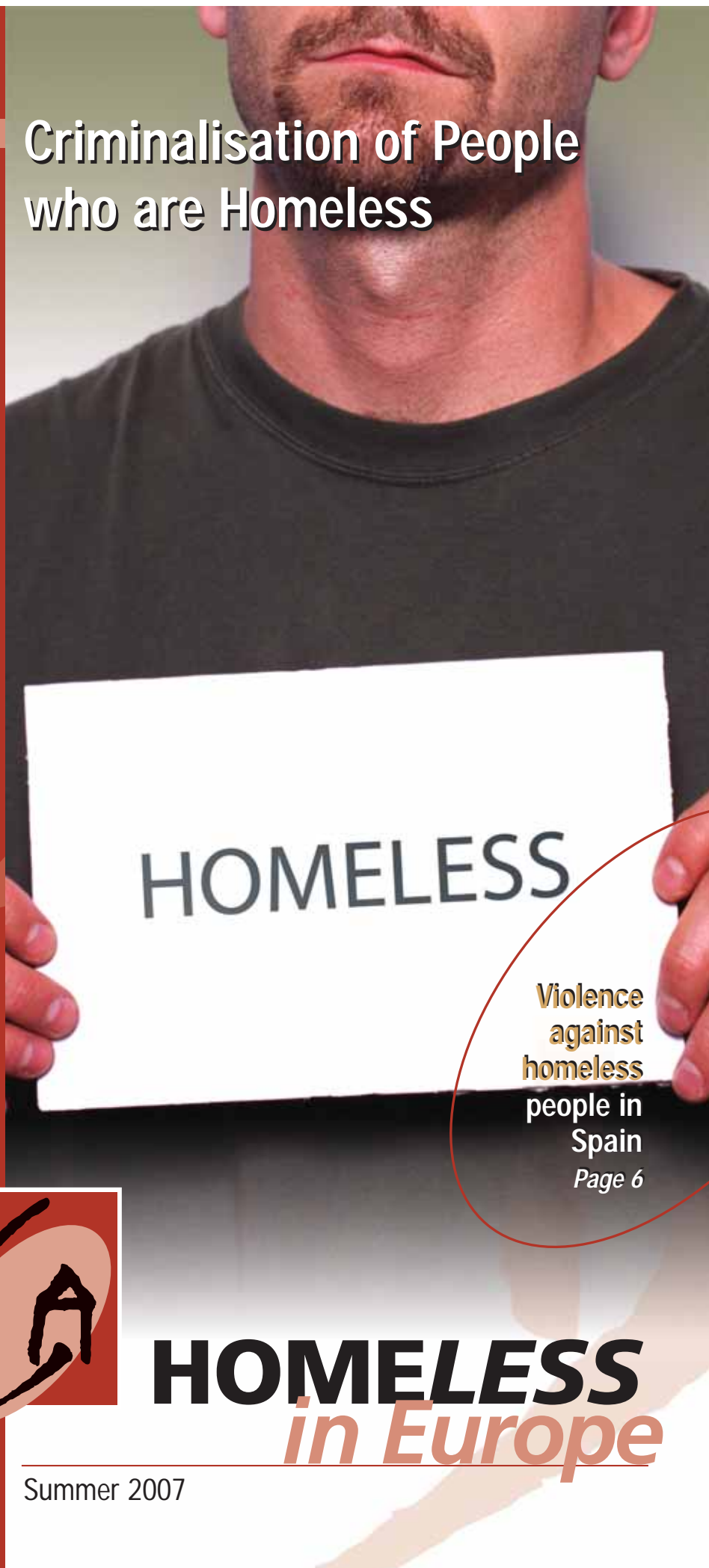


IN THIS ISSUE

- 2 Editorial
- 3 Criminalizing People who are Homeless?
Eoin O'Sullivan
- 5 For public toilets...
Julien Damon
- 6 Violence against homeless people in Spain
Jesús Ruiz Farrona
- 9 The Control of Public Space: Brussels South Train Station
David Giannoni
- 11 Disputes about the prohibition of begging – The example of Hamburg
Stephan Nagel
- 14 On criminalisation of homelessness and people who are homeless in Rotterdam
Peter Zuidam and Geertien Pols
- 17 Illegal to be Homeless: U.S. Advocates Name "Meanest" Cities
Eric Ares & David Coffman
- 19 Working from the Outside to the Inside
Jim Withers

Criminalisation of People who are Homeless



Violence
against
homeless
people in
Spain
Page 6



HOMELESS *in Europe*



FEANTSA is supported financially by the European Commission. The views expressed herein are those of the author(s) and the Commission is not responsible for any use that may be made of the information contained herein.

Summer 2007



This issue of the **FEANTSA** magazine focuses on the growing trend towards repressive and coercive approaches to people who are homeless and their activities in public space. It looks at the situation across Europe and in North America, where it seems there is a growing tendency towards the criminalisation of the activities that people who are homeless are forced to carry out in public space (eating, sleeping etc.), rather than a focus on policies to address their situation of poverty and marginalisation. This framing of the problem of homelessness in terms of public order and nuisance prevention is very problematic for organisations working with people who are homeless and advocating for better policy approaches, as it seeks to make homeless people responsible and even guilty for their own situation.

In the present context of neo-liberal social and economic policies and thinking, people who are homeless are thus increasingly not tolerated and efforts tend toward making them invisible rather than meeting their needs. This security reaction which they provoke has been related to different factors. Certainly economic growth and globalisation have brought a growing culture of control where the State seeks to control the social climate. Equally, many urban spaces have been through rapid processes of gentrification, forcing out the poorer groups.¹ These factors have led to a shift in power in public spaces in the cities. They have led to a change in the nature of many public spaces and amenities as these become increasingly privatised. In the 2006 **FEANTSA** Research Observatory Report, Meert, Henk et al: "The Changing Profiles of Homeless People: Conflict, Rooflessness and the Use of Public Space", there is a detailed examination of the emergence of "quasi-public spaces" where people who are homeless are increasingly unwelcome:

"There is a stronger and stronger tendency towards private take-over of what was public. More and more there are private districts and estates, with restricted access streets and a permanent security forces to throw out all those who have not been specifically invited in. [...] the credentials to enter many places, that up until very recently were public, open and free, have become more demanding and arbitrary".²

The authors who have kindly contributed to the present issue of the magazine have highlighted different aspects of this problematic trend. Eoin O'Sullivan from Ireland highlights how a zero-tolerance approach founded on penalising poverty has grown in popularity, although its effectiveness has been thoroughly disproved in research. In fact the criminal justice system con-

tributes to homelessness. Julian Damon examines policies in France intended to make public space inhospitable to homeless people – in particular the major reduction of the number of public toilets – and how such policies often have a contrary effect to what was intended. The focus of the article from Spain by Jesús Ruiz Farrona is on violence against homeless people. He argues that the physical violence, of which they are increasingly the victims, is a result of the structural violence they suffer and the cultural violence that justifies it and hardens attitudes against them. David Giannoni highlights the example of the changes in the public space in the Brussels South Train Station in Belgium, where new international lines have led to the gentrification of the station, and the impact this has had on the people who are homeless who spend time there.

The other articles in this issue of the magazine offer more positive examples of how the criminalising trend can be countered or even strategically used. The article by Stephan Nagel highlights how efforts to bring in a ban on begging in Hamburg, Germany, resulted in a strong, concerted, public campaign and debate that served to reassert the rights of people who are poor and homeless. Geertien Pols and Peter Zuidam from the Netherlands examine the security driven approach to homelessness in Rotterdam that has emerged since 2002. Although certain coercive elements of the strategy have been very problematic, an increased focus on cooperation between different stakeholders and sectors, including people who are homeless themselves, has also been part of it and the overall impact has in fact proved positive. In an article from the US, Eric Ares National Law Center on Homelessness and Poverty and David Coffman National Coalition for the Homeless, describe how these two organisations have worked together to build up a powerful advocacy strategy against criminalisation in the form of the "meanest cities" naming and shaming list. Finally, Jim Withers, working in Street Medicine in the US, offers a thoughtful discussion on the role of those working with people who are homeless to counter these security tendencies by finding cooperative ways of working with groups whose interests are in conflict with people who are homeless. This slow process is designated by the term "Inreach".

As always, **FEANTSA** would like to extend its sincere thanks to the contributors to this issue of the magazine. If you have questions or comments regarding the magazine, please send them to: dearbhal.murphy@feantsa.org. •

¹ Smith, N: (1996): *The new Urban Frontier, Gentrification and the Revanchist City*. London: Routledge.

² Meert, Henk et al (2006): "The Changing Profiles of Homeless People: Conflict, Rooflessness and the Use of Public Space" available on FEANTSA's website: http://www.feantsa.org/files/transnational_reports/2006reports/06W2en.pdf



Criminalizing People who are Homeless?

By Eoin O'Sullivan, *Department of Social Studies - Trinity College Dublin*

Mid-way through the first decade of the twenty-first century, prison populations in advanced industrial nations are expanding. While the rate and pace of expansion varies considerably, the overall trend is emphatically upward, although a substantial gap exists between the United States of America and Europe. There were on average just over 100 prisoners per 100,000 population in the 15 member states that constituted the European Union prior to May 2004, compared with over 700 per 100,000 in the USA. Between 1990 and 2004 all countries showed increases, most notably the Netherlands and those in Southern Europe.

As the American prison population grew rapidly from the 1980s, from around 500,000 people in 1980 to 1,150,000 by 1990 and to over 2.3 million at the end of 2005, some observers concluded that the American penal system was a key instrument in 'governing social marginality', and one that European societies were gradually emulating. Those in the custody of American correctional authorities for public order offences rose from 12,400 in 1980 to 129,900 in 2001. Thus, according to some commentators, it appeared that poverty was increasingly being penalized across industrialized nations and this penalisation of poverty was underpinned by the rise of neo-liberal social and economic policies. One key component of the new arrangements is the reinvention of the prison as a 'massive and seemingly indispensable pillar of contemporary social order' (Garland, 2001: 14) and, as a consequence, never in living memory have democratic societies resorted to locking away so many of their fellow citizens and at the same time been so indifferent to the consequences.

One element of this 'culture of control' is the increased State regulation and criminal prosecution of street beggars. Thus, some of the observed increase in the prison population could be accounted for by the increasing incarceration of individuals convicted of begging, persons who in many cases were homeless and utilizing begging as a humiliating strategy of survival. The research evidence on the relationship between homelessness and begging suggests that a relatively high proportion of those who beg are literally homeless, i.e. sleeping rough, but that only a small proportion of all homeless persons beg. In their large-scale representative survey data analysis of nearly 3,000 homeless individuals in 76 metropolitan and non-metropolitan areas in the USA, Lee and Farrell (2003) found that only a minority (15 percent) of homeless people beg (or panhandle to use the American parlance). Their data also suggested that the homeless who begged were a particularly marginalized sub-population of the overall homeless population. For example, they tended to be homeless for longer the general homeless population and to have had more frequent episodes of homelessness. The authors argue that those who engage in begging activity do so out of desperation rather than preference and that this desperate means of survival is not especially lucrative.

THE RETURN OF THE VAGRANCY LAWS

In the United States of America, many cities adopted anti-begging regulations from the 1990s onwards. This trend was particularly strong in cities with low levels of welfare benefits and by 2000, over 30,000 arrests were made under various vagrancy statutes. Anti-begging legislation was also introduced in a number of Canadian cities during the 1990s, most controversially, the British Columbian Safe Streets Act, implemented in January 2005, which aims 'to ensure public street safety of citizens from aggressive solicitation'. In

England, certain areas were targeted by the police to tackle street-level disorder, including begging. In Australia, vagrancy legislation and similar laws have resulted in ongoing arrest for having no visible means of support, begging and habitual drunkenness. In the case of begging, section 6(1)(d) of the Vagrancy Act 1966 (Vic) provides that '[a]ny person who begs or gathers alms or procures or encourages a child to beg or gather alms shall be guilty of an offence.' The prescribed penalty for a first offence is one year's imprisonment while for a second or subsequent offence it is two years' imprisonment. Conversely, in the case of Ireland, the Vagrancy Act of 1847 remains in operation, but significantly, the High Court ruled in earlier this year that that the section of the Act that prohibited begging was unconstitutional because it excessively interferes with an individual's right of freedom of expression

HOMELESSNESS AND DISORDER

The theoretical basis for this renewed crackdown on vagrancy and begging is provided by Kelling and Cole (1996) who elaborate on earlier work by Wilson and Kelling (1982). Known initially as the 'broken windows' approach to policing, the thesis was politically re-interpreted as 'zero-tolerance' policing and popularized through the energetic efforts of Rudolph Giuliani, who, claimed that such tactics had resulted in the dramatic decrease in crime in New York, which saw a decline in reported index crimes per capita from 6,364 in 1990 to 3,099 by 2000. Kelling and Coles trace the emergence of disorder on the streets to, inter alia, the deinstitutionalization of patients from psychiatric hospitals, the decriminalization of public drunkenness and the finding in many states that vagrancy and anti-loitering laws were unconstitutional. The embodiment of this disorder manifested itself in the growing numbers of homeless persons who were aggressively begging, displaying obvious signs of mental ill-health, publicly drunk or a combination of all three. The police were, largely, unable to regulate their actions as they had done in the past due to legal prohibitions on their powers to remove people from the streets due to their anti-social behaviour. For Kelling and Cole, homelessness was not a consequence of poverty and lack of access to affordable housing, as many advocacy groups argued, but rather was 'rooted in mental illness, chronic alcoholism, drug addiction, and often the interaction of all three' (1996: 66-67). However, homeless advocacy groups and civil libertarian organizations such as the American Civil Liberties Union were successful in confusing poverty and homelessness with anti-social behaviour. It is not surprising, Kelling and Coles argue, that:

"advocates should preserve the myth that every person who begs aggressively, who lives in an encampment in a city park, or who urinates, defecates, or engages in sexual acts in public, is homeless is not surprising. After all, making the problem of homelessness seem as vast as possible lends a compelling urgency to their argument. And virtually every anti-social behaviour can be framed as one of "homelessness" " (1996: 67).

Arguing that the 'broken windows' approach had been empirically verified in a series of studies, this approach to policing gained adherents in other North American cities and in Europe. The improvement in the quality of life in New York and the striking decline in the city's crime rates appeared to demonstrate the success of the strategy and both popular and political opinion endorsed the approach. However, despite repeated efforts by the proponents of 'quality of life policing' to 'prove' the effectiveness of this method

of policing, most research on the decline in crime in the United States has highlighted the very limited role of changing policing priorities to focus on low-level disorder in achieving lower crime rates. Significantly, it was pointed out that Canada experienced a similar decline in crime during the 1990s, yet policing practices remained unchanged and the rate of incarceration actually declined. Likewise, crime rates fell in most European countries during the 1990s.

Although Wacquant (2004: 163) has argued that 'the new penal common sense fashioned in America and aiming to criminalize poverty is being internationalised' via a network of neo-liberal policy think tanks, the degree to which the rhetoric and polemics of these agencies have translated into practice is slight.

If one key element of the new punitiveness towards the homeless, which attributed their survivalist behaviour to growth of public disorder, was left in tatters by the research evidence, the second claiming that homelessness was not merely anti-social but downright criminal, was equally debunked.

HOMELESS AS VICTIMS OF CRIME

Homeless people, by necessity use a range of 'survival' strategies and many these involve criminal activity. Living on the streets or without stable accommodation contributes to crime, arrest and committal to prison. Lack of secure shelter and length of time on the street are the most consistent predictors of criminal activity and incarceration among homeless people. On the other hand, while the experience of homelessness can potentially contribute to imprisonment through engagement in survivalist crimes such as shoplifting, begging and larceny, the experience of imprisonment is equally likely to lead to homelessness. Thus, it appears that experience of prison and the criminal justice system can itself increase a person's chances of becoming (or remaining) homeless. Not only does offending make it more likely that a person will become homeless, but homelessness makes it more likely that people will re-offend and the likelihood of re-incarceration is intensified for those who have a history of homelessness prior to initial incarceration.

While many homeless people report a history of offending, the research evidence also indicates that they are highly vulnerable to victimization, including verbal and physical abuse, robbery, sexual harassment and violence. For example, Lee and Schreck (2005: 1074) in their representative sample of 2,401 homeless adults in the United States, found that 'homeless people are victimized disproportionately often, both in an absolute sense and compared to their domiciled counterparts.' Fear of crime is a significant part of the experience of homelessness for many people and 'most of homeless people are not a serious or dangerous threat to society; they are more victims than perpetrators' (Barak and Bohm 1989: 284).

CONCLUSION

Although difficult to quantify, over the past decade or so, homelessness as an objective condition has been increasingly criminalized, either by the renewed implementation of existing Vagrancy legislation or newer legislation focusing on the alleged anti-social behavior of those who find themselves homeless. In relation to the United States, Don Mitchell has powerfully argued that 'the official line is more geared towards demonizing homeless people – making homeless people seem somehow less than human, endowed with fewer rights than those of us who live in houses' (2003:196). This demonization and criminalization has contributed to ever-increasing prison populations across the Western world. The intensity of this campaign varies from nation to nation, but it represents a dangerous trend that fails to recognize the immense harm caused to individuals as a consequence of their homelessness, and the amplification of this harm through their criminalization. The theoretical basis for the renewed campaign against the homeless is flawed and those who espouse such strategies need to be vigorously challenged if further harm is to be avoided. •

References

- Barak, G. and R.M. Bohm. (. (1989) The crimes of homeless or the crime of homelessness? On the dialectics of criminalization, decriminalization and victimization. *Contemporary Crises*, 13: 275 –288.
- Garland, D. (2001) *The Culture of Control: Crime and Social Order in Contemporary Society*. Oxford: Oxford University Press.
- Kelling, R. and Coles, C. (1996) *Fixing Broken Windows: Restoring and Reducing Crime in Our Communities*. New York: Free Press.
- Lee, B.A. and Schreck, C.J. (2005) Danger on the Streets: Marginality and Victimization amongst Homeless People. *American Behavioral Scientist*, 48(8): 1055-1081.
- Mitchell, D. (2003) *The Right to the City: Social Justice and the Fight for Public Space*. New York: the Guildford Press.
- Wacquant, L. (2004) Penal Truth Comes to Europe: Think Tanks and the 'Washington Consensus' on Crime and Punishment. In Gilligan, G. and Pratt, J. (Eds) *Crime, Truth and Justice: Official Inquiry, Discourse, Knowledge*. Cullompton: Willan Publishing.
- Wilson, J.Q. and Kelling, G.L. (1982) Broken Windows: The Police and Neighbourhood Safety, *Atlantic Monthly* 127, March 1982, pp 29-38.



For public toilets...

By **Julien Damon**, *Head of the Department of Social Issues at the Strategic Analysis Centre.*
Associate Professor at the Institute for Political Studies in Paris

Developments in water closets, public toilets, superloos and other latrines in no way constitute a minor or marginal problem. On the contrary – as everyone has surely experienced first hand at some point – it is an important issue of daily life, one that clearly differentiates men from women, the young from the old, the rich from the poor, those who have housing from those who do not. In concrete terms, it is a crucial problem for human bodies in contemporary urban environments¹.

FROM THE APPEARANCE OF THE STREET URINALS TO THE SUPERLOO REVOLUTION

In one of the rare works devoted to these subjects, the historian Roger Henri Guerrand sets out the history of the «lavatory»², where he chronicles the changes that toilets and lavatories have gone through from the Middle Ages to the present. Until the beginning of the 18th century, the presence and contact of filth and urination would have only relatively put off peasants and city denizens alike. Then – especially the olfactory – thresholds of tolerance to the proximity of stools and waste gradually began to drop. With the parallel development of urbanisation, industrialisation and hygiene, the municipalities would take initiatives to install specific facilities, and the first street fittings geared to the most basic of human needs came into being. The ancestors of the modern superloos, then christened “lavatories” or “washrooms” were reserved – and were to remain long exclusively – for men. Their counterparts for women date only from the beginning of the 1980s, with what shrewd observers have called the “Decaux revolution.”

Between the two world wars, Paris had more than one thousand public lavatories.³ The use and reputation of street urinals declined sharply, however, as dwellings were better fit with bathrooms and toilets. Decried from the outset as seething dens of disease, prostitution, illicit encounters and seedy relations, these facilities became more and more stigmatised as their collective use declined. They continue to be used by a part of the population, however, namely people who are homeless.

INHOSPITABLE AND DISCRIMINATORY PRACTICES

The increasing scarcity of public toilets has even become public policy in certain respects. In some American cities, the removal of public toilets was an explicit technique directed at people who are homeless. In France, openly inhospitable measures were tried by public space managers and elected officials to get individuals deemed “undesirable” to move to other sites. The boom in coercive responses to the presence of homeless people comes to mind. The development of plans to get people who are homeless to move

from the areas where they stayed (“anti-tramp” picks in train station, slow evaporation water in shopping centres, the prohibition or restriction of their access to public toilets) have had a general impact on the quality of the public space.

To prevent homeless people from lying on benches, managers of transport companies have ordered less comfortable equipment that prevent them from lying thereon and forcing them not to stay a long time. The same line has been followed in parks and gardens. Around the old port in Marseille, or in the Paris metro stations, the benches and seats have been changed so that people who are homeless can no longer lie on them; and neither of course, can the strollers round the port or the users of the metro. That said, people who are homeless who used to lie on the benches, are not necessarily discouraged by the more uncomfortable conditions imposed on them. If they want to lie down, they can do so on the ground, next to the bench that they can no longer use for that purpose. So they are still there, and even more visible than before. So a measure intended to make life uncomfortable for those who are constantly in non-comfort situation, has had two unexpected effects. First, it can make even more visible what the public space managers no longer wanted to see; and second, it makes these public spaces more uncomfortable for everybody.

RESTORE, RATHER THAN DESTROY, EASEMENT FACILITIES

The same can be said about public toilets, the disappearance of these toilets or charging, albeit minimal, for their use, have had the same effects. Those that the measures were intended to keep away no longer go, but they become even more visible by being forced to relieve themselves directly on in the public space in front of everybody. Furthermore, all passers-by who do not have change on them or who cannot find superloos are forced to adopt unpleasant precautions or self-restraint, or as a last resort, to find solutions in places not intended for such purposes... The dilemma is obviously disproportionate for persons without private spaces and toilets, i.e. people who are homeless who are constantly confronted by such needs.

In short, the measures taken to chase away people who are homeless have had negative consequences have negative consequences for everybody. It is precisely the effort to get rid of the problem that has made public spaces less pleasant for everyday use. So the problem is not to divert people who are homeless from certain services and facilities, but how to adapt and manage public spaces and services (in the collective sense exclusively here), so that everyone can benefit from them. It would be mistaken to believe that this situation can be easily reversed. ●

¹ This takes up a more detailed treatment of the issue which appeared in Julien Damon, « Les servitudes d'aisance », *Informations sociales*, n° 85, 2000, pp. 106-117.

² Roger Henri Guerrand, *Les Lieux. Histoire des commodités*, Paris, La Découverte, 1985.

³ The “public lavatories” are small structures erected on the public thoroughfare (kiosks, urinals, toilets).

Acts of violence against homeless people are often the visible result of other forms of violence (which are not visible).

Violence against homeless people in Spain



By **Jesús Ruiz Farrona**, *Director and Social Worker of Centre d'acollida Assís. Qualified for the School of Culture of Peace of the Autonomous University of Barcelona*

Introduction

50 year old Rosario E.P. burned alive by teenagers, drew the attention of Spanish society towards homeless people; her death brought us back to reality. For media, it meant widely broadcast highlights for just several days, weeks at the most. For those who work daily with the thousands living on the streets, it was more than simply an obituary.

Deaths as cruel as the one suffered by Rosario happen daily in our country, the scenarios and the furniture change but not the actors who suffer the consequences. It is not only their death that is hard, but the daily fight for survival, and the causes that lead a person to spend their lives on the street.

The forms of this violence are diverse and have multiple causes, part of a process which we will call conflict. We take an active part in this process and it is in our hands to manage these conflicts in a positive manner as a motor of change to achieve maximum levels of social wellbeing.

What is "violence"?

What we generally understand by **violence** is a physical or psychological aggression: murder, torture, beatings, insults, verbal aggression... We call this violence **direct violence**.

However, this form of violence, despite being the most visible, is not the only one. There are others with equally serious consequences. In fact, acts of violence against homeless people are often the visible result of other forms of violence (which are not visible).

One of these invisible forms of violence is **structural violence**. Violence which is part of the social structure and prevents the satisfaction of basic needs as a consequence of social differences such as income, housing policies, lack of health services (specially for mental health), nourishment, education, training...

Another is **cultural violence**, which has a more symbolic aspect (media, culture, language, religion, art, science...) which are used to justify or legitimate structural or direct violence¹. Cultural violence or **culture of violence**?

Often, the causes of direct violence are related to situations of structural violence and justified by cultural violence: many situations are the consequence of an abuse of power towards a specific group or a socially unfair situation (unfair distribution of insufficient resources, unequal income, problems accessing social services, sanitary services) and are supported by discourses which justify this social violence².



"Introducing the concepts: peace, violence, conflict"

Culture of Peace School.

Autonomous University of Barcelona

This analysis should not be used to justify direct violence, but rather to understand its dimensions and be able to intervene in advance to minimize structural and cultural violence in order to prevent direct violence effectively.

¹ GALTUNG, Johan. Peace by pacifism. Peace and conflicts, development and civilization. Bakeaz / Gernika Gogoratuz. Bilbao 2003.

² Social violence: comes from social inequalities affecting a person in their totality, and shows itself through cultural, structural and direct violence.



First Report upon violence against Homeless People in Spain 2006

The large amount of media coverage of María Rosario E. P.'s death, in Barcelona, led us to gather the news articles in the Spanish media related to direct, structural and cultural violence against homeless people in Spain during 2006.

The aim was to document and contextualise the situations of violence in all their forms that occurred in Spain in 2006 concerning people who are homeless.

MAIN CONCLUSIONS AND RESULTS OF THE REPORT:

- According to the survey carried by INE (Spanish Institute of Statistics), there were 21.900 homeless people in Spain in 2005. Organisations working with homeless people placed this figure closer to 30.000 people.
- The Spanish State with its insufficient social policies contributes to the increase in poverty which favours social exclusion and "homelessness". According to the results of the "*Encuesta de Condiciones de Vida 2005*", published by the INE, in November 2006, the Spanish poverty threshold is of 6.346,8 euros yearly (528,90 monthly). The average income of homeless people is 301,59 € per month.
- The real estate market makes housing practically inaccessible for homeless people and socially financed housing policies are scarce which makes access to housing for the socially excluded (with low income levels) very difficult.
- Public health and mental health services do not fulfil their function: prevention, attention, treatment and control.
- It is necessary to establish overarching and personalised inclusion strategies.
- It is necessary to increase the coordination and inter-agency working
- Direct violence against homeless people is in many cases the visible result of structural and cultural violence suffered by them.

NEWS ANALYSIS (RESULTS):

The people who work with and for homeless people are conscious of the fact that the results presented are just the tip of the iceberg and that violence is often endured anonymously.

- 137 articles concerning violence against homeless people were gathered from 51 different media sources.
- According to them, 86 homeless people died in Spain during 2006. 73% of the deaths took place in public spaces.
- 43% of the people who died spent their nights in public spaces, 28% in inadequate housing, 4% in hostels and 25% in unknown places.
- The average age of the people who died is 47. *Average life expectancy in Spain is of 74.6 years for men and 80.7 for women.*
- We consider that the actual statistics could be up to twice as high as the ones reported.
- 47 articles out of the 137 gathered have the aggression of homeless people in common.
- All the 137 news items have a common denominator: structural and cultural violence against homeless people.

PROPOSALS:

- Creation of and putting in place of a national *Observatory or Alert Unit* for direct, structural and cultural violence against homeless people.
- Elaboration of social policies adapted to the reality of the socially excluded.
- Encourage and promote a mediation and support process that establishes points of confidence and positive relationships, to institute a process of change in the medium and long term.
- Sanitary and mental health services must establish protocols and client lists to guarantee correct attention to homeless people.
- Public and private care services for homeless persons will have to provide the necessary means and resources for the individual needs of each person.
- Increase and enhance multidisciplinary support teams.
- Provide access to decent, stable and permanent housing which will change with the development of the individual's personal and social autonomy. For these persons it is necessary to establish housing for rent at a reasonable price for vulnerable groups and the socially excluded.
- Encourage and increase places for long term residence for the interned or persons suffering from mental disorders.
- Favour labour policies to encourage social and working skills, as a means of producing quality thus promoting corporate social responsibility.
- Establish social security subsidies and minimum incomes over the economy index related to the poverty line.
- Media must avoid negative and violent connotations which result in the creation of stereotypes as well as in the stigmatisation of socially excluded or homeless people.
- In this context, we understand that the strategy can not only be based on prevention, but also on providing, developing skills, strategies and resources to deal with violence in all its manifestations.

To move towards understanding violence as a consequence of social conflict and using conflict as a motor for a change, we must learn how to analyse it, discover its overall nature and, most of all, the causes that produce and support it. This is the only way in which one can have adequate tools, resources and strategies to face and solve situations arising from direct, structural and cultural violence against homeless people.

If we are not capable of dealing with and resolving violent situations in all their manifestations, we are bound to broaden the distance and the social breach between people across of society (societal gap). This will release a spiral of violence, injustice and a lack of communication, which will be ever more difficult to overcome. •



Interview with David Giannoni

The Control of Public Space: Brussels South Train Station



David Giannoni, *Espaces de Parole Sans-Abri de Bruxelles*

Introduction:

David Giannoni coordinates spaces for discussion, exchange and participation of people who are homeless in Brussels. The emergence of an increasingly coercive security policy approach in the Brussels South Train Station and its impact on the homeless people who spend time there has been a major theme for discussion in the past years and months.

Questions:

What is the significance of the Brussels South Train Station for people who are homeless?

In every modern city, the stations, the airports, the ports and other public spaces like church squares, market places, the areas around supermarkets etc. have functioned for a long time already as meeting spaces, where all kinds of people come together for "informal meetings". This goes from the "general public" so to speak, to the most marginalised people – the most "desocialised" some would say. All these areas are places of passage, they are "borders", places where "possibilities" open up. But they are also places where the individual blends into the crowd, becomes anonymous.

Why do a lot of homeless people spend time in and around the Brussels South Train Station? Is it for practical reasons? Psychological reasons? Other reasons?

The different figures of the wandering outsider, the village idiot, the tramp or others come together therefore in these places, which are all at once very "public?" and very "impersonal", anonymous. There are many different reasons for this:

- A place of passage always offers economic possibilities (to beg for example, or for others perhaps to steal);
- A place where many people meet or pass through is also paradoxically a place where one may feel safe and somehow protected;
- Such a place is also a possibility of contact, of a connection between different population groups in a city;
- It is also an informal "meeting point": a person who is newly homeless "knows" that "experienced homeless people" and social workers will probably pass through these places: so it is also a potential source of information and they are potential spaces for exchange of information;
- Such places are often heated (the waiting rooms for example) or at least offer some shelter from bad weather and the extreme winter temperatures;
- They are also places where there are shop keepers and businesses who sometimes, out of generosity, will give away food or drinks or might "do a price" for those who don't have much;
- They are places that also offer, quite simply, access to toilets and to drinking water in the summer; etc.

Why is this a problem and for whom? Is due to redevelopment of the station – gentrification, new shops etc.?

The problems that it poses are varied. Some people cite "security" problems or problems of hygiene. It is somehow "dirty" to see a homeless person, most of the time. And as stations somehow function as the "windows" onto the city (for those passing through), the tendency these last years has clearly been towards wanting to "erase" the signs of poverty, of dirt, of dilapidation of the city. So, yes, this certainly corresponds to ever greater concessions to neo-liberal ways of thinking and a "security-first" approach. What is more, some of these public spaces are becoming increasingly important commercial centres and draws clients that are increasingly international on the one hand and increasingly rich on the other (travellers on the international high-speed trains Thalys and Eurostar).

A place where many people meet or pass through is also paradoxically a place where one may feel safe and somehow protected.

What forms have the repression / criminalisation of people who are homeless taken in this context? What impact does it have on their daily lives?

Some of the experiences that have been shared are very revealing. Most of the time, here in Brussels, it is private security companies (under-trained or badly trained personnel, hired above all to serve the interests of shops or businesses) who are accused of violent and inexcusable. For example: dragging a person who is homeless by the neck or by the legs in front of everyone to "put him out" of the station; using dogs as weapons against people who are homeless; beating them until they bleed on the grounds that they will never dare to complain and even they did they would never be credible because they are "less than nothing" !

The impact on a daily basis of this repression is easily imaginable: the most excluded are even further excluded and the excluded are made not only responsible but actually guilty of their own situation, so they are criminalised...

What actions have been carried out? What solutions have been found? What has been the role of people who are homeless themselves in the actions?

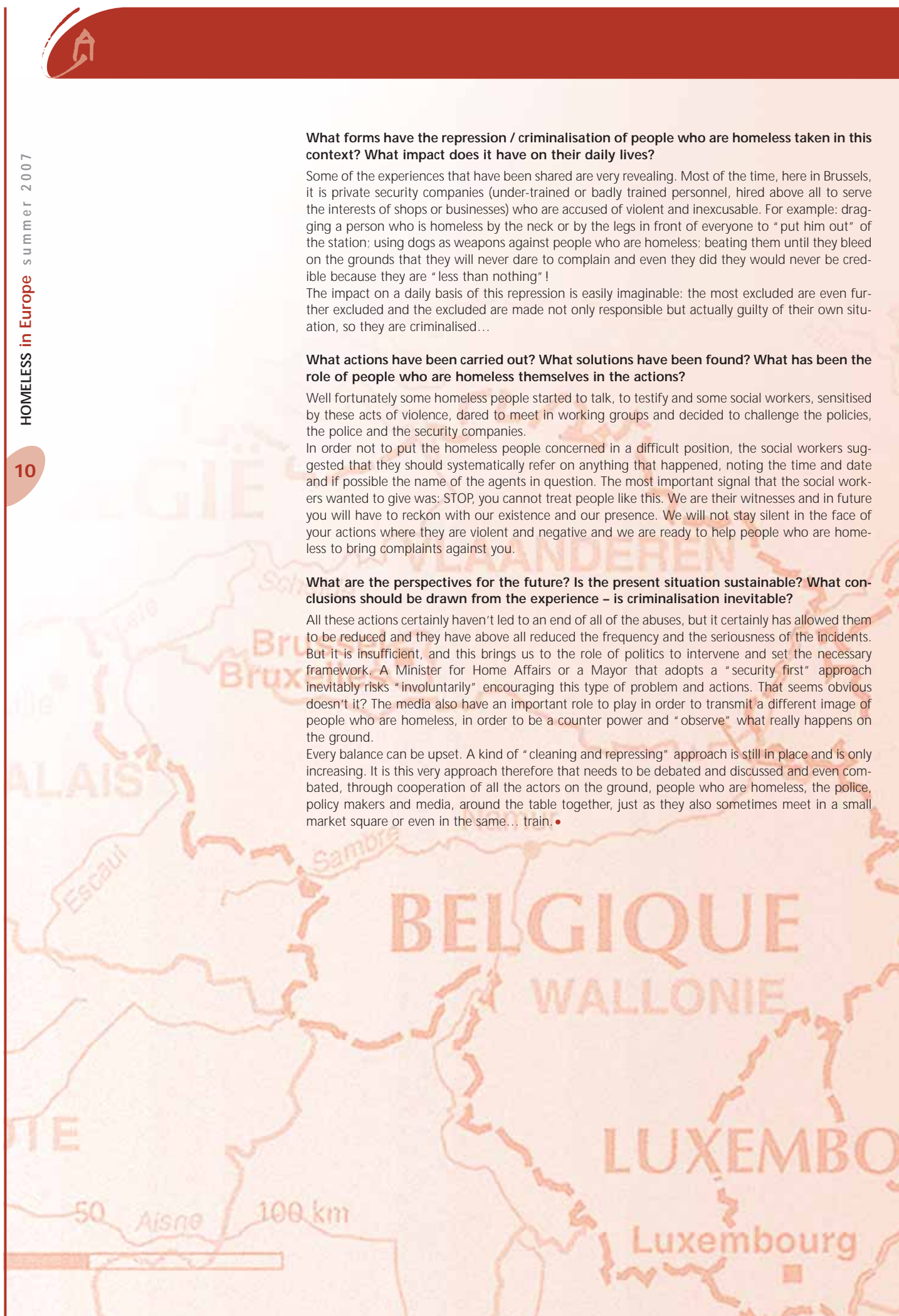
Well fortunately some homeless people started to talk, to testify and some social workers, sensitised by these acts of violence, dared to meet in working groups and decided to challenge the policies, the police and the security companies.

In order not to put the homeless people concerned in a difficult position, the social workers suggested that they should systematically refer on anything that happened, noting the time and date and if possible the name of the agents in question. The most important signal that the social workers wanted to give was: STOP, you cannot treat people like this. We are their witnesses and in future you will have to reckon with our existence and our presence. We will not stay silent in the face of your actions where they are violent and negative and we are ready to help people who are homeless to bring complaints against you.

What are the perspectives for the future? Is the present situation sustainable? What conclusions should be drawn from the experience – is criminalisation inevitable?

All these actions certainly haven't led to an end of all of the abuses, but it certainly has allowed them to be reduced and they have above all reduced the frequency and the seriousness of the incidents. But it is insufficient, and this brings us to the role of politics to intervene and set the necessary framework. A Minister for Home Affairs or a Mayor that adopts a "security first" approach inevitably risks "involuntarily" encouraging this type of problem and actions. That seems obvious doesn't it? The media also have an important role to play in order to transmit a different image of people who are homeless, in order to be a counter power and "observe" what really happens on the ground.

Every balance can be upset. A kind of "cleaning and repressing" approach is still in place and is only increasing. It is this very approach therefore that needs to be debated and discussed and even combated, through cooperation of all the actors on the ground, people who are homeless, the police, policy makers and media, around the table together, just as they also sometimes meet in a small market square or even in the same... train. •





Disputes about the prohibition of begging – The example of Hamburg



By Stephan Nagel

Those who stroll through different German large cities encounter wide differences in the visibility of extreme poverty. Accessibility to public space by those concerned differs sharply from city to city. These local differences in spite of the same national legislation point to the importance of local conditions and conflicts for the regulation of access to public space.

Compared with other German large cities, it is striking how many people are begging in Hamburg and how numerous homeless people “bed down” at the entrances of shops after closing time.

This comparatively liberal approach is the fragile result of debates conducted in the city time and again. The most recent such debates, which commenced at the end of 2005 and are still going on, concern begging, or more precisely the issue of a prohibition of begging.

To understand this conflict, it is necessary to go back to 1996, when the then social-democrat minister for internal affairs Wrocklage, in what later became known as a “Beggar Paper” called for sharp “measures against the threatening inhospitality of the city,” and in particular measures to drive away homeless people, drug addicts and alcoholics. Churches, the Social Welfare Service, political initiatives and part of the local press united against these proposals. The political resistance of this loose coalition had a contradictory result. The then senate and the subsequent senate had to make concessions in their programme. For instance, the plan of a prohibition of begging was shelved. In the area round the main train station and the adjoining district of St. Georg, on the other hand, the highly visible drug scene was driven out through a series of closely pursued policing and regulatory measures.

Another result of this conflict was that business people, chambers of commerce, social initiatives, churches, the authorities and the police have tried to reconcile conflicting interests and are endeavouring, on a regular basis, to find practical solutions and arrangements to current conflicts about the utilisation of the city centre in particular in a “St. James roundtable.” Here,

the idea got generally accepted that homeless people “bedding down” in shop entrances needed a base where they could put their possessions during the day and have access to sanitary facilities, so that the city would be “clean” again the next day and ready for undisturbed consumption. This circle had reached a consensus for a long time, that “bedding down” and begging in the city centre had to be accepted and tolerated as an expression of the social reality in the city.

This liberal consensus has however come under attack time and again from politicians, shopkeepers and the media, who are calling for measures against “begging,” “aggressive begging,” “excessive drinking” or “loutish behaviour.” The undisturbed use of the city centre by the average citizen is put to question and the turnover of the business world under threat.

The most recent proposal, to introduce a prohibition of begging in certain areas of Hamburg, began with an initiative of the very influential chamber of commerce. It called for prohibition of begging limited in time and space, between March and October 2006 – a period that comprised the football world cup. A regulation was to “prohibit at least professional bands of beggars from Eastern Europe.” Groups of beggars from Bulgaria, who exhibited their physical disabilities for begging purposes, had particularly aroused the indignation of many Hamburg residents. The chamber of commerce called for a prohibition of “organised begging.” It was feared that beggars from Bulgaria were victims of a “smuggling and exploitive mafia.” A prohibition would not be directed against old-established beggars of Hamburg.¹ Experiences with this regulation would be assessed to serve as the basis for a decision of principle.

This motion received support from the minister for internal affairs of the conservative city government. He pointed out that an anti-beggar ordinance, could not, for legal reasons, discriminate between “good” domestic and “bad” foreign beggars. Furthermore, he supported a general prohibition of begging in certain areas of the city centre.²

The demand, that the city should be accessible to all, and belonged to all people and not only to consumers, was reconfirmed.

This led to a dispute that occupied the public in the city for months. Again, a broad resistance formed, in which the local street paper 'Hinz und Kunzt' [Every Tom, Dick and Harry], the welfare and social service which is responsible for many institutions for the homeless in Hamburg, and representatives of churches and opposition parties were very much involved.

The dispute was waged predominantly in the media and in various committees, but not by any actors on the street.

The demand for a prohibition of begging was rejected with many different arguments. An important element here was the call for tolerance and understanding for the difficult situation of poor people, who fall back on begging as one (and often the sole) strategy of self-help, as long as there is poverty and deprivation.

Fundamental considerations about the city as a mirror of the social fracture could also be heard. The demand, that the city should be accessible to all, and belonged to all people and not only to consumers,³ was reconfirmed. Another line of argument took up the theme of the extremely questionable basis of a possible prohibition of begging from the legal point of view.⁴

The members of government then embarked on their observer role and waited for the outcome of the differences of opinion. A local public opinion poll in those weeks revealed a slight majority against a prohibition of begging.⁵ Churches and welfare organisations came out strongly against such a prohibition. It soon emerged that there would be no majority in parliament for a prohibition of begging. This became all but official in April 2006, when the president of the senate made his "opinion" known that there would be no general prohibition of begging. The burgomaster had not stated his position publicly on the disputed issue.

The introduction of a prohibition of begging was thereby averted (for the time being), but in the next months, an ordinance based on the traffic law prohibited begging by physically handicapped beggars, mostly from Bulgaria, in specified places. The reasons given for the measure were that these beggars engaged in

organised and commercial begging. The existing legal regulations required a permit to exercise a commercial activity, which the beggars concerned could not produce and, if they applied, they could not obtain one either. This was intended as means to prevent the exploitation of beggars.

This action too was openly criticised. For instance, the chairwoman of the Hamburg Social Welfare Service, Annegrethe Stoltenberg: "The only crime of physically handicapped beggars is apparently that the sight of poor, handicapped people is disturbing. (...) It should be a cause for concern how often begging people are dealt with through ordinances and how little thought is given to helping them." The Social Welfare Service further points out that the police did not manage to uncover any evidence of criminal activity. If such evidence was found, then it should be prosecuted according to criminal law. If the much touted exploitation by people behind the scenes did exist, it would be a case for the police and the justice department. Making areas off limits would be fully inappropriate.⁶

As expected, the foreign beggars concerned by the places made off limits, who did not speak German, did not counter said prohibitions with legal means.

The action against "alien," "foreign" beggars elicited only minor political resistance in Hamburg. In the months that followed, places were declared off limits to physically handicapped foreign beggars on several occasions, and most recently (February 2007) extended against foreign beggars who begged with puppies.⁷ Without any valid documentary evidence in support, they were all assumed to exercise a commercial activity requiring a permit.

The Hamburg example shows that the debates about prohibiting begging have also led to a more general discussion about poverty issues, justice and allocation problems. This discussion was partially distorted in Hamburg by a racist discourse, as the majority of the press presented a picture of "foreign" "mafia controlled" "bands of beggars" from Eastern Europe taking "advantage of German compassion," finding



differences in the treatment of our "own," "domestic" beggars as opposed to "foreign" beggars legitimate and self-evident.

Furthermore, the Hamburg example shows that public campaigns by organisations to provide legal defence for the interests of homeless and poor people, can be successful and can prevent the introduction of measures prohibiting begging even against the interests of politicians and the business world. In Hamburg, churches and welfare organisations have played a significant role. This room for manoeuvre and prospects for success must be stressed in view of the fact that special use statutes are in force in a series of large and small cities in Germany, that prohibit begging in particular, with which the social welfare organisations have in large measure come to terms. There is no political or legal opposition to the statutes through a complaint against a prohibition making places off limits. There is a large gap here between the representation of interest assumed in posturing and soap-box oratory and real social and political action.

The Hamburg examples offer no positive material for broaching the issue as to how the persons concerned can be supported and encouraged to assert and defend their own rights and interests. The organisations that have taken part in the debate have made no effort to overcome the representative policy.⁸

This representative policy has two fields of action. The first is a public, argumentative debate ranging between two extremes: a policy of compassion, and a policy of basic defence of the rights of the poor. The second field of action is that of "quiet lobbying work" in talks and in cooperation committees between the city authority and social work on the one hand, and the business world, social work, welfare organisations, authorities, churches, the police (e.g. the "St. James Roundtable") on the other. In such committees there is often pressure to reach compromises and to agree on regulations that curtail the rights of the persons concerned, in an effort not to put the "good cooperation" and "good rapport" at risk.

As a result, a highly questionable – from the constitutional and political point of view – system of state, municipal and private social control threatens to arise, where it is no longer the competent parliament, but the municipal elites who decide what will be sanctioned as deviant behaviour day to day.⁹

Consequently, pragmatic solutions and arrangements are needed on how to deal with inner city conflicts of use based only on the recognition and, in case of doubt, on the legal assertion of the rights of those concerned. The promotion of these rights and their political defence must however not be based solely on sympathetic, often paternalistically tinted, arguments begging for understanding, but on human and civil rights, for then we defend the basic rights of us all. ●

¹ Hamburger Abendblatt 29.12. 2005 <http://www.abendblatt.de/daten/2005/12/29/517895.html?s=2>

² Hamburger Abendblatt 30.12. 2005 <http://www.abendblatt.de/daten/2005/12/30/518241.html> and <http://www.abendblatt.de/daten/2005/12/30/518245.html>

³ In the mid 1990s, Germany tried a solution entitled "The city belongs to all" to tackle, combine and politicise intra-regionally the disputes about access to public space.

⁴ The prevailing view in legal doctrine is that locally enacted prohibitions of begging in Germany are unconstitutional and legally invalid, in particular because begging as such entails no danger and that a prohibition would violate the free development of one's personality enshrined in the constitution.

Cf. by way of example, Simon, Titus 2001: Wem gehört der öffentliche Raum? Gefahrenabwehrverordnungen und andere Instrumente zur Minimierung der Präsenz sozial Schwacher in den Innenstädten. Endbericht, May 2001.

⁵ Hamburger Abendblatt 7./8. 1. 2006. In a highly representative study on "group-related misanthropy in the Federal Republic of Germany," conducted in 2002, only 34.6% of the respondents agreed with the statement "Should begging homeless be rather or entirely banned from pedestrian areas." In 2004, this figure amounted to 38.4%. Cf. Endrikat, Kirsten, 2005: Ablehnung von Obdachlosen in der deutschen Bevölkerung, in: wohnungslos Nr. 4/2005: pp. 135 – 138.

⁶ Press release of the Hamburg Social Welfare Service of 15 May 2006

⁷ 'Hinz und Kunzt' March 2007: „Alles Mafia oder was? Hysterie in der City..."

⁸ In concrete terms, this issue has become even more complicated, as some of the local beggars were clearly negative to and even aggressive against competing Eastern European beggars on a tourist visa. The great significance of the resources of churches, charitable, and civil-society organisations for initiatives to combat homelessness has been stressed in a comparative study of US initiatives against homelessness, cf. Cress, Daniel M.; Snow, David A.: 1996: Mobilization at the Margins: Resources, Benefactors, and the Viability of Homeless SMOs, in: ASR 61/1996, 6, pp. 1089 – 1090.

⁹ Cf. Mokros, Reinhard: 2005: Sicherheit als Produkt – Interventionen von Polizei und Ordnungsbehörden im öffentlichen Raum, pp. 8 ff. http://www.polizeiforschung.de/050105_Mokros_Sicherheit_als_Produkt.pdf

On criminalisation of homelessness and people who are homeless in Rotterdam

By Peter Zuidam and Geertien Pols

Cooperation in the interest of the homeless was requested and imposed under the flag of public safety.

Jacky was very angry and indignant. She was waiting outside the shelter until it opened its doors, sitting on a bench under the trees with her backpack beside her. Police officers fined her for € 60 for loitering there, in a way that might be a nuisance to other people. She was not allowed to sit there. She did not know it. She is trying to pick up her life, to find a room and do useful things. Now there is a fine to be paid. But there is more: it seems that just the sight of her sitting somewhere is considered a nuisance to other people. Is she even allowed to exist in Rotterdam? Does she have to look on herself as being no better than dirt?

Henry was sitting in his room in a social boarding house. He expects to start living on his own in a couple of months. He was having a beer when the fire alarm started. Everybody had to go outside and gather near a statue at 100 metres distance. Henry left his room quickly with his beer in his hand. The fire-brigade was practising in this social boarding house. After the big fires we had in The Netherlands the rules are tight on being fire proof and practising fire alarm procedures. Now Henry and his companions are sitting near the statue waiting until the drill is over and they can return to their own temporary home. Two policemen walk by. They look at Henry sitting in this small crowd and notice that he has something behind his back. They find the beer and give him a fine. He is not allowed to have an open beer can with him in this area on the street. He is not allowed to conceal it behind his back in a suspicious manner in order to hide it from the policemen. They are not happy either with sixteen men sitting on the statue because it is considered a nuisance for other people and they are using the statue in a way that it is not intended for.

John is sleeping rough in a nice space he made for himself. It is not allowed though and he could be fined up to a maximum € 2,500 per night. In the daytime he goes to a day shelter, where he can take a shower, have a coffee, visit a nurse, or spend time on different activities. But at night there are not enough places in the shelters. He likes a quiet place and nobody talking to him. His mind is already full of rumours and voices.

These three examples describe situations liable to a fine of up to € 2,500, or up to 3 months imprisonment. Eleven rules of this type have been added to the general police regulations by the local government. These new rules provide the police with powers for law enforcement

and action in the public domain. The main purpose of these is the removal of homeless people, or groups of youngsters or others that are creating nuisance in public space. The grounds are that the public could be afraid, or feel unsafe in their presence.

In general terms the homeless strategy in Rotterdam could be considered to be quite coercive. A short analysis of this approach (how does it work? is it useful?) is the focus of the present article. Issues like begging, collaboration with the police, a tendency towards a criminalising approach in policy and also the activities of organizations to raise awareness about the issue will be addressed in this article.

For an outsider, it might seem that 2002 was the turning point towards coercive policy in Rotterdam - in fact the city has been building on policy approaches that had already started in 1994. Homelessness increased from 1990 onwards, not only through housing evictions in Rotterdam. The approach was to organise more shelters and boarding houses and organise the care. The care providers network had already been created, as a result of cooperation in the years before 2002.

There was however a different political arena in 2002. Pim Fortuyn started his political career and stood for liveable conditions in all the quarters of the City of Rotterdam. Shortly after the city council elections in Rotterdam he died. He was shot a short time before the election of parliament in May 2002. His brand new oppositional neo-conservative party got elected into the city council with a huge majority. It showed that there was a major discrepancy between the former city government establishment and the electorate residing in the old quarters of the city. On a daily basis, they experienced and were coping with the public nuisance and issues that needed to be addressed. It also arose from the shift that had taken place with the increase in immigrants living in the city, not speaking Dutch, and with different habits and life-styles. A general feeling of un-safety and discomfort was widespread.

It also meant that there were now 17 new politicians in the city council, with no political experience, but with a strong drive to make a political change in favour of the citizens in the old quarters. In the past these citizens voted for the social-democrat party and many of them did not vote for some years because they felt neglected by the city government.



Safety was the key policy watchword. It meant a new aldermen with not so much experience in this type of business had to combine homelessness, care and safety in one policy dossier.

Public safety dominated the general political agenda due to the events of 9/11. The second alderman in this term on the dossiers Public Health, Homelessness and Safety was a criminologist. These first and second alderman for Public Health in the period 2002 – 2006 shared responsibility for public safety policy with the mayor, who carried the final responsibility and was accountable public officer in charge. It wasn't immediately clear who was the political spokesman on this issue; it was clear who was in charge.

One effect we noticed was that experienced civil servants transferred to other positions in the organization of the municipality. One consequence was a redefinition of the relations with the social partners in the direct field of operation. There was a renewal of the rules of engagement and cooperation.

There were also semantic changes in the formulation of policies, setting more into targets, defining final results and using stronger language: governance by ordinance and decree. Cooperation in the interest of the homeless was requested and imposed under the flag of public safety. It also offered opportunities for creativity and working together in arrangements that otherwise should have taken a lot more time. Indeed it offered opportunities for both the homeless citizens and the care providers.

One of the targets was to take 700 people into care in a combined effort of all the public institutions and organizations including the police, the Public Prosecutor, the Magistracy, mental health care, homeless organizations and client representative groups. The fines, the subject we started this article with, were used to build a case for the court of justice to direct people into a care program, sometimes starting in prison.

The keywords involved here were safety, central coordination, and public health management, directed by the Municipal Public Health Service, with accountability to the mayor, public prosecutor and head of police. This was the new element since 2002.

The spin-off effect here was an improved collaboration between the caretaking institutions and the public office and interest. Particular conflicts on self-proclaimed domains and interests and responsibilities were solved, benefiting the clients' interest.

In 2002 the problem of homelessness was also on the national agenda. Four departments worked together to make a policy to attack the problem of homelessness and provide housing and care programmes. This was helpful to the municipal authorities.

In four years, as a result of the cooperation, we altogether succeeded in helping 700 men and women in a new direction in life, with access to more care. The city also succeeded in closing the public prostitution zone, due too new legacy on street-prostitution. Street prostitution is prohibited and through utilization the Mental Health Bill many prostitutes received mental health care and support and started living in supported accommodation.

Street prostitution by women addicted to drugs is placed in the paradigm of mental illness. This justified an intervention through the combined actions of mental health institution and magistracy as a protective necessity. Taking advantage of these women in despair as a 'consumer' of prostitution is a criminal offence and therefore prosecutable. For the period 2006 – 2010 there are new targets that more (2900) homeless people come to live in a place of their own or a house for supported living.

The coerciveness is as a matter of speaking accepted, because you are better off when you get access to care. On the other hand, the language used by the city government definitely was not accepted by people who are homeless. The negative connotations and references coming from the settled citizen's feeling of insecurity – an implication that homeless people are considered as no better than dirt because of their appearance, that they are a nuisance – had to be challenged. Also other groups like migrants and youngsters from specific groups were also the subject of such references. The new local government since 2006 continued the policy but wanted to find another way to speak about its citizens.

Organizations for the homeless and mental health care organizations worked together with the local government to organize better programmes. The Client advice board of our organization was intensely involved in advising about the rights on privacy, on the dossiers. Their main question was: does it help our people? How do we adjust the rules and law in an appropriate and proper way? We as a care providers organization had these discussions internally and also with policy makers of the city government and other care organizations.

During the process we were convinced that the aim of the operation was to help people who are homeless and living in terrible conditions.

The discussions on the fines of € 2,500, or the chance for 3 months imprisonment, were also brought to attention to the policymakers by the client organisation. Their only argument was: we hope to live soon in a boarding house or room of our own. Then the bill finds us at this new address. Then we have an enlarged debt we have to pay for. The problem to rehabilitate us is bigger. What can we do about that?

The effects of the general police rules from 2003 were obvious. The recent evaluation of the general police rules shows that for over the years 2003 till 2006 a severe increase of fines took place in 2004, especially for begging and rough sleeping. This makes it clear that the police enforced the new legislation. A significant decrease of fines is shown for 2005 and 2006 - 57% on begging and 45% on rough sleeping. Also we noticed a decrease of rough sleeping. Our field workers located 46 permanent rough sleepers, who consistently refused the offered shelters and 46 semi permanent rough sleepers. These persons are irregular users of the shelter facilities. We have had times in the past when there were 500 rough sleepers.

It became clear that public nuisance wasn't only caused by people who are homeless. The general public is also a source of disturbance and anti-social behaviour. This was the basis for a new police strategy to restore public safety. Proclaiming safety areas in neighbourhoods in jeopardy increased the feeling of public safety. The police got a legal permit to carry out a body check on every person inside the safety area, in search of drugs and weapons. The majority of the offenders were in this case not people who are homeless but the settled citizens. The approval of these measurements by the general public was proved in the elections of 2006, when the social democratic party was restored as a coalition partner in city government.

This shows us that focusing on the homeless as a vehicle for a general safety policy indeed has some criminalisation connotations and effects. But taking a very general perspective, it is also true that it improved the coordination of care and cooperation between several institutions, both governmental and non-governmental. It improved the relations between the clients using services and the organisations that provide them. The quality of life for homeless people and opportunities in the area of housing and activities were given a boost. This includes opportunities in the area of labour reintegration for people who are homeless.

Thus criminalisation actually proved to be a positive catalyst in homeless policy and daily practice. So does the end justify the means? The means that were used were based on legislation. The city government stayed into contact with homeless people and discussed what they wanted to change and why. They also provided the funding that was needed for more care. They took on a strong role of coordination and direction in this approach.

What happened to Jacky, Henry and John? Jacky left the city. Maybe we will meet her next year again. Henry is taking his next step in his care plan of supported living. The organization made a complaint about this police action. John is in a mental health care institution for treatment. After that he will have a care plan. •

The general police regulations in Rotterdam, which were changed in 2003 to give the police greater powers to act in their daily street surveillance of people who are homeless, are listed below.

It is prohibited to:

- cause nuisance in the public space (aimed at people lying on public benches);
- use alcohol or drugs openly in the streets;
- dirty the public surroundings;
- urinate in public places that are not meant for it;
- stay in public places under a roof (like the post office) because it usually is left dirty and damaged;
- be in a public place and disrupt the public order, to be there without a reasonable goal, in a way that is a nuisance for others (creating feelings of insecurity);
- stay on the streets in groups of more than four people;

Also forbidden is:

- the overt possession of knives and weapons
- begging, especially where people feel unsafe because of the way the begging is done, (ie: it is pushy, or people are blocked from passing or are intimidated)

All this has a penalty of maximum 3 months imprisonment or maximum € 2,500,-

- Every time the rules are breached, it is a new item added to your police record. If there are infringements recorded then it gives the city authorities a basis to consider taking you into coercive care. Sometimes care will start in prison and continues after the imprisonment.



Illegal to be Homeless: U.S. Advocates Name “Meanest” Cities



By **Eric Ares**, *National Law Center on Homelessness and Poverty* and
David Coffman, *National Coalition for the Homeless*

In the 1980s, homelessness increased dramatically throughout the United States. At the time, many cities recognized the problem of homelessness and provided some emergency assistance to homeless people and those in danger of becoming homeless. However, rather than addressing the underlying causes of homelessness, many cities and local governments began passing ordinances that targeted homeless people. These laws included prohibitions on panhandling, sleeping in public, loitering, and vagrancy. In addition to these laws, many cities selectively enforced other more neutral laws, resulting in homeless people being harassed and, at times, arrested for minor offenses that police generally overlooked when committed by people who were not homeless.

Recognizing this growing trend of cities criminalizing homelessness, the National Law Center on Homelessness & Poverty (NLCHP) published “Go Directly to Jail: A Report Analyzing Local Anti-Homeless Ordinances.” This 1991 report focused on four types of measures, anti-panhandling laws, anti-loitering and vagrancy laws, anti-sleeping laws, and unequal enforcement of other laws. The report also examined patterns of increasing hostility toward homeless people in nine cities: Atlanta, Chicago, Dallas, Las Vegas, Miami, New York, San Francisco, Seattle, and Washington, D.C.

In 1994, NLCHP attempted a more comprehensive analysis with “No Homeless People Allowed: A Report on Anti-Homeless Law, Litigation, and Alternatives in 49 United States Cities.” NLCHP gathered information for the report through media searches, searches of government documents, unsolicited phone calls and letters, and interviews with service providers and attorneys representing homeless people. The report provided a more thorough account of the growing trend toward the criminalization of homelessness. This report also importantly began NLCHP’s efforts to highlight positive alternatives to the use of criminalization measures. Detailing models in 17 cities, “No Homeless People Allowed” included examples of police department training and outreach, alternatives to anti-panhandling ordinances and sweeps, and protective legislation, amongst other models for countering the criminalization of homelessness.

NLCHP continued to monitor city and county actions that criminalized homelessness in the 1990s as local governments increasingly sought to address homelessness through the passing of

ordinances that targeted homeless people. Among the 49 cities for which information was available from 1996-1999, 12% enacted new ordinances or amended existing ones to restrict begging and 18% enacted new ordinances or amended existing ones to restrict either homeless people’s use of public spaces or begging. In addition, 36% initiated aggressive enforcement, or crackdowns, of applicable laws against homeless people and 48% engaged in police sweeps.

In 2002, the National Coalition for the Homeless (NCH) and NLCHP published their first collaborative report on the topic, “Illegal to be Homeless: The Criminalization of Homelessness in the United States.” This report built on the accomplishments of past reports by including a more methodological approach through the use of a standardized survey of nearly 60 communities and a more thorough list of federal and state court cases and challenges to anti-homeless legislation.

Published by the National Coalition for the Homeless, the 2004 version of “Illegal to be Homeless: The Criminalization of Homelessness in the United States” saw the adoption of a new strategy in advocating increasing the public discourse on the criminalization of homelessness and advocating for more constructive models for addressing the root causes of homelessness: The Meanest Cities list. In 2006, NCH and NLCHP collaborated once again on “A Dream Denied: The Criminalization of Homelessness in U.S. Cities.” Including the results of a survey of laws and practices in 224 cities around the country, the report’s top 20 meanest cities were chosen based on the number of anti-homeless laws in the city, the enforcement of those laws and severities of penalties, the general political climate toward homeless people in the city, local advocate support for the meanest designation, the history of criminalization measures in the city, and the existence of pending or recently enacted criminalization legislation in the city.

Reported in the form of descriptive narratives based on qualitative information gathered from media and various interviews with service providers and advocates, the Meanest Cities list, along with the inclusion of a list of constructive alternatives to criminalization, has improved the report as an education tool and a means for advocating against the criminalization of homelessness and for more productive approaches.

Rather than addressing the underlying causes of homelessness, many cities and local governments began passing ordinances that targeted homeless people.

METHODOLOGY

NCH and NLCHP use a survey to interview advocates, service providers, and people experiencing homelessness in over 200 cities throughout the United States. The survey includes questions about laws and policies, such as restrictions on sharing food, anti-panhandling laws, and other laws targeting acts homeless people must perform in public because they live outside. NCH and NLCHP ask other questions to discover the extent of selective enforcement of laws against homeless persons, as well as other harassing measures such as police sweeps of encampments of homeless people. Examples of the survey can be found in the "Dream Denied" report published on NCH's (www.national-homeless.org) and NLCHP's (www.nlchp.org) websites.

A holistic picture of the criminalization practices of a city is created through using these various sources of information. Both positive and negative measures are taken into account when applying the "meanest" designation to a city.

THE VALUE OF THE REPORT IN ADVOCACY

With the biannual publication of the meanest cities report, NCH and NLCHP hope that cities on the 20 meanest cities list will be pressured into implementing more positive approaches to homelessness.

The report arms advocates with details of how homeless people are targeted in their city, along with the economic impact of criminalizing homelessness. Many city officials are not aware of the cost of criminalizing homelessness and can be shocked to find out they spend anywhere from \$40-\$140 per day on jail costs. Whereas, the average cost of providing counseling, housing, and other support services is \$30 per day.

Advocates are encouraged to use the report to counter criminalization policies which are being considered or have already been enacted in their community. Using information on the economic and the social costs in comparison to the benefits of providing housing, advocates are better equipped to encourage cities to approach homelessness as a social issue and not target the person experiencing homelessness.

Flagstaff, AZ, provides a useful example of how the meanest cities designation can be helpful in encouraging cities to make positive changes.

After passing criminalization ordinances aimed at homeless individuals, Flagstaff, AZ, was stunned to be designated a "meanest city" in last year's report. This designation spurred the city to dialogue with homeless service providers over the past year to create new policies and taxes to help support homeless individuals in the city. City police now do not enforce the criminalization laws but work with the homeless individual, shelters, and homeless advocates to help homeless individuals get out of their situation. The city also passed a tax which supports transition services for persons in the city who are leaving incarceration.

In another case, the Fort Myer Florida city government recently considered the passage of an anti-feeding law. With the support of NCH and NLCHP, local advocates used information from the 2006 criminalization report to successfully challenge the passage of this law. Advocates used threats of litigation to challenge the constitutionality of the proposed ordinance, as well as grassroots organizing, theatrics involving costume squirrels, and threats of civil disobedience, to pressure the city to table the proposed ordinance. As a result, the city council rejected the proposed ordinance and is waiting to see if a new alternative indoor feeding program will address the issues of those concerned.

In the Fort Myer case specifically media attention also proved to be helpful. With the aid of a person dressed in a squirrel costume NCH, NLCHP, and local advocates attracted the media to a proposed anti-feeding ordinance which would have gone largely unnoticed. The coordination of national and local advocates, along with sympathetic governmental officials and media has led to positive outcomes for homeless persons facing criminalization ordinances in several cities.

The story of Flagstaff, AZ and Fort Myer are exceptions to the rule. Many cities, regardless of the meanest cities designation, are still unaware of or unwilling to take constructive steps towards eradicating homelessness. Through public education on the causes of homelessness and litigation against criminalization policies NCH, NLCHP, and local advocates work to counter criminalization policies. With the help of local advocates and a report detailing the shortcomings of criminalization policies government officials can begin to enact constructive measures dealing with the problem of homelessness. •





Working from the Outside to the Inside

By Jim Withers, MD, Operation Safety Net

www.operationsafetynet.net • www.streetmedicine.net



In the United States as elsewhere, the health needs of those homeless persons who “sleep rough” are of particular concern. Much progress has been made through the federally funded (McKinney) Health Care for the Homeless program since 1987. Nonetheless, these largely shelter based initiatives still do not reach many of those who remain “outside”. In response, clinicians have increasingly begun to work with the unsheltered homeless in the alleys, along the river banks and in the abandoned buildings where they dwell. In 2005 the first International Street Medicine Symposium gathered in Pittsburgh, Pennsylvania to create a forum for medical personnel who work in the streets to learn from, and support each other. The following observations are a compilation of insights from many of the members of this group.

Once in the streets, clinicians are confronted with a complex socio-political environment. Many of us are immediately confronted with the frustrations of the non-homeless, who sometimes seem to be at war with the street homeless. It is not unusual to be searched as possible drug dealers, accused of “enabling” the street homeless, or being forced to leave certain areas when the homeless begin to gather for our services. When we begin to send our clients to medical services, we are disturbed to share their experience of being unwelcome. It does not take long to realize the importance – in fact the moral imperative – of building bridges of understanding with the rest of the community. I have called this process of working with our clients from the outside into the services they need, “**Inreach**”. It is the natural extension of going out into their world. As our formerly homeless outreach workers were ambassadors for us to the street, we become the ambassadors for the homeless into the system.

What lessons have those who provide Street Medicine learned? There are a variety of approaches that have emerged to build bridges with the greater community. Most of us have simply followed the paths of our clients to those services that they need. Being direct witnesses to that path, we are in a position to be natural advocates. It helps to establish advance communications and many times to accompany the homeless through the initial encounter. Due to trust issues, it is also essential to transfer, or “graft”, the trust they have with us to the new relationship. We always try to make clear to our new “partners” that our services are intended to benefit their already existing efforts. In essence, our “clients” are not just the homeless, but also those entities with whom they interact. Many of us have found that an assertive process of meeting with existing agencies (such as the police, hospital social service and emergency services, etc) is highly effective. With a positive attitude, we can help the rest of the community to embrace the opportunities for positive change.

Making agreeable relationships with agencies that work with the homeless is just the beginning. How about groups whose interests may be in conflict with the homeless? The first group many of us encounter are the police. I recognized very early that there are many similarities between groups of health care workers and groups like the police. Without very specific, constructive leadership, there is a vacuum in how to deal with the frustrations of homeless interactions. In that vacuum, unfortunately, we are all susceptible to develop defensive postures. As “protective” mechanisms become entrenched, they become part of the culture of the group. It is difficult to change that culture without providing new options. In dialogue with the police, one must first acknowledge the expertise and good intentions of the officers in the field. Once they realize that a reliable resource is available, most police officers are grateful for the assistance. Having a 24 hour hotline is a practical service that adds credibility to our commitment. It is particularly useful to become part of the police training process. At a higher level, many cities are developing well coordinated partnerships that work together on homeless related problems. One such example is the Restorative Police model in Santa Barbara, California. They are realizing their goals of a system that is “...focused on a rehabilitative and recovery approach rather than only on incarceration and recidivism.” The Doctors Without Walls medical program works closely with this program to great effect.

Oftentimes, it is more challenging to develop partnerships with the business community. They are faced with individuals who sleep on their doorsteps, leave items on their property and potentially frighten their customers. These are legitimate concerns. Unfortunately, when they see health care workers kneeling beside the street homeless, giving to them items such as blankets and food, they are inclined to feel we are perpetuating homelessness. It is important to identify the relevant community groups and make an effort to be part of their discussions. It may require a re-thinking of your “advocacy” strategy with those who have seemed oppositional. The discussions may be difficult, but the rewards can be great.

Donna Kelly, a Street Medicine nurse in Cleveland Ohio, recently had a conflict with her business community. As she describes it,

I had a difficulty with the Downtown Alliance when, I witnessed a “Street Ambassador” (a person hired by the Downtown Alliance to clean the sidewalks) yelling at one of my homeless clients.





The Street Ambassador was trying to take the blankets from the client despite freezing temperatures. Donna engaged the police and they supported her position. Then,

The next week the Downtown Alliance filed a complaint with the Care Alliance against me for supporting the homeless clients cluttering the streets with blankets and encouraging them to use private property to hold their items.

By engaging partners in the community who already had a relationship with the business community, Donna eventually was able to smooth things out. But it takes an ongoing effort. Experienced programs eventually develop very specific strategies for working with other community groups. In the words of Dr. Jose Vargas-Vidot, MD, who was initially imprisoned for his work with needle exchange in San Juan, Puerto Rico:

Our organization has 15 years of outreach experience targeting homeless, drug users, commercial sex workers and drop out kids. The experience is very positive, occasionally we have encountered some opposition specifically from the police force and from some kind of religious groups. We have dealt with this opposition in different ways. In general terms, we use the media to justify our presence in the streets, we do a mapping section in which we try to build a relationship with community leaders, community stakeholders, local police, commerce in general and we always try to build an informal network with local people. We also try to know everything that is important to the place (events, critical situations, birthdays and so on), then we establish a very formal schedule of visits. The police or any other agency will be aware that our intervention will result in conduct modification that will affect in a positive way their job. With our consistency, the community recognized that we are "one of the players" and not an outsider. Police or any repressive force will be more careful in the way they intervene with us because the community will protect us.

In the words of Wayne Centrone, MD of the Outside In program in Portland Oregon:

We (in Portland) have a really good relationship with the police. In fact, they will often refer patients to us. There is a growing level of discontent, however, amongst the downtown businesses towards homeless populations- and we are constantly trying to build bridges.

Our main goal in building these bridges is to let them know that we are working to ensure that they are more profitable. We are working to show them that a strong outreach program – a program that works to get people off the streets and into a comprehensive advocacy environment – is really a "tool" to create more business. We are reaching out to educate business leaders about the complexity of homelessness. We are striving to teach them of the benefits of creating care connections.

Thus, programs like Outside In have used their leadership position to bring the community together. Fine tuning the approach to fit local circumstances is an art form.

Ultimately, we must all live together. And until there are enough resources to "get them off the street", there will be street homeless. We cannot wait until that day to address their health needs. Those homeless who sleep on our streets are, by nature, provocative. They should provoke us because they are people, just like us. When they fail to arouse emotions, we will have completely dehumanized them. The lives they are living are desperate, lonely and greatly shortened. Though the feelings they generate are strong, the reactions that society adopts are not always constructive. This is largely because we cannot readily identify with those who are living "outside" our reality. In the gap between us and them, fear and resentment are likely to grow. Homeless persons are often excluded as the "lepers" of modern society. We do not like to realize that their fate could be ours. Those of us who are privileged to work directly with those on the streets have a moral obligation to do our best to unify and humanize our communities. We need to create a new vision of community in which all members are treated with respect. From our strategic position between two worlds, we are compelled to do so. •

