

**Input: Decriminalization of homelessness and extreme poverty**

As the World Roma Federation, we are dedicated to establishing awareness and promoting the rights of Roma communities globally. In response to the United Nations Office of the High Commissioner for Human Rights' (OHCHR) call for input on the decriminalization of homelessness and extreme poverty, we firmly believe in the importance of involving Roma communities in this vital discussion. We recognize that homelessness and extreme poverty are issues significantly impacting our diverse community, exacerbating existing inequalities within society. Through this preamble, we aim to emphasize key aspects of the situation faced by Roma communities and reaffirm our commitment to engaging in constructive dialogue that addresses these challenges.

The Roma community's unique experiences, hardships, and cultural background provide crucial insights into understanding homelessness and extreme poverty. As one of Europe's largest minority groups, many in our community suffer from unfair socio-economic disparities that hinder their ability to break free from cycles of homelessness and poverty. Discrimination, prejudice, and marginalization have left countless community members vulnerable to insufficient access to fundamental human rights including decent housing, education, healthcare, and employment opportunities.

Furthermore, our community has been subjected to numerous punitive measures at a legislative level as well as a social level. Within countries throughout Europe and beyond, Roma settlements have often been targeted by legal constraints that exacerbate socio-economic disparities rather than promote integration or social harmony. By criminalizing basic human needs such as shelter or the mere act of sleeping rough, members of our communities are disproportionately affected by the adversarial legal systems designed around these situations.

Despite overwhelming challenges, the Roma community remains resilient and determined in its pursuit of a better future for its people. We understand that decriminalizing homeless nessand extreme poverty is not an effortless task. Comprehensive approaches encompassing various sectors must be employed to lift individuals out of such precarious situations while supporting them in their long-term journey towards adequate housing security and financial stability.

To enhance the effectiveness of policy initiatives targeting homelessness and extreme poverty, we encourage the United Nations Office of the High Commissioner for Human Rights to incorporate Roma perspectives and representation within its decision-making processes. As a collective body, our experiences and knowledge can contribute to more compassionate and effective interventions that acknowledge diverse struggles encountered by those living in extreme poverty or homelessness conditions.

In conclusion, the World Roma Federation's response to the call for input underscores our strong commitment to addressing homelessness and extreme poverty within Roma communities through collaborative endeavours and meaningful dialogue. By involving our voices and considering our unique narrative, stakeholders will be better equipped to understand the intricate layers of these social issues and enact progressive change that benefits not only the Roma community but all those affected by homelessness and extreme poverty worldwide. Let us stand united in our pursuit of transformative solutions that ensure every individual's fundamental rights are upheld and respected.

**Laws and Regulations Prohibiting Begging, Eating, Sleeping, or Performing, Personal Hygienic Activities in Public Spaces**

Various countries and regions have enacted laws that prohibit certain activities such as begging, eating, sleeping, or performing personal hygienic activities in public spaces. Here are some key examples:

1. **United States:** Numerous municipalities have enacted local ordinances that prohibit what some consider "quality of life" offenses, including panhandling (begging), sleeping or camping in public spaces, and public urination. Although there is no federal law explicitly banning these activities, individuals experiencing homelessness often face criminal penalties at the local level for engaging in them. For example, in San Francisco, it is against the law to beg aggressively in specific locations such as near ATMs and on public transit. In Los Angeles, the municipal code prohibits lying or sitting on sidewalks (although a recent court decision ruled that it is unlawful for the city to enforce this rule when there are not enough nearby shelter beds available).

2. **United Kingdom:** Begging is a criminal offense throughout most of the United Kingdom under the Vagrancy Act of 1824. This statute prohibits activities such as sleeping rough (in public spaces), begging for money, and performing "obscene" acts in public. Additionally, local authorities regularly issue Public Space Protection Orders (PSPOs) that can further restrict specific behaviors within designated areas.

3. **France:** In accordance with Article 311-11 of the French Penal Code, aggressive begging is forbidden, particularly when it interferes with people's movement or causes annoyance. Local authorities also have the power to designate specific areas where begging is not allowed. Although these regulations do not directly target homelessness, they are still enforced against individuals engaging in begging.

In France, limitations have been set on begging and public sleeping in certain locations, primarily tourist hotspots or near significant landmarks, where such actions could negatively impact both tourists' and residents' experiences. Additionally, street performers are required to obtain permits issued by municipalities before performing in public spaces.

4. **Hungary:** The Hungarian Penal Code makes it an offense to engage in habitual begging for a minimum of 24 hours on the streets (Section 178). Homelessness has also been criminalized in Hungary since 2018, when the Hungarian Constitution was amended to forbid living habitually in public spaces (Article XXII). These laws remain in force and are enforced.

1. Begging:

- Section 178 of the Hungarian Penal Code addresses habitual begging. It states that engaging in begging for a continuous period of at least 24 hours on the streets is considered an offense.

- It's important to note that while begging itself is not explicitly criminalized in Hungary, habitual begging for an extended period is subject to penalties under this section of the Penal Code.

2. Homelessness:

- Article XXII of the Hungarian Constitution, which was amended in 2018, prohibits living habitually in public spaces.

- This amendment effectively criminalizes homelessness in Hungary, as individuals who are found to be living habitually in public spaces can face legal consequences.

5. **Italy**: Italian law criminalizes aggressive forms of begging that involve threats or harassment while also placing specific prohibitions on activities like sleeping in public spaces or performing without a permit in historically protected sites.

"Codice della Strada" or the Italian Road Traffic Code.

Article 7 of the Codice della Strada specifically addresses the prohibition of begging and related activities. It states that it is forbidden to beg in an aggressive manner, using threats, harassment, or any other form of coercion. Additionally, Article 7 prohibits begging in a way that obstructs traffic or causes danger to pedestrians or drivers.

Furthermore, Article 650 of the Italian Penal Code addresses the issue of begging and establishes penalties for those who engage in aggressive forms of begging. This article states that anyone who engages in begging by using violence, threats, or harassment can be punished with imprisonment for up to three months or a fine.

6. **Germany**: While begging itself is not illegal in Germany, it becomes a punishable offense if the person doing it harasses people or uses intimidation tactics. German cities have individual regulations regarding public sleeping and performances, with some requiring permits for specific locations.

1. Panhandling and Harassment:

- Section 184a of the German Criminal Code (Strafgesetzbuch) addresses harassment and coercion. This law makes it illegal to harass or intimidate others while begging or engaging in any other activity.

- Section 240 of the German Criminal Code addresses coercion and threats. It prohibits using force or threats to compel someone to do something against their will, including during begging.

2. Public Sleeping:

- Regulations regarding public sleeping can vary between cities in Germany. For example, in Berlin, the Senate Department for Urban Development and Housing has established regulations that prohibit sleeping in public spaces such as parks, squares, and streets between 11 p.m. and 6 a.m.

3. Performances:

- Regulations regarding performances can also vary between cities in Germany. In many cases, permits may be required for specific locations or types of performances.

- For example, in Berlin, the Senate Department for Culture and Europe has established regulations for street performances that require performers to obtain a permit for certain locations.

7. **Spain**: In Spain, several municipalities have implemented restrictions on begging, sleeping in public spaces, and performing without a permit. The extent of these restrictions may vary from one city to another.

In Barcelona, Spain, the local government has implemented regulations to address begging, sleeping in public spaces, and performing without a permit. The specific legislation in Barcelona is known as the "Ordenanza de Civismo" (Civility Ordinance). This ordinance aims to regulate public behavior and maintain order in the city.

Under the Civility Ordinance in Barcelona:

1. Begging: Article 18 of the ordinance prohibits aggressive or intimidating forms of begging that may cause harassment or disturbance to others.

2. Sleeping in Public Spaces: Article 25 of the ordinance restricts sleeping or camping in public spaces, particularly in certain areas designated as prohibited for these activities.

3. Performing Without a Permit: Article 26 of the ordinance regulates street performances and requires performers to obtain permits or licenses to perform in specific areas or at certain times.

8. **Sweden**: According to Swedish law, begging in public places is not explicitly prohibited. However, individuals who beg for money or perform without a permit can be fined if their actions are deemed to cause a disturbance or violate another person's rights. Sleeping in public spaces is likewise subject to restrictions based on local ordinances.

1. Begging and Performing Without a Permit:

- The Swedish Penal Code (Brottsbalken) is the primary legislation that addresses offenses and penalties in Sweden.

- Chapter 24, Section 7 of the Swedish Penal Code states that individuals who beg for money or perform without a permit can be fined if their actions are deemed to cause a disturbance or violate another person's rights.

- You can refer to the Swedish Penal Code for more details on this provision.

9. **Denmark**: In Denmark, aggressive begging that involves harassment or intimidation is considered illegal. There are also regulations in place concerning street performances and sleeping in public spaces.

1. Aggressive Begging:

- The Danish Penal Code (Straffeloven) addresses aggressive begging that involves harassment or intimidation.

- Section 197a of the Danish Penal Code prohibits aggressive begging and states that individuals who engage in such behavior can be subject to fines or imprisonment for up to six months.

- This provision aims to protect individuals from aggressive and intimidating forms of begging.

10. **Canada**: Canadian cities have various laws regarding activities such as panhandling, sleeping in public places, and street performing. In some areas or situations, permits may be required while restrictions could exist in others.

11. **Australia**: Australian states and territories regulate begging through appropriate legislation that primarily criminalizes "disorderly" behavior related to soliciting donations or goods from the public. Various cities also have local by-laws addressing issues such as public sleeping and performances.

The laws mentioned above can disproportionally affect Roma populations that are already facing inequality, marginalization, and socio-economic challenges. In Europe, Roma communities may represent a significant proportion of homeless and beggars, making it increasingly difficult to avoid breaking these laws and risking incarceration. Criminalization of homelessness and begging can exacerbate the cycle of poverty and social exclusion faced by the Roma population.

**Potential Violation of International Human Rights Law**

International human rights standards call for the decriminalization of homelessness and extreme poverty. Criminalizing these aspects might violate several human rights provisions. For instance, United Nations housing rights experts have called on countries to harmonize their policies with international human rights standards since such laws could violate the right to housing (Article 25 of the Universal Declaration of Human Rights, Article 11 of the International Covenant on Economic, Social and Cultural Rights).

Additionally, detention or imprisonment solely due to non-payment of fines might be seen as an infringement on the rights to equality before the law and freedom from discrimination (Article 7 of the Universal Declaration of Human Rights, Article 26 of the International Covenant on Civil and Political Rights). Incarcerating individuals based on their inability to pay fines could potentially discriminate against impoverished communities like Romanies, perpetuating cycles of poverty and inequality.

In conclusion, many countries enforce laws that criminalize activities related to homelessness and begging, which disproportionately affect marginalized communities like Roma populations. Some jurisdictions also imprison people who cannot pay fines, leading to potential violations of international human rights law provisions regarding equality before the law and freedom from discrimination. It is essential for governments to reconsider these approaches and align their policies with international human rights standards in order to protect vulnerable citizens' rights.