

Submission to the Special Rapporteur on Housing: *Designing and implementing effective human rights-based housing strategies*

Focus Ireland is one of the largest housing and homelessness organisations in Ireland. We work with individuals and families experiencing homelessness, and we are driven by the fundamental belief that homelessness is wrong. We advocate and lobby for improved policy responses to prevent and end homelessness. In this short submission we intend to provide the Special Rapporteur with some insight into the current situation in Ireland, and the human rights limitations of current strategies. We have also responded to some of the guiding questions provided. We hope that this will inform the Rapporteur's development of guidance.

Current strategic context

Ireland has experienced an unprecedented increase in homelessness over the past three years. The total number of individuals experiencing homelessness has increased by 146% from September 2014 to September 2017. In particular, family homelessness rates have risen substantially.¹ The number of children experiencing homelessness has increased from 828 children in September 2014 to 3,124 children in September 2017. The increase in family homelessness in particular has sparked media and public interest, and resulted in significant pressure on the State to combat the crisis. Rebuilding Ireland – an Action Plan for Housing and Homelessness was published in 2016.² The action plan works in conjunction with two other related strategies: Construction 2020 and the Social Housing Strategy 2020. Rebuilding Ireland sets out proposals to transform the housing sector under five 'pillars':

1. Address homelessness
2. Accelerate social housing
3. Build more homes (private sector)
4. Improve the rental sector
5. Utilise existing housing

¹ Latest figures on homelessness in Ireland, available at: <https://www.focusireland.ie/resource-hub/latest-figures-homelessness-ireland/>

² Rebuilding Ireland, available at: http://rebuildingireland.ie/Rebuilding%20Ireland_Action%20Plan.pdf

One of the main aims of the plan is to ramp up the delivery of housing from its current under-supply. The action plan sets targets to double the annual level of residential construction to 25,000 homes and deliver 47,000 units of social housing in the period to 2021. The plan also aims to make use of the existing housing stock and lay the foundations for a more vibrant and responsive private rented sector.

However, most of the ambitious targets for new social housing are loaded in the final years of the strategy. It has proven difficult to monitor the delivery of targets due to contested data on house building.

Housing Rights

In 2014, a citizens' Convention on the Constitution, established by the Government to advise it about a number of potential changes to the Irish Constitution, considered the question of whether economic, social and cultural rights, specifically the right to housing, should be enshrined in the Constitution. In order to introduce a right to housing in Ireland constitutional change may be required, as the Irish courts have been very reluctant to impose socio-economic obligations on the State. Focus Ireland was amongst those who addressed the Convention on this issue. The Convention voted overwhelmingly in favour of the proposal.³ The current Government committed to considering this recommendation in its programme for government. However, the Rebuilding Ireland action plan makes only a fleeting reference to housing as a 'basic human requirement' but does not otherwise discuss or mention human rights. The Government recently published plans for up to 7 constitutional referendums over next number of years. A referendum on the right to housing was not included, and has been referred back to a Parliamentary Committee for further consideration.

Other strategic areas of Irish public policy make reference to human rights, even without clear commitments. However, any such reference, even towards the progressive realisation of housing rights, has been largely absent from recent housing strategies.

Inclusion of homeless and other stakeholders in design and implementation of housing strategies

There have been limited efforts to engage individuals directly experiencing homelessness in the development of recent strategies. However, one innovative event is important to record. In 2016, a special Oireachtas Committee on Housing and Homelessness asked Focus Ireland to set up a consultation with people who are homeless. The members of the Committee attended a meeting with over 40 people who were experiencing homelessness from a range of backgrounds. The outcome of this consultation is reflected in the final report from the

³ <https://www.constitution.ie/AttachmentDownload.ashx?mid=5333bbe7-a9b8-e311-a7ce-005056a32ee4>

Committee (June 2016), and the consultation is summarised in Appendix 5 of the report.⁴ There has been no attempt by the on-going Committee or by the Department of Housing to repeat this consultation. However, many voluntary and civil society organisations engaged with the consultation process for Rebuilding Ireland, and the opinions of this sector were actively sought by Government.

Roles of multiple levels of government and other authorities

The current action plan was developed by the Department of Housing, Planning and Local Government, in consultation with other Government departments and state bodies. For example, the sections relating to child and youth homelessness were developed in conjunction with the Department of Children and Youth Affairs. The Strategy is co-ordinated nationally by the Department of Housing and there are different levels of coordination which exist. The plan consists of actionable measures which are to be implemented by the Department of Housing, other Government departments, local authorities and state agencies.

The Government recently announced establishment of a new 'Cross Departmental Co-ordination Committee' to be chaired by a retired civil servant.

Goals and timelines

The Rebuilding Ireland strategy includes clear sets of actions and timelines for delivery. Progress reports have been issued quarterly.⁵ However, as noted above, disagreements about the reliability of data on housing completions and other areas has undermined the authority of this report. Rebuilding Ireland set no target for reducing homelessness, and the level of homelessness has continued to rise as recorded by official figures. The Minister for Housing has assured those interested that two separate groups are currently working to investigate how best to measure housing completions.

Access to justice for claimants of the right to housing

Without a right to housing enshrined in Irish law or even referenced in strategy, individuals and families must resort to arguing tangential procedural rights in order to protect their fundamental right to adequate housing. For those experiencing homelessness, there is no statutory obligation on the State to provide even emergency shelter, and the decision as to whether an individual is homeless allows for the subjective 'opinion of the local authority'. Challenging such decisions therefore requires administrative law proceedings to be brought. Many cases settle before the court hearing, resulting in a lack of precedents on issues of access.

⁴ <http://www.oireachtas.ie/parliament/media/committees/32housingandhomelessness/Final-Report-.pdf>

⁵ <http://rebuildingireland.ie/news/rebuilding-irelands-third-quarterly-progress-report/>