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## The increasing criminalization of homelessness in Hungary

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The socio-spatial exclusion of street homeless people is a powerful trend in many cities all over the world. While according to Doherty et al. (2008), these processes are less pervasive in Europe than in the US, a number of post-socialist countries stand out with a revival of anti-homeless policies. Hungary, in particular, has recently experienced a surge in exclusionary practices and policies both locally and nationally. From a broader perspective, since Hungary's transition from state socialism to neoliberal capitalism in the 1980s, there has been a general tendency towards institutionalizing the exclusion and criminalization of poor and marginalized groups. In the following, we will first look at the history of homelessness in Hungary over the past decades, then we will give an overview of the responses the state has offered as well as the reasons for the growing criminalization of homelessness.

### Homelessness in Hungary

During the period of "existing socialism", from the 1950s to the 1980s, homelessness officially did not exist in Hungary. On the one hand, this was due to centrally planned housing policies that provided subsidized housing on a mass scale and a policy of full employment that ensured some income for the majority of the

population. In addition, during this period, the Hungarian state developed a relatively robust social safety net through a range of subsidized and universally available services such as education and healthcare. Referring to the socialist welfare state in Hungary, sociologist Zsuzsa Ferge (1999) argues that "the most positive outcome of 'socialist dictatorship' is the reduction of the civilisation gap both between east and west, and between the higher and lower echelons of society." On the other hand, the socialist state denied the existence of poverty and social scientists who studied poverty were often silenced. Besides ideological suppression, homelessness and poverty were also disappeared through criminalization and institutionalization. For example, people who did not have a permanent place to stay were in danger of deportation to correctional facilities or hospitals, and those who were found loitering or unemployed were deemed guilty of "dangerous avoidance of work", an offence that could be punished by a fine, compulsory public work and/or municipal expulsion.

However, the collapse of the planned economy that led to massive deindustrialization, a rapid decline of formal employment and a proliferation of poverty wage jobs, resulted in the rise of mass homelessness already in the 1980s. After the transition to market capitalism, hidden

poverty promptly surfaced and the industrial proletariat and socialist-era middle class experienced large-scale impoverishment (Szalai, 2002). All in all, poverty in Hungary increased over threefold between 1989 and 2000 (Ferge, 2002, p. 15).

Under both domestic and international pressure for market liberalization, deregulation and a major restructuring of public expenditures, successive governments after 1989 have dismantled a large part of the social welfare system and privatized public assets including firms, land and housing. In addition, many formerly state-owned factories went bankrupt or were shut down. As the number of beds in workers' hostels decreased from 60.000 to 6.000 (Tosics et al. 2003), tens of thousands of people (mostly men) found themselves not only without a job but also without a place to stay. Privatization of public housing was rapid and lacked any protective regulation leading to an increase in rents and housing maintenance costs and a steep decline of affordable housing (in the 1990s, the number of public rental units fell from 1.3 million to 200.000). This, together with the withdrawal of housing subsidies, resulted in many households being threatened by eviction and foreclosure.

Today, the number of people living under the subsistence minimum is estimated to be approximately 3.7 million, nearly 40% of the population (KSH, 2011; Ferge in Ónody-Molnár, 2012). According to recent estimates, the number of those who live in substandard and extremely overcrowded conditions is 1.5 million, around 15% of the total population. In 2005, 550.000 households had arrears in utilities, which can lead to eviction (Vítál, 2007). Since the beginning of the recent financial crisis in 2008, tens of thousands of people have been in danger of evictions because of their subprime mortgages. Due to an acute lack of proper statistics about effective homelessness it is difficult to tell exactly how many people sleep rough or live in homeless shelters. According to experts in the social services system, the number of those who live on the street and/or in shelters is at least 30.000 (Gyóri & Maróthy, 2008; Matalin, 2010).

In general, educational levels of homeless people are not significantly different than those of the general population, however many of them are trained in professions that became obsolete after the regime change and a large proportion of young homeless people have strik-

ingly low qualifications (Gyóri & Maróthy, 2008, p.17). While the majority of the homeless are men between the ages of 38 and 44 (Gyóri & Maróthy, 2008, p.16), the number of women and children experiencing homelessness is on the rise (Janecskó, 2010). According to expert estimates, the proportion of homeless women has risen from 10% to 25-30% since the transition (Buzás & Hoffmann 2010). The groups most vulnerable to homelessness include young people growing up in foster care homes, the un- and underemployed, former prison inmates, people with mental health or substance abuse issues (Gyóri, 1995; Tosics, et al. 2003), and women suffering domestic violence (Buzás & Hoffmann 2010).

### State responses to homelessness

Mass homelessness became visible to the general public in 1989-1990 when homeless people organized a series of sit-ins and protests to demand work and shelter. The protests got considerable publicity when a famous comedian joined the protesters and announced the foundation of a homeless people's party. Alarmed by these events, the government provided the protestors with empty military and state-owned buildings, which became the first official homeless shelters in Budapest after the Second World War.

Unfortunately, the Hungarian state's primary response to homelessness has not changed significantly since the 1990s: its main preoccupation has remained the development of homeless services that operate on the principle of emergency relief and crisis intervention. The main aim of homelessness policies, based on the relatively broad network of street social work, drop-in centers, overnight shelters, and temporary shelters, is not to prevent homelessness or secure permanent housing but to feed, clothe and temporarily shelter people in crisis.

While the sit-ins in 1989-1990 were followed mostly sympathetically by the general public, attitudes about homelessness shifted in the early 2000s. Without efficient policy responses, homelessness has been normalized as a natural part of the capitalist political economy, followed by increasing compassion fatigue (cf. Blau, 1992). So as a result, together with a growing disappointment with the regime change and the frustration generated by the difficulties faced by large masses of Hungarian society in making ends meet, average citizens have started to

exhibit more impatience and hostility towards homeless people. In public discourses, there has been a growing tendency to place the blame on homeless individuals for their situation rather than the failing economy or ineffective state responses. In tune with this shift in the moral attitudes towards homelessness and poverty in general, state authorities started to implement more punitive policies.

Exclusionary policies and practices that target street homeless people are not new. For decades, homeless people have been excluded from Budapest's public spaces through selective enforcement, urban design and sanitation work, among others, even before the transition. However, from the early 1990s to the early 2000s, exclusionary efforts were mostly ad hoc and far from systematic (Török & Udvarhelyi, 2006). In daily practices, authorities such as police officers and public space supervisors relied more on sheer force and selective enforcement (e.g. checking IDs multiple times, waking people up at night, removing homeless people's property based on hygienic ordinances etc.) than specifically anti-homeless legislation.

The targeting of street homeless people became more explicit in the mid-2000s when many local governments passed anti-begging laws and other ordinances to criminalize activities associated with homelessness. For example, in 2002 the mayor of Budapest started a program that aimed at "cleaning" the major underground passages of the city from graffiti, illegal vendors and homeless people (Unknown author, 2002, p. 23). This program was revitalized in December 2010, when Budapest's newly elected mayor ordered the police, public space supervisors and social workers to remove homeless people from major underground pedestrian passages that had provided shelter to hundreds of people every night. In 2009, the mayor of the 11<sup>th</sup> district of Budapest declared a number of homeless-free zones where homeless people would not be allowed to stay.

A major shift happened in the scale of the criminalization of homelessness in October 2010, when the Parliament passed a law that allowed local municipalities to ban living in public spaces. At the beginning of 2011, the Ministry of Interior was exploring legal ways to place homeless people in detention and the first homeless shelter with a special room for short-term arrests was opened in

the fall of 2011. In November 2011, the Parliament passed a law that made living in public spaces a crime punishable by a fine or ultimately jail, making Hungary the only country in Europe where any form of rough sleeping is officially illegal. According to the Law on offenses, which came into effect in April 2012, the condition for applying a fine or jail for breaking this rule is that appropriate homeless services be provided by the state or the local government, even though no exact definition of "appropriate" was specified in the law.

### Resistance against the criminalization of homelessness

There is a general assumption that homeless people seldom organize because of a lack of resources, social ties, political willingness and trust, among others. In fact, many organizations that advocate for the homeless are led by non-homeless activists and tend to focus on litigation and policy change (Hopper, 2003). At the same time, homeless and ill-housed people such as shack-dwellers all over the world take self-advocacy and indigenous leadership seriously and are involved in social movements to promote their social and economic rights by using direct action, mass organizing, lobbying, litigation and service provision.

In Hungary, traditions of organizing by the urban poor are weak. While there are historical examples of collective efforts to fight (housing) poverty, none of these have developed into a mass social movement. The first advocacy group that places emphasis on homeless leadership and the development of a mass base is The City is for All (AVM). Founded in 2009 by homeless and formerly homeless activists and their allies, the group concentrates on three areas of action: housing rights, access to public spaces and advocacy in the area of homeless services. In the fall of 2010, when the plans to criminalize street homelessness became public, AVM launched a long-term campaign against the criminalization of homelessness on various levels, by various means.

First, the group held a demonstration in front of the Ministry of the Interior, which was responsible for the law that made it possible for local governments to ban "residential habitation in public spaces." At the same time, the group delivered a petition to the ministry signed by several hundred homeless citizens. In April 2011, the group disrupted

the meeting of the general assembly of the City of Budapest to resist the enactment of the first such local ban. In the summer of 2011, the group presented its objections to the MPs in two different committee meetings of the Hungarian Parliament where the proposal to amend the Law on Offenses to make homelessness illegal was on the table.

In the fall of 2011, the group sent an open letter signed by more than 1000 people to all Members of Parliament protesting the amendment of the Law on Offenses. Then, in September 2011, the 8<sup>th</sup> district of Budapest started a massive anti-homeless campaign. The local mayor, Máté Kocsis set up a special police unit to seek people breaching public space regulations as well as a short-term arrest office, where homeless people were arrested on more than 500 occasions within a period of 3 weeks for such violations as public urination, begging, rummaging through garbage and residing in public space. As a response, AVM organized a 24-hour advocacy vigil in front of the short-term arrest office, where many passers-by demonstrated their disagreement with the criminalization of homelessness. In October 2011, the group organized a large demonstration in front of the Parliament where hundreds of people protested against the imprisonment of homeless people.

On 11 November 2011 the group held a demonstration in front of the municipality of Budapest's 8<sup>th</sup> district demanding that Kocsis, who is also one of the MPs to have proposed the penalization of homelessness, repeal the proposal. During the demonstration, the protestors symbolically turned Kocsis's office into a prison and sent their message to the mayor through his office window:

“we are human beings”. After the performance, several members of the group took part in a sit-in at the mayor's office where participants continued to demand the repeal of the anti-homeless proposal. In the end, around 30 protestors were subjected to short-term arrest at the local police precinct. Later, the judge found them guilty of resisting lawful police action but most of them were let go with a warning as their act was deemed not dangerous to society. Despite the efforts of AVM and their allies, the law that makes homelessness illegal is still in effect and the group continues to fight for real solutions to homelessness such as comprehensive national and local housing policy, an efficient shelter system and a respect for the rights of every citizen regardless of their social status.

Overall, the mainstreaming of anti-homeless rhetoric and practice in Hungary is part of a larger trend to regulate and discipline those on the margins of society and demonstrate political power and efficacy. To name but a few of the recent examples of criminalizing poverty, detention centers have been set up to lock up undocumented migrants and asylum-seekers; Roma people are stopped and searched disproportionately and fined or eventually imprisoned on a daily basis for such “crimes” as collecting wood for heating or riding a bicycle without a bell or front and back lights; and families may now be jailed if their children skip school too many times. It seems that the systematic efforts to exclude, contain, and criminalize poor people in general and homeless people in particular is the Hungarian state's response to its prolonged crisis of legitimacy and an attempt to consolidate its role in the neoliberal regime.

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