



**European Federation of National Organisations Working With the Homeless**  
**Press Release – 13th March 2013**  
**For Immediate Release**

**FEANTSA Deeply Concerned by Constitutional Amendment Criminalising Homelessness**

On the 11<sup>th</sup> March, the Hungarian government voted an amendment that inscribed the criminalisation of homelessness in the country's Constitution. FEANTSA is deeply concerned by this amendment, which writes the prosecution of homeless people for living in public spaces into the law. FEANTSA urges the Hungarian government to respect the decision of its Constitutional Court to strike down the law in November 2012 and calls on the European Union and the international community to take action in response to this vote.

Despite international pressure and protests at home, the Hungarian Parliament has voted in a constitutional reform that makes it possible to ban people from 'habitually residing in public places'. The amendment to the Constitution follows the Constitutional Court's abolition in 2012 of provisions in the Petty Offences Act that criminalised homelessness, stating that criminalising homelessness is unconstitutional, as it violates human dignity: *"[N]either the removal of homeless persons from public premises, nor urging them to take up social assistance may be considered a legitimate constitutional aim that would substantiate the declaration of homeless persons' living on public premises a petty offence. Homelessness is a social problem that should be dealt with by the state by means of social intervention and social assistance rather than punishment. It is incompatible with the protection of human dignity as enshrined in Article II of the Fundamental Law to declare [homeless persons] dangerous to the society and punish [them]."*

Homelessness is a violation of fundamental human rights and dignity that continues to affect people in all EU Member States. It is one of the clearest indicators of deepening poverty and social exclusion. It has far reaching implications, both for the individuals who experience it and for the society at large. FEANTSA thus calls on the European and international community to concentrate efforts to take action in response to this vote, and thus uphold the values that underpin the EU, including respect for human dignity (art 2 of the Lisbon Treaty) and remind Hungary of its obligations to maintain rule of law and democracy and protect human rights as enshrined in the international treaties to which Hungary is signatory, including the Revised European Social Charter, the European Convention on Human Rights, the UN Declaration on Human Rights, the International Covenant on Economic, Social and Cultural Rights and the EU Charter of Fundamental Rights.

FEANTSA also calls on the Hungarian President, János Áder, as guardian of democracy and rule of law in the country, to veto the amendment criminalising homelessness.

Instead, Hungary could put in place a homelessness strategy offering real supported housing options for homeless people, either in social rental properties or in supported housing on the private rental market. These measures can be successful, even in times of economic crisis and are not more expensive than using police and the justice system to fine, arrest and imprison homeless people. Plus, they work.

FEANTSA President, Rina Beers, said *"Criminalising homeless people is not the answer. Criminalisation measures are cruel and ineffective, since they aim to remove the visible aspect of homelessness from public view rather than offering any real solution. FEANTSA urges the Hungarian government to withdraw its amendment that writes the potential for human rights violations into the Constitution and to work instead towards developing a homelessness strategy as a positive and effective way of putting an end to this unacceptable situation."*

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For more details or comments, please contact Freek Spinnewijn, FEANTSA Director [freek.spinnewijn@feantsa.org](mailto:freek.spinnewijn@feantsa.org) or +32 2 538 66 69

**Notes for editors:**

1. FEANTSA is the European Federation of National Organisations working with the Homeless. It is an umbrella of not-for-profit organisations which participate in or contribute to the fight against homelessness in Europe. It is the only major European network focusing exclusively on homelessness at European level.
2. A Város Mindenkié (The City is For All) is a Hungarian organisation of homeless and formerly homeless people, those struggling with housing problems and their partners, who work together for an egalitarian and just society. This organisation has been leading the campaign against the repressive legislation in Hungary. They explain the situation now the amendment has been passed: [http://avarosmindenkie.blog.hu/2013/03/13/criminalization\\_of\\_homelessness\\_adopted\\_by\\_the\\_hungarian\\_parliament#more5132027](http://avarosmindenkie.blog.hu/2013/03/13/criminalization_of_homelessness_adopted_by_the_hungarian_parliament#more5132027)
3. The Constitutional change also includes other amendments that are of concern for democracy and rule of law, such as changes to the education system, to the definition of "family", to the right to free speech, to free and fair elections, to judicial independence and to religious dignity.

■ European Federation of National Associations Working with the Homeless AISBL

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