

Seminar 2: Criminalisation of Homelessness (Room: AULA)

Chair: **Masa Filipovic-Hrast, SI**

Stef Adriaenssens, Teodora Soare, BE: Cleaning up the Streets? Effects of the Criminalization of Begging with Children



Stef Adriaenssens is a sociologist teaching courses in Economic Sociology and Policy at the Faculty of Economics and Business of KU Leuven. His core research interests involve underground, informal, and poorly protected economic activities and groups. Those involved sometimes are mainstream populations, such as those evading taxes or employing black market workers. However, his core interest is in excluded and hidden activities and groups that are often hardly recognized as work(ers), such as those begging or selling sex.



Teodora Soare holds degrees in Business Administration and Advanced Economics and is currently involved in a research project documenting the lives of people who beg in Brussels, Belgium. She thereby not only studies the deservingness criteria that society at large adopts to judge people who beg, but also analyses the life chances and experiences of the group who derive an income from begging.

Historically, the treatment of vulnerable groups visibly occupying public spaces such as roofless and begging people has frequently flip-flopped between flushing out and looking after, between the usually incommensurable goals to “clean up the streets” and relieve social exclusion. The connected discourses, however, tended to muddle. The express or implicit goal of the cleaning-up option has been to hide those experienced as a “nuisance” from view. It was concurrently often shrouded in references to tackling “real” poverty. For instance, the “diverted giving” campaigns mostly are thinly veiled attempts to chase off people begging. Conversely, some interventions seem genuine efforts to manage risks or reduce harm rather than remove the vulnerable themselves. Self-evidently, it depends on the case whether the pronounced intentions are just another excuse for the criminalisation of destitute people, or an effort to better their fate.

The case we present here illustrates that complicated problem. In March 2022, the city council of Brussels proclaimed a bylaw that forbids people to beg in the presence of children, something mainly occurring among beggars of Roma descent. The goals communicated were not to harass those who beg, but to prevent harm to minors and incentivise school attendance. We document the response of this group with the help of a survey that was collected among people begging in Brussels and its periphery. The questionnaire data were collected before and after the proclamation of the bylaw. We document that relatively fewer beggars who could bring children plied their trade after the regulation. One reason may be that beggars with children substitute the city for the periphery (outside of the jurisdiction of the prohibition). We test whether this is consistent with the data with a difference-in-differences estimation, and discuss the effectiveness of the regulation in light of hypothetical displacement effects.

Pia Justesen, Nóra Teller, DK/HU: Fact-Fiction: The States' Hypocritical Conception of Prevention of Homelessness through Criminalisation in Denmark and Hungary



Pia Justesen, PhD, is a human rights lawyer and specialised journalist with a background in research (the Universities of Copenhagen and Aarhus, the Danish Institute for Human Rights, and Yale University) as well as in the legal and consulting industry (Bech-Bruun Law Firm and Justadvice). Since 2021 she has been a researcher at the University of Aalborg on a project re. Dark Design and Social Exclusion in Public Spaces. Her expertise relates to human rights, equal treatment, and social justice, and she is the Danish expert in The European Equality Law Network. Recently, Pia lived and worked in the US and published the oral history book "From the Periphery - Real-Life Stories of Disability" (Chicago Review Press).

Nóra Teller, PhD, is a sociologist at the Metropolitan Research Institute in Budapest. Her research and consultancy expertise relates to issues of social housing, housing (de)segregation, housing finance, housing exclusion of Roma, homelessness, evaluation of using EU funds for social inclusion, covering CEE countries and selected old member states. She is a member of the European Observatory on Homelessness and the European Network of Housing Research, and acts as a co-editor of the European Journal of Homelessness.



The presentation will deliver a comparison between Denmark and Hungary's regulatory frameworks of the criminalisation of homelessness and present some findings on the enforcement of the regulation.

Our findings point to two important facts: (1) the two countries' conceptions (and actual implementation rules) share a key feature; that is, the state criminalises topologically defined living situations that are used as a proxy for (present and) future misbehaviour towards the public, and thereby claim to prevent homelessness. In the Danish case this is more obvious, because not the actual fact, but merely the "potential" to intimidate, has formed the baseline for the regulation. Thus, the "preventative" component is basically linked with an anticipated misbehaviour in the future that may or may not happen at all. The definition of the (potential) intimidation is linked with the topography of the city and public space. In the Hungarian context the proof for "effective living in the street", which is the basis for punishment, would be the person's actual oral statement to the policemen about the reluctance to make use of an emergency shelter or day centre in the future at the time of the police control in a public space (a reluctance to be lifted to such a service by the police). Beyond the similarities, there is a key difference, too: the anticipated behavioural component in the Hungarian context is disconnected from any regular citizen's obligations or strategies - no one could be otherwise made to use a social service, as per law all such services are voluntary.

(2) The hypocritical component of the anticipation concept lies in making reference to the preventative outcome element: enforcing the actual topological proxy makes people flee their spots and hide elsewhere, thus the reduction of the visibility of homelessness is taken as a proof for the reduction of homelessness. This is even more "legitimised" by the evidence used to assess the level of homelessness in both Denmark, where the number of migrants experiencing homelessness is estimated but not counted, and also in Hungary, where the February 3rd count street outreach services (voluntarily) count/interview their "regular" clients, and in the year of the first 2011 ban, the whole census was suspended when the legal changes were launched, and hence all figures excluded rough sleepers.