**Report to the Special Rapporteur on the Right to Adequate Housing and the Special Rapporteur on Extreme Poverty and Human Rights on the Decriminalization of Homelessness and Extreme Poverty**

**Submitted by**: Maat for Peace, Development and Human Rights, which has consultative status with the UN Economic and Social Council

**Submitted to**: The Special Rapporteur on the right to adequate housing, and the Special Rapporteur on extreme poverty and human rights

**Submitted on:** Decriminalizing Homelessness and Extreme Poverty

* **Preamble:**

Although the 2030 Agenda for Sustainable Development pledged to not leave any one behind, and in a world characterized by unprecedented development in economy, technological means and financial resources, the existence of millions of people living in extreme poverty, fragmentation, and displacement without any concrete contributions or efforts is a moral scandal for the whole world and a violation of the norms of international human rights recognized by all populations. In fact, people suffering from poverty and homelessness live in powerlessness, stigma, discrimination, exclusion, and material deprivation, and all of their human rights are violated. Poverty and homelessness can be treated or resisted since the necessary means to treat them are within reach. With a pragmatic human rights-based approach, homelessness and extreme poverty can end in the long run; they are sustainably created and given way by the actions or omissions of States and other economic actors. States' public policies fail to address the root causes of poverty and homelessness, which leads to their transmission and spread across generations.

**Maat for Peace, Development, and Human** **Rights** believes that no one should be criminalized for being extremely poor, vagrant, begging, staying, sleeping, eating, washing, urinating, and defecating in public places. Rather than criminalizing the activities of poverty and homelessness, states and governments have a moral and legal obligation to protect and support the lives of individuals and to remedy failures that lead to poverty or to live on the streets. Special Rapporteur on the right to adequate housing, and the Special Rapporteur on extreme poverty and human rights called states, governments, civil society organizations, national human rights institutions, national associations working with displaced persons, and other relevant stakeholders to provide information on laws. And provide information on regulations that criminalize homeless activities or behaviors resulting from extreme poverty. They also call to highlight the measures and services available to support the poor from resort to beggary and homelessness within the scope of their work. So, Maat contributes as follows:

* **First: Laws prohibiting homeless activities and behaviors resulting from extreme poverty in public places:**

The legal systems of many countries contain rules and laws that explicitly criminalize behaviors resulting from extreme poverty and homelessness, including begging, begging, eating, sleeping, and performing personal hygiene activities in public places. In Egypt, Law No. 49 of 1933 of the Penal Code criminalized the act of begging and begging in public places and transportation. The penalty is specified in Articles I, II, and III of this law, respectively, with imprisonment for a period not exceeding two months for anyone who beg in the streets or public places, who is of sound structure, whether male or female and is fifteen years old. Imprisonment for a period not exceeding one month shall be imposed on anyone who is healthy and begging and there is a shelter in his vicinity that he can join, and imprisonment for a period not exceeding three months for anyone who begs while using a wound or an infirmity to beg for people's sympathy[[1]](#footnote-1). The Egyptian law also criminalized the crime of vagrancy in Decree-Law No. 98 of 1945. The first paragraph of Article Two stipulates that the vagrant shall be punished by being placed under police surveillance for no less than six months and not more than five years. The penalty is imprisonment and police surveillance for no less than one year and no more than five years[[2]](#footnote-2).

 In Qatar, the Penal Code criminalizes all behaviors that result from extreme poverty and various activities of homelessness. Article No. 278 of Law No. (11) Of 2004 stipulates the punishment of imprisonment for a period not exceeding one year, for anyone who begs in the streets or public places, or leads or encourages a juvenile to beg, with the confiscation of the seized funds obtained from the crime of begging on Description of the law[[3]](#footnote-3). In Turkey, the Penal Code criminalizes all forms of extreme poverty and homelessness, including begging in public. Article 229 of Law No. 5327 stipulates a prison sentence of one to three years for anyone who uses mentally or physically incapable children as a tool for begging, and low increased the penalty if the crime is committed by spouses or relatives. Article 33 of the Misdemeanours Law No. 5326 stipulates an administrative fine of fifty Turkish liras for the beggar, with the confiscation of the seized funds obtained from the crime of beggary and transferring them to the public[[4]](#footnote-4). In Iran, the penal code criminalizes begging, begging, and other forms of extreme poverty. Article 712 of it stipulates that a beggar shall be punished with imprisonment from one to three months and the confiscation of all property acquired through beggary for the benefit of the state. In addition, Article 713 of the same law sets the penalty for organized beggary with imprisonment for a period ranging from three months to two years for anyone who uses children and non-adults as a tool for begging[[5]](#footnote-5). In occupied Jerusalem, the internal regulations and laws enforced by the Israeli occupation authorities in the Western Wall plaza, and in particular Regulation 2 (a) (7) of the Regulations for the Preservation of the Holy Places of the Jews of 1981, prohibit all forms of begging and begging resulting from extreme poverty, and fundraisers in these places were subject to penalties including a fine or imprisonment[[6]](#footnote-6).

* **Second: Laws that allow the detention or imprisonment of individuals who are unable to pay a fine:**

The legal systems of many countries contain rules and laws that explicitly criminalize behaviors resulting from extreme poverty and homelessness, including begging, begging, eating, sleeping, and performing personal hygiene activities in public places. In Egypt, Law No. 49 of 1933 of the Penal Code criminalized the act of begging and begging in public places and transportation. The penalty is specified in Articles I, II, and III of this law, respectively, with imprisonment for a period not exceeding two months for anyone who beg in the streets or public places, who is of sound structure, whether male or female and is fifteen years old. Imprisonment for a period not exceeding one month shall be imposed on anyone who begs with improper structure and there is a shelter in his vicinity that he can join, and imprisonment for a period not exceeding three months for anyone who begs while using a wound or an infirmity to beg for people's sympathy. The Egyptian law also criminalized the crime of vagrancy in Decree-Law No. 98 of 1945. The first paragraph of Article Two stipulates that the vagrant shall be punished by being placed under police surveillance for no less than six months and not more than five years. The penalty is imprisonment and police surveillance for no less than one year and no more than five years[[7]](#footnote-7).

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* **Third: Measures and services available to support the poor from having to resort to beggary and homelessness… Egypt is a model:**

States and governments are primarily concerned with improving the conditions of all their citizens and protecting their human rights. It included their right to adequate housing, their right to social security, their right to adequate food and nutrition, their right to water and sanitation, their right to privacy, the protection of the home and family, and their right to an adequate standard of living. They are obligated to support people living in extreme poverty from having to resort to begging, sleeping, washing, defecation, or other healthy activities in public places. They are obligate to prepare comprehensive national strategies for poverty reduction, social distancing. And adopt public policies that give priority to the homeless and those living in extreme poverty. Maat for Peace, Development, and Human Rights refers to the efforts undertaken by the Egyptian government over the past few years to eradicate extreme poverty and improve housing conditions for all citizens to protect them from destitution and homelessness. These efforts appeared in the Egyptian government’s implementation of many social protection programs that contributed to the decline in national poverty rates in Egypt to 29.7% in (2019-2020) compared to 32.5% in (2017-2018), with a decrease of 2.8% and a decrease in the rate of extreme poverty. At the level of the Republic to 4.5% in (2019-2020) compared to 6.2% in (2017-2018) [[10]](#footnote-10). We review the most prominent of these social programs as follows:

**• The national project for the development of Egyptian rural villages (a decent life)**

The National Project for the Development of Egyptian Rural Villages, known as the Decent Life Initiative, aims to develop and improve the lives of 58 million beneficiaries in all the 4,600 Egyptian rural villages and their dependencies, and 30,000 dependents, including kafir, hamlets, and manors, at a total cost of 700 billion pounds. Work is underway to implement this project in the time between 2020 and 2023 by improving the level of services provided, raising the efficiency of urbanization and providing decent housing, and improving the level of infrastructure and urban services such as sanitation, drinking water, gas, and electricity, in addition to improving the quality of development services, humankind, such as education and health[[11]](#footnote-11).

**• Nutritional Support Programs**

 The Egyptian government provides food support to poor families and marginalized families by subsidizing a loaf of bread and providing food commodities. The amount of food support provided to poor families in the budget for the fiscal year (2021/2022) amounted to 87.2 billion pounds, with the total number of beneficiaries reaching 71 million individuals[[12]](#footnote-12).

**• Conditional cash support program "Takaful and Karama"**

 It is a program that was first implemented in 2015 and aims to provide cash transfers to the poorest families. The number of beneficiaries of this program reached 3 million and 370 thousand families during the fiscal year (2020/2021), equivalent to about 14 million individuals in all governorates of the Republic, for 19 billion pounds. With the spread of the Corona epidemic, the Egyptian government decided to grant a monthly compensation of 500 pounds to irregular workers affected by the pandemic. The amount of government support provided in this context amounted to 2 billion and 400 million pounds[[13]](#footnote-13).

This program aims to provide job opportunities for individuals who can work in the age group between 15 and 55 years. The first phase of the program, which is being implemented from January 2020 to December 2022, targets about 50,000 beneficiaries. Until October 2021, 30,000 job opportunities were provided in eight governorates in Upper Egypt and 10,000 job opportunities in industrial zones, in coordination with investor associations[[14]](#footnote-14).

**• Social Housing Support Program**

The Egyptian government has taken care of social housing and the slums and unplanned areas development to ensure that all citizens enjoy adequate and safe housing.

The volume of support allocated by the state to support the social housing program during the current fiscal year (2021-2022) amounted to 7.8 billion pounds. In recent years, 315 unsafe areas were developed by the Informal Settlement Development Fund, equivalent to 295,000 housing units, with a budget of 32 billion pounds[[15]](#footnote-15).

* **Recommendations:**

The laws reviewed include prison terms and fines for behaviors that Maat deems to result from extreme poverty, such as begging in public places, the prison sentences and fines for anyone who engages in activities that Maat considers it a result of the lack of adequate housing and homelessness, such as sleeping and staying in public places. And prison sentences for the poor who are unable to pay the fines resulting from their involvement in petty crimes whose criminal punishment from the outset does not amount to imprisonment. Maat for Peace, Development, and Human Rights believes that these laws constitute a violation of the Guiding Principles on Extreme Poverty and Human Rights. It obligated states to repeal and reform any laws that criminalize life-sustaining activities in public places, including sleeping, begging, eating, or performing personal hygiene activities. It constitutes a clear violation of the Guiding Principles on the Implementation of the Right to Adequate Housing which obligates states to repeal all laws and measures that criminalize or punish homeless persons or conduct related to homelessness such as sleeping or eating in public places. In addition, they contradict the rules of international human rights law, which guarantee all human beings, without distinction based on social status, the right to health, liberty, adequate housing, food, safe water, and education. In this context, Maat for Peace, Development and Human Rights makes the following recommendations:

* Repeal all laws that prohibit or criminalize life-sustaining activities in public places, including sleeping, begging, eating, or performing personal hygiene activities.
* Repeal all laws and measures that criminalize or punish homeless people or conduct related to homelessness, such as sleeping or eating in public places.
* Repeal or amend laws that allow detention and imprisonment of persons who are unable to pay fines resulting from their involvement in petty crimes whose criminal punishment does not amount from the outset to imprisonment.
* Address the root causes that led individuals to poverty and homelessness instead of punishing them for behavior outside their control.
* Adopt comprehensive national strategies to reduce poverty and social exclusion.
* Adopt public policies that give due priority to people living in extreme poverty
* Ensure that the facilities, goods, and services for enjoying human rights are accessible, available, adaptable, affordable, and good.
1. تعرف على عقوبة التسول فى الأماكن والمواصلات العامة وفقًا للقانون، اليوم السابع، 29 ديسمبر 2017، الرابط: <https://bit.ly/3B5lxN8> [↑](#footnote-ref-1)
2. مرسوم بقانون 98 لسنة 1945 خاص بالمتشردين والمشتبه فيهم، بوابة مصر للقانون والقضاء، للاطلاع على كافة مواد القانون انظر الرابط التالي: <https://bit.ly/3nk28Dg> [↑](#footnote-ref-2)
3. قانون رقم (11) لسنة 2004 بإصدار قانون العقوبات، الميزان.. البوابة القانونية القطرية، للاطلاع على كافة مواد القانون انظر الرابط التالي: <https://bit.ly/3jrzejD> [↑](#footnote-ref-3)
4. Dilencilik Kabahati ve Dilencilik Suçu, Ferhatkule, October 16, 2020, link: <https://bit.ly/2Z9y1q3> [↑](#footnote-ref-4)
5. تدابیر قانونی برای مقابله با تکدی گری، smalawyer، الرابط: <https://bit.ly/3GdPjDw> [↑](#footnote-ref-5)
6. פסק-דין בתיק רע"פ 8182/18 -, בבית המשפט העליו, July 15, 2019, link: <https://bit.ly/3m2PQQw> [↑](#footnote-ref-6)
7. قانون الإجراءات الجنائية رقم 150 لسنة 1950، منشورات قانونية، للإطلاع على كامل مواد القانون انظر الرابط التالي: <https://bit.ly/3jtYDsT> [↑](#footnote-ref-7)
8. Adli Para Cezası Nedir? (TCK md.52), barandogan, link: <https://bit.ly/3E6APTP> [↑](#footnote-ref-8)
9. Imprisonment instead of a fine ,globes, link: <https://bit.ly/3jnYuY7> [↑](#footnote-ref-9)
10. الإحصاء: 29.7% انخفاضًا بمعدل الفقر في مصر عام 2019-2020، بوابة الإهرام، 17 أكتوبر 2021، الرابط: <https://bit.ly/2XGraE6> [↑](#footnote-ref-10)
11. 10 برامج تبنتها الدولة لتحقيق الحماية الاجتماعية للفقراء.. تعرف عليها، اليوم السابع، 19 أكتوبر 2021، الرابط: <https://bit.ly/3m7EXge> [↑](#footnote-ref-11)
12. المرجع السابق نفسه [↑](#footnote-ref-12)
13. المرجع السابق نفسه [↑](#footnote-ref-13)
14. المرجع السابق نفسه [↑](#footnote-ref-14)
15. "تطوير العشوائيات": طورنا 315 منطقة غير آمنة تشمل تنفيذ 295 ألف وحدة سكنية، اليوم السابع، 8 يونيو 2021، الرابط: <https://bit.ly/30OF9c1> [↑](#footnote-ref-15)