

Moving Forward on the Right to Housing in Belgium

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*The **Service Combating Poverty and Social Exclusion** assesses how effectively the fundamental rights of those who live in unfavourable socio-economic conditions are enforced: the right to adequate housing, the right to energy, right to the protection of family life, the right to social protection, the right to health care...in order to do so, it organises in-depth consultations with various stakeholders: associations of and for people experiencing poverty, the CPAS (Public Social Welfare Centres) social representatives, professionals working in a variety of sectors, administrations, etc. Based on this work, they draw up analysis and recommendations targeted at the country's political leaders, with a view to restoring the conditions necessary for the enjoyment of these basic rights. These analysis and recommendations are debated within all Governments and Parliaments as well as within advisory bodies. Entirely independent, this tool for the fight against poverty was created by the Federal state, the Communities and les Regions, through a cooperation agreement signed by all Governments and approved by all Parliaments.*

This article is based on the latest Biannual Report from the Service Combating Poverty and Social Exclusion, published in 2011.¹ A significant part of the report is in fact dedicated to housing. Given the way in which our reports are drawn up, summarising their content is no easy task. Indeed, each chapter is the result of a lengthy consultation process bringing together poor people, the associations of and for homeless people, social service providers and professionals from various sectors, amongst others. At the end of a dialogue lasting almost two years, the Service puts forward analysis and recommendations based on content produced by the consultation group directed at the relevant policy makers in Belgium. The very nature of this working method means the Service is obliged to produce a nuanced analysis and take everybody's views on board. It is therefore impossible to summarise the whole of the section devoted to housing without distorting its content. Instead, let us attempt to isolate some of the key threads which run through this part of the report.

The starting point: a section of the population experiences major difficulty in finding adequate housing and in holding on to it. In other words, the right to adequate housing enshrined in the Constitution is not always respected.

'My monthly income is 766 Euros and I pay 364 Euros a month to rent a small studio. That's almost half my income. After I've paid my fixed costs, I've got 200 Euros left to live on. That's less than 7 Euros a day to pay for food, clothes, my mobile phone, transport, etc.'²

Behind this snippet of an account- which unfortunately is in no way out of the ordinary- from a person living in extremely difficult conditions, there is a whole host of factors and mechanisms are at play which we have attempted to highlight in our report.

A policy focusing chiefly on access to property

For many years, housing policies, and the resources allocated to them, have been largely devoted to encouraging access to property. And yet it is predominantly those in the higher categories of income who are able to become property owners. The figures clearly demonstrate that subsidies in this field are of greater benefit to those on medium and high incomes: in 2011, the lower- income category scarcely used up 3% of the budget allocated to tax deductions for a primary residence. Not to mention the the fact that the people whose income is below the tax threshold are quite simply unable to benefit in any way whatsoever from this type of tax incentives. If we add to that the considerable increase in house prices, which has chiefly affected cheaper housing, becoming a home owner has turned into a pipe dream for the poorest members of society.

Understandably, these people then turn to the rental market. The acute insecurity of tenants is notably illustrated by the risk of poverty they incur, markedly higher than that of home owners: 29.5% of the former live below the risk-of-poverty line compared to 9.1% of the latter.

¹ An inter-regional public service. For more information, go to: www.luttepauvrete.be

² Den Durpel - Samenlevingsopbouw Oost-Vlaanderen - Welzijnsschakels (2009). *Recht op wonenvooredereen?*, p. 22.

A shortage of affordable housing

Of course, one of the possible solutions to finding an affordable home is public housing. We will not dwell here on the figures related this issue- the waiting times for these houses are enough to make your head spin.

On the private market, poor people encounter a whole host of difficulties. As the above account clearly shows, the price of rent and its impact on a person's budget are near the top of the list. Proportionally, poor people are forced to set aside a larger share of their budget to pay for a house often of vastly inferior quality than people who can rely on a higher income. The poorest households allocate 31.1% of their income to the rent whilst for the richest households this proportion is reduced to 17.4%. Furthermore, it is precisely the lowest rent prices which have experienced the sharpest increase (an example in Brussels between 2008 and 2010: 25% of the cheapest rents increased by 10% to reach an average of 450 Euros in 2010).

Alternative courses of action

Faced with the lack of structural measures in place, some people living in poverty opt for alternative solutions; for example making a caravan or a chalet (holiday accommodation) their permanent home, occupying an empty building, sharing a house with others (solidarity housing) and even resorting to building their own houses on public or private land without permission or permits... However, these alternative forms of accommodation often fall foul of negative stereotypes and the regulations currently in force are not adapted to this type of housing. The status of cohabitation, for example, penalises the solidarity between people who wish to live together whilst receiving welfare payments. This is- one more- glaring inequality between the people who benefit from a replacement income and the others who are able to live together to make savings of scale. Amongst the consequences of this hostility towards forms of accommodation which defy the traditional vision of housing, it is also interesting to flag up the problems linked to registering an official address. Indeed, using the 'abnormality' of their housing as a pretext, some town councils refuse- despite the fact it is illegal- to officially register the address of these people who are in reality living on their soil. This brings with it serious consequences for these residents (difficulty in receiving their administrative correspondence and therefore in claiming certain benefits, in exercising their right to vote...).

Despite the fact that these alternative forms of housing often constitute a last resort or a forced choice, they can prove highly valuable for many inhabitants. Their efforts to set up home do not simply involve finding a roof over their head. They allow them to take active control of their own lives and of their search for accommodation.

Their self-esteem is also increased and the difficulties which they encounter can generally be overcome through adapted social support. Furthermore, the collaborative nature of their project also acts as a defence against isolation. Therefore, there is a great deal to be gained in broadening the concept of accommodation and these alternative forms of accommodation deserve better recognition.

Moving towards an obligation to deliver concrete results

Alongside the chapter on alternative forms of housing, our report also examined the possibility of attaching an obligation to deliver results to housing policy. Authorities would be responsible for meeting this obligation instead of simply providing resources which is currently in place. We should point out that several instruments have already been put in place in Belgium to ensure this right to housing is more effectively enforced. In the case of re-housing following eviction on the grounds that accommodation was of sub-standard quality, these mechanisms move towards imposing an obligation to deliver concrete results, with the support of a number of court decisions. However, such ambition cannot always be detected elsewhere in the system. We might consider, for example, the law on the requisition of unoccupied buildings or the provisions on the rental guarantee.

The chapter describes experiments conducted abroad (France and Scotland) which teach us that such an obligation to deliver on the right to housing can compel authorities to take more ambitious structural measures in order to develop the stock of rental accommodation available and fill a number of gaps. It also leads to improved recognition of the people concerned as legal persons with rights. Moreover, such an obligation allows us to turn current ways of thinking on their head: access to housing is no longer the possible outcome of political decision but rather the starting point.

Let us remind ourselves of the basic fact: having a house where you feel at home is an integral part of human dignity and the right to housing is enshrined in the Belgian

Constitution. It is time to consider how this fundamental right might be more effectively enforced and to take action in order to produce innovative housing solutions which are within the reach of the poorest members of society.

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For further reading on the housing crisis in Belgium:

Les Echos du Logement (No. 2 – published in August 2012)

Published in French, this edition of the Echos du Logement includes two articles on alternative housing by Nicolas Bernard and by Marilène De Mol, as well as a comparison of the application of the right to housing in France and Scotland by Gilles Van Impe.

http://dgo4.spw.wallonie.be/dgatlp/dgatlp/Pages/DGATLP/Dwnld/Echos/EchosLog12_2.pdf

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