

Voting rights for people experiencing homelessness

Barriers to political participation for homeless people must be removed

Introduction

The right to vote and to stand as a candidate in local and national elections is a fundamental right. International human rights treaties such as the International Covenant on Civil and Political Rights (Article 25) and Protocol 1 to the European Convention on Human Rights (Article 3) guarantee this right. EU Legislation also recognises the right to vote and to stand as a candidate at elections to the European Parliament in Article 39 of the Charter of Fundamental Rights of the European Union.¹

From a human rights perspective, we need to assess whether homeless people can exercise their fundamental rights, including the right to vote, as human rights law requires that particularly marginalised population groups be considered. So, we need to look at what the legal or administrative barriers are for diverse groups of people who are entitled to vote and how they can be overcome.

The significance of the voting act is directly connected to the idea of democracy and is often viewed as the most basic and important form of participation in political and public life. FEANTSA and its members encourage participation as a means of recognition that people experiencing homelessness have a right to be heard. Participation is also about the creation of structures and policies so that the views and perspectives of people experiencing homelessness can be considered and acted upon.

People experiencing homelessness often face severe social exclusion, which can make voting seem like a low priority in comparison to immediate survival needs such as finding shelter, food, water and safety. The daily struggles of homelessness overshadow the importance of taking part in the democratic processes, leading to a lack of engagement in voting.

¹ Charter of Fundamental Rights of the European Union <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT>

Although not their priority, by participating in elections, people experiencing homelessness can help to shape a more inclusive and just society, ultimately helping to break the cycle of social exclusion. When people experiencing homelessness exercise their right to vote, they assert their presence and agency within the community, which can lead to a greater recognition of their needs and issues. Voting empowers people experiencing homelessness to influence policies that directly affect their lives, promoting greater social inclusion and encouraging systemic change.

Much remains to be done to ensure that all citizens, including homeless people, can exercise their right to vote and to ensure a more inclusive electoral process.

Barriers related to registration

A recent survey of FEANTSA members found, not surprisingly, that one of the main barriers to voting for homeless people is still registration with the municipality.²

Generally, citizens of voting age who have a permanent address in their country of origin have the right to vote. Homeless people with a registered address have the same right to vote and be elected as any other citizen. The obligation to register with the municipality of residence has become a prerequisite for access to rights such as social benefits. Indeed, an effective address is essential for access to many other rights.

A permanent address is usually required for voter registration, which effectively excludes those without stable accommodation. This is a significant barrier for homeless people who may not have a permanent address or may be living in temporary accommodation. FEANTSA member in Germany, BAG W, recently criticised the fact that homeless people without a registered address cannot vote at a regional level in Hesse, Saxony, Rhineland-Palatinate and Saarland, which they see as undemocratic and unfair.³

At the local level, there are different alternative registration systems that allow homeless people to be residents of the municipality in which they live, even if they do not have a permanent home address. They can be registered for instance in a homeless centre, counselling office, or other facility. This system works differently in other countries, for example, it is called a "reference address" in Belgium, or a "fictitious address" in Italy.

However, in practice, these alternative modalities do not always work or are not available everywhere. Many administrations still refuse or make it difficult to register people without a real

² FEANTSA received answers to our questionnaire in January 2024 from Austria, Belgium, Denmark, Ireland, Italy, Finland, Germany, Greece, Luxembourg and Portugal.

³ End the exclusion of homeless people from democratic elections! Press release, Berlin, April 29, 2024.

<https://www.bagw.de/de/neues//default-12a7ef3c5e7d05aca9a4ed96c6917321>

home address. The fictitious address is not available throughout the whole country in Italy for instance. In Austria, in order to obtain registration at 'care of' or C.O. address, the person must credibly demonstrate that their centre of life has been in the relevant municipality for a month. In Belgium, they must be able to prove a certain number of days of de facto residence in the area in order to benefit from the 'reference address'. Recent legislation in Portugal states that homeless people can have a 'C.O. address', which should appear on their ID card and also be 'linked' to a particular polling station. This reference to a specific polling station can be problematic if the person needs to be elsewhere at the time of voting.

Technically, to vote in elections, a voter needs to be on an electoral list. In most countries, any person with a registered address who meets the other criteria (age, nationality, etc.) is included automatically on the electoral roll. In Denmark, people without a permanent address will be registered in the electoral list in the municipality in which they last had an address. However, they will not receive a poll card. To vote, they must contact the municipality where they currently reside and either pick up their poll card or have it sent by post mail. Similarly, in Finland, the electoral notification letter can be sent by post, and it may not be received in time if the authorities do not have their updated information.

Other Obstacles to electoral participation

Voting in EU elections, or elections in general, can be a challenge for homeless people who have been marginalised from society simply because they are homeless. The disconnect between authorities and homeless communities needs to be addressed. Authorities have a responsibility to reach out more to vulnerable citizens, including homeless people.

Regarding this, homeless people face several challenges including **a lack of access to information on voter registration and voting procedures**. Restrictions on voter registration, including early deadlines, can also be a barrier to voting. Improved awareness of the requirements and deadlines for voting will hence be crucial in eliminating these barriers in the future.

In addition, **the lack of an updated identity document** (ID, passport), essential for voting, can be an obstacle. Some people experiencing homelessness may not have chosen to renew their ID at some point in their lives because they did not have a home. It is also possible that people experiencing homelessness may have lost their documents and obtaining them can take time. This is particularly true for migrants or refugees who may have lost contact with their country of origin.

Finally, many homeless people may be afraid to go to the authorities and some are unable to complete the process of registering to vote, e.g. due to illness, addiction, or mental disability. Not everyone has the skills to complete an application on their own, particularly if they must do it

online. One organisation in Germany reported that it could be a problem if dogs are not allowed in the council offices.

Our Italian member, Fio.PSD, conducted its own survey among its member organisations and reported that 64% of homeless people rarely participated, 22% did not participate at all, 11% considered their participation high and only 3% remarkably high. Reasons for non-participation included lack of motivation or interest (45%), lack of necessary documents (identity card and residence or voting card) (40%) and lack of information (16%).

Other barriers mentioned were 'social alienation' and the perception that 'elections are not a priority for them'. This is why it is so important to reconnect and rebuild trust with people to make them feel included.

EU mobile citizens

The Citizens' Rights Directive 2004/38/EC sets out the conditions for EU citizens to exercise their right to free movement. In many European cities, mobile EU citizens make up a considerable proportion of the homeless population. People experiencing destitution in another EU Member State are often unaware of their rights and find it difficult to access adequate support.

While EU citizens have the right to vote in local and European elections in their country of residence, homeless EU citizens may face similar barriers to their non-EU counterparts, compounded by language barriers and unfamiliarity with local voting procedures. Consequently, many EU citizens living as homeless individuals might be excluded from exercising their political rights.

In countries such as Belgium or Denmark, mobile EU citizens are required to register an address to obtain their right to residence in the country. This excludes people without a stable housing situation and other situations from obtaining residence, and therefore from accessing essential services and rights, such as social protection, voting rights, or opening a bank account. EU citizens in Greece without a job or source of income must prove that they have at least 4,000 euros in a bank account to register as residents. In practice, without this they are considered ineligible to vote.

The Directives on electoral rights for citizens of the Union residing in a Member State of which they are not nationals set out the conditions under which mobile EU citizens can register to vote and stand as a candidate in EU host countries.⁴ Following an impact assessment of these Directives, the recast versions have been published and are currently under discussion in the European Parliament. In these texts, the reference to 'proof of address' has been removed in

⁴ Council Directive 93/109/EC, of 6 December 1993 and Council Directive 94/80/EC of 19 December 1994

several parts. While this is an encouraging step in the direction of the recommendations made in the European Parliament's 2020 stocktaking report, FEANTSA would like to see this measure extended to ensure that proof of address is not a barrier for people experiencing homelessness to participate in electoral processes in the future.

Good practises

Despite these challenges, there are a number of promising initiatives and good practices aimed at promoting the voting rights of homeless individuals. Some countries have implemented measures such as a reduction of the bureaucracy involved, extended voter registration periods, and outreach programs tailored to homeless communities. These initiatives help increase accessibility and awareness of voting rights among homeless populations.

Ireland enacted innovative changes to its electoral legislation in 2022, aimed at enhancing accessibility to the electoral register and fostering greater participation in the democratic process. Most importantly, this legislation simplified the registration process and allowed people without an address to vote. To capitalise on these reforms, Focus Ireland launched the *Voter Registration Drive campaign* ahead of the European elections in June 2024.⁵ The campaign has two main objectives: to empower individuals and give agency back to people experiencing homelessness, and to create political change to help end homelessness. Volunteers went on site in various locations to encourage homeless people to vote. At the heart of the campaign is a commitment to political mobilisation and social change.

In **Italy**, good practice includes appeals to mayors and municipalities to allow homeless people to register as residents. Urgent appeals to the regional administrative court to grant homeless people residence and the right to vote (Avvocato di strada, Bologna); Encouraging people to go to the polls to collect their electoral certificate (Turin, Cooperativa Progetto Tenda); Informing accommodation services about how to proceed, e.g. to retrieve a lost voter card (Turin, Municipality). Information on how and when to vote, simple posters on how to vote, information on candidates (Bologna, Cooperativa Open group); World Café with accommodation services (Pescara, Cooperativa On the road); Discussion group and newspaper reading (Bologna, Cooperativa Piazza Grande).

In **Germany**, the cities of Berlin and Bremen used leaflets and posters to publicise voting procedures and deadlines for local elections. Most of the staff in the election offices are trained. The authorities co-operate with the main housing associations and in some cases, they go to the centres and explain the rights and procedures in meetings.

⁵ Ireland has a new group of voters: The homeless <https://www.politico.eu/article/ireland-address-eu-election-issue-homeless-voter/>

Recommendations

It is essential to learn from successful initiatives across Europe, such as those mentioned above. In this context, FEANTSA makes the following recommendations:

Outreach and Relationship Restoration

To engage marginalised and homeless people in the democratic process, it is essential to rebuild trust and relationships. Organisations working in the field can achieve this through outreach activities to inform homeless people about elections and help them to register.

These efforts should be preceded by staff training on how to approach individuals about elections. In addition, organising debates involving authorities and candidates, as well as facilitating registration through mobile outreach and election day support, can increase participation.

Improve Access to Voting Information

Train staff in homeless services on how to vote and ensure that cities and organisations proactively engage homeless people in the electoral process by providing practical support and information.

Improve the use of information and communication technologies among homeless people to increase their electoral knowledge and participation, while addressing social exclusion.

Authorities and organisations supporting homeless people in Member States should develop multilingual dissemination strategies for electoral information. This should include online resources (written and video), leaflets and posters in shelters with information on election dates, candidates, etc.

Awareness-raising Campaigns

Such awareness-raising campaigns should be aimed at the general public, to promote the idea that democracy is not achieved unless everyone has access to vote. They should also be aimed, in particular, at people experiencing homelessness, to enable them to participate in elections and discuss the importance of voting and how it can help change public policy and affect their lives.

Legislative Changes

Electoral authorities across Europe should review and reform voter registration requirements to remove barriers for homeless people, such as allowing alternative forms of address verification and facilitating voter registration in shelters and service centres.

Removing the requirement to provide an address is a necessary step towards improving the participation of homeless people in elections. To replace this requirement, the EU and Member States could allow people to vote using only their national ID and by providing their Personal Identification Number. There are also other recommendations that can be made:

- Allow homeless people to use a shelter address or other social services premises to register to vote, and to receive the necessary voting documentation at this address.
- Adapt registration forms to allow people to use an alternative address or no address at all.
- Assist homeless people in obtaining a registered address.

The Irish legislation that simplified the registration process and allowed people without an address to vote is something that could be explored elsewhere. These recommendations are also in line with the European Parliament's call to ensure that homeless people can exercise their right to vote, which urged the removal of the proof of address requirement. A written question from the MEPs could be taken up in the future to make it easier for homeless people to vote in future European elections.⁶

In conclusion, ensuring the voting rights of homeless individuals is not only a legal obligation but also a fundamental aspect of democracy and social inclusion. By addressing legal and other barriers, and implementing good practices, governments can promote greater participation and representation for all members of society, including those experiencing homelessness.

⁶ Access to political participation for homeless people https://www.europarl.europa.eu/doceo/document/E-9-2020-006631_EN.html