

# The criminal offence of begging should be abolished



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**C**riminalising begging is tantamount to criminalising poverty. It perpetuates, rather than alleviates, the marginalisation and disadvantage experienced by people who beg. It also violates the fundamental human rights of some of the most vulnerable in our society. The current approach is inconsistent with the Victorian government's stated commitment to human rights and to a fairer Victoria. It disproportionately affects people whom circumstance has already denied basic necessities such as food, shelter and health care, and then adds to their disadvantage by denying them even the basic right to communicate and seek to address their plight.

## Sam's story

Sam is 55 years old and has been unemployed for a long time. Sam explained she found it very difficult to re-connect with Centrelink services in order to access social security benefits and her only form of income was the money she receives from begging. In relation to the issue of drug dependency Sam explained if she couldn't beg, she would have to resort to something else because 'the body doesn't allow you to give up drugs unless you are networked in to services and have somewhere to sleep and eat. It's a physical illness.' Further, she says that the main thing she needs is to get her 'health in order, so I'm not in pain, so I don't need to self-medicate... [and] a steady form of income. Getting Centrelink at this stage would only mean one day off begging. Centrelink payment need to go hand in hand with a detox program. I'm not well enough to do it on my own.'

The use of imprisonment, fines and community based orders as a response to begging fails to address the underlying causes of this behaviour. These punishments ignore the reality that people who beg are among the most marginalised and isolated within society. Begging is usually a last resort activity engaged in to supplement income and meet subsistence needs. Fining people for such activity exacerbates the causes that underlie it and may encourage people to engage in other illegal income supplementation activities such as shop lifting, drug dealing and prostitution. Incarcerating people for such activity also fails to address underlying causes and may further jeopardise often tenuous relationships between the individual, his or her family and friends, and society generally.

The HPLC recently undertook a recent survey of people begging in the Melbourne CBD. The survey revealed the reality of the lives of those who beg. It found that:

- ▶ 73% were long term unemployed;
- ▶ over 50% had a mental illness;
- ▶ 23% had experienced domestic or family violence; and
- ▶ almost 90% were sleeping rough or in squats, or lived in a men's refuge or rooming house.

cont...

A more effective response to begging is to address its causes: alleviate the disadvantage of those who beg, and particularly address their need for food, shelter and health care. To address the underlying causes of begging in a way that respects the human rights of those who engage in begging, the HPLC calls for:

- ▶ increasing the availability of quality, secure crisis, transitional, supported and low cost accommodation;
- ▶ providing income supplements to people who are homeless or at risk of homelessness who have had social security payments reduced or cut off for reasons associated with homelessness;
- ▶ increasing the availability and outreach capabilities of quality drug, alcohol and gambling addiction support services;
- ▶ developing and implementing protocols and a comprehensive training program for law enforcement officers for the purpose of increasing their understanding of issues underlying homelessness and begging and to encourage them, where appropriate, to make referrals to welfare agencies and service providers; and
- ▶ investigating the feasibility of establishing a centralised referral centre to facilitate the provision of services to people who are homeless or at risk of homelessness.

## The PILCH Homeless Persons' Legal Clinic

The HPLC is a specialist legal service that provides free legal assistance and advocacy to people who are homeless or at risk of homelessness. Free legal services are offered by the HPLC on a weekly basis at 14 outreach locations that are already accessed by people experiencing homelessness for basic needs (such as soup kitchens and crisis accommodation facilities) and social and family services. Since its establishment in 2001, the HPLC has assisted almost 5,000 people at risk of, or experiencing, homelessness in Victoria. The HPLC also undertakes significant law reform, public policy, advocacy, legal education, and community development activities to promote and protect the fundamental human rights of people experiencing homelessness.

### John's story

John, 35, struggles with a significant mental illness and he has a physical disability. John sleeps rough and his only form of income is money earned from begging, which he does for more than six hours a day, every day. He needs to beg in order to pay for food and other essentials. John explained he doesn't enjoy begging as it doesn't make him feel good about himself and is made worse by the physical and verbal abuse he experiences whilst begging.

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