

---

Resolution CM/ResChS(2018)1  
International Federation for Human Rights (FIDH) v. Ireland  
Collective Complaint No. 110/2014

*(Adopted by the Committee of Ministers on 31 January 2018  
at the 1305<sup>th</sup> meeting of the Ministers' Deputies)*

---

The Committee of Ministers,<sup>1</sup>

Having regard to Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints;

Taking into consideration the complaint lodged on 18 July 2014 by the International Federation for Human Rights against Ireland;

Having regard to the report by the European Committee of Social Rights containing its decision on the merits, in which it concluded:

- **by 11 votes to 1, that there is a violation of Article 16 of the Charter;**

FIDH alleges, in substance, that a significant stock of local authority housing is of substandard quality in breach of Article 16 of the Charter.

FIDH has provided a range of evidence which demonstrates that a number of local authority tenants reside in poor housing conditions amounting to housing that is inadequate in nature: direct evidence of tenants but also evidence from architects and engineers indicate problems with mould, dampness, sewage invasions, etc. (The Rialto Rights in Action Group 2012, Report on Third Monitoring of Housing Conditions in Dolphin House estate, Dublin 8, community Action Network; Tobin Consulting Engineers, 2011, Investigative Survey, Dolphin House Complex, Dublin City Council, City Architects Division, March 2012).

Many of the local authority estates were some time back ear-marked for regeneration, amounting to government recognition that they were, *inter alia*, in poor condition. However, as a result of the economic crisis, the original regeneration programmes were delayed or halted, with a deterioration of conditions in some cases. New regeneration programmes have subsequently been developed, however not all of these have been completed to date, with the result that certain local authority tenants remain living in substandard housing conditions.

---

<sup>1</sup> In accordance with Article 9 of the Additional Protocol to the European Social Charter providing for a system of collective complaints the following Contracting Parties to the European Social Charter or the revised European Social Charter have participated in the vote: Albania, Andorra, Armenia, Austria, Azerbaijan, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Republic of Moldova, Montenegro, Netherlands, Norway, Poland, Portugal, Romania, Russian Federation, Serbia, Slovak Republic, Slovenia, Spain, Sweden, "the former Yugoslav Republic of Macedonia", Turkey, Ukraine and United Kingdom.

Some of the conditions described regarding sewage invasions, contaminated water, dampness, persistent mould etc., go to the core of adequate housing, raising serious concerns from the perspective of both habitability and access to services, in particular the high number of residents in certain estates in Dublin complaining of sewage invasions (for example, the Dolphin House complex) years after the problems were first identified.

No complete statistics on the condition of local authority housing have been collected since 2002 by the Irish authorities and no national timetable exists for the refurbishment of the local authority housing stock. A significant number of regeneration programmes adopted by the government for local authority estates in the last decade have not been completed, with the effect that a number of local authority tenants remain living in substandard housing conditions.

The government has failed to take sufficient and timely measures to ensure the right to housing of an adequate standard for not an insignificant number of families living in local authority housing and therefore there is a violation of Article 16 of the Charter in this respect.

- ***by 11 votes to 1, that there is no violation of Article E in conjunction with Article 16 of the Charter;***

The allegations concerning discrimination on the grounds of social origin, health or other status have not been substantiated by FIDH; no arguments have been advanced and no data, nor evidence have been produced neither as regards the specific ground of discrimination, nor as regards the alleged discriminated group or groups, and the comparator group or groups.

As regards the potential discrimination against local authority tenants, alluded to by FIDH, as compared to private rented sector tenants, the different situation of families who are local authority tenants in comparison to private sector tenants with respect to the enforcement of the legal standards for adequate housing and the existence of a specific dispute resolution mechanism, does not amount to a less favourable treatment in so far as the right to family housing is concerned.

- ***unanimously that there is no violation of Article 11 of the Charter and of Article E in conjunction with Article 11 of the Charter;***

FIDH refers to certain health implications for tenants of local authority housing. Such implications seem in large part to be of an occasional and temporary nature, and that in some cases the description of ill-health caused by the housing conditions among residents of certain housing estates (such as respiratory conditions and stress related conditions) is largely subjective and not supported by outside evidence. The allegations and supporting evidence provided by FIDH do not sufficiently demonstrate that the health issues in question have been directly caused by housing conditions in which some local authorities tenants live. Nor has FIDH clearly indicated what kind of specific measures Ireland has failed to take to remove the causes of ill health or prevent such diseases.

The available data and information do not reveal either a situation of special or high health risks for families and children living in local authority housing estates, nor any specific lack of measures by the Irish authorities to respond appropriately to the health risks that people living in such estates may incur.

- ***unanimously that there is no violation of Article 17 of the Charter and of Article E in conjunction with Article 17 of the Charter;***

Having regard to the lack of specificity of the allegations made by FIDH under Article 17 and to the fact that the issues raised by such general allegations overlap in a significant manner with those examined under Article 16 of the Charter, the complaint does not disclose any specific violation of Article 17 of the Charter.

- ***by 11 votes to 1, that there is no violation of Article 30 of the Charter and of Article E in conjunction with Article 30 of the Charter;***

The government has adopted several measures to improve the situation of those living in social housing in the most deprived areas, including the National Action Plan for Social Inclusion 2007-2016, National Social Target for Poverty Reduction, National Reform Programme for Ireland, Social Housing Strategy 2020, Pathway to jobs, and not least through specific local regeneration projects. There are elements indicating efforts by Ireland towards a co-ordinated approach to protect persons from poverty and combat social exclusion in general, as it was also found in the examination of Article 30 under the reporting procedure in 2013 (Conclusions 2013 Ireland).

The complaint does not provide information on the possible obstacles for people living in local authority housing to access fundamental social rights other than adequate family housing (such as employment, training, education, culture and social and medical assistance), or on lack of measures or co-ordinated approach on the part of the government to overcome such obstacles.

Therefore, the elements solely on the inadequacy of family housing for local authority tenants in violation of Article 16 are, in the current case, insufficient to determine that in Ireland there is an unsatisfactory protection against poverty and social exclusion of persons living in local authority housing estates.

Having regard to the information communicated by the Irish delegation at the meeting of the Rapporteur Group on Social and Health Questions (GR-SOC) of 28 November 2017 (see Appendix to the resolution),

1. takes note of the commitment of the Irish Government to bring the situation into conformity with the Charter and the information it has communicated in this regard (see Appendix to this resolution);
2. looks forward to Ireland reporting, at the time of the submission of the next report concerning the relevant provisions of the Revised European Social Charter, on any new developments regarding their implementation.

*Appendix to the Resolution CM/ResChS(2018)1***Address by the Representative of Ireland at the meeting of the Rapporteur Group on Social and Health Questions (GR-SOC) of 28 November 2017  
International Federation for Human Rights (FIDH) v. Ireland, Collective Complaint No. 110/2014**

Information submitted by the delegation of Ireland for the meeting of the GR-SOC of 28 November 2017 – International Federation for Human Rights (FIDH) v. Ireland, Collective Complaint No. 110/2014

1. Ireland has given careful consideration to the report of the European Committee of Social Rights (ECSR) in respect of the above-mentioned complaint.
  2. Ireland welcomes in particular the findings that there is no violation of Article E in conjunction with Article 16 of the Charter, which upholds the principle of non-discrimination and that the Committee found that the allegations of discrimination could not be upheld.
  3. Ireland further notes and is encouraged to see that the ECSR found that there is no violation of Article 11 of the Charter and of Article E in conjunction with Article 11 of the Charter and that the allegations concerning the right to protection of health cannot be upheld. The decision of the Committee that there is no violation of Article 17 of the Charter is also noted, as is the decision that there is no violation in respect of Article 30 which gives effect to the right to protection against poverty and social exclusion.
  4. Ireland acknowledges the Committee observation that statistics on the conditions of local authority housing stock are not comprehensive and up to date. As the Committee noted (S90), local authorities monitor the standard of their housing stock, inspect the stock and repair properties through a range of approaches and some authorities deploy bespoke approaches to stock inspection and repairs/refurbishment. The Committee also noted (S112) that under the legal framework regulating local authority housing in Ireland, local authorities are obliged to inter alia assess the adequacy of supply and conditions of housing and that legislation lays down the standards that social housing must adhere to.
  5. Ireland nonetheless recognises that condition surveys on local authority housing stock have been carried out at considerable intervals. Implementing these stock condition surveys is a significant undertaking, but this work is now in planning through a joint endeavour between the Department of Housing, Planning & Local Government and the City & County Management Association. Pilot stock condition surveys will commence shortly in two local authorities (Limerick City & County Council and Clare County Council) and will be rolled out to others where such work is not already underway, as soon as possible thereafter.
  6. It should be noted that Dublin City Council (DCC) carries out social housing condition surveys on a continuous basis. During 2017, with regards to Condition Survey Housing Stock, Dublin City Council Housing Maintenance has:
    - carried out 900 task orders for voids;
    - inspected 400 units with regards to condition of the windows;
    - investigated over 600 units with regards to condensation;
    - surveyed over 60 apartment blocks for roof defects and as a result carried out repairs to more than 20 blocks;
    - inspected over 100 stairwells for defects and carried out repair works on 65 of the stairwells;
    - investigated over 1000 units with regard to standards for rented properties.
- DCC has directly employed a clerk of works to continue other condition surveys required into 2018.
7. Louth County Council has already advanced stock condition surveying, commenced in 2016, and this is continuing and will support a new planned maintenance programme for the housing stock.
  8. Overall, however, Ireland recognises that the position re stock condition surveys across all local authorities is not up to date in terms of having stock condition surveys that would provide a strong basis for preventative maintenance programmes to be undertaken by the local authorities. Some preventative maintenance actions are delivered through important programmes such as the 'Energy Retrofitting Programme', which has been delivered by the local authorities in respect of 58,000 units from 2013 to 2016 with funding of €107 million and a further 12,000 units are projected for completion in 2017. These programmes include important insulation works and, in some cases, the replacement of windows and doors.

*Rebuilding Ireland - Action Plan for Housing and Homelessness*

9. Rebuilding Ireland states explicitly in relation to social housing that “the provision of housing to those who need it is one of the State’s primary responsibilities”, and to provide good quality housing to meet the needs of the Irish People. This is to be achieved through a suite of measures over five ‘pillars’ of action across government, addressing homelessness, accelerating social housing, building more homes, improving the rental sector and utilising existing housing, including social housing.

10. Notwithstanding such important programmes, and acknowledging that local authorities deliver a strong responsive maintenance programme, the importance of a preventative maintenance programme has been explicitly recognised in Ireland’s new (2016) national housing strategy ‘Rebuilding Ireland’, alongside an explicit commitment to implement a preventative maintenance approach. Rebuilding Ireland committed that all local authorities will adopt a preventative maintenance approach to housing stock management, including consistent standards and pro-active approaches, and adopt a common national re-letting performance standard.

11. As a first step in meeting this Rebuilding Ireland commitment, and as stated in 5. and 6. above, all local authorities who have not already done so, are to undertake a stock condition survey in respect of their social housing stock. This will be completed between Q4 2017 and Q4 2018. Such surveys across the stock of all the authorities will provide the basis for the adoption of preventative maintenance approaches to housing stock management as required under Rebuilding Ireland.

12. The investment framework underpinning Rebuilding Ireland will support the accelerated delivery of social housing over the period to 2021, with a greater emphasis on direct build activity by local authorities and approved housing bodies. To support the continued implementation of Rebuilding Ireland, the Budget 2018 provided for increased funding of €1.9 billion to deliver a range of housing programmes in 2018.

13. A further €500 million has been secured for investment in social housing over the period 2019-2021 and will allow for the increase in the overall level of social housing to be delivered by local authorities and approved housing bodies by a further 3,000 homes by 2021 (770 in 2019, 1,030 in 2020 and 1,200 in 2021). The overall target for the delivery of social housing under Rebuilding Ireland out to 2021 has increased from 47,000 to 50,000, with the total funding investment increasing from €5.35 billion to over €6 billion. This funding will support a wide range of construction projects which are advancing nationwide.

14. Over the lifetime of Rebuilding Ireland, some €211 million is being made available under the National Regeneration Programme to support direct delivery of new social housing units. Projects being funded by the Department under the regeneration programme target the country’s most disadvantaged communities, including those defined by the most extreme social exclusion, unemployment and anti-social behaviour. The Department currently supports a programme of large-scale regeneration projects in Dublin, Cork and Limerick and smaller projects in Tralee, Sligo and Dundalk. These projects seek to address the causes of disadvantage in these communities through a holistic programme of physical, social and economic regeneration. All current areas identified for regeneration across the country are being progressed.

15. A regeneration project moves through a number of phases throughout its life – the initial master-planning stage; demolition works; enabling works; refurbishment and/or consolidation works (in some cases) and construction. There may be significant investment in a regeneration project over a number of years, in community areas for example, before housing units are delivered and ready for occupation.

16. Social regeneration activities are also funded by the Department for the duration of each regeneration project as it is understood that regeneration goes beyond mere bricks and mortar. In order to be successful and sustainable in the long term, a regeneration project requires the re-building of a community and a strengthening of community bonds, which is where social regeneration projects and community groups have a role to play.

17. This year sees significant ramping up of building works in Dublin, Limerick and Cork. Regeneration works consisting of major refurbishment and renewal in Dundalk and Sligo are ongoing, while Tralee regeneration is largely complete.

18. The first phase of the Dolphin House Regeneration project, which was cited in the Complaint against Ireland, is currently on site. This phase consists of the deep retrofitting of 3 of the existing housing blocks to provide 63 refurbished apartments and of 37 new build units comprised of 28 apartments and 9 houses to give an overall total of 100 new and refurbished units with a budget of €25.4million. The retrofitting includes externally insulating the walls of the existing blocks to improve their thermal efficiency and the provision of lifts to make all units accessible. Outdoor spaces will be landscaped and play areas provided within the courtyard areas. Work is proceeding well on site and it is hoped that residents will be able to move into the finished units in the summer of 2018. Work is already underway designing Phase 2 of the regeneration which will again consist of a mixture of retrofitting of the existing blocks and some new build infill. It is envisaged that once the full regeneration is complete, the Dolphin House community will have been rehoused in comfortable, retrofitted or new build accommodation and that additional units will also have been created for new residents.

19. Significant funding has also been put in place for the regeneration of Dominic Street in the heart of Dublin city to provide 72 social homes on a vacant site.

20. Proposals to have the O'Devaney Gardens site in Dublin 7 – a former large scale local authority estate that had run down – developed as a 'pathfinder' project under Rebuilding Ireland: Action Plan on Housing and Homelessness are currently being progressed by Dublin City Council. DCC has commenced a Competitive Dialogue process regarding the remainder of the site which could accommodate a further 119 social houses, 117 affordable and 296 private houses. It is expected that the final tender should issue to dialogue candidates in April 2018 with expected evaluation of tenders and awarding of contracts in June 2018. The full scheme is scheduled for completion by 2020.

21. Funding was also provided to Dublin City Council for infrastructure and other urban form works in the North East Inner City area to support the work of the North East Inner City Task Force, set up in 2016 to support the local community and counter violent gangland activity.

22. The Limerick Regeneration programme has been underway since 2008, with a cumulative investment to date of over €308m. The Limerick Regeneration Framework Implementation Plan (LRFIP) provides a roadmap for the physical, social and economic regeneration of Limerick over the coming years. It was reviewed in 2016 and it reported encouraging progress under the 3 pillars of regeneration – Physical, Social, and Economic. The Plan has the capacity to transform the four regeneration areas in Limerick for decades to come. It will see some 600 new social homes delivered, as well as the refurbishment of over 1,400 existing social and private houses to a very good standard. To date, the investment under Limerick regeneration has seen the delivery of 110 new housing units. There is a significant ramping up of construction activity in 2017, with 154 new homes under construction. Over 90 of these will be delivered this year, while 127 long-term vacant houses are being refurbished.

23. A rolling programme of thermal upgrades and environmental improvements to existing homes is also underway under the Limerick regeneration and 437 houses have been completed to date. A further almost 1,000 are in preparation. These property improvements are having a real impact on the comfort levels of residents, while also improving the physical environment and appearance of the areas.

24. The regeneration of St Teresa's Gardens, Donore Avenue, Dublin 8 – another area cited in the complaint against Ireland – is also now underway, in the early stages of development which involves the de-tenanting and demolition of 14 of the existing 16 housing blocks. Phase 1 of the project will result in the provision of 50 new homes, comprising 16 apartments and 34 terraced houses. Two of the existing blocks are being retained in the medium term to provide temporary accommodation pending completion of the new build. These have been consolidated/refurbished providing some 57 units of temporary accommodation, and will ultimately be demolished following completion of the new build.

25. Projects to significantly improve social housing conditions at Croke Villas, Sackville Avenue and Ballybough, Dublin 3 are also being progressed. They aim to regenerate these inner city areas which traditionally have high levels of social housing. The projects are each being progressed separately by DCC, though the Council is advancing them as part of a phased approach (Phase 1: Ballybough Road, refurbishment of 7 Units for de-tenanting from Croke Villas; Phase 2: Sackville Ave, 12 units; Phase 3: Croke Villas, up to 70 units). Croke Villas is an existing development of 79 apartments that are largely unoccupied. DCC proposes to demolish these apartments plus a further six vacant houses at Ardilaun Road, in part, to facilitate a widening of Sackville Avenue to create a ceremonial entrance to Croke Park Gaelic Stadium for which compensation is being paid to DCC by the Gaelic Athletic Association. It is proposed that at least 73 social dwellings will be funded by the Department.

26. The Master plan for the regeneration of Cork City introduced a comprehensive rolling programme that is being undertaken over five phases. The plan involves a demolition and new build strategy that replaces older housing stock with new high quality housing. The Regeneration project has targeted the demolition of 450 existing properties and the construction of 650 new homes.

27. Work in Cork commenced in early 2016 on Phase 1B on the construction of 29 additional units, which are to be delivered in 2017. As with Phase 1A, this project is being carried out by a local builder who is employing some local workers which is also having a positive impact on the local community. The next Phase, 2A, will see an additional 47 units being delivered with an agreed budget of €10.38m.

28. Ireland remains ready to update the Committee of Ministers on future developments, in the context of the annual reporting mechanisms on compliance with the provisions of the European Social Charter (Revised).