

Press Release – embargoed to 12 noon Wednesday 4 May 2016

Call for protection of right to housing in the Constitution to be a key priority of next Dail –

In the face of the desperate crisis in homelessness, not seen since the foundation of the State, as a positive, strong step for the future to create enduring fundamental protection of home for every adult and every child

Mercy Law Resource Centre, an independent law centre which provides free legal help for those who are facing homelessness, today launched a report on the Right to Housing in Ireland. The report was formally launched by Judge Catherine McGuinness.

There is no right to housing in Irish law. MLRC called for the protection of the right to housing in the Constitution to be a key priority of next Dail. Speaking at the launch, MLRC's Managing Solicitor, Maeve Regan said:

“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 protect the right to housing in balance with other rights.”

Highlighting the crisis in homelessness, which in 2015 saw a net increase of 43% in the number of people recorded as homeless, an increase of 1,700 people, with that number rising monthly, MLRC's Managing Solicitor said:

“We have legally advised and represented over 3900 people facing homelessness, since our Centre was established 7 years ago. Over the past two years, every week we meet individuals and families who are homeless and living in their cars or having each day to find accommodation for that night. These include families with infants.

They are in this situation because the local authority has refused to provide them with emergency accommodation or has told them that there is simply none available. We meet families who are being accommodated for prolonged and indefinite periods in one room in hotels and B&Bs, which is grossly inappropriate for their needs, for their health and for their dignity. In this accommodation they are, for example, unable to cook for their family. They often have to travel great distances to bring children to school, a journey which may simply not be possible. We are seeing parents and children now, after enduring these conditions for months, with no end in sight, suffering very severely in their physical health and their mental health.

The real effect of the absence of the right to housing is that in these situations there is no clear right to rely on. The rights around the edges are all that can be invoked. Action in law requires the most severe and extreme cases and innovative use of the law, relying for example on the right to bodily integrity. The fundamental failure to, for example, provide emergency accommodation to a family with young children cannot be challenged directly. The gap in the law is clear.”

The report notes that 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.

In 2014, the Constitutional Convention, set up by the Government and made up of citizens from across the country to consider changes to our Constitution, voted overwhelmingly, 82%, in favour of the protection of the right to housing in the Constitution. The Government has not taken any further substantive action on this.

Speaking at the launch, MLRC's Managing Solicitor said:

"A right to housing in the Constitution would mean that the courts could look at the State decision or policy as to whether it was 'proportionate' by reference to the right. It would mean that Government and State policies and actions would have to respect the right. 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. It would recognise that a home is central to the dignity and possibility of every person."

ENDS

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Notes to editor

1. 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. MLRC's 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

2. Judge Catherine McGuinness formally launched MLRC's report on the Right to Housing in Ireland. Paul Sweeney, Chair of TASC Economists' Network also presented at the launch on the economic context for the right to housing. The launch took place at 11.30am on Wednesday 4 May, in the Georgian Suite, Buswells Hotel, Molesworth Street, Dublin 2.
3. MLRC recently represented a young mother of two very young children who was refused emergency accommodation by Kildare County Council when she presented as homeless with her children. MLRC's legal submissions could not rely on a right to housing, rather on European Convention on Human rights argument, and rights relating to the manner in which the decision was reached by the Council, based on constitutional fair procedures. The case was reported on by the Irish Times: <http://www.irishtimes.com/news/crime-and-law/homeless-mother-and-children-at-crisis-point-court-hears-1.2514192>. MLRC is working to help several families in this situation - who are homeless and face serious difficulties in accessing emergency homeless accommodation, where the Councils are refusing to provide emergency accommodation and are not providing any assistance in obtaining alternative private rented accommodation.