



**An Bille um an Naoú Leasú is Tríocha ar an mBunreacht
(Ceart chun Tithíochta), 2019
Thirty-ninth Amendment of
the Constitution (Right to Housing) Bill 2019**

*Meabhrán Mínitheach
Explanatory Memorandum*



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THE CONSTITUTION (RIGHT TO HOUSING) BILL 2019**

EXPLANATORY MEMORANDUM

Background

At the end of April 2019, there were 6,584 adults experiencing homelessness. There were 1,729 families with 3,794 children experiencing homelessness.

Article 45 of Bunreacht na hÉireann sets out the Directive Principles of Social Policy and states:

“The principles of social policy set forth in this Article are intended for the general guidance of the Oireachtas. The application of those principles in the making of laws shall be the care of the Oireachtas exclusively, and shall not be cognisable by any Court under any of the provisions of this Constitution.”

Article 25 of the Universal Declaration of Human Rights, states:

“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.

Article 11.1 of the International Covenant on Economic Social and Cultural Rights (ICESCR), states:

“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.

Purpose of this Bill

The purpose of this Bill is to begin the process to allow for a referendum to be held for the electorate to decide on the insertion of a Right to Housing into Article 45 of Bunreacht na hÉireann.

Ireland has international human rights obligations. Under Goal 11 of the Sustainable Development Goals (SDGs 2030), we committed to ensuring access for all to adequate, safe and affordable housing by 2030.

In 2011, the Central Statistics Office figures stated that there were 641 children experiencing homelessness. This figure has increased by around 500 per cent, up to almost 3,800 in April 2019. Without excluding other cohorts of people experiencing homelessness, this Bill explicitly states that there must be particular regard to children, given the longer term impacts of experiences of homelessness on children.

Provisions of the Bill

Section 1 of the Bill sets out that Article 45 of the Constitution is to be amended.

Section 2 of the Bill is the citation and sets out the name of the act.

Parts 1 and *2* of the *Schedule* to the Bill set out the wording to be inserted as section 5 on the Directive Principles of Social Policy, which would be:

“The State recognises the common good as including the right to adequate and appropriate housing and shall guarantee that right through its laws, policies and the prioritisation of resources, with particular regard to children.”

Thomas P. Broughan, TD

Meitheamh, 2019.