

Coalition against the criminalization of homelessness

Coordinated self-advocacy and watchdog activity

The project of the City Is for All and the Hungarian Civil Liberties Union

Objective of the project: With the collaboration of two NGOs, the basic objective of the project is to strengthen the interest and protection of rights of the vulnerable group of homeless people, who are exposed to prosecution by law enforcement. It is our goal to achieve that the single most blatantly unlawful regulation in all of Europe is abolished and that the state treat homeless people as citizens with equal dignity. The City Is for All (TCIFA) and the Hungarian Civil Liberties Union (HCLU) would like to continue its already successful cooperation and would like to expand its activities. It is also our goal to bring the attention of the public to the series of rights abuses and to make it clear to leaders: homelessness is a complex social and human rights issue, which cannot be solved by making homeless people 'disappear' from society, and creating the illusion of homelessness being non-existent.

Method of implementation: TCIFA is in daily contact with homeless people, many of their members have been affected by homelessness. This gives them a clear perspective on the problems and enables them to increase legal empowerment and endorse their interests. The HCLU has 20 years of experience in strategic litigation and monitoring legislation. We have been cooperating since 2010 combining our experience and efforts in order to effectively take a stand against the abuse of rights.

Tasks are divided along a jointly created strategy, and by exchanging information, we develop rights awareness and advocacy skills. In order to achieve this we use many tools: informational leaflets, brochures and 'Street Lawyer', a weekly legal aid service for the homeless. In addition to this, in certain cases, the HCLU's lawyers and experts provide legal representation before the courts and authorities. It is also important that we are able to use each other's communication channels in order to draw attention to the state's insensitivity and ongoing violations. TCIFA held trainings in order to inform stateholders with the participation of the HCLU's staff, who lectured on practical information about the infringement procedure. We filed submissions with the Ombudsman, the public prosecutor's office and government agencies, and we have sent our opinion to legislation to Members of Parliament a number of times. We would also like to take advantage of the international arena: we wish to turn to the European Court of Human Rights, and study other opportunities provided by EU authorities. We also plan to expand our international work and we can count on much help and support from FEANTSA, an umbrella organization, which brings together European service providers for the homeless. Thanks to their intervention, we were able to speak at a hearing before the European Parliament. We plan to cooperate with FEANTSA in the future. TCIFA systematically uses activist methods and organizes peaceful civil disobedience actions. On several occasions, HCLU provided legal representation in proceedings brought against the activists.

The focal points of the project: The most important priority is to abolish the insensitive and human rights infringing legislation. Of course, it is equally important to improve the advocacy skills and legal empowerment of the homeless.

We are planning to expand our project in multiple dimensions. On one hand, with a project designed to raise legal awareness: with the upcoming elections, we will organize a series of lectures for homeless people on how to exercise their right to vote. On the other hand, experiencing abuses in health care, we plan to act in cases of violation of equality and human dignity. We plan for social workers to gather data on cases and problem areas, primarily

related to ambulance services and will request a meeting from the National Ambulance Service. Our initiative is further strengthened by the EPHA's (European Public Health Alliance) open letter dated November 12, which also stressed that the criminalization of homelessness raises serious public health concerns, and that the adequate health care of these very vulnerable individuals should be insured instead of criminalization.

Outcomes of the project: We started working together in 2010, when local governments were given authority to punish rough sleeping. The protest included an open letter to the mayor of the 8th district who started implementing the legislation in the most ignorant way. After a peaceful demonstration and civil disobedience campaign organized at the office of this mayor, the HCLU provided legal representation to the peaceful activists.

In 2011, the HCLU petitioned the Constitutional Court, in order to annul the penalization of dumpster diving and begging. Furthermore, the HCLU also prepared a sample petition to enable citizens to file similar submissions. At the end of 2011, the court has ruled such local government decrees unconstitutional. Despite the decision, the HCLU has discovered other decree penalizing dumpster diving. After our submission to the government agencies, providing compliance supervision to local governments, the agency decided to annul this decree.

In 2011, the Act on Petty Offences allowed for the punishment of residing habitually in public spaces. Following a submission to the Ombudsman by the City Is for All, the Ombudsman turned to the Constitutional Court. The HCLU provided legal representation to two penalized homeless persons. The Constitutional Court annulled the law penalizing residing habitually in public space based on unconstitutionality. However, the Court failed to rule about the ongoing and already closed proceedings. Shortly after the press release of the HCLU, the Court repaired this shortcoming and ordered the review of the decisions in closed proceedings.

In 2012, the government even amended the Basic Law in order to keep the Constitutional Court from reviewing the sanctioning of rough sleeping. We have protested at several forums, and NGOs requested the Venice Commission to examine the regulation.

In response, The City Is for All organized a demonstration in 2013 to protest the inclusion of the sanctions into the law. The HCLU popularized the event, and a video was filmed at the demonstration. The HCLU reviewed the legislation, sent its protest - which another seven NGOs joined - to Members of Parliament.

A new law came into effect on October 15th, 2013 according to which, residing habitually in public spaces is forbidden practically in the whole territory of Budapest, and local municipalities may decide to adopt the ban. Monitoring regulations is divided among the two NGOs, with the aim of initiating proceedings relating to procedural and substantive errors, and turning to the Ombudsman. Under Hungarian Law, regulations can only be challenged based on procedural errors, thus we are examining regulations from this aspect. After drawing our conclusions, we will turn to the Ombudsman, and we are also considering turning to international forums.

We also monitor fining practices: on a monthly basis, in the form of a public interest data request, The City Is for All requests information from the competent authority of the number of proceedings initiated in the given month. Fines were issued even before the law took effect, and since there was no statutory authorization, the HCLU turned to government agencies to investigate the actions and contacted the prosecutor.

The City is for All has so far financed the project through private donations, and has submitted an application to the Open Society Foundations for the continuation of the project.

In the framework of the cooperation between the two NGOs, staff members from both organizations wrote a joint article in the European Journal of Homelessness upon their request.

Social innovation: It is unique for two NGOs with different profiles and experience to carry out work along a well thought out and elaborate strategy. Members of The City Is for All are people affected by homelessness, which enables them to represent their interests with credibility. They act as a well-organized group, and is combined with the HCLU's 20 years experience in the legal protection of rights. Besides raising legal awareness, HCLU provides representation before the courts and authorities in certain cases.

It is also important that we are able to use each other's communication channels in order to draw attention to ongoing violations committed by the state. The City Is for All's initiative and organized protests are extremely pioneering, including the peaceful civil disobedience actions. On several occasions, HCLU provided legal representation in proceedings brought against the activists.

Another unique aspect of the cooperation is that it is not short term, and based on a single campaign. We continuously help each other with our experience and our cooperation has grown to other areas. By today, almost all HCLU's programs work with The City Is for All, such as the Freedom of Information Program in case of public interest data requests, thus helping to gain a complete picture of the impact of criminalization.

Organization and funding: The two organizations work together in a coordinated manner along an elaborate strategy. We regularly organize thematic meetings (i.e. monitoring local decrees, dividing cases, healthcare), and we also keep daily contact via email. In the City is for All, the volunteer lawyers of the Street Lawyer program provide the legal background for the legal education of homeless people, while homeless activists distribute the leaflets and help clients at the weekly legal clinic. As a matter of policy, only homeless person members of TCIFA give interviews to the press. On behalf of the HCLU, one staff member of the Self Determination Program works on homelessness with the supervision of the Executive Director, but a number of HCLU staff members are also in contact with members of TCIFA. The HCLU has not had any specific funding for the project, but has been financing it from its own operational funds. The City is for All has so far financed the project through private donations, and is looking for more sustainable ways to financially support its operation.