

Document for the point 5 on the agenda

Dear member of the European Parliament

25th of September 2013.

RE: WITHDRAWAL OF THE PROPOSED MODIFICATION OF THE PENAL CODE

Dear Member of the European Parliament,

It was brought to my attention that the Hungarian Parliament is once again debating the modification of the Penal Code that would define street homelessness as an infraction punishable by fine, community service or jail (for “repeat offenders”).

The proposed changes would treat homeless Hungarian citizens as criminals, rather than debating how these issues should be addressed in terms of their social and economic causes. According to the available evidence, there are some 500,000 uninhabited housing units around the country, 324,000 of which are in cities and many could be used in a housing programme for the estimated 30,000 homeless people in Hungary.

The proposed changes are also opting to ignore the Hungarian and international rebuttal and challenges to the proposed human rights abuses against the homeless people:

- In November 2012, the Constitutional Court of Hungary struck down a law that criminalized street homelessness, arguing that the state should address homelessness as a social and not a criminal issue.
- In April 2013, the UN Human Rights Council noted that the prior amendments to the Basic Law “institutionalize the criminalization of homelessness and enshrines discrimination against the stigmatization of homeless persons in the constitution” (UN Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda), calling for the government to retract the amendment.

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N° SIRET : 489 855 122 00029

CODE APE : 9499Z

BANCA ETICA IBAN : IT41 F050 1812 1000 0000 0115 777



47, avenue de la Résistance
F - 93104 Montreuil Cedex
TEL : +33 (0)1 41 58 25 70
www.emmaus-europe.org
contact@emmaus-europe.org

I am appalled that the changes that would result in repeated criminalization of the poorest citizens in Hungary are once again on the Governments' Agenda. In light of the available evidence, I urge you to withdraw the proposed changes and urge the State Secretariat for Social Inclusion to develop relevant housing programmes.

Yours sincerely,

Julio de la Granja
President of Emmaus Europe

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