

The present issue of the FEANTSA magazine focuses on repressive and coercive approaches towards people who are homeless and their survival practices in public space. We were ready to proofread and edit the articles we had received for our Spring magazine, when the Covid19 outbreak shook our societies in a way that we could not have imagined. As Homeless people are especially vulnerable to the virus, FEANTSA has called for public authorities to take measures to protect homeless people and public health. We have seen governments using all possible resources to provide them with emergency accommodation and many other measures have been taken to ensure that people relying on homeless services like shelter and food distribution were as safe as possible. If anything, this pandemic has shown governments can solve homelessness if they wish. Still, we are wondering to what extent the services in place will be maintained when we go back to “normal life”. Among other things, we called to protect homeless people from punitive enforcement measures as homeless people should not be punished for staying in public spaces during the lockdown. They must be protected from fines and other sanctions and provided with safe alternatives, not just in times of COVID but in the future, too.

The social and economic policies of the last few decades have encouraged increasing hostility towards people who are homeless, in particular when it comes to their presence in public spaces, and efforts tend to aim at making them invisible rather than meeting their social needs. There has been an increasing amount of control exercised over urban public spaces. Undoubtedly, economic growth and globalisation have brought about a growing culture of control where the State seeks to dominate the social climate. Equally, many urban spaces have seen rapid gentrification, with poorer groups being forced out. These factors have led to a shift in power when it comes to the very nature of public spaces in cities, as they became increasingly privatised.

The present issue looks at repressive and coercive approaches across Europe and the USA. Whether in Europe or in the United States, there is overwhelming evidence that people who are homeless are being criminalised for the activities they are forced to carry out in public space, when really, what is needed is a focus on social policies to address their situation. This approach is highly problematic for organisations working with homeless people and advocating for change. By framing homelessness as a public order and nuisance issue, it seeks to shift the responsibility away from public policy and over to the individuals experiencing homelessness. As you will see, contributions in this present issue of the magazine have highlighted different aspects of the problem.

# EDITORIAL



By **Maria José Aldanas**, Policy Officer, FEANTSA

At FEANTSA we have been working to raise awareness about the pitfalls of this approach to homelessness for many years already, starting with our 'Poverty is Not a Crime' campaign back in 2013, whose aim it was to denounce criminalisation measures in Europe. Our most recent initiative relaunched in 2019 asks cities to endorse the [Homeless Bill of Rights](#), a compilation of existing rights drawn from European and International human rights law. This time we wanted to emphasize the role of cities in tackling homelessness and upholding human rights at local level. By endorsing the bill, cities can reaffirm their commitment to human rights. Our goal is to raise public debate and awareness on the need to fair treatment for homeless people, especially those who are forced to sleep rough.

In this respect, we have asked our colleague David Thomas of the Brighton and Hove Housing Coalition to explain their experience in advocating for homeless rights using the Homeless Bill of Rights in Brighton and Hove, UK. His article explains how his organization advocated for the Homeless Bill of Rights, which eventually resulted in its adoption by the Labour party on the initiative of Shoreham Councillor Debs Stainforth, and *"thereafter in all its policies, practices and procedures that affect the homeless"*.

When we speak about criminalisation of homelessness in the UK, there is an ancient piece of legislation that cannot be left unmentioned, and which is still enforced today: the Vagrancy Act. Some months ago, our UK member Crisis launched the Repeal the Vagrancy Act campaign to try to derogate this piece of legislation. Joe Hermer,

Professor of Sociology at the University of Toronto, tells us more about the Vagrancy act and the main goals and activities of the Crisis campaign.

Moving up north to Sweden, a decision of Supreme Administrative Court from December 2018 ruled that municipalities were best placed to decide on the need for local rules on begging, or 'disorderly behavior', in public spaces. This ruling therefore provided all Swedish municipalities with the power to introduce local laws concerning begging. It was in this context that the Eskiltuna city council introduced a "begging permit" – a mandatory authorization request, to be submitted to the police, for passively begging for money. Our colleague Martin Enquist, from Stadmissionen, explains how this outrageous law was put in place.

A little further down north, Maja Løvbjerg Hansen, a jurist at [Gadejuristen](#) in Denmark, exposes the repressive legal actions targeting non-Danish EU-citizens who are on the streets. Her article focuses on the legal ban on encampments, the legal practice as well as practical and personal consequences for people sleeping rough.

In France, the crimes of vagrancy and begging were abolished in 1994. However, this does not mean that all is well in the hexagon: poverty and exclusion are still very much repressed. Noria Derdek, from the legal team at the Abbe Pierre Foundation, explains the legal actions they have taken to challenge these ordinances.



Over to eastern Europe, Hungary is probably one of the countries where the legal framework has the most dramatic impact on the wider homeless population. Our colleague Dora Szegő from Hungarian Civil Liberties Union (TASZ), describes the consequences of the amendment to the Constitution – which effectively forbid rough sleeping altogether - and explains how the Petty Offences Working Group, a volunteer network of lawyers (from the Hungarian Helsinki Committee, the Hungarian Civil Liberties Union, and the Street Lawyers), is fighting to defend those prosecuted on this ground in Hungary.

Outside Europe, the [Martin v. City of Boise](#) case has had a significant impact across the United States. The Law Center has been litigating this case for almost a decade together with other legal actors, and in

September 2018 major progress was made when the United States Court of Appeals for the Ninth Circuit ruled that “*it is cruel and unusual punishment to criminalise the simple act of sleeping outside on public property when no alternative adequate shelter exists*”. The decision was recently confirmed by the Supreme Court. Maria Foscarinis, Founder and Executive Director of the National Law Center on Homelessness & Poverty wrote about the legal battle and eventual victory regarding the criminalisation of rough sleeping.

As always, FEANTSA would like to extend its sincere thanks to the contributors to this issue of the magazine. Bear in mind that the circumstances may have changed in some countries as a result of the Covid19 outbreak. If you have questions or comments regarding the magazine, please send them to: [maria.jose.aldanas@feantsa.org](mailto:maria.jose.aldanas@feantsa.org).

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