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MEAN STREETS

A REPORT ON THE CRIMINALISATION
OF HOMELESSNESS IN EUROPE

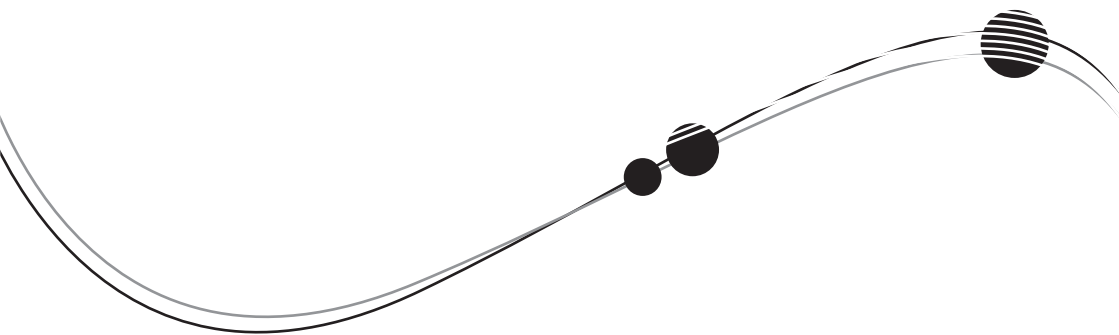
POVERTY IS NOT A CRIME. IT'S A SCANDAL.



LEGAL STRATEGIES

CHAPTER XIII

The City is for All from the
“Human Rights-Based” Perspective



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The City is for All is a Hungarian grass roots activist group based in Budapest, working for adequate housing for all and a more equal and just society.¹ The group has been at the forefront of the resistance against the increasing criminalisation of poverty and homelessness in Hungary. The group was founded in the summer of 2009. In part inspired by a Bronx-based community organization "Picture the Homeless", it was initiated by non-homeless activists with a history of organizing around issues of homelessness, who thought that those genuinely concerned about poverty and social exclusion should work *together with* those directly affected, and not only *on their behalf*. Since the beginning, most of the group's members have been homeless or formerly homeless people -- including people sleeping rough, squatting, staying in shelters, residing in self-built cabins and in single-room occupancy accommodation.

The group is involved in a wide range of activities from lobbying and advocacy, through participatory research, education and providing free legal advice to homeless people, to direct action and civil disobedience. Its activities are organized through weekly meetings and three major working groups that correspond to the group's three main areas of action: housing rights, criminalisation and access to public space and advocacy in the area of homeless services. Even though human rights are only one of the frameworks The City is for All is using to shape its activity and demands, the group's activities, our understanding of homelessness and how it should be overcome fit well within the "Human Rights-Based Approach" as it is elaborated by FEANTSA and Housing Rights Watch.

THE MOST VULNERABLE

The group understands homelessness as a broad phenomenon that includes everyone who lacks secure housing; nonetheless, its focus is clearly on the most vulnerable. We emphasise the equality of our members and try hard not to allow the power inequalities within society between homeless and non-homeless people, rich and poor, educated and non-educated, Roma and white, men and women to be reproduced within our group. Throughout our activities, we try to be as reflective as possible about any exclusionary tendencies that might evolve in our discussions and day-to-day operation. Non-homeless members (or "allies", which is the preferred

1. For more information, see <http://avarosmindenkie.blog.hu/tags/english>

term in the group), men, and the more experienced, more self-confident members in general are encouraged to be reflective on how they can inadvertently contribute to the marginalisation of others. More educated members are strongly discouraged from the use of foreign or complicated words. To make sure that everyone's opinion counts, the group emphasises deliberation over voting as a process of democratic decision making. Nothing is decided with majority voting, and every member has an effective veto power over strategic decisions. The same self-reflective attitude applies to the delegation of tasks. The goal is to ensure a delicate balance between allowing the experienced and the more talented to utilise their abilities at the same time as facilitating the development of such abilities of the newcomers and those with fewer skills.

FOCUS ON ROOT CAUSES

The City is for All is a fierce critique of false and superficial solutions to homelessness, such as the dominant government public policy response which essentially consists of large, dormitory-style shelters, street social work and further emergency measures in winter. The group instead emphasises the root causes of homelessness: poverty and social inequality, the lack of affordable housing, the absence of an enforceable right to housing, the lack of an extensive system of social housing, or the underutilisation of the small amount of public housing that exists. Whereas the dominant policy responses have the effect of depoliticising social problems, the group attempts to challenge these tendencies by questioning the adequacy of shelters as a response to homelessness or the fairness of evictions, and by redefining housing as an issue of human rights.² For example, the group evaluated the election platforms of all the relevant parties (with the explicit exception of a far-right wing, racist party) in the most recent parliamentary and municipal elections, to see how they engage with the issue of homelessness and whether they engage with its root causes and propose real solutions. The City is For All activists have addressed the housing subcommittee of the Hungarian parliament several times to explain the inadequacies of homelessness service provision and to argue for egalitarian housing policy.

On another level, the root causes of homelessness, the lack of social housing and the inadequacies of social provision is the effective disenfranchisement of the people living in poverty and deprived of adequate housing. Thus, special emphasis is put by the group on the empowerment of people experiencing homelessness. This includes the inclusionary nature of most of the group's activities as well as our campaign before the most recent parliamentary elections that encouraged homeless people to vote and provided useful information about the ballot.

2. On the roles of shelters in distracting attention from the true causes of, and adequate responses to homelessness, see Volker and Sahlin (2007), Hoch and Slayton (1989) and Lyon-Callo (2004), on the depoliticizing effect of social policies, see e.g. Fraser, 1989.

RIGHTS-HOLDERS AND DUTY-BEARERS

The City is for All uses an explicit human rights framework both in the group's demands for access to adequate housing for all and in our anti-criminalisation campaign. The motto of the group is "A lakhatás alapvető emberi jog", which translates into "Housing is a fundamental human right". Whereas the access to public spaces in the dominant discourse is often framed as an issue of order, aesthetics or the "adequate" use of these spaces (Missetics, 2010), the group stresses the right to equal access to public spaces for everyone. For example, the local authorities are increasing the frequency of their attempts to demolish informal settlements of homeless people (self-built wooden buildings in mostly forested areas of Budapest and other cities). The local authorities also fail to respect the procedures for these evictions, and do not serve people with notice prior to the eviction/destruction of their homes, fail to follow legal procedure and also fail to provide accommodation. The City is For All argued that the right to due process applies to everyone, and that the authorities should respect the rights of all their citizens.

An enforceable right to housing is one of the most frequent political demands of the group. Furthermore, an overarching understanding of how a just society should ensure fundamental human rights and essential human functioning to everyone is actively cultivated throughout our activities. In various statements, press releases and speeches (or in the evaluation of the government's draft strategy on homelessness), the group emphasises that it is a prime duty of the state to ensure that all of its citizens have fair access to adequate housing, and that homelessness cannot be reduced by relying solely on emergency measures, and charitable initiatives. The group organised several workshops or teach-ins in which participants discussed the meaning of social rights in general, and right to housing in particular, including constitutional provisions, relevant cases of judicial review, and Hungary's obligations under international law as well as progressive legislative developments in France and the United Kingdom about the enforceability of such rights.

EMPOWERMENT

The very essence of The City is for All is the empowerment of housing poor and homeless people to make them able to reclaim their dignity and their rights. Homeless members play a dominant role in setting the strategies and goals of the group as well as in its daily operation and in representing the group. Our understanding is that homelessness is an issue of both distribution and recognition: homeless people face exclusion not only from decent housing, from the formal labour market, or from public services, but also exclusion from citizenship, when understood in the broadest possible sense of the term. This moral exclusion -- which manifests itself in the "everyday politics of discriminations instantiated in glances and stances" (Charlesworth, 2005, 300) and in a stigmatising and dehumanising discourse that blames the poor for their poverty -- reinforces the material deprivation of homeless people by legitimising it in the eyes of the rest of the society. This all-pervasive

symbolic violence is often internalised by those subjected to it, which leads to lack of self-esteem and self-depreciation (Bourdieu, 2000).

Therefore, a political and sociological understanding of poverty and social exclusion that is cultivated throughout the activities of the group is a crucial source of empowerment. The self-esteem and dignity that comes from participating in the struggle for social justice is held to be at least as important an achievement as any possible material gains obtained through this struggle. Our conviction is that establishing homeless people "as a full member of society capable of participating on a par with the rest" (Fraser, 2000:103) is an essential goal in itself as well as a precondition for real egalitarian social change with respect to homelessness and housing.³ Nothing else is as effective in countervailing both the dehumanising tendencies of public discourse and the patronising image of the homeless poor cultivated by charity and mainstream social work as homeless people reclaiming their status as citizens of equal standing by speaking up against injustice.

The group is also actively cultivating a sense of community with other marginalised and oppressed groups, an important example of which is the group's participation in the annual "Pride" march for the equality of lesbian, gay, bisexual and transgender people. The City is for All has been also the promoter of a broader alliance of organisations representing various minorities that experience some form of housing deprivation (e.g. the case of large residential institutions for people with disabilities, segregated Roma settlements with substandard, overcrowded housing or green organisations concerned about environmental justice and energy poverty, etc.).

3. See also Lister, 2002 and 2008 on the relationship between poverty and the politics of recognition and respect, and Feldman, 2004 for an application of all this to homelessness.

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MEAN STREETS

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OF HOMELESSNESS IN EUROPE

Criminalising and penalising homeless people for carrying out life-sustaining activities in public because there is no where to go is a problem across the EU. Policies and measures, be they at local, regional or national level, that impose criminal or administrative penalties on homeless people is counterproductive public policy and often violates human rights.

Housing Rights Watch and FEANTSA have published this report to draw attention to this issue. This report brings together articles from academics, activists, lawyers and NGOs on the topic of human rights and penalisation. Divided into three main sections, the report provides an important theoretical and historical background, before highlighting examples of penalisation across the EU, and finally suggesting measures and examples on how to redress this dangerous trend.

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