

**Question for oral answer O-00060/2012
to the Council**

Rule 115

Cecilia Wikström, Nadja Hirsch, Renate Weber, Gianni Vattimo, Sonia Alfano, Andrea Zanoni, Louis Michel, Leonidas Donskis, Jan Mulder, Sophia in 't Veld, Jens Rohde, Baroness Sarah Ludford, Ramon Tremosa i Balcells, Niccolò Rinaldi, Nathalie Griesbeck, Marielle de Sarnez
on behalf of the ALDE Group

Subject: The criminalisation of homeless persons in Hungary

On 1 December 2011 a law on the criminalisation of homeless persons entered into force in Hungary. After a first warning, homeless persons sleeping in the streets will be fined EUR 445 or imprisoned. The UN Human Rights Rapporteurs on extreme poverty and human rights and on the right to adequate housing have criticised the law and called on Hungary to reconsider this legislation and to adopt a national housing strategy, which will take into account the needs and rights of the homeless in conformity with international human rights obligations. There are an estimated 30 000 to 35 000 homeless persons in Hungary, including people with disabilities¹. The economic and financial crises have resulted in a growing number of families living in the streets. Hungarian authorities report that new shelters have been built, but critics underline that this does not justify the fine or imprisonment of those who can still not find a shelter.

1. Will the Council state whether it shares the view that the abovementioned law is incompatible with the founding values of the European Union, as enshrined in Article 2 TEU, in particular 'respect for human dignity, freedom, equality, respect for human rights, including the rights of persons belonging to minorities...in a society in which ... non-discrimination, tolerance, justice, solidarity and equality' prevail?
2. Does it agree that it is incompatible with the EU Charter of Fundamental Rights, in particular Article 1 (right to dignity), Article 4 (prohibition of torture and inhuman or degrading treatment), Article 6 (right to liberty and security) and Article 7 (respect for private and family life), as well as with Article 31 of the revised European Social Charter, which provides for a right to housing?
3. Does it agree that it is incompatible with European Union policies on fighting homelessness, including the specific reference in the 2010 Joint Report on Social Protection and Social Inclusion adopted by the Council?
4. Does it agree that it is a measure that fails to stand the ECtHR's test of proportionality and necessity in a democratic society?
5. Does it agree that it has a discriminatory impact on those living in poverty?
6. Does it agree that it results in resources being spent on policing, detention, prosecution and incarceration, instead of being more efficiently used on housing solutions?
7. Will it provide statistics for homelessness in all the Member States?
8. If it shares these concerns, what action will it take vis-à-vis the Hungarian authorities, and will it open infringement proceedings against Hungary?

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Forwarded: 9.3.2012

Deadline for reply: 30.3.2012

¹ <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11829&LangID=E>