

## Not only does the Bedroom Tax push people into poverty, it also in violation of the Right to Housing

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Following a 14 day official visit to the United Kingdom, the UN's Special Rapporteur on Adequate Housing (as a component of the right to an adequate standard of living and to non-discrimination in this context), Ms. Raquel Rolnik, issued a Press Statement which despite praising many aspects of the UK's provision of affordable housing was also highly critical of certain recent developments, and in particular the controversial so-called "bedroom tax".

Between the 29 August and 11 September 2013, upon invitation by the UK Government<sup>1</sup>, Ms Raquel Rolnik met with a rather broad spectrum of government officials and stakeholders. She also visited various cities throughout England, Scotland and Northern Ireland to "assess the country's achievements and challenges in guaranteeing the right to adequate housing and non-discrimination (...) in accordance with existing international human rights standards"<sup>2</sup>.

The "bedroom tax" is essentially a decrease in the amount of benefit paid to people if the property they are renting in the social housing sector is considered under occupied. As is the case throughout Europe, there is a serious lack of social or affordable housing in the UK. The primary goal of this policy change is thus to free up under-occupied housing so that families which have need of these rooms can move in. It is also due to save the British state up to £465m a year.

However, Ms Rolnik argued that the purpose of this measure was built on a misunderstanding of the right to housing which "is not about a room anywhere, at any cost, without any social ties" but "about (...) allowing them to exercise all other rights, like education, work, food or health". Rolnik continued by stating that "in only a few months of its implementation the serious impacts on very vulnerable people have already been felt", before suggesting that the bedroom tax "be suspended immediately".

Rolnik's view is supported by a recent report by the Trades Union Congress's False Economy Group, which was based on information from over 100 British local councils. The responses revealed that 50,000 households are no longer able to pay for their accommodation since the implementation of the "bedroom tax" on 1 April 2013. This is confirmed by the National Housing Federation (NHF) which discovered in a study that a quarter of people in social housing properties hit by the policy have been pushed into rent arrears since April.

Yet despite this evidence, Rolnik received her most "aggressive" criticism to date by members of the British Government, despite having previously carried out similar missions in countries such as the USA, Maldives, Kazakhstan, Croatia, Algeria, Argentina, Rwanda, Israel/Palestine and Indonesia.

Iain Duncan Smith, the Work and Pensions secretary argued that she had undermined the impartiality of the UN by coming to her conclusions without access to official information; even though her agenda had been organized by the UK government and in accordance to strict UN protocol<sup>3</sup>. Grant Shapps, the former Housing minister and current Conservative Party chairman, took a step further by writing to the UN Secretary General, Ban Ki-moon, accusing Rolnik of political bias and calling for her report to be withdrawn. One can question such a strange demand since the UN has no direct authority over her precisely because Rolnik is an independent expert appointed by the UN Human Rights Council for her academic and professional expertise on housing issues. The right-wing press and tabloids went even further by viciously dubbing her a "Brazil nut" and a "dabbler in witchcraft who offered an animal sacrifice to Marx", referring to her nationality and religious beliefs<sup>4</sup>.

1 A UN special rapporteur cannot carry out a mission (ie a formal visit) to a state without being invited. This is set out in the [code of conduct](http://www.ohchr.org/Documents/HRBodies/SP/CodeofConduct_EN.pdf) for such appointment-holders (also known as "special procedures"). [http://www.ohchr.org/Documents/HRBodies/SP/CodeofConduct\\_EN.pdf](http://www.ohchr.org/Documents/HRBodies/SP/CodeofConduct_EN.pdf)

2 <http://www.theguardian.com/world/interactive/2013/sep/11/full-statement-special-rapporteur-raquel-rolnik>

3 <http://www.theguardian.com/society/2013/sep/11/bedroom-tax-housing-benefit>

4 An apparent follower of Candomble, an African-Brazilian religion that originated during the slave trade.

The Rapporteur firmly responded to these claims by arguing that she did not come to the UK to investigate the bedroom tax but on a normal country mission to assess the situation. In response to the allegations that she had failed to meet government officials, she claimed that “this is absolutely not true” arguing that she had met senior members of the Department for Work and Pensions twice, as well as personal meetings with Communities secretary Eric Pickles and under-secretary Don Foster<sup>5</sup>.

The Labour Party has recently clarified its position with regard to the “tax” and its leader, Ed Miliband, recently stated that a future Labour government would abolish the “bedroom tax” calling it “a symbol of an out-of-touch, uncaring government standing up for the interests of the privileged few...”. Liam Byrne, shadow Work and Pensions minister, confirmed Labour’s intention by claiming that the party was working on proving the policy is costing more than it saves. Indeed, whereas the Conservative/Liberal Democrat Coalition argues that the under-occupancy penalty will free up spare bedrooms for overcrowded families, critics such as Labour argue that it will either increase the debt of those most in need or force residents deemed to be under-occupying their homes into the more expensive private-rented sector, which, in turn, will increase the housing benefit bill.

Opponents are taking to the courts to challenge the policy. For example, Barrister Surinder Lall recently won his appeal against the imposition of the bedroom tax. Mr Lall, who is blind, successfully argued to a tribunal that a room classified in his flat as a second bedroom had never been used as one and had always been used to

store essential equipment helping him to lead a normal life. Lall argued that his use of an additional room for equipment required for a disabled person fell outside the scope of the regulations and should stop local housing departments simply using the term bedroom in tenancy agreements to cut benefits. Indeed, the number of bedrooms in the property is determined by the landlord’s tenancy agreement, so that one cannot claim a bedroom is actually a living room. Similar cases in Scotland have also drawn to the same conclusions. As these legal cases against the “tax” demonstrate, the problem is that the mechanism lacks precision on the individual specificities of each person receiving social housing support.

In reality, this shows that the “bedroom tax” targets housing benefits claimants as a whole rather than a group of distinct individuals with different requirements. The targeting of the most vulnerable as the root of the current economic and financial crisis has become the mantra of the Coalition Government. The result of this will only mean pushing those most vulnerable further into poverty and homelessness and consequently increasing the social benefits bill as a whole.

This only goes to show how poorly the “bedroom tax” was thought through in the first place. The studies by both TUC and NHF, as well as the successful legal cases against the “bedroom tax”, support Ms Rolnik’s assessment regarding the right to adequate housing and non-discrimination as based more on real facts than on political bias. This is why it is of utmost importance that the “bedroom tax” be withdrawn immediately in order to limit further harm to those already most vulnerable in Britain.

5 <http://www.insidehousing.co.uk/regulation/un-expert-says-uk-government-most-aggressive-in-11-missions/6528551.article>