

FOCUS IRELAND

SUBMISSION TO THE UN SPECIAL RAPPORTEUR ON ADEQUATE HOUSING

28TH October 2015

Focus Ireland is one of Ireland's leading housing and homelessness charities. We work with individuals, families, and children. We endeavour to prevent people becoming, remaining, or returning to homelessness through the provision of quality services, supported housing, research and advocacy. We believe that everyone has the right to a place that they can call home.

We welcome the chance to contribute to the report of the UN Special Rapporteur on the right to housing and we greatly look forward to reading the final document. Below we have answered, as best we can, the questions posed by the Special Rapporteur. Given the complexity of the issue, in some instances we have limited the scope of our submission to particularly pertinent examples. We hope that the information provided will be of use and we welcome any further queries in relation to same.

- 1. Please explain how your organisation or institution defines homelessness in various contexts, for example, when measuring the extent of homelessness or conducting research about it, or preparing proposals and advocacy projects. Please explain why the definition was chosen. Do these definitions differ from those used by your government?**

Focus Ireland follows the European Typology of Homelessness and Housing Exclusion when understanding homelessness.¹ In particular operational categories 1-7, which cover homelessness and rooflessness. The ETHOS definition of homelessness is widely referenced in government and local authority policy and planning in the area of homelessness service provision. This was chosen as it is a comprehensive definition that increases the understanding of the issue.

However the legal definition of homelessness provided in Article 2 of the 1988 Housing Act is the context of the state funding for our services so must be the framework for delivering our services

2.—A person shall be regarded by a housing authority as being homeless for the purposes of this Act if—

(a) there is no accommodation available which, in the opinion of the authority, he, together with any other person who normally resides with him or who might reasonably be expected to reside with him, can reasonably occupy or remain in occupation of, or

¹ <http://www.feantsa.org/spip.php?article120>

(b) he is living in a hospital, county home, night shelter or other such institution, and is so living because he has no accommodation of the kind referred to in paragraph (a),

and he is, in the opinion of the authority, unable to provide accommodation from his own resources.

As of September 2015, the most regular and reliable official recording of homelessness in Ireland are as follows, based on the legal definition of homelessness:

September 2015	Homeless Adults	Adults (with no dependents)	Adults (with dependents)			
			Families			
				Family Unit	No. Adults	No. Dependents
Dublin	2330	1475	Single Parent	419	419	799
			Couple	218	436	544
			Total	637	855	1343
Rest of the Country	1098	973	Single Parent	77	77	173
			Couple	24	48	55
			Total	101	125	228
Total	3428	2448		738	980	1571

Based on the above figures the overall total for adults and children in homeless accommodation in Ireland in September 2015 is 4,999. These are people in homeless accommodation counted by local authorities. There are a small but significant number of single person beds, estimated at 125, which are not funded by the state and would therefore not be counted in the above process.

So this numeration of people experiencing homelessness would best be defined as constituting categories 2 & 3 of ETHOS. A count of rough sleeping in the Dublin area is undertaken twice a year so these numbers are not included in the figures above. The next rough sleeper count will be carried out in mid-November 2015.

2. **What population groups are most affected by homelessness in your country/in your organization's area of work? Please provide any information you have about the extent or experiences of homelessness among particular groups such as children and youth, women, indigenous peoples, persons with disabilities, and others. If relevant studies exist please indicate or share a link, a reference or a copy.**

Single people are the largest population of people who experience homelessness in Ireland. Migrants experience of homelessness is slightly above what you would expect based on census overall population figures. However migrants make up some 50% of those in the private rental market and this is the most common housing status for those experiencing homelessness.

Over the last 3 years the greatest growth in homelessness has been experienced by families with children particularly in the urban areas and most particularly in the Dublin region.

This growing crisis has been in the political and media spotlight since 2014. Then Minister for Housing Jan O'Sullivan at that time acknowledged that the growth in family homelessness constituted an 'emergency crisis'¹. Since that time the numbers becoming homeless each month have continued to rise at an ever increasing rate.

Following the high profile death of a man experiencing homelessness in December 2014, the current Minister for Environment, Alan Kelly, put in place a 20 point plan to address homelessness, which includes some measures which specifically address family homelessness.

To provide a more detail understanding of this crisis we have briefly outlined the following:

- What happens when a family become homeless?
- The Rise in Family homelessness over the last two years
- Focus Ireland and Family Homelessness
- Causes of homelessness in families
- What responses are in place?

What Happens When A Family Becomes Homeless?

Under the Housing Act, 1988, the four Dublin local authorities have a statutory responsibility for adults who become homeless in their areas. Irish legislation contains no special provisions for families that become homeless, only referring to 'any other person who normally resides with him or who might reasonably be expected to reside with him'. Children who are with their families are covered under the legislative provisions which refer to homeless adults, and while there is an obligation on local authorities to assess whether a person is homeless, there is no obligation to provide accommodation for people it assesses as being homeless.

There is certain legislation which relates to the obligations of the state to ensure that children are not homeless, but this legislation only applies when the children are not in the care of their parent.²

When a family becomes homeless they must present to the housing section of the local authority where they were last living (when the housing section is closed they can present to the 24 hour Central Placement Service). The local authority housing section is responsible for making an initial assessment of the family's housing needs. If they deem it appropriate they will identify and secure emergency accommodation for the family. There is very limited specialist

² For example, Section 5 of the 1991 Child Care Act
<http://www.irishstatutebook.ie/eli/1991/act/17/section/5/enacted/en/html>

emergency accommodation for families available (Focus Ireland's Aylward Green and DePaul Ireland's Rondu House) so most are placed in private "B&Bs" or, in recent months, in hotel rooms.

The authorities are responsible for negotiating and paying the cost of the private accommodation, and assuring that the accommodation is of an acceptable standard. However, in recent cases where a family has been assessed as homeless, the local authority has asked them to source their own hotel accommodation which the LA will then pay for.

In accordance with the legislation, the local authority may decide the family is not homeless if they believe they are able to make alternative arrangements for themselves or to stay with family members etc, or where they believe the family is the responsibility of another local authority. Some cases of this nature have received significant media attention.

In order to respond to the needs of newly arriving families and to manage costs, families are often moved from accommodation to accommodation several times. Given the shortage of suitable accommodation, the local authorities do not make arrangements for families to be near their schools, meaning that parents and children may have to travel large distances to maintain some semblance of stability. This can mean that children miss breakfast and are tired arriving at school, and also limits how much time they have in the evening for homework, impacting both concentration and educational performance.

Conditions in emergency accommodation vary. Most of the emergency accommodation units in use have little or no cooking facilities, there are no areas for children to play and many families are accommodated in a single room.

Families who are assessed as 'not homeless' or, having been assessed as homeless, are not provided with emergency accommodation are not informed in writing of the decision or the reasons behind it. There is no formal appeals process.

On a small number of occasions, the Housing First Intake Team (also operated by Focus Ireland, in this case in partnership with the Peter McVery Trust) has come across families bedding down in cars or preparing to sleep rough. In recent months we have negotiated a protocol with the Dublin Regional Homeless Executive under which the Intake team can arrange for hotel accommodation for such a family, with the DRHE covering the cost of this and assessing the housing need of the family the following day (or on the next working day).

Focus Ireland and Family Homelessness

Focus Ireland's work covers all aspects of homelessness, but we have a particular specialisation in working with families, children and young people who are homeless.

In 2012, as part of the Government strategy to appoint Homeless Action Teams (HATs) in all regions, the Dublin Regional Homeless Executive (DRHE) designated the Focus Ireland family case management team to be the "Homeless Action Team" working with families who have become homeless in the four local authorities.

In addition, Focus Ireland has delivered an innovative Social Impact Investment programme (in partnership with the DRHE) supporting all the 136 families that were homeless in February 2013 to move into mainstream housing. The team that delivered this project is now being redeployed to work as part of the overall HAT team in the city. After the local authority has assessed the family as being homeless and placed them in accommodation, they allocate that family to the Focus Ireland Homeless Action Team (HAT) – also known as the ‘New Presenters’ team. The role of the Focus Ireland HAT is to:

- Make initial contact with the family within 24 hours (in person or by phone).
- Make an initial assessment of the social and housing needs of the family.
- Allocate a case manager to assist the family in identifying and securing appropriate mainstream accommodation to move out of homelessness. Each case manager has a case load of 15 families at any time.

The team also includes a specialist child support worker who will also identify any child welfare or child protection issues which may arise, and inform the child protection authorities if appropriate.

When established in 2012, the Focus Ireland ‘new presenters’ team was resourced to respond to around 8 families a month presenting as homeless, and comprised two case workers.

Given the rapid growth in family homelessness, DRHE has agreed to expand the team through redeployment of other Focus Ireland staff. Nevertheless the scale of the problem and the lack of affordable move-on accommodation mean the team is often limited to making initial contact and dealing with emergency issues, with waiting lists for families to be allocated a case worker.

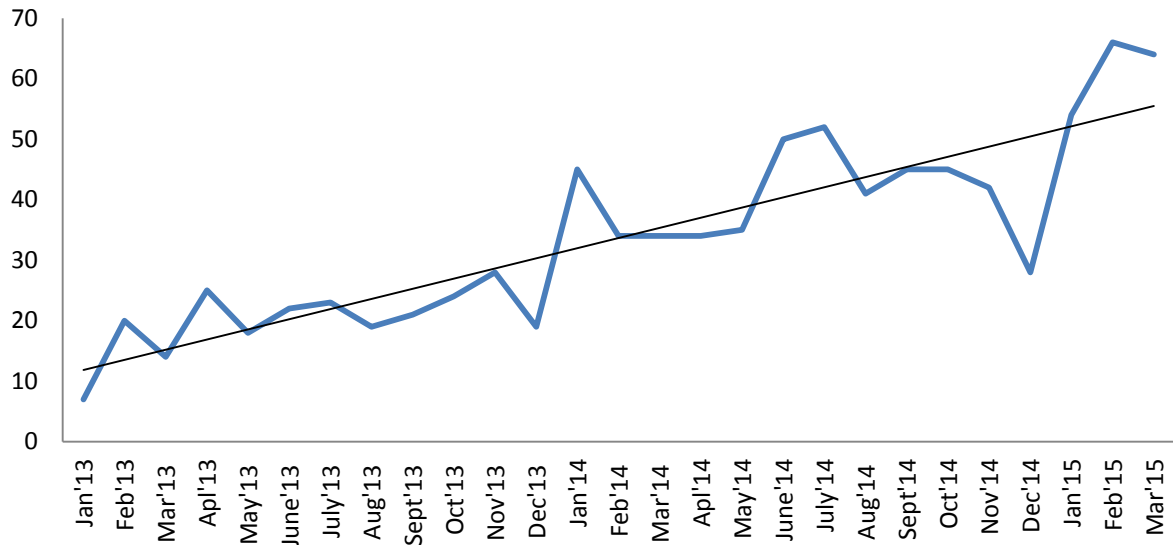
The team also runs a general ‘advice clinic’ for families who have not yet been allocated a case manager. The team has been deeply frustrated by being unable to engage meaningfully with families for several months after they become homeless.

The rise in the number of families becoming homeless since 2012

Focus Ireland services have consistently reported a rise in the number of families becoming homeless around the country in the last two years. The largest numbers are in Dublin due to the critical shortage of affordable housing and a steeper rise in rents. However, it is not exclusive to Dublin and any response needs to address the issue on a national basis.

When our Homeless Action Team was set up in 2012 an average of 8 new families were presenting as homeless in Dublin every month. There has been a dramatic rise in numbers since then. An average of 40 families became homeless each month in 2014 and that has now risen to 61 per month in the 1st quarter of 2015. Table 1 below shows the rise in families coming into homelessness in Dublin each month.

Table 1: Homeless Families allocated to the Dublin Family HAT team per month



Source: Focus Ireland Family HAT team allocation figures

At the end of September there were 637 families in homeless emergency or temporary accommodation in Dublin, with a further 101 across the country. There are 1,571 children who are part of these families nationally and most are living in totally unsuitable and damaging conditions.

The alarming increase in the number of families and dependents highlights both the scale of the numbers becoming homeless and the absence of opportunities to move back into mainstream accommodation.

The Focus Ireland HAT team help these families to move out of homelessness – either into private rented or social housing. However, the critical shortage of affordable accommodation means that more families are stuck in emergency accommodation for long periods.

During the first quarter of 2015, the team supported 30 families to move out of emergency accommodation. All but one of these move-ons was to local authority housing, demonstrating the problems in the private rented sector.

Why are these families becoming homeless?

The broader causes of homelessness will be discussed in later questions. Specifically in relation to family homelessness, the impact of the recession has seen an increase in the number of families becoming homeless primarily due to their economic circumstances. This is especially the case in Dublin.

The vast majority of the families who have become homeless over the last 18 months were previously living in the private rented sector. The main 'external' reason families give for them becoming homeless is that they are unable to afford their rent because:

- The maximum Rent Supplement levels are insufficient to meet their rent.

- Other Rent Supplement issues. In a number of cases, families said they have lost their accommodation due to long delays in deciding Rent Supplement or suspension of Rent Supplement pending review
- A number of families report that their tenancies were terminated because their landlord decided to sell the accommodation, or was put into receivership.
- Families also become homeless for social/individual and the reasons stated included relationship breakdown, bereavement or domestic violence.

One clear indicator of the balance between structural and social causes of homelessness is the proportion of families losing their homes that had no previously experience of homelessness. When Focus Ireland began this work an average of 60% of families had never experienced homelessness. This figure has now risen to an average of 80%.

What responses are in place and how are they working?

A number of responses to this crisis have been put in place, or are committed to in the Government's 'Implementation Plan on Homelessness' approved by Cabinet on 20th May 2014 and in the emergency 20 point action plan in the wake of the death of Jonathon Corrie.

It is useful to divide these measures into those designed to reduce the flow into homelessness (Prevention), to support people back into mainstream housing (exits from homelessness) and those designed to deal with the immediate crisis of homelessness (crisis measures).

Prevention

- **A Dublin Homelessness Prevention initiative:** The DRHE, working with a group of homeless organisations including Focus Ireland has established a homelessness prevention programme for families at risk of losing their homes. Threshold is the first point of contact in this project. From June 2014 to March 2015 this initiative saved the tenancies of 553 families.³ 462 of these families received an increase in their rent supplement payment. However during the same period almost exactly the same number of families lost their homes. In recent months, Rent Supplement level increases for families involved in this scheme have averaged 20%, indicating the extent to which Rent Supplement levels lag behind rent levels. A current advertising campaign and phone app aim to increase awareness of this initiative. However, all the voluntary organisations involved in this programme agree that because Rent Supplement levels are systematically below real rent levels, this scheme is not an alternative to an increase in the underlying Rent supplement rate.

- **Repossessions of 'buy-to-let' landlords:** Some of the families are becoming homeless because their landlords have been unable to meet their mortgage repayments and have gone into receivership or been repossessed by the lending institutions. In such circumstances the tenancy rights are extremely limited and eviction of tenants is frequently the first move of the bank/receiver. This issue is recognised in Action Point 12 of Minister Kelly's 20 point and over 35,000 BTL mortgages are in arrears nationally. However recent updates indicate it is now awaiting action on the overall mortgage problem (where it may get lost). A voluntary 'code of

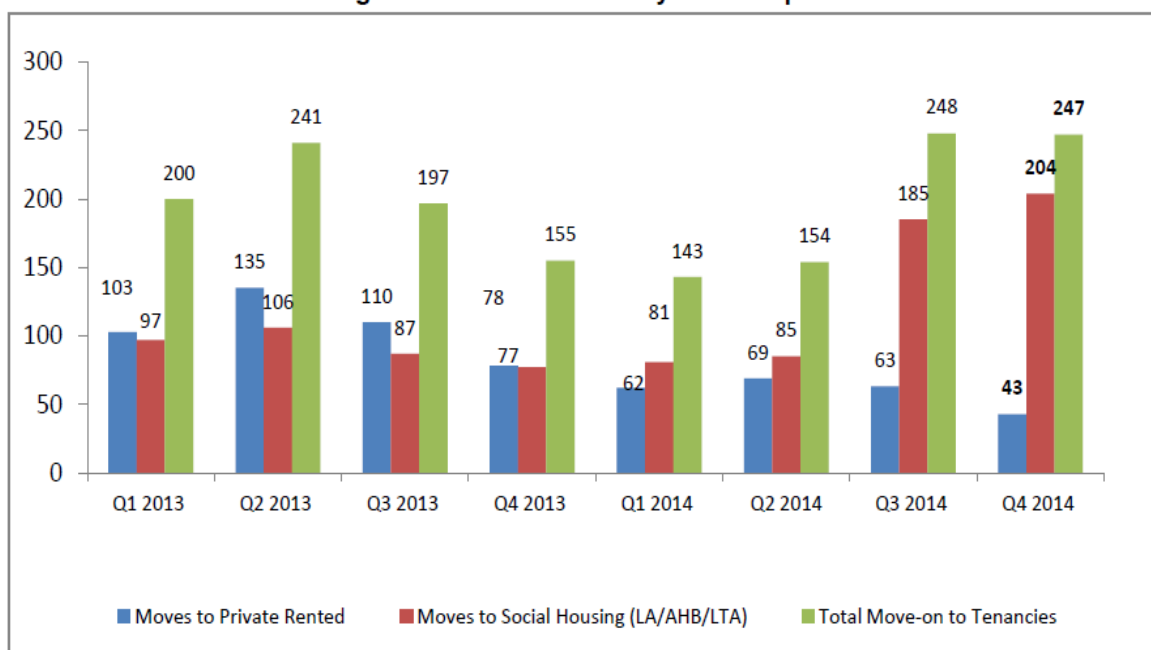
³ <http://www.dublincity.ie/553-families-prevented-becoming-homeless-dublin-region>

practice' which would involve greater information to tenants about to be evicted is also being considered. Neither of these responses seems likely to reduce this pathway into homelessness.

Supporting exits from homelessness

- **HAP:** Action Point 10 indicates that the new Housing Assistance Payment (HAP) will be rolled out for people moving out of homelessness in Dublin. This has taken place and the new arrangement for people who are homeless allows rent levels 20% higher than the Rent Supplement levels to be agreed, plus arrangements for deposits and advance payments etc. These changes are very positive (and reflect some of the changes that voluntary organisations have been seeking for 20 years) but come at a time when very little property is available and rents are escalating. Families are also reluctant to move back into the private sector, in the absence of rent control, given their earlier experiences. While we will continue to maximise this option, we see relatively few exists to the private sector, continuing the pattern apparent in the last two years of increased reliance on social housing, see figure below (this is for all households not just families).

Figure 1: Moves to tenancy in each quarter



- **Voids and Allocations:** The Government Implementation Plan on Long-term Homelessness contains several recommendations and commitments which will bring local authority properties which are currently vacant back into use, and ensure that most of these units are allocated to households that are long-term homeless. These commitments were followed up in the December 20pt plan (Action Points 6 and 8). While the earlier plan ring-fenced all renovated voids for the long-term homeless, Minister Kelly's 20 point plan used an executive order to give 50% of all social housing allocations in Dublin to those who were on a priority list on the 1st of December 2014 in the Dublin region. The 20 point plan identified 1,046 void units in Dublin

which could be brought back into use, and in March it was reported that 729 of these had been brought back into active use. Funding for upgrading a further 1,000 voids nationally is expected. It is hard to relate these figures to the reported exits from homelessness. This executive order only runs until the end of June 2015.

Crisis measures

The combined impact of the prevention measures and the exit measures remains insufficient to slow down the rising number of families requiring emergency accommodation. As a result, there is a critical need to address the issues of quality, quantity and cost of emergency accommodation available.

- **Increased staffing in the Focus Ireland Homeless Action Team:** This team was increased from 2 to 9 staff from May 2014. This was achieved by reconfiguring a long established team which worked mainly with people who are homeless and living in emergency accommodation provided by other homeless organisations. DRHE has recently agreed that the Focus Ireland team that delivered the innovative Social Impact Investment project with 136 long-term homeless families will now be amalgamated into the Family HAT team to support its work.

- **Assessment Centre.** Action 7 indicates that a NAMA hotel will be purchased to provide additional emergency accommodation for families and to act as an assessment centre. The proposal for a hotel has fallen through but South County Dublin County Council have now made arrangements to lease around 40 apartments from NAMA, which will be used for this purpose. The Focus Ireland HAT team will provide support to these families and aim to move them on within a relatively short period, using HAP and other supports. This measure will reduce (at least temporarily) the use of unsuitable hotel accommodation etc.

- **Scheduled demolitions:** Action point 9 says that DCC will examine 657 properties which are scheduled for demolition to see if they can be refurbished for temporary use. Given its temporary nature, this measure should be seen as providing an alternative to the emergency accommodation currently being used, rather than a contribution to moving people out of homelessness in a sustained manner.

3. In your organisation's view, what are the primary systemic and structural causes of homelessness? How is your organization addressing these and how should these be addressed by Governments?

Homelessness is a complex social issue and is often caused by a combination of interacting triggers and circumstances. Causes are often divided into 'structural' and 'individual' explanations. 'Structural' explanations relate to external social and economic factors and include the housing market, poverty, and unemployment. 'Individual' explanations relate to the needs, vulnerabilities, and health status of people who experience homelessness. Unstable relationships or experience in institutional settings have also been cited as increasing the risk of homelessness.

The recent increase in family homelessness has been largely blamed on the housing market and its inability to meet the needs of the population. The Government's failure to provide social

housing, coupled with increasing rents and a growth in urban populations, has resulted in a significant accommodation shortfall. Families on low incomes or in receipt of State assistance are being priced out of the market and are finding themselves unable to re-join it. Focus Ireland is an approved housing body and in 2014 we provided homes for over 650 households.⁴ Yet hundreds of families remain homeless.

The solution to the current housing crisis will need to come from Government as well as AHBs. Focus Ireland is campaigning for the introduction of rent certainty and an increase in the level of rent supplement paid to those who are eligible. The Department of Social Protection Rent Supplement scheme sets a maximum level of rent that can be paid by different household types in each area of the country. The DoSP will only provide rents up to this maximum (with single households making a minimum €30 contribution and a couple making a minimum contribution of €40). The maximum rent level was last set in June 2013 and since that date average rents have increased by 9%, with Dublin rent rising by 14% (DAFT.ie)

Focus Ireland believes the maximum rent levels should be reviewed every 12 months – as landlords are allowed to review their rents every year. While the DoSP reviewed rent levels annually in the past, they are now claiming that an 18 month period is necessary and that now review will take place before the end of 2014. The current rent supplement levels are not allowing many families to sustain their tenancies or find alternative accommodation when their tenancies are lost. The Government's proposal for a case-by-case discretion for CWOs (outlined above) is an insufficient response to what is a systematic inadequacy in the payment.

The Department of Social Protection argues that increases in Rent Supplement levels will simply be swallowed up in rent increases. Focus Ireland believes these fears are exaggerated and the risk of this happening could be offset through strengthening the existing measures in place to regulate rent levels. To date rent control attempts by the Department of Social Protection have been to restrict the resources available to rent supplement tenants - the result of this was to push households out of their homes or leave them with no alternative but to 'top up' their rent payment by bridging the gap between the rent supplement limit and the actual rent. This has left many families struggling to provide for other necessary basics.

The Private Rental legislation already regulates rents by stating that rents can only be reviewed on an annual basis and that increases should be in line with market changes. Tenants can refer disagreements on such annual reviews to the Private Rental Tenancy Board (PRTB) for resolution. While a comprehensive approach to rent regulation would take some time to design, immediate action could be taken to adjust the existing legislation to extend the period for which rents must be maintained (from 12 months to 18 months) and link acceptable increase to Inflation rather than 'market rents.'

We are also campaigning for tax incentives to entice landlords to enter or remain in the rental market.⁵ These provisions must be coupled with an increase in social housing. The steady

⁴ Annual Report 2014 <https://www.focusireland.ie/about-homelessness/resource-centre/annual-reports>

⁵ Pre-Budget Submission 2016 <http://www.focusireland.ie/about-homelessness/resource-centre/press/press-releases/983-focus-ireland-launches-its-pre-budget-submission-and-says-the-govt-must-not-yet-again-fail-homeless-families-on-budget-day>

decline in Government commitment to social housing building is a major cause of the current accommodation crisis. This trend must be reversed as soon as possible.

In addition to addressing the structural causes of homelessness, Focus Ireland also campaigns for increased service provision for those whose individual circumstances might put them at higher risk. We previously campaigned for the introduction of aftercare legislation, to ensure that young people leaving care are provided with the support they need.⁶ The Government have recently published the Child Care (Amendment) Bill 2015⁷ which will place aftercare planning on a legislative basis. Focus Ireland has also campaigned for increased funding to Tusla, the Child and Family Agency, and HSE homeless services. We believe that health interventions are a vital aspect of homelessness prevention. Such investment would improve addiction services and residential treatment options, as well as strengthening community mental health care.

Ireland, and Dublin in particular, is in the middle of a housing crisis of which family homelessness, as mentioned above, is just one part. Focus Ireland recognises the growing problems facing a large number of households in all aspects of the housing market (first time buyers, those seeking private rented accommodation, families in overcrowded accommodation or in partially 'regenerated' estates and those whose homes are being repossessed to name just a few). We also recognise that there is a growing pressure on all homeless services.

Given the growing scale of the homelessness crisis, the Irish Government must ensure that their response is not limited to one 'cause' of homelessness. The solutions will need to be as complex and interconnected as the issue.

- 4. Please provide any information available about discrimination and stigmatization of people who are homeless, including laws or policies that may be used to remove homeless persons from public spaces or to prohibit activities in public spaces such as sleeping, camping, eating, sitting, or asking for money. Please explain whether such discrimination is prohibited by law at national and/or local levels and describe any initiatives being taken or proposed to address this problem.**

While homelessness is not explicitly criminalised in Ireland, people experiencing homelessness may be more likely to be prosecuted for a number of offences as a result of their situation. People experiencing homelessness are often forced to spend the majority of their day outside whether they are residing in emergency accommodation or rough sleeping. They may thus find themselves engaging in behavior which is prohibited in public. A number of these offences, as well as others, are listed below. All are national laws, unless otherwise stated.

- Begging – The 2011 Criminal Justice (Public Order) Act⁸ has created new offences where an individual is begging in a manner which is threatening or causing an obstruction. The Act further grants Gardai the power to direct individuals to desist from begging if they were doing so in a number of specified places, such as beside an ATM or near a business premises. This legislation was the first law which targetted begging since the Vagrancy (Ireland) Act 1847. It is worth noting that in 2012 two individuals who

⁶ <https://www.focusireland.ie/files/publications/Bridging%20the%20gap.pdf>

⁷ <http://www.oireachtas.ie/documents/bills28/bills/2015/9415/b9415s.pdf>

⁸ <http://www.irishstatutebook.ie/eli/2011/act/5/enacted/en/print.html>

had been charged with begging brought a case to the High Court challenging their convictions.⁹ White J held that in bringing a charge under the Act, Gardai must provide evidence that the accused person was begging without legal authorisation. Some commentators believe that this burden has had a chilling effect on the legislation and has resulted in fewer convictions than there would otherwise have been.¹⁰

- Public Intoxication – Section 4 of the Criminal Justice (Public Order) Act 1994¹¹ makes it an offence for anyone to be intoxicated in a public place to such an extent that they might endanger themselves or anyone else in the vicinity.
- Public Drinking – There are no national laws prohibiting public drinking but local authorities are entitled to pass bye-laws prohibiting or restricting consumption of alcoholic beverages in public. For example, the Dublin City Council (Prohibition of Consumption of Intoxicating Liquor on Roads and in Public Places) Bye-Laws 2008¹² ban public drinking. Similar bye-laws exist around the country.
- Disorderly Conduct in a Public Place – Section 5(i) of the Criminal Justice (Public Order) Act 1994¹³ defines prohibited “offensive conduct” as unreasonable behaviour which is likely to cause serious offence or annoyance. This offence is designed to prohibit behaviour which has a negative effect on a community but does not constitute threatening or abusive behaviour, as below.
- Threatening or Abusive Behavior – Section 6 of the Criminal Justice (Public Order) Act 1994¹⁴ makes it an offence for anyone in public to use “threatening, abusive, or insulting words or behaviour” with the intent to provoke a breach of the peace.
- Wilful Obstruction – Section 9 of the 1994 Act¹⁵ prohibits the wilful prevention or interruption of the free passage of any person or vehicle in a public place, unless a reasonable excuse exists.
- Trespassing – Section 11 and section 13 of the 1994 Act¹⁶ deal with trespassing. Section 11 makes it an offence to enter a property with intent to commit an offence. Section 13 makes it an offence to trespass in a manner likely to cause fear in another individual.

The above are a selection of laws which may be said to unduly target or affect those who are experiencing homelessness. There is little evidence of recent initiatives combat legislation targeting homelessness.

5. Please indicate if you know whether homelessness has been recognized as a human rights violation by courts, by national human rights institutions in your country/ in the area of your expertise, and if so, on the basis of which human

⁹ DPP v Rosta & Anor [2012] IEHC 19

¹⁰ <http://www.irishtimes.com/news/politics/fear-factor-in-dublin-due-to-aggressive-begging-1.2024357>

¹¹ <http://www.irishstatutebook.ie/eli/1994/act/2/section/4/enacted/en/html#zza2y1994s4>

¹² <http://www.dublincity.ie/main-menu-services-recreation-culture/intoxicating-liquor-bye-laws>

¹³ <http://www.irishstatutebook.ie/eli/1994/act/2/section/5/enacted/en/html#zza2y1994s5>

¹⁴ <http://www.irishstatutebook.ie/eli/1994/act/2/section/6/enacted/en/html#zza2y1994s6>

¹⁵ <http://www.irishstatutebook.ie/eli/1994/act/2/section/9/enacted/en/html#zza2y1994s9>

¹⁶ <http://www.irishstatutebook.ie/eli/1994/act/2/enacted/en/print>

rights (for example: right to adequate housing, right to life, etc) Provide information on any initiatives being taken by your organization or others to address homelessness using an explicit human rights framework.

Homelessness has not been explicitly recognised as a human rights violation by the Irish courts. The Irish judiciary have traditionally shied away from ruling on economic, social and cultural rights, and have left such decisions to Government.¹⁷ The State has also opted out of Article 31 of the European Social Charter¹⁸ which concerns the right to housing. While there is no right to housing in Irish law, there are statutory and legislative entitlements to housing supports and social housing. These are procedural and substantive rights which can be relied on in Court, but they rarely include a human rights dimension. Procedural rights include the right to apply for social-housing assistance while substantial rights include the rights of children to adequate food and shelter and the right to privacy.

The Irish Human Rights and Equality Commission (IHREC) is an independent public body charged with protecting and promoting human rights and equality in Ireland. In its recent submission to the UN Committee on Economic, Social and Cultural Rights IHREC made specific recommendations around the right to adequate housing.¹⁹

A number of organisations, including Focus Ireland, have campaigned for increased rights for those experiencing, or at risk of, homelessness.²⁰

With regards the public attitude to housing and homelessness, a Constitutional Convention was established by both Houses of the Oireachtas in 2012. This tasked a forum of 100 citizens and parliamentarians to make recommendations on possible future amendments to the Irish Constitution. Under the category “Any Other Amendments” the Convention chose to examine Economic, Social and Cultural Rights. 85% of the members favoured changing the Constitution to strengthen the protection of ESC rights.²¹ The Government undertook to respond to the group’s recommendations within four months and has yet to do so.

6. Please provide information on how your organization has used or intends to use administrative procedures to challenge homelessness as a violation of human rights?

As set out below; Ireland has well developed homeless strategy and there is a legislative framework underpinning these strategies.

As an organisation Focus Ireland advocates for those experiencing homelessness based on the commitments that the local authority has made in the context of the action plans and the

¹⁷ This precedent was set in the Supreme Court case *TD v Minister of Education and others* [2001] IESC 101

¹⁸ http://www.coe.int/t/dghl/monitoring/socialcharter/Presentation/ProvisionTableRevMarch2015_en.pdf

¹⁹ http://www.ihrec.ie/download/pdf/ihrec_report_ireland_and_the_international_covenant_on_economic_social_and_cultural_rights.pdf page 83

²⁰ For example, see Focus Ireland’s campaign “Right to a Home”

<http://www.focusireland.ie/files/right%20to%20a%20home%20campaign.pdf>

²¹ <https://www.constitution.ie/AttachmentDownload.ashx?mid=5333bbe7-a9b8-e311-a7ce-005056a32ee4>

government strategy outlined below, within social welfare legislation there is a level of discretion with the [‘supplementary welfare system’](#) and this is also utilised where possible.

- 7. Please provide information about any proposed or existing strategies or legislation that your organisation or institution might be familiar with aimed at reducing or eliminating homelessness. Explain any goals or timelines that have been adopted for this purpose, describe how progress has been monitored, describe how those affected by homelessness have been involved and provide information on results to date. Does your institution/organization have any suggestions for how existing or proposed strategies could be improved?**

Ireland has had a number of strategies over the last 15 years.

The Housing Act 2009 set out that each local authority should have a [homeless action plan](#). Despite the positive progress that these action plans were the legislation does not compel the local authorities to implement these plans.

The administrative procedures based on these plans, offering support for those experiencing homelessness are embedded in the major urban local authorities. In some other local authorities there can be difficulties as they can be less willing or able to respond to the needs of those experiencing homelessness.

The current government policy is underpinned by a commitment to end long-term homelessness and the need to sleep rough by 2016. The strategy is set out in their [‘Homelessness Policy Statement’](#) published in February 2013. This sets a target for ending long-term homelessness by 2016 – by that date no one should have to live in temporary or emergency accommodation for more than 6 months.

There was an evaluation of the progress on this by a three person Homeless Oversight Group available [here](#). Following the HOG report an 80 point implementation plan developed by the government is set out [here](#). The initial progress report for the 1st quarter of 2015 is available [here](#)

Focus Ireland responded to the initial HOG report and we would acknowledge that the 80 point plan is very comprehensive. However the nature of homelessness has continued to shift in the intervening period with family homelessness now becoming a much more significant issue. To meet this growing need and prevent more families experiencing homelessness Focus Ireland has lobbied the Department of Social Protection to increase the level of rent supplement.²²

²² Rent Supplement is paid to people living in private rented accommodation who cannot provide for the cost of their accommodation from their own resources. In general, you will qualify for a Rent Supplement, if your only income is a social welfare payment
