

19th SEPTEMBER, FRIDAY

11h30 – 12h50

SEMINAR SESSION 3 - Participants will be asked to select one of these 6 parallel seminars

Seminar 18: Criminalisation of Homelessness (Room: X) - Chair: Freek Spinnewijn, BE

Stefan van Tongeren, NL: From Street to Sanction – The Criminalisation of Homelessness in the Netherlands

The rise in the cost of living, growing welfare inequality, and an escalating affordable housing crisis have contributed to increasing levels of homelessness in many (Western) countries. While homelessness is widely recognised as a social welfare issue, it is increasingly treated as a public order problem. Homeless individuals are often perceived as more likely to engage in criminal activities, cause public nuisance, or disrupt the urban environment. Moreover, visible homelessness is frequently seen as detrimental to a city's public image. As a result, central and local authorities are increasingly adopting laws and regulations that criminalise homelessness by prohibiting life-sustaining behaviours that homeless individuals cannot avoid. These measures range from vagrancy laws to bans on sleeping, eating, and urinating in public spaces, as well as restrictions on temporary shelters and begging.

This presentation examines the punitive and other public order responses to homelessness by local authorities in the Netherlands. It assesses how these responses relate to the prohibition of cruel, inhuman, or degrading treatment or punishment under Article 3 of the European Convention on Human Rights (ECHR) and Article 7 of the International Covenant on Civil and Political Rights (ICCPR). Using the UN Special Rapporteur's framework on laws that criminalise homelessness, this study presents a systematic quantitative analysis of local regulations in 45 Dutch municipalities, revealing the extent to which life-sustaining activities in public spaces are penalised in the Netherlands. The analysis is furthermore complemented by a qualitative, doctrinal legal assessment that contextualises the findings and offers a critical evaluation of the local Dutch policies from a human rights perspective.



***Dr. Stefan van Tongeren** is an assistant professor at the Faculty of Law at the University of Groningen, the Netherlands. His research focuses on the right to (access to) housing, social reintegration, and public order law. He obtained his PhD with a study on the housing of ex-offenders in local communities, exploring the balance between their rights and interests and those of their (future) neighbours. Currently, he is working on a project examining the criminalisation of homelessness in the Netherlands. In his research, Van Tongeren integrates doctrinal legal research with empirical-legal methods.*

Jan Weckwerth, DE: Disentangling Urban Strategies to Dispel, Remove and Repress People Experiencing Homelessness in the Context of Commodification and Re-Regulation of Public Space

Hegemonic neoliberalism has been widely acknowledged as a major driver of the housing crisis in Europe. The deregulation and commodification of the housing market, alongside the withdrawal of the state as a housing provider, have led to a substantial shortage of affordable housing. However, neoliberalism manifests not only in a retreat of state institutions, but also in an intensified regulatory grip on individuals who do not conform to market rationalities. This is particularly evident in the restructuring of urban public spaces: For decades, inner-city areas have been increasingly designed to maintain a 'clean' and 'undisturbed' environment for middle-class consumption and entertainment.

This process disproportionately affects social groups who rely on public space beyond consumption – especially people experiencing street homelessness, for whom, in a "coincidence of places" (Tosi 2007), the most lucrative locations are precisely those where they are most perceived as disruptions. The study focuses on the effects of recent macro-level developments in urban policy and urban planning for rough sleepers. In addition to coercive measures driven by the blurring of illegal and undesirable behavior, more nuanced displacement mechanisms have emerged through the (re)design of public space. That includes, for example, the increasing disconnection from informal access to urban infrastructures. Additionally, the controversially debated hostile architecture is now becoming more intertwined with (seemingly individual) creative urban revitalization strategies. In reference to Wehrheim's (2002) notion of

"exclusion through aestheticization", this phenomenon can be described as the aestheticization of exclusion. The presentation seeks to theoretically connect the commodification and social control of urban public space under neoliberal conditions with their dire consequences for the everyday lives of people experiencing homelessness (and other marginalized groups). It offers a typology of – more or less coercive – measures, illustrated with photographs and interview excerpts from a research project on homelessness in German cities.



Jan Weckwerth is a postdoctoral scholar at the Georg-August-University Göttingen, Germany. He received his Ph.D. from the Alpen-Adria-University of Klagenfurt, Austria. His research interests include social inequality, in particular class and lifestyle analyses, as well as urban sociology, housing and homelessness, the sociology of professions, and the sociology of culture and film.