

BEGGING REGULATIONS AND HUMAN RIGHTS

RESEARCH ON BEGGING REGULATIONS IN BELGIUM AND THE IMPACT OF THE LACATUS-CASE AND THE CASE-LAW OF THE COUNCIL OF STATE

Joint paper of the [Combat Poverty Service](#) & the [Federal Institute for the protection and promotion of Human Rights \(FIRM-IFDH\)](#)

Abstract - *This article provides a brief overview of the Cahier on begging regulations and human rights. The Lacatus judgment marks the first time the European Court of Human Rights recognizes a right to beg. Although not an absolute right, the prohibition of begging will only be compatible with the ECHR in exceptional circumstances. The judgment also has a major impact on Belgium and is an important addition to the already existing case law of the Council of State. Although begging was removed from the Belgian criminal code in 1993, those who beg still risk punishment. More and more towns and municipalities have introduced sanctions based on their police powers, leading to a proliferation of local begging regulations. As of July 2022, there are 305 such regulations in force. The question of whether all these regulations pass the human rights test is at the heart of this paper. In many cases (253), the answer is negative. Indeed, the analysis of the Lacatus judgment and the case law of the Council of State clearly shows that many begging regulations do not comply with several fundamental rights.*

INTRODUCTION

1. In *Lacatus v. Switzerland* (January 19, 2021), the European Court of Human Rights (ECtHR) confirmed that the right to beg is protected under the European Convention on Human Rights (ECHR). It is not an absolute right. Exceptions are therefore possible under certain circumstances, but they must be compatible with the ECHR. This means that there are forms of begging that can actually be prohibited, if several conditions are met.

2. The *Lacatus* case has an impact in Belgium. Although begging has not been a criminal offense in Belgium since 1993¹. Cities and municipalities have resorted to measures based on their police powers. So begging should in principle be allowed, yet in several cities and municipalities beggars are targeted by local begging regulations and risk punishment.

3. The Combat Poverty Service and FIRM-IFDH took the opportunity granted by the *Lacatus* case to analyze the Belgian begging regulations from a human rights perspective. The result of this analysis was published in a detailed Cahier available on the websites of the Combat Poverty Service and the FIRM-IFDH. This paper summarizes the main findings and consists of two parts. In the first part, we discuss the relevant case law: the *Lacatus* judgment and the case law of the Council of State. In the second and most extensive part, we analyze the local Belgian begging regulations in light of that case law. The paper ends with a conclusion and a number of recommendations.

¹ Art. 28 and 29 [wet 12 januari 1993 houdende een urgentieprogramma voor een meer solidaire samenleving](#), BS 4 February 1993.

I – THE *LACATUS* JUDGMENT (ECtHR) & CASE LAW OF THE COUNCIL OF STATE

The *Lacatus* judgment (ECtHR)

4. Between 2011 and 2013, a Roma woman was arrested twice and fined several times under the Criminal Law of the Canton of Geneva, which prohibits any form of begging. She was subsequently jailed for five days for non-payment of a cumulative fine of 500 Swiss francs. The case eventually went to the ECtHR, which delivered its judgment on January 19, 2021.² According to the ECtHR, a blanket ban on begging is not necessary in a democratic society. The court found a violation of Article 8 ECHR (the right to respect for private life). The judgment stated for the first time that the right to beg is protected under the ECHR. Although such a right is not absolute, the prohibition of begging will only be compatible with the ECHR in exceptional circumstances, particularly when there are forms of begging that can actually be considered a disturbance. On the basis of some concrete questions, we will further explain the judgment here.

5. **Is begging protected under human rights law?** In *Lacatus* the ECtHR confirmed that “the right to call on others for assistance” is protected under the ECHR (§ 59). The Court derives such a right from the right to personal development and to establish and develop relationships with other human beings and the outside world - protected by Article 8 ECHR (the right to respect for private life) (§ 55) - as well as from the protection of human dignity. Indeed, according to the Court, human dignity is compromised when persons in poverty are prevented from seeking the help of other persons through begging in order to meet their basic needs (§ 56-58).

6. **Can the act of begging be restricted?** Yes, but only in exceptional circumstances. A restriction needs to have a legal basis (legality), aim at a legitimate purpose (legitimacy) and must be necessary in a democratic society (proportionality) (§ 93). However, according to the ECtHR, governments have only a "limited margin of appreciation" to intervene (§ 105). Thus a ban on begging is only compatible with the ECHR in exceptional circumstances.

² ECtHR 19 January 2021, *Lacatus v. Switzerland*, n° 14065/15, <https://hudoc.echr.coe.int/eng?i=001-207377>

The ECtHR does not allow a blanket ban on begging – that is a ban on any form of begging, regardless of where or how it is practiced. Indeed, such a ban is a far-reaching measure that does not allow for the balancing of diverging interests equally protected by human rights. It doesn't consider the possible vulnerability of the person affected by the prohibition, whether the begging takes place in an aggressive or a harmless manner, the place where it is practiced and whether or not the person concerned is part of a criminal network (§ 102). Moreover, where there are begging prohibitions in Europe, there is a tendency to limit those to aggressive or intrusive forms of begging (§ 104).

8. In what circumstances are limited begging prohibitions permissible? Unlike a blanket ban on begging, a limited ban on begging may be compatible with the ECHR, but only if there are "solid public interest grounds" (§ 110).

What is not sufficient to justify a ban on begging is a generic reference to the fight against human trafficking or beggars' exploitation by criminal networks. A justification would only be possible if the existence of such a network were actually demonstrated. And even if that were the case, it is doubtful, according to the Court, that penalizing the victims of these networks is an effective measure for combatting that phenomenon (§ 111-112).

An attempt to reduce the visibility of poverty in a city and to attract investments are also no legitimate aim to restrict the right to beg (§ 113).

A restriction on the right to beg may be justified in the case of aggressive or intrusive forms of begging (§ 113). This kind of reasoning is in line with the Council of State case law.

Thus, a limited ban on begging can in certain cases pass the test of the *Lacatus* judgment. However, the scope of such a ban will have to be sufficiently defined so that it is limited to forms of begging that can objectively be considered as interfering with the rights of others.

9. How can a limited ban on begging be implemented? The fact that a limited ban on begging is permitted in certain circumstances does not preclude the possibility that its implementation may violate the ECHR.

First, in the context of the specific circumstances of the case, the prohibition of begging must contribute to the protection of the rights of others. Thus, begging may not be presumed to be a disturbance in itself, and a ban may only be implemented when there is an actual disturbance (§ 113).

Second, the implementation of a ban on begging must take account of the situation of vulnerability of the person affected by the ban. In particular, caution is required when begging is part of a survival strategy (§ 107), or when the person is unable to pay any fine (§ 108).

Third, preference should always be given to less restrictive measures that lead to the same or a comparable result in terms of protecting the rights of others (§ 114). In other words, a repressive approach should always be a last resort. The ECtHR has previously noted the principled preference for assistance to persons in poverty over measures that restrict their rights.³

³ ECtHR 26 October 2006, *Wallová & Walla v. Czech Republic*, n° 23848/04, § 73-74, <https://hudoc.echr.coe.int/eng?i=001-77713>

The case law of the Council of State

10. Appeal against a local begging regulation is possible before the Council of State. Regulations that are contrary to the law can be suspended or annulled. In this way the Council of State provides protection against arbitrary action by public authorities. Thus, the Council of State case law allows us to examine the extent to which a begging regulation is consistent with the law. The following analysis provides only a brief review of this case law. A more detailed examination can be found as an appendix to the Cahier.

11. A first observation: of the Council of State's case law on the subject only rests upon three cases. The first one dates from 1997 and concerns the application for annulment of a begging regulation in Brussels.⁴ The second case, against a begging regulation in Ghent, includes both an application for suspension in 2012⁵ and an application for annulment in 2014⁶. The most recent case also concerns both the suspension in 2015⁷, and for the subsequent annulment in 2016⁸ of a begging regulation in Namur.

12. A second observation: the protection afforded by the *Lacatus* judgment and the Belgian case law is complementary. Begging regulations must meet the requirements of both. On the one hand, the *Lacatus* it is based on respect for the inherent human dignity of the person begging and requires that the specific vulnerability of this person must be taken into account. Such a human rights framework goes well beyond the Council of State's case law. In one of the cases, the Council does confirm that begging, in the absence of better solutions, can help to acquire means of subsistence. The Council even considers begging might be necessary for the right to a life in accordance with human dignity. But according to the Council, this does not imply that no restrictions can be placed on begging. The Council does not elaborate on the question of the outline of a right to beg, nor does it examine whether restrictions on the right to beg can be justified from

⁴ Council of State 8 October 1997, n° 68.735; In this case the Council of state annuls the begging regulation.

⁵ Council of State 14 February 2012, ° 217.930; The *Liga voor mensenrechten* does not meet the conditions for a suspension appeal. Nonetheless, the case provides interesting information about the begging regulation in Ghent. The Council of State recognizes serious grounds for a possible annulment.

⁶ Council of State 18 March 2014, n° 226.783; The *Liga voor mensenrechten* does not have a 'legal interest' for an annulment.

⁷ Council of State 6 January 2015, n° 229.729; The Council of State suspends the measures concerning a prohibition on begging in public places, a prohibition on begging with a minor under 16, and a prohibition on begging with an animal that is potentially dangerous.

⁸ Council of State 22 January 2016, n° 233.595; This procedure was discontinued in 2016 after the regulations were repealed.

a human rights perspective. What it does examine is the exercise of local police powers from the perspective of the principle of proportionality.

On the other hand, the case law of the Council of State does prohibit excessive regulations. In some areas this case law might even go beyond the protection of the *Lacatus* judgment. The Council's analysis scrutinizes the legal restrictions on the exercise of local police powers (e.g., the adoption of a municipal police regulation).⁹ These powers are limited to maintaining the so-called 'material' public order, which includes the following aspects:

- 'public order (the absence of disorder or rioting),
- public safety (the avoidance of accidents or danger of accidents to persons or property)
- and public health (absence of disease or risk of disease)."¹⁰

These powers do not extend to the protection of the so-called 'moral' public order, except when this degenerates or threatens to degenerate into material disorder.¹¹ Therefore municipalities cannot prohibit begging as such by police regulations. At most, they can restrict specific forms of begging when it causes a disturbance of public safety, public order or public health (the 'material' public order). Thus when a begging regulation does not contribute to the protection of the 'material' public order, it goes beyond local police powers. In this sense, a regulation may be unjustifiable based on the Belgian case law, even when it may be justifiable based on the *Lacatus* judgment.

13. The Council of State has clarified what, in the context of local begging regulations, can be considered as protecting the public order. Considerations related to tourism, such as keeping the streets free of beggars, are for example excluded, as are bans on going door to door to receive a handout. Even in the case of begging with a minor under 16, the Council does not see how this mere act would endanger public order.

Moreover, the measures must be proportional to the disturbance. This means that a balancing act must be made for every situation. The measure can't be more intrusive than what is necessary. As such, a general and permanent ban purporting to deal with organized begging and begging in certain places and during certain times would be disproportionate. Begging bans must be limited in time and space. Banning all types of

⁹ Art. 135, § 2 Nieuwe Gemeentewet.

¹⁰ B. Warnez, *De Lokale Bestuurlijke Ordehandhaving in Vlaanderen*, die Keure (2020), p. 20-21.

¹¹ E.g. Council of State 18 March 2010, BVBA Belgium Business Company v. de Stad Bilzen, n° 202.037, para. 16

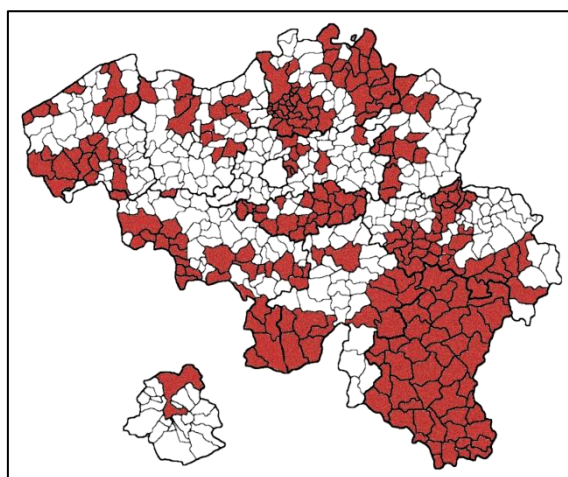
begging during certain events in a city would like be excessive. Municipalities are not permitted to simply label any unpleasant or undesirable conduct as a hindrance and then ban them.

The Council also provides guidelines on specific forms of begging. For example, several cities prohibit begging accompanied by a pet, based on the argument that animals are dangerous. The Council finds it unlikely that a beggar expecting generosity would use his animal to deter or intimidate a potential giver. Moreover, no evidence to the contrary has been presented.

What about begging on sidewalks, at the entrance of buildings or on the road? When this restricts passage or access, a ban on begging, even across an entire territory, may be proportionate. According to the Council, these are phenomena which seem inherently disorderly. However, the existence of an actual disorder must always be ascertained in the concrete situation. It will depend on place, time, number of pedestrians, width of door or sidewalk, and so on. So whether something is an obstruction depends on the context. This attention to factual circumstances does not render it impossible to apply such a regulation, nor does it mean that it would be unforeseeable to the concerned person what he is obliged to do.

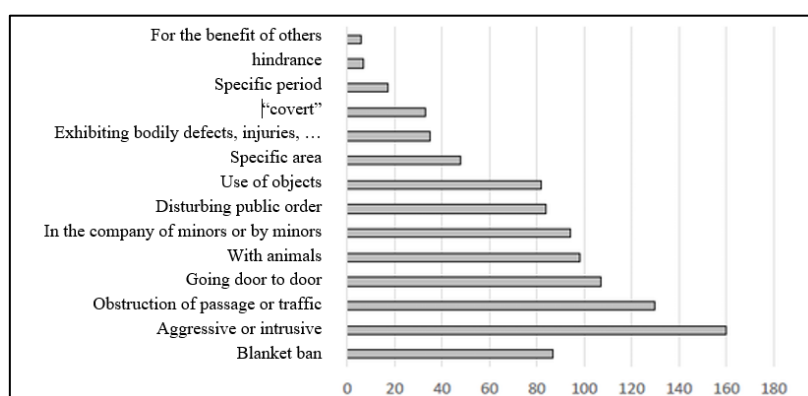
II – BEGGING REGULATIONS IN BELGIUM

14. There are 581 municipalities in Belgium. For each of these, we checked whether there are any begging regulations in force.¹² Our research shows that 305 cities and municipalities have some form of begging regulations. As of July 2022, 253 of these contain at least one provision that, according to our analysis, is problematic in light of the existing case law.



The 581 cities and municipalities in Belgium. Of these, 253 contain at least one provision that is problematic in light of the existing case law (shown in red).

15. The regulations cover a broad spectrum of restrictions on begging. We therefore divided them into different categories. It should be mentioned that some cities and municipalities have restrictions that fall under several categories. The following categories were identified:



Note: this graph shows the number of municipalities for a specific provision, including municipalities where that provision is not necessarily problematic.

¹² Our research was done in the first half of 2022. It’s certainly possible that some regulations have since been changed.

In this paper we will make clear which of these categories are problematic and to what extent. In a first section, we provide an overview of the excessive and thus problematic begging regulations. The second part gives an overview of acceptable regulations, though they come with a caveat. These are provisions that are only acceptable if applied narrowly. In a third section we engage in a brief discussion on how the regulations are enforced. This paper does not give an overview of the specific cities and municipalities. For this information and a more in-depth discussion of the categories, we refer to the Cahier.

Excessive and thus problematic regulations

16. A clear violation of the case law principles is a **blanket ban on begging**. Such a ban does not help to protect the rights of third parties. After all, it does not take into account the specific circumstances of the begging situation. It unjustifiably bans non-aggressive and non-obstructive forms of begging. Such a ban does not contribute to the protection of public order, since begging in itself cannot be considered a disturbance of public order. To the extent that a particular form of begging would nevertheless constitute a disturbance of public order, the proportionality principle requires that the spatial and temporal scope of any ban on begging is proportional to the severity of the disturbance.

17. Equally problematic are prohibitions on **begging by exhibiting bodily defects, injuries or mutilations**. It is hard to see how such a ban contributes to the protection of public order or the rights of third parties. Showing body defects, injuries or mutilations may make some persons uncomfortable, but this is clearly insufficient to justify a ban. Moreover, this could be considered discriminatory against persons with disabilities. To the extent that the persons in question need begging income to support themselves, it could also be considered a violation of their right to an adequate standard of living under the UN Convention on the Rights of Persons with Disabilities.

18. There are also begging regulations where a general prohibition is applied to a **specific area**. Those regulations often appear to have been introduced to enhance the **commercial or touristic appeal** of the city or municipality. Such reasoning is not acceptable for restricting the right to beg. But a ban at these locations sometimes may also be motivated by a concern to **ensure smooth passage**. Such a concern is legitimate, but a ban does not pass the human rights test either because it applies regardless of whether there is a hindrance in the concrete circumstances. It is therefore preferable to explicitly limit prohibitions to forms of begging that hinder passage or traffic.

19. In addition, some begging bans are only in force during **specific periods or during festivities**. They apply regardless of whether begging during these specific periods would cause a hindrance in the concrete circumstances, and are thus problematic. Again, tourism-related considerations are not an acceptable ground to justify a ban on begging during specific festivities.

20. The next problematic ban is one where it is prohibited to **beg in the company of minors or by minors**. After all, begging with or by minors cannot in itself be considered a violation of public order. A ban therefore does not pass the human rights test. However, care must be taken to ensure that the interests of the child are adequately safeguarded. First, this requires that the underlying causes - the situations of poverty in which the families find themselves - are addressed. Moreover, there are other ways to address problematic situations of begging with children. Exploitation of minors through begging is already punishable under Articles 433ter and 433quater of the Criminal Code. However, mere begging in the presence of minors is not sufficient to constitute such a crime. Furthermore, legislation on compulsory education allows action to be taken against parents when begging activities interfere with their children's education.

21. Another problematic prohibition concerns a blanket ban on **begging with animals**. Those bans rest on an unrealistic assessment of the danger, since beggars have no interest in scaring off persons from whom they hope to receive charity. Moreover, such a ban is also problematic from the point of view of the right to respect for the bond between man and pet as protected by article 8 ECHR. What is justifiable however, is a ban on **begging with "aggressive" animals**. In that case, there is indeed a possible violation of public order and the rights of third parties. Though it is important to ensure that the concrete circumstances show there is a real danger. Another cause for concern is the fact that some regulations contain vague provisions, such as the ban on begging with "animals that could become aggressive". It would be preferable to limit such a ban only to actually aggressive animals, where one can infer from concrete behavior that they pose a danger. Finally, several municipalities prohibit begging with an animal that is "dirty." "Dirty" cannot simply be equated with a danger to public health. It is therefore difficult to see how such a ban contributes to the protection of public order, safety, or health. Thus, such a ban does not pass the human rights test.

22. What about a ban on begging **for the benefit of others** or a ban on **organized begging**? It should be recalled that exploitation of begging by others, is already prohibited under Article 433ter of the Criminal Code. Yet, article 433ter of the Penal Code is directed against the perpetrator and not against the victim of exploitation. The ECtHR has already

opposed the punishment of victims of exploitation through begging as it does not contribute sufficiently to the fight against such exploitation. If there is exploitation, victims should be helped and not punished. If there is no exploitation, it is hard to see how prohibiting mere begging for the benefit of others contributes to the protection of public order or the rights of third parties. In either case, prohibiting begging for the benefit of others fails the human rights test.

23. In quite a few municipalities there is a ban on **going door to door with the purpose of receiving a handout**. This kind of ban is excessive. After all, the mere act of knocking on doors does not constitute 'harassment'. One could only interpret it as 'harassing' when the act really becomes exaggeratedly repetitive and troublesome.

24. Finally, certain municipalities prohibit **"covert" begging**, such as asking for a handout under the pretext of offering a service, such as washing car windows, or by selling (religious) objects, food, newspapers or magazines, or door-to-door peddling. It is hard to see how the "covert" nature of begging would constitute a violation of public order or the rights of third parties.

Justifiable provisions, under the condition of clear and narrow definitions

25. Several municipalities have **begging bans that explicitly target aggressive or intrusive forms of begging**. The case law allows action to be taken against intrusive, intimidating or aggressive forms of begging. Authorities must always assess the intrusive character of the begging on the basis of the concrete circumstances. Applying a prohibition, requires the disturbance created by form of begging to be worse than merely unpleasant or undesirable. A clear definition in the regulations can clarify this, but care must be taken not to set the bar too low. After all, sometimes certain practices are defined as aggressive, even though they are not inherently so, such as begging with a minor, obstructing road users or displaying body defects. As stated earlier, discomfort is not an infringement of the rights of third parties or a disturbance of public order.

26. One of the most common prohibitions relates to **begging that obstructs passage or traffic**. This may be justified from the point of view of protecting the rights of passers-by, provided that there is an actual hindrance in the concrete circumstances. Municipalities may reasonably suspect that begging on certain parts of the public road inevitably causes a hindrance or danger (for example, at intersections or the drivable part of the roadway), and thus impose a specific prohibition to prevent this.

27. What about the prohibition against causing **a hindrance** by begging? This is acceptable provided there is an actual hindrance to the rights of others in the concrete circumstances. Care must be taken to ensure that the prohibition is not applied too broadly. It is therefore preferable to opt for a more concrete definition of the prohibited conduct. The same applies to regulations prohibiting beggars from **disturbing public order, or endangering safety, public peace and health**. This kind of prohibition is allowed, but much will depend on the concrete circumstances. It should not be used to sanction behavior that is merely disagreeable or considered undesirable. It is preferable to define the conduct considered disturbing to public order.

28. Finally, several municipalities prohibit begging by displaying an **object that is of a nature to intimidate others**. The vagueness of this phrasing is problematic: many objects may be of a nature to intimidate others, without necessarily being used in an intimidating manner. A clearer formulation is therefore preferable.

Enforcement

29. Not only must a ban on begging be proportionate to the legitimate aims pursued, **the principle of proportionality must also be respected in its enforcement.** Even when it is legitimate for local authorities to take action against certain problematic forms of begging, particular care must be given to the situation of manifest vulnerability of beggars. Therefore authorities must ensure that fines, confiscations, etc. do not have a disproportionate impact on persons dependent on begging for a living.

CONCLUSION

30. In the *Lacatus* case, the European Court of Human Rights confirms for the first time that the European Convention on Human Rights protects the right to beg. It is derived from the right to personal development and the right to maintain relationships with other human beings and with the outside world. Moreover, it is derived from the protection of human dignity. This protection is violated when persons in poverty are hindered from seeking the assistance of other persons through begging to meet their basic needs. Although the right to beg is not absolute, a ban on begging is only compatible with the ECHR in exceptional circumstances.

Our analysis clearly shows that the *Lacatus* judgment also has an impact on Belgium. It is an interesting addition to the already existing case law of the Council of State. Begging was removed from Belgian criminal law in 1993, yet today beggars are at risk of punishment due to a proliferation of local begging regulations. A review of those regulations in the context of our case law analysis indicates problematic provisions in 253 cities and municipalities.

RECOMMENDATIONS

31. Our first recommendation relates to the **contents of begging regulations**. Municipalities should align regulations containing provisions on begging with the requirements of the ECtHR and Council of State case law. Regarding enforcement, because of the position of financial vulnerability in which beggars find themselves, it is recommended to avoid any fine for a violation of begging regulations or to limit them to one symbolic euro, as is already the case in some municipalities. Provisions foreseeing the confiscation of the earnings received by begging should be removed.

32. Although some local begging bans have been successfully challenged before the Council of State, our research has shown that illegal begging provisions are still in effect in many municipalities. In practice, whether local begging bans are challenged seems to depend mainly on the vigilance and presence of human rights organizations. Only in one of the cases brought before the Council of State was the applicant an individual beggar. And we are not aware of any example of a beggar successfully challenging the legality of a local begging ban before the police court when appealing against an imposed sanction. This could be due to the lack of access to justice for persons in poverty in general and for beggars in particular.

In addition to strengthening access to justice for persons in poverty, it is therefore recommended that supervisory authorities take a more **proactive role** in this context and act against excessive begging bans. Both the supervisory (regional) authorities and the federations of cities and municipalities are recommended to raise awareness at the level of local governments about the limited circumstances in which restrictions can be imposed on begging activities by police regulations.

33. It is good practice in police regulations to explicitly require that police officers should primarily direct beggars to social assistance, as is already the case in some municipalities. In general, respect for human rights requires **first and foremost the assistance to persons in poverty instead of measures that limit their rights**.¹³ Similarly, making arrangements with beggars to prevent hindrance to third parties is preferable to a more repressive approach.

Police departments should consider investing in intercultural dialogue with the persons concerned, especially for municipalities confronted with significant groups of Roma beggars.¹⁴ In particular, having a community liaison officer capable of communicating in the language of the persons concerned - Romani, Romanian, Bulgarian, Slovak, etc – seems appropriate. This can create a bond of trust that might aid in guiding them to social help, but also to make the necessary arrangements.

In certain circumstances, as a last resort, it may be legitimate for local governments to act against certain forms of begging that disrupt public order. But this will merely amount to a symptomatic treatment if no simultaneous efforts are made to address the root cause of begging. As such, repression will often be ineffective or even counterproductive, as it will at most lead to a displacement of begging activities¹⁵ - possibly to more dangerous locations or locations where access to social facilities and services is less assured.¹⁶ Worse, repression can also lead to a shift to more harmful subsistence-related activities (e.g., shoplifting or prostitution).¹⁷

¹³ ECtHR, 26 October 2006, *Wallová & Walla v. Czech Republic*, n° 23848/04, § 73-74.

¹⁴ E.g. The cel 'Herscham' of the Brussels police forces. They try to maintain direct contact with the homeless people of the city and guide them to the relevant social services (CODE, op. cit. p. 50).

¹⁵ R. Hopkins Burke, "The Regulation of Begging and Vagrancy: A Critical Discussion", *Crime Prevention and Community Safety* (2000), p. 43 op p. 50; S. Johnsen en S. Fitzpatrick, "The Use of Enforcement to Combat Begging and Street Drinking in England: A High Risk Strategy?", *European Journal of Homelessness* (2008), p. 191 op p. 199.

¹⁶ Johnsen en Fitzpatrick, op. cit., p. 199; C. Herring, D. Yabrough en L.M. Alatorre, "Pervasive Penalty: How the Criminalization of Poverty Perpetuates Homelessness", *Social Problems* (2019), p. 1 op p. 10.

¹⁷ Johnsen en Fitzpatrick, op. cit., p. 199; Hopkins Burke, op. cit., p. 50.

34. Research - both international¹⁸ and concerning Brussels¹⁹ - shows that the root cause of begging is the situation of extreme poverty. Begging is a survival strategy for individuals to meet their immediate needs and those of their families.²⁰ Hence, a human rights approach to begging requires first and foremost addressing this **root cause**, so that persons in poverty should not have to depend on begging for their livelihood. In this context, reference should also be made to the government's responsibility to guarantee *the right to live a life of human dignity* for all (Article 23 of the Constitution) and to protect persons in a situation of vulnerability, who lack the means to meet their basic needs, against conditions of extreme poverty (Article 3 ECHR).²¹²²

Local authorities confronted with begging are therefore recommended to invest sufficiently in social services and in community liaison officers who can make contact with the persons concerned in order to direct them to the relevant social services. They should take into account the diversity of beggars and the problems they face²³ (homelessness, addiction problems, presence of children, ...) so that social support can be attuned accordingly. Specifically with regard to persons without legal residence - e.g. Romani EU citizens who stay in the country longer than their right to a short stay of three months under European free movement rules allows - it is also important to ensure the existence of a strict separation ("firewall") between social assistance and immigration services.²⁴

¹⁸ E.g. O. Bowling, "Strategies to address begging: local, national and international perspectives", Master thesis, University of Leeds (2018), p. 5; en Hopkins Burke, op. cit., p. 48-49.

¹⁹ Adriaenssens and Hendrickx, op. cit., p. 37; CODE, op. cit., p. 37-38.

²⁰ CODE, op. cit., p. 37-38.

²¹ E.g. ECtHR (Grand Chamber) 21 January 2011, M.S.S. v. Belgium and Greece, n° 30696/09, para. 263.

²² For recommendations in the fight against poverty, we like to refer tot he biennial reports on poverty of the Combat Poverty Service: <https://combatpoverty.be/legal-missions/biennial-report-on-poverty/>

²³ Bowling, op. cit., p. 23.

²⁴ FIRM, "Mensenrechten garanderen voor mensen zonder wettig verblijf", Statement on 15 July 2021.

For a more detailed account of our research, we refer the reader to the Cahier. The Cahier elaborates on the various categories and also indicates for each regulation which cities and municipalities are concerned. The Cahier is available on the [website of the Combat Poverty Service](#) and on the [website of the Federal Institute for Human Rights](#).