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# Leaving Prison and Homelessness

# 13

**EOH Comparative Studies  
on Homelessness**

**Brussels – December 2023**

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Nicholas Pleace

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Volker Busch-Geertsema

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## **Disclaimer**

The interpretation and reporting of the questionnaires may not reflect the views of the respondents for each country. Responsibility for any errors lies with the authors.

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## Summary

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- This report is the 13<sup>th</sup> in an annual series of comparative studies of homelessness in Europe, conducted by the European Observatory on Homelessness (EOH). The Observatory operates under the auspices of FEANTSA, the European Federation of National Organisations Working with people experiencing homelessness.
- The concern of this research is with policies, practicalities, and protocols surrounding leaving prison, both at end of sentence or on early release, and how variations in the operation of those arrangements may intersect with homelessness. There is also analysis of how the needs, characteristics, experiences, and choices of people experiencing imprisonment might also influence their risk of homelessness.
- The research uses a comparative questionnaire prepared by EOH. Experts from 13 Member States and two other European countries were asked to summarise research, data, and, where necessary, conduct a small number of interviews to describe the nature and extent of the risk of homelessness among ex-prisoners. The Member States included were: Czechia; Denmark; France; Germany; Greece; Hungary; Ireland; Italy; Lithuania; Netherlands; Poland; Portugal; and Slovenia. The two other European countries were Norway and the UK.
- Criminal justice systems exist in multiple forms across Europe. There is also a lot of variation in the nature and range of custodial sentences and particularly the extent to which imprisonment is used. Some Member States and other European countries make much greater use of non-custodial (community) sentences than others. Even within individual countries, different forms of imprisonment exist, and the balance between high security and more open forms of prison can differ within countries, let alone among different countries.
- Overall rates of imprisonment across the EU are around 106 people per 100 000 population, but there is considerable variation within this. Some countries like Finland, Slovenia, and Germany imprison people at a much lower rate (under 80 per 100 000), while countries including Hungary and Poland imprison people at much higher rates (over 180 people per 100 000). Imprisoned populations are overwhelmingly male, i.e., typically around at least 95% of prisoners. The UK records people identifying as transgender in its prison populations, the level being approximately 0.25% of total prison population.

- Some EU Member States have significant numbers of foreign people in their prison systems. Existing data defines ‘foreign’ in broad terms, but this does include migrant populations. The great majority of people in prison in European countries are citizens of the country in which they are imprisoned.
- Another challenge in assessing the associations between prison and homelessness is that prison is never a constant experience at the European level. The nature and the likelihood of imprisonment varies markedly between EU Member States. Even within individual Member States, being in prison can mean very different things, depending on how someone is sentenced and the nature of their crimes.
- The EU Member States did not tend to have detailed data on the prevalence of homelessness among ex-prisoners. Data on the level of experience of prison among people experiencing homelessness were much more common, but these studies were sometimes focused on multiple need, high cost, high risk populations who were more likely to be experiencing recurrent or sustained homelessness. Research suggests an over-representation of ex-prisoners in at least some homeless populations, compared to experience of imprisonment across the general population and this same pattern was found by this research.
- Data on people entering prison from a situation of homelessness were also quite limited and quite variable across the EU Member States. However, while most people entering prison were not homeless, the rates at which homelessness was reported amongst new prisoners were often much higher than general populations.
- Housing precarity among ex-prisoners was often high. Many were reliant on family and friends for accommodation immediately after prison and were experiencing hidden homelessness. Any existing housing was more likely to be lost when serving long sentences.
- Risks of homelessness on leaving prison may not be immediate, but the high rate of housing precarity among ex-prisoners may increase risks of homelessness over time. For example, informal arrangements, including hidden homelessness, i.e., staying with relatives or friends because someone has nowhere else to go, may break down months or even years after imprisonment, leading to other forms of homelessness like sleeping on the street. Ex-prisoners could be in relatively vulnerable positions that placed them at greater risk of homelessness ultimately because being imprisoned had increased the risk of housing precarity.
- People entering prison often shared characteristics with people who are at heightened risk of homelessness in Europe, i.e., they were much more likely than the general population to have low educational attainment, sustained experience of poverty and socioeconomic exclusion, and higher rates of addiction, severe mental illness, and multiple treatment and support needs. Disentangling specific

effects from being in prison and from leaving prison presented challenges when other situational and personal factors that are broadly associated with heightened risk of homelessness were also present.

- General drivers of homelessness, including shortages of affordable and (where present) social housing supply and shortfalls and limits in welfare system payments coverage of housing costs across several Member States, were often identified as important in making access to housing for ex-prisoners generally more difficult.
- Housing is often lost while in prison. Welfare and other social protection systems did not always provide cover for housing costs while someone is serving a sentence of a few weeks or months.
- Reluctance to house ex-prisoners among both private rented sector and social rented sector landlords was widely reported. Some particular crimes, such as a history of drug dealing or sexual offences, were more likely to be a barrier than others.
- In some Member States, practice in law enforcement can mean that street-based sleeping has criminogenic dimensions, i.e., it is shaped in part by laws and the implementation of those laws. However, the criminalisation of homelessness and the associations between criminality and homelessness are different issues. There is no real evidence to suggest that the associations between high rates of contact with criminal justice systems among high cost, high risk people experiencing homelessness stems from their being arrested and imprisoned for being homeless, rather there is a broad association between low level, repeated criminal activity and recurrent and sustained homelessness.
- Inadequate, inconsistent, and under-resourced support for prisoners who were at risk of homelessness when they left prison was widely reported. Member States with highly integrated and well-resourced systems of reintegration for ex-prisoners were the exception. Shortfalls between what was supposed to happen when someone was about to leave prison and the actual practice in prison, parole, and probation were reported in several Member States. Some European countries had prison systems that were generally overwhelmed and unable to deliver rehabilitation and resettlement because they were overcrowded.
- There was widespread policy awareness that stable housing was a prerequisite if policy and practice were to prevent recidivism (reoffending) among ex-prisoners. The logic being followed was that, without a stable home, reintegration could not be successful and, without reintegration, the risks of returning to prison were high. However, while several Member States and the other European

countries in this research were reported as accepting this principle, they were often described as not implementing the policy and practice that would actually deliver stable housing solutions for ex-prisoners on a reliable basis.

- Reports of systems being siloed and uncoordinated were also widespread. There was generally no single authority or set of dedicated resources that had full responsibility for the process of ensuring housing was in place for ex-prisoners. Evidence of somewhat confused and haphazard sounding processes was more widespread than reports of highly integrated structures that ensured the right mix of agencies and services were in place.
- Outcomes for ex-prisoners who were at risk of homelessness were reported as too often being largely, or wholly, reliant on the degree of familial and broader social support they could access on leaving prison. Access to specialist projects for ex-prisoners designed to prevent homelessness, where such services were available, was often erratic and highly limited.
- Requirements for local connection in order to access housing and social protection services sometimes had the potential to influence housing and other outcomes for ex-prisoners who could not demonstrate a clear link to a specific municipality or local authority. If systems were organised nationally, e.g., there was no requirement to have a local connection to access welfare benefits or other support, this was less of an issue, something that was equally the case if specific arrangements to support ex-prisoners were in place.
- For a minority of ex-prisoners who are classified as potentially dangerous on release from prison, a policy failure to prevent homelessness represents potential risks to public safety. Ex-prisoners who represent potential risks to public safety who begin living on the street or experiencing hidden homelessness can quickly go off grid, i.e., they can become lost to public services and administration.



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# Introduction

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This report is the 13<sup>th</sup> in an annual series of comparative studies led by the European Observatory on Homelessness<sup>1</sup>, which operates under the auspices of FEANTSA, the European Federation of Homelessness Organisations. The focus of this research is a comparative analysis of the association between experiences of imprisonment and homelessness in Europe. This chapter summarises the focus of the research, the methodology, and the key questions that were explored. A brief outline of the structure of this report concludes this introductory chapter.

## 1.1 The research

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This research explores the topic of imprisonment and homelessness across the EU. Release from prison can be a critical transition period that may involve the risk of homelessness if a housing solution and adequate support are not provided prior to and following release. A prison sentence may also result in homelessness when no mechanisms are in place to maintain an existing tenancy in the meantime. The study explores the existing evidence on the relationship between homelessness and imprisonment and current policy and practice in trying to prevent homelessness on leaving prison in 13 EU Member States and draws comparisons with two further European countries.

## 1.2 Imprisonment and homelessness in Europe

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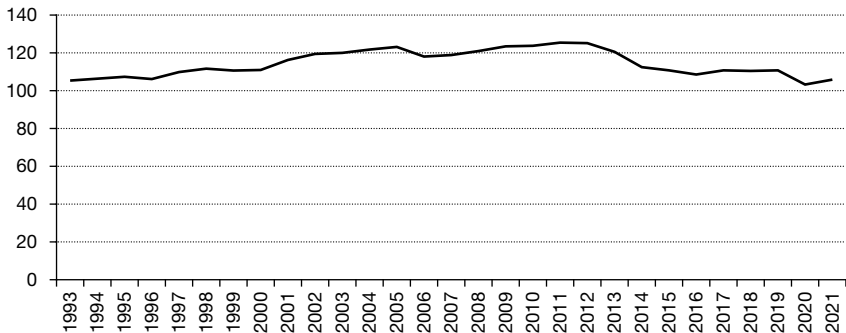
### 1.2.1 Patterns of European imprisonment

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The overall number of prisoners per 100 000 population across the 27 Member States of the Europe Union in 2021 was 106.2, a slight increase from the figure of 103.6 in 2020. Rates of imprisonment have seen an overall decline for most years over the past decade as shown in Figure 1, with 125.7 prisoners per 100 000 population recorded in 2011. Through the 1990s the number of prisoners per 100 000 population had been increasing but began to decline during the 2010s (Figure 1).

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<sup>1</sup> <https://www.feantsaresearch.org>

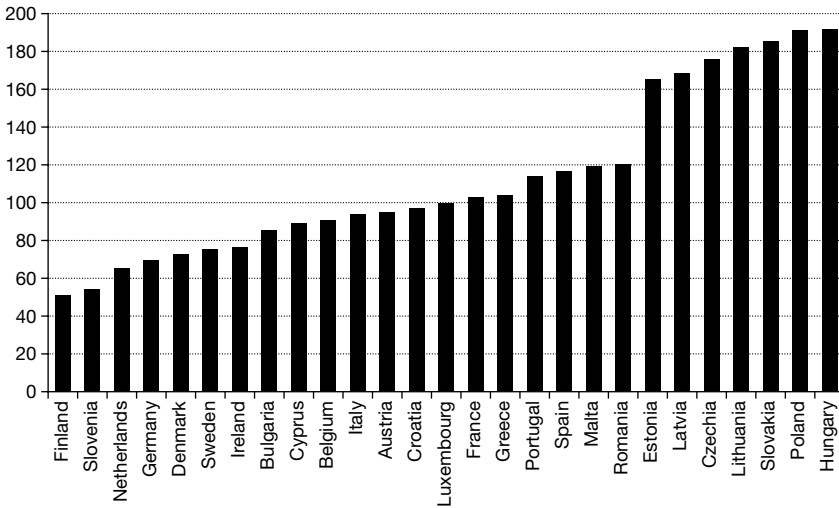
**Figure 1:** Prisoners per 100,000 inhabitants in the European Union, 1993-2021

Source: Eurostat [crim\_pris\_cap] based on single point in time data.

This overall figure masks some very considerable difference across the Member States as is shown in Figure 2. A cluster of countries, including the Scandinavian Member States, Slovenia, Germany, the Netherlands, and Ireland is at one end of the spectrum with a rate of less than 80 prisoners per 100 000 population. By contrast, some Central and Eastern Member States are at the other end of the spectrum with between 160 and 200 prisoners per 100 000 population. Norway, by contrast, has some of the lowest rates of imprisonment, both in terms of European comparisons and global comparisons, with 53 people per 100 000. Levels of imprisonment have remained similar in Norway since 2011.<sup>2</sup> The UK, which has some of the highest rates in Europe and the OECD – over 159 people per 100 000 population were in prison at one point in England and Wales during 2021, has had relatively high levels of imprisonment for decades.<sup>3</sup> Within the EU, there were both lower rates of imprisonment (e.g., Finland) and higher rates (Poland and Hungary), than were reported in Norway and the UK (Figure 2).

<sup>2</sup> Source: Statista – <https://www.statista.com/statistics/1182090/number-of-people-in-prison-in-norway/>

<sup>3</sup> In 2021, the UK had 159 prisoners per 100 000 population in England and Wales and 162 per 100 000 in Scotland, with a lower rate of 97 per 100 000 in Northern Ireland. The total number of people in prison is projected to exceed 100 000 in 2027 if current policy (including full term sentences for serious crimes) continues. Source: House of Commons Library: <https://research-briefings.files.parliament.uk/documents/SN04334/SN04334.pdf>

**Figure 2:** Prisoners per 100 000 Inhabitants 2021

Source: Eurostat [crim\_pris\_cap] based on single point in time data.

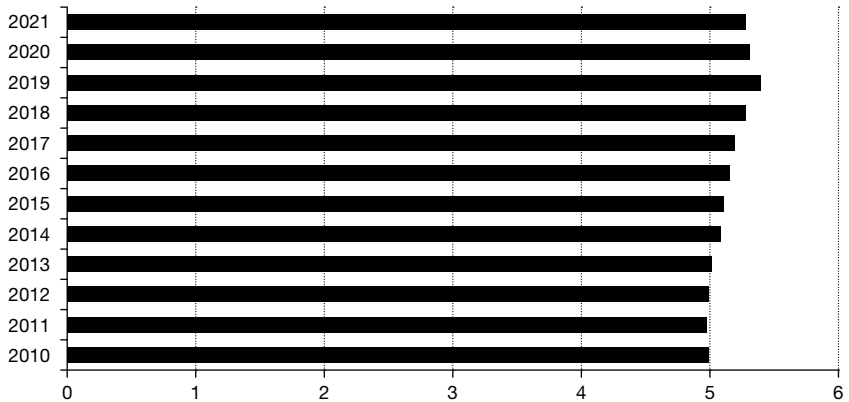
In attempting to explain these variations in levels of imprisonment, it has been argued that:

*... a wide variety of factors can influence prison population rates, that these factors are interconnected, and that their influences are complex and multi-layered. Obviously, countries with harsher penalties—such as mandatory minimum sentences, long sentences for certain crimes, or few alternatives to incarceration—should have higher incarceration rates. Conversely, in systems where judges have more flexibility in sentencing, they might choose more frequently options like probation or community service instead of prison sentences. Prison population rates are also influenced by law enforcement practices, such as ethnic profiling, the extent to which resources are focused on certain types of crimes or certain areas, and “tough on crime” policies, which typically lead to increased incarceration rates. Similarly, cultural attitudes towards crime and punishment and political systems can also play a role.<sup>4</sup>*

The vast majority of those in prison at any one point-in-time in EU Member States are male, as shown in Figure 3, with the number of female prisoners as a percentage of all adult prisoners ranging from 5 – 5.5% between 2010 and 2021, but with a degree of variation between the Member States as shown in Figure 4.

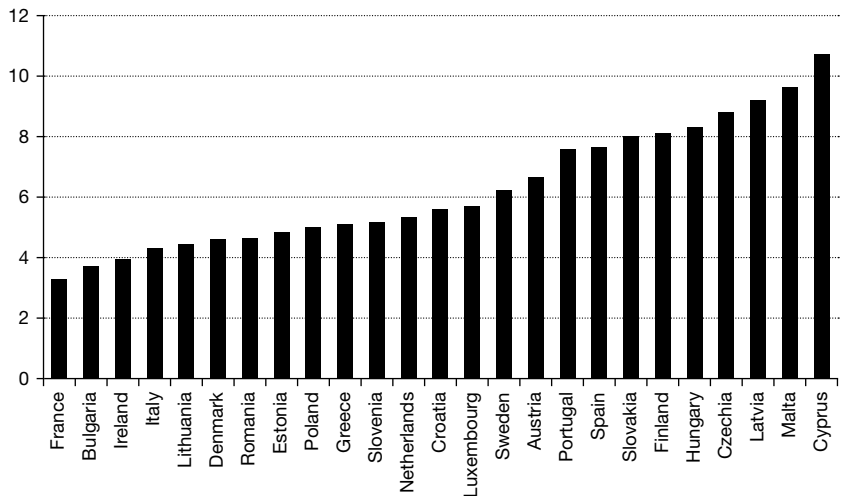
<sup>4</sup> Aebi, M.F., Cocco, E., and Molnar, L. (2023) *Prisons and Prisoners in Europe 2022: Key Findings of the SPACE I Report. Series UNILCRIM 2023/2*, p.5. (Council of Europe and University of Lausanne).

**Figure 3: Women as a Percentage of All Adult Prisoners, 2010-2021**



Source: Eurostat [crim\_pris\_cap] based on single point in time data.

**Figure 4: Women as Percentage of All Adult Prisoners, 2021**



Source: Eurostat [crim\_pris\_cap] based on single point in time data.

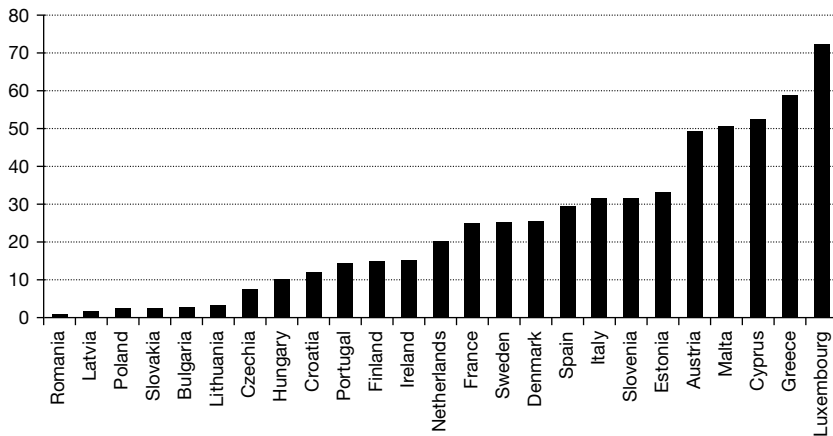
In the UK, women represent a similarly low proportion of the prison population, estimated at 4% in 2023. The rate at which the UK imprisons women has fallen over time, whereas relative rates of incarceration of men has increased.<sup>5</sup> Norway has a slightly higher rate at around 6% of its prison population being classified as female at any one point, but this has to be seen in the context of very low levels of imprison-

<sup>5</sup> <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>

ment, i.e., less than 250 women constituting the entire female prison population of Norway.<sup>6</sup> The UK also records levels of people identifying as transgender in the prison population, which tend to be a very low proportion of prison inmates (approximately 0.25% according to the most recent data).<sup>7</sup>

In some EU Member States, the number of ‘foreigners’ in prison is significant, particularly in the Mediterranean area. A number of these Member States have comparatively low numbers of prisoners. Conversely, those Member States with very low numbers of ‘foreigners’ tend to have the highest number of prisoners per 100 000 population. In essence, when EU Member States have high rates of incarceration, they tend toward imprisoning their own citizens<sup>8</sup>, rather than foreign nationals.

**Figure 5:** Percentage of prisoners with foreign citizenship in the reporting country, 2021



Source: Eurostat [crim\_pris\_cap] based on single point in time data.

<sup>6</sup> Source: Statista <https://www.statista.com/statistics/1327345/number-people-prison-norway-gender/#:~:text=In%20prisons%20in%20Norway%2C%20there,convicted%20for%20violence%20and%20maltreatment.>

<sup>7</sup> [https://assets.publishing.service.gov.uk/media/61e804cbe90e07037668e2c0/HMPPS\\_Offender\\_Equalities\\_2020-21\\_FINAL\\_Revision.pdf](https://assets.publishing.service.gov.uk/media/61e804cbe90e07037668e2c0/HMPPS_Offender_Equalities_2020-21_FINAL_Revision.pdf)

<sup>8</sup> Exactly what constitutes a ‘citizen’ varies between EU Member States, but this should be read as people who have the clear right of residence in the country in which they are imprisoned. See: Baptista, I., Benjaminsen, L., Busch-Geertsema, V., Striano, M., and Pleace, N. (2016) *Asylum Seekers, Refugees and Homelessness: The Humanitarian Crisis and the Homelessness Sector in Europe* (Brussels: FEANTSA).

However, considerable caution is required in interpreting this data as a number of categories are included under the heading of ‘foreigner’.

*Among them, there are some who have a legal status of permanent residence in that country. These are the immigrants, characterised by the fact that they moved to that country with the intention of establishing their long-term residence there, forming new communities, or joining existing ones. Yet the category of foreign inmates encompasses people in various other situations, such as tourists, individuals in transit or temporarily in the country for work or private affairs, as well as undocumented migrants, asylum seekers, and offenders involved in transnational crime. Crime and criminal justice statistics –including prison statistics– do not make that distinction and use only the overall category of ‘foreigners’.*<sup>9</sup>

EU Member States and other European countries will also vary in whether they imprison or repatriate citizens of other countries who commit crimes on their territory and, to add to the challenges in definition, there is some ‘outsourcing’ of prisoners to other countries. For example, there have been some experiments by Belgium and Norway in placing offenders in prison in the Netherlands, and the UK is currently exploring dealing with prison overcrowding by placing offenders in Estonian and other prisons, as well as finding ways to move imprisoned foreign nationals back to their countries of origin.<sup>10</sup>

Eurostat analysis, using 2021 data, suggested that eight EU Member States had overcrowded conditions in their prisons. Overcrowding is a relative concept, because some EU Member States would routinely expect inmates to share a cell, with different standards around how many people there should be per cell (and what size the cell should be), while others would normally have one inmate per cell. Equally, sleeping and sharing arrangements vary between categories of prison and where the concept of ‘maximum security’ prisons for serious offenders exists, sharing of cells might not be the norm. By measuring relative overcrowding, i.e., the rate at which prisons exceeded designed capacity, Eurostat worked around some of these challenges in measurement by recording whether or not prisons were operating with a higher number of inmates than they were designed for. By this measure, Cyprus, Romania, France, Greece, Italy, Sweden, Croatia, and Denmark

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<sup>9</sup> Aebi, M.F., Cocco, E., and Molnar, L. (2023) *Prisons and Prisoners in Europe 2022: Key Findings of the SPACE I Report. Series UNILCRIM 2023/2*, p.10. (Council of Europe and University of Lausanne).

<sup>10</sup> <https://www.ft.com/content/38f77e70-6cbf-4dd0-976c-4d2765038ea4>

– a highly diverse group of Member States – had overcrowded prisons. Another diverse group, including Malta, Estonia, and Latvia, had ‘underoccupied’ prisons, i.e., more capacity to imprison people than they were actually using.<sup>11</sup>

At the time of writing, Norway was operating just under 100% capacity<sup>12</sup>, while the UK reported that 73% of prisons in England and Wales were operating above capacity, with some 10000 more people in prison than the system was designed to cope with.<sup>13</sup> Rates of overcrowding among EU Member States were higher in France (114% designed capacity), Greece and Italy (both 108%), and highest of all in Cyprus (146%) and Romania (116%), but in some countries overcrowding was less severe, at just over 100% of capacity in Denmark and Sweden. In overall terms, European Union prisons were typically operating at close to capacity, although as Eurostat noted in 2021, some variations in data quality and availability meant it was difficult to be precise about overall levels of overcrowding.<sup>14</sup>

The experience of imprisonment can be very different across Member States. Alongside variation in what prison means, in terms of length and nature of sentences, there are different forms of imprisonment within individual Member States and in other European countries. Prisons can have more of an emphasis on rehabilitation, support, treatment, and prevention of recidivism or they can have more emphasis on punishment, i.e., they can operate in more ‘open’ and less ‘open’ forms.<sup>15</sup> Practice in prisons can change over time, for example, shifts in practice toward more Scandinavian approaches, from what had been harsher ‘Soviet’ style prison regimes have been reported in Latvia and Lithuania.<sup>16</sup>

<sup>11</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230512-2#:text=In%202021%2C%20there%20were%20475,the%20turn%20of%20the%20century>.

<sup>12</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230512-2#:text=In%202021%2C%20there%20were%20475,the%20turn%20of%20the%20century>.

<sup>13</sup> <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>

<sup>14</sup> <https://ec.europa.eu/eurostat/web/products-eurostat-news/w/ddn-20230512-2#:text=In%202021%2C%20there%20were%20475,the%20turn%20of%20the%20century>.

<sup>15</sup> Mjåland, K., Laursen, J., Schliehe, A., and Larmour, S. (2023) Contrasts in Freedom: Comparing the Experiences of Imprisonment in Open and Closed Prisons in England and Wales and Norway, *European Journal of Criminology* 20(5) pp.1641-1662.

<sup>16</sup> Burciu, N. (2023) Europeanisation of Post-Soviet Prisons: A Comparative Case Study of Prison Policy Transfer from Norway to Latvia and Lithuania, *The Howard Journal of Crime and Justice* 62(1) pp.102-118.

## 1.2.2 Prison and homelessness in Europe

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Reviewing the operation of prisons in different European contexts, which would be a major exercise, is not the focus of this report. This comparative research is designed to explore why there seems to be an association between some people leaving prison and subsequently becoming homeless and the extent to which any consistent patterns may exist across different EU Member States and other European countries.

The concern of this research is with policies, practicalities, and protocols surrounding leaving prison, at end of sentence and on early release (parole), and how the operation of those arrangements might intersect with homelessness. There is also analysis of how the needs, characteristics, experiences, and choices of people experiencing imprisonment might also influence their risk of homelessness.

The relationships between prison and European homelessness centres on partially intersecting populations. At the European level, prison systems are more likely to detain people who are socioeconomically marginalised and destitute and also tend to imprison people with multiple and complex needs at relatively high rates. These populations are not by any means the same as one another, most prisoners are not homeless when they are committed to jail, and most do not become homeless when they are released. Nevertheless, high rates of contact with criminal justice systems are present among the high cost, high risk populations who are experiencing recurrent and sustained homelessness in Europe.

Broad associations between prison, offending, and contact with criminal justice systems have long been observed among populations with multiple and complex needs who tend to experience repeated and sustained homelessness.<sup>17</sup> These groups, which in much of Europe appear to comprise a minority of people experiencing homelessness, also tend to be characterised by high rates of contact with other (broadly defined) 'institutional' settings, i.e., they are also more likely to have spent time in a psychiatric ward and/or to have been in contact with child protection services (and been in foster care or a children's home). They are also likely to have spent significant time in emergency shelters, congregate supported housing, and similar services for people experiencing homelessness.<sup>18</sup> For this high cost, high risk population, what has been termed a 'mutually reinforcing' pattern of needs, experiences, and characteristics is often present. This means that long-term (chronic) and repeated (episodic) homelessness are associated with high rates of

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<sup>17</sup> England, E., Thomas, I., Mackie, P., and Browne-Gott, H. (2022) A Typology of Multiple Exclusion Homelessness, *Housing Studies* DOI: 10.1080/02673037.2022.2077917.

<sup>18</sup> O'Sullivan, E. (2020) *Reimagining Homelessness* (Bristol: Policy Press).



contact with criminal justice systems and high rates of addiction, severe mental illness, limiting illness, and disability combined with socioeconomic marginalisation and stigmatisation.<sup>19</sup>

There are variations between countries that are worth noting here, which is that countries like Denmark, Finland, and Norway appear to have homeless populations that contain relatively fewer people homeless because of poverty and destitution and a higher proportion of people who have multiple and complex needs. These relatively small Nordic homeless populations again appear to contain a higher proportion of people who have had contact with criminal justice systems and prison, the same pattern found among other high cost, high risk populations experiencing recurrent and sustained homelessness.<sup>20</sup>

The association between contact with criminal justice systems and long-term and recurrent homelessness and, in turn, the associations between those forms of homelessness and severe mental illness, addiction, stigmatisation, and poor physical health, creates something of a methodological and practical challenge. Our understanding of homelessness has shifted, particularly in terms of an increased awareness that the issues we hitherto identified as 'trigger factors', like addiction and severe mental illness, can arise *after* homelessness occurs, perhaps particularly if that homelessness becomes repeated or sustained. If addiction can arise before or *during* homelessness, or be present before, during, and *after* homelessness, with similar patterns around poor mental health, and those patterns exist alongside characteristics like experiencing high rates of contact with child protection systems or being arrested and imprisoned for short sentences, finding relatively simple patterns in causation becomes more difficult.<sup>21</sup>

Structure is also important, as looking for answers in individual needs, characteristics, and experiences, or in individual choices<sup>22</sup>, does not explain why the nature and extent of homelessness appears to vary markedly across different European social protection systems. There is evidence that EU Member States with extensive and relatively generous welfare and public health systems have much less homelessness associated with destitution, but a higher proportion of their relatively

<sup>19</sup> Kemp, P.A., Neale, J., and Robertson, M. (2006) Homelessness Among Problem Drug Users: Prevalence, Risk Factors and Trigger Events, *Health and Social Care in the Community* 14(4) pp.319-328.

<sup>20</sup> Benjaminsen, L. (2016) Homelessness in a Scandinavian Welfare State: The Risk of Shelter Use in the Danish Adult Population, *Urban Studies* 53(10) pp.2041-2063.

<sup>21</sup> Bramley, G. and Fitzpatrick, S. (2018) Homelessness in the UK: Who is Most at Risk? *Housing Studies* 33(1) pp.96-116; O'Sullivan, E., Pleace, N., Busch-Geertsema, V., and Hrast, M.F. (2020) Distorting Tendencies in Understanding Homelessness in Europe, *European Journal of Homelessness* 14(3) pp.109-135.

<sup>22</sup> Parsell, C. (2018) *The Homeless Person in Contemporary Society* (London: Routledge).

smaller homeless populations have multiple and complex needs.<sup>23</sup> Equally, as with experience of severe mental illness and addiction, experience of imprisonment is much more widespread (even in countries that make only limited use of custodial sentences) than experience of homelessness.<sup>24</sup> Other differences between people who are imprisoned and general populations also exist, particularly evidence of a much higher prevalence of neurodiversity and learning difficulties.<sup>25</sup> A number of challenges in assessing the interrelationships between prison and homelessness arise in this context:

- Prison is not a constant experience in Europe, it exists in various forms which can be very different from one another, including variations within individual countries. Rates of imprisonment also vary markedly across different EU Member States and other European countries. This means that rates of contact with prison and the experience of prison are not the same from one country to the next, or even necessarily from one person experiencing homelessness and imprisonment to the next. A single effect from leaving prison would not be expected in these circumstances, because what prison is and how the process of leaving prison is organised, differs considerably, even within individual Member States.
- Prison is one of several experiences and characteristics that are broadly associated with repeated and sustained homelessness, the others including addiction, severe mental illness, and limiting illness and disability. It is relatively common, in those specific populations of people experiencing long-term or recurrent homelessness, for someone to have several or all of these characteristics. Sorting out the specific influence (assuming there actually is a specific influence) of prison is challenging in this context, especially given that entering prison might pre-date homelessness or homelessness might pre-date prison, and prison sentences also can begin and end with someone being homeless.
- Again, people in prison also tend to share characteristics with people experiencing long-term and recurrent homelessness, i.e., high rates of severe mental illness and addiction relative to general populations. However, leaving prison is not automatically, or even often, associated with homelessness, i.e., in overall

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<sup>23</sup> Benjaminsen, L. and Andrade, S.B. (2015) Testing a Typology of Homelessness Across Welfare Regimes: Shelter Use in Denmark and the USA, *Housing Studies* 30(6) pp.858-876.

<sup>24</sup> O'Sullivan, E., Pleace, N., Busch-Geertsema, V., and Hrast, M.F. (2020) Distorting Tendencies in Understanding Homelessness in Europe, *European Journal of Homelessness* 14(3) pp.109-135.

<sup>25</sup> Hopkin, G., Evans-Lacko, S., Forrester, A., Shaw, J., and Thornicroft, G. (2018) Interventions at the Transition from Prison to the Community for Prisoners with Mental Illness: A Systematic Review, *Administration and Policy in Mental Health and Mental Health Services Research* 45 pp.623-634.

terms most people leaving prison do not become homeless, even though former prisoners appear to be more common among long-term and recurrently homeless populations than in the general population.

There is, of course, one more complicating factor. This centres on the use of criminal justice systems to contain and manage street homelessness. In the European context, sustained Hungarian attempts to make street-based sleeping illegal have received much attention<sup>26</sup> and there have been other attempts to deal with this form of homelessness by regulating and legislating it out of existence in the USA.<sup>27</sup> Enforcement has also been part of the response to people sleeping on the street in the Netherlands, despite widespread adoption of approaches like Housing First. Homelessness has also been shaped, in historical, cultural, and administrative terms by the interrelationships between those experiencing homelessness and how criminal justice systems react to them. These relationships are most important around the experience of living on the street, where criminal justice systems (and also private security) are used to move people sleeping on the street away from certain areas, to physically remove informal and unregulated settlements in ways that create urban, suburban, and rural spaces which they are not allowed to enter, or at least not allowed to sleep in.<sup>28</sup> There is a need to be careful in how we interpret high arrest (and imprisonment) rates among some groups of people experiencing homelessness, as Snow et al. noted in relation to people sleeping on the street in the US in 1994, high arrest rates:

*... by no means clearly indicates a criminal tendency among the homeless [sic]. Rather, the higher arrest rates at least in part, represent the criminalization of street life itself...*<sup>29</sup>

<sup>26</sup> See later in this report and Teller, N., Albert, F., Fehér, B., and Györi, P. (2023) Homelessness in Hungary, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 325-334. (London: Routledge); Udvarhelyi, É.T. (2014) "If We Don't Push Homeless People Out, We Will End Up Being Pushed Out by Them": The Criminalization of Homelessness as State Strategy in Hungary, *Antipode* 46(3) pp.816-834.

<sup>27</sup> <https://homelesslaw.org>; Westbrook, M. and Robinson, T. (2021) Unhealthy by Design: Health & Safety Consequences of the Criminalization of Homelessness, *Journal of Social Distress and Homelessness* 30(2) pp.107-115.

<sup>28</sup> O'Sullivan, E. (2023) Crime, Punishment and Homelessness, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 85-95. (London: Routledge); O'Sullivan, E. (2012) Varieties of Punitiveness in Europe: Homelessness and Urban Marginality, *European Journal of Homelessness* 6(2) pp. 69-97.

<sup>29</sup> Snow, D.A., Anderson, L., and Koegel, P. (1994) Distorting Tendencies in Research on the Homeless, *American Behavioural Scientist* 37(4) pp.461-475.

Responses to street-based sleeping can also be heavily shaped by the roles that criminal justice services, which can range from physical removal from certain areas (which can include imprisonment), through to fines and ‘tough love’ or ‘coercive care’ responses, such as using the police as a conduit for (enforced) detoxification, or treatment for severe mental illness. Criminal justice systems can also take more benign and supportive roles, using social work trained officers and cooperating with treatment, support, and homelessness services by acting as a referral point for support, rather than simply use enforcement. This is a model that has gained traction in the UK, but is also an approach that has been criticised as remodelling the police as a form of quasi ‘social work’ service, which is both outside their core functions and stretches limited resources.<sup>30</sup> Some UK police services have recently shifted policy and stopped always responding to callouts when someone, including people experiencing homelessness, is in distress due to what appears to be a mental health problem, but not committing any crime, nor interpreted as representing a potential risk to themselves or others.<sup>31</sup> In the UK, a pattern of police functioning as a sort of mental health service of last resort, has arisen in association with deep and sustained funding cuts to mental health services, social work services, and homelessness services, in a context where police funding was also being cut. By contrast, in the US, high rates of enforcement of vagrancy and other laws with people experiencing homelessness have been associated with extremely high costs for some criminal justice systems.<sup>32</sup> In Hungary, there is a different set of relationships in the sense of an expectation that social workers should assist police in pursuit of offenders.

The interrelationships between crime, criminal justice systems, mental health, addiction, policing, and prison have led some to view homelessness as criminogenic in nature.<sup>33</sup> In practice, these interrelationships, in which aspects of homelessness are a crime, those experiencing it frequently commit crimes and are frequently victims of crime appear to be concentrated within specific high cost, high risk populations who are experiencing frequent (episodic) and sustained (chronic) homelessness.<sup>34</sup> Again, this same population has high rates of severe mental

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<sup>30</sup> <https://vulnerabilitypolicing.org.uk/mental-health-and-routine-police-work/>

<sup>31</sup> <https://www.polfed.org/news/latest-news/2023/home-office-plans-to-cut-back-on-police-attending-mental-health-callouts/#>

<sup>32</sup> <https://www.npscoalition.org/post/fact-sheet-cost-of-homelessness>

<sup>33</sup> O’Sullivan, E. (2012) Varieties of Punitiveness in Europe: Homelessness and Urban Marginality, *European Journal of Homelessness* 6(2) pp. 69-97.

<sup>34</sup> O’Sullivan, E. (2023) Crime, Punishment and Homelessness, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 85-95. (London: Routledge); O’Sullivan, E. (2012) Varieties of Punitiveness in Europe: Homelessness and Urban Marginality, *European Journal of Homelessness* 6(2) pp. 69-97.

illness, addiction, disability, and limiting illness alongside frequent experience of trauma. Prison and, on current evidence, particularly frequent experience of prison for relatively minor, often drugs-related offences, both fit into patterns of repeated and long-term homelessness and can contribute to shaping those patterns.<sup>35</sup> For example, prison has to be designed and employed in a certain way for someone to enter into a cycle of repeated homelessness, street-based sleeping, and short-term prison sentences. If prison were designed another way, e.g., by providing extensive resettlement support when someone leaves prison, particularly for populations at higher risk of homelessness and what might also be higher risks of recidivism, criminal justice systems actually might contribute to preventing cycles of 'prison-homelessness-prison-homelessness'.

Prison figures in the lives of people experiencing homelessness, as this section has discussed, is an experience that seems most common among people experiencing recurrent and sustained homelessness. There appear to be two main dimensions to the interrelationships between prison and homelessness:

- The role of prison in individual life histories, which means the trajectories of individuals through homelessness, i.e., what sort of influences prison may have on the nature of homelessness that someone experiences and how that relates to their needs, characteristics, experiences, and to the choices they make. Within this, there are also the effects of prison on social and familial support networks, which may contribute to triggering homelessness.
- The systemic role of prisons, i.e., patterns in policy, process, and practice that are associated with risks, increases, or reductions in homelessness among people who have left prison, i.e., are prisons systematically (perhaps inadvertently) causing increases in homelessness, and also in repeat and sustained homelessness, because of the way they work, including the quality of any supports provided to ex-prisoners on leaving. Or, again, is it the case that some European criminal justice systems are actively reducing these risks.

Drawing a line between the individual and systemic is never an exact science when it comes to studying homelessness. If someone experienced something in prison, such as a traumatic event, that shaped their mental health, risk of addiction, and pattern

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<sup>35</sup> O'Sullivan, E. (2023) Crime, Punishment and Homelessness, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 85-95. (London: Routledge); O'Sullivan, E. (2012) Varieties of Punitiveness in Europe: Homelessness and Urban Marginality, *European Journal of Homelessness* 6(2) pp. 69-97; England, E., Thomas, I., Mackie, P., and Browne-Gott, H. (2022) A Typology of Multiple Exclusion Homelessness, *Housing Studies* DOI: 10.1080/02673037.2022.2077917; Kemp, P.A., Neale, J., and Robertson, M. (2006) Homelessness Among Problem Drug Users: Prevalence, Risk Factors and Trigger Events, *Health and Social Care in the Community* 14(4) pp.319-328.

of behaviour which they then interpret as causing or prolonging an experience of homelessness, we might categorise that as about individual experience, thought, and action, but it is also something that can be seen as systemic. For example, if unmet treatment needs that contributed to later homelessness arose from sustained, violent victimisation from other inmates, a failure to spot that, stop it, and meet any treatment needs that arose from it, are all faults in how a prison system works.

To take one further example, very serious offenders, such as people who commit murders or bank robberies or deal illegal drugs on a serious scale, do not appear to become homeless at high rates.<sup>36</sup> One interpretation might be that prison has 'stabilised' them after longer sentences, i.e., they are older, often more careful, and will not repeat risky behaviours that they exhibited when younger. However, it is also the case that probation/parole systems are often more extensive and sustained in the support they offer (and in monitoring what happens to ex-prisoners) when a serious offender leaves prison. In the UK, for example, MAPPAs arrangements<sup>37</sup> on leaving prison for people with a history of sexual offences, should make homelessness unlikely, because the location and nature of their housing should be controlled, and a multidisciplinary team is in place to both monitor and support them on a sustained basis.<sup>38</sup>

Another dimension centres on human rights and the attitudes of states and socio-economic elites toward different dimensions of homelessness.<sup>39</sup> Whether some forms of homelessness are allowed, which triggers complex debates whether a 'right' to live in a tent, squat in a disused building, or experience some other form of homelessness should exist alongside a human right to (orthodox) housing, also potentially shapes the overall nature of homelessness. In essence, what homelessness means and the forms it takes might be shaped by the extent to which criminal justice systems may or may not leave different groups of people experiencing homelessness alone.<sup>40</sup>

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<sup>36</sup> Pleace, N. and Minton, J. (2009) *Delivering Better Housing and Employment Outcomes for Offenders on Probation* (London: DWP).

<sup>37</sup> <https://www.gov.uk/government/publications/multi-agency-public-protection-arrangements-mappa-guidance>

<sup>38</sup> Pleace, N. and Minton, J. (2009) *Delivering Better Housing and Employment Outcomes for Offenders on Probation* (London: DWP). MAPPAs systems are effective, but suffer from the sustained effects of underfunding at the time of writing: <https://www.aru.ac.uk/policing-institute/research/national-mappa-research>

<sup>39</sup> O'Sullivan, E. (2023) Crime, Punishment and Homelessness, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 85-95. (London: Routledge).

<sup>40</sup> Lancione, M. (2019) Weird Exoskeletons: Propositional Politics and the Making of Home in Underground Bucharest, *International Journal of Urban and Regional Research* 43(3) pp.535-550; Willse, C. (2010) Neo-Liberal Biopolitics and the Invention of Chronic Homelessness, *Economy and Society* 39(2) pp.155-184.

Finally, there is the need to recognise that just as homelessness itself exists in several forms, there is not a uniform population of lone, middle aged men experiencing homelessness. Women are less present in prison than men, but when they commit crimes and where criminality is associated with homelessness, it appears to often be in a situation in which those women are also victims of crime, particularly abuse and violence, and have had multiple traumatic experiences. This pattern seems to be repeated among women experiencing long-term and recurrent homelessness, where again, experience of prison (while not universal) is at a higher prevalence than in the general population, alongside high rates of severe mental illness and addiction, a pattern that, again, differs from that of men because experience and ongoing risks of sustained abuse are at much higher levels.<sup>41</sup> There is also the case of young people who have had contact with care systems and child protection services as children, whose risks of homelessness appear to be significantly higher than the general European population and who, alongside higher prevalence of severe mental illness and addiction, also have higher rates of contact with youth/child justice systems (including youth detention) and with wider criminal justice systems.<sup>42</sup> There are some parallels with the experience of young people leaving care/child protection services and the experiences reported by people with support and treatment needs leaving prison.<sup>43</sup>

### 1.3 Key questions

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The complexity, variation, and depth of interrelationships between criminal justice systems, prison, and European homelessness creates a large number of potential subjects for analysis. Exploring every dimension of the interrelationships between crime, criminal justice systems, and homelessness at pan-EU level would be a very large exercise, but it is possible to explore one key dimension of prisons and homelessness in some detail. The focus of this report is on understanding the associations between leaving prison and homelessness, exploring what sorts of relationships exist and what systems, practices, and policies exist to prevent homelessness on leaving prison. The report also explores whether cycles of recurrent homelessness that include repeated experiences of time in prison, homelessness services, and emergency shelters and other institutions can be stopped.

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<sup>41</sup> Bretherton, J. and Pleace, N. (2021) *Women's Homelessness in Camden: Improving Data, Strategy and Outcomes* (London: Fulfilling Lives Islington and Camden); Bretherton, J. and Mayock, P. (2021) *Women's Homelessness: European Evidence Review* (Brussels: FEANTSA).

<sup>42</sup> Dixon, J.; Quilgars, D., and Wenham, A. (2021) *Relationships First? The Initial Two Years of Haringey Housing First Project for Care Leavers* (London: Centrepoint).

<sup>43</sup> Glynn, N. and Mayock, P. (2019) "I've Changed So Much Within a Year": Care Leavers' Perspectives on the Aftercare Planning Process, *Child Care in Practice* 25(1) pp.79-98.

Existing evidence tells us that release from prison can be a critical transition period for groups of people whose experiences, needs, characteristics, and choices may heighten the risk of homelessness, and whose access to both formal (state funded, charitable) and informal (family, friends, community) support is limited.<sup>44</sup> This pattern exists across different groups of people experiencing recurrent and sustained homelessness, including women<sup>45</sup> and young people.<sup>46</sup>

A key goal of this research is to understand what mechanisms are in place to prevent or reduce the risk of homelessness on leaving prison. This includes systems within prisons, probation services, and services and support provided by other agencies, including mental health, addiction, and social services that can be accessed by and/or are intended for former prisoners and services provided by the homelessness sector, including supported housing, resettlement programmes, and housing-led and Housing First services. The focus here is on the process of leaving prison, but it is important to note that there is Australian evidence that the impacts of prison on increasing the risks of homelessness may not be immediate, which suggests that short-term support on leaving prison may not be sufficient.<sup>47</sup> Ex-prisoners may also exit into situations of housing precarity, if not actual hidden homelessness, which may intensify the risks of eventually experiencing homelessness. This point is revisited in the discussion at the end of this report.

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<sup>44</sup> Dyb, E. (2009) Imprisonment: A Major Gateway to Homelessness, *Housing Studies* 24(6) pp.809-824.

<sup>45</sup> Mayock, P. and Sheridan, S. (2013) 'At Home' in Prison? Women and the Homelessness-Incarceration Nexus, *Irish Probation Journal* 10 pp.118-140; Quilgars, D., Bretherton, J., and Pleace, N. (2021) *Housing First for Women: A five-year evaluation of the Manchester Jigsaw Support Project* (York: University of York).

<sup>46</sup> Mayock, P. (2023) (Re) Assembling the Self: Homeless Young People's Identity Journeys and the Search for Ontological Security, *Child Care in Practice* 29(3) pp.297-318; Quilgars, D., Johnsen, S., and Pleace, N. (2008) *Youth Homelessness in the UK: A Decade of Progress?* (York: Joseph Rowntree Foundation).

<sup>47</sup> Moschion, J. And G. Johnson (2019) Homelessness and Incarceration: A Reciprocal Relationship, *Journal of Quantitative Criminology* 35 pp.855-887.



## 1.4 Methods

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As with the last 12 reports in this series<sup>48</sup>, this research centres on a comparative questionnaire devised by the European Observatory on Homelessness (EOH)<sup>49</sup> which operates under the auspices of FEANTSA.<sup>50</sup> Experts in each EU Member State were asked to provide data in a consistent way that was shaped by the questionnaire with the goal of allowing direct comparison between countries. The advantage of this methodology is that broadly consistent data is collected from each participating Member State, allowing that evidence bases and datasets will be more extensive in some countries than others. The potential disadvantage is that the responses centre on one expert, their associates, and connections, who may not have detailed knowledge of every aspect of policy and practice, or what sources of information are available.

The countries taking part in this comparative study had a wide array of criminal justice and prison systems. Member states that had some of the lowest rates of imprisonment (e.g., Finland, Denmark, and the Netherlands), those in the mid-range (e.g., Ireland, France, and Germany), and those with higher rates (e.g., Lithuania, Czechia, Poland, and Hungary) were all included, and they had markedly different prison and probation systems. For comparison, two further European countries, Norway, with a low rate of imprisonment, and the UK, with a high rate, were also included in this study.

As there are marked differences between prison systems across Member States and different forms of prison within individual Member States, describing the overall pattern of prison and probation systems represented here is difficult. However, prison systems that are in broad terms more 'liberal', with a greater focus on rehabilitation and treatment, which tend to be found in North and North-western Europe, and systems which place a heavier emphasis on retribution for crime, which can be more common in Eastern and Southern Europe, were present among the Member States taking part in the research. Again, however, there are dangers in generalising, as national prison systems can be diverse and contain both examples of prison as primarily a form of retribution and prison as more of a treatment and support oriented environment. Equally, probation and parole systems can exist in multiple forms and may not be uniform even within a single Member State.

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<sup>48</sup> <https://www.feantsaresearch.org/en/publications/comparative-studies>

<sup>49</sup> <https://www.feantsaresearch.org/en>

<sup>50</sup> <https://www.feantsa.org/en>

The participating countries were as follows. Experts from 13 Member States completed questionnaires and additional questions were received from Norway and the UK, bringing the total to 15 European countries.

- Czechia
- Denmark
- France
- Germany
- Greece
- Hungary
- Ireland
- Italy
- Lithuania
- Netherlands
- Poland
- Portugal
- Slovenia
- Norway
- UK

## **1.5 The report**

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Chapter two explores the evidence collected on the risks of homelessness on leaving prison, looking at available data, patterns of prisoner characteristics that are associated with higher risks of homelessness, and the intersections between criminalisation of homelessness and causation. Chapter three looks at variations in policy and practice, exploring preventative services, resettlement support, probation, and other services on release to explore how different systems may influence the extent of relationships between leaving prison and homelessness. Chapter four brings together the findings and considers the wider implications of the research, discussing the ways in which experience in better prevention, Housing First, and housing-led services, and ensuring criminal justice systems are

within integrated homelessness strategies might improve outcomes and facilitate pursuit of the 2030 European Platform on Combatting Homelessness target for ending homelessness.<sup>51</sup>

## 1.6 A note on terminology

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Through the rest of this report, the term ‘ex-prisoner’ is used to denote anyone who has left prison. There is some inconsistency in what terms like probation and parole mean, because there are differences in the logic and operation of different criminal justice systems, so the report refers to people who have left prison before their sentence technically ends (on parole/probation) as ‘early release’. Any non-custodial sentence is called a ‘community sentence’, but these are only mentioned occasionally as the focus of the report is on risks of homelessness for people leaving prison. The term ‘ex-offender’, which is sometimes used to describe released prisoners, is not employed in this research. Definitions, arrangements, and the nature and extent of any early release varies across European criminal justice systems, as does the rate at which people are imprisoned and the length of their imprisonment. Someone in one EU Member State will not necessarily serve the same sort of sentence, in the same sort of environment or for the same length of time, as someone committing the same crime in another EU Member State.

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<sup>51</sup> <https://ec.europa.eu/social/main.jsp?catId=1061&langId=en&>

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# 1. Crime, Prison and Homelessness

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This chapter of the report looks at the nature and extent of data on housing situation of people who are imprisoned and the data available on their housing trajectories and risk of homelessness on release from prison. The chapter also considers the available evidence on the risks of homelessness on leaving prison, either (conditional) early release or because a sentence has come to an end. This part of the chapter also looks at evidence on which groups appear to be most vulnerable to homelessness on leaving prison in Europe.

## 1.1 Data on homelessness before and after prison

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Data on the levels of homelessness among people when they enter and exit prison was generally quite limited across the 13 EU Member States. Data quality was often described as variable in many Member States.

In Czechia (Czechia), the Prison Service does not track people after their release. However, a screening software tool called SARPO<sup>52</sup> records inmates' housing status in the last three years before incarceration. Data on 27 880 prisoners from 2012 to 2017 indicates that nearly 42% (approx. 11 598) of them had an experience with "insecure, unstable" housing and 18% (approx. 5 046) with "no housing or only formal housing" in the last three years before the incarceration. In total, 60% (approx. 16 644) of inmates were roofless, houseless, or in insecure housing (as defined by ETHOS)<sup>53</sup> at some point in the last three years before their imprisonment. SARPO was reported as not always being viewed as very reliable, but the data suggest links between experiences of homelessness and prison.

In addition, the Czechia national census of homeless persons conducted by the Research Institute for Labour and Social Affairs [Výzkumný ústav práce a sociálních věcí] reported that 1 500 people experiencing homelessness were in all 35 prison facilities (excluding prison hospitals) in April of 2019. This was approximately 7% of all 21 676 incarcerated persons at the time of the census. A proxy indicator of the risk of homelessness after release from prison is the number of ex-prisoners who received Immediate Emergency Assistance [Mimořádná okamžitá pomoc].

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<sup>52</sup> Summary Analysis of Risks and Needs.

<sup>53</sup> See: <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

Immediate Emergency Assistance<sup>54</sup> is a benefit that the Labour Office could pay in six life situations defined by law, and the contribution amount varies in each situation. The number of released persons who received one-time Immediate Emergency Assistance was 3 526 in 2021, which is almost 32% of the total number (10 190) of persons released from Czech prisons in the same year. Again, this a proxy indicator, but the benefit is only paid in extremis, suggesting at least some experience of homelessness among former prisoners.

In Hungary there is no publicly available data on the housing situation of prisoners on entering and leaving prison. However, the address of those going to prison, divided by region, is made publicly available. In 2016, 0.3% of 17 724 people entering prison (60 individuals) did not have an address; however, the levels of people experiencing homelessness may have been higher, as people experiencing homelessness may, for example, have an address for correspondence, meaning that the presence of an address in and of itself may not have accurately signalled that someone was not homeless or experiencing housing exclusion. The annual February 3<sup>rd</sup> survey of people experiencing homelessness reported 5.3% of people saying they had become homeless on release from prison in 2011. In 2013, the same survey reported 3% of people experiencing homelessness, who did not identify as having a Roma background, had become homeless straight from prison, compared to 8% of those with a Roma background.<sup>55</sup>

In 2017, the annual Hungarian February 3<sup>rd</sup> homelessness survey reported that 8% of people who had grown up in ordinary family arrangements had been to prison in the last year, compared to 15% of those who had been in contact with child protection services when they were growing up.<sup>56</sup> Data held by BMSZKI<sup>57</sup>, a homelessness service provider, recorded that 14 out of 3 695 (0.4%) of people newly experiencing homelessness came directly from prison. However, 9% of exits from

<sup>54</sup> One of the situations defined as a risk of social exclusion is release from prison. A released person may receive this benefit up to CZK 1 000 (approx. €40), and the sum of benefits granted in a calendar year may not exceed four times the amount of the person's minimum subsistence. Depending on the specific situation, this benefit can be granted more than once, even within the same month. The benefit is usually used to cover basic needs such as food and shelter before applying for standard social benefits such as "assistance in material need" [pomoc v hmotné nouzi], which should take up to 30 days but can take longer.

<sup>55</sup> Győri, P. (2013) A Budapesten élő hajléktalan emberek legfőbb jellemzői [Main Characteristics of Homeless People in Budapest], in: J. Vida and P. Győri (Eds.) *Változó és változatlan arcú hajléktalanság* [Changing and Unchanging Faces of Homelessness]. (Menhely Alapítvány: BMSZKI).

<sup>56</sup> Győri, P. (2021b) "Így kallódunk el szépen egymás után" – Állami gondozottak voltak, ma hajléktalanok [Once in alternative care, homeless today], in: P. Győri (Ed.) *Húsz év után* [Twenty Years Later – Analysis from the Annual February 3<sup>rd</sup> research]. (Menhely Alapítvány: BMSZKI).

<sup>57</sup> Budapest Methodological Centre of Social Policy and Its Institutions (BMSZKI), see: <https://www.bmszki.hu/en>

BMSZKI services were to prison (N=2086), suggesting high rates of criminal conviction among people experiencing homelessness, but a complication here is that people can sometimes receive prison sentences for street using activity and living on the street.<sup>58</sup> In 2021, the same data from BMSZKI showed that 2.4% of people experiencing homelessness who were using their services came straight from prison, but that rates among women experiencing homelessness were higher (7%), based on a relatively small sample.

In Poland, research has noted that recidivism is associated with a lack of accommodation on release from prison, but there are no statistical data on the nature or extent of homelessness before or after prison. Existing research has noted that an absence of family and social networks, poverty, and difficulties in securing both paid work and affordable, adequate housing contribute to the risks of homelessness among ex-prisoners.<sup>59</sup> This has included qualitative research with released prisoners who identified homelessness as an equal problem alongside unemployment and poor access to adequate welfare benefits as one of the main difficulties they faced.<sup>60</sup> Survey data from 2019<sup>61</sup> indicated that among 30330 people defined and counted as homeless, 1649 reported 'leaving prison' as one of the causes of their homelessness (5.4%). The same survey reported that 1529 people experiencing homelessness were in custody or in prison, although it was noted that those in custody might not be fully aware of the nature or extent of housing problems (5%).

A broad association between repeat, low level offending, shorter term imprisonment and homelessness has been reported by the Polish prison service. There is also policy discussion of 'winterisation' imprisonment among some people experiencing homelessness, i.e., deliberately committing minor offences that will lead to short term imprisonment over the winter months. However, it was also reported that it was unclear about the extent to 'winterisation' was actually occurring, as outreach services engaging with people experiencing homelessness during the Autumn and Winter can involve the Police, which can increase detection of petty offences during that period. According to one NGO working with ex-prisoners, around 15-20% of individuals seeking help in 2023 had lost housing while in prison, but these figures were described as not necessarily being representative.

In Denmark, the national count of homelessness includes people who are due to be released from prison within one month without a housing solution being in place. In week six of 2022, 49 individuals were recorded in this situation, which was around 1% of total homelessness. These data are cross-sectional, i.e., they covered people

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<sup>58</sup> Fines are the standard punishment for living on the street illegally.

<sup>59</sup> Source: Supreme Audit Office [NIK2019].

<sup>60</sup> Source: BRPO (2013).

<sup>61</sup> Source: MRPiPS (2019).

in that position during the week of the Danish homelessness count. The same survey also collected data on whether leaving prison was an important reason for having become homeless, which was the case for 7% of the individuals who were counted as homeless. Prison was more likely to be associated with having become homeless amongst men (8%) than amongst women (2%). Prison was also more likely to be reported as an important reason for their homelessness amongst young people (11%), whereas it was uncommon among older people (1% of people aged 60 or over).<sup>62</sup>

A 2023 Danish study<sup>63</sup> investigated the degree of association between a previous history of homelessness, a history of mental illness, and the risks of homelessness after release from prison. The study was based on administrative data and homelessness was measured by using ex-prisoners recorded using homeless shelters. The study included 37 382 individuals aged 15-41 years, who were released from prison between 2001 and 2021. One year after release from prison, 2.1% had at least one homeless shelter contact, and among 1 761 individuals with previous history of homelessness before imprisonment, 20.7% became homeless again. Measured over the entire period, 4.9% of the individuals (1 843 persons) became homeless. This suggested a low level of association between experience of prison and subsequent homelessness, but with a higher rate when there was also a previous experience of homelessness. Associations were also found between a history of mental illness and the risk of homelessness on leaving prison and these associations were more significant than a history of homelessness. However, when someone had a history of homelessness and addiction, their risks of homelessness appeared to be higher than for other groups.

The same study showed that rates of recidivism (re-offending) were high in Denmark (73% within two years) and were higher for people experiencing homelessness on leaving prison than for other ex-prisoners. Earlier research looked at general associations between imprisonment and homelessness and showed high rates of shelter use among men aged 18-29 who been imprisoned between 1997-2001, with 10% using shelters between 2001-2010. Rates among middle-aged men who had been imprisoned (14% aged 30-49 had used shelters) and among women who had been imprisoned (19% aged 18-29 and 15% aged 30-49 had used shelters) were higher still.<sup>64</sup>

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<sup>62</sup> Benjaminsen, L. (2022) *Hjemløshed i Danmark 2022. National kortlægning* [Homelessness in Denmark 2022. National count] (Copenhagen: VIVE).

<sup>63</sup> Nilsson, S.F., Nordentoft, M., Fazel, S., and Laursen, T.M. (2023) Risk of Homelessness After Prison Release and Recidivism in Denmark: A Nationwide, Register-Based Cohort Study, *Lancet Public Health* 2023 8 pp.e756-765.

<sup>64</sup> Benjaminsen, L. (2016) Homelessness in a Scandinavian Welfare State: The Risk of Shelter Use in the Danish Adult Population, *Urban Studies* 53(10) pp.2041-2063.

In France, DPIIP<sup>65</sup> monitoring of offenders entering and leaving prison between 14<sup>th</sup> and 20<sup>th</sup> December 2020 found that 7.9% of new prisoners described themselves as having been homeless prior to imprisonment and a further 6.8% reported having no settled housing. Rates of housing precarity upon release in that same period were high, 21.8% of people leaving prison reported that they had precarious accommodation or no housing available. Older data collected by prison administrations between 2015-2017, based on average sample sizes for ‘flash logement’ surveys of 2 181 people, reported that an average 8.6% of people entering prison reported that they were homeless. Rates of homelessness among people imprisoned in France who arrived from French administered overseas territories were higher than for other prisoners, and there were also variations by region, with the Ile de France region, including Paris, reporting 11.6% of new prison arrivals as being homeless.

Looking at the housing situation of prisoners from another angle, work from France and Catholique in 2021<sup>66</sup> showed that among 1 119 prisoners, only 25% reported that they had stable, independent housing when they entered prison. DIHAL<sup>67</sup> data from 2022 reported that 2% of people using homelessness integration centres were on probation (conditional release) and a further 2% were prison leavers. There is some research evidence that people experiencing homelessness are more likely to be sentenced to prison than people in the general population of France.<sup>68</sup>

In Germany, there are no reliable data on the share of people who entered or left prison without a home. From a national data set of (mainly single) homeless people provided by NGO services in the year 2021, it is known that 8.6% of homeless men and 3.2% of homeless women (6.9% of all people experiencing homelessness) lost their home after being imprisoned.<sup>69</sup> The latest official statistics from prison services, published in 2021, show that of a total of 44 588 prisoners at the end of March 2021, 5 724 (12.8%) had ‘no fixed abode’ or their addresses were unknown.<sup>70</sup> It is well

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<sup>65</sup> Direction de l’administration pénitentiaire <https://www.justice.gouv.fr/ministere-justice/missions-organisation/direction-ladministration-penitentiaire>

<sup>66</sup> At the bottom rung of the social ladder, prison, Emmaus France and Secours Catholique October 2021 [https://emmaus-france.org/wp-content/uploads/2021/10/2021-rapport-prison-secours-catholique-emmaus\\_20211014.pdf](https://emmaus-france.org/wp-content/uploads/2021/10/2021-rapport-prison-secours-catholique-emmaus_20211014.pdf)

<sup>67</sup> Délégation interministérielle à l’hébergement et à l’accès au logement – The French interministerial body with responsibility for homelessness strategy, see: <https://www.gouvernement.fr/delegation-interministerielle-a-l-hebergement-et-a-l-acces-au-logement>

<sup>68</sup> At the gates of the street or when institutions produce exclusion: prison leavers, Juliette Baronnet, Tiphaine Vanlemmens, 2019: <https://www.cairn.info/revue-recherche-sociale-2019-1-page-5.htm>

<sup>69</sup> Bundesarbeitsgemeinschaft Wohnungslosenhilfe, Statistikbericht 2021, Berlin, p.10

<sup>70</sup> Statistisches Bundesamt (Destatis) (2021) Strafvollzug – Demographische und kriminologische Merkmale der Strafgefangenen zum Stichtag 31.3, *Fachserie* 10(4) p.13.



known, but no official data are available, that especially short term sentences for persons who have not been able to pay fines, for example for using public transport without valid tickets, disproportionately affect people experiencing homelessness.

Irish research and data sharing around possible intersections between homelessness and experience of prison was described as underdeveloped. The national PASS database system on people using homelessness services is not integrated with, for example, the prison or probation administrative data. Ireland also has no published data or research on the risk of homelessness in relation to the length of prison stays or types of imprisonment, the risks of losing housing while in prison, or the risks of homelessness on leaving prison. Data from the Irish Prison Service provide the number of persons committed to prison between 2007 and 2021 who gave their address as No Fixed Abode (NFA), i.e., without access to any settled housing of their own. The number peaked in 2019, at just over 500 persons of NFA committed to prison (people entering prison) (7% percent of total persons committed that year). The numbers dropped significantly in 2020 and 2021, largely due to the impact of COVID-19. The majority of persons committed to prison who had NFA were male, but it was seen as significant that, in 2021 one in 10 female committals to prison were of NFA. Research that has explored the levels of homelessness on committal to prison has produced varying results in Ireland, but a review reported rates around 17% averaged across four studies.<sup>71</sup>

In Ireland, data are collected when a sentenced prisoner informs the prison authorities that they were either homeless at the point of imprisonment and/or will be homeless on discharge (leaving prison). Prisoners are referred to resettlement services which liaise with local authority resettlement teams, with 363 referrals being made in 2019 and 586 between March 2020 and June 2022; a further 332 sentenced prisoners applied for social housing via the Resettlement Service over the same period.<sup>72</sup> To set these figures in context, there were around 4 600 people in prison in Ireland as of September 2023<sup>73</sup>, so the 363 referrals in 2019 would be the equivalent of 8% of the people in prison at any one point.

In Italy, data on homelessness among people entering prison and on exiting prison is quite scarce. Some research has suggested people experiencing homelessness have been in prison at much higher rates than the general population, at around one quarter of people experiencing homelessness, but these data were described as not statistically representative because the research was conducted within a qualitative

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<sup>71</sup> Gulati, G., Keating, N., O'Neill, A., Delaunois, I., Meagher, D., and C.P. Dunne (2019) The Prevalence of Major Mental Illness, Substance Misuse and Homelessness in Irish Prisoners: Systematic Review and Meta-Analyses, *Irish Journal of Psychological Medicine* 36(1) pp.35-45.

<sup>72</sup> Parliamentary Question Tuesday, 14 June 2022.

<sup>73</sup> <https://www.iprt.ie/prison-facts-2/>

methodological framework.<sup>74</sup> Data on people without a residence in prison (akin to the Irish NFA data) are available and show numbers ranging from 5519 in 2019 through to 5240 in 2022, the equivalent of 9% of prisoners<sup>75</sup>, but as with the Irish data, this is a measure of people without a current residence, which excludes hidden homelessness and does not necessarily equate to homelessness upon release.

In the Netherlands, the risk of homelessness among ex-prisoners was reported as being much higher than among the general population, including both before and after imprisonment.<sup>76</sup> Monitoring data collected on people leaving prison, after a sentence of at least two weeks duration, indicates that, in 2020, 22% lacked a registered address, although the extent to which this represented homelessness, including both street-based sleeping and hidden homelessness was described as unclear. Older research from 2011 suggested that 15.5% of ex-prisoners in the Netherlands had no access to any form of housing on release from prison.<sup>77</sup> Further research has indicated that around 10% of prisoners may be people experiencing homelessness prior to incarceration<sup>78</sup>, and estimates from the Netherlands Ministry of Justice have put the figure at 13%<sup>79</sup>, but there is also older research suggesting rather higher figures. Finally, a five-year study based on a representative sample of male prisoners, reported in 2017, indicated that 67% had not experienced homelessness, but that 15% had not had their own housing for up to six months, while another 15% had lacked their own housing for a period exceeding six months.<sup>80</sup> This research highlights a wider point, which is that homelessness is not necessarily a constant state, either before or after prison, i.e., ex-prisoners may move in and out of situations of stable housing, housing exclusion (precarious, insecure living arrangements), and homelessness.<sup>81</sup>

<sup>74</sup> Decembrotto, L. (2019) *Marginalità vissute tra carcere e strada. Analisi, sfide, idee per una progettazione educativa oltre la detenzione*, Napoli, Liguori [Libro]

<sup>75</sup> [https://www.giustizia.it/giustizia/it/mg\\_1\\_14\\_1.page?facetNode\\_1=0\\_2&contentId=SST613917&previousPage=mg\\_1\\_14](https://www.giustizia.it/giustizia/it/mg_1_14_1.page?facetNode_1=0_2&contentId=SST613917&previousPage=mg_1_14)

<sup>76</sup> <https://www.universiteitleiden.nl/en/research/research-output/law/eigen-haard-is-goud-waard>

<sup>77</sup> Van Tongeren, J.H.S. (2022) Housing Ex-Offenders in the Netherlands: Balancing Neighbourhood Safety and Human Rights, *European Journal of Criminal Policy Research* 28 pp.57-77.

<sup>78</sup> <https://www.universiteitleiden.nl/en/research/research-output/law/eigen-haard-is-goud-waard>

<sup>79</sup> Source: Dienst Justitiële Inrichtingen, 2020.

<sup>80</sup> [https://repository.wodc.nl/bitstream/handle/20.500.12832/2273/2708\\_Volledige\\_Tekst\\_tcm28-332492.pdf?sequence=2&isAllowed=y](https://repository.wodc.nl/bitstream/handle/20.500.12832/2273/2708_Volledige_Tekst_tcm28-332492.pdf?sequence=2&isAllowed=y)

<sup>81</sup> Lee, B.A., Shinn, M., and Culhane, D.P. (2021) Homelessness as a Moving Target, *The Annals of the American Academy of Political and Social Science* 693(1) pp.8-26; Scutella, R., Johnson, G., Moschion, J., Tseng, Y.P., and Wooden, M. (2013) Understanding Lifetime Homeless Duration: Investigating Wave 1 Findings from the Journeys Home Project, *Australian Journal of Social Issues* 48(1) pp.83-110.

Lithuania does not have data on the rates of homelessness among people entering prison and also does not have data on homelessness upon release from prison. However, records are kept by the emergency shelter and crisis centre system on how many people using those services have come from prison. Levels have tended to increase over time according to these statistics<sup>82</sup>, rising from 84 people using these services during 2018 to 163 in 2021, before falling back slightly to 134 in 2022 (this was equivalent to 2.4% of all service users during 2018, rising to 11% in 2021 and back to 8% in 2022). Again, data on accommodation on discharge/leaving prison were limited, but some research has indicated that only a low proportion of people in prison reported that they felt well-prepared for release, in a prison system in which sentences tend to be longer than in some other EU Member States.<sup>83</sup>

Portugal launched a new data collection system led by DGRSP<sup>84</sup> (Probation Service) in 2022, which aims to identify the number of people experiencing homelessness who are serving any type of prison sentence or a judicial (community) order that does not involve imprisonment. According to this data, in 2022 there were a total of 506 people experiencing homelessness serving any type of sentence or judicial order in the entire national territory, with 363 (72%) already homeless when starting their sentence and 67% (341) already having a previous criminal history.<sup>85</sup> This level of detail on experience of homelessness among people convicted of crimes is unusual among EU Member States.

Data from the ENIPSSA<sup>86</sup> annual monitoring of homelessness (inland Portugal) and on the 2022 DGRSP data on people experiencing homelessness serving a sentence (inland Portugal and islands), it can be estimated that DGRSP was monitoring and

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<sup>82</sup> Source: Lithuanian Statistics, 2023.

<sup>83</sup> Sakalauskas, G., Jarutienė, L., Kalpokas, V., and Vaičiūnienė, R. (2020) *Kalinimo sąlygos ir kalinių socialinės integracijos prielaidos* (Conditions of Imprisonment and Premises for Social Integration of Prisoners) (Vilnius: Lietuvos teisės institutas). Available at: <https://teise.org/kalinimo-salygos-ir-kaliniu-socialines-integracijos-prielaidos/>.

<sup>84</sup> Direção-Geral de Reinserção e Serviços Prisionais – government body with responsibility for probation and prisoner resettlement, see: <https://dgrsp.justica.gov.pt/>

<sup>85</sup> Carvalho, P. (2023) *Intervenção com Pessoas em Situação de Sem-Abrigo. Relatório de Monitorização 2022* [Intervention with Homeless People. Monitoring Report 2022], *Sombras e Luzes 2023* 8 pp.153-172.

<sup>86</sup> The National Strategy for the Integration of Homeless People 2017-2023 (ENIPSSA 2017-2023), see: <https://www.enipssa.pt/enipssa>.

supporting around 5.3% of the total homeless population. Data provided by the Home Security System<sup>87</sup> and by DGRSP<sup>88</sup> can be used to estimate that people with experience of homelessness were 2.8% of those serving a prison sentence in 2022.

Only one Member State, Greece, lacked any sort of research or any sort of data or research on the possible relationships between imprisonment and homelessness. One issue identified in Greece was that there are limited systems for responding to homelessness and other housing need within social protection systems that are designed around the family taking a strong role in meeting the needs of anyone who requires practical support. In essence, because there were limited homelessness systems and policy and practice around homelessness were not orchestrated at a national level, a political and administrative environment that would facilitate, or require, measurement of homelessness or the experiences of people experiencing homelessness, including their experience of imprisonment, was not present in Greece.

In Slovenia, official data from prisons for the year 2021 show that 6.6% of new prisoners have lost their housing and, following release from prison, 0.3% were housed in the shelter system, a somewhat lower level than the 2019 figure of 3.7%.<sup>89</sup> Most ex-prisoners seemed to have secured some sort of accommodation in Slovenia, although the extent to which hidden homelessness is present cannot be determined through these data. Older research has suggested that people experiencing homelessness in Ljubljana can often have histories of imprisonment or detention, with 43% of respondents reporting these experiences.<sup>90</sup>

Looking outside the EU to Norway, data on the extent of homelessness among former prisoners is variable, as information is not always shared between agencies, but there have been several studies looking at the interrelationships between prison and homelessness.<sup>91</sup> Research published in 2006 showed that only 59% of prisoners had their own rented or owned housing before they were imprisoned.<sup>92</sup>

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<sup>87</sup> <https://www.portugal.gov.pt/download-ficheiros/ficheiro.aspx?v=%3D%3DBQAAAB%2BLCAAAAAABAAzNDazMAQAhxRa3gUAAAA%3D>

<sup>88</sup> Carvalheira, P. (2023) *Intervenção com Pessoas em Situação de Sem-Abrigo. Relatório de Monitorização 2022* [Intervention with Homeless People. Monitoring Report 2022], *Sombras e Luzes 2023* 8 pp.153-172.

<sup>89</sup> *Administration of the Republic of Slovenia for the Enforcement of Penal Sanctions Report for the year 2021* (2022) (Ljubljana: Ministry of Justice).

<sup>90</sup> Dekleva, B. and Razpotnik, Š. (2007) *Brezdomstvo v Ljubljani* [Homelessness in Ljubljana] (Ljubljana: Pedagoška fakulteta).

<sup>91</sup> Dyb, E. (2009) Imprisonment: A Major Gateway to Homelessness, *Housing Studies* 24(6) pp.809-824.

<sup>92</sup> Dyb, E., Brattbakk, I., Bergander, K., and Helgesen, J. (2006) *Løslatt og hjemløs. Bolig og bostedsløshet etter fengselsopphold* [Released and Homeless. Homelessness and Housing After Imprisonment] (Joint Report NIBR/Byggforsk/KRUS).

If hidden homelessness, i.e., people living with family, friends, and acquaintances, is included, some data from Statistics Norway indicate that around two-thirds of prisoners are homeless while in prison, but in this survey the inmates were not asked about their expected housing situation upon release.<sup>93</sup> Both the 2006 study and the figures from Statistics Norway are based on surveys among inmates. The 2006 research is the only study which includes expected housing situation on release. Comparing results from 2006 with later studies shows that housing situation and homelessness before and during imprisonment has been similar over time, which may indicate that the situation by release from the 2006 survey is largely unchanged. It should be noted that the Correctional Services' register data on housing is based on the address given by the prisoner at imprisonment, which may contain bias. A satisfactory housing situation is one factor that may influence the outcome of an application for leave from prison during sentence and probation, and it is therefore anticipated that the register includes addresses that do not reflect real housing situations. The scale of imprisonment in Norway is important to note here, i.e., there are around 4 000 people in the Norwegian prison system at any one point<sup>94</sup> (around 0.007% of population) which reflects a lower rate of imprisonment than in many other European countries (see Chapter 1).

In the UK, a former EU Member State, homelessness has been identified as a policy issue both in relation to the number of people experiencing homelessness entering prison and, particularly, the rates at which homelessness occurs on leaving prison. Ministry of Justice figures showed that 11 435 people were released into homelessness from prison in 2018-2019 in England and Wales<sup>95</sup>, compared with a prison population of around 82 000 during that same period, i.e., the equivalent of 14% of the prison population left prison and became homeless.<sup>96</sup> There were also found to be significant levels of homelessness among higher risk offenders who were supervised by the National Probation Service, a formerly privatised service that ran into severe operational problems and which was subsequently re-nationalised. A Freedom of Information (FOI) request<sup>97</sup> to the Ministry of Justice suggested higher numbers in England and Wales, with over 32 000 people being reported as being

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<sup>93</sup> Statistisk Norway (2015) *Innsattes levekår 2014. Før, under og etter soning* [Living Conditions Among Inmates 2014. Before, During and After Imprisonment. Reports 2015/47]. *Innsattes levekår 2014. Før, under og etter soning* (ssb.no).

<sup>94</sup> <https://www.statista.com/statistics/1182090/number-of-people-in-prison-in-norway/>

<sup>95</sup> Community sentences are non-custodial (e.g., electronic tagging and 'community service' sentences which tend to involve menial work).

<sup>96</sup> <https://www.justiceinspectorates.gov.uk/hmiprobation/media/press-releases/2020/07/accommodationthematic/>

<sup>97</sup> Public FOI requests must be responded to by Government unless there is a demonstrable national security reason for not answering.

homeless prior to either being imprisoned (59%) or remanded in custody<sup>98</sup> (41%) during 2017, with a further 10969 offenders (prisoners) ‘released into homelessness’ that same year.<sup>99</sup>

English homelessness statistics collected around the administration of the homelessness laws report around 5% of applicants found to be owed a relief duty (homelessness had occurred, or was about to) had ‘left an institution with no accommodation available’ (which includes prison, but also other institutions like care homes or psychiatric wards) in 2022/2023 (7940 households out of 157640).<sup>100</sup> Data from Scotland suggest around 6% of applicants for assistance under Scotland’s extensive legal framework for homelessness prevention and reduction had come from people leaving prison<sup>101</sup> just under a decade ago, but with falling numbers over the last few years, from 6% in 2019/2020 to 4% for 2022/2023.<sup>102</sup> Levels in Northern Ireland appeared to be lower at around 2% of people seeking assistance under homelessness laws after leaving prison, over the course of the last decade.<sup>103</sup> The UK imprisons people at comparably high rates, some 95526 people are in prison at any one point (0.14% of population).<sup>104</sup>

### 1.1.1 Enumerating homelessness

As other reports in this series have explored<sup>105</sup>, and as the researchers from 33 countries that participated in the activities of the COST Action *Measuring Homelessness in Europe* between 2016 and 2020 also examined<sup>106</sup>, there are long-standing inconsistencies in how ‘homelessness’ is defined across Europe and in how and in the extent to which it is measured. Significant progress towards a

<sup>98</sup> Held in prison before trial because of risk of flight or concerns about public safety.

<sup>99</sup> Freedom of Information Act (FOIA) Request – 181211010

<sup>100</sup> [https://assets.publishing.service.gov.uk/media/65269b5d2548ca0014ddf118/Detailed\\_LA\\_2022-23.ods](https://assets.publishing.service.gov.uk/media/65269b5d2548ca0014ddf118/Detailed_LA_2022-23.ods)

<sup>101</sup> <https://www.iriss.org.uk/resources/insights/prison-leavers-and-homelessness>

<sup>102</sup> <https://www.gov.scot/publications/homelessness-in-scotland-2022-23/pages/reasons-for-homelessness-and-prior-circumstances/>

<sup>103</sup> <https://www.nihe.gov.uk/getattachment/9af1ba09-35a1-4b88-8d4f-6d68af8854f1/Homelessness-Strategy-for-Northern-Ireland-2017-2022.pdf> and <https://www.nihe.gov.uk/getattachment/73313718-aa0e-4aae-b122-6573dcb88c7/Ending-Homelessness-Together-Homelessness-Strategy-2022-27.pdf>

<sup>104</sup> 85851 in England and Wales, 7775 in Scotland, and 1900 in Northern Ireland (source: Sturge, G. (2023) *UK Prison Population Statistics* (London: House of Commons Library). Available at: <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>)

<sup>105</sup> <https://www.feantsaresearch.org/en/publications/comparative-studies>

<sup>106</sup> <https://www.feantsaresearch.org/en/publications/european-journal-of-homelessness?journalYear=2020#tab1>

universal standard continues at pan-EU level, in which the ETHOS typology<sup>107</sup>, as developed by FEANTSA, continues to play a significant role. However, at the time of writing, 'homelessness' can still mean different things in different parts of Europe.<sup>108</sup> To further complicate matters, definitions of homelessness are changing in the light of the European Platform to Combat Homelessness<sup>109</sup> and other policy shifts, which means countries like Germany<sup>110</sup> and Portugal are changing how they define and measure homelessness. New definitions tend to broaden what is meant by homelessness, often encompassing 'hidden' homelessness, which means the scope of what is meant by homelessness among ex-prisoners is expanding in some Member States.<sup>111</sup>

Two issues arise here, one is that point-in-time (PIT) counts that focus on people sleeping on the street and those in emergency shelters tend to oversample people experiencing long-term and repeated homelessness, which means rates of severe mental illness, addiction, and experience of prison may all look much higher than they actually are across everyone who becomes homeless. The other is that counts and administrative data using wider definitions of homelessness, including 'hidden' homelessness, tend to uncover often bigger populations, greater numbers of women, and people whose homelessness has been triggered primarily by poverty rather than support needs. As definitions shift, the rate at which ex-prisoners are seen to be homeless may fall, because high cost, high risk populations experiencing long-term and recurrent homelessness will often represent a smaller proportion of a more widely defined population. Equally, however, numbers may also increase as bigger populations, including women experiencing long-term and recurrent hidden homelessness<sup>112</sup>, are encompassed within counts and administrative data using wider definitions of homelessness.

<sup>107</sup> <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

<sup>108</sup> O'Sullivan, E., Pleace, N., Busch-Geertsema, V., and Hrast, M.F. (2020) Distorting Tendencies in Understanding Homelessness in Europe, *European Journal of Homelessness* 14(3) pp.109-135.

<sup>109</sup> <https://ec.europa.eu/social/main.jsp?catId=89&furtherNews=yes&langId=en&newsId=10032>

<sup>110</sup> Busch-Geertsema, V. (2023) Homelessness in Germany, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp.316-324. (London: Routledge).

<sup>111</sup> Pleace, N. and Hermans, K (2020) Counting All Homelessness in Europe: The Case for Ending Separate Enumeration of 'Hidden Homelessness', *European Journal of Homelessness* 14(3) pp. 35-62.

<sup>112</sup> Mayock, P., Sheridan, S., and Parker, S. (2015) 'It's just like we're going around in circles and going back to the same thing...': The Dynamics of Women's Unresolved Homelessness, *Housing Studies* 30(6) pp.877-900.

Putting this more succinctly: we are not sure how many ex-prisoners are homeless and how many people enter prison from homelessness, or quite how strong the associations between prison and homelessness are at the European level. To add to that, we are at a point in time where definitions and systems around the counting of homelessness across Europe are in flux, as policy and political shifts occur under the ongoing influence of ETHOS and as the European Platform to Combat Homelessness rolls out.<sup>113</sup>

The effects of welfare systems are also potentially very important in looking at associations between prison and homelessness. There is broad, if not yet comprehensive, evidence that the most extensive and generous social protection systems in the EU, mainly in Scandinavia, are associated with a specific pattern of homelessness.<sup>114</sup> Homelessness appears to be a smaller scale social problem in these countries, in part because homelessness triggered by poverty and destitution is less prevalent than is the case in some other countries. Homelessness in countries with strong social protection systems, while relatively small in scale, also seems to involve proportionately more people with multiple and complex needs, whose experience of homelessness is more likely to be recurrent and prolonged and who are also more likely to have been to prison than the general population. The theory, for which there is some evidence, is that small groups of people with complex needs 'fall through' the more extensive safety nets offered by the social protection systems of some Scandinavian and other EU Member States whose social policies are extensive and comparatively well resourced. Within these countries, Norway being a further example outside the EU, homelessness is comparatively limited in scale, and when it does occur, associations with complex needs like mental illness and addiction, often exist alongside high rates of contact with the prison system.<sup>115</sup>

With all this said, there does seem to be an overrepresentation of people with experience of the prison system, certainly among some groups of people experiencing repeated and long-term homelessness, across Europe. Fully determining the extent and possible meanings of this relationship, further bearing in mind the intersections between addiction, severe mental illness, and prison, as well as the associations with long-term and repeated homelessness, would require more detailed and extensive analysis than has been possible here. Nevertheless, ex-prisoners are

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<sup>113</sup> <https://www.feantsa.org/en/toolkit/2005/04/01/ethos-typology-on-homelessness-and-housing-exclusion>

<sup>114</sup> Hermans, K. (2020) Editorial: Measuring Homelessness in Europe, *European Journal of Homelessness* 14 (3) pp.9-16.

<sup>115</sup> Benjaminsen, L. and Andrade, S.B. (2015) Testing a Typology of Homelessness Across Welfare Regimes: Shelter Use in Denmark and the USA, *Housing Studies* 30(6) pp.858-876; Dyb, E. (2009) Imprisonment: A major Gateway to Homelessness, *Housing Studies* 24(6) pp.809-824.



being reported across Europe as being present at disproportionate levels among people experiencing homelessness and there is also evidence of people leaving prison becoming homeless at much higher rates than the general population.

## **1.2 Risks of homelessness among people leaving prison**

The experience of homelessness among ex-prisoners and the institutional cycle or revolving door between prison, homelessness, and back again, is a little better understood in the sense of there being some research evidence. This evidence can have limitations. As noted, research is often skewed toward people experiencing long-term and recurrent homelessness in shelters and/or living on the street, which, when using point-in-time (PIT) methodology, tends to under-represent women and young people and over-represent people presenting with combinations of severe mental illness, addiction, and high rates of contact with criminal justice systems. As has been noted elsewhere<sup>116</sup>, we also need to be careful about extrapolating too much from the very extensive research on prison, criminality, and homelessness conducted in North America, where systems, culture, and politics are really quite different from much of the EU.

There are also the temporal aspects of any associations between prison and homelessness, i.e., the effects of prison on homelessness and the ways in which prison and homelessness intersect may not be immediate. For example, someone may leave prison into a more precarious form of accommodation than the one they left, because their prison sentence caused a tenancy, familial relationship, or other stable housing arrangement to collapse. They are not homeless on leaving prison, but prison may have been important in making their housing situation more insecure, which in turn places them at greater risk of homelessness over time. Homelessness, if it does occur, might be months, or perhaps even years, after leaving prison, rather than something as obvious as someone walking out of the prison gates and straight into an emergency shelter or having to sleep on the street.

There is evidence that eviction can be associated with homelessness in a similar way, i.e., eviction does not lead immediately to homelessness, but can lead to a state of housing precarity that ultimately makes homelessness more likely. One example of this is people gradually 'exhausting' familial, friendship, and other networks following eviction, before eventually reaching a point where they need to seek help from homelessness services. This pattern appears to be more prevalent

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<sup>116</sup> O'Sullivan, E. (2023) Crime, Punishment and Homelessness, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 85-95. (London: Routledge).

among women than men, where ‘trigger events’ like leaving prison are temporarily mitigated by someone’s actions to avoid homelessness but can – eventually – still increase the risk that homelessness will occur.<sup>117</sup>

The national experts responding to this research have tried to evaluate the most important risk factors that seem to link homelessness and imprisonment in the 13 EU Member States and the two comparison European countries. These risk factors include:

- Structural risk factors, such as general accessibility of affordable housing, discrimination against ex-prisoners in the housing market and social housing systems (where present), heightened risks of poverty, barriers to accessing the labour market, and risks of systemic discrimination within judicial systems.
- Institutional risk factors, linked to the staffing and procedural obstacles within the prison system, availability of support with housing, resettlement and social welfare system, and the nature of deinstitutionalisation processes, including the extent of probation system support.
- Risk factors related to individual characteristics – such as mental health issues, addiction, low educational attainment and literacy, experience of long-term unemployment, the impact of individual debt (including paying off fines), and a lack of access to familial and social support networks.
- Associations between types of crime and risks of homelessness, e.g., sex offenders might be additionally stigmatised and therefore have more difficulty ensuring housing, but they might also receive more extensive probation supervision that can reduce risks of homelessness.

Reported associations between prison and homelessness varied across different EU Member States. Not all factors were reported across every country, but that variation could reflect the state of the evidence base, rather than meaning that the factor was not relevant.

In Czechia, the major risks of homelessness among ex-prisoners were linked to the wider structural issues of a lack of affordable housing supply. A specific issue for ex-prisoners was around the allocation procedures of municipality housing, as municipalities were reported as tending not to want to house ex-prisoners and as preferring debt-free households, albeit that this technically goes against national legislation and ombudsman oversight of municipal housing. The private rented sector was also described as likely to require information from criminal records and

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<sup>117</sup> Bretherton, J. (2017) Reconsidering Gender in Homelessness, *European Journal of Homelessness* 11(1) pp.1-21.

to be unlikely to let housing to someone who was an ex-prisoner, also being likely to require a large security deposit, usually equivalent to several months' rent, which would be out of the financial reach of most ex-prisoners.

The relative absence of specialist supported accommodation in Czechia was also highlighted, with only one 'halfway house' (transitional supported housing) being reported as operational in the whole country as of 2022.<sup>118</sup> It was also noted that the Prison service had no policy in relation to housing arrangements for ex-prisoners and that research has shown that there are only very limited resources available for resettlement support within the prisons, meaning that there is little or no capacity to prepare ex-prisoners for leaving prison.<sup>119</sup> Data on patterns of homelessness among ex-prisoners were limited, but it was noted that there was quite high use of short sentences for relatively minor crimes (24% of sentences were under one year in 2022)<sup>120</sup> and research from elsewhere, including the UK, has raised possible links between repeated experience of short sentences and recurrent and long-term homelessness.<sup>121</sup>

A small amount of qualitative research has indicated that women leaving prison are more likely to exhibit hidden homelessness<sup>122</sup>, which echoes wider research on lone women experiencing homelessness, and long-term and recurrent homelessness, in other EU Member States and other European countries. There were also intersections between lone women's experiences of prison, addiction, mental illness, and experience of trauma that have been reported elsewhere among women experiencing long-term and repeated homelessness. It was also noted that while there was not specific information on ex-prisoners among Roma populations in Czechia, that Roma people were more often in situations of housing exclusion than the general population.

<sup>118</sup> <https://www.pmscr.cz/en/czech-probation-and-mediation-service-opens-the-first-halfway-house/>

<sup>119</sup> Mertl, J. (2023) *Závěrečná výzkumná zpráva z projektu Terapeutická péče o lidi ve výkonu trestu odnětí svobody (TERAPEUT-VTOS)* [Final Research Report from the Project Therapeutic Care for People Serving a Sentence of Imprisonment] [Online] (Plzeň: Západočeská univerzita v Plzni). Available at: [https://www.researchgate.net/publication/367362454\\_Zaverecna\\_vyzkumna\\_zprava\\_z\\_projektu\\_Terapeuticka\\_pece\\_o\\_lidi\\_ve\\_vykonu\\_trestu\\_odneti\\_svobody\\_TERAPEUT-VTOS](https://www.researchgate.net/publication/367362454_Zaverecna_vyzkumna_zprava_z_projektu_Terapeuticka_pece_o_lidi_ve_vykonu_trestu_odneti_svobody_TERAPEUT-VTOS)

<sup>120</sup> Calculation by lead Czech reporter, source: VĚZEŇSKÁ SLUŽBA ČESKÉ REPUBLIKY (2023) *Statistická ročenka Vězeňské služby České republiky 2022* [Statistical Yearbook of the Prison Service of the Czech Republic 2022] [Online] (Praha: Vězeňská služba České republiky). Available at: <https://www.vscr.cz/media/organizacni-jednotky/generalni-reditelstvi/odbor-spravni/statistiky/rocenky/statisticka-rocenka-vezenske-sluzby-ceske-republiky-za-rok-2022.pdf>

<sup>121</sup> Kemp, P.A., Neale, J., and Robertson, M. (2006) Homelessness Among Problem Drug Users: Prevalence, Risk Factors and Trigger Events, *Health and Social Care in the Community* 14(4) pp.319-328; England, E., Thomas, I., Mackie, P., and Browne-Gott, H. (2022) A Typology of Multiple Exclusion Homelessness, *Housing Studies* DOI: 10.1080/02673037.2022.2077917; O'Sullivan, E.

<sup>122</sup> <https://www.zenyavezeni.cz/en/home-english/>

In Hungary, prisoners lose their right to national welfare benefits, which can be claimed again on release if their sentence is less than 36 months. A longer sentence means that they are only entitled to lower local level benefits on release for one year, these local benefits pay less than the national welfare system, which itself was described as offering generally low payments if they cannot find work. There is no equivalent of a housing welfare benefit to pay for private rented sector housing in Hungary and most private landlords require the equivalent of 2-3 months of rent as a security deposit. Some support, equivalent to around €30 a month, can be applied for from local government once someone is housed, a low level compared to the likely amount of rent.

Risks of homelessness were also described as being higher for some groups of ex-prisoners in Hungary. Some older research (2006) suggests young people leaving prison are most likely to move back in with their parents, where that option is available, and also reported that young people leaving prison might avoid using the available homelessness services because conditions within those services could be poor.<sup>123</sup> Research dating from 2005 tracked the experience of a small group of women leaving prison and reported that most sought housing with partners or family where that was an option, but that there was experience of hidden homelessness.<sup>124</sup> More recent research on resettlement of ex-prisoners reported that support workers faced serious challenges in reintegration centring on limited access to housing, limited employment opportunities, and difficulties in accessing homelessness services in some areas.<sup>125</sup> As in Czechia, risks of housing exclusion were described as generally heightened for Roma people, including ex-prisoners.

In Poland, the available data again suggest ex-prisoners return to family and partners at high rates and risks of homelessness arise where those kinds of familial and social supports are not there to provide accommodation after leaving prison. Homelessness has been reported as associated with 'rejection by family' in the context of a national

<sup>123</sup> Csáki A., Kovács K., Mészáros M., and Sponga I. (2006) *Fogva tartásból szabadult fiatal felnőttek társadalmi (re)integrációjának lehetőségei. Kutatási összefoglaló*. [The Possibilities of Social Integration of Young adults Leaving Prison. Research Report] [online]. Available at: [http://www.valtosav.hu/szakmai\\_anyagok/tanulmanyhossz.pdf](http://www.valtosav.hu/szakmai_anyagok/tanulmanyhossz.pdf)

<sup>124</sup> Tóth, H., Krizsán, A., and Zentai, V. (2005) *MIP National Report. Hungarian Country Report (Budapest: CEU)*.

<sup>125</sup> Belügyminisztérium [Ministry of Interior Affairs] (Ed.) *TETTEKKEK AZ EREDMÉNYES TÁRSADALMI BEILLESZKEDÉSÉRT. A TÁMOP 5.6.3-12/1-2012-0001 azonosító számú „A fogvatartottak többsz szakaszos, társadalmi és munkaerő-piaci re integrációja és az intenzív utógondozási modellje” című kiemelt projekt megvalósítását értékelő kutatás* [THANK YOU FOR EFFECTIVE SOCIAL INTEGRATION. Research evaluating the implementation of the priority project of TÁMOP 5.6.3-12/1-2012-0001 entitled “Multi-stage, social and labor market reintegration of prisoners and the intensive aftercare model”] [online]. Available at: <https://bv.gov.hu/sites/default/files/A%20Tett%20program%20megval%C3%B3s%C3%ADt%C3%A1s%C3%A1t%20%C3%A9rt%C3%A9kel%C5%91%20kutat%C3%A1s.pdf>

problem of generally inadequate levels of affordable housing supply.<sup>126</sup> High rates of reliance on State welfare benefits on leaving prison have also been reported, with 55% of ex-prisoners claiming these allowances.<sup>127</sup> The same reporting also described a reluctance to return to places where offences had been committed because of fear of stigmatisation, which could restrict access to reintegration services and a tendency among some prisoners not to plan for the challenges in finding housing until they reach the point of release, in a context in which access to reintegration assistance programmes for prisoners was described as poor.

Anecdotal evidence from service providers in Poland suggests that risks of homelessness may increase with the duration of the sentence, i.e., that long-term institutionalisation may lessen capacity to cope with the outside world. However, there has been no direct research exploring this and a note of caution from research elsewhere might be pertinent here, as there has been found to be little evidence supporting presumed institutionalisation (or indeed 'shelterisation') among people experiencing long-term or recurrent homelessness.<sup>128</sup>

In Denmark, prisoners can have their rent covered for up to six months, which should in principle mean that shorter sentences should not result in widespread loss of rented housing. However, it was noted, administrative barriers such as extensive requirements of documentation about eligibility may hinder this in practice.<sup>129</sup> Correctional systems and the municipalities are generally obliged to cooperate and create an action plan for someone leaving prison, with securing accommodation being a core goal<sup>130</sup>, but structural issues around the supply of social and affordable housing, including waiting times for social housing, can mean that finding suitable housing is challenging. Ex-prisoners may therefore stay with family or friends immediately upon release or may need to go to a homeless shelter if no other solution is in place. However, while structural issues can influence outcomes, Denmark is an EU Member State where there is an expecta-

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<sup>126</sup> Source: Supreme Audit Office [NIK2019].

<sup>127</sup> Source: Supreme Audit Office [NIK2019].

<sup>128</sup> Pleace, N., O'Sullivan, E., and Johnson, G. (2022) Making Home or Making Do: A Critical Look at Homemaking Without a Home, *Housing Studies* 37(2) pp.315-331.

<sup>129</sup> Direktoratet for Kriminalforsorgen og Kommunernes Landsforening, 2023: Afrapportering fra "Udvalg om myndighedssamarbejdet mellem kriminalforsorgen og kommunerne" [Directorate of Correctional Services Justice and the National Association of Municipalities: Report from the "Committee on the cooperation between the authorities the correctional service and the municipalities"]

<sup>130</sup> Direktoratet for Kriminalforsorgen og Kommunernes Landsforening, 2023: Afrapportering fra "Udvalg om myndighedssamarbejdet mellem kriminalforsorgen og kommunerne" [Directorate of Correctional Services Justice and the National Association of Municipalities: Report from the "Committee on the cooperation between the authorities the correctional service and the municipalities"]

tion that municipalities (local authorities) and correctional services (probation) should collaborate in a consistently structured way for each ex-prisoner, centred on an 'action plan'.<sup>131</sup>

It is not clear, on available evidence, whether any groups of ex-prisoners are at greater risk of homelessness than others. There may be higher risks around young offenders leaving prison, as younger people generally receive lower welfare payments, but there is no research exploring this specific issue. The extensive systems around prisoner release in Denmark, which are designed to prevent risks like homelessness and someone finding themselves with no income on release, are described below, but it is noteworthy that, despite these provisions, apparent associations between prison, multiple and complex needs, and homelessness persist.

In France, homelessness among ex-prisoners was described as directly related to their socioeconomic position both prior to entering prison and on exiting prison. People who are incarcerated are more likely to be unemployed, to have limited educational attainment, and low levels of literacy. Sixty percent of prison leavers are below the French poverty line, compared to 14% of the general population.

French arrangements for leaving prison are discussed in more detail below, however it was noted that release dates are not always coordinated with services in ways that facilitate an organised process of reintegration, i.e., prison release is not synchronised with other services. While ex-prisoners are present in the homelessness systems of France, their numbers were described as not very high compared to the wider homeless population or the level of housing exclusion across the country. General housing and support services can often be accessed by ex-prisoners, but the issue is less the availability of these services than their suitability, i.e., specialist services with awareness of the needs of ex-prisoners are harder to find. No evidence around associations with risk of homelessness and types of sentences were reported, i.e., it was not clear if people on shorter sentences were more or less likely to become homeless than those serving longer sentences. It is also not clear on current evidence whether specific groups of ex-prisoners are at heightened risk of homelessness, but it was also noted that a criminal record can be a barrier to getting a residence permit among people of foreign origin leaving prison, alongside evidence that people of foreign origin are overrepresented in the prison population. Offenders who might present an ongoing risk because their crimes were sexual and/or violent were also reported as facing barriers to housing.

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<sup>131</sup> <https://www.retsinformation.dk/eli/retsinfo/2022/9926>

A significant proportion of people have mental health problems when they first enter prison.<sup>132</sup> There is also evidence of high rates of addiction and/or severe mental illness among most of the prison population according to some research. This has been associated with possible links between deinstitutionalisation, i.e., leaving psychiatric hospital beds without adequate resettlement services and subsequent ‘criminalisation’ of individuals with mental health problems. Identifying deinstitutionalisation with homelessness can be problematic, as most people leaving psychiatric hospitals do not become homeless and mental illness can develop during homelessness.<sup>133</sup> Nevertheless, leaving aside any possible links with deinstitutionalisation, a broad pattern of association between high rates of mental illness, addiction, homelessness, housing exclusion, and higher rates of contact with the criminal justice system, as is observed elsewhere in Europe, was also present in France. Research published in 2019, reviewing 1 650 court appearances, showed higher rates of imprisonment among people who presented as both homeless and as having mental health problems<sup>134</sup>, with wider evidence that housing instability can increase the risk of a sentence involving imprisonment.<sup>135</sup>

In Germany, like in Denmark and other countries, there are legal provisions to cover the rent of short-term prisoners who will lose their entitlement for subsistence benefits (called “*Bürgergeld*” and paid by Job Centres) from the first day of entering prison. The problem is rather that while rent payments covered by *Bürgergeld* will stop automatically after entering prison it is a complicated process to get the rent coverage by local social offices (other than those responsible for *Bürgergeld*). Applications, rent contracts, and other papers have to be provided by the prisoners and they are often not able to do so without substantial support by social services at the prison and outside. If the application succeeds, it depends on whether a municipality’s interpretation of “short term sentence” as only lasting a maximum of six months or if they are willing to cover the rent for up to 12 months (the latter being the case in many large cities with very tight housing markets). No research exists in Germany on specific risk groups with a high risk of homelessness after release from prison. As in many other European countries, landlords are often unwilling to house people with a prison record.

<sup>132</sup> <https://www.cairn.info/revue-du-mauss-2012-2-page-125.htm#s2n1>

<sup>133</sup> O’Sullivan, E., Pleace, N., Busch-Geertsema, V., and Hrast, M.F. (2020) Distorting Tendencies in Understanding Homelessness in Europe, *European Journal of Homelessness* 14(3) pp.109-135.

<sup>134</sup> Source: Médecins du Monde The incarceration of the homeless with mental health issues within immediate trial appearance procedures, Camille Allaria and Mohamed Boucekine, *Champ Penal*, 2019

<sup>135</sup> <https://www.cairn.info/revue-recherche-sociale-2019-1-page-5.htm>

In Ireland, data on the patterns of homelessness among ex-prisoners and the extent to which people experiencing homelessness have previous experience of prison have yet to be collected. Equally, there has not been research that identifies specific subgroups of ex-prisoners as being at heightened risk of homelessness. However, there is again some evidence of a smaller high cost, high risk population experiencing recurrent and sustained homelessness, whose high rates of severe mental illness, addiction, and institutional contact (for example with child protection systems) can also be associated with higher rates of contact with criminal justice systems.<sup>136</sup> It is this population who are the main users of Ireland's expanding Housing First service programme.

In Italy, several likely patterns of homelessness among ex-prisoners were noted. The first was being homeless at the point at which they were imprisoned, which heightened the risk that they would be homeless on release, in a context where support with finding housing on release was not guaranteed. Housing loss while in prison was another issue. Again, a lack of social support and familial networks on release from prison was seen as heightening the risks of homelessness. A situation in which there were no clearly demarcated resources to facilitate access to stable housing for someone who was homeless on leaving prison was described. Direct research evidence was described as limited in Italy, beyond some studies suggesting a high rate of contact with prison among some homeless populations. People experiencing homelessness may not have the alternative of a community sentence and be more likely to be imprisoned, i.e., one cannot be restricted to spending certain amounts of time, or necessarily live within a defined area, if there is no housing in place.

In the Netherlands, the 2022 National Action Plan on Homelessness<sup>137</sup> refers to leaving prison as one of the main routes into homelessness, but this is based on research from 2012 suggesting that around 9% of people experiencing homelessness had become so on release from prison. Loss of housing whilst in prison was identified as a cause of homelessness, i.e., someone can be evicted from rental housing because they are unable to occupy that housing due to a prison sentence. It was noted that while a legal process had to be pursued, courts tended to find cases in favour of landlords, on the basis that an incarcerated person could not fulfil their obligations as a tenant. Another driver of homelessness among ex-prisoners was described as a tendency among landlords to be reluctant to house someone who had been to prison. Sometimes the presence of a criminal record and/or a

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<sup>136</sup> Baptista, I., Culhane, D.P., Pleace, N., and O'Sullivan, E. (2022) *From Rebuilding Ireland to Housing for All: International and Irish Lessons for tackling Homelessness* (Dublin: COPE Galway, Focus Ireland, JCFJ, Mercy Law, Simon Communities of Ireland, and SVP).

<sup>137</sup> Nationaal Actieplan Dakloosheid: Eerst een Thuis see: <https://link.springer.com/article/10.1007/s12508-023-00410-0>



history of nuisance (anti-social) behaviour could be enough to mean that a landlord would refuse a tenancy.<sup>138</sup> In addition, the general situation with respect to an undersupply of affordable homes with reasonable security of tenure was highlighted in the Netherlands, i.e., the shortages in suitable housing for lower income and marginalised households and individuals also affected people leaving prison.

In Lithuania, long custodial sentences were described as a driver of homelessness. The average length of custodial sentence imposed by Lithuanian courts between 2016 and 2018 was 80 months, with typical length of sentence having increased by more than 50% since 2002. For ex-prisoners, lack of accommodation options, particularly for male prisoners immediately upon release, was described as a pressing issue. As in the Netherlands, the generally low level of affordable housing supply was identified as an important structural driver of homelessness among ex-prisoners. There was an average wait of five years for social housing across the country. People in prison are ineligible to join the waiting list for social housing. Options in the private rented sector were described as limited, as rates of owner occupation are over 90%.<sup>139</sup> Levels of support on release from prison and in preparing for release from prison were described as quite poor, one study reported that 60% of ex-prisoners rated the support they had received with reintegration as 'bad' or 'very bad'.<sup>140</sup> There was no evidence available at the rates at which people were homeless before entering prison at the time of writing. Qualitative research has suggested that most people experiencing homelessness have some form of criminal history, but it is important to note that the ways in which homelessness is defined can make a considerable difference in levels of recorded criminality, i.e., it may be much higher among people experiencing recurrent and long-term homelessness associated with mental illness and addiction, than is the case for other people experiencing homelessness.<sup>141</sup>

According to 2022 General Directorate for Social Reinsertion and Prison Facilities (DGRSP) data in Portugal, a largely male population of ex-prisoners with high rates of addiction and severe mental illness tends to experience homelessness. Loss of

<sup>138</sup> van Tongeren, J.H.S. (2022) Housing Ex-Offenders in the Netherlands: Balancing Neighbourhood Safety and Human Rights, *European Journal on Criminal Policy and Research* (28) pp.57-77.

<sup>139</sup> <https://osp.stat.gov.lt/en/2021-gyventoju-ir-bustu-surasymo-rezultatai/bustai#:~:text=Dwellings%20are%20usually%20inhabited%20by,State%20Enterprise%20Centre%20of%20Registers>).

<sup>140</sup> Sakalauskas, G., Jarutienė, L., Kalpokas, V., Vaičiūnienė, R. (2020) *Kalinimo sąlygos ir kalinių socialinės integracijos prielaidos* (Conditions of Imprisonment and Premises for Social Integration of Prisoners) (Vilnius: Lietuvos teisės institutas). Available at: <https://teise.org/kalinimo-salygos-ir-kaliniu-socialines-integracijos-prielaidos/>

<sup>141</sup> O'Sullivan, E., Pleace, N., Busch-Geertsema, V., and Hrast, M.F. (2020) Distorting Tendencies in Understanding Homelessness in Europe, *European Journal of Homelessness* 14(3) pp.109-135.

housing while within prison was again identified as a cause of homelessness, as in Portugal, many prisoners have sentences that are longer than two years. Municipal housing may not be accessible because people with a history of offending will often not be eligible for housing in the area where their offences were committed. Municipal landlords seem least inclined to house people with a history of drug trafficking. Stigmatisation of ex-prisoners was described as a widespread issue, reflecting broader patterns found across Europe. General levels of support within the prison system for reintegration were described as limited, with educational, health, addiction, and mental health treatment and support needs being described as inadequate. Support with finding housing on leaving prison was similarly criticised as limited. People placed in temporary custody could be released without any service response being in place, meaning that if they needed housing, there could be no support available in finding it. Poor social supports and limited familial networks were also identified as risk factors, if someone lacked anywhere to go on leaving prison, the risks of homelessness seemed to be exacerbated. As in several other Member States, the general lack of affordable housing offering security of tenure was identified as one of the underlying causes of homelessness among ex-prisoners.

In Greece, the extent of social housing supply, welfare payments to help meet housing costs, and provision of state funded support with housing need of any kind were all described as extremely limited. The risk of homelessness was seen as closely associated with the presence or absence of a familial support network, both across the population as a whole and in terms of ex-prisoners. If someone left prison without support from family being available, the risks of homelessness were described as higher, a risk that became more acute if they were an immigrant who had been imprisoned and their family was outside Greece. The wider absence of data on people experiencing homelessness in Greece, which was noted earlier in this chapter, meant that there was little that could be said about the presence of ex-prisoners among people experiencing homelessness or the ways in which experiencing prison might be associated with homelessness.

In Slovenia, a recent policy review found that it was very difficult to arrange housing for people being released from prison. Although there are duties on centres for social work to provide support with reintegration for ex-prisoners, these social services have no direct access to housing themselves and there was no developed policy around providing housing for ex-prisoners who require a home when leaving prison.<sup>142</sup> If someone lacks familial support on leaving prison, their options may be to rent privately (if they can secure the funds to do so) or to enter a homeless shelter. The issues were described in terms of a lack of clear policy and practice in coordi-

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<sup>142</sup> Ministry of Justice (2022) *Administration of the Republic of Slovenia for the Enforcement of Penal Sanctions Report for the year 2021* (Ljubljana: Ministry of justice).

nation, in accessing appropriate support that could be (in theory) provided, rather than a simple shortfall in resources. There had not yet been research on what the risks of homelessness were on leaving prison or whether any patterns of offending or particular forms of prison sentences were more likely to be associated with homelessness. Rates of homelessness prior to entering prison were also not clear from the available data.

Beyond the EU, Norway was described as having extensive, but siloed, social protection systems which could have difficulty coordinating and delivering an effective, multi-agency package of support and treatment to people with complex needs. A series of recent reports have explored the ways in which coordination between health and social (care) services can be enhanced, including 'one door' assessments, i.e., a single assessment in which all relevant services are involved. Municipal social services are responsible for homelessness and homelessness prevention services. Norway has a mix of lower security (open) prisons and higher security prisons and a system of halfway housing that are designed to reintegrate ex-prisoners, following a 'staircase' or 'linear' model in which congregate supported housing is focused on delivering a pathway to reintegration centred on training, support, and treatment. Nevertheless, service coordination was described as inadequate and, as in Slovenia, coordination and cooperation, rather than a shortfall in resources for social protection, was highlighted as a likely cause of homelessness on leaving prison.

People experiencing homelessness might be more likely to enter prison as alternative (community) sentences require someone to have settled housing. There is also a risk that people will lose existing housing while they are in prison. Despite the relatively extensive systems in place to prevent homelessness on release, research has found that access to familial support is again likely to reduce the risk of homelessness.<sup>143</sup> There is also evidence of higher rates of housing exclusion and precarity prior to imprisonment than is the case for the general population. Norway has very high rates of owner occupation relative to many EU Member States that are outside Central and Eastern Europe at around 80% of households, which means other housing options, including both social and private rented housing, are inherently limited in scale. Norwegian housing policy has tended to always advocate home ownership. There are also some financial supports for home ownership, mainly start-up loans, administered by the Norwegian State Housing Bank (Husbanken) and the municipalities<sup>144</sup> aimed at low-income households. People entering prison are much more likely to have been renting than living in owner occupation. The target group for the start-up

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<sup>143</sup> Dyb, E. (2009) Imprisonment: A Major Gateway to Homelessness, *Housing Studies* 24(6) pp.809-824.

<sup>144</sup> <https://www.husbanken.no/english/>

loan is rather narrow, the household should both be ‘vulnerable’ in the housing market and yet also have a predictable income for the next few years. Persons engaged in illegal activity, or without a known income, are of course not eligible for the start-up loan. Someone leaving prison may apply for a loan – and a grant to top up the loan – as part of a resettlement process from prison, but again they must have a predictable income for the next years. Disability benefits count as a permanent income and given the level of the benefits and supports for home ownership in Norway, these may cover mortgage payments.

In the UK, there has been a longstanding recognition that stable housing is a prerequisite for reducing recidivism, but policy, practice, and resources have all created problems in trying to deliver a coherent and coordinated system. Systems are disparate in England, where there are certain legal protections under the homelessness systems<sup>145</sup> and a system of probation (supervision on early release and on completion of sentence) which are both designed to promote stable housing and wider socioeconomic integration. Probation support has tended to concentrate on serious offenders, released after long sentences which have typically increased in length over the last 30 years, and on ex-prisoners who are seen as representing an ongoing risk on release. Whether or not these services can be accessed and how well they work is variable and, in context of ‘austerity’ which has seen massive cuts in social protection, health, and criminal justice systems, ex-prisoners may receive inconsistent, uncoordinated, or under-resourced support. Ex-prisoners who serve short sentences generally have less access to probation support.

The UK imprisons people at a higher rate than most of Western Europe and the use of prison is particularly high in Scotland, although England and Wales are not far behind. The Prison Reform Trust reports that the UK uses imprisonment at three times the rate of Italy and twice the rate of Germany.<sup>146</sup> The prison system is widely regarded as being at breaking point, poorly resourced, and very overcrowded, all of which means systems for reintegration can be highly limited. A 2019 House of Commons Select Committee report described the English prison system as “inefficient, ineffective and unsustainable”<sup>147</sup> and the situation has continued to deteriorate.<sup>148</sup> The UK prison population is some 95 000 people at any one point.<sup>149</sup>

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<sup>145</sup> The homelessness laws are distinct in England, Wales, Scotland, and Northern Ireland, with important differences in scope.

<sup>146</sup> <https://prisonreformtrust.org.uk/england-and-wales-send-more-people-to-prison-each-year-than-anywhere-else-in-western-europe/#:~:text=The%20rate%20of%20prison%20admissions,admissions%20for%20every%20100%2C000%20people.>

<sup>147</sup> <https://publications.parliament.uk/pa/cm201719/cmselect/cmjust/483/full-report.html>

<sup>148</sup> <https://committees.parliament.uk/committee/102/justice-committee/news/175450/prison-system-failing-to-support-rising-numbers-of-remand-prisoners/>

<sup>149</sup> <https://researchbriefings.files.parliament.uk/documents/SN04334/SN04334.pdf>

Homelessness among ex-prisoners in the UK may be occurring at a higher rate than is necessary because the prison and criminal justice system is highly overextended and severely under-resourced. The UK also imprisons poor people and people with multiple and complex needs at a much higher rate than it does people in the general population. In essence, the population in prisons, with high rates of institutional contact, including the child protection system, high prevalence of severe mental illness, addiction, ADHD, neurodiversity and experience of stigmatisation, low educational attainment, and patterns of repeat offending are within the same populations which are, on current evidence, at heightened risk of recurrent and sustained homelessness in the UK.<sup>150</sup> Broader issues reflect those reported elsewhere, in that now quite limited housing benefit systems that do not cover rental costs in the bulk of the private rented sector<sup>151</sup>, and a huge demand for a shrinking supply of social housing, both appear to be driving up general levels of homelessness.<sup>152</sup> The UK has also seen spikes in homelessness associated with wider increases in destitution since 2010.<sup>153</sup>

To conclude, the associations between leaving prison at the European level are linked to individual needs, characteristics, and experiences, in the sense that the results of this study and earlier research draw broad associations between recurrent (episodic) and sustained (chronic) homelessness, addiction, severe mental illness, extreme socioeconomic marginalisation, limiting illness and disability, and higher rates of contact with criminal justice systems. It is also appears to be the case, as is explored in more detail in the following chapter, that variations in systems both within prisons and on leaving prison, can have important implications for the level of risk of homelessness faced by ex-prisoners. Wider inequalities in European countries, flaws and limits in social protection systems, and shared issues with significant shortfalls in affordable and social housing supply have also been identified as important contextual factors in understanding patterns of homelessness among ex-prisoners.

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<sup>150</sup> Bozkina, M. and Hardwick, N. (2021) *Preventing Homelessness Amongst Former Prisoners in England and Wales: A Rapid Review of the Evidence* (London: PACT, LHF and RHUL). Available at: <https://lhf.org.uk/wp-content/uploads/2021/08/preventing-homelessness-amongst-former-prisoners-in-england-and-wales-final.pdf>

<sup>151</sup> <https://www.crisis.org.uk/media/aateh4z1/falling-short-housing-benefit-and-the-rising-cost-of-renting-in-england-august-2022-zoopla-and-crisis-pdf.pdf>

<sup>152</sup> [https://homelesslink-1b54.kxcdn.com/media/documents/A\\_Home\\_for\\_Everyone-\\_HL\\_Manifesto\\_v7.pdf](https://homelesslink-1b54.kxcdn.com/media/documents/A_Home_for_Everyone-_HL_Manifesto_v7.pdf)

<sup>153</sup> <https://www.jrf.org.uk/report/destitution-uk-2023>

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## 2. Entering and leaving prison

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This chapter explores the ways in which European criminal justice systems intersect with homelessness as a social problem. The first section looks at the extent of criminalisation of homelessness, i.e., the ways in which criminal justice systems may be creating associations between prison and homelessness by making aspects of homelessness offences, which may ultimately be punishable by prison time. The following section explores the systems that are, to varying degrees, in place to support prisoners with reintegration into society, including access to settled housing. Specific systems to prevent homelessness on leaving prison, where present, are also explored. The chapter concludes by looking at local connection rules as they relate specifically to ex-prisoners at risk of homelessness.

### **2.1 The criminalisation of homelessness**

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The criminalisation of homelessness has several dimensions which vary across EU Member States and other European countries. The most commonplace is the regulation and control of urban space, which means legal prohibition and arrest for certain kinds of street using activity. Behaviours that may be associated with certain forms of homelessness, particularly begging, may be prohibited, although it is important to note that begging and street-based sleeping are not synonymous. Sleeping on the street, in doorways and under covered areas not intended for habitation, such as beneath bridges or raised roads, living in tents, or other temporary structures may also be prohibited by law.

Scale may be important in the sense that criminal justice systems may ignore the odd individual sleeping on a bench or doorway but take a different view when an informal/unregulated settlement or encampment – with multiple residents – occupies wasteland, or other urban space, that is not intended for habitation. Homelessness may also be illegal when it involves occupying houses or other buildings that are not currently inhabited or in use, i.e., squatting or illegal occupation, in the sense of living in a building that someone has no legal right, through ownership, tenancy, or some other legal arrangement like a licence. Enforcement

may not be consistent or universal, e.g., the police may clear people sleeping on the street away from certain areas but tolerate their presence elsewhere and take the same attitude to informal/unregulated settlements or encampments.<sup>154</sup>

Making living on the street, squatting, and living in informal settlements illegal, i.e., it will result in a criminal sanction up to and including imprisonment, gives those elements of homelessness a criminogenic dimension.<sup>155</sup> A revolving door pattern can emerge, i.e., certain forms of homelessness are illegal and as criminal justice systems arrest, punish, and possibly imprison people for being in those situations, this adds further disruption and disconnection to lives that may already be characterised by precarity and instability, increasing the risk of repeated homelessness.<sup>156</sup>

It has also been argued that a mix of criminal justice systems creating prohibitions in the shape, form, and endurance that living on the street and squatting can take can start to influence the ways in which people experiencing these forms of homelessness behave and see themselves. The argument here is that processes of understanding and the making of 'home' become both distinctive and expressions of resistance to regulation.<sup>157</sup> Opinion is divided on whether people sleeping on the street behave in different ways or if observations of apparent 'cultures' of homelessness are actually no more than expedient behaviours that evaporate if long-term and recurrent street-based sleeping is brought to a sustainable end, through interventions like Housing First.<sup>158</sup>

Prohibitions from entering certain spaces or living and sleeping within them are also enforced by private security. The extent and nature of this and what it is allowed to do varies across countries, but it can be relatively arbitrary in the sense that being ejected from a private office building, restaurant, or shopping mall by private security, or refused entry into these spaces, is not something it will necessarily be easy to argue against. There may not be the same publicly accessible systems that

<sup>154</sup> Herring, C. (2019) Complaint-Oriented Policing: Regulating Homelessness in Public Space, *American Sociological Review* 84(5) pp.769-800.

<sup>155</sup> O'Sullivan, E. (2023) Crime, Punishment and Homelessness, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 85-95. (London: Routledge); O'Sullivan, E. (2012) Varieties of Punitiveness in Europe: Homelessness and Urban Marginality, *European Journal of Homelessness* 6(2) pp. 69-97.

<sup>156</sup> Kemp, P.A., Neale, J., and Robertson, M. (2006) Homelessness Among Problem Drug Users: Prevalence, Risk Factors and Trigger Events, *Health and Social Care in the Community* 14(4) pp.319-328; England, E., Thomas, I., Mackie, P., and Browne-Gott, H. (2022) A Typology of Multiple Exclusion Homelessness, *Housing Studies* DOI: 10.1080/02673037.2022.2077917.

<sup>157</sup> Lancione, M. (2019) Weird Exoskeletons: Propositional Politics and the Making of Home in Underground Bucharest, *International Journal of Urban and Regional Research* 43 pp.535-550.

<sup>158</sup> Pleace, N., O'Sullivan, E., and Johnson, G. (2022) Making Home or Making Do: A Critical Look at Homemaking Without a Home, *Housing Studies* 37(2) pp.315-331.

exist for complaining against police (mis)conduct, and while private security may be taken to court, the resources to do so may not be available. The use of a mix of police and private security enforcement that effectively removes anyone interpreted as living on the street and/or begging from affluent urban and suburban spaces is probably most obvious and explicit in the United States.<sup>159</sup> However, it has been argued that European homelessness services, including both emergency shelters and supported housing, have been designed, in part, as regulatory mechanisms, i.e., they exist as much to clear the streets as to assist those experiencing living on the street.<sup>160</sup>

Clearly, any situation in which people who are living on the street, or experiencing another prohibited form of homelessness, are imprisoned for being homeless, only to return to homelessness on release from prison, is a definitive example of a policy mess. In Czechia, it was not illegal to be homeless, but in Hungary it has been a petty offence to sleep on the street since 2013, with living on the street subsequently being deemed 'unconstitutional', which from an external perspective seems a rather extreme response. There have been at least 538 prosecutions (during the period October 2013- January 2019)<sup>161</sup>, but when these reach court, the result of a successful prosecution is a fine. However, there is still a (slim) possibility of imprisonment if that fine is not paid. The illegality of street-based sleeping in Hungary has been much discussed in the wider context of debates about 'revanchist' cities, i.e., a late 20<sup>th</sup> Century shift to 'revenge' forms of urban governance that react punitively to living on the street and street using populations, rather than responding by enhancing social protection systems.<sup>162</sup> By contrast, there are places in the world, including some US states, in which one can be arrested and imprisoned simply for living on the street.<sup>163</sup>

<sup>159</sup> Murphy, S. (2009) "Compassionate" Strategies of Managing Homelessness: Post-Revanchist Geographies in San Francisco, *Antipode* 41(2) pp.305-325; Herring, C. (2014) The New Logics of Homeless Seclusion: Homeless Encampments in America, *City & Community* 13 pp.285-309.

<sup>160</sup> Löfstrand, C.H. (2015) The Policing of a Homeless Shelter. Private Security Patrolling the Border of Eligibility, *European Journal of Homelessness* 9(2) pp.17-38; Johnsen, S., Fitzpatrick, S., and Watts, B. (2018) Homelessness and Social Control: A Typology, *Housing Studies* 33(7) pp.1106-1126.

<sup>161</sup> [https://avarosmindentkie.blog.hu/2019/01/15/eletvitelszeru\\_kozteruleten\\_tartozkodas\\_miatt\\_inditott\\_szabalysertesi\\_eljarasok\\_statisztika](https://avarosmindentkie.blog.hu/2019/01/15/eletvitelszeru_kozteruleten_tartozkodas_miatt_inditott_szabalysertesi_eljarasok_statisztika)

<sup>162</sup> Teller, N., Albert, F., Fehér, B., and Győri, P. (2023) Homelessness in Hungary, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 325-334. (London: Routledge); Udvarhelyi, É.T. (2014) "If we don't push homeless people out, we will end up being pushed out by them": The Criminalization of Homelessness as State Strategy in Hungary, *Antipode* 46(3) pp.816-834.

<sup>163</sup> <https://www.aclu.org/podcast/criminalization-homelessness-ep-26>



In Poland, there is no law prohibiting homelessness as such, but legislation around public consumption of alcohol and causing disruption and nuisance in public places can be used to clear areas of people sleeping on the street. This can result in short-term sentences, but that was described only in 'worst case' scenarios. Legislation on begging only deems it illegal if someone is defined as able to work or raise money to live on by other means. In every Member State, and in Norway and the UK, there is the possibility of criminal sanctions like fines and, in some instances, possible imprisonment for behaviours that are not tolerated in public by people experiencing some forms of homelessness. Again, this is not prosecution for homelessness, but for the consequences of having to live on the street, squat, or in encampments; this can include visible (public) begging, excretion, alcohol, and drug use. Homelessness services may call the police in response to visible illegal drug use as well as disruptive and violent behaviour, but any prosecution or imprisonment that may follow is, again, not because someone is homeless. It is important to note these crimes are not in any sense 'related' to homelessness, i.e., greater numbers of the same crimes are committed by people who are not homeless. Equally, while rates of criminality and contact with criminal justice systems may be high among people experiencing recurrent and sustained homelessness, there is no evidence suggesting people in these circumstances could or should be viewed as somehow 'inherently' criminal.<sup>164</sup>

Denmark combines extensive homelessness services and systems with laws that prohibit groups of people living on the street forming encampments, which is seen as creating insecurity in public places, and which can trigger camping bans that cover entire municipalities. Migrants experiencing homelessness have also been deported due to being caught camping in public areas. The legislation has fallen into relative disuse since 2017 when it first came into effect, falling from 273 charges in that year to three charges in 2021. Moreover, begging is illegal in Denmark and can result in a prison sentence of up to six months, again this is not legislation against homelessness as such, but may be more likely to affect people sleeping on the street and some other groups of people experiencing homelessness. A first offence of begging can result in a 14-day prison sentence if someone is begging in a public place.

In France, legislation directly outlawing living on the street does not exist. As in Denmark and in many other Member States and European countries, there is a capacity to use anti-begging legislation to disperse groups of people living on the street or remove someone from living on the street. The same applies for Germany, where laws criminalising vagrancy and begging were abolished in 1974. The main

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<sup>164</sup> O'Sullivan, E., Pleace, N., Busch-Geertsema, V., and Hrast, M.F. (2020) Distorting Tendencies in Understanding Homelessness in Europe, *European Journal of Homelessness* 14(3) pp.109-135.

problem leading to imprisonment of people experiencing homelessness is still their inability to pay for fines given for small offences like using public transport without a valid ticket and other petty crimes.

Ireland had anti-vagrancy laws from 1847-1988, which in essence made street-based sleeping and being poor and itinerant (moving around the country) illegal. When these laws were abolished, provisions against begging were retained, though the provisions against begging were modified in 2011 and statistical data from the Garda (police) indicates these laws are not often used (a few hundred instances a year). By contrast, Italy has laws that can prohibit someone from being within a certain area for up to three years if they are causing a 'nuisance' through activities such as begging, but does not have anti-begging legislation as such, nor laws prohibiting living on the street or other forms of homelessness. Laws also exist against the use of abandoned housing, prohibiting illegal occupation and the connection of utilities like power and water to housing that is being illegally occupied.

The Netherlands has laws that prohibit sleeping on the street on someone else's land or property, the punishment being in the form of fines. Sleeping on the street in public places (or camping in the open) can be fined as well, as can urinating/defecating in public places or causing 'nuisance' (people experiencing homelessness gathering in public spaces can be defined as a 'nuisance'). In some cities begging is prohibited. Disrupting 'public order' is forbidden and doing so can lead to a restraining order (i.e., prohibition from a street or neighbourhood). In some areas using alcohol is prohibited. Squatting is also illegal in the Netherlands. This was described as criminalisation of many aspects of living on the street.

Slovenia also has laws that prohibit people sleeping on the street, but the penalties do not include imprisonment, although fines are sometimes employed. By contrast, Lithuania does not criminalise homelessness itself, but, as in other countries, does have public order laws covering public drunkenness, which as elsewhere might be used against some people sleeping on the street.

Portugal has no specific legislation in this space and there is no research evidence on how laws might be being used in relation to people sleeping on the street or living in encampments or squats. In Greece, it was reported that people sleeping on the street, including migrants experiencing homelessness, can receive 'harsh' treatment from the police. During COVID-19 lockdowns, people experiencing homelessness were fined for being on the street. Again, there was not any evidence available on how the law might be being used in relation to people sleeping on the street or experiencing other forms of homelessness.

Norway repealed its anti-homelessness (street-based sleeping) laws in 1970, and in 2006 ended laws banning begging, although it was many years since that legislation had been used in practice. There are no laws against living on the street. However, municipalities (local authorities) have been given the power to place restrictions on begging, though this involves being expelled from certain areas and/or apply for a license or register, not imprisonment. There was renewed discourse on banning begging after repealing the anti-begging laws in 2006, which was directly aimed at restricting foreign EU citizens from begging on the streets. Imposing regulations like duty to obtain permission, particularly aimed at people who do not know the language, nor the national or local public administration processes, is an example of soft measures, rather than harsher measures like incarceration, being used against people living on or using the streets for income support.

The 1824 Vagrancy Act makes it illegal to live on the street or beg in England and Wales. Despite being passed in response to increases in what was then referred to as increases in the 'houseless poor' that arose following the demobilisation of the army following the Napoleonic wars, it remains on the statute books at the time of writing. Enforcement is technically possible, and the legislation has been used, but the most recent attempt to do this systematically was in response to the increases of people sleeping on the street in London in the 1980s. The use of the Vagrancy Act failed to reduce the levels of people sleeping on the street and produced a change in direction that became the Rough Sleepers Initiative, which moved toward a model very similar to Housing First by the late 1990s.<sup>165</sup> Recent moves to repeal the 1824 Act were initially greeted as progressive by the homelessness sector, but at the time of writing in late 2023, legislation that was not dissimilar was being proposed to replace it, and the homeless sector was campaigning against the proposed changes.<sup>166</sup>

## 2.2 Support during imprisonment and on release

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No specific policies are in place to prevent homelessness on release from prisons in Czechia. The prison system, central government, and municipalities do not have any specific responsibilities with respect to housing ex-prisoners. While the prisons do possess social work staff whose duties nominally include preparing prisoners for release within six months of their leaving prison, resources were described as lacking capacity to provide systematic support as prisoners moved toward their release date. Other support mechanisms were available, but access to these was

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<sup>165</sup> Randall, G. and Brown, S. (1999) *Homes for Street Homeless People: An Evaluation of the Rough Sleepers Initiative* (London: DETR).

<sup>166</sup> <https://www.crisis.org.uk/get-involved/campaign/scrap-the-vagrancy-act/>

also described as highly limited. Most prisoners were released without the assurance of stable housing unless they had sufficient familial support to be able to live at least temporarily with relatives. One third of prisoners apply for an 'Intermediate Emergency Assistance' grant on release, which at CZK 1000 is the equivalent of around €40 at the time of writing, which will pay for a few days in a hostel at most and there is a wait of up to a month before any standard welfare benefits become available. Risks of homelessness and reoffending were described as at their most acute at the point of release for prisoners who lacked familial supports.

While stable housing has been identified as reducing the risk of recidivism, there were reported to be few direct interventions in place. However, the Government had plans to further expand 'halfway house' provision (transitional supported housing) for prisoners leaving prison on probation (early release), which was first developed in 2022. This supported housing had limited capacity and was only available for six months before residents were expected to move on. An NGO consortium was also reported to have developed a programme of people leaving prison with a history of addiction, which was not a homelessness service as such, but offered time-limited support to ex-prisoners who may have been at heightened risk of long-term and recurrent homelessness. Success was described as limited, with relatively few of the prisoners with addiction issues who used the programme entering stable housing after release.<sup>167</sup> There is also some NGO provision of 'asylum' housing, which was the model for the Government initiative to develop more halfway house services. These services were not numerous and were relatively small in scale, the largest being reported as having 20 beds.<sup>168</sup> Some examples of linear resettlement or staircase style provision were also reported, but these were described as sporadic in nature and as small in scale.

In Hungary, an individual care plan is prepared by parole officers and is supposed to include the prisoner's housing needs on leaving prison. Preparation time is designed to be longer for longer sentences, so two months is allowed for sentences of less than a year, whereas someone serving over 10 years has a two-year preparation period. While these plans are in place, it was reported that the degree of support that was available was very limited, i.e., if no housing of their own, or accommodation being offered by family, was available, a parole officer would be expected to contact homeless shelters or halfway house (transitional supported housing) services. As in Czechia, these halfway house services are not widespread, with only a small number being available across Hungary. The halfway houses were

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<sup>167</sup> Mertl, J. (2023) *Druhá průběžná evaluační zpráva k projektu Systémové zajištění péče pro vězněné uživatele drog a její následná kontinuita po propuštění* [The Second Interim Evaluation Report on the Project Systemic Provision of Care for Imprisoned Drug Users and Its Subsequent Continuity After Release] (Asociace poskytovatelů adiktologických služeb, z.s.).

<sup>168</sup> Asylum house website: <https://koblov.cz/nase-cinnost/azylovy-dum/ubytovani/>

described as having a mixed focus, i.e., they tended to be for ex-prisoners with more complex treatment and support needs, such as addiction, rather than a general service.<sup>169</sup> Some halfway houses are also age-restricted, for example one NGO service only accepts ex-prisoners aged under 50 and another was restricted to those under 40.

It is possible for ex-prisoners to request floating support for up to one year on leaving prison, which can mean assistance with housing, although the term used in Hungarian is *szállás*, which is closer to 'accommodation' than 'housing'. This floating support will help provide accommodation if none can be found, but it can fulfil this responsibility by arranging a place at a homeless shelter. Prisoners are eligible for welfare benefits, but do not receive any additional support.

Poland also has systems for preparing prisoners for release. These services are provided by prison service counselling staff who begin the process six months before someone is due to be released. It is possible for the prison service to move someone closer to their original place of residence as their sentence comes to an end, but this is not always achievable as the prison system is overcrowded. There is also provision for someone to leave prison for up to 14 days to secure accommodation and work in advance of release, but this is restricted to prisoners who are assessed as very likely to behave responsibly and within the law for those two weeks. There is also provision for interagency meetings with a prisoner that are designed to cover the scope of necessary assistance for reintegration. A recent legislative reform<sup>170</sup> has enabled the provision of social work support for up to three months prior to release, which was not previously available. Supports can include clothing, financial assistance, accommodation (via referral to the homelessness system), identity cards, and re-establishing contact with family (which may provide at least temporary accommodation if they can live with their family). Prisoners are also supposed to receive information about where to access further support on release, but it was reported that research had found ex-prisoners were often not reporting that they had received sufficient support.<sup>171</sup>

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<sup>169</sup> E.g., [https://www.valtosav.hu/szakmai\\_anyagok/feasibility\\_study\\_magyar.pdf](https://www.valtosav.hu/szakmai_anyagok/feasibility_study_magyar.pdf)

<sup>170</sup> An amendment to the Social Assistance Act of 28 July 2023 (which came into force on 1 November) allowed for the provision of social work to a person who has no more than three months until the planned release from prison or custody.

<sup>171</sup> [NIK2019]: *Pomoc społeczna świadczona osobom opuszczającym zakłady karne. Informacja o wynikach kontroli, Najwyższa Izba Kontroli, Warszawa 2019 (Social assistance provided to people leaving prisons. Audit report, Supreme Audit Office, Warsaw 2019)* <https://www.nik.gov.pl/plik/id,21532,vp,24180.pdf>

There is access to welfare benefits for ex-prisoners, which can be up to two-thirds of the minimum wage, but in practice these allowances were described as being very low, sometimes 5% or less of the theoretical maximum. Allowances were described as often being paid in-kind, i.e., as clothes or a travel ticket, rather than being provided in cash. There is also a payment from the convict's account from their time in prison. Prisons will also provide very short-term emergency accommodation if someone is ill or has to wait for a night for family to come and get them. The Polish social protection system does not make any specific provision for ex-prisoners once they are outside prison. Policy research has criticised existing systems, arguing that they tend to provide only limited material assistance, rather than services like counselling and that long-term support was unusual.<sup>172</sup>

There is no system to enhance access to municipal housing for ex-prisoners in Poland. The 'Justice Fund', which is operated by the Ministry of Justice and used by NGOs, has very wide-ranging functions, including most dimensions of life after leaving prison, e.g., clothing, securing an identity card, food, education, job-seeking, medical and addiction treatment, and extending into meeting the costs of temporary accommodation or a stay in a homeless shelter. The administration of the Justice Fund and the number of financial resources available were described as being criticised by the NGOs which use it. The Fund is also not universally available, because only some NGOs in some areas use it. Some NGOs also run reintegration programmes in some areas, including a recent plan for a pilot programme of transitional housing based on a Norwegian model, but these services are not generally available.

In Denmark, Correctional Services and municipalities are expected to cooperate upon supporting general living arrangements when someone is released from prison, including a focus on adequate accommodation and sufficient income. Action plans are generally supposed to be put in place on release, which is the main mechanism by which reintegration is organised. If someone is released from prison, there is an opportunity to plan, but if there is a release from a court decision, there is much less opportunity to organise an action plan. An initial meeting should take place no later than three months before someone is due to be released. This might be in the form of an in-person meeting or video conference, the goal being that a dialogue takes place between the prisoner, correctional services, and other authorities. This process also includes municipal involvement and agreement about which agency will lead the action plan from that point.<sup>173</sup> Denmark has a set of principles

<sup>172</sup> [NIK2019]: *Pomoc społeczna świadczona osobom opuszczającym zakłady karne. Informacja o wynikach kontroli, Najwyższa Izba Kontroli, Warszawa 2019 (Social assistance provided to people leaving prisons. Audit report, Supreme Audit Office, Warsaw 2019)* <https://www.nik.gov.pl/plik/id,21532,vp,24180.pdf>

<sup>173</sup> <https://kriminalforsorgen.dk/wp-content/uploads/2018/11/god-loesladelse.pdf>

which were agreed at national level by social (municipal) services and correctional services several years ago. The key requirements centre on accommodation, basic income, and a plan for education and/or employment and access to addiction services, family counselling, and other support if required.

Municipalities (local authorities) generally have discretion to prioritise 25% of available lets in public (social) housing for particular groups of people that they determine should have enhanced access to public housing. This will often include people like families experiencing homelessness with dependent children, but whether or not it will include any groups of ex-prisoners is a matter for individual municipalities to decide. Moreover, waiting times prevail in most cases. This means there is no guarantee that housing will be quickly found, and ex-prisoners may need to resort to familial support, and if that is not available, a homeless shelter. Finding housing in the private rented sector was reported as becoming increasingly difficult as rents in many cities and towns were high relative to the welfare benefit levels. Municipalities have also reported that they do not always have sufficient notification of release to put a housing plan in place for ex-prisoners.

Recent Danish analysis has identified some challenges in coordination between the correctional service and municipalities. While coordination was generally described as good, administrative and practical barriers around securing housing were also identified. This is in the context of what was described as steady progress toward greater cooperation, including an agreed roadmap for an effective release, cooperation agreements between all municipalities and the correctional service, and innovations like ensuring releases only happen on Monday-Wednesday, so they do not occur over weekends when some services are closed. Administrative issues exist around benefit payments to cover rents when someone is serving a short sentence, such as barriers attached to controlling entitlements for benefit in relation to money earned (from work) inside prison. Other challenges include many services – including housing applications – requiring online access or other digital procedures, which prisoners in high security facilities cannot access because of prohibitions on smartphones and similar technologies. If new housing is found before a release from prison, barriers exist to registering a new address (on the central personal register system covering all Danish citizens) whilst still in prison (where practices for conducting such registration varies among local authorities), which is in turn a prerequisite for access to benefits to cover the rent.<sup>174</sup>

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<sup>174</sup> Direktoratet for Kriminalforsorgen og Kommunernes Landsforening (2023) Afrapportering fra "Udvalg om myndighedssamarbejdet mellem kriminalforsorgen og kommunerne" [Report from the "Committee on the cooperation between the authorities the correctional service and the municipalities].

France has no specific policies around the release of prisoners and homelessness. However, there are requirements, dating from 2016, for partnerships between prison, probation, and homelessness services.<sup>175</sup> Services pénitentiaires d'insertion et de probation (SPIP) is responsible for socio-educational support of prisoners while they are in custody and maintaining access to housing, care, training, and employment services. Probation services, Conseiller pénitentiaire d'insertion et de probation (CPIP), are focused on reintegration. The levels of CPIP officer provision are low, reported as some 3000 people working with a population in prison and a larger group serving community sentences of around 250 000 in total. Caseloads can be as high as 100 to 120 for an individual CPIP officer. While there was an increase in recruitment from 2018-2022, resource levels are described as very low relative to the level of need for support.<sup>176</sup>

The services intégrés d'accueil et d'orientation (SIAO) identifies needs for emergency accommodation, transitional housing, and suitable housing and also ensures a sociomedical assessment is carried out for people experiencing homelessness. SIAO runs the French 115 telephone service that is designed to secure accommodation for people experiencing homelessness and coordinates outreach teams, daycentres, and other services. Since 2014, SIAO has had the capacity to subcontract services, and this can include commissioning services from SPIP. Recent requirements for SIAO to pursue a Housing First model make only brief references to ex-prisoners.<sup>177</sup> While coordination between SIAO and SPIP has been improving since 2016, not all of the operations of these agencies at local level have signed agreements. One reported criticism of existing systems is that the line between 'accommodation' and housing has become blurred and that ex-prisoners are too often being provided with accommodation rather than settled housing on release. There was also evidence that because the prison services want to ensure that the prisoner has a place to live, in line with the sentence, that the social support services are faced with a shortage of private and public housing. It was also noted that the nature of the agreements between SIAO and SPIP varies, meaning that practices are not necessarily consistent across different areas of France.

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<sup>175</sup> CIRCULAIRE INTERMINISTERIELLE N° DGCS/DIHAL/DAP/2016/151 du 13 mai 2016 relative à la coordination entre les services intégrés d'accueil et d'orientation (SIAO) et les services pénitentiaires d'insertion et de probation (SPIP), pour l'hébergement et l'accès au logement des personnes sortant de détention ou faisant l'objet d'un placement à l'extérieur. – Légifrance ([legifrance.gouv.fr](https://legifrance.gouv.fr))

<sup>176</sup> Observatoire international des prisons <https://oip.org/>

<sup>177</sup> GUIDE D'ACCOMPAGNEMENT [https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2022/03/guide\\_accompagnement\\_instruction\\_siao\\_-\\_31\\_mars\\_2022.pdf](https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2022/03/guide_accompagnement_instruction_siao_-_31_mars_2022.pdf)



There are many local projects offering reintegration through a transitional housing model in France.<sup>178</sup> These smaller scale services work with groups like ex-prisoners with a severe mental illness and can include supported housing models that are designed as an alternative to prison, one of which, in Marseille, was being evaluated at the time of writing.<sup>179</sup>

In Germany, preparation for release of prisoners should usually start six months before the planned release. Prisoners can get support from prison based social services as well as from NGOs working with this target group. They can – under specific circumstances – get temporary leave to search for housing and to organise their life after release. To get access to social housing, they will usually be supported to apply for a certificate that they are eligible for (“Wohnberechtigungsschein”), but in most cities, social housing providers can choose between applicants with such a certificate (and those who do not have one) and the chances for prisoners to get access to social housing directly after release from prison are very low. Most Jobcentres are not willing to accept applications for covering the future housing costs as part of the subsistence benefit (Bürgergeld) before prisoners are released, which means that prisoners cannot provide the necessary documents to potential landlords before leaving prison.<sup>180</sup> In most cases, ex-prisoners experiencing homelessness directly after release will either try to find a housing solution as couch surfers (hidden homelessness) with friends or relatives or in some sort of transitional housing provided by NGOs or municipalities. In many cities, specialised NGOs provide transitional housing and support especially for people leaving prison, in others, ex-prisoners can only access general services for everyone experiencing homelessness.

In Ireland, when a sentenced prisoner informs prison authorities that they were homeless prior to coming into custody, or that they are at risk of homelessness on release, they are referred to the prison-based Resettlement Service. The Resettlement Service works with the prisoner and the relevant local authority (municipality) to complete their social housing application and identify possible accommodation solutions in preparation for their release and reintegration to the community. If, for example, someone is serving a short sentence (between 3-12 months) in Dublin, the Resettlement Service will try to maintain any existing social housing tenancy through coordinating with the Dublin Regional Homeless Executive. Equally, assistance can be provided for prisoners who are likely to be

<sup>178</sup> [https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2017/06/etude\\_sortant\\_de\\_detention\\_vf\\_060617-1.pdf](https://www.gouvernement.fr/sites/default/files/contenu/piece-jointe/2017/06/etude_sortant_de_detention_vf_060617-1.pdf)

<sup>179</sup> [https://www.medecinsdumonde.org/press\\_release/programme-ailsi-alternative-a-lincarceration-pour-le-logement-et-le-suivi-intensif/](https://www.medecinsdumonde.org/press_release/programme-ailsi-alternative-a-lincarceration-pour-le-logement-et-le-suivi-intensif/)

<sup>180</sup> Baum, R. and Schilz, F. (2020) Wohnraumsicherung und -vermittlung als Aufgabe des Übergangsmagements [Securing and Providing Housing as a Task of Transition Management], *BAG-S Informationsdienst Straffälligenhilfe* 2(2020) pp.22-29.

homeless on leaving prison in making a social housing application; in 2019, 363 prisoners were assisted in this way.<sup>181</sup> Between March 2020 and June 2022, 586 prisoners applied for social housing in advance of their release, of whom 332 (56%) had a social housing place identified prior to release.<sup>182</sup>

The 2016 National Homelessness Strategy, *Rebuilding Ireland*, created commitments to ensure accommodation, welfare, and health supports were in place for prisoners at the point of release. An interagency protocol has been developed among the Prison Service, Health Service Executive, the Department for Social Protection, and local government associations under the terms of the 2016 strategy. A system called Sex Offenders Risk Assessment and Management (SORAM) is in place to provide an interagency structure for monitoring the housing of sex offenders who still represent a potential risk. The 2021 Irish homelessness strategy, *Housing for All*, noted the development of a pilot Housing First service for 13 ex-prisoners in Dublin, which is a model being developed at the national level.

In Italy, the Ufficio di Esecuzione Penale Esterna (UEPE) focuses on the supervision of community sentences and supports reintegration to prevent recidivism. UEPE was described as the key service for transitioning prisoners back into society. A 2018 legal reform created an expectation that ex-prisoners should have access to some form of accommodation in the territory where the prison they left is located. There is also an option to maintain existing housing where possible. However, while these legal protocols are theoretically in place to prepare someone for leaving prison, access to this support was described as inconsistent.

A pilot project providing support with reintegration was launched in 2020, designed to facilitate early release via a €20 per day payment<sup>183</sup>, but no data were reported on the effectiveness of the pilot, which had ceased by the time of writing. Although there had been no further national programmes, a number of local service initiatives were in place. The Municipality in Bologna began a project in 2014 that aimed to reduce socioeconomic marginalisation among prisoners, including the social services working in the municipality that the prisoner had last lived in, where housing registered to them was still accessible, and also collaborating with social services for people experiencing homelessness in Bologna. Access to homelessness services can be facilitated through this service, but it was noted that it was small, with just five places, and did not offer Housing First, rather the emphasis was on emergency accommodation. In Milan, the Restart Housing Project coordinates with UEPE to provide transitional supported housing, but it is primarily intended for

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<sup>181</sup> Parliamentary Question Wednesday, 20 May 2020.

<sup>182</sup> Parliamentary Question Tuesday, 14 June 2022.

<sup>183</sup> [https://www.giustizia.it/giustizia/it/mg\\_1\\_11\\_1.page?contentId=SPR264443&previousPage=mg\\_2\\_21](https://www.giustizia.it/giustizia/it/mg_1_11_1.page?contentId=SPR264443&previousPage=mg_2_21)

ex-prisoners trying to re-establish themselves in housing, rather than those who were experiencing homelessness prior to imprisonment. There are further examples of such projects, which were described as having limitations because, while they provided support with housing, they may not be accessible to all ex-prisoners at risk of homelessness and, as noted, did not follow a Housing First model, which meant other barriers to some ex-prisoners, like requiring abstinence. In essence, housing was not usually provided when someone was released from prison in Italy.

While stable housing was regarded as a prerequisite for reducing recidivism, the Netherlands operated on the principle that an ex-prisoner would usually be responsible for organising their own housing when released. The exception was when an ex-prisoner had support needs. However, while municipalities had policies for supporting some groups of ex-prisoners, including priority access to social housing, this was in a context of high pressure on affordable housing supply. This meant ex-prisoners who did not have access to familial supports could end up in the homelessness system or living on the street.<sup>184</sup> Current systems have been criticised for focusing more on individual support needs than structural factors when seeking to address homelessness among ex-prisoners.<sup>185</sup>

This situation was reported to be changing with the adoption of the *National Plan on Homelessness 2023-2030*, which follows a Housing First model and is designed to pursue the 2030 goal to end homelessness, set by the European Platform to Combat Homelessness following the Lisbon Declaration.<sup>186</sup> The provisions of the National Plan should provide the necessary support into settled and suitable housing for any people experiencing homelessness, including those who are ex-prisoners. There are also requirements that housing must be provided when someone leaves prison, creating an expectation that prisons, municipalities, and health and social services should not allow prisoners to leave without ensuring suitable housing is in place. The critical time intervention (CTI) model offers support broadly comparable to Housing First, with the important difference that it is time-limited, is employed for some ex-prisoners in the Netherlands.

Lithuanian practice centred on a ministerial order that requires the ministries of social security (welfare) and labour, justice, and the prison department to work together to ensure that prisoners have access to necessary public services on release. However, while this regulation expecting collaboration was in place, it was not clear which

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<sup>184</sup> <https://open.overheid.nl/documenten/ronl-55d0cfbd-71d5-4488-a875-fc0f4495554a/pdf>

<sup>185</sup> <https://www.socialevraagstukken.nl/waar-we-staan-in-de-aanpak-van-dakloosheid-in-nederland/>

<sup>186</sup> [https://ec.europa.eu/commission/presscorner/detail/en/ip\\_21\\_3044](https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3044)

ministry or department was responsible for which aspect of reintegration.<sup>187</sup> While processes are supposed to be in place for prisoners serving less than one year, or with one year left on their sentence, the protocols surrounding inter-ministerial collaboration were described as also not allowing for operational differences, e.g., only some ex-prisoners fall within the responsibilities of social services.

No specific programmes were in place to reduce the risk of homelessness following prison in Lithuania. There are some examples of NGO-led projects, including a social integration programme in Vilnius which offers a small number of places in transitional supported housing for ex-prisoners.<sup>188</sup> From 2014 onward, the Department of Prisons developed a system of halfway houses (transitional housing) which share some of the characteristics of open prisons elsewhere and are designed for prisoners moving toward the end of their sentences. These are technically services for prisoners rather than ex-prisoners. However, it uses a model in which transition to reintegration involves a physical move to a more open prison environment, rather than support services being delivered within the prison where their sentence has been served. It was reported that 11 municipalities (local authorities) were also providing additional social services for ex-prisoners, using social work teams in prisons in the first instance, before transferring to community social work services on release. Research has suggested that the level of support that social workers in prisons are able to provide is limited.<sup>189</sup> Ministry of Justice data from 2020 reported that there were only some 25 social workers covering a prison population of 4 500 people. A pilot initiative to improve services was reported as being underway, using a mix of staff training, increased halfway house provision, and developing a new prison release model in cooperation with the NGO sector.

The Portuguese General Directorate for Social Reinsertion and Prison Facilities (DGRSP<sup>190</sup>) is one of the signatories to the National Homelessness Strategy (ENIPSSA).<sup>191</sup> This has created a direct commitment to pursue one of the ENIPSSA

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<sup>187</sup> OECD (2023) *Personalised Public Services for People in Vulnerable Situations in Lithuania. Towards a More Integrated Approach* [online]. Available at: [https://www.oecd.org/publications/personalised-public-services-for-people-in-vulnerable-situations-in-lithuania-e028d183-en.htm?fbclid=IwAR0IRJr\\_1Xut2A-jmtCeQUjoN10hTleTneq\\_eZNtVvrpg12tUIAdORVvlhA](https://www.oecd.org/publications/personalised-public-services-for-people-in-vulnerable-situations-in-lithuania-e028d183-en.htm?fbclid=IwAR0IRJr_1Xut2A-jmtCeQUjoN10hTleTneq_eZNtVvrpg12tUIAdORVvlhA)

<sup>188</sup> National institute for social integration is a non-governmental organisation working with diversity, human rights, journalism, and disability. See: <https://www.zmogausteisiugidas.lt/en/themes/organisations-that-can-help-you/non-governmental-organisations/national-institute-for-social-integration>.

<sup>189</sup> Sakalauskas, G., Jarutienė, L., Kalpokas, V., and Vaičiūnienė, R. (2020) *Kalinimo sąlygos ir kalinių socialinės integracijos prielaidos* [Conditions of Imprisonment and Premises for Social Integration of Prisoners] (Vilnius: Lietuvos teisės institutas). Available at: <https://teise.org/kalinimo-salygos-ir-kaliniu-socialines-integracijos-prielaidos/>

<sup>190</sup> Direção-Geral de Reinserção e Serviços Prisionais

<sup>191</sup> <https://www.enipssa.pt/enipssa>

strategic objectives, to ensure that no-one leaves an institutional setting without an adequate place to live and the support that they need. DGRSP has built what is termed an integrated strategy to detect experience or risk of homelessness among prisoners, to work to ensure a suitable reintegration strategy, including housing, is in place. Guidance for prisons on identification of homelessness when someone enters prison was first issued in 2015. Application of these guidelines was not uniform but was described as becoming more systematic in the advent of the ENIPSSA. Further guidance on working with people with experience of homelessness was issued by DGRSP in 2022 and covers both people in prison and those serving community sentences. An initial requirement to begin processes to support release at six months was revised down to three months because that was found to be too long a timeframe, this was described as reflecting the emergency nature of responses in the homelessness sector, although this should be seen within a new emphasis on preventative and integrated strategy within a housing-led and Housing First approach in the ENIPSSA.

As was widely reported in other EU Member States, Portugal was described as also experiencing differences between theory, expectation, and practice in the reintegration of ex-prisoners and providing housing for those who needed it. Serious constraints were reported in getting a positive and rapid response from services in the community for ex-prisoners. While procedural coordination was in place, this was not yet delivering the integrated services and housing that was the strategic goal of DGRSP within the ENIPSSA framework.

Specific programmes for ex-prisoners were unusual in Portugal. Two NGO-led services, both located in Lisbon, were operating in coordination with DGRSP. Both services used a halfway house/transitional supported housing model. One of these NGO services did not work with high-risk ex-prisoners, focusing on people whose sentences were up to five years in duration. There was an emphasis on reintegration through participation in the labour market. The other, larger service also offers transitional accommodation for those ex-prisoners with no other housing or accommodation options, taking referrals from anywhere in the country. Charities sometimes seek cooperation from DGRSP that use a labour-based model, i.e., working in exchange for accommodation and support, but this is outside the frameworks used by DGRSP and the principles of ENIPSSA.

Greece was described as lacking any overall homelessness prevention policy, as well as any specific policy regarding the risk of homelessness among ex-prisoners. In essence, ex-prisoners who became homeless ended up living on the street or in homelessness services, which in Greece were more likely to be emergency shelters and daycentres, as well as services distributing food, clothing, and other essentials. Social housing was described as almost non-existent. There is one service called

EPANODOS which is described as an NGO-led service focusing on the social reintegration of ex-prisoners and which operates under the supervision of the Greek Ministry for Citizen Protection.<sup>192</sup> The service was described as very small, accommodating between 8-10 people in total, and operating only within Athens, it was also restricted to three months in a transitional supported housing apartment. Another small programme, focused on housing and employment for people experiencing homelessness, also provides a housing subsidy, but it is not exclusively for ex-prisoners, although some ex-prisoners have made use of it. Informal support for ex-prisoners can be provided by charities and faith-based organisations, but it is not consistent or systematic. Ex-prisoners also receive €200 a month for the first three months after their release. There is no systematic system for securing housing for ex-prisoners during someone's time in prison, nor upon their release.

No specific strategy was in place for the housing of ex-prisoners in Slovenia. There is an expectation that prisoners are referred to the Centre for Social Work in the area in which they were last temporarily or permanently resident, three months before release. The expectation is that someone will be encouraged and enabled to take an active part in their own reintegration. Social workers based in prisons can become engaged in trying to find housing if no arrangements are in place. This can include referral to homelessness services or accommodation for people with very limited financial resources. While social workers can seek to connect prisoners with general services to help reduce the risk of homelessness before they leave prison, no specialist services for ex-prisoners were reported as operating in Slovenia. As elsewhere, there were some NGO services for ex-prisoners, but these were not specifically focused on homelessness and some services, for people with addiction, could support ex-prisoners, but only where they had the treatment or support needs those services were designed to deliver.

Norway has seen a series of national programmes designed to reduce homelessness since 2000, including specific provision for ex-prisoners. The first, Project Homelessness, was designed specifically for people experiencing homelessness with multiple, high, and complex needs, which included a high proportion of people with a history of repeated contact with the criminal justice system. A second strategy, Pathway to a Permanent Home, which ran from 2005-2007, had specific objectives around ex-prisoners, with a target that no-one should spend time in temporary accommodation on release from prison, alongside other targets. Progress was made in addressing the needs of ex-prisoners, although an evalua-

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<sup>192</sup> <https://epanodos.org.gr/english/>

tion reported that the targets were not fully met.<sup>193</sup> A broader strategy, encompassing wider housing exclusion as well as homelessness, ran from 2014-2020. This strategy was reported as improving interagency working and enhancing social housing policy. The current strategy at the time of writing, running from 2021-2024, places more emphasis on socioeconomically marginalised people being able to buy their own homes. As in several EU Member States, Norway has long identified stable and adequate housing as a prerequisite to effective interventions to stop recidivism. An inter-ministerial Directorate Committee was given responsibility for implementing a new strategy to reduce recidivism which ran from 2017-2021. A report from the Committee noted that ex-prisoners tended to have high support needs and that prison services were still not at a point where their needs were being successfully met. As in Denmark, there were also concerns about access to largely online services while still in prison.<sup>194</sup>

Norwegian Correctional Services have programmes and courses to assist and arrange for a 'meaningful prison stay' and a 'good release'. Housing should be part of programmes and plans that prepare for release. One example of a measure is Tiltak overfor Gjengangere (TOG) (initiative toward recidivists) which started in Oslo prison in the early 2000s, and which was expanded to other prisons. TOG is designed to bring together prison, probation, and halfway house services and link them together with other welfare agencies, education providers, health services, the police, and NGOs, with an emphasis on stopping reoffending. The broad approach is a structured, multi-agency package of case managed support on leaving prison, something which is seen as having been successful. This is a service that incorporates housing need, but within a wider focus on preventing recidivism. Another service model is called FRI, run by a faith-based organisation, which is supported by the Housing Bank's (Husbanken) social development funds and focuses on housing provision. FRI is offered after parole has occurred and uses a transitional housing model, in which a 'training' apartment is offered before an ordinary apartment, with the goal that people using it will be able to use the Housing Bank's support to eventually buy their own home. Legislative rights to housing and municipality obligations to assist with acquiring housing are quite weakly defined in law. Municipalities in Norway have a high degree of discretion in how they design and operate services, which means there can be significant differences in how much support may or may not be available to an ex-prisoner at risk of homelessness.

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<sup>193</sup> Dyb, E., Helgesen, M.K., and Johannessen, K. (2008). *På vei til egen bolig. Evaluering av nasjonal strategi for å forbygge og bekjempe bostedsløshet [The Pathway to a Permanent Home Evaluation of the national strategy to prevent and counteract homelessness 2005-2007]* (NIBR Report 2008: 15).

<sup>194</sup> Directorate Committee (2022) *Nasjonal strategi for samordnet tilbakeføring etter gjennomført straff 2017-2021. Sluttrapport* [National strategy for coordinated reintegration after served sentences 2017-2021. Final Report] (Direktorats utvalg for tilbakeføring. Februar 2022).

The UK is another example of a country in which a link between stable housing and a reduced risk of recidivism has long been accepted at policy level, but at the same time practice has often remained inconsistent and sometimes failed to reduce the risk of homelessness on leaving prison. Support services and rehabilitation systems within prisons are in a poor operational state, as the prison system is extremely overcrowded and under-resourced. A 2023 study from the National Audit Office reported that England's prisons and probation system were characterised by widespread inconsistency and failure to provide the reintegration that should reduce recidivism. Two out of every five prisoners had reoffended within 12 months of release and almost one quarter of ex-prisoners were not in settled accommodation three months after release, with only around 40% of ex-prisoners with known addiction issues being engaged with drug and alcohol services. Privatisation of the probation service resulted in a cascade of failures which eventually led to it being renationalised and reorganised, but in December 2022, almost one third of all probation officer posts in England were empty.<sup>195</sup> There are multiple examples of individual projects and service providers that are designed to reduce homelessness among offenders, but the funding for these services can be limited and precarious.<sup>196</sup> Planning can also be difficult because prisoners can be moved around a lot in an overcrowded system, so planning and establishing links to prepare for leaving prison can be difficult. The problem is longstanding, with reports of systemic failures in preventing reoffending dating back a decade or more, but with little evidence of policy progress.<sup>197</sup>

The UK's homelessness laws can facilitate access to affordable private rented sector housing or to social housing provided by local authorities<sup>198</sup> and quasi-social businesses and charities operating as housing associations. In three of the four UK administrations, people who are defined as 'vulnerable' because of the time they have spent in prison can be found to be in priority need, i.e., they are found to be owed a duty beyond support to prevent homelessness (where it has not yet occurred), or provision of short-term temporary accommodation, and there is a duty to find them 'settled housing'. Demonstrating that an ex-prisoner is vulnerable and therefore in priority need can be problematic, because having treatment and support needs linked to time in prison is not enough, they have to be facing heightened risks to their wellbeing that are specifically linked to homelessness. These requirements can be a barrier to any assistance beyond support with prevention

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<sup>195</sup> <https://www.nao.org.uk/wp-content/uploads/2023/05/improving-resettlement-support-for-prison-leavers-to-reduce-reoffending-Summary.pdf>

<sup>196</sup> [https://www.riverside.org.uk/wp-content/uploads/2020/03/A\\_Traumatised\\_System\\_FULL-REPORT\\_v8\\_webFINAL.pdf](https://www.riverside.org.uk/wp-content/uploads/2020/03/A_Traumatised_System_FULL-REPORT_v8_webFINAL.pdf)

<sup>197</sup> <https://howardleague.org/wp-content/uploads/2016/04/No-fixed-abode-report.pdf>

<sup>198</sup> In England, Wales, and Scotland, the Northern Ireland Housing Executive (NIHE) in Northern Ireland.



and/or a short stay in temporary accommodation under the terms of the homelessness laws in England, Wales, and Northern Ireland. In Scotland, by contrast, there is no priority need test, so ex-prisoners do not face this potential barrier to the statutory homelessness system.<sup>199</sup>

In addition, however, many social landlords will refuse to house certain categories of offenders, and this goes beyond individuals who might present an ongoing risk when they are released from prison. Some social landlords will not house someone with a history of drug offences, particularly supply, without a clear package of support being in place. Others will not house them regardless of whether support is available. A history of rent arrears and anti-social behaviour (nuisance, low level criminal behaviour) while a social tenant, particularly if it resulted in eviction, will usually mean that a social landlord will not house that person again, which may form a barrier to some ex-prisoners.

## 2.3 Local connection and ex-prisoners

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The impact of local connection rules on homelessness was the subject of an earlier EOH Comparative Report in 2015.<sup>200</sup> That research highlighted the challenges that can exist for anyone threatened with or experiencing homelessness who is seeking help and cannot demonstrate a clear connection to a local authority or municipality. A common issue is the practice of homelessness services to not accept people who cannot demonstrate they are connected to the administrative area where that service is situated. Sometimes this is a choice of service providers, but more often it is a function of how the financing of homelessness services is organised. The same requirements around demonstrating links to a specific area can also limit access to welfare benefits, social services, and health services, and where present, a lack of demonstrable local connection may remove any entitlement to social housing in a municipality or local authority area.

There are exceptions; some basic homelessness services may be more open, or not check for local connection. This is part of homelessness policy in some countries, perhaps most notably France, with its policy of open access to emergency

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<sup>199</sup> Anderson, I. (2023) Responding to Homelessness: Making the Human Right to Housing a Reality in Scotland? in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp. 48-59. (London: Routledge).

<sup>200</sup> Baptista, I., Benjaminsen, L., O'Sullivan, E., and Pleace, N. (2015) *Local Connection Rules and Homelessness in Europe* (Brussels: FEANTS). Available at: <https://www.feantsaresearch.org/en/comparative-studies/2015/12/22/eoh-comparative-studies-on-homelessness-number-5-2015?bcParent=763>

shelter.<sup>201</sup> These systems that allow people experiencing homelessness to seek help in any area still have limits, the main example are the multiple barriers to services appear for someone who is not demonstrably a citizen of the European country where they are seeking assistance with homelessness, particularly if they are an asylum seeker or an undocumented migrant.<sup>202</sup>

Where homelessness has predated imprisonment or imprisonment has involved a sentence of several years, the barriers to services may be significant. Local connection regulations may involve a requirement to have a registered address in the area within a specific time frame and for a certain amount of time. The potential problems here are multiple. Someone may have lost their legally registered address because they served a sentence long enough to mean that the housing could not be retained (or they lost it the instant they were imprisoned), a sentence of several years might mean that they automatically lost local connection because they were away from the area for too long.

Anyone who was homeless for any amount of time, including hidden homelessness, i.e., they held no evidence of their own tenancy, licence, or evidence of owner occupation because they were living in someone else's house, might also not be able to demonstrate the required local connection. Physical presence in an area may or may not be accepted as a local connection, but even if a municipality or local authority does take responsibility for people who have been imprisoned within its boundaries, ex-prisoners may have been moved around inside prison systems and not necessarily been resident in the area in which they released for long. Local connection requirements may also not be interpreted generously.

Some people will not want to return to their municipality (local authority) of origin and have good reasons for doing so, for example because their history of criminality is likely to lead to them being stigmatised or because they are trying to avoid former associations that might risk recidivism. Wherever access to public services, including health and welfare systems, is heavily dependent on establishing a local connection, someone avoiding one set of problems, by avoiding a return to the last area they lived in, might find themselves facing significant barriers to services.

One of the more common European responses by municipalities and local authorities toward people experiencing homelessness who do not have a local connection, by whatever criteria are used to determine this, is to refer them to another municipi-

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<sup>201</sup> Baptista, I., Benjaminsen, L., O'Sullivan, E., and Pleace, N. (2015) *Local Connection Rules and Homelessness in Europe* (Brussels: FEANTSA). Available at: <https://www.feantsaresearch.org/en/comparative-studies/2015/12/22/eoh-comparative-studies-on-homelessness-number-5-2015?bcParent=763>.

<sup>202</sup> Bénoliel, C. (2020) Universal Rights but Not for Everyone: The Right to Emergency Accommodation in France and EU Equality Law, *European Journal of Homelessness* 14(2) pp.75-98.

pality or local authority where they apparently do have a local connection. There can be arrangements, such as in Denmark, where a municipality in which someone experiencing homelessness can request that the last municipality with which they have a local connection to meet the costs of services.<sup>203</sup> However, as this research has shown, such arrangements are not always in place in other EU Member States or may not work consistently. There may also be circumstances in which it is difficult to establish where someone was last resident, if they had no official address for some time before serving a prison sentence.

Alongside sometimes creating a barrier to services, local connection rules can restrict mobility and control over where someone lives. Ex-prisoners may have to move to and live within specific municipalities or local authorities to access assistance. This may be important in reducing access to services when someone wants to move elsewhere. There may be very good reasons for avoiding the old neighbourhood or community in which they were last resident, around risks of recidivism and of stigmatisation, for example.

In Czechia, prisoners released somewhere other than their last known address were given sufficient funds to reach that area. The welfare system is not organised on a municipal basis but at national level, which means that welfare assistance can be sought from any location. Hungarian emergency shelters, like those in France, are accessible to anyone and do not have a local connection requirement. However, access to social housing, which is already limited, usually requires demonstrating a local connection.

In Poland, local connection applies in all cases of people experiencing homelessness seeking assistance and is always used for shelters. The provisions on local connection in the Social Assistance Act were described as unclear and, in most cases, have been interpreted by municipalities as an obligation to return to the municipality of last permanent residence registration. In 2021, the Ministry of Family and Social Policy sent a notice to all 2 500 municipalities in Poland that such practices are an incorrect interpretation of the law. Since then, this approach has been changing, but due to the provisions remaining unclear, municipalities still have interpretative discretion, which can only really be challenged in the Local Government Appeal Boards.

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<sup>203</sup> Baptista, I., Benjaminsen, L., O'Sullivan, E., and Pleace, N. (2015) *Local Connection Rules and Homelessness in Europe* (Brussels: FEANTSA). Available at: <https://www.feantsaresearch.org/en/comparative-studies/2015/12/22/eoh-comparative-studies-on-homelessness-number-5-2015?bcParent=763>

Until recently, there was an expectation that an ex-prisoner would have to find their way to whichever municipality they could demonstrate they were last resident in, with assistance from the municipality in which they were released being confined to a ticket to reach that municipality. The shift in Polish policy occurred when a 2021 review of practice concluded that it was not acceptable to force people experiencing homelessness (including ex-prisoners) to travel to another municipality. Again, the Local Government Appeals Boards, to which individual cases can be brought, have the capacity to overrule local connection requirements completely, but only on a case-by-case basis.

Danish practice is that an ex-prisoner is attached (in terms of service provision) to the municipality in which they were last living before imprisonment. This municipality will be the one that is involved in the release planning arrangements described earlier in this chapter. When someone was homeless, i.e., living in a shelter or supported housing in another municipality than their 'home' municipality before imprisonment, it will still be their 'home' municipality, that is responsible for support services. This can result in quite convoluted arrangements, with release planning involving a municipality that can be a considerable distance away being responsible for an ex-prisoner's support. Complications may arise, i.e., when a prisoner does not want to return to their 'home' municipality, they cannot count on support from the municipality in which the prison is located. Even when emergency shelter services are needed, it will still be the 'home' municipality that is obliged to pay for the use of such services.

France has requirements about the suitability of any accommodation used for parole (early release, usually toward the end of a sentence) which includes the distance from the last settled place of residence. A shared flat or staying with a family member may be acceptable. Universal access to emergency shelter is not matched by universal access to social housing, and an ex-prisoner without French nationality, a right of residence, or a valid residence permit is not usually able to access social housing. Prisoners cannot access the welfare system that provides minimum income (Revenu de solidarité active) before release from prison. Without any income it is more difficult to access to housing in advance of release.

No local connection rule exists for prisoners being released in Germany. However, as in France, in most cases Jobcentres (the main providers of subsistence benefits and payments for housing costs) will usually only accept applications after being released from prison, so it may be difficult to look for housing and to secure coverage of housing and living costs in the period immediately before release from prison. Preparation for resettlement of prisoners experiencing homelessness is a task for social services of the prison as well as for NGOs working with people released from prison.

In Ireland, there can be informal housing arrangements made by local authorities in response to the specific needs of particular prisoners on release, for example if someone were at risk in the last local authority in which they were resident. However, local connection rules would usually apply to ex-prisoners, which require evidence of residence in an area for a continuous period of five years, employment in the area, full time education in the area, a need for specific medical treatment or other support sited in the area, or a relative resident within the area for at least two years. If local connection can be established and an ex-prisoner passes other eligibility tests, the wait for social housing may be very significant. As in France, ex-prisoners would also need to demonstrate citizenship or the right to residence in Ireland on a long-term basis.

Italy was described as not having the equivalent of local connection rules. However, residence permits for non-Italian residents of the country have the potential to expire if someone is imprisoned. In the Netherlands, municipalities have responsibility for the reintegration of ex-prisoners who can settle wherever they wish to. Municipalities make agreements with social housing agencies to prioritise housing of specific groups, which can include ex-prisoners at risk of homelessness with treatment and support needs. However, social landlords generally expect someone to have a local connection, which is either economic or social, before they will offer housing.

In Lithuania, social workers within prisons are expected to contact the municipality in which a prisoner was last resident before they are released. However, it was noted that there is not a standardised mechanism for doing this and that municipalities will often not initiate contact with an ex-prisoner. Prisoners are broadly expected to make connections to services themselves, with social workers providing general information. There is the capacity for one municipality to purchase homelessness services from another, this does allow a municipality to move an ex-prisoner experiencing homelessness out of their area, but equally not all municipalities have homelessness services.

Portugal has no formal local connection rules around rehousing following prison, i.e., any ex-prisoner has the right to seek reintegration in the area of their choice. However, evidence of informal use of local connection was reported, in that some services tended to focus on their own areas, rather than taking referrals from anywhere in the country. Probation services were described as often trying local services surrounding the prison first, then expanding the areas covered in an effort to secure what were often scarce services.

Greece lacked any organised provision of housing for ex-prisoners at risk of homelessness in a context of limited overall homeless service provision. Legislation that would have created local reintegration councils for each municipality in Greece was passed but has not been activated at the time of writing.

Slovenia was similar to some other EU Member States in ex-prisoners being referred to the Centre for Social Work in the area in which they were last resident. One difference is that this can be the municipality in which they were last temporarily resident, as well as the one in which they last occupied any settled housing.

In Norway, any citizen can decide which municipality they wish to live in and retain all rights to social assistance (welfare benefits) and public health services if they move between one municipality and another. However, most municipalities have a residence requirement of two years before they will consider allocating someone social housing. In practice, this means that after two years of residence in a municipality, ex-prisoners can only begin to compete with other households in need of social housing, i.e., they will not necessarily be granted access to social housing. It was noted that perhaps the main obstacle to effective resettlement is a lack of suitable housing.

An English local authority could, until relatively recently, refuse to recognise someone who had been living on the street within their boundaries for *years* as having a local connection, because the test of habitual residence in an area meant establishing a history of having a settled address, i.e., housing within the area.<sup>204</sup> Scotland has announced the abolition of local connection rules under the terms of its own homelessness legislation because they are now viewed as a barrier to the statutory homelessness system.<sup>205</sup> Local connection rules are similar to those in Ireland in relation to access to social housing and, alongside sometimes extremely long waiting times, have the potential to block access to social housing for some ex-prisoners.

The extent to which local connection may or may not be an issue depends on the circumstances of an ex-prisoner who is at risk of experiencing homelessness. Someone who has been imprisoned for a significant amount of time may find establishing any sort of local connection difficult and the problem may also arise if they have been repeatedly homeless or experienced long-term homelessness prior to imprisonment. Issues around very limited access to services for ex-prisoners who cannot demonstrate citizenship or permission to remain in an EU Member State or other European country also apply to anyone else at risk of homelessness who is an asylum seeker or undocumented.<sup>206</sup>

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<sup>204</sup> <https://researchbriefings.files.parliament.uk/documents/CBP-7698/CBP-7698.pdf>

<sup>205</sup> <https://www.gov.scot/news/more-choice-for-people-experiencing-homelessness/#:~:text=It%20aims%20to%20help%20them,have%20chosen%20to%20remove%20them.>

<sup>206</sup> See: Baptista, I., Benjaminsen, L., Busch-Geertsema, V., Striano, M., and Pleace, N. (2016) *Asylum Seekers, Refugees and Homelessness: The Humanitarian Crisis and the Homelessness Sector in Europe* (Brussels: FEANTSA).

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## 3. Discussion

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This final chapter considers the wider findings of the report. There is also a discussion of the associations between prison, criminal justice systems, and the goals around ending homelessness in Europe by 2030, within the European Platform on Combatting Homelessness.

### 3.1 Crime, prison, and homelessness

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The European tendency to imprison certain populations who are also at risk of homelessness needs to be understood in precise terms. There are three points to bear in mind here:

- Regulation and criminalisation of people sleeping on the street and those living in informal settlements (encampments) and in squats by criminal justice systems is just one aspect of European homelessness. European homelessness is not simply street-based sleeping, it is a much broader social problem, encompassing 'hidden' homelessness, experienced disproportionately by people in situations of poverty and destitution.<sup>207</sup>
- The mutually reinforcing relationships between prison, severe mental illness, addiction, limiting illness, disability, trauma, and deep social exclusion are largely confined to people experiencing recurrent (episodic) and sustained (chronic) homelessness. Again, this does not represent the bulk of homelessness in Europe, although in Member States with highly developed social protection systems (e.g., Denmark and Finland), relatively smaller populations of people experiencing homelessness are more likely to contain people in this group. Those Member States with less extensive social protection see greater levels of homelessness associated with simple destitution rather than specific sets of experiences, treatment, and support needs.<sup>208</sup>
- In Europe, while living on the street can be a criminal offence, the relationship between prison and homelessness seem to centre more on a high cost, high risk population with multiple and complex needs. This group is more at risk of

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<sup>207</sup> Busch-Geertsema, V.; Benjaminsen, L.; Filipovič Hrast, M. and Pleace, N. (2014) *The Extent and Profile of Homelessness in European Member States: A Statistical Update* Brussels: FEANTSA.

<sup>208</sup> Benjaminsen, L. and Andrade, S.B. (2015) Testing a Typology of Homelessness Across Welfare Regimes: Shelter Use in Denmark and the USA, *Housing Studies* 30(6) pp.858-876.



recurrent and sustained homelessness, and who appear to commit survival crime (stealing food etc) and addiction related crimes (stealing to buy drugs) at high rates, meaning they have frequent contact with criminal justice systems, including experience of imprisonment. This is a different form of relationship than people being routinely put into prison *because* they are homeless in Europe, which while it can still happen in theory, does not appear to be widespread.

Taking Hungary as an example, the usual punishment for street-based sleeping is a fine, but there *might* ultimately be imprisonment if that fine is not paid, though this is reported as being an uncommon event. More generally at a European level, the scale at which people are actually being imprisoned for being homeless does not really seem to be very large at all. Looking at the EU level, Member States do tend to have begging and anti-social behaviour (nuisance) legislation, outlawing certain street using activities that may be associated with living on the street. However, while these laws can be employed against people living on the street, with the obvious proviso that they have to have committed offences within the terms of those laws, they generally cannot be arrested for homelessness itself. It must be noted that it might well be difficult for someone living on the street to argue with police, if they tell them simply to leave an area, even if no charges can actually be brought. In other words, it is possible that European police organisations are routinely telling people living on the street to move away from a particular location, and even in the absence of a capacity to arrest and prosecute someone, are still often being obeyed. Nevertheless, most EU Member States and the other European countries involved in this research did not have anti-homelessness legislation as such.

Within this, there are also the debates about the complex relationships between criminal activity and being a victim of crime. There is not much evidence on the experience of the much smaller European population of women ex-prisoners and their risks of homelessness. However, the developing evidence base on women's experience of homelessness has highlighted that among women experiencing long-term and recurrent homelessness, high rates of criminality are at least matched, and often exceeded by the rate at which many women have been the victims of crime. Existing evidence indicates that sexual assault, gender-based violence, and domestic abuse are very widespread experiences among women who are in situations of recurrent or long-term homelessness in Europe.<sup>209</sup> Criminality may permeate some forms of homelessness in multiple ways, and, as in this instance,

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<sup>209</sup>Bretherton, J. and Mayock, P. (2021) *Women's Homelessness: European Evidence Review* (Brussels: FEANTSA); Mayock, P. and Bretherton, J. (Eds.) (2016) *Women's Homelessness in Europe* (London: Palgrave Macmillan).



evidence indicates that being frequent victims of crimes, rather than crimes they have perpetrated, may be much more important in understanding some women's experiences and their needs as they seek to exit homelessness.<sup>210</sup>

Equally, it has long been clear that the populations who are more likely to be imprisoned overlap with those who are more likely to be homeless. This happens at two levels. First, European criminal justice systems are more likely to imprison people with high and complex treatment and support needs, including high rates of mental illness and learning difficulties (including neurodiversity), which is the same broad group who are at risk of recurrent and sustained homelessness. Second, as has been noted elsewhere, the role of criminal justice systems in relation to European populations who experience homelessness also has to be seen in the context of wider shifts toward law enforcement as a means of asserting social order, i.e., poor and marginalised populations are more regulated and surveilled by criminal justice systems than more affluent people, across all European societies.<sup>211</sup> Within this, sociolegal control of urban space, i.e., the enforced spatial sorting of inequality using criminal justice systems (often backed by private security), which excludes populations who live on the street, are houseless, and experiencing hidden homelessness and who are in situations of housing exclusion, from affluent city centres and suburbs, has long been highlighted by theorists and researchers.<sup>212</sup>

Sometimes these links between risks of imprisonment and homelessness are stark. Across Europe, young people who are care leavers, especially young men, who have had contact with child protection systems during their childhood are much more likely than their peers to experience homelessness *and* prison. Again, the available evidence is that the relationships here are not linear, there is no pattern in which young people who are care leavers become homeless and then enter prison, or vice versa, the risk that both will occur may be heightened, but if one occurs it will not necessarily somehow 'trigger' the other.<sup>213</sup>

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<sup>210</sup> Bretherton, J. (2017) Reconsidering Gender in Homelessness, *European Journal of Homelessness* 11(1) pp.1-21.

<sup>211</sup> O'Sullivan, E. (2023) Crime, Punishment and Homelessness, in: J. Bretherton and N. Pleace (Eds.) *The Routledge Handbook of Homelessness*, pp.85-95. (London: Routledge); O'Sullivan, E. (2012) Varieties of Punitiveness in Europe: Homelessness and Urban Marginality, *European Journal of Homelessness* 6(2) pp. 69-97.

<sup>212</sup> Davis, M. (2006) *City of Quartz: Excavating the Future in Los Angeles* (London: Verso Books); Hayashi, M. (2022) Theorizing Regulation-In-City for Homeless People's Subaltern Strategy and Informality: Societalization, Metabolism, and Classes With (Out) Housing, *Critical Sociology* 48(2) pp.323-339.

<sup>213</sup> Quilgars, D., Fitzpatrick, S., and Pleace, N. (2011) *Ending Youth Homelessness: Possibilities, Challenges and Practical Solutions* (York: Centrepont).

Looking at the ways in which prison may exacerbate the risk of European homelessness, while drawing on the results of this research, the key risks that entering prison seem to be as follows:

- Prisons are only rarely working to prevent potential homelessness among people who are about to leave. Advanced planning is often limited and is sometimes effectively absent. There is limited evidence of joint working with other agencies to prepare for release and the resources devoted to the reintegration process are often limited. Some prison systems face such levels of pressure on their resources that their nominal rehabilitation and reintegration functions are often wholly or partially dysfunctional in practice.
- Systems on leaving prison can be inconsistent, badly coordinated, and under-resourced and this was widely seen as heightening the risk that homelessness will occur immediately after release. In several Member States, and across Europe more generally, too much relies on whether an ex-prisoner has social supports on leaving prison, most obviously the familial or friendship networks in place, that will accommodate them when they leave prison.
- Specialist projects and services designed to reduce homelessness among ex-offenders, where these existed, could often be difficult to access because they were small relative to need and demand. One point to note here is that development of specialist services and projects is not necessarily a good sign, as it can indicate mainstream systems are dysfunctional. There is a difference between a clearly resourced, systematic, national strategy or programme to reduce homelessness among ex-offenders and uncoordinated clusters of small-scale projects that may only operate in some areas, not work in consistent (or clearly evidenced) ways, and which may be funded on a precarious basis.
- Housing can be lost during short term sentences. Homelessness being triggered because someone is in prison for three months and their rent is not being paid is likely to have higher human and societal costs than enabling welfare/social protection systems to temporarily cover rent payments while someone is in prison. Housing cannot be kept ready for someone serving a prison sentence on an indefinite basis, but there is a strategic case for looking at the rationality of welfare systems withdrawing housing/rent benefits if someone is in prison for a few weeks. Short term sentences that are intended as (relatively) minor punishments are effectively amplified if they tend to significantly increase the risk of homelessness on release. Access to social housing, where it is present, may be patchy at best and it may be effectively unavailable.

- Levels of homelessness among ex-prisoners are related to the wider drivers of homelessness in a society. EU Member States and European countries with overheated and commodified housing markets, inadequate welfare and public health systems, and deep levels of inequality tend to have more homelessness.<sup>214</sup> Within these countries, ex-prisoners are often very much a part of the socioeconomically marginalised populations and people with unmet treatment and support needs, who are also most at risk of homelessness.

As was noted at the outset of this report, drawing out the exact relationships between prison and risks of homelessness is difficult. This is because criminal behaviour, or more precisely the kind of criminal behaviour that European criminal justice systems tend to focus on and which people are therefore more likely to be caught doing, sits alongside a range of other characteristics that are associated with homelessness. Criminal justice systems are much more likely to arrest and imprison poor and destitute people who are alienated and excluded from society and opportunity, a population who are in broad terms, more likely to be homeless. Homelessness does not 'happen to anyone', rather the evidence is that it disproportionately happens to poor people<sup>215</sup> and the same thing is true in terms of who is most likely to go to prison. Again, it is equally clear that prison systems are more likely to imprison high cost, high risk populations who present with multiple and complex needs like mental illness, addiction, learning difficulties, and neurodiversity and again, this is the same broad population who appear to be at heightened risk of recurrent and sustained homelessness.<sup>216</sup>

However, while these populations are similar and they overlap, they are not the same. The coexistence of higher risks of imprisonment and homelessness in the same or very similar populations may be read as mutually reinforcing, i.e., people are not generally criminal because they are homeless, nor homeless because they are generally criminal. Putting this another way, ex-prisoners are over-represented among people experiencing homelessness relative to the general population, but most people experiencing homelessness are not ex-prisoners and most ex-prisoners do not become homeless.

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<sup>214</sup> Fondation Abbé Pierre and FEANTSA (2023) *Eighth Overview of Housing Exclusion and Homelessness in Europe* (Brussels: FEANTSA). Available at: [https://www.feantsa.org/public/user/Resources/reports/2023/OVERVIEW/Rapport\\_EN.pdf](https://www.feantsa.org/public/user/Resources/reports/2023/OVERVIEW/Rapport_EN.pdf)

<sup>215</sup> Bramley, G. and Fitzpatrick, S. (2018) Homelessness in the UK: Who is Most at Risk? *Housing Studies* 33(1) pp.96-116.

<sup>216</sup> O'Sullivan, E., Pleace, N., Busch-Geertsema, V., and Hrast, M.F. (2020) Distorting Tendencies in Understanding Homelessness in Europe, *European Journal of Homelessness* 14(3) pp.109-135.

Looking at this from that angle, the answer to associations between being in prison and at heightened risk of homelessness seems to lie in improving systems and strategies for managing release from prison in ways that reduces the risk of homelessness. This ultimately means ensuring equality of access to adequate systems of housing support and social protection for ex-prisoners and looking toward proven responses like Housing First – which may need specific enhancements – when designing policy to avoid homelessness among ex-prisoners who are within high cost, high risk populations. At the time of writing, only one EU Member State that participated in this research was experimenting with using Housing First for ex-prisoners experiencing homelessness (the UK has also undertaken small exercises).<sup>217</sup> By contrast, in some other countries, including Portugal, it was reported that being an ex-prisoner might actually limit access to some Housing First services.

Delayed effects from certain life experiences may heighten the risk that homelessness will be experienced at some point. One example of this is the relationship between eviction, as there is some evidence suggesting that people experiencing eviction do not generally immediately enter homelessness, but that at least some find themselves in situations of housing precarity in which the risks of homelessness are exacerbated.<sup>218</sup> As noted in the first chapter, Australian research has indicated a similar pattern in relation to leaving prison, with ex-prisoners not experiencing homelessness until several months after their release, because support systems are too short.<sup>219</sup> As understanding of women's homelessness has increased, data have suggested that lone women's homelessness and family homelessness (mainly experienced by lone women parents) frequently involve a pattern of losing housing and entering hidden homelessness, with other forms of homelessness occurring when informal arrangements with relatives, friends, and acquaintances eventually break down.<sup>220</sup> This might be a pattern among some ex-prisoners, including women ex-prisoners, but this is an area in which there is a not a great deal of research evidence at present.

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<sup>217</sup> Quilgars, D., Bretherton, J., and Pleace, N. (2021) *Housing First for Women: A Five-Year Evaluation of the Manchester Jigsaw Support Project* (York: University of York).

<sup>218</sup> Padraic, K., Benjaminsen, L., Busch-Geertsema, V., and Nasarre-Aznar, S. (2018) *Pilot Project – Promoting Protection of the Right to Housing – Homelessness Prevention in the Context of Evictions* (Luxemburg: European Commission, Directorate-General for Employment, Social Affairs, and Inclusion).

<sup>219</sup> Moschion, J. and Johnson, G. (2019) Homelessness and Incarceration: A Reciprocal Relationship, *Journal of Quantitative Criminology* 35 pp.855-887.

<sup>220</sup> Bretherton, J. and Mayock, P. (2021) *Women's Homelessness: European Evidence Review* (Brussels: FEANTSA).

There is also a need to consider the other dimensions of homelessness among ex-prisoners. The key difference between this group and other people experiencing homelessness in Europe is that some, albeit a minority, were dangerous when they were imprisoned and will remain dangerous on release. Sexual and violent offenders will have housing and support needs to avoid homelessness, but in these cases, the role of homelessness services and joint working across systems and agencies will need to balance those needs against priorities in relation to public protection. Entering street-based sleeping or hidden homelessness can rapidly take someone off the grid if they are not in regular contact with services who are aware of their location. One key element here is that a stably housed ex-prisoner with a history of violence has one characteristic that an ex-prisoner with a history of violence living on the street does not, which is that you know where they are.

### 3.2 The European Platform on Combatting Homelessness

The 2021 Lisbon Declaration of European Platform to Combat Homelessness was designed as the beginning of a process that will create more consistent, stable, and effective responses to homelessness across the EU-27, focusing on a person-centred, housing-led, and integrated approach and working toward the ending of homelessness by 2030. The immediate goals centre on ensuring that:

- No one sleeps on the street for lack of accessible, safe, and appropriate emergency accommodation;
- No one lives in emergency or transitional accommodation longer than is required for successful move-on to a permanent housing solution;
- No one is discharged from any institution (e.g., prison, hospital, care facility) without an offer of appropriate housing;
- Evictions should be prevented whenever possible and no one is evicted without assistance for an appropriate housing solution, when needed; and
- No one is discriminated against due to their homelessness status.<sup>221</sup>

The Mutual Learning Activities of the Platform, i.e., prevention, rapid rehousing, housing-led and Housing First approaches, reflect shifts in policy and practice happening across many of the EU-27.<sup>222</sup> In relation to ex-prisoners, the lessons of this research for the Platform seem quite straightforward. One is simply that, in many EU Member States, ex-prisoners may be at heightened risk of living on the

<sup>221</sup> [https://ec.europa.eu/commission/presscorner/detail/en/IP\\_21\\_3044](https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3044)

<sup>222</sup> <https://ec.europa.eu/social/main.jsp?catId=1624&langId=en#:~:text=The%20main%20objective%20of%20the,4%20Member%20States%20each%20time.>

street and prolonged stays in transitional accommodation. The first risk centres on cascade failures and poor coordination in the bulk of systems and practices around reintegration when leaving prison, even while much policy identifies stable, adequate housing as a vital component, it is often being neglected as a core objective. The second risk is that barriers to permanent or settled housing, the reluctance of private rented sector and social landlords to house ex-prisoners, some issues with local connection, and the limits of welfare and other supports for ex-prisoners seeking housing, might mean prolonged or recurrent stays in transitional accommodation, alongside the risks of a return to prison.

The specific mention of prison in the third goal of the Platform does not need much discussion in the light of the findings of this research. No EU Member State is achieving this. Within the EU, Denmark is aiming at pursuing effective housing delivery within reintegration policy and Norway is seeking to orchestrate resources to achieve similar results outside the EU. Neither Denmark or Norway are typical, and in reality, there are varying degrees of policy inadequacy surrounding effective discharge from prison, certainly in terms of avoiding homelessness, across much of Europe.

Discrimination is another matter. People, systems, and landlords (both social and private) can fear ex-prisoners and can and will actively discriminate against them, which is something the policy and practice must be aware of when going forward.



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# Leaving Prison and Homelessness

This comparative report is the 13th in a series of studies led by the European Observatory on Homelessness. The research explores the intersections between prison systems and homelessness across Europe, focusing on the risks of homelessness that can arise following an exit from prison in 13 EU Member States, while also drawing on wider European comparisons from Norway and the UK. The implications of the associations between imprisonment and homelessness for strategy and service design and the ambitions for the European Platform to Combat Homelessness are considered.

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■ **European Federation of National Associations Working with the Homeless AISBL**  
*Fédération Européenne d'Associations Nationales Travaillant avec les Sans-Abri AISBL*

194, Chaussée de Louvain ■ 1210 Brussels ■ Belgium  
Tel.: + 32 2 538 66 69 ■ Fax: + 32 2 539 41 74  
research@feantsa.org ■ www.feantsaresearch.org

