



# **National Women's Council**

## **Submission to the Housing Commission on a Referendum on Housing in Ireland**

**August 2022**

## Introduction

The National Women's Council (NWC) is the leading national representative organisation for women and women's groups in Ireland, founded in 1973. We have over 190-member groups and a large and growing community of individual supporters. The ambition of the National Women's Council is an Ireland where every woman enjoys true equality, and no woman is left behind.

NWC is a movement-building organisation rooted in our membership. At our 2022 AGM, NWC's members mandated NWC to campaign for the inclusion of positive housing rights in the Constitution of Ireland. NWC and its members support Constitutional change to increase the rights of people in Ireland to a home, to access to more affordable homes and to greater security in their home. NWC recognises the work of the Housing Commission as an important development in advancing a referendum on housing in Ireland and welcomes the opportunity to contribute to its public consultation.

## Women and housing in Ireland

Housing costs in Ireland are a staggering 78% more expensive than the EU average and this is a key factor in the rising cost of living<sup>1</sup>. Average house prices continue to rise and are up 77% since 2012. Average rents of €2000plus mean the capital is the third most expensive city for renters in the EU.

The housing and homelessness emergency continues to have a devastating impact on women and families throughout Ireland. Official Government figures show that the number of women in homelessness has risen from 989 in December 2014 to 2264 in January 2022<sup>2</sup>. Ireland has one of the highest rates of female homelessness in the EU. However, even these figures are likely an underestimation as women living in refuge accommodation, direct provision and disabled women living in institutionalised settings are not included. In addition, women with children are more likely to move around, staying with family and friends rather than going to homeless accommodation in the early stages of homelessness. Traveller families forced to live on roadsides are also excluded from official statistics.

Lone parent families, 86% of whom are headed by women, are the highest proportion of families living in emergency accommodation, the vast majority having been made homeless from the private rental sector. The use of family hubs has normalised family homelessness, which will lead to families being institutionalised and Ireland once again punishing women and children for poverty and inequality. Lone parents are particularly at risk from housing insecurity as are non-white, especially black, and Traveller women and men<sup>3</sup>. A 2016 national study on women's homelessness found that 10% of participants identified as members of the Traveller community<sup>4</sup>.

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<sup>1</sup> Eurostat (2022). [Comparative price levels in Ireland 2020](#).

<sup>2</sup> <https://www.gov.ie/en/collection/80ea8-homelessness-data/>

<sup>3</sup> IHREC (2018). [Discrimination and Inequality in Housing in Ireland](#)

<sup>4</sup> Harvey, B (2021). [The Traveller community and homelessness](#).

Women are more reliant on the social housing system. They are more likely than men to rent from a local authority or voluntary body and outside of single adults, lone parents are the most common family type on housing waiting lists<sup>5</sup>. Around three fifths of those in receipt of Housing Assistance Payment (HAP) are women<sup>6</sup>. SILC data shows that people renting continue to be more at risk of poverty with those in receipt of HAP, Rent Supplement or Rental Accommodation Scheme (RAS) most at risk of poverty when rent is deducted from income. When rent is deducted from income, half of one parent families are at risk of poverty (50%)<sup>7</sup>. In addition, HAP tenancies are a more precarious form of housing than traditional social housing as the agreement is with a landlord, not a local authority.

Homelessness and availability of affordable and social housing remain structural challenges in Ireland, with clear detrimental impacts on health equity and social cohesion<sup>8</sup>. Ireland's strategy remains over-reliant on the private sector, both to build homes and to provide housing through the private rented sector. This policy has proved to be particularly unfit to provide for the housing and accommodation needs of lone parents, Traveller and Roma women and disabled women. We need a housing policy that delivers secure, affordable accommodation for all and which leaves no one behind.

## Why we need Constitutional support for housing

Constitutional change is essential to tackle our housing and homelessness crisis. The Constitution contains powerful protections for private property rights, enshrined in Art 43 and Art 40.3. However, there is no corresponding right to housing or accommodation, despite the fact that a home is one of the most fundamental human needs.

Art 43 recognises that the right to private property must be regulated by the principles of social justice and permits limits on the right to private property in the interests of the common good. However, there is no guidance in the Constitution on how to balance the right to private property with the common good. Article 43 has been interpreted by the State such that proposals to address the housing crisis have been dismissed as 'contrary to the Constitution'<sup>9</sup>. A 2019 'Oireachtas Library and Research Service' paper identified at least 12 Bills that were opposed by Government, between 2009-2019, on the basis of concerns around private property rights<sup>10</sup>. By failing to set out what is meant by 'the common good', the Constitution is acting as a barrier to housing reform.

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<sup>5</sup>The Housing Agency (2021). [Summary of Social Housing Assessments 2020 Key findings](#)

<sup>6</sup>DPER (2018). [Social Impact Assessment Series Social Housing Supports](#)

<sup>7</sup>CSO (2021). SILC 2020

<sup>8</sup> European Commission (2021). [Analysis of the recovery and resilience plan of Ireland](#)

<sup>9</sup> Homes for Good (N/A). Position paper

<sup>10</sup>Keys, F. (2019). [Briefing Paper: Property rights and housing legislation](#). Oireachtas Library and Research Service.

The Irish State has signed and ratified several International human rights treaties that acknowledge to some extent a right to housing. Foremost of these treaties is the International Covenant on Economic, Social and Cultural Rights (ICESCR). Article 11.1 of the ICESCR contains the pertinent text regarding the right to housing:

“The States Parties to the present Covenant recognize 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 realization of this right, recognizing to this effect the essential importance of international co-operation based on free consent”<sup>11</sup>

Ireland is an outlier among our peers in not providing legislative protections around the right to housing. Many other jurisdictions enshrine such support through their Constitutions or in legislation. As a statement of our society’s fundamental values, the Constitution shapes Government policy and legislation. Including a right to housing in the Constitution would place an impetus on the State to develop and implement policy and practice to deliver on the right to adequate, safe and secure housing for all women and people in Ireland.

### Wording of a Constitutional amendment

Home for Good<sup>12</sup>, a broad coalition of organisations and individuals working to tackle our housing and homelessness crisis, have proposed the insertion of a new Article 43A on housing in the Constitution, as follows:

*1 The State recognises, and shall vindicate, the right of all persons to have access to adequate housing.*

*2 The State shall, through legislative and other measures, provide for the realisation of this right within its available resources.*

The proposed wording is derived from Article 11.1 of ICESCR and would place a positive obligation on the State to act to uphold the right to housing, rather than, for example, adopting an entirely passive market-led approach to housing<sup>13</sup>. NWC proposes that the Housing Commission consider the wording proposed by Home for Good in determining the wording for a referendum on housing.

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<sup>11</sup> International Covenant on Economic, Social and Cultural Rights, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/ICESCR.aspx>.

<sup>12</sup> <https://www.homeforgood.ie/>

<sup>13</sup> Home for Good (2020). [A Constitutional referendum on a stand-alone right to housing: Home for Good Proposal on Wording for a Constitutional Amendment](#)

## Conclusion and recommendations

The commodification of housing is undermining the ability to provide a home for all. There is a need for a shift in how we view housing and accommodation, moving from a market good to a fundamental requirement for basic human dignity and an essential element of our economic and social infrastructure.

Providing a Constitutional right to housing would not, by itself, address our current housing crisis – this will require, among other actions, investment in a major State-led housing programme for public, affordable and cost rental homes, a system of rent controls, a statutory Traveller Agency with powers to approve and enforce Local Authority accommodation, full resourcing and implementation of the White Paper on ending Direct Provision and the provision of accessible, universally designed homes in the community for disabled people. However, it would act as a catalyst for change, providing a mandate for political action to address housing need. It would also enhance the ability of those in need of housing and accommodation to bring pressure to bear on the State to ensure that the State upholds their rights<sup>14</sup>.

Given the scale of the housing crisis for women, there is an urgent need for action. NWC calls on the Housing Commission to:

- **Commit to a clear timeline for a referendum on the Right to Housing as a matter of urgency**
- **Include a positive proposal for wording for a referendum on the Right to Housing, with reference to the wording proposed by Home for Good**

For any queries and further information please contact:

Head of Policy, Jennifer McCarthy Flynn [jennifermf@nwci.ie](mailto:jennifermf@nwci.ie)

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<sup>14</sup> Whyte, G. (2022). Conference on a Referendum on Housing in Ireland May 10/11, 2022. PANEL 6 Does Constitutionalising Social Rights Make a Difference?