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A Place Called Home

The Story of a Campaign for Housing Human Rights

February 2017



Placing People at the
Heart of Change

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Community Action Network

6th Floor, Seán MacBride House

48 Fleet Street

Parliament Row

Dublin 2

D02 T883

Tel: +353 1 474 3930

E-Mail: info@canaction.ie

Web: www.canaction.ie

Editorial and design support by:

Rédacteurs Ltd

165 Howth Road

Dublin 3

D03 H6C5

Tel.: +353 1 8330444

Email: pscully@redact.ie

Web: www.redact.ie

Preface

This case study tells the story of how CAN worked with residents of local authority housing to develop a human rights based approach to multiple issues of inequality, neglect, and social and economic disadvantage.

The work began as a very particular campaign with the residents of Dolphin House, a local authority housing estate in Rialto, whose quality of housing was unacceptable by any standard. Subsequently, we put the experience of what we had learnt in the Dolphin House case to wider use and we embarked on similar campaigns with other communities of residents in different locations. The account contains the following sections:

- 1. Where it began – Dolphin House:** our story begins with the history of neglect that residents of Dolphin House have endured over decades. Following the failure of the proposed regeneration under a public private partnership (PPP) model it was clear that there was a need to look at the issues in a different way, and that led CAN and the Dolphin House residents to explore how a human rights based approach could be used to support the residents in their campaign.
- 2. The need for a new approach:** describes how it became clear that a new approach was needed if residents were to achieve the objective of establishing their right to a home.
- 3. Human rights and the CAN Model:** describes how the CAN Model was used in conjunction with a human rights based approach to the residents' concerns. The CAN Model is a staged and outcomes-driven template that seeks to deliver positive sustainable change in the life experience of those who face structural injustice and inequality.
- 4. Scaling up: making the collective complaint:** looks at how the lessons learned in the Dolphin House case were applied to other communities around the country in similar circumstances and how people came together in a broad-based coalition to take a *collective complaint* to the Council of Europe.
- 5. Action, reflection, ongoing action:** reflects on the experience that community groups have had of working together to confront the duty bearers who had let them down. It looks at how they developed confidence in their own capacity to make a strong case and how they managed to hold together a strong coalition through difficult times. It also looks forward confidently to the future. Community groups can look to the future in the knowledge that collaborative action can lead to the kind of positive change that is required to tackle entrenched inequality and injustice.

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1. Where it began: Dolphin House

Dolphin House is Dublin's second largest public housing flat complex. Built in 1957, it sits on 18.5 acres and comprises 436 homes (made up of 392 flats in 6 blocks and 44 senior citizen units). At the time it was built, the estate would have been regarded as providing a good standard of accommodation to residents, many of whom would have come from very substandard accommodation in the inner city.

Over the years, Dolphin House has been home to people who have built a strong and proud community, in many cases with family ties down through the generations. This is a hard-working community that has shown exceptional courage and togetherness through times of crisis and economic hardship, and where people have always tried to pull together to support their neighbours and to defend their community and the place they call home.



FIGURE 1: Aerial view of Dolphin House, which is set in an attractive location along the banks of the Grand Canal



FIGURE 2: In the 1950s just over half of all new dwellings were built as local authority or social housing. By today's standards, however, many of the flats in Dolphin House are substandard.

A history of neglect

Over time, however, the estate been neglected, with low standards of basic maintenance and care from the local authority. The poor physical design of the estate has also become apparent over the years – including too much unusable open space, inadequate play facilities for children and young people, and only one way in and out of the complex. Many of the flats are small and overcrowded, and have poor energy efficiency and accessibility. The senior citizen housing is made up of substandard one-room bedsits. Some of the flats have a foul waste-water smell, others have waste water coming back up into sinks and baths, while others have serious problems with dampness and mould.



FIGURE 3: *The dampness and mould in many kitchens, bedrooms and bathrooms is a major cause of health issues among residents*



FIGURE 4: *There is a foul waste-water smell and in some cases waste reflux into sinks and baths (as shown here)*

The neglect of the estate and the treatment of its residents over the years is a clear instance of exclusion and inequality. The estate now has a very high concentration of accumulated social and economic disadvantage: some residents live in persistent structural poverty, and many are affected by issues such as unemployment, school drop-out, low levels of literacy, and alcohol addiction. There is also a high proportion of residents who are vulnerable or isolated, including elderly single men and women and families with members, including young children, who suffer from chronic health (including mental health) issues.

Proposed regeneration

By 2005, there was widespread agreement that the situation in Dolphin House was intolerable, and residents entered into discussions with Dublin City Council and local councillors on how Dolphin House might be regenerated. This process was formalised in November 2007 with the establishment of a Joint Redevelopment Board that included representation from residents and was led by the Dolphin House Community Development Association.

What followed was the *Dolphin Decides* public consultation, which was facilitated by CAN in partnership with the Public Communications Company. The overwhelming majority of residents engaged positively with the consultation, and the outcome was a clear demand from residents for significant regeneration, including demolition of the estate as it was and the rebuilding of new homes and a new future. Residents worked enthusiastically with independent architects to develop an exciting vision for a new Dolphin – to include a public and private residential mix, green areas, play areas, community facilities, as well as retail and commercial units.

The model proposed for the regeneration was a Public Private Partnership (PPP) that was expected to deliver the regeneration in a cost-effective and timely manner. With the collapse of the wider housing market in 2008, however, the private component of the PPP was no longer in a position to proceed and the entire regeneration project fell through. At this stage the residents of Dolphin House felt badly let down by the failure of local and central government to come up with an alternative funding model that could deliver the future they had worked so hard to plan for and develop.

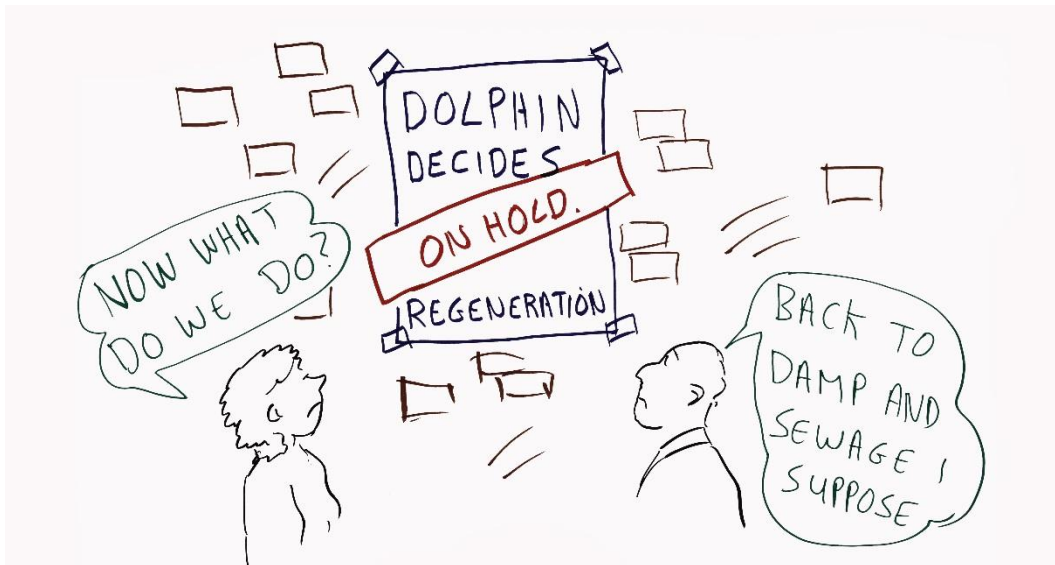


FIGURE 5: Dolphin residents felt badly let down with the collapse of the PPP scheme for redevelopment

2. The need for a new approach

Given the reality of the failure of the PPP model and the political failure to replace it with a viable alternative, the residents of Dolphin House sought to sustain the community momentum to address the very immediate issues that faced them. And in the context of the failure of the PPP and of their engagement with Dublin City Council, it was clear that a more radical and innovative approach was required. Driving this change of direction was the realisation that the right to housing is an acknowledged *human right*, and at this stage residents began to work with CAN to ensure that their human right to adequate housing could be vindicated.

In taking a human rights based approach, residents were seeking to tackle their entrenched and long-standing problems in a new way, and to redress the power imbalance between themselves and the people whose decisions have had such a negative and determining effect on their quality of life. From CAN's perspective, we hoped to develop in residents the sense that they could challenge and change policy, and that they could reasonably demand the vindication of their human rights.

By changing the focus to one based on human rights, residents effectively enter into a moral relationship with those who ought to vindicate those rights – in this case, local and central government. And that approach puts residents in a much stronger position – the position of people who can now demand where previously they just asked.

The right to a home: human rights based approach

Human rights relate to every person's basic need to live a life that reflects their human dignity. They describe minimum standards, accepted voluntarily by states and internationally recognised. The basic idea is that people have rights and governments and others have a duty to respect, protect and vindicate those rights. We all have human rights, simply by virtue of being human – which means that they are universal. They are underpinned by key concepts such as dignity, respect, equality, participation, non-discrimination and accountability. They are deemed to be interrelated and indivisible, which means that a person cannot have some rights and not have others.



FIGURE 6: Dolphin residents began to explore a human rights based approach

A human rights based approach to housing incorporates these elements when people's living conditions are being assessed against the standards set out in international human rights treaties. It establishes whether or not there are any violations of human rights; and where such violations are apparent, it sets indicators for the progressive realisation and vindication of those rights. In applying a human rights based approach to sub-standard housing in Dolphin House, CAN and the residents sought to frame the issues as rights rather than as needs and to hold systems to account for identified failures to respect, protect and vindicate these rights. It also sought to understand the right to a home as being about much more than 'bricks and mortar', that it involves wide interrelationships between people, their homes, the communities and networks they live within, the services they draw on, and the sense of identity and belonging that comes with these things.

3. Human rights and the CAN Model

Over the years CAN has developed many different tools, strategies, initiatives and templates to arrive at outcomes that deliver positive sustainable change in the life experience of those who face structural injustice and inequality. Over time, these various tools have merged and diverged, coalesced and grown, developed and changed to the extent that we now have a process that is recognisably the CAN Model, a structured and outcomes-driven template for intervention.

We used the following strands in the course of our work with the residents of Dolphin House to assert and claim vindication of their human right to adequate housing:

- *Breaking the silence*: a range of techniques for eliciting the lived experience of those who have been affected by social injustice or inequality
- *Inside out analysis*: ways of questioning the systems, structures and processes that cause and perpetuate inequality, from the lived perspective of those affected by it
- *Imagining a better future*: strategies for imagining a better future founded on strong community leadership and capacity building, and focused on creating new structures to reflect change in action.
- *Moving together*: a range of strategies for engaging in positive collective action for change and for developing sustainable cross-issue partnerships.

Our work on each of these strands is described in turn.

Breaking the silence

Before people and communities can begin to break the silence of inequality and the denial of their rights, they need to feel safe in naming what has hitherto been unnamable or even shaming, and they need structures within which they can do this. Two separate processes contributed greatly to this work. The first was the regeneration consultation process that led to *Dolphin Decides*, during which residents of Dolphin House had already begun to break their silence about how they had been neglected and denied their rights, while also taking an active part in designing a better future.

The second process was a health audit carried out by the Fatima Health Initiative during which 243 residents were engaged in conversations about their health needs and in particular about the impact of poverty and inadequate housing on the health of those who lived in Dolphin House.

Both of these processes were participant-led and helped to build a pool of new leadership in Rialto, and in Dolphin House residents began to have a strong sense of how they could address the issues they faced. This group of residents now had the appetite to engage in a human rights based approach and to truly break their silence.

Weekly meetings

From May 2009, CAN began to facilitate weekly meetings of 24 residents and community activists to explore how best to bring about change in the housing conditions that had been named as impacting negatively on the health and well-being of everyone living in Dolphin House. The initial weekly sessions involved a combination of training, working to clarify the real issues, and leadership building. CAN used cartoons of the right to housing to stimulate further discussion on the

lived experience of housing. Residents were invited to connect with what the cartoons were telling them and to relate this to their own lived experience within their community.

The cartoon on habitability was particularly relevant and easy to connect with, given the nature of the issues within the estate. Residents were invited to tell their stories of living with dampness, sewage and mould, to name the impact this was having on their lives and to outline the efforts they had made to have the issues addressed. As individual stories were told, residents noticed the patterns that existed across the stories and began to group these into issues. In this way they were able to name the shared sense of shame, isolation, frustration, powerlessness and anger that underpinned living with substandard conditions.



FIGURE 7: ‘Housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold damp, heat, rain, wind or other threats to health structural hazards, and disease vectors.’ – from The Right to Housing (Art. 11) 1991, CESCR General Comment 4.

From individual stories to human rights

In beginning to link these stories and issues to human rights, it was necessary to break down the often complex and off-putting language of human rights in ways that made sense. Once again, the use of cartoons proved very useful and helped to demystify the whole area of human rights and in particular the right to housing. Establishing the link between the lived experience of housing and the right to housing enabled people to stay with the challenge of *translating* the language of human rights into something they could readily understand.

Getting through the language barrier, finding the right to housing paved the way for people to want to know more about who is responsible for ensuring that human rights are protected and if they are not, what to do about it. Dolphin House residents were now a position to look at documents such as the UN’s *Declaration of Human Rights* and to see where they fitted in with their own circumstances.

From this point, issues could be named as *rights* and not just as needs. Residents had a hunger to establish the underlying causes of the issues they faced, to understand why their rights were not respected and protected, and that led them to inquire deeper into the complex factors that keep inequalities in place.

Identifying the viable issues

This was the beginning of empowerment and the deepening of leadership within the group. It was important to reflect on and acknowledge this moment with participants – to encourage them to see the value of breaking the silence and to get in touch with the potential of a whole community doing the same around agreed specific issues. We explored which issues were most likely to be viable for igniting a campaign. This meant subjecting issues to rigorous scrutiny to see whether or not they met the following criteria:

- Is there a clear link from the issue to an internationally accepted human rights standard?
- Is the resolution of the issue realistic – in other words, is the issue ‘winnable’ and can it be monitored?
- Is the issue strategic – can it form part of a larger effort to achieve structural change?
- Can accountability for redressing the issue be clearly established – for example, to the local authority, to a Government department?
- Can strong evidence relating to the issue be gathered easily, and will such evidence help build a strong and irrefutable case?

Based on these criteria, the issues that emerged as the key issues for the group to pursue were the very specific issues of dampness, mould and sewage reflux in Dolphin House as well as the wider issue of how residents could participate more actively in the political and administrative decisions that affect their lives. This was the beginning of the campaign that came to be known as Rialto Rights in Action.

From the individual to the collective

The work in Rialto Rights in Action has taught us that the work of Breaking the Silence may need to be revisited many times in the life of a campaign. As the work progressed, the multiple links between poor housing, poor health and poor education were clearly established – in each case requiring everyone involved in the process to examine the factors that keep such inequalities in place and how they affect lived experience.

Individuals began to speak out about their personal feelings of responsibility, guilt, blame and shame for living in poor housing. By now they could clearly see the negative impact this was having on the health of their children, and this awareness generated the environment where they could begin to see patterns and themes across the stories. Once this happens, there is a significant shift from the individual to the collective, from feelings of powerlessness to a sense of empowerment.

Inside out analysis

The purpose of inside out analysis is to look very closely at shared experience of social and economic disadvantage and learn to observe the interconnections between the personal, individual experience and the wider cultural, political and community experience. This enables us to work with communities to question systems, structures and processes and to help them identify the underlying causes of the issues they present. Inside out social analysis builds on the hunger for answers that emerges from *breaking the silence*. Once lived experience is depersonalised and renamed as a denial of rights, individuals are freed up to inquire into an issue that they recognise as their own, but which they now also

see as part of a collective experience. They know a great deal about how substandard housing impacts on their lives, and now they can begin to examine how it impacts on the lives of their community. The need to know and understand the extent of the issues informed the three main sources for inquiry: the *survey of conditions*, the *diary room* of people talking directly to camera about their lived experience, and the *scientific analysis* of sample ambient flora taken from some of the flats.

Survey of conditions

The Dolphin House Community Development Association were aware that residents had stopped making complaints to Dublin City Council about substandard conditions because of the lack of effective redress. In 2007, they intervened and began to log complaints and encourage more reporting. As a result, they now began to build a database of residents' complaints to the Council about damp, mould and sewage problems in their homes. Using this as a starting point and adding in names of residents the group knew had similar problems gave us the bulk of a sample group to survey. The group then set about designing a questionnaire that would begin the task of compiling detailed statistical information on just how bad housing conditions were and how they were impacting residents' health and wellbeing.

Drafts of the questionnaire were piloted, individuals rehearsed how best to approach residents, with all of us learning together what might work and what might be problematic. The questionnaire was broadened out to include information not just on the housing conditions, but also on residents' responses to them, their fears of the health and other consequences of those conditions, and the extent to which they felt or did not feel part of the decision-making process.

It was decided to request permission to photograph conditions wherever possible and to use the photographs to corroborate the information gathered in the questionnaires. There was a palpable excitement about compiling the community experience and it was not very difficult to establish a number of teams to survey specific homes.



FIGURE 8: Residents took part in a survey about their living conditions

Living conditions: statistics
72% homes with dampness
42% of children and 52% of adults with respiratory illnesses
89% of homes with sewage problems
64% of homes with mould
57% of residents suffering health problems related to their living conditions
92% of children regularly missing school because of illness related to their living conditions

A diary room

In parallel with the survey of living conditions, we set about recording an audiovisual diary of residents' experiences of living in Dolphin House. To do this, we borrowed video equipment and a community bus, which we parked for two days within the flats complex. Working under the supervision of a producer from Dublin City Television, two members of the group invited residents who came by to speak to camera about their living conditions. Sixteen residents participated in the Diary Room and their stories were edited into a video presentation that with the permission of all concerned could be used to further the campaign.

Scientific analysis

In 2010 steps were taken to analyse samples of the fungal flora found to be growing in some of the flats in Dolphin House. We all knew it was unsightly and unpleasant, but we needed to know what it was and what was its likely impact on residents who had to live with it. The tests were carried out by the Biology Department at NUI Maynooth, who reported that the fungal contamination was 'far greater' than that ever recorded in domestic dwellings and 'is a significant threat to the health of the occupants'. The report went on to say that prolonged exposure to the conditions could prove fatal for people with pre-existing lung disorders.



FIGURE 9: Scientific analysis confirmed what residents knew all along

When we received this report we sought medical advice as to how to manage telling the families from whose houses the samples had been taken. We were shocked at the health risks people were living with every day, and we feared the impact that knowing this might have on the people concerned. The reaction in the group was a good indication of how much responsibility individuals took for the conditions in their homes and now for the fury they felt at having been told all along that the fungus was ‘...all harmless and ultimately their fault’.

The cost of not addressing the problems

The group began to calculate the costs of living in poor housing. We discovered that the choke car had to be called out to the estate three times every week to unblock drains, with a typical turnaround of about five weeks between blockage episodes. Residents also began to calculate the cost to themselves personally of ongoing painting, home improvements and decoration, none of which ever could address the root causes of the problems they faced. We began to exchange information about the numbers of children and adults who were on inhalers, suffered respiratory diseases, or who had immune deficiency and required constant medical attention. That exercise was so shocking that it informed the first monitoring survey some months later. We concluded that there were huge costs built in to just doing nothing, and that the low-key routine maintenance was both expensive and a very inefficient use of resources.

The accumulation of evidence

By this stage, the collective experience of living with substandard housing conditions had been named, and the silence had well and truly been broken. We now had a collection of shared stories and recordings, experience, photographs, scientific reports and a record of complaints, all pointing to the Council’s abject failure to address the poor quality of housing in Dolphin House. We had also established by now that the residents were living in conditions that violated their human rights and now we had the evidence to back up such an assertion.

Establishing the chain of responsibility

Participants experienced both a sense of outrage and a desire to know who they should hold responsible for this lived reality. They were now ready for ‘power mapping’ – to establish the chain of responsibility for the problems they faced. Again, the starting point for this exercise was with the lived experience of residents. We began by mapping out how complaints were dealt with – who was the first person a resident would go to with a complaint and where the complaint would go, up the line to more senior officials such as regional officers. The lines of responsibility also pointed to elected councillors and, at the top, to central Government and in particular to the Minister for the Environment.

This exercise highlighted very clearly that the local authority staff most often charged with dealing with complaints, even those at a senior level, did not have the power to make decisions to address the issues they were presented with. So, residents were probably wasting their time bringing their problems to people who simply did not have the resources to do anything about them. We determined that we would not waste any more time making futile complaints to powerless officials; our job now was to hold the State accountable for its failure to vindicate the human rights of Dolphin House residents.



FIGURE 10: Residents identify the chain of responsibility for the inadequacies of their living conditions

Importance of a planned campaign

The exercise of inside out analysis also highlighted the importance of having a planned campaign and not to rush off into a frenzy of activity that we have not thought through. We realised that we live in a culture that is solution-driven, often at the expense of deeper analysis and understanding. We had good information and a good sense of who was responsible for not vindicating the human right to adequate housing of the residents of Dolphin House. We now had to develop a strategy to help us achieve the outcome we desired.

Imagining a better future

Learning how to speak up and understanding the root causes of the issues they face are only a start for communities seeking to build a better future. The next stage is to envision what that future might look like. That's not as easy as it sounds, especially for a community such as that of Dolphin House, which has endured thirty years of neglect and poor maintenance of their homes.

We now had over a hundred stories in one form or another of people outlining the appalling conditions in their homes and the impact on their lives, their frustration and powerlessness to get anything changed. And now we were asking them to imagine how this might be different. Taking the few extracts below from testimonies, one can see what a huge jump it was to go from the daily grind of living with this reality to imagining a positive and totally different one.

'The Corporation did come out about three years ago and stripped my whole bathroom, took everything out, the bath and everything and drilled a massive hole in the wall to give me my own drainage system. There is a huge cage outside my door which is absolutely horrendous looking. So all the waste still goes out to that and comes out on to the footpath. In the summer it's really bad because of the stink and it is inhuman. What I find happening with the choke car is when they unblock, they move the blockage up and it goes up again to someone else's shore and it spills out. Only four weeks ago, the shore next to me, there was sewage – there was toilet paper, poo (if that's what you call it) was covered over the whole footpath. That was there for five days. It was reported twice and eventually the choke car came out and they unblocked it. But the whole matter of the thing was I

had to pass that to get through to my hall door, plus it was at the chute door, so when I had to go out to put my rubbish into the chute I had to pass it and walk around it.'

'The dampness is in the little girl's room. It started at the back of the edge of the skirting board and worked its way right up to the top, up to the ceiling. It's all over the windows as well. Then I noticed, a few years back, it started in the bathroom. It grew and grew and grew. I've painted it, and done everything with it. It's just so severe.'

'It's everywhere. All the rooms. The bedrooms more so. It's all around the beds. The walls be soaking wet. The walls are literally black. I have to wash them down with bleach and its back a couple of weeks later. The vents are all open anyway. There is nothing I'm doing wrong. I don't dry clothes in the bedrooms. It's in the walls. It's black and furry and disgusting to look at.'

'Years before we had the central heating I used to be very sick. Now because we have the heating, I have to use it all the time to keep the flat away from damp – so that it does not get damp – which costs – you know yourself – a fortune. I suffer all the time from stomach problems. Just recently I put two and two together because I never suffered that before I came into Dolphin House and that when I'm away in England or anywhere like that I don't actually have those problems. More recently I have connected the two.'

'The old lady is getting old and damaged and no one is coming to help her. The place was spick and span when my mother came to live here from a condemned house in Dublin's inner city. While the sewage problem came to a head in the last five years, it was a problem for twenty years. The Dublin City Council will take our rent alright but won't maintain our property. You would want to see the 'volcano' which erupted in my bathroom the other evening around 6pm and what I had to clean up.'

Things will never change

The early sessions in this stage in the process were coloured by a constant refrain 'that will never happen', 'they will never agree to that' and so on. Despite the huge increase in the sense of personal power that people in the group felt, the internalised feelings of powerlessness and lack of belief that systems can change remained very strong. The personal experience of the Council's lack of response over the years coupled with the disappointment of the failed regeneration stacked up in stark contrast to the invitation to imagine that things could be better.

By using the language of human rights and by emphasising how it is possible to identify a 'duty bearer' and to hold them to account, the residents began to move away from their experience of failed expectations and limiting assumptions. The concept of the progressive realisation of their rights allowed residents to break down their journey towards the future step by step, with reasonable, fair and realisable targets along the way. In this way, they set indicators that could be monitored over time, and could incrementally address their issues in a timely and constructive manner.

Reinforcements arrive

As facilitators of this process, it was essential for CAN to hold and communicate the vision that change is possible. This was strengthened by the growing engagement of external technical, human rights and legal experts who agreed to

offer their support to the residents. Technical support on the possible causes and potential solutions to the housing problems was very generously offered by a leading architect. The human rights and legal experts included the Centre for Housing Law, Rights and Policy in NUI Galway, the School of Law in Durham University and the President of the Irish Human Rights Commission. In this they verified the living conditions as human rights abuses and supported the indicators that residents had set for the progressive realisation of their rights. The fact that such notable experts were prepared to give their time and expertise in this way had a huge impact on residents and on their capacity to imagine a better future.

The residents now began to prepare for how they would communicate the collective evidence of the denial of their human rights to a wider audience, and also to set out their vision for the future. As part of the strategy to change the power dynamic between rights holders and duty bearers, we opted to do this at a public hearing.

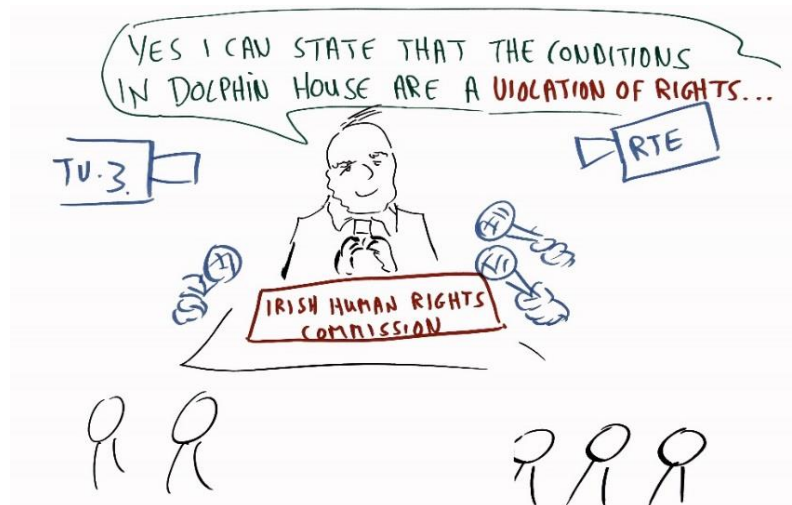


FIGURE 11: Residents achieve support for the idea that the conditions in Dolphin House are a violation of their human rights

Dolphin House, like many similar areas had suffered from very bad media coverage in the past and the residents did not have a positive experience of dealing with media and publicity. A media consultant worked with residents them to help them set out their key ideas and to get their message across more clearly. Considerable effort also went into anticipating questions that might be asked and how best to answer them.

Separate arrangements were put in place for the media while the public hearing was taking place – to ensure that interviews with residents could continue and individual flats could be visited so that people could see the conditions at first hand. There was to be no doubt about the clarity and consistency of the media messages, which would be presented by all those interviewed. These were:

- The conditions in Dolphin House are unacceptable and are a violation of residents' human rights
- Dolphin House is a strong community in which people like to live and it does not deserve this treatment
- The State has a responsibility to act – while regeneration is the long-term plan, people cannot be expected to stay in substandard conditions until that happens. The residents have developed indicators of progress for the State as the duty bearer.

Now the group were ready to take action.

Moving together

The first public hearing was held in June 2010 and was followed by four further monitoring hearings up until 2014. These hearings provided the means by which residents exercised their voice in a very powerful way and on every occasion succeeded in getting extensive coverage in print, radio and TV of:

- The appalling substandard housing conditions and of a lack of effective remedy
- The waste of public money on expensive and inappropriate maintenance
- The very serious and costly health impacts on both children and adults
- The clear contributions of expert opinion in areas of law, human rights, housing, and public health.

Being featured on RTE's *Prime Time* current affairs programme was the key to getting a meaningful first response. Prior to that, for the first two years of the campaign there was no constructive engagement with local or national government, other than a few one-off meetings with the different assistant city managers and two meetings with the Minister for Equality and Human Rights. There was also a meeting with the opposition spokesperson for the environment, who subsequently became Minister for the Environment and then refused to meet the group.



FIGURE 12: *The Prime Time programme has an impact at Government level*

Serious engagement began when the local authority, Dublin City Council (DCC), conducted its first ever conditions survey of the entire estate, in which it finally acknowledged that the main causes of the dampness, sewage and mould problems were structural – caused by cold walls, insufficient ventilation and insulation and overcrowding. This acknowledgment represented a major shift in DCC's position, definitively putting an end to any idea that the substandard conditions were the residents' own fault. DCC also accepted the independent architect's recommendations for short-term and long-term solutions.



FIGURE 13: Dolphin House residents are invited to meet representatives of local and central Government to discuss their issues

The current Assistant City Manager of DCC with responsibility for housing got involved and has remained involved ever since. He has ensured that senior architects, planners and maintenance officials come to regular meetings with residents. There are also regular meetings with the Department of the Environment.

Positive outcome: the beginning of redevelopment

By 2016, the residents are beginning to see positive outcomes of all their hard work – in September, the Minister for Housing, Planning, Community and Local Government, Simon Coveney TD announced the allocation of funding of €25 million for the development by Dublin City Council of a hundred new social housing homes as part of the regeneration at the Dolphin House estate. In addition, the rebuilding of the senior citizens' complex is also due to start shortly. Also in the short term, forty of the worst affected homes have been upgraded to a higher standard than before. Progress is still very slow, but it is happening.

Value of sustained pressure

From the early days, the group learned that without sustained pressure, the 'system' (i.e. the way that central and local government officials engage with residents) reverts to old ways very quickly. This is evidenced in the slow pace of progress, in failure to meet agreed timelines and to deliver on targets, and in the lack of response to requests for information. For these reasons, residents were challenged to continuously find new opportunities of keeping public pressure on the political system. One such opportunity was the visit of Magdalena Sepúlveda Carmona, the United Nations' Independent Expert on Extreme Poverty and Human Rights, who came to Ireland on a fact-finding mission in 2011. Ms Sepúlveda was extremely supportive of the work that the Rialto Rights in Action Group (RRIAG) was undertaking at the time, and she stressed the importance of protecting human rights in times of economic adversity:

'Human rights must be particularly protected in times of economic uncertainty. When designing and implementing policy measures aimed at recovery, the authorities must assess their impact on the most vulnerable groups; consider their appropriateness; and examine alternatives aimed at protecting such groups as a matter of priority.'



FIGURE 14: Dolphin House residents are invited to meet representatives of local and central Government to discuss their issues

Also in 2011, the group made a submission to the United Nations’ Universal Periodic Review (UN-UPR), a process that reviews human rights records of UN member states. The submission involved lobbying ambassadors from seven countries in relation to the denial of Dolphin House residents’ human rights – two of the ambassadors visited Dolphin House.

In addition, the group conducted regular monitoring of indicators, redoing the local survey of conditions, each time bringing new, fresh evidence of the interconnection between housing, health, education and poverty to strengthen their case. These consistent efforts earned them respect from the media and ultimately conveyed the message to everyone that they were not going away.



FIGURE 15 : Dolphin House is raised as an issue before the Universal Periodic Review of the United Nations

The value of working together

This campaign was in itself a huge coalition and would not have been as successful any other way. The core coalition partners included residents, community organisations in the local area and CAN, while other important members included the human rights and technical experts who validated the evidence and experience and helped place it in a larger context. In so doing they added clout to the voice of residents. Having a bigger national and international coalition calling

for a reasonable response to appalling conditions put additional pressure on local and national government to engage in ways that would be seen to be acceptable to a wider audience.

This large-scale coalition was essential as it strengthened the hand of residents to take and exercise power. The people involved had a passion for the campaign and a belief in the valid claims of the residents. However, of equal importance was their ability and willingness to come in behind residents, supporting them rather than speaking and acting on their behalf, and this was particularly valuable because it helped residents to develop a stronger sense of themselves as citizens and of what they could achieve.

4. Scaling up: making the collective complaint

The residents in Dolphin House were regular attendees at Tenants First, a loose collective of residents and community activists who met on an ad hoc basis to share information and practice in relation to a range of broadly similar concerns. In the course of these meetings, it became clear to participants that the story of substandard conditions and failed regeneration in Dolphin House was repeated in many other local authority estates in Dublin and around the country.

It was also felt that the experience of bringing together a community of interest to campaign for housing human rights in one local authority estate could usefully be repeated in other areas. It was time to scale up our activity. Across a broad coalition of people with a deep interest in this area, the idea that emerged was that of lodging a *collective complaint* against the State for its failure to meet its human rights obligations in relation to local authority tenants.

The broad coalition of people who came together to support the case for a collective complaint included, among others, Tenants First, CAN, the Ballymun Community Law Centre, NUI Galway, the Department of Geography of NUI Maynooth, and the Irish Traveller Movement.

The collective complaint was lodged with the European Committee of Social Rights (ECSR) in July 2014 by FIDH in collaboration with its associated member in Ireland, FLAC (Free Legal Advice Centres). The ECSR's ruling on the collective complaint is expected to be made public in early 2017.

European Committee of Social Rights (ECSR)	The body responsible for ensuring conformance with the European Social Charter, and to whom collective complaints must be addressed.
FIDH	International Federation for Human Rights (French: Fédération internationale des ligues des droits de l'homme) An accredited body through whom collective complaints may be lodged.
FLAC (Free Legal Advice Centres)	Associated member (in Ireland) of FIDH.

What is a collective complaint?

A collective *complaint* is a mechanism that enables groups or collectives to allege the violation of some aspect of the Revised European Social Charter by a national state. The Revised European Social Charter sets out to guarantee fundamental social and economic rights – for example, in areas such as employment, housing, health, education, social protection and welfare.

By definition, a collective complaint must relate to a general situation and not just to individual cases, and it must present evidence of how the State has failed to meet its obligations under the Charter. The complaint can be submitted directly to the European Committee of Social Rights via an accredited organisation.

The substance of the collective complaint

The substance of the collective complaint is that poor conditions and other issues on housing estates violate key articles of the Revised European Social Charter, to

which Ireland is a signatory – including the right to health, the right of families and children to have social, legal and economic protection and the right to protection against poverty and social exclusion. In summary, we are looking at:

- A failure to adopt Social Charter rights within legal, policy and administrative frameworks of housing for Ireland
- A major problem with the adequacy, habitability and suitability of named local authority housing estates
- The failure of regeneration programmes to respect housing provisions and other rights set out in the Social Charter

CAN's role: gathering the evidence

CAN's primary role in the collective complaint process was in facilitating the gathering of evidence in relation to the poor housing conditions and other alleged breaches of the human rights of local authority tenants.

Over the course of five years of engagement with the affected tenants in twenty local authority estates, CAN has gathered irrefutable evidence of substandard housing and of the failure of local authorities to offer redress, and it has also put together a strong body of living testimony of what it is like to live in such poor conditions. In collecting the evidence and personal testimony, CAN followed the processes of the CAN Model:

Breaking the silence	<ul style="list-style-type: none">■ Exploring the lived experience of the appalling living conditions and empowering residents to publicly take a powerful collective action against the State■ Building leadership among residents so that they could clearly articulate the issues they live with as rights violations■ Gathering evidence of human rights housing violations in whatever way we could, including testimonies produced in a film, desktop research conducted by a legal academic, community surveys conducted by local groups.
Inside out social analysis	<ul style="list-style-type: none">■ Analysing the underlying causes of the issues that residents live with and how these link to articles of the Revised European Social Charter.■ Bridging the gap between the lived experience of residents on one side and on policy and policy implementation (at local, national and international levels) on the other.■ Making the complex and often alien language of policy and bureaucracy accessible and meaningful to residents.
Imagining a better future	<ul style="list-style-type: none">■ Generating a vision of how things could be different and using this to inspire residents to dare to take this action.■ Reinforcing the idea that positive change is possible.

Moving together

- Giving the residents a sense that they were part of a strong and broad coalition of people (including legal and human rights practitioners) with the expertise, knowledge and commitment to help deliver the better future they seek
- Building trust across multiple communities and interest groups
- Engaging powerfully with the media – controlling messages and keeping focused on holding the State to account rather than stigmatising the residents themselves.

What's next?

If successful, the collective complaint will have a strong impact on how the State engages with residents in local authority housing in Ireland. The ruling of the ECSR will not be legally binding, but it will have a strong moral and political force and will help ensure that the issues raised are closely monitored and addressed satisfactorily.

5. Action, reflection, ongoing action

The collective action described in this case study is characterised by a process of action, reflection and ongoing action. This process has enabled us to learn how to stay focused and deal with challenges, how to celebrate achievements and learn from our mistakes, and how to develop new ideas and new campaigns.

Working and learning together

Working together with Rialto Rights in Action, we had many regular review and strategy meetings, during which we made a particular effort to understand the processes that underlay our work and the cognitive and emotional responses that these evoked among all participants. For example, we could see how people felt powerless and stigmatised by negative labelling; but we also saw how people could find the resources within themselves to confront the issues they were facing. We saw people worrying about their own perceived inadequacy and ineffectiveness, but then competently and bravely taking on responsibility and rising to the challenges.

It has been very encouraging to see the way in which the feelings of inadequacy and failure (so often associated with an individualised, isolated experience of inequality) have been replaced by a growing confidence in the community's self-directed ability to ensure positive change. In part, this has been achieved by the sharp focus on human rights – understanding what one's rights are, identifying who is responsible for breaches in those rights, and then knowing how to seek vindication of those rights.

Articulating the lived experience

Twenty-five residents from the Rialto Rights in Action group participated in human rights training in which they examined their lived experience of substandard housing, of institutional neglect, and of dampness, sewage problems and mould; and they began to articulate that experience in human rights terms.

- They gathered evidence through door-to-door surveys, video recordings and scientific analysis of spores and wastewater to demonstrate the extent to which their human rights had been violated
- They identified the duty bearers who had failed to vindicate their human rights, and set their own indicators for effective and timely remedy
- They developed the confidence to speak out about their conditions and to remain focused on the substantive issues
- They took a lead role in five public hearings presided over by leading international human rights experts, key national agencies and elected politicians.

The outcome of their effort was that for the first time their living conditions were recognised to be a violation of their human rights.

Acquiring the confidence to achieve

In addition, making a submission to the UN's Universal Periodic Review and presenting to (and being listened to by) representatives of the UN Special Expert on Poverty and Social Inclusion gave Dolphin House residents greater confidence in their negotiations with Dublin City Council. They began to feel their own power as advocates on behalf of themselves and their community; they could see the resulting shift in their power relationship with the Council; and they knew that

things could not be the same again. They were also encouraged to reach out to residents of other local authority estates, in Dublin and in other parts of Ireland, to build a greater coalition for collective action through the process of making the collective complaint.

Placing people at the heart of change in this way helps to change the balance of power – between those who have it and those who don't. Usually, those in power or authority derive their power by virtue of their position, of their technical knowledge and of their command of language; and there are many different ways (some subtle, some crude) in which they can exclude those who don't have the same competencies or knowledge. But the residents of Dolphin House put themselves into a position of power – they acquired the knowledge, they mastered the language, they developed the competencies they needed to advocate effectively.

They presented the lived experience in a compelling way; but they were able to back up that testimony with irrefutable statistics, expert scientific evidence and strong human rights based argument. This meant that they could not be an easy pushover, and they were able, through the Collective Complaint, to require the State to address the allegations of human rights violations across a number of communities. This in turn has played a huge part in giving tenants a collective voice in challenging policy and practices, despite the absence of a representative tenant body.

Slow pace of change

But while residents know they are challenging policy and processes locally and at a European level, they also know that achieving positive change is a much greater task. For a number of years working in Rialto Rights in Action, we were regularly disappointed with the lack of meaningful response from different Ministers for the Environment and for Housing and from various Assistant City Managers. Eventually the short-term improvement to forty homes made a real difference to people's lives. While regeneration has been agreed, it is slow and to date no new homes have been built.

So, it has proved to be very difficult to achieve real change, and despite the increased activity and engagement, problems persist. For example, it continues to be difficult to get accurate information and meaningful resident participation in decision-making. The officials and others that residents need to deal with can be 'very busy' or may not have sufficient authority to make a decision. We know that the conditions in Dolphin House require significant resources that can only be delivered by decisions taken at City Manager or Department of the Environment level.

The value of the monitoring hearings

The human rights based approach has the value of increasing the pressure on the system at these higher levels, and in this context the monitoring hearings are very important. The first public hearing enabled residents to give the strong message that they were going to insist on being heard, and this received very strong press coverage and led to an immediate response from Dublin City Council. The initial meetings were very promising, but before too long residents were getting a sense of 'business as usual'. There was also extensive press coverage of the second public hearing from which the absence of duty bearers was noted, so much so that this triggered a constructive response from the Minister for the Environment,

and the Assistant City Manager, who both agreed to meet the group, so beginning more a meaningful process of engagement.

Action relating to the collective complaint

In relation to the collective complaint, the process of action, reflection and ongoing action takes place in a different way and is likely to continue for several years. This is a campaign that involves twenty estates around the country working in a large, loose coalition of community activists and human rights and legal academics and practitioners. Given the nature of the process involved, there are periods of little or no activity, followed by periods of very intense activity, the latter of which have coincided:

- Making the decision to gather the evidence (2012–2013)
- Lodging the collective complaint with the European Committee of Social Rights (2014) via the International Federation for Human Rights (FIDH)
- Responding to the decision that it was deemed ‘admissible’ (2015)
- Compiling our observations on the State’s response later in 2015.

Prior to the decision on admissibility, the challenge was to encourage residents to engage with a process that, although simple enough on the one hand, relates to structures and systems that are far removed from their lived experience. The fact that any recommendation is not legally binding makes it even harder to convince people that the moral and political pressure gained from placing Ireland in a global spotlight is worthwhile. The experience of being powerless to affect change any other way, the encouragement and active support of human rights and legal experts and the inspiration of Rialto Rights in Action all played a part in making the campaign effective. In the early part of the campaign, however, community and voluntary sector members of the campaign were fearful of the consequences of holding the State to account in such a public way; and this was at a time when the community development sector was suffering the worst of the recession.

So, after years of relative inactivity around this process, a great deal happened in 2015 – there was a lot of work done to compile evidence and to address the State’s objections, but also to keep resident participation active and engaged. We had very successful resident-led press coverage on the decision relating to admissibility, and there was also an engaged process within and between eleven communities actively understanding and responding to the State observations. We are delighted to have additional robust technical evidence from the Head of the Dublin School of Architecture in the Dublin Institute of Technology, evidence that refutes the idea that residents might be responsible for the condensation problems. This collective complaint now has the support of the Irish Human Rights and Equality Commission, who gave some resources to us to help us compile our response to the State. As we await the final decision and recommendations, we are preparing to be in a position to offer active engagement on solutions.

In conclusion

This case study tells the story of how one Dublin local community, that of Dolphin House, Rialto, successfully campaigned on their right to a home. It explains how this campaign was an inspiration for other residents living in similar conditions to join together in a broad-based coalition to take a collective complaint to the Council of Europe. While the case study details the process used, the challenges faced, the outcomes achieved and the learning gathered, it also shows how the success of the campaign is underpinned by a new form of leadership in action.

In CAN, we do not support the notion of hero leaders. Instead, we believe that the capacity to exercise leadership resides in each and every one of us. It is only when our unique contributions can be valued that equality emerges between us. This case study illustrates the diverse and varied leadership exercised by all those involved in the coalitions, including residents, community activists, and technical, human rights and legal practitioners and academics. It illustrates the power of working collaboratively to tackle injustice in a way that places the people who live with it in the heart of the change.

Appendix A: Human rights instruments

The right to housing

The right to housing is enshrined in three key documents:

- UN Declaration of Human Rights, Article 25 (1)
- International Convention on Economic Social and Cultural Rights, Article 11 (1)
- CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)

UN Declaration of Human Rights, Article 25 (1)

Available at:

<http://www.un.org/en/universal-declaration-human-rights/>

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.

International Covenant on Economic Social and Cultural Rights, Article 11 (1)

Available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

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.

CESCR General Comment No. 4: The Right to Adequate Housing (Art. 11 (1) of the Covenant)

Available at:

<http://www.refworld.org/docid/47a7079a1.html>

General comment 4 relates to and interprets Article 11 (1) of the International Convention.

(a) Legal security of tenure

Tenure takes a variety of forms, including rental (public and private) accommodation, cooperative housing, owner-occupation, emergency housing and informal settlements, including occupation of land or property.

Notwithstanding the type of tenure, all persons should possess a degree of security of tenure which guarantees legal protection against forced eviction, harassment and other threats. States parties should consequently take immediate measures aimed at conferring legal security of tenure upon those

persons and households currently lacking such protection, in genuine consultation with affected persons and groups.

(b) Availability of services, materials, facilities and infrastructure.

An adequate house must contain certain facilities essential for health, security, comfort and nutrition. All beneficiaries of the right to adequate housing should have sustainable access to natural and common resources, safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services;

(c) Affordability

Personal or household financial costs associated with housing should be at such a level that the attainment and satisfaction of other basic needs are not threatened or compromised. Steps should be taken by States parties to ensure that the percentage of housing-related costs is, in general, commensurate with income levels. States parties should establish housing subsidies for those unable to obtain affordable housing, as well as forms and levels of housing finance which adequately reflect housing needs. In accordance with the principle of affordability, tenants should be protected by appropriate means against unreasonable rent levels or rent increases. In societies where natural materials constitute the chief sources of building materials for housing, steps should be taken by States parties to ensure the availability of such materials;

(d) Habitability

Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well. The committee encourages States parties to comprehensively apply the Health Principles of Housing prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates;

(e) Accessibility

Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured should take fully into account the special housing needs of these groups. Within many States parties increasing access to land by landless or impoverished segments of the society should constitute a central policy goal. Discernible governmental obligation need to be developed aiming to substantiate the right of all to a secure place to live in peace and dignity, including access to land as an entitlement;

(f) Location

Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing

should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the right to health of the inhabitants;

(g) Cultural adequacy

The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing. Activities geared towards development of modernization in the housing sphere should ensure that the cultural dimensions of housing are not sacrificed, and that, inter alia, modern technological facilities, as appropriate are also ensured.

The right to health

UN Declaration of Human Rights

Available at:

<http://www.un.org/en/universal-declaration-human-rights/>

Article 1

All human beings are born free and equal in dignity and rights.

Article 25(1)

Everyone has a right to a standard of living adequate for the health of himself (herself), and of his (her) family, including ... medical care and necessary social services.

International Covenant of Economic, Social and Cultural Rights

Available at:

<http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

From Article 2 (1)

*Each State Party to the present Covenant undertakes to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving **progressively the full realization of the rights recognized in the present Covenant** by all appropriate means, including particularly the adoption of legislative measures.*

From Article 12

- 1. The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health.*
- 2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for:
 - (a) The provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child;*
 - (b) The improvement of all aspects of environmental and industrial hygiene;*
 - (c) The prevention, treatment and control of epidemic, endemic, occupational and other diseases;**

(d) The creation of conditions which would assure to all medical service and medical attention in the event of sickness.

General Comment 14 of the Committee on Economic, Social and Cultural Rights (on Article 12 of the Covenant)

Available at:

<http://www.refworld.org/docid/47a7079a1.html>

General comment 14 relates to and interprets Article 12 of the International Convention.

From Article 1

Health is a fundamental human right indispensable for the exercise of other human rights. Every human is entitled to the enjoyment of the highest attainable standard of health conducive to living a life in dignity...

From Article 3

The right to health is closely related to the realization of other human rights, as contained in the International Bill of Rights, including the rights to food, housing, work, education, human dignity, life, nondiscrimination, equality, the prohibition against torture, privacy, access to information and the freedoms of association, assembly and movement. These and other rights and freedoms address integral components of the right to health.

From Article 12

The Right to Health in all its forms and at all levels contains the following interrelated and essential elements ... Availability, Accessibility, Acceptability, Quality.

(a) Availability

Relates to functioning public health and health care facilities, goods and services, as well as programmes, have to be available in sufficient quantity within the State party

(b) Accessibility

Health facilities, goods and services' have to be accessible to everyone without discrimination, within the jurisdiction of the State party.

Accessibility has four overlapping dimensions:

Non-discrimination: health facilities, goods and services must be accessible to all, especially the most vulnerable or marginalized sections of the population, in law and in fact, without discrimination on any of the prohibited grounds.

Physical accessibility: health facilities, goods and services must be within safe physical reach for all sections of the population, especially vulnerable or marginalized groups, such as ethnic minorities and indigenous populations, women, children, adolescents, older persons, persons with disabilities and persons with HIV/AIDS. Accessibility also implies that medical services and underlying determinants of health, such as safe and potable water and adequate sanitation facilities, are within safe physical reach, including in rural areas. Accessibility further includes adequate access to buildings for persons with disabilities.

Economic accessibility (affordability): health facilities, goods and services must be affordable for all. Payment for health-care services, as well as services related to the underlying determinants of health, has to be based on the principle of equity, ensuring that these services, whether privately or publicly provided, are affordable for all, including socially disadvantaged groups. Equity demands that poorer households should not be disproportionately burdened with health expenses as compared to richer households

Information accessibility: accessibility includes the right to seek, receive and impart information and ideas⁸ concerning health issues. However, accessibility of information should not impair the right to have personal health data treated with confidentiality.

(c) Acceptability

All health facilities, goods and services must be respectful of medical ethics and culturally appropriate ...sensitive to gender and life cycle requirements, as well as being designed to respect confidentiality and improve the health status of those concerned.

(d) Quality

Health facilities, goods and services must also be scientifically and medically appropriate and of good quality.

The right to participate

The right to participation is enshrined in numerous international human rights instruments, including:

- The Universal Declaration of Human Rights (arts. 21 and 27)
- The International Covenant on Civil and Political Rights (art. 25)
- The International Covenant on Economic, Social and Cultural Rights (arts. 13.1 and 15.1)
- The Convention on the Elimination of All Forms of Discrimination Against Women (arts. 7, 8, 13(c) and 14.2)
- The International Convention on Elimination of All Forms of Racial Discrimination (art. 5(e)(vi))
- The Convention on the Rights of the Child (arts. 12 and 31)
- The Convention on the Rights of Persons with Disabilities (arts. 3(c), 4.3, 9, 29 and 30),
- The International Convention on the Rights of All Migrant Workers and Members of their Families (arts. 41 and 42.2)
- The United Nations Declaration on the Right to Development (arts. 1.1, 2 and 8.2)
- The United Nations Declaration on the Rights of Indigenous Peoples (arts. 5, 18, 19 and 41).

Appendix B: Glossary

Collective complaint	<p>Member states of the Council of Europe recognise the right of certain organisations to submit complaints if they feel that the social rights enshrined in the European Social Charter are not being met. The complaint cannot be about individual cases but must relate to general situations and must produce evidence that shows the State has failed to meet its obligations under the Charter.</p> <p>There is an agreed list of recognised European organisations that can submit the complaint. The complaint is made through one of these organisations and goes directly to the European Committee of Social Rights. There are no costs involved; those making the complaint do not have to go through the Irish courts first and the Committee has the power to look at the issues involved in systems that are failing to deliver rights.</p>
Duty bearers	<p>Duty bearers are those who have a particular obligation or responsibility to respect, promote and realise human rights and to abstain from human rights violations. The term is most commonly used to refer to State actors, but non-State actors can also be considered duty bearers. (UNICEF)</p>
Habitability	<p>Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well.</p> <p>The UN Committee on Economic, Social and Cultural Rights encourages states parties to comprehensively apply the Health Principles of Housing prepared by WHO which view housing as the environmental factor most frequently associated with conditions for disease in epidemiological analyses; i.e. inadequate and deficient housing and living conditions are invariably associated with higher mortality and morbidity rates.</p>
Human rights	<p>Human rights are rights inherent to all human beings, whatever our nationality, place of residence, sex, national or ethnic origin, colour, religion, language, or any other status. We are all equally entitled to our human rights without discrimination. These rights are all interrelated, interdependent and indivisible.</p>

Universal human rights are often expressed and guaranteed by law, in the forms of treaties, customary international law, general principles and other sources of international law. International human rights law lays down obligations of Governments to act in certain ways or to refrain from certain acts, in order to promote and protect human rights and fundamental freedoms of individuals or groups.
(Office of the United Nations High Commissioner for Human Rights)

Human Rights Based Approach (HRBA)

A human rights-based approach entails consciously and systematically paying attention to human rights in all aspects of programme development. A HRBA is a conceptual framework for the process of human development that is normatively based on international human rights standards and operationally directed to promoting and protecting human rights.

The objective of the HRBA is to empower people (rights-holders) to realize their rights and strengthen the State (duty-bearers) to comply with their human rights obligations and duties.

States' obligations to human rights require them to respect, protect and fulfil women's and girls' rights, along with the rights of men and boys. When they fail to do so, the United Nations has a responsibility to work with partners to strengthen capacity to more effectively realize that duty.

(Office of the United Nations High Commissioner for Human Rights)

International Covenant on Economic, Social and Cultural Rights (ICESCR)

This Covenant is the main UN treaty protecting economic, social and cultural rights. ICESCR lists a set of rights and standards that governments are obliged to work towards. The ICESCR imposes immediate obligations on governments to take steps to bring about the full enjoyment of the rights contained in the ICESCR, particularly the adoption of legislative measures.

The rights contained within the ICESCR cover all aspects of daily living, such as work, health, housing, education, social protection, protection from poverty, and many more. Article 11 relates to the right to housing. It came into being in 1966 and Ireland ratified it in 1989 (ICESCR).

Irish Human Rights and Equality Commission

The Irish Human Rights and Equality Commission is Ireland's national human rights and equality institution. It has a statutory remit to protect and promote human rights and equality in Ireland, to

promote a culture of respect for human rights, equality and intercultural understanding, to promote understanding and awareness of the importance of human rights and equality, and to work towards the elimination of human rights abuses and discrimination.

It was formed in November 2014 from the merger between the Equality Authority and the Irish Human Rights Commission which was established by legislation in 2000 following the Belfast (Good Friday) Agreement 1998.

Revised European Social Charter

The Charter is a Council of Europe treaty adopted in 1961 and revised in 1996 which guarantees social and economic rights, in other words, the human rights of daily life. Ireland ratified the Charter in 1964 and the Revised Charter in 2000. The rights guaranteed under the Charter concern housing, health, education, employment, the movement of individuals as well as the protection, in particular, of the family, elderly people, children and people with disabilities.

The Charter provides that the enjoyment of these rights must be secured without discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national extraction or social origin, health, association with a national minority, birth or other status, including disability (principle of non-discrimination).

The honouring of commitments entered into under the Charter is subject to the supervision of the European Committee of Social Rights. Its 15 independent, impartial members are elected by the Council of Europe Committee of Ministers for a period of six years, renewable once.

The European Committee of Social Rights monitors compliance with the Charter under two separate procedures: through 'reports' drawn up by States party and through 'collective complaints' lodged by the social partners and other non-governmental organisations.

Rights holders

Rights-holders are individuals or social groups that have particular entitlements in relation to specific duty-bearers. In general terms, all human beings are rights-holders under the Universal Declaration of Human Rights. In particular contexts, there are often specific social groups whose human rights are not fully realised, respected or protected. More often than not, these groups tend to include women/girls, ethnic minorities, indigenous peoples, migrants and youth, for example.

A human rights-based approach does not only recognize that the entitlements of rights-holders needs to be respected, protected and fulfilled, it also considers rights-holders as active agents in the realisation of human rights and development – both directly and through organisations representing their interests. (UNICEF)

UN Declaration of Human Rights

Adopted by the UN in 1948, the UN Declaration of Human Rights is an international document that states basic rights and fundamental freedoms to which all human beings are entitled. It begins by recognising that ‘the inherent dignity of all members of the human family is the foundation of freedom, justice and peace in the world’.

It declares that human rights are universal – to be enjoyed by all people, no matter who they are or where they live. It includes civil and political rights and the right to life, liberty, free speech and privacy. It also includes economic, social and cultural rights, such as the right to social security, health and education. Article 25 relates to the right to housing.

Universal Periodic Review (UPR)

The Universal Periodic Review is a mechanism of the Human Rights Council under which it reviews, each four years, the fulfilment by all 192 UN Member States of their human rights obligations and commitments. It is a cooperative mechanism, based on objective and reliable information, and equal treatment of all States. The review process aims to fully involve the State under review, while at the same time not being overly burdensome for States. It shall not duplicate the work of the treaty bodies.

The Decision of the Collective Complaint

FIDH v Ireland 2014

The European Committee of Social Rights is made up of independent international experts, and on 23 October, 2017, the Committee made public its decision on FIDH v Ireland.

The decision holds that there is a violation of Article 16 of the Charter of Social Rights. In this respect, it clearly states that:

‘... the Government has failed to take sufficient and timely measures to ensure the right to housing of an adequate standard for a not insignificant number of families living in local authority housing.’

In short this decision states that the Irish Government – through its statutory landlords, the local authorities – has failed to provide adequate housing conditions for thousands of people living on local authority estates. This is very significant, long overdue and welcome decision represents the first time that the basic right to an adequate standard of housing for local authority tenants in Ireland has been recognised as part of the human rights framework.

This decision affects over 350,000 people currently living in local authority housing here in Ireland and it has positive implications for local authority tenants right across the EU.

This decision gives clarity to four key things. It finds that the Government:

1. Has failed to take sufficient and timely measures to ensure the right to housing of an adequate standard for many people living in local authority housing.
2. Has failed to collect complete statistics on the condition of local authority housing for 15 years - since 2002.
3. Does not have a national timetable for the refurbishment of local authority stock.
4. Has not completed a significant number of regeneration programmes, leaving many local authority tenants in substandard housing conditions.

What is particularly welcome is that the Committee finds that persistent conditions like sewage invasions, contaminated water, dampness and mould go ‘to the core of what adequate housing means’.

Tenants have been living with these conditions for decades. They have been campaigning about them consistently for nearly eight years. They have provided independent proof that these dire conditions are caused by structural defects with their housing.

Again and again, however, their complaints have been dismissed by local authorities. They have been consistently told that the conditions were of their own making, that damp and mould were caused because they were drying clothes indoors, or because they didn’t open the windows.

This decision puts an end to this.

