

Human Rights & Housing

A guide for refugees and asylum seekers in Northern Ireland



Published November 2024

About this guide

This guide was made together with refugee and asylum seeker women in Northern Ireland to help people to know and claim their human rights. It was produced by the Northern Ireland Refugees and Asylum Seekers Women Association (Bomoko NI) and BIHR.

Refugees and asylum seekers can often come into contact with public services responsible for housing, health and social care, and education.

This guide focuses on housing, recognising that issues with where you live can negatively affect other parts of your life. For example, people can be moved to new accommodation too often and without notice, without being told why this is happening, and without being offered any support.

This guide explains how human rights can be a powerful tool where decisions made by public bodies are impacting your (and your family's) life.

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Your Human Rights Act

The Human Rights Act (HRA) is a law that protects everyone in the UK, including the refugee and asylum seeker community. The HRA makes it the law for public bodies to take care of our human rights.

Public bodies are services provided by the government. This includes the Housing Executive in Northern Ireland. Other types of organisations also have to meet your human rights if they are providing a public service. This means housing associations may have a duty to meet your human rights.

The Human Rights Act protects 16 important rights. We have included two rights in this guide which are relevant for the refugee and asylum seeker community.



Public bodies must:

Respect your rights – Not take away your rights in the first place

Protect your rights – Take proactive steps to make sure your rights are not taken away.

Fulfil your rights – Investigate when something has gone wrong.

Your right to private and family life, home and correspondence

Article 8 of the Human Rights Act

This right protects your privacy, physical and mental wellbeing, relationships, community, enjoyment of your current home and ability to make decisions about your own life.

This is a non-absolute right, which means sometimes public bodies can make decisions which affect this right. They can only do this if their decision is:

1. **Lawful:** there is a law which allows public bodies to make that decision
2. **Legitimate:** it is for a good reason, like to protect you or others from harm
3. **Proportionate:** other options have been thought about and this is the least restrictive one



Your right to be free from discrimination

Article 14 of the Human Rights Act

This right is about ensuring that everyone can enjoy their human rights equally. This right must be raised with one of your other human rights, like the right to family life.

Discrimination can be for any reason, like being a woman and an asylum seeker. Discrimination could be about being treated worse than others because of something about yourself, or not being treated differently when you are in a very different situation to others.



[This right works with other equality laws in Northern Ireland that prohibit discrimination. Click here to find out more.](#)

Human rights in real life



After being granted refugee status, Mrs A was placed in temporary accommodation with her husband and three children.

Mrs A's children had been going to school in Belfast, but their hotel is miles away with no direct train, meaning they often miss school. The move happened at short notice, and Mrs A was not asked her views about how this change would affect her and her family, nor were they offered any support to cope with the change. Their room is infested with cockroaches. The accommodation is impacting on the family's physical and mental health.

Mrs A's **right to respect for her private life and home (Article 8 HRA)** could be at risk. Public bodies can only restrict this right if it is lawful, legitimate and proportionate. The decision may not be proportionate, because nobody has spoken to Mrs A or her family about the impact on them, what other options might be available, or what support they might need.

Mrs A's children also have a **right to education (Article 2, Protocol 1 HRA)**.



[Click here to find out more about the right to education and other rights in our Human Rights Act.](#)



Human rights in real life



When Mrs M arrived in Belfast seeking asylum with her three children, they were placed in temporary accommodation. Mrs M and her family are Muslim.

They shared a small hotel room where Mrs M had to get changed in front of her children which is not allowed in her culture, and the food provided was not halal. The lack of appropriate food and accommodation was distressing for Mrs M.

“The conditions were so difficult. We felt discriminated against and abandoned and no one cared about us.”

Mrs M’s **right to be free from discrimination (Article 14 HRA)** could be at risk, because there is a failure to treat her family differently because of their religious beliefs. This could be raised with a public official, along with their **right to private and family life (Article 8 HRA)** due to the impact on Mrs M’s wellbeing.

Mrs M’s **right to freedom of thought, conscience and religion (Article 9 HRA)** may also be relevant.



[Click here to find out more about the right to freedom of thought, conscience and religion and other rights in our Human Rights Act.](#)



Speaking up for your human rights

The Human Rights Act gives you power when you interact with public services. Asking for your human rights to be met is simply asking for the law to be followed. If this doesn't happen, you can bring a legal case to your local court in Northern Ireland. But, knowing and claiming your rights can help resolve the issue without involving a lawyer.



Record details about your situation

Before you raise a human rights issue, it can be helpful if you have evidence of what the issue is, how long it has been going on for, and the impact on you and others.



Raise the issue informally

A public official may not have realised the impact a decision was having on you, so you could start by talking about the Human Rights Act legal duties and which rights you are worried about. This could lead to a quicker resolution where you can work together to find better solutions.



Submit a formal complaint

If raising the issue informally did not work, a written complaint may be taken more seriously. Be very clear about why this is a human rights issue, name which Article(s) are at risk and why, and suggest alternatives. Most public bodies have a complaints process, or you could complain to a regulator or Ombudsman.



Seek legal advice

The Human Rights Act gives you the power to bring a legal case in Northern Ireland if you think your human rights have been breached. If the above steps do not work, you can speak to a lawyer about how you can do this.



For organisations that might be able to provide advice and support, [click here to visit the 'Get Help' page on BIHR's website.](#)

This guide is for information purposes only. It is not intended, and should not be used as, legal advice or guidance. The law referred to in this guide may have changed since it was published.

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Published November 2024

