AALBORG UNIVERSITY
DENMARK

The criminalisation of begging and sleeping rough in Denmark

- Feantsa Forum – 18 June 2024
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Majority wanted to target homeless Roma people and Eastern Europeans

- In 2017 politicians argued that safety and security in Danish cities were under pressure from foreign homeless people and groups of criminal Roma people:

"The Roma occupation must be stopped: they exploit us, they harass us, and they destroy the street scene with garbage and excrement."
(Marcus Knuth, Venstre)

The then Minister of Justice, Søren Pape Poulsen, stated that the government prioritized targeting foreign migrants:
"But this is not exactly described in the legislative text. Because then we would be discriminating."

Justitsminister Søren Pape vil gerne håndtere problematikken med tilrejsende romaer og østeuropæere i samarbejde med EU. Til gengæld er der også behov for her og nu tiltag, mener ministeren.
Foto: Ida Guldbæk Arentsen og Thomas Lekfeldt

2017-legislation on “intimidating” begging

- Begging is criminalised (Penal Code section 197)
- “Intimidating” begging results in increased penalty (typically 14 days of unconditional prison)
- “Intimidating” begging is defined by taking place:
  - in a pedestrian street,
  - at train- and bus stations,
  - at supermarkets,
  - in public transportation
- Since 2017 almost all begging cases have dealt with “intimidating” begging

Picture from police report

Enforcement of the ban against “intimidating” begging

Statistics on convictions (periode from 21 Juni 2017 to 25 November 2023):

- 113 individuals convicted for begging (once or several times)
  - 1 person from Denmark
  - 2 persons from Slovakia
  - 4 persons from Sweden
  - 12 persons from Bulgaria
  - 81 persons from Romania
  - 13 persons from other E uropean countries

Director of Public Prosecutions (November 2023) – estimated numbers

Who is the “intimidating” beggar?

- Convict was 54 years old. He came from Romania and had been in Denmark for one week. He was hoping to get a job and see a doctor (he had a bad knee and was almost blind)
- Convict had a wife and 4 children in Romania
- His nephew had told him to sit in front of a supermarket with a paper cup
- Police found DKR 15 in paper cup
- Convicted to 14 days in prison

  - City Court of Aalborg, 31 October 2017

Picture from police report

2017-legislation on “intimidating” camps

- Camp-ban (Public Order Regulation)
- Zoning-ban (Public Order Regulation)

Municipality of Copenhagen

Are you sleeping on the streets?

It is not illegal to sleep on the streets in Denmark, but you have to follow these rules:

You must pack up your things in the morning.

You must put your waste in the public waste bins.

You are not allowed to make a permanent camp, for example by putting up a tent or making a fireplace.

You are not allowed to be noisy or disturb your surroundings. Or in any other way to make people feel unsafe.

You must always use a toilet. It is illegal to use the streets as a toilet.

If you are more people sleeping in the same place, this can make others feel unsafe.

If you don’t follow the rules, the police can give you a fine and they can ban you (zoneforbud) from the municipality, where you broke the rules. If you break the ban (the zoneforbud), you can be sent to prison.

POLITI

Enforcement of the ban against ”intimidating” camps

557 camp bans were issued between April 2017 and the end of 2021, including:

- 425 persons from Romania
- 24 persons from Albania
- 22 persons from Bulgaria
- 13 persons from Denmark

- 231 zoning bans

Signs prohibiting overnight stay in Copenhagen

- In Denmark, it is legal to stay overnight in places where there is general access - as long as you do not disturb public order or stay in an “intimidating camp”
- But… In 150 public parks and green areas in Copenhagen, signs with order rules prohibit overnight stay
- The park order rules are enforced by the police and violations may lead to expulsion and a fine

ORDENSREGLER

KØBENHAVNS KOMMUNE

Velkommen

Vis respekt for stedet og de andre besøgende.

Hunde skal holdes i snor.

Hundens efterladenskaber skal samles op.

Brug engangsgrill med omtanke og stil den ikke direkte på græs, bænk eller træbord.

Overnatning i parken er ikke tilladt.

Cykling er ikke tilladt med mindre andet er skiltet

Læg affald i affaldskurven.

Pas på planter, blomster og træer.

Kørsel og parkering med motorkøretøj kræver særlig tilladelse. Handicapkørsel er tilladt.

Når du opholder dig i parken, skal du følge ordensreglerne. Overtrædelse kan medføre bortvisning eller bøde efter Ordensbekendtgørelsen. Se www.politi.dk under Lov og information.

Du kan søge om tilladelse til at holde arrangementer i byens parker, anlæg, på legepladser mv. hos Teknik- og Miljøforvaltningen. Se www.kk.dk.

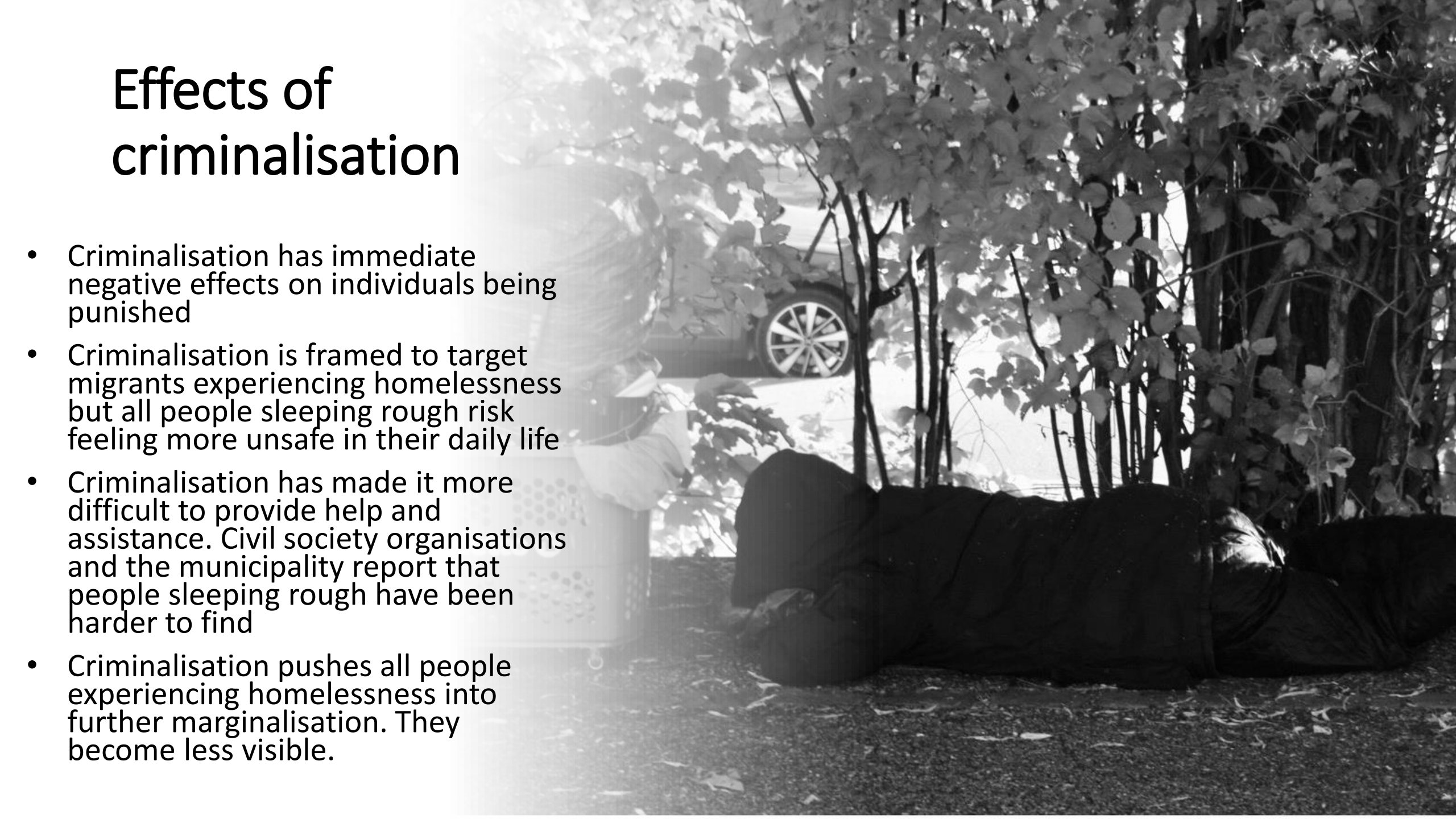
Ordensbestemmelse for offentlige kommunale parker, oktober 2009. Park09.pdf

Discriminatory effects of criminalisation?

- Preparatory works of the begging and camp legislation illustrate a political wish to target homeless migrants with a Roma background
- Enforcement is organised in the Foreigner Control Section of the Copenhagen Police
- Begging and camp legislation has primarily been used toward homeless migrants from Eastern Europe

Effects of criminalisation

- Criminalisation has immediate negative effects on individuals being punished
- Criminalisation is framed to target migrants experiencing homelessness but all people sleeping rough risk feeling more unsafe in their daily life
- Criminalisation has made it more difficult to provide help and assistance. Civil society organisations and the municipality report that people sleeping rough have been harder to find
- Criminalisation pushes all people experiencing homelessness into further marginalisation. They become less visible.



Stigma

- Criminalisation is a stigma that deepens the situation of exclusion and threatens the possibility of social integration
- Example - Letter from Copenhagen landlord to tenants:

  “We have a large problem with the homeless on our property.[…] The homeless relieve themselves, make a mess and spend the night in corners and covered areas/passages.[…] Everyone must help try to get them away (push them away). In other words, wake them up and tell them to find another place.”

European Court of Human Rights

- Ruling by the Court on June 13, 2024 in begging case (Application no. 44002/22 Strugurel Ion DIAN against Denmark):
    - The Court did not find that the Danish begging ban violates the European Convention on Human Rights

The case of City Hall Square in Copenhagen

- June 2023: City Council decided to join the Homeless Bill of Rights (signing took place on October 10, 2023)
- October 2023: City Council decided to take down the signs at City Hall Square

THE HOMELESS BILL OF RIGHTS

I. THE RIGHT TO HOUSING
The most important right a homeless person has is the right to housing. Services that support access to appropriate accommodation must be accessible to all homeless people.

II. ACCESS TO DECENT EMERGENCY ACCOMODATION
Where housing cannot be immediately provided, the right to access decent emergency accommodation must be maintained for all homeless people.

III. THE RIGHT TO USE PUBLIC SPACE AND TO MOVE FREELY WITHIN IT
People who are homeless should be granted the right to use public space, and to move freely within it, with no greater restrictions than apply to others.

IV. THE RIGHT TO EQUAL TREATMENT
The Council is committed to ensuring that our staff and services uphold the right to equal treatment for all, without discriminating against those who do not have a home.

V. THE RIGHT TO A POSTAL ADDRESS
People who are homeless often experience restricted access to the labour market and public services because they cannot provide a postal address. People who are homeless have the right to an effective postal address.

VI. THE RIGHT TO BASIC SANITARY FACILITIES
The right to access basic sanitary facilities must be provided for. This includes running water (drinking fountains), showers, and toilets, of a standard that allows a dignified level of hygiene to be maintained.

VII. THE RIGHT TO EMERGENCY SERVICES
Homeless people should have the right to emergency services – social services, health services, the police and the fire service – on equal terms with any other resident of the Council area.

VIII. THE RIGHT TO VOTE
People experiencing homelessness should be included on the electoral register and given the necessary documents to prove their identity when voting in elections, without being discriminated against because of their housing situation.

IX. THE RIGHT TO DATA PROTECTION
Homeless people have the same right to data protection as other citizens and the same right to exercise control over their personal records (health, housing, any criminal record) and information.

X. THE RIGHT TO PRIVACY
A homeless person's right to privacy must be respected and protected to the fullest extent possible in all types of accommodation, including any communal accommodation structure or informal accommodation they may occupy.

XI. THE RIGHT TO CARRY OUT PRACTICES NECESSARY TO SURVIVAL WITHIN THE LAW
Homeless people should have the right to carry out practices necessary to survival within the law. Survival practices such as begging, or foraging for discarded food should not be criminalized, banned, or arbitrarily confined to specific areas.

HOUSING RIGHTS WATCH

Thank you

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