



**The special focused project
of the Parliamentary Commissioner for Civil Rights
about the human dignity of homeless people**

2008

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„Everyone’s life human dignity is untouchable, who is a human being, independent from his physical or mental capacities, or situation, and from the result, what he has achieved of his human possibilities.”

(64/1991 (XII. 17) Decision of the Hungarian Constitutional Court)

I. ABOUT THE OMBUDSMAN’ S WORK

The main task of the Parliamentary Commissioner for Civil Rights is to investigate any abuses of constitutional rights he/she has become aware of and to initiate general or particular measures for their redress. The Parliamentary Commissioner for Civil Rights is solely accountable to Parliament. As for the legal status of the Ombudsman, in the course of proceedings he has to be independent and may take measures exclusively on the basis of the Constitution and law.

The Commissioner **Dr. Máté Szabó** launched a new working method and a way of thinking after his election in September 2007. **He determines every year what topics are especially important for the society and the enforcement of rule of law and have a particular significance from the point of rights and freedoms.**

Within these defined fields, he initiates special projects which have particular focus and consideration within the Ombudsman office (initiating particular investigations, etc), in the media and the public presentation of the Commissioner. Since there is no independent parliamentary institution for the protection of the rights of the children, the Commissioner operates during his mandate as an ombudsperson for children rights.

The focus projects in 2008 were:

- **HOMELESSNESS**
- **CHILDREN’S RIGHTS**
- **FREEDOM OF PEACEFUL ASSEMBLY**

The new projects of 2009 are the following:

- **RIGHTS OF PEOPLE LIVING WITH DISABILITIES**
- **RIGHT TO THE FREEDOM OF MOVEMENT**
- **CHILDREN’S RIGHTS**

II. ABOUT THE “HUMAN DIGNITY WITHOUT BARRIERS” PROJECT

The Ombudsman initiated a special, complex project to defend the human dignity of our homeless fellow-being and who are at the risk to loose shelter. The aim of this extensive initiative and warning sign, and the relating investigations is to tell us not to avert our eyes, but find a long-term sustainable solution for the homeless people.

The „*dignity on the margin*” shall not mean that a person without home is out of law. The right to human dignity is the basis (a “mother law”) of fundamental rights. It means there is a legal right to everyone, which are inalienable and inviolable.

During our investigations, and the concrete cases, a sharp social crisis came up clearly, which has been presented for more decades in our society. This crisis has led from the fact of poverty, through inclusion, the loneliness of periphery, and resignation of the society to disregard the human dignity and to marginalisation. The homeless person living on the street lost his dignity, so did the society itself, with its indifferent attitude.

The aim of the project was to prevent spreading this phenomenon, to reconstruct the quality of human dignity and equality. We raised questions, where the answers could be abstract from the aspect of fundamental rights, and also everyday questions with the help of social workers, local governments, officers, and citizens (during our workshops, and expert meetings).

We had to make clear also for the wider public this sociological process, which transformed the defencelessness due to the weak interest articulation to a real limitation of rights.

We tried to call the attention of legislators and also the operators of law that the primary constitutional obligation of the state is to handle the problems of backsliding.

It was necessary to face the institutional strategy of the state with the survivor strategy of the homeless people. We had to interpret „contravention of moral barriers” is not else, than a necessary reaction, what the civil society could handle effectively only with the creation of equal chances based on the respect of human dignity.

As the official starting event of our project we organized an **exhibition at spring 2008** from the works of the homeless artists of “*We Are*” Association in the Main Hall of the Office of the Parliamentary Commissioner for Civil Rights.

The Ombudsman office organised several **workshops** with various actors ranging from social workers to representatives of the Ministry of Social Affairs, having taken into consideration „Best practices” employed in other EU Member States. It also sought avenues of possible cooperation at international level. Debated topics appeared in Hungarian scientific journals.

We invited to our **first workshop about being homeless**, several experts dealing with homelessness, social workers working on a daily basis with homeless persons, representatives of the emergency service, the police, etc.

“Dialogue Instead of Barrier” - Workshop I. in April 2008.

It’s a hard, long and complex task to defend the rights and dignity of the people living without any shelter in deep poverty and to reintegrate them back into the society, which needs close cooperation and common efforts of the public sphere and the civil society.

This was the first time, when these different actors dealing with homelessness were sitting together and discussing about the existing core problems and possible solutions. However the aspects of the representatives of the social care institutions, the civil organizations, the churches, the emergency service, the police, the local authorities, and the ombudsman are different, they have a common field: the respect of human dignity, as a fundamental right. During the discussion it came up clearly that the visible homelessness is “only the tip of the iceberg”, the danger of becoming homeless is threatening hundred thousands of people. The threatening dangers are particularly the begler’s mafia, the credit policies of banks and other financial institutions, the even more expensive prices of public services, the unsolved future of the youth leaving the care institutions.

The problem of homelessness needs not only a single action or short-term solutions. Simultaneously comes up the demands and necessity of prevention, care-provision, and re-integration. To handle these questions does not depend only on the money. In a Hungarian town of county rank, Nyíregyháza has organized employment and day-care together with civil organizations and the churches, tries to prevent being homeless with subsidies for rent. Moreover, the homeless provision which based on individual autonomy, freedom and cooperation is more cheaper than the institutional care with its many well known side-effects.

The problem of homelessness could not be solved with exclusion. We could not put equal-sign between criminality and homelessness. Data of police shows 3-4000 crimes per year related to homelessness, but in many cases the homeless persons are: the victims of crimes.

The concordant conclusion of the workshop was that the experts have to take into consideration the viewpoints of local authorities and the dominant society, too. At the same time it is not acceptable to refer to “the interest of the society” to build barriers neither symbolically, nor in practice.

A **second workshop** was organised, called „**Becoming homeless**”. With the motto “**Let the first step be prevention**” the conference about becoming homeless continued in the Office of the Ombudsman in May, 2008.

On the initiative of the ombudsman a dialogue was held about the reasons of becoming homeless with the relevant NGO-s, experts of institutions, the Ministry of Social Affairs and Labour, the Bank Union, the representatives of the local authorities and the police. The participants agreed that the state should take more serious efforts in terms of prevention.

This freedom – friendly resolution is more efficient and costs less money, than the treatment of the already existing homelessness. Determination should be shown against stigmatization and prejudices, instead of sanctions the forms of co-operation should be found, where the state can attend – side by side with the civil society - as the confederate of the citizens got into grief.

Among the numerous reasons of becoming homeless there are such typical situations in life, from where a straight way can lead towards extreme poverty and the lack of perspective: loans received with unfavourable conditions, quick loan or a divorce. Elderly people, young people who got out from state care, or those suffering in mental disease and due to the closure of the hospital (e.g.: OPNI) they had to return home, but actually they landed on the streets.

The conference organised in the Office of the Commissioner paid high attention to the development of giving credit and the debt spiral, and connected to these problems the more efficient tools for bank clients for the protection of their rights and also the importance of debt management.

The participants also discussed the chances of the people got out from prison, and the contradiction of the national situation of residence and the anomalies of the judicial enforcement. Among people living out of necessity in the streets there are more and more youngsters, uneducated, not having any chance to get employed, being in a very hopeless situation.

The solutions are complex and are in the long run. The construction of social rented dwellings and the assistance for the acquisition of homes or sublet or assistance to the obtainment of a vocational qualification.

The more efficient prevention of becoming homeless is not only betrayed by the lack of financial assistance, but the social prejudice that people can become homeless as a result of the fault of their own.

There is a need for social and professional conversation, where there is an agreement in the field of fundamental rights and the protection of human dignity, and the Parliamentary Commissioner for Civil Rights coordinates this conversation – indicated the commissioner the guideline of the project in his afterword.

The next conference - analysing the possibilities of the way outs - about the protection of the rights of homeless is going to take place in early autumn.

In September, the Commissioner and the participants signed a document called **Social Charta** within inaugural frames, which stated the most relevant problems and the solutions, according to the Commissioner.

The **final conference**, themed “*The alternatives and solutions of homelessness*”, was very successful as many participants committed to our project. Our special guest was *Johan Gortworst*, from the Federatie Opvang (Shelter Foundation) from the Netherlands, who held an excellent presentation about the Social Support Strategy project and the well-working examples of the Hague, Rotterdam and Amsterdam. There are many methods and fields to find the best solution, including building social rented dwellings, subsidizing sublets or supporting to get skills. There are existing systems: in some cases the adequate legal conditions could help, in other cases legal awareness-raising and a client friendly procedures are needed.

Finally, the **Commissioner issued reports** that have resulted from his investigations conducted in the framework of this project and are as follows:

- parapeted benches
- attitude of the security guards/Budapest Public Transport Ltd.
- dept spiral
- procedures of court bailiffs
- begler’s mafia
- accessibilty of ID/cards
- personal bankruptcy
- eviction



Nyárai Fruzsina (11 éves)
Hajléktalan



Zavaschi Máté (8 éves)
Szegénység

Winner pictures of the Ombudsman' drawing competition for children about human dignity related to homelessness (first picture made by Fruzsina Nyárai 11 years old, second picture made by Máté Zavaschi 8 years old)

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