

The situation

The modification of the Law on Petty Crime came into force on 15th October, 2018. According to the modification, living in public spaces is considered an offence. The offence can imply the following punishments: warning, labor of public interest and detention. In cases of such offence, only the police is entitled to act. In case someone has been warned three times within 90 days by the police to give up living in public spaces, the fourth time s/he will have to go to court.

Stakeholders

The week prior to the new law both homeless service providers, outreach teams and the police warned rough sleepers (those they could reach) that following 15 October they would be committing an offence unless they “move”. The police is committed to act in a humane way. Their aim is that people living in homelessness should turn to homeless services instead of having to start an offence procedure against them.

The operation of homeless service providers has not changed greatly, since outreach teams have always aimed to place as many people as possible either within homeless services or outside services with the help of different programs. The fundamental task of night shelters is still hosting people without a roof.

The most vulnerable groups among homeless people are those living in parks, forests within the city and in home-made shacks as they surely commit an offence from now on. However, their placement is almost impossible in shelters (as there are not enough places for couples, people with dogs and other animals), and the storage of their belongings is rather problematic.

Impacts

Experience of the first two weeks since the new law came into force shows that utilization of night shelters has been slowly growing. Even though the weather has been quite good with some wobbles in the last two weeks, places in night shelters have been used in a gradually growing number.

Shelters and hostels especially in larger cities in the countryside are already, or will sooner or later be full. What will happen to those who will not get a place? And what will happen to those who live in public spaces with no services (no outreach teams, no shelters) at all, where can they go? Regarding these we are not aware of any central measures.

Outreach teams, especially in downtown areas are facing the challenge that their clients have moved from their usual dwellings to somewhere less visible, or maybe to homeless shelters. Since the modification constrains people to be constantly on the move, not to have a fixed dwelling and to hide from the public, later with the weather getting cold, outreach teams will have difficulties getting in and keeping contact with their clients.

Present regulation is remarkably suitable to keep the following groups in fear:

- people who live in the greatest poverty. The possibility of getting under official procedure will be continuously a threat to them and they will lose the possessions that they had worked for,
- staff of homeless services as they will have to receive everyone including those who endanger the operation of a shelter,
- staff of social services and do not want to become servants of a totalitarian system (many may quit social services as a result),
- staff in social services who will be afraid to lose their jobs in case they raise their voice against the new law,

- any member of society, as it prevents them from questioning anything that they do not agree with. This law came into force as well, and not on a simple basis, but on the basis of the Constitution.

Present regulation is also suitable to be applied on a biased and an even abusive basis. In many cases it will not be applied because of the humane aspects by the police, but this can turn to the opposite as well. For example if a stakeholder of a local government or someone with ill-will asks for the procedure (namely makes an offence denunciation to the police) against a homeless person that s/he thinks should be removed.

We are hoping that decision-makers will sooner or later hear the message of widely-spreading petitions and will modify the regulation in order to treat this social problem with the tools of social policy and not law enforcement.

Petitions:

https://www.peticiok.com/szocialis_munkasok_peticioja_a_tarsadalmi_osszetartozasert

https://www.peticiok.com/kortars_irok_mvcszek_a_szellemi_elet_kepviseli_es_hozzajuk_csatlakozo_felels_magyar_allampolgarok_tiltakozasa_a_magyar_kormany_hajlektalansagban_elket_sujto_torv_enykezesi_gyakorlata_ellen?a=2

https://www.peticiok.com/ugyvedek_tiltakozasa_a_hajlektalansag_kriminalizalasa_ellen?a=2

https://www.peticiok.com/keresztenyek_a_hajlektalan_allampolgarok_ellehetetlenitese_ellen?a=78493

<https://docs.google.com/document/d/1s0GOZwzjr2TsGg2msqTlkdvlyFlhgPolcYWifxaS8/edit>

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