



Universal Periodic Review
REVIEWING HUMAN RIGHTS IN IRELAND
Your Rights. Right Now.

Fact Sheet No. 7

Right to Adequate Housing

Article 43 of the Irish Constitution protects the right to private property subject to the requirements of the common good, but there is no correlating provision to protect the right to adequate housing.

In 2014 the Constitutional Convention, a Government-established body tasked with examining issues of constitutional reform, recommended that economic, social and cultural rights, including the right to adequate housing, be given greater protection in the Irish Constitution, and that these rights should be enforceable before the courts.

In its official response to the recommendation, the Government failed to indicate whether it accepted the Convention's recommendation, referring it instead to an Oireachtas (parliamentary) Committee for further consideration. As of yet, no details on this process have been made available. In line with human rights principles, this process should be transparent, involve experts from civil society and academia, and be conducted in a timely manner.

The economic crisis and budgetary cuts have resulted in increasing numbers of homeless people in recent years. The demand for housing significantly outweighs supply and the cost of private rented accommodation continues to increase.

Recommendations

Prioritise the family homelessness crisis with a view of introducing immediate relief and long-term solutions

Increase and fast-track the provision of social housing

Expand the State civil legal aid scheme to include cases involving eviction from social housing

Extend the remit of the PRTB to local authority tenancies including social housing eligibility, repairs/maintenance, rent and rent arrears

Introduce legislative and policy measures to ensure rent supplement/Housing Assistance Payment can meet market rent

Accept the recommendation of the Constitutional Convention to protect ESC rights, including housing, in the Constitution, and ensure that further consideration of this issue by an Oireachtas (parliamentary) Committee is underpinned by the human rights principles of participation, transparency and accountability

In 2015, the UN Committee on Economic, Social and Cultural Rights made recommendations to Ireland on tackling this housing crisis, including the introduction of legislation to regulate rent supplement levels, and to 'take all measures necessary to meet the critical needs' of the homeless, and those who are at great risk of becoming homeless.

There has been a major increase in family homelessness as a result of a lack of social housing and inadequate rent supplement levels, and there is not enough State emergency accommodation available.

The procedure for eviction of local authority tenants changed in 2015 – the final arbiter of the decision to evict is now the District Court, which can consider the reasonableness of the decision to evict. However, there is no State legal aid available for such cases.

The Private Residential Tenancies Board (PRTB), which deals with disputes between tenants and private landlords, does not apply to social housing tenancies.

Rent Supplement levels remain unchanged since 2013 despite increasing pressure on private rents, which is leading to insecurity of tenure and risk of homelessness.

About Your Rights. Right Now

A coalition of 17 Irish NGOs, trade unions and civil society groups established by the Irish Council for Civil Liberties (ICCL) in 2010 to coordinate the civil society response to Ireland's first examination under the Universal Periodic Review. The coalition conducted a number of general and thematic consultations and invited written submissions to inform its report submitted to the UN in September 2015.

Members of the coalition are:

- Age Action
- Educate Together
- Free Legal Advice Centres
- Gay and Lesbian Equality Network
- Immigrant Council of Ireland
- Irish Congress of Trade Unions
- Irish Council for Civil Liberties
- Irish Family Planning Association
- Irish Penal Reform Trust
- Irish Traveller Movement
- Mercy Law Resource Centre
- National Women's Council of Ireland
- NUI Galway, Centre for Disability Law and Policy
- Pavee Point Traveller and Roma Centre
- Transgender Equality Network Ireland
- Union of Students in Ireland
- Disability Federation of Ireland

For more information see www.rightsnow.ie

Updates from Government Report

The report notes the Social Housing Strategy 2020 which aims to meet the needs of those households qualifying social housing. The number of social housing units built between 2011 and 2014 is outlined (26,000) as well as the 2015 housing package *Stabilising Rents, Boosting Supply*.

The report acknowledges the "significant challenge" of homelessness since Cycle 1, notes the *Homelessness Policy Statement (Feb 2013)*, the *Government's Implementation Plan on the State's Response to Homelessness (May 2014)* and *Action Plan to Address Homelessness (Dec 2014)*. [para. 96-100]. The recommendation of the Constitutional Convention on economic, social and cultural rights, including housing, is not addressed.

Facts and Figures

In December 2015, 3,625 people, including 775 families and 1,616 children were homeless in Ireland.

Between 21st and 27th December, 683 families with 1,409 children were homeless in Dublin. 466 homeless families including 966 children were living in commercial hotels and 217 homeless families including 433 children were living in emergency homeless accommodation.