

Mercy Law Resource Centre

THE RIGHT TO HOUSING IN IRELAND

43% INCREASE
IN HOMELESSNESS
FROM 2014 TO 2015

912 homeless
families

3,930
HOMELESS
ADULTS

1,881 homeless
CHILDREN



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The right to housing is recognised in Europe in the Constitutions of Belgium, Finland, Greece, the Netherlands, Portugal, Spain and Sweden and in the legislation of Austria, France, Germany, Luxembourg, and the United Kingdom. Around the world, the right to housing is included in eighty-one Constitutions. The right to adequate housing is provided for in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Social Charter. The right to housing if recognised in our Constitution would be a major step towards protecting people who are facing homelessness. The right to housing in our Constitution would put in place a basic protection in recognition that a home is central to the dignity of each and every person and a foundation of every person's life.

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THE RIGHT TO HOUSING IN IRELAND

Introduction

We are in the midst of a crisis in homelessness. Between December 2014 and December 2015 there was a net increase of 43% in the number of people recorded as homeless, an increase of 1,700 people. In February 2016 5,811 people were homeless. Of these, 3,930 were adults who were homeless, 912 were families and 1,881 were children¹. We have not seen such a crisis in homelessness since the foundation of the State.

The Housing Agency has estimated that approximately 10,000 homes are needed in urban areas this year, with approximately 80,000 homes needed in the period 2014-2018.² Dublin currently needs 5,600 new homes a year until 2018 when the housing demand is expected to increase to 8,900 new homes a year. However, only 2,800 new homes were built in the capital last year.³

President Michael D. Higgins has described the crisis in homelessness as:⁴

The most pressing of all the manifestations of inequality in Ireland...nothing less than a fundamental challenge to the legitimacy of institutions and morality of the State.

The right to a home is an integral protection of one of the most significant sources of privacy, dignity, personal security, and autonomy. Many countries in the EU protect the right to housing in their Constitutions – Belgium, Finland, Greece, the Netherlands, Portugal, Spain and Sweden. There is no express protection of the right to housing in Irish legislation or the Irish Constitution.

In March 2014, the Convention on the Constitution overwhelmingly voted to include in the Constitution enforceable economic, social and cultural rights, including specifically the right to housing.⁵ The right to housing recognises a home as fundamental to human dignity.

Sister Stanislaus Kennedy, founder of Focus Ireland, has said:⁶

Access to adequate housing is fundamental to survival and one of the foundational rights without which all other human rights are meaningless... We have allowed our people's most basic requirement - a place to call home, a place where they can live their lives and bring up their children in security, privacy and safety - to become a debased currency.

This report assesses the protection of the right to housing in Irish law and outlines the impact that a Constitutional right to housing would have. The report sets out the definition of the right to housing as it applies in international human rights law; notes the extent to which the right to housing is currently indirectly protected in Irish law through domestic law and binding international; provides, for comparison and to illustrate how a right to housing is interpreted, an overview of the Constitutional right to housing in South Africa; and details the potential impact of protecting the right to housing in our Constitution.

A right to housing in the Constitution would not mean the right to a key to a home for all. A Constitutional right to housing would however put in place a basic floor of protection. It would require the State, in its decisions and policies, to reasonably protect the right. It would recognise that a home is central to the dignity and possibility of every person.

A. WHAT IS THE RIGHT TO HOUSING?

Definition in International Law

There are two categories of human rights: civil and political rights; and economic, social and cultural rights. Civil and political rights are human rights relating to one's ability to participate in the civil and political life of society and the State without discrimination or repression. They include the rights to life, bodily integrity, natural justice, privacy, freedom of speech and freedom of assembly. Economic, social and cultural rights are those human rights relating to the workplace, social security, family life, participation in cultural life, and access to housing, food, water, health care and education.

The right to housing falls into the category of economic, social and cultural rights. It is protected and defined in many international human rights instruments. Article 25(1) of the Universal Declaration of Human Rights provides:⁷

Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

The rights within the Universal Declaration of Human Rights were given force of law in 1966 through the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights (ICESCR).⁸ Article 11 of ICESCR provides:

- 1. The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent.*

The United Nations Committee on Economic, Social and Cultural Rights has noted that the right to adequate housing should not be interpreted in a narrow or restrictive sense “and should be seen as the right to live somewhere in security, peace and dignity”.⁹ The Committee identified the following as key characteristics of the right to housing:¹⁰ legal security of tenure; availability of services, materials, facilities and infrastructure; affordability; habitability; accessibility; location – in a location which allows access to employment options, health-care services, schools, childcare centres and other social facilities; and cultural adequacy.

B. CURRENT PROTECTION OF THE RIGHT TO HOUSING IN IRISH LAW

I. The Irish Constitution

There is no express right to housing in Irish law. The basis for protecting rights related to housing often arises out of infringements of other Constitutional rights. None of these rights protect the right to housing as such. They may, in certain extreme cases, provide a basis for securing adequate housing.¹¹ These rights, which have been developed as “unenumerated rights” include:

- * the right to fair procedures, including the right to be heard and to make your case, and the right to an independent and impartial decision-maker¹²;
- * the right to earn a livelihood¹³;
- * the right to privacy¹⁴;
- * the right to life and bodily integrity¹⁵;
- * the right to family consortium¹⁶;
- * the right to dignity and autonomy¹⁷;
- * the right to equal treatment¹⁸;
- * the right of the person¹⁹; and
- * the right to property²⁰.

Article 42A of the Constitution obliges the State to protect the interests of children whose parents, in exceptional cases, have failed in their parental duties. This protects the child’s rights under the Child Care Act 1991 to adequate shelter, food, clothing, medical care and education²¹.



The Constitution does provide protection for property rights:

Article 40.3.2:

The State shall, in particular, by its laws protect as best it may from unjust attack and, in the case of injustice done, vindicate the life, good name and property rights of every citizen.

Article 43:

- 1.1 The State acknowledges that man, in virtue of his rational being, has the natural right, antecedent to positive law, to the private ownership of external goods.
- 1.2 The State accordingly guarantees to pass no law attempting to abolish the right of private ownership or the general right to transfer, bequeath, and inherit property.
- 2.1 The State recognises however that the exercise of the rights mentioned in the foregoing provisions of this Article ought, in civil society, to be regulated by the principles of social justice.
- 2.2 The State, accordingly, may, as occasion requires, delimit by law the exercise of the said rights with a view to reconciling their exercise with the exigencies of the common good.

II. Legislation, case law and government policy

(A) LEGISLATION AND CASE LAW

There is no right to housing as such in Irish law. There are certain specific substantive and procedural rights in relation to housing.

Legislation in relation to social housing

The Housing Acts 1966-2014 and related Regulations contain certain rights and duties in relation to social housing, including:

- * **the right to apply for social housing assistance²² and the right to be assessed** for social housing assistance once you have applied;²³
- * **the right not to be discriminated against** on the basis of gender, marital status, family status, sexual orientation, religion, age, disability, race or membership of the Traveller Community;²⁴
- * **the right to purchase your local authority house** subject to certain conditions;²⁵
- * **the duty of the local authority to make an assessment of housing need,²⁶ to make an Allocation Scheme and operate according to it** to have regard to the needs which the scheme is supposed to meet,²⁷ and to adopt a Housing Services Plan;²⁸
- * **the right to apply for an exclusion order** if you are the victim of anti-social behaviour;²⁹ and
- * **rights in relation to the procedure for a Tenancy Warning and eviction.³⁰**

Legislation in relation to homelessness

Section 2 of the Housing Act 1988 sets out the definition of “homelessness”. Under this section, a person will be regarded as homeless if there is no accommodation available which, in the opinion of the local authority, the person could reasonably occupy, and in the opinion of the local authority, the person is unable to provide accommodation from your own resources; or if the person lives in a hospital, county home, night shelter or similar institution because he or she has no other accommodation and, in the local authority’s opinion, is unable to provide accommodation from his or her own resources.

The Housing Act 1988 places particular responsibility on local authorities to provide for the accommodation needs of people who are homeless. Local authorities are obliged to carry out regular assessments of accommodation needs in their area. The Act obliges the local authority to take the needs of people who are homeless into account in its provision of housing under the Housing Acts. The local authority is not obliged under the Act to provide housing in individual cases nor emergency accommodation when a person is homeless. Section 10 also gives local authorities power to provide for the accommodation needs of people who are homeless by making arrangements with voluntary housing associations, by arranging accommodation, or through giving assistance or financial assistance as the authority considers appropriate.

Under s 54 of the Health Act 1953, it is the duty of the appropriate health authority to provide “*such institutional assistance as appears...necessary or proper in each particular case*” to persons who are unable to provide shelter or maintenance for themselves. At the time that this Act was passed, such assistance was usually institutional and consisted of being maintained in a county home or similar institution. The fact that this provision remains in force implies that the Health Service Executive may continue to have an obligation to house people “*unable to provide shelter for [themselves]*” if, for some reason, the local authorities fail to do so.

Legislative protections in relation to private housing and rented accommodation

While the protection of the right to housing is largely underdeveloped in relation to privately owned housing and rented accommodation, there are some protections available. These include:

- * **protections for the family home** and the residents of the family home **in the case of marital or civil partnership breakdown or domestic violence**;³¹
- * **the right to a four year tenancy**, with limited grounds for termination, in private rented accommodation if a tenant has been in occupation for six months continuously and no notice to quit has been served;³²
- * the right to a **rent that is no greater than current market rent**;³³
- * **the right to not have rent reviewed more than once in each period of 24 months** nor in the period of 24 months after the start of the tenancy;³⁴

- * **the right to refer a landlord and tenant dispute or resolution to the Private Residential Tenancies Board (PRTB)** and the right of appeal from the decision of the PRTB to the High Court on a point of law;³⁵
- * **the duty to build all new houses in accordance with the building regulations**, which require basic structural, safety, hygiene, and access standards³⁶ and provide basic physical standards for private rented accommodation;³⁷ and
- * **protections for people who are trying to access housing finance**, having difficulty repaying their loans or can no longer meet loan repayments.³⁸

Case law in relation to social housing and homelessness

Case law in the area has also developed the following rights and duties in relation to social housing:

- * **the duty of the local authority to perform its functions in a reasonable and rational manner** ³⁹ and the duty of the Court to overturn a decision of the local authority if that decision flies in the face of reason or was defective on grounds of failure to observe the rules of natural justice or was illegal or *ultra vires*;⁴⁰
- * **the right to an independent proportionality assessment where the Article 8 European Convention on Human Rights** right to private and family life, home and correspondence **is interfered with**;⁴¹
- * the right for recipients of social housing to obtain **habitable and culturally adequate housing**.⁴²

(B) GOVERNMENT POLICY

In its *Housing Policy Statement*,⁴³ the Department of Environment, Community and Local Government states that it is committed to “enable all households access good quality housing appropriate to household circumstances and in their particular community of choice”.

Some of the measures proposed to achieve this goal include⁴⁴:

- * maximising the delivery of social housing supports within the resources available;
- * transfer of responsibility for long term recipients of rent supplement to local authorities;
- * new mechanisms for the delivery of permanent social housing;
- * the standing down of all affordable housing schemes;
- * publication of Housing Strategy for People with Disabilities and the delivery of housing supports for households with special needs;
- * creating an enabling regulatory framework to support the increasingly prominent role of the voluntary and cooperative sector in housing delivery; and
- * the implementation of measures to tackle anti-social behaviour across all housing tenures.

In its *Homelessness Policy Statement*,⁴⁵ the Department outlined its plan to tackle homelessness through a housing-led approach, which means the provision of long-term secure housing with social support if necessary. It was the aim of the Government to end long-term homelessness by 2016. The statement also provided for the establishment of a Homelessness Oversight Group which issued its first report in 2013. The Implementation Plan on the State’s Response to Homelessness prioritises the following solutions:⁴⁶

- * accommodating rough sleepers and therefore eliminating the need to sleep rough;
- * managing the escalating number of homeless families in the Dublin region;
- * management and use of vacant properties;
- * the practical application of local authority housing allocations; and
- * the timely and appropriate utilisation of NAMA units.

.....

The United Nations Committee on Economic, Social and Cultural Rights has noted that the right to adequate housing should not be interpreted in a narrow or restrictive sense “and should be seen as the right to live somewhere in security, peace and dignity”.

.....



III. The European Convention on Human Rights

The European Convention on Human Rights (ECHR) was drafted by the Council of Europe in 1950. It entered into force in 1953. Ireland ratified the Convention in 1953. The ECHR was incorporated into our law in 2003 by the European Convention on Human Rights Act 2003. The Act applies in four main ways:

- * **The courts must interpret and apply statutes and rules of law**, “*in so far as possible, subject to the rules of law relating to such interpretation and application*”, **compatibly with the European Convention on Human Rights**.⁴⁷
- * **The courts must take notice and “due account” of the judgments of the European Court of Human Rights**. The judgments of the European Court of Human Rights are guidance only and not binding.⁴⁸
- * **“Organs of the State” must perform their functions compatibly with the Convention** except where they are required by statute to do otherwise.⁴⁹ Organs of the State must construe the rules governing it and apply those rules if at all possible in a manner compatible with the Convention. If an organ of the State does not do that, it is in breach of that obligation. A person who has suffered injury, loss or damage as a result of such breach can “*if no other remedy in damages is available*” apply in the Circuit Court or High Court for damages.⁵⁰ The application must be made within one year unless the Court grants an extension “*in the interests of justice*”. The Court can award to the person such damages “*if any*” as it considers appropriate.
- * The High Court, or Supreme Court on appeal, can, where no other legal remedy is adequate or available, make a declaration that a statutory provision or rule of law is incompatible with the State’s obligations under the Convention.⁵¹ This is called a “**declaration of incompatibility**”.

A declaration of incompatibility does not affect “*the validity, continuing operation, or enforcement*” of the provision and it does not entitle the successful applicant to damages. He or she can apply to the Attorney General for compensation. Where the Government, at their discretion, consider that it may be appropriate to make an ex gratia payment of compensation, the Government may at their discretion make a payment of compensation.

When the High Court, or Supreme Court on appeal, makes a declaration of incompatibility, the Taoiseach must formally notify the Oireachtas that the declaration has been made.⁵² The Taoiseach is not obliged to initiate steps to amend the law or to tell the Oireachtas what the Government’s intentions in the matter are.

There are several articles of the Convention which, indirectly, provide protection for the right to housing:

- * **the right to life (Article 2);**⁵³
- * **the prohibition of inhuman or degrading treatment or punishment (Article 3);**⁵⁴
- * **the right to liberty and security of person (Article 5);**
- * **the right to a fair trial (Article 6);**⁵⁵
- * **the right to respect for family and private life, home and correspondence (Article 8);**⁵⁶
- * **the prohibition of discrimination (Article 14);**⁵⁷ and
- * **the right to peaceful enjoyment of possessions (Article 1, Protocol 1).**⁵⁸

The European Court of Human Rights (ECtHR) has a developing jurisprudence on housing rights. As Dr Padraic Kenna, Lecturer in Law at NUI Galway, states:⁵⁹

Positive obligations on States in relation to housing rights are being established through the ECtHR, especially in relation to vulnerable persons who cannot assert rights themselves (...) While there is no ECHR obligation for a universal provision of housing by the State, a combination of obligations under Articles 3, on State obligations to prevent inhuman and degrading treatment, and Article 8, on State respect for privacy, home and family life, are creating some legally defined minimum State obligations.

IV. European Union Law

There is no general right to housing in EU law. EU law does however protect certain related rights in several ways. These include:

- * protections for migrant workers seeking housing;⁶⁰
- * the prohibition of discrimination on the basis of race, nationality,⁶¹ or gender;⁶²
- * protections for consumers in housing purchase and rental contracts;⁶³ and
- * protections under the Charter of Fundamental Rights of the European Union.⁶⁴

Charter of Fundamental Rights

The Charter of Fundamental Rights of the European Union contains the primary protection for housing rights in the EU. While there is no specific right to housing, Article 34(3) on social security and social assistance provides:

In order to combat social exclusion and poverty, the Union recognises and respects the right to social and housing assistance so as to ensure a decent existence for all those who lack sufficient resources, in accordance with the Rules laid down by Community law and national laws and practices.

The Charter forms part of the Lisbon Treaty and has the same legal effect as the EU treaties. However, the Charter rights may only be invoked where there is an EU law dimension to the issue in question.

As Dr Kenna states:⁶⁵

The Treaty explicitly states that the provisions of the Charter do not extend the powers of the Union as defined in the Treaties, or establish any new power or task for the Union, or modify powers and tasks as defined in the Treaties. Effectively, this means that the Charter provisions must be taken into account in the implementation of EU law by the Commission and Member States, when implementing EU law, thus integrating human and housing rights within the jurisprudence of the European Court of Justice and the actions of the European Commission in its creation of EU legislative measures, with direct application overriding incompatible constitutional, statutory or common domestic law.

V. European Social Charter (Revised)

The European Social Charter (Revised)⁶⁶ (the Revised Charter) provides a range of protections for housing and related rights. The European Social Charter is a Council of Europe treaty that guarantees fundamental social and economic rights. While the European Convention on Human Rights protects civil and political rights, the Charter protects social and economic rights. The original Charter⁶⁷ was adopted in 1961. The Revised Charter was adopted in 1996. States that ratify the Charter are bound by the Charter. States can, under certain conditions, choose the provisions of the Charter that they accept.

Ireland ratified the original Charter in 1964 and the Revised Charter in 2000. The European Committee of Social Rights oversee the Charter and monitor States' compliance with it. The European Committee of Social Rights carries out this monitoring through:

- (i) **collective complaints** made to it by the social partners and other non-governmental organisations.

The Collective Complaints Protocol to the Charter provides for this collective complaints procedure.⁶⁸ Ireland signed and ratified this protocol in November 2000 and it entered into force in Ireland on 1 January 2001. Under the procedure, certain organisations can lodge complaints with the Committee alleging violations of the rights in the Charter. The Committee then adopts decisions on these complaints.⁶⁹ A collective complaint by the International Federation for Human Rights on social housing conditions in Ireland is currently underway.⁷⁰

- (ii) **national reports** by the States submitted annually.⁷¹

“The most pressing of all the manifestations of inequality in Ireland... nothing less than a fundamental challenge to the legitimacy of institutions and morality of the State.”

President Michael D. Higgins on the crisis in homelessness.

The rights under the Revised Charter of relevance to housing are, in summary:

- * the right to social security (Article 12);
- * the right of persons with disabilities to independence, social integration and participation in the life of the community (Article 15);
- * the right of the family to social, legal and economic protection to ensure its full development (Article 16);⁷²
- * the right of elderly persons to social protection (Article 23);
- * the right to protection against poverty and social exclusion (Article 30); and
- * the right to housing (Article 31).⁷³

Ireland has opted out of the most relevant of these articles, Article 31 on the right to housing. Ireland, as a result, is not bound by this Article.



VI. International Law

Ireland is a party to a number of international legal instruments which protect the right to housing. Ireland is a dualist State and so it is only when Ireland ratifies an international Treaty that it becomes part of our law. Ireland has ratified the following international agreements, which have provisions protecting the right to housing:⁷⁴

*** The International Covenant on Economic, Social and Cultural Rights⁷⁵ (Article 11.1):**

1. The States Parties to the present Covenant recognise the right of everyone to an adequate standard of living for himself and his family, including adequate food, clothing and housing, and to the continuous improvement of living conditions. The States Parties will take appropriate steps to ensure the realisation of this right, recognising to this effect the essential importance of international cooperation based on free consent.

*** The Convention on the Rights of the Child⁷⁶ (Article 27):**

1. States Parties recognise the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.
3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

*** The International Covenant on Civil and Political Rights⁷⁷ (Article 17):**

1. No one shall be subjected to arbitrary or unlawful interference with his privacy, family, home or correspondence, nor to unlawful attacks on his honour and reputation.
2. Everyone has the right to the protection of the law against such interference or attacks.

*** The International Convention on the Elimination of All Forms of Racial Discrimination⁷⁸ (Article 5):**

1. In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:....
 - (e) Economic, social and cultural rights, in particular:...
 - (iii) The right to housing;...

*** The UN Convention on the Elimination of All Forms of Discrimination against Women⁷⁹ (Article 14):**

2. States Parties shall take all appropriate measures to eliminate discrimination against women in rural areas in order to ensure, on a basis of equality of men and women, that they participate in and benefit from rural development and, in particular, shall ensure to such women the right...

(h) To enjoy adequate living conditions, particularly in relation to housing, sanitation, electricity and water supply, transport and communications.

The International Covenant on Economic, Social and Cultural Rights

Of these international human rights instruments, the International Covenant on Economic, Social and Cultural Rights (ICESCR) provides the most comprehensive protection for the right to housing. Ireland signed up to ICESCR in 1973 and ratified it in 1989. The Optional Protocol to the Convention⁸⁰ provides a mechanism to directly enforce the rights under the Convention. The Optional Protocol provides for a complaints mechanism to the UN in relation to the ICESCR rights where all domestic remedies have been exhausted. Ireland signed the Optional Protocol in March 2012. It has not yet ratified it. Among the countries who have ratified it are: Austria, Belgium, Denmark, Finland, France, Germany, Greece, Italy, Luxembourg, Portugal and Spain.

Under the Optional Protocol, complaints of non-compliance with the ICESCR rights can be made to the UN Committee on Economic, Social and Cultural Rights (UNCESCR). The UNCESCR has emphasised that even in times of financial crisis, States must continue to work towards the protection of rights set out in the Covenant.⁸¹

Ireland has come under significant scrutiny from the UNCESCR. In its 2002 concluding observations

on Ireland's second periodic report, the UNCESCR noted that *"despite its previous recommendations in 1999, no steps have been taken to incorporate the Covenant in domestic legislation, and [the State] could not provide information on case law in which the Covenant and its rights were invoked before the courts"*.

In its 2015 concluding observations, the UNCESCR expressed its concern with a number of issues:⁸³

- * the continuing gaps between availability and demand for social housing, which result in a long waiting list for social housing;**
- * the increased costs of rental housing and reduced family incomes;**
- * the ineffective social support programmes, such as the Rent Supplements and the Housing Assistance Payment, which do not reflect rent increases;**
- * the increasing number of long-term mortgage arrears;**
- * the growing number of families and children that are, or at the risk of being, homeless, as a result of the lack of social housing and the inadequate levels of rent supplement; and**
- * the lack of effective complaint mechanisms for local authority tenants on tenancy-related issues.**

The Committee was also concerned at the lack of culturally appropriate accommodation provided to Travellers and Roma and of adequate legal protection of Traveller families at risk of eviction.⁸⁴

C. THE RIGHT TO HOUSING IN SOUTH AFRICA

The right to housing is expressly protected in the Constitution of South Africa. The protection of the right to housing in South Africa provides a useful demonstration of how the right can be interpreted in practice.

The right to housing in South Africa's Constitution

In 1996, the people of South Africa adopted what has been described as a “*transformative Constitution*”⁸⁵ which includes a broad range of socio-economic rights. The Constitution of South Africa obliges the government to “*promote and fulfil*” these rights⁸⁶ and mandates that every court, tribunal and forum must, when interpreting the Bill of Rights, “*promote the values that underlie an open and democratic society based on human dignity, equality, and freedom*”. When interpreting legislation and when developing common or customary law, every court, tribunal and forum must “*promote the spirit, purport and objects of the Bill of Rights*”.⁸⁷

Case law on the constitutional right to housing

The Constitutional Court of South Africa has held that the socio-economic rights contained in the Bill of Rights are justiciable,⁸⁹ i.e. they can be enforced through the courts. The Court has also held that, in relation to the right to housing, the State is required to take positive steps to provide access to adequate housing.⁹⁰ The steps required will depend on the context in which the right to housing is being applied.⁹¹

Among the rights in the Constitution is the right to housing⁸⁸:

Housing

1. Everyone has the right to have access to adequate housing.
2. The State must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of this right.
3. No one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.

However, the State is only required to take:⁹²

- (a) reasonable legislative and other measures,
- (b) to achieve the progressive realisation of the right,
- (c) within available resources.



In *Government of the Republic of South Africa v Grootboom*, the Government had appealed to the Constitutional Court against a High Court order that it provide shelter to a number of children and their parents who were homeless. The High Court case was taken on behalf of 900 people who were homeless. Yacoob J delivered the unanimous decision of the Court. The Court held that its job was to decide whether the Government measures to protect the constitutional right to housing were reasonable. Yacoob J said:⁹³

A court considering reasonableness will not enquire whether other more desirable or favourable measures could have been adopted, or whether public money could have been better spent. The question would be whether the measures that have been adopted are reasonable...

In determining whether a set of measures is reasonable, it will be necessary to consider housing problems in their social, economic and historical context and to consider the capacity of institutions responsible for implementing the programme. The programme must be balanced and flexible and make appropriate provision for attention to housing crises and to short, medium and long term needs. A programme that excludes a significant segment of society cannot be said to be reasonable. Conditions do not remain static and therefore the programme will require continuous review.

Reasonableness must also be understood in the context of the Bill of Rights as a whole. The right of access to adequate housing is entrenched because we value human beings and want to ensure that they are afforded their basic human needs. A society must seek to ensure that the basic necessities of life are provided to all if it is to be a society based on human dignity, freedom and equality.

To be reasonable, measures cannot leave out of account the degree and extent of the denial of the right they endeavour to realise. Those whose needs are the most urgent and whose ability to enjoy all rights therefore is most in peril, must not be ignored by the measures aimed at achieving realisation of the right. It may not be sufficient to meet the test of reasonableness to show that the measures are capable of achieving a statistical advance in the realisation of the right. Furthermore, the Constitution requires that everyone must be treated with care and concern. If the measures, though statistically successful, fail to respond to the needs of those most desperate, they may not pass the test.

Case law since *Grootboom* illustrates how the courts gave full meaning and effect to the socio-economic rights enshrined in the Constitution. In *City of Cape Town v Rudolph*,⁹⁴ the High Court refused to allow an eviction of people living in unauthorised shanty towns and held that the city had failed to implement the decision in *Grootboom* and its duty to provide short-term accommodation. Selikowitz J said:

I readily acknowledge that the supply of houses is limited by the funds allocated to [the applicant] for housing. However, when funds are short the need for emergency provisions is exacerbated.

This growing backlog will inevitably result in further delay in addressing the need of those in desperate situations. This makes it all the more necessary that

some interim short term arrangements be made to deal with the situation while people in desperate circumstances are awaiting the provision of housing through the medium and long term programme.

In *Port Elizabeth Municipality v Various Occupiers*, Port Elizabeth Municipality contended that it when it sought to evict unlawful occupiers of its land, it could not be constitutionally obliged to provide alternative accommodation. Under the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 1998, a court could only order the eviction of squatters from private land where it was just and equitable to do so. In deciding that, the court had to take into account various factors including the availability of suitable alternative accommodation.

Government of the Republic of South Africa v *Grootboom*, Constitutional Court: Yacoob J:

A court considering reasonableness will not enquire whether other more desirable or favourable measures could have been adopted, or whether public money could have been better spent. The question would be whether the measures that have been adopted are reasonable...

In determining whether a set of measures is reasonable, it will be necessary to consider housing problems in their social, economic and historical context and to consider the capacity of institutions responsible for implementing the programme. The programme must be balanced and flexible and make appropriate provision for attention to housing crises and to short, medium and long term needs. A programme that excludes a significant segment of society cannot be said to be reasonable. Conditions do not remain static and therefore the programme will require continuous review.

Sachs J for the Constitutional Court noted that the court's role was in balancing the rights involved, as in this case – property rights and the right to housing:⁹⁵

Much of this case accordingly turns on establishing an appropriate constitutional relationship between section 25 [of the Constitution], dealing with property rights, and section 26 [of the Constitution], concerned with housing rights. The Constitution recognises that land rights and the right of access to housing and of not being arbitrarily evicted, are closely intertwined. The stronger the right to land, the greater the prospect of a secure home. Thus, the need to strengthen the precarious position of people living in informal settlements is recognised by section 25 in a number of ways. Land reform is facilitated, and the State is required to foster conditions enabling citizens to gain access to land on an equitable basis; persons or communities with legally insecure tenure because of discriminatory laws are entitled to secure tenure or other redress; and persons dispossessed of property by racially discriminatory laws are entitled to restitution or other redress.

Furthermore, sections 25 and 26 create a broad overlap between land rights and socio-economic rights, emphasising the duty on the State to seek to satisfy both, as this Court said in Grootboom.

The Constitution imposes new obligations on the courts concerning rights relating to property not previously recognised by the common law. It counterposes to the normal ownership rights of possession, use and occupation, a new and equally relevant right not arbitrarily to be deprived of a home. The expectations that ordinarily go with title could clash head-on with the genuine despair of people in dire need of accommodation. The judicial function in these circumstances is not to establish a hierarchical arrangement between the different interests involved, privileging in an abstract and mechanical way the rights of ownership over the right not to be dispossessed of a home, or vice versa. Rather it is to balance out and reconcile the opposed claims in as just a manner as possible taking account of all the interests involved and the specific factors relevant in each particular case.

Government policy in South Africa

Government policy in South Africa is directly influenced by the case law on the right to housing.

There are three key statutes implementing the right to housing:

1. The Housing Act 1997 requires the national government to establish and facilitate a sustainable housing development process. Provincial governments must do everything in their power to promote and facilitate the provision of adequate housing in its province within the framework of the national housing policy.
2. The Prevention of Illegal Eviction from Unlawful Occupation of Land Act 1998 decriminalised squatting. This Act made the eviction process subject to requirements designed to ensure that people who are homeless would be treated with dignity while they were awaiting access to new housing development programs. Where a person has unlawfully occupied land for more than six months, a court may only order an eviction where it is just and equitable to do so, taking into account various factors including the reasonable availability of alternative accommodation.
3. The Rental Housing Act 1999 requires the Government to “*promote a stable and growing market that progressively meets the latent demand for affordable rental housing*”. It empowers the Member of the Executive Council responsible for housing in each province to create a Rental Housing Tribunal. It provides that tenants or landlords “*may in the prescribed manner lodge a complaint with the Tribunal concerning an unfair practice*”.⁹⁶

“ We have allowed our people’s most basic requirement - a place to call home, a place where they can live their lives and bring up their children in security, privacy and safety - to become a debased currency”

Sister Stanislaus Kennedy, founder of Focus Ireland.



D. IMPACT OF THE RIGHT TO HOUSING

Government policy and decisions of the State would have to respect the right to housing

The right to housing in Irish law would not give a right to a key to a home for all. The right to housing would, however, provide a clear floor of protection in respect of basic, adequate housing for all. State policies and decisions would have to reasonably protect the right.

As noted in this report, as there is no legal right to housing in Irish law, in cases involving serious issues of lack of adequate housing, the only rights that can be legally relied on are rights around the edges of the issue. This web of other rights around the protection of housing and access to social housing support are of two kinds: procedural rights; and substantive rights.

Among the procedural rights are the right to apply for social housing assistance; the right to be assessed for social housing assistance; and the right to an independent proportionality assessment where the Art 8 ECHR right to privacy and family life is interfered with. Among the substantive rights are: the right to fair procedures: proportionality where rights are infringed, the right of appeal, the right to transparency, compliance with the principles of natural and constitutional justice; the right for children to adequate shelter, food, clothing, medical care and education; the right to privacy, the right to life and bodily integrity, the right to family consortium, to dignity and to person, and the Art 8 ECHR right to privacy and family life.

The real effect of the absence of the right to housing is that, for example, when a family presents as homeless and is told there is no accommodation; or where the conditions of that accommodation are gravely inappropriate to the family's needs for their health and dignity; where a family is in

local authority accommodation with major issues of overcrowding or damp; or where a family lives in local authority housing in fear for their lives due to serious anti-social behavior, these are the kinds of rights around the edges that are all there is to rely on. There is no clear breach of right. To require action in law requires the most extreme cases, and innovative invocation of the law, relying for example on the right to bodily integrity, to person. The fundamental failure to for example, provide emergency accommodation to a family with young children cannot be challenged by reference to a clear and direct right. The gap in the law is clear.

With a right to housing in law, the courts could review the actual decisions of the State and local authorities, not just the fairness of the decision-making process as to whether the decision is 'irrational', 'unreasonable', or by reference to some other form of modified reasonableness standard. Rather, the Courts could look at the decision as to whether it was 'proportionate' by reference to the right. The Courts could review whether the right is being respected. **A right to housing would allow the Courts have judicial oversight over whether this basic right is adequately protected.**

A right to housing in law would mean that State policies in relation to housing and homelessness would have to respect the right to housing. For example, **the failure of rent supplement to meet market rent in urban areas could be reviewed as to assess whether the right to housing has been adequately protected. The right would mean that if the State decided to cut funding to homeless accommodation, the courts could review this decision in a case to assess whether the right to housing had been adequately protected.**

CONCLUSION

The right to housing is recognised in Europe in the Constitutions of Belgium, Finland, Greece, the Netherlands, Portugal, Spain and Sweden and in the legislation of Austria, France, Germany, Luxembourg, and the United Kingdom. Around the world, the right to housing is included in eighty-one Constitutions. The right to adequate housing is provided for in the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Social Charter. The right to housing if recognised in our Constitution would be a major step towards protecting people who are facing homelessness.

This report has outlined the existing minimal protection of the right to housing in Irish law. The serious inadequacy of our law in protecting this most basic of rights has been made starkly clear with the crisis of homelessness that we are experiencing. The right to housing would help those who are facing homelessness now and would be a



fundamental safeguard against the recurrence of this gravely unacceptable crisis. At this time of our gradual economic recovery, we have an opportunity to consider afresh who we are as society, to ask ourselves what we, in our shared humanity, consider that an evolved, decent and humane society protects for every person. The right to housing in our Constitution would put in place a basic protection in recognition that a home is central to the dignity of each and every person and a foundation of every person's life.

The right to housing in Irish law would not give a right to a key to a home for all. It would require the State in its decisions and policies to reasonably protect the right. There is no legal right to housing in Irish law, in cases involving serious issues of lack of adequate housing, the only rights that can be legally relied on are rights around the edges of the issue. The right to housing in our Constitution would put in place a basic protection in recognition that a home is central to the dignity of each and every person and a foundation of every person's life.

FOOTNOTES

1. These figures are based on the most recent figures on homelessness published by the Department of the Environment, at the time of this report going to print.
2. Housing Agency, National Statement of Housing Supply and Demand and Outlook for 2015-2017 (2015) 24-25. See also for reference, Edgar Morgenrath, ESRI Research Note, Housing Supply and House Price Trends: a County Level Analysis, March 2016.
3. Housing Agency, National Statement of Housing Supply and Demand and Outlook for 2015-2017 (2015) 31.
4. Speech at the President of Ireland's Ethics Initiative National Seminar, Aras an Uachtaráin, 28 March 2015.
5. Convention on the Constitution, Ninth Report of the Convention on the Constitution: Conclusions and Final Recommendations (2014) Appendix D.
6. "Homelessness Campaigner wants 'Right to a Home' Vote", Elaine Edwards, The Irish Times, 24 July 2015.
7. The Universal Declaration of Human Rights was proclaimed by the United Nations General Assembly in Paris on 10 December 1948, General Assembly resolution 217 A, as a common standard of achievements for all peoples and all nations. It set out, for the first time, fundamental human rights to be universally protected.
8. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966.
9. UN Committee on Economic, Social and Cultural Rights, The Right to Adequate Housing (Art 11.1 of the Covenant): Forced Evictions: General Comment 7 (1997).
10. UN Committee on Economic, Social and Cultural Rights, The Right to Adequate Housing (Art 11.1 of the Covenant): Forced Evictions: General Comment 7 (1997).
11. For example, as in O'Donnell v South Dublin County Council [2015] IESC 28.
12. Re Haughey [1971] IR 217 (SC); McKenna v An Taoiseach (No 2) [1995] 2 IR 10 (SC).
13. Cox v Ireland [1992] 2 IR 503 (SC).
14. Kennedy v Ireland [1987] IR 587 (HC).
15. McGee v Attorney General [1974] IR 284 (SC); Ryan v Attorney General [1965] IR 294 (HC).
16. AO and DL v Minister for Justice [2003] 1 IR 1 (SC).
17. Re a Ward of Court (withholding medical treatment) (No 2) [1996] 2 IR 79 (SC).
18. Macauley v Minister for Posts and Telegraphs [1966] IR 345 (HC).
19. Kinsella v Governor of Mountjoy Prison [2011] IEHC 235, [2012] 1 IR 467; A v Minister for Justice and Equality [2014] IEHC 532; David Kenny, 'Recent Developments in the Right of the Person in Article 40.3: Fleming v Ireland and the Spectre of Unenumerated Rights' (2013) 33 Dublin University Law Journal 322.
20. Shirley v A O'Gorman & Company Ltd [2006] IEHC 27.
21. Child Care Act 1991, s 5.
22. Social Housing Assessment Regulations 2011, art 5.
23. Housing (Miscellaneous Provisions) Act 2009, art 20.
24. Equality Acts 2000-2015.
25. Housing (Miscellaneous Provisions) Act 2009, Part 4.
26. Housing Act 1988, s 9.
27. Housing (Miscellaneous Provisions) Act 2009, s 22; McDonald v Feely (SC, 23 July 1980).
28. Housing (Miscellaneous Provisions) Act 2009, s 14.
29. Housing (Miscellaneous Provisions) Act 1997, s 3.
30. Housing (Miscellaneous Provisions) Act 2014, Part 2.
31. Family Home Protection Act 1976; Family Law Act 1995; Family Law (Divorce) Act 1996; Civil Partnership and Certain Rights and Obligations of Cohabitants Act 2010; Domestic Violence Act 1996.
32. Residential Tenancies Act 2004, Part 4.
33. Residential Tenancies Act 2004, s 19.
34. Residential Tenancies (Amendment) Act 2015, s 25. This entitlement came into effect on 4 December 2015. Under s 25 (5) on 4 December 2019 the period of 24 months will revert back to 12 months, as had been the law prior to this change.
35. Residential Tenancies Act 2004, Part 6.
36. Building Control Act 1990 and Building Regulations 1997-2014.
37. Housing (Standards for Rented Houses) Regulations 2008.
38. Central Bank (Supervision and Enforcement) Act 2013 (Section 48) (Housing Loan Requirements) Regulations 2015; Central Bank of Ireland Code of Conduct on Mortgage Arrears; Consumer Protection Code 2012; Land and Conveyancing Law Reform Act 2009, Part 10, Chapters 2-3.
39. County Meath VEC v Joyce [1994] 2 ILRM 210 (HC).
40. Carton v Dublin Corporation [1993] 1 ILRM 467 (HC).

41. Donegan v Dublin City Council [2008] IEHC 288; Dublin City Council v Gallagher [2008] IEHC 354; Pullen v Dublin City Council (No 1) [2008] IEHC 379; Cosic v Croatia (ECtHR, 15 January 2009) paras 81, 82.
42. Siney v Dublin Corporation [1980] IR 400 (SC); Coleman v Dundalk (SC, 17 July 1985); Burke (a minor) v Dublin Corporation [1991] 1 IR 341 (SC); Howard v Dublin Corporation [1996] 2 IR 235 (HC); Dyer v Dublin Corporation (HC, 10 June 1993); Felloni v Dublin Corporation [1998] 1 ILRM 13 (HC); Heeney v Dublin Corporation [1998] IESC 23; McConnell v Dublin City Council [2005] IEHC 7.
43. Department of Environment, Community and Local Government, Housing Policy Statement (2011).
44. Department of Environment, Community and Local Government, Housing Policy Statement (2011).
45. Department of Environment, Community and Local Government, Homelessness Policy Statement (2013).
46. Department of Environment, Community and Local Government, Implementation Plan on the State's Response to Homelessness: May 2014 to December 2016.
47. European Convention on Human Rights Act 2003, s 2.
48. European Convention on Human Rights Act 2003, s 4.
49. European Convention on Human Rights Act 2003, s 3.
50. European Convention on Human Rights Act 2003, s 3(2).
51. European Convention on Human Rights Act 2003, s 5(1).
52. European Convention on Human Rights Act 2003, s 5(3).
53. Oneryildiz v Turkey [2004] ECHR 657, (2005) 41 EHRR 20.
54. Notable cases in the UK include R (Bernard) v Enfield Borough Council [2002] EWHC 2282 (Admin), where the council provided a disabled mother with accommodation totally unsuitable for her condition and R (Limbuela) v Home Secretary [2004] EWHC 219 (Admin) where UK government policy barred unsuccessful asylum applicants from accessing health and welfare services.
55. Langvorger v Sweden (1989) 12 EHRR 416.
56. A 'home' for the purposes of Article 8 has an autonomous meaning, not dependent on any domestic legal right to reside there: Gillow v United Kingdom (1989) 11 EHRR 355. Additionally, Hatton v United Kingdom (2003) 37 EHRR 28 suggests that the State may have a duty to ensure that you enjoy the occupation of your home.
57. Larkos v Cyprus (2000) 30 EHRR 597.
58. James v UK (1986) 8 EHRR 123; Chassagnou v France (2000) 29 EHRR 615; Spadea and Scalabrino v Italy (1996) 21 EHRR 482; Immobiliare Saffi v Italy (2000) 30 EHRR 756.
59. Padraic Kenna, Housing Law, Rights and Policy (Clarus Press 2011) 561, para 8-102. Kenna cites Moldovan v Romania (2005) 44 EHRR 16, Marzari v Italy (1999) EHRR CD 175, Botta v Italy (1998) 26 EHRR 241, Lopez-Ostra v Spain (1991) 14 EHRR 319 and Geurra v Italy (1998) EHRR 357 in support of his argument. See also Padraic Kenna, 'Globalisation and Housing Rights' (2008) 15(2) Indiana Journal of Global Legal Studies 397; Alastair Mowbray Human Rights Law in Perspective: The Development of Positive Obligations under the European Convention on Human Rights (Sweet and Maxwell 2004); and Padraic Kenna, 'Housing Rights: Positive Duties and Enforceable Rights at the European Court of Human Rights' [2008] European Human Rights Law Review 193.
60. Council Regulation 1612/68/EEC of 15 October 1968 on freedom of movement for workers within the Community [1968] OJ L257/2 and amending Regulation 2434/92/EEC of 27 July 1992 [1992] OJ L245/1, replaced by Council Regulation 492/2011/EU of 5 April 2011 [2011] OJ L141/1.
61. Council Directive 2000/43/EC of 29 June 2000 implementing the principles of equal treatment between persons irrespective of racial or ethnic origin [2000] OJ L180/22.
62. Council Directive 2004/113/EC of 13 December 2004 implementing the principle of equal treatment between men and women in the access to and supply of goods and services [2004] OJ L373/37.
63. Council Directive 1993/13/EEC of 5 April 1993 on unfair terms in consumer contracts [1993] OJ L95/29.
64. Charter of Fundamental Rights of the European Union, 2012/C 326/02, in particular: social security and assistance under Art 34; human dignity under Art 1; the right to privacy and family life under Art 7; and non-discrimination under Art 21.
65. Padraic Kenna, Housing Law, Rights and Policy (Clarus Press 2011) 565.
66. European Social Charter (Revised), Strasbourg, 3.V.1996
67. European Social Charter, Turin, 18.X.1961
68. Additional Protocol to the European Social Charter Providing for a System of Collective Complaints, Strasbourg, 9.XI.1995

69. For more information on this procedure, see <http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/158>.
70. FIDH v Ireland, Complaint No. 114/2015.
71. The reporting procedure is provided for under European Social Charter, Turin, 18.X.1961, Arts 21-29; and Protocol amending the European Social Charter Turin, 21.X.1991
72. Art 16: With a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society, the Parties undertake to promote the economic, legal and social protection of family life by such means as social and family benefits, fiscal arrangements, provision of family housing, benefits for the newly married and other appropriate means.
73. Art 31: With a view to ensuring the effective exercise of the right to housing, the Parties undertake to take measures designed: 1 to promote access to housing of an adequate standard; 2 to prevent and reduce homelessness with a view to its gradual elimination; 3 to make the price of housing accessible to those without adequate resources.
74. The Convention was adopted on 13 December 2006 during the sixty-first session of the General Assembly by resolution A/RES/61/106. Ireland signed the Convention in 2007. Art 19 of the Convention provides for a right for people with disabilities to live independently and in a community. Ireland has signed, but not yet ratified, the Convention on the Rights of Persons with Disabilities.
75. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Ireland signed this Convention in 1973 and ratified it in 1989.
76. Adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989. Ireland signed this Convention in 1990 and ratified it in 1992.
77. Adopted and opened for signature, ratification and accession by General Assembly resolution 2200A (XXI) of 16 December 1966. Ireland signed this Convention in 2000 and ratified it in 2002.
78. Adopted and opened for signature and ratification by General Assembly resolution 2106 (XX) of 21 December 1965. Ireland signed this Convention in 1968 and ratified it in 2000.
79. Adopted by the General Assembly on 18 December 1979. Ireland ratified this Convention in 2000.
80. Adopted by the General Assembly by resolution A/RES/63/117, on 10 December 2008.
81. UN Committee on Economic, Social and Cultural Rights, General Comment No 2: International Technical Assistance Measures (Article 22 of the Covenant) Fourth Session (1990) para 9.
82. UN Committee on Economic, Social and Cultural Rights, Concluding Observations of the UN Committee on Economic, Social and Cultural Rights: Ireland (2002) para 12.
83. UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report: Ireland (2015) para 26.
84. UN Committee on Economic, Social and Cultural Rights, Concluding Observations on the Third Periodic Report: Ireland (2015) para 26.
85. Karl Klare, 'Legal Culture and Transformative Constitutionalism' (1998) 14 South African Journal on Human Rights 146, 150.
86. Constitution of South Africa, s 7(2).
87. Constitution of South Africa, s 39.
88. Constitution of South Africa, s 26.
89. Ex Parte Chairperson of the Constitutional Assembly: In Re Certification of the Constitution of the Republic of South Africa, 1996 1996 (4) SA 744; 1996 (10) BCLR 1253 (CC) para 78.
90. Government of the Republic of South Africa v v Grootboom [2000] ZAAC 19, 2001 (1) SA 46 (CC).
91. Government of the Republic of South Africa v v Grootboom 2001 (1) SA 46 (CC) para 37.
92. Government of the Republic of South Africa v v Grootboom 2001 (1) SA 46 (CC) para 38.
93. Government of the Republic of South Africa v v Grootboom 2001 (1) SA 46 (CC) paras 41, 43-44.
94. [2003] ZAWCHC 29, 11 BCLR 1236.
95. [2004] ZAAC 7 paras 19, 23.
96. Lucy Williams, The Right to Housing in South Africa: An Evolving Jurisprudence (2013-2014) 45 Columbia Human Rights Law Review 816, 824-827.
97. Hilary Biehler, Judicial Review of Administrative Action: A Comparative Analysis (3rd edn, Round Hall 2013) 131.



To require action in law requires the most extreme cases, and innovative invocation of the law, relying for example on the right to bodily integrity, to person. The fundamental failure to for example, provide emergency accommodation to a family with young children cannot be challenged by reference to a clear and direct right. The gap in the law is clear.

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Mercy Law Resource Centre (MLRC) is an independent law centre, registered charity and company limited by guarantee. MLRC provides free legal advice and representation for people who are homeless or at risk of becoming homeless. It also seeks to advocate change in laws, policies and attitudes which unduly and adversely impact people who are at the margins of our society. MLRC provides five key services: free legal advice clinics; legal representation in the areas of housing and social welfare law; legal support and training to organisations working in the field of homelessness; policy work; and a befriending service. Our clients are local authority tenants and people who are homeless or at risk of becoming homeless. They include people who are trying to move away from homelessness who may be struggling with issues often linked to homelessness e.g. addiction, leaving prison, mental illness and relationship breakdown.

MLRC has built strong working relationships with organisations working in the field of homelessness, including Focus Ireland, Crosscare, and Dublin Simon. Since our inception in 2009, MLRC has provided advice and/or court representation in public interest litigation to approximately 3900 individuals, families and organisations.

For more about our work, please see www.mercylaw.ie



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