to their work. For most, including FEANTSA's member organisations, the immediate needs (housing, food, employment, etc.) of a person who is homeless are dealt with first, which means that social workers do not usually have time or, in some cases, the knowledge to consider whether a homeless person's rights have been violated.

This report includes interesting examples of collaboration between service providers and social NGOs and legal experts. For example, in Spain, NGOs work closely with university legal clinics to pursue cases and advocate for the rights of homeless people (Chapter 11). In France, Jurislogement brings together lawyers, activists, academics and NGOs to share information and collaborate on strategic litigation. Another valuable resource for NGOs and others working with homeless people are ombuds offices as described in Chapter 12.

FINDINGS

The report set out to assess the broad trends in Europe and found that:

- + Europe is experiencing an alarming increase in punitive, coercive and repressive measures to expel homeless people from public spaces, hinder their access to basic rights like housing, and minimise the visibility of people experiencing homelessness through incarceration, detention, expulsion or deportation in the case of migrants. These three forms of penalisation are the result of the surge of criminal policies based on the American and Anglo-Saxon "Law and Order" tradition and the "culture of criminal emergency and exceptionality" in Europe.
- + Homelessness is not being explicitly criminalised in Europe. The process is subtle and often almost invisible:
 - the everyday activities of homeless people in their struggle for survival are being criminalised through the expansion of administrative regulations, at the local level and, in some cases, of the criminal code at the national level.
 - There are signs that criminal law is being used as a "symbolic" element at the discursive (political) level to convey a message of "security" to the citizenry, regardless of whether it can be made more or less effective in a generalised way. As a result, a type of "perpetrator" is identified through the criminalization of certain "actions".

- Also, criminalisation processes based on introducing new, harsh criminal laws or advocating tougher penalties for existing laws (resurgence of punitivism) are being implemented.
- Regulations exist that give police and other authorities powers of discretion. This means that police can target homeless people and sanction them disproportionately. For example, homeless people gathering in a public space may be asked to 'move on' or sanctioned, whereas other residents or community members would not be targeted by authorities. This discriminatory enforcement increases feelings of fear of authority figures amongst the already vulnerable homeless population and can deter them from seeking help, services and recourse to justice for violation of their human rights.
- + A resurgence of the idea of "the enemy" has also emerged in recent years. In the past, homeless people were not usually included as part of these "dangerous" populations; in Europe, immigrants and the Roma and Travellers' communities have historically been the target of such criminal policies. However, the surge in immigrants among the homeless population and the obstacles to development of housing rights for Roma and Travellers indicate that they (or some of them) are victims of the application of the so-called "criminal law of the enemy". That is a criminal policy based on punishment due to the presumed risk of committing a crime depending. This punishment is justified on an "exceptional" basis, with disproportionately high penalties and the reduction or outright suppression of certain procedural guarantees or rights (e.g. access to justice, to appeal, to legal aid, etc.).
- + As a result of the transposing of this "exceptionality" to social policy, people are being dealt with not according to their needs and by virtue of their human rights, but according to their residency status in the country. Undocumented migrants face difficulties or are prevented from accessing shelters and social housing, which leads to a parallel residential and social system. This two-tiered system weakens the basic foundations of human rights, the right to equality and non-discrimination, and the dignity of people, as it requires that users be treated based on their immigration status rather than their homelessness and respect for their human rights.
- + Some local homeless service providers face serious limitations in their efforts to adopt the rights-based approach, given their close ties to government. Other factors include the lack of knowledge of rights and how to promote access to rights. This report found that using a rights-based approach does not simply mean going to court to litigate. Although litigation is essential to change administrative structures, dissemination of the human rights-based approach should include legal advisory services, user and/or civil servant training sessions, the collecting of evidence as grounds for cases and assessing the impact of public policies. For all of this, the joint work (at different levels) of universities, ombudsmen, government administrations, NGOs and social movements is essential.

RECOMMENDATIONS

The findings in this report demonstrate that action needs to be taken at all levels of policy-making to stop the criminalisation and penalisation of homelessness in Europe.

The European Union, with its institutions including the European Commission and the European Parliament, has a clear role in:

- + Raising awareness about the criminalisation of homelessness. As guardians of the Treaties and, in particular, as advocates for human rights in the European Union, the EU institutions should ensure that their policies do not violate human rights, and do not explicitly or inadvertently contribute to the criminalisation and penalisation of homelessness.

National governments should:

- + Refrain from developing and implementing policies that criminalise and penalise homelessness. For example, Hungary should remove from its amended constitution the provision that allows for national laws to be passed that will make rough sleeping illegal (again).
- + Ensure that all policies are not counter-productive. Many countries have excellent homelessness strategies in place, yet simultaneously allow cities and regions to persecute homeless people for carrying out life-sustaining activities in public because there are no other housing options available. Social policy should not be carried out by local authorities in the guise of policy and security policies.
- + Support the protection of human rights for all, including homeless people, by heeding reports and recommendations from Ombuds offices, National Human Rights Institutes, and NGOs.
- + Raise awareness about the negative and highly disruptive impact of criminalization and penalisation for homeless people who are trying to reintegrate into society.
- + Ensure that enough supported permanent housing options are available.

Local governments should:

- + Refrain from issuing policies that criminalise and penalise homeless people,
- + Repeal all policies and measures that criminalise homeless people.
- + Work closely with homeless service providers, advocates, academics, police forces and homeless people to ensure that human rights are respected and that homeless people are not punished for carrying out life-sustaining activities in public.
- + Ensure access to supported permanent housing options.

Housing Rights Watch and FEANTSA also call on policy-makers to consider the following:

Do not punish people for being poor; poverty is not a crime:

- + Bylaws and regulations dealing with civic issues tend to sanction actions, not people, but the actions being sanctioned are directly related to the activities homeless people engage in to survive, thus criminalising their situation. It needs to be assumed that poverty and homelessness are not lifestyle choices. People do not elect to initiate homelessness processes and to live in poverty, so they should not be punished for their situation. The centrality of housing must be taken into account as a key factor in reducing homelessness and re-offending rates.

- + It is necessary to put a halt to the tendency to view all social problems from a criminal prism, to the symbolic and demagogic use of criminal law and to the continued increase in types of crimes or levels of punishment to address problems where “non-criminal” intervention would be more effective and less costly. Collaboration between service providers, housing departments, health and social services and police and private agents can help divert individuals experiencing homelessness to programmes that will lead to permanent housing with appropriate supports or, at the very least, to tailored interventions that connect people with housing, services, and treatment and meet the goal of reducing the number of people inhabiting public spaces.

Evictions cannot be a policy tool—long-term, permanent housing solutions are crucial:

- + Evicting, sanctioning, repressing or arresting homeless people does not solve the problem; rather, it moves it or postpones it. It is important to take into account that, regarding long-term homelessness, a bond between the homeless person and the social workers must be established, so that the homeless person can access existing resources voluntarily rather than by force or threat of force. This requires time and also involves skilled human resources as well as financial resources. It is also important for teams to include people with previously experience of homelessness.
- + The right to adequate housing includes the right to be protected against forced eviction. This is guaranteed in several international human rights treaties. As a result of these standards, States are under an obligation to ensure that evictions are only carried out as a last resort and with appropriate procedural safeguards. These safeguards include: genuine consultation with those affected, reasonable notice and access to legal remedies. Adequate alternative housing and compensation for all losses must be made available to those affected, regardless of whether they own, occupy or lease the land or housing in question. Evictions must also not render individuals homeless. States are under the obligation to ensure that there is no discrimination against particular groups or segregation in housing. The collective expulsion of aliens is prohibited under ECHR.

All levels of government have an obligation to respect human rights and prevent discrimination:

- + The obligation of human rights regulations to guarantee, at least, that an essential minimum standard for all economic, social and cultural rights is met involves the responsibility of guaranteeing an adequate standard of living through basic subsistence, which means providing basic primary health care services, basic housing and basic forms of education. Instead of allocating scarce resources to costly criminalisation measures, States should route the largest possible amount of available resources to initiatives that help people in situation of poverty to enjoy all economic, political, social, civil and cultural rights.
- + States should eliminate all forms of direct and indirect discrimination and harassment in all their forms (including social origin) against homeless people, and they should implement all the necessary measures for this. The European Union Agency for Fundamental Rights should pay more attention to the repercussions of extreme poverty and social exclusion on access to fundamental rights, taking into account that enforcing the right to housing is essential for the enjoyment of many other rights, in particular political and social ones.
- + No matter how reprehensible certain behaviours may be, the human rights and human dignity of those who behave in such ways are inalienable minimum standards that are inherent to the human condition. The criminal

system should strive to achieve a reasonable degree of reassurance and well-being for the majority of the citizens, and it should also strive to cause the least essential discomfort to those who have violated the legal-criminal codes. For many people, it's because they are poor and socially excluded that they end up in jail.

Policy creation based on needs:

- + There should be a single criterion for tending to homeless people, which should be based on their need, as well as a respect for, and guaranteeing of, their human. The dualization of the criminal and social system should be avoided. No person should be left destitute in the European Union. There is a need to respect fundamental human rights, regardless of legal or administrative status. In this regard, access to (emergency) shelter should be conditional only on the criterion of need and human rights. Homeless service providers should not be penalized for providing services to people presenting in need. Homeless services must not be systematically used to compensate for inconsistent migration policies that lead people to situations of destitution and homelessness. Neither should access to homeless services be used as a means to regulate migration.

More awareness, more training needed:

- + Training and participative exchange spaces in different aspects of human rights and their relationship to homeless people should be promoted, and their size and methods should be conducive to a more in-depth approach to the issues being addressed, provide the

greatest possible information about available resources for enforcing fundamental human rights under equal-opportunity conditions, and facilitate access of people whose rights have been violated to resources for making claims against or denouncing such actions. Educational programmes and public awareness campaigns should be developed focusing on the multiple obstacles homeless people face, and the different agents involved in solving the homelessness problem should receive adequate human rights training.

- + The implementation of the human rights-based approach should consider empowering homeless people and defining measurable, feasible goals, supporting research and monitoring to assess public policies for eradicating homelessness and their impact on the development of the human rights of the homeless.

Using strategic litigation:

- + Strategic litigation is an instrument for the prevention and protection of human rights. This begins at the local level, which is where major litigation efforts must focus. The contribution of international institutions, academics, ombudsmen, NGOs and other mobilisation organisations is evidenced in aspects like advice, support for victims, promoting human rights and performing actions that have a social projection. Strategic litigation should be planned involving public-interest and human rights NGOs and legal clinics. A priority on the agenda is to strengthen valuable instruments like joint actions, alliances and the "amicus curiae".

BACKGROUND

Under the EU Social Inclusion Strategy, FEANTSA (2005) decided to produce a Shadow Report to provide a homeless service provider's perspective on the implementation of social inclusion policies and provided a synthesis of a variety of approaches in the fight against homelessness based on the reports of the national action plans for social inclusion⁵. These approaches were:

- + Evidence-based
- + Comprehensive
- + Multidimensional
- + Rights-based
- + Participatory
- + Statutory
- + Sustainable
- + Needs-based
- + Pragmatic
- + Bottom-up

The intention was not to create a definitive proposal whose policies had to be applied to all European countries. Rather, the idea was that

these approaches could be adapted to the national context according to each country's priorities and requirements and to the profile and needs of its homeless population, thus becoming an instrument to facilitate discussion on the development of relevant policies. The report's conclusion was that very few countries have a rights-based approach to homelessness, and even fewer have a legal framework providing an enforceable right to housing for homeless people. Nevertheless, a few countries are increasingly focusing on the enforceable right to housing. Access to rights was among the common objectives of the EU social inclusion strategy. However, the rights aspect of social inclusion has clearly been neglected in the social inclusion process (FEANTSA, 2005). FEANTSA first showed concern about this and dedicated a special issue of the Homeless in Europe magazine to housing rights as early as 2003.⁶

On 28 October 2005 the General Assembly of FEANTSA adopted its Statement of Values, which demonstrates the importance of rights in its goals, objectives and everyday work.

5 FEANTSA (2005) The Perspective of Organisations Working with the Homeless on the Implementation of Social Inclusion Policies under the EU Social Inclusion Strategy (Brussels: FEANTSA). [http://www.feantsa.org/files/social_inclusion/naps/en_implementation%20\(1\).pdf](http://www.feantsa.org/files/social_inclusion/naps/en_implementation%20(1).pdf)

6 http://www.feantsa.org/files/Month%20Publications/EN/right_to_housing_2003_english.pdf

STATEMENT OF VALUES ADOPTED BY FEANTSA'S GENERAL ASSEMBLY, 28 OCTOBER 2005

- + FEANTSA and its members are committed to the advancement of the principles of equality, social justice, solidarity, non-discrimination and the promotion and respect of fundamental human rights for all.
- + FEANTSA and its members seek to advance the right of every person to live in dignity and promote the right of all people to have a secure, adequate and affordable place to live.
- + FEANTSA and its members are committed to the realisation of internationally recognised housing rights.

(...)

- + FEANTSA and its members believe people who are homeless are full members of society and consider the following rights as particularly important in this regard:
 - The right to social inclusion and citizenship.
 - The right to be treated with dignity and respect.
 - The right to services that are accessible, provide choice and are of a high quality in order to meet the needs and aspirations of the people who use them.
 - The right to participate in decision-making that affects them.
 - The right to privacy, safety and confidentiality.

(...)

- + FEANTSA and its members recognise that transnational exchanges, information gathering, advocacy, and awareness-raising are a valuable resource to impact on public policy.

Established in 2003, FEANTSA's Housing Rights Expert Group focuses on the enforceable right to housing and the interdependence of housing with other rights under international treaties. In 2005, the Housing Rights Expert Group and FEANTSA published "Housing Rights and Human Rights" by Dr. Padraic Kenna (founding member of HREG), which was also published in French and Spanish. The group co-organized a "Housing Rights in Europe" conference with the Finnish Presidency in 2006, and that same year drafted Collective Complaint 39/2006 -- FEANTSA vs. France -- which charged France with the unsatisfactory application of Article

31 of the Revised European Social Charter. FEANTSA's Housing Rights Expert Group began publishing information on international housing rights instruments and mechanisms on www.feantsa.org in 2007, and in 2008 launched a database of jurisprudence resulting from decisions of the European Court of Human Rights relating to housing rights.

In 2008, a second successful Collective Complaint (53/2008 FEANTSA vs. Slovenia) was lodged against Slovenia by FEANTSA for unsatisfactory application of Articles 31, 16 and E of the revised European Social Charter and the

group coordinated a special issue of Homeless in Europe, FEANTSA's magazine: "The Right to Housing: The Way Forward". Following reflections on the HREG work-to-date in 2008, the group determined there was a need to encourage strategic litigation at the local, regional and state level. As a result, Housing Rights Watch (HRW), a European network of interdisciplinary groups of associations, lawyers and academics committed to the promotion, protection and fulfilment of the right to housing for all, was founded in 2008 and is supported by FEANTSA and Fondation Abbe Pierre.

Other tools, including an Anti-Discrimination Toolkit and a leaflet, were disseminated to publicize and expand the HRW network.. In addition, work continued to develop housing rights through the mechanism of collective claims in other countries. 2010 saw the organization of the "Housing Rights: from Theory to Practice" conference in Barcelona co-organized with the Associació ProHabitatge and Faculty of Law of University of Barcelona. Also, the first two issues of the Housing Rights Watch Newsletter were published, along with a special issue on "Housing Rights of Roma and Travellers Across Europe". In 2011, HRW held an international conference on "Migration and Housing Rights", with The Hague University and Federatie Opvang, and published a leaflet campaign to promote the use of the EU's Charter of Fundamental Rights to access housing rights at the local level. In 2012, the "Contemporary Housing Issues in a Changing Europe" conference was held in Galway with the National University of Ireland, where the third issue of the Housing Rights Watch Newsletter was also distributed.

FEANTSA began working on the issue of criminalization of homelessness as early as 2006. In 2008, the Housing Rights Experts Group raised the question of the need to address the defence of the human rights of homeless people who

are being criminalised in public spaces in many European cities, as highlighted by the European Observatory on Homelessness in 2006.⁷ HRW denounced these human rights violations in 2010 in statements opposing the draft law restricting the rights of homeless people in Hungary, and another to denounce an action plan to place homeless people in a camp in Prague. HRW became vocal on the issue and joined a March 2011 workshop on Penalisation of People Living in Poverty hosted by the International Council on Human Rights Policy in Geneva, which included human rights experts, academics, civil society and representatives of United Nations entities from all regions, who provided valuable input into the 2011 thematic report of Magdalena Sepúlveda, Special Rapporteur on Extreme Poverty and Human Rights presented at the UN General Assembly in October 2011. HRW also participated in the "Governing Poverty: Risking Rights" media forum project, jointly hosted by ICHRP and OpenDemocracy.net with the article "Geographies of exclusion" (Fernández, 2011).

In 2012, the third issue of the Housing Rights Newsletter focused on the criminalization of poverty, ahead of the official campaign launch for "Poverty is Not a Crime" in June. This European campaign has its own website and was supported by the Homeless in Europe magazine edition devoted to "The Geographies of Homelessness". In this context, FEANTSA and HRW are committed to delve deeper into the theoretical and political debate on the criminalization of homeless people and defend their human rights. This European report, on the criminalization and penalisation of homelessness in Europe, is FEANTSA's first comprehensive examination of the issues across Europe and carries the very clear message:

**POVERTY IS NOT A CRIME,
IT'S A SCANDAL!**

⁷ http://www.feantsaresearch.org/IMG/pdf/2006_homelessness_and_exclusion_regulating_public_space.pdf

MEAN STREETS

A EUROPEAN REPORT ON CRIMINALISING
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Criminalising and penalising homeless people for carrying out life-sustaining activities in public because there is no where to go is a problem across the EU. Policies and measures, be they at local, regional or national level, that impose criminal or administrative penalties on homeless people is counterproductive public policy and often violates human rights.

Housing Rights Watch and FEANTSA have published this report to draw attention this issue. This report brings together articles from academics, activists, lawyers and NGOs on the topic of human rights and penalisation. Divided into three main sections, the report provides an important theoretical and historical background, before highlighting examples of penalization across the EU, and finally suggesting measures and examples for how to redress this dangerous trend.



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