

The logo for CAN (Campaign for Nuclear Disarmament) features the word "can" in a bold, lowercase, sans-serif font. The letter 'a' is stylized with a white spiral pattern inside it.

Placing People at the
Heart of Change

"Something Inside So Strong"

Evaluation of CAN's human rights work
Dr. Jane Pillinger Independent Researcher
and Policy Advisor February 2015

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1. 'Something Inside So Strong' (by Labi Siffre) was sung by the Rialto Rights in Action Group to represent their human rights work. It is a song of resistance, human rights and empowerment that was originally inspired by the anti-apartheid movement in South Africa.

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Dr Jane Pillinger

Glossary

CAN	Community Action Network
DCC	Dublin City Council
HRAP	Housing Rights Action Programme
HRBA	Human Rights Based Approach
ICCPR	International Covenant on Civil and Political Rights
ICESC	International Covenant on Economic, Social and Cultural Rights
IHREC	Irish Human Rights and Equality Commission
LRW	Limerick Regeneration Watch
NUIG	National University of Ireland Galway
PPR	Participation and the Practice of Rights
RESC	Revised European Social Charter
RRIAG	Rialto Rights in Action Group
SURF	Service Users Representative Forum
SURIAG	Service Users Rights in Action Group
TCD	Trinity College Dublin
UISCE	Drug-users forum
UN	United Nations

Executive Summary

1. Introduction

The evaluation of the human rights work carried out by Community Action Network (CAN) between 2009 and 2014 documents the contribution of CAN in implementing a human rights based approach with disadvantaged communities, the awareness of human rights in the local communities that CAN has worked with, and the learning and outcomes from the project. It also points a way forward for this valuable work to be continued.

The evaluation shows that substantial and lasting outcomes have been achieved in particular in empowering communities experiencing poverty and inequality to implement a human rights based approach. This groundbreaking project empowered rights holders to relate their lived experiences of inequality to hold duty bearers to account for the progressive realisation of human rights in the areas of health and housing.

Community Action Network (CAN) is an organisation widely respected for its participatory methods of practice with individuals, organisations, communities and across whole systems. CAN's work is guided by principles of participation, social justice and equality. A core feature of this work is to build the inherent leadership of people and communities to challenge and change unjust and inequitable policies and structures of decision-making.

Using human standards and principles the human rights project sought to achieve concrete changes in policy through the principle of the progressive realization of their rights by holding duty bearers accountable. The human rights based approach (HRBA) is a method rooted in principles of community empowerment aimed at achieving structural change through measurable improvements in services such as housing, education and health. At the core of HRBA is an emphasis on the participation and empowerment of people that experience inequality.

The evaluation was carried out at the end of 2014 and involved interviews with rights holder groups, duty bearers, and technical and human rights experts. Focus groups were held with the two rights holder groups.

2. Summary of the main human rights project activities led by CAN

The evaluation report sets out the human rights work carried out by CAN in building the awareness and empowerment of human rights in local communities. The main areas of activity are set out below.

2.1 Rialto Rights in Action Group (RRIAG)

CAN provided human rights and housing training and awareness that started with the lived experiences of residents in Dolphin House. Through this work CAN assisted RRIAG to establish human right standards against which housing conditions were benchmarked. Evidence of poor housing standards in Dolphin House were documented in a baseline survey and regular monitoring reports, backed up by independent technical and architects reports. These findings were presented to four Human Rights Hearings, which received significant media coverage. The Government and Dublin City Council subsequently engaged directly with RRIAG leading to substantial improvements in housing conditions, including improved participation in the planned regeneration programme. RRIAG also established related human rights projects, covering play facilities and the rights of methadone service users. A further positive outcome from RRIAG's work was the implementation of Community Benefit Clause for the regeneration of Dolphin House as an opportunity to address chronic unemployment and underemployment amongst Dolphin House residents.

2.2 Service Users Rights in Action Group (SURIAG)

SURIAG is a group of long-term users of methadone. It was established with the support of CAN and the Rialto Health Coordinator in 2010 in response to RRIAG's concerns about the human rights infringements of methadone users and disappointment that the recommendations of the Opiate Treatment Protocol review had not been implemented. A core purpose of SURIAG was to document the experiences of rights violations in relation to services for people living on methadone. This was carried out through a peer-led service user survey covering three main human rights violations:

a) urine sampling, b) a lack of a regular review for service users needs which result in meaningful engagement and choice, and c) a lack of choice regarding treatment options. These issues were linked to the right to health. A report documenting the findings of the survey was presented to the Irish Human Rights Commission as a first attempt to engage with duty bearers.

2.3 Housing Rights in Action Programme (HRAP)

A Housing Rights Action Programme was established by CAN in 2013, in collaboration with the Ballymun Community Law Centre. The programme involved training and individual mentoring and support with the objective to empower communities affected by poor local authority housing conditions to adopt a human rights based approach. It resulted in the human rights based approach being used in several communities seeking to improve housing conditions and improved participation of local authority tenants in decision-making. Participants came from local authority housing estates (Tyrone Place, Cherry Orchard, Ballymun, Limerick Regeneration Watch and St Theresa's Gardens). Several have subsequently adopted a human rights approach to their work and have initiated community-led human rights campaigns and surveys to improve housing conditions.

2.4 Collective Complaint

A Collective Complaint was submitted to the Council of Europe (under the European Social Charter) by a group of organisations and individuals who were interested in progressing housing rights (CAN, Tenants First, academics from NUI Galway and NUI Maynooth, Ballymun Irish Traveller Movement, and with support from the Free Legal Advice Centres, FLAC). It drew together evidence from a network of residents from local authority housing estates across the country, with support from human rights and housing experts. It represents a real attempt to influence social housing policy in Ireland and drew on evidence from a wide network of local authority tenants, including those who participated in the Housing Rights in Action Programme. The Collective Complaint addresses a) the failure to adopt Charter rights within the legal, policy and administrative framework of housing in Ireland; b) the adequacy, habitability and suitability of some Local Authority housing violates the European Social Charter, and c) the Regeneration Programmes of the State in key local authority housing estates do not respect the housing provisions and other rights set out in the European Social Charter. At this stage the complaint is being examined for its admissibility.

2.5 CAN's wider work around alliances, engagement and dissemination

CAN's work has had a wider impact through engagement with wider human rights networks, alliances and through a range of dissemination activities, including conference presentations. CAN's work has benefited from wide support from a network of academic, legal and technical experts in human rights and housing, which has assisted CAN in its engagement with human rights Treaty bodies. There is no doubt that CAN's work in forging key alliances with human rights and community-based organisations, as well as with academic and legal experts in human rights and housing rights, facilitated the sharing of expertise and enabled human rights standards to be understood and applied to RRIAG's work.

3. Impact and outcomes of CAN's work

3.1 Impact of CAN's work

The impact of CAN's human rights work came across in a very powerful way in the evaluation. The work with RRIAG led to substantial awareness of human rights standards and new tools to tackle endemic housing problems and years of not being listened to by DCC. RRIAG members spoke positively about the human rights approach in shifting the culture of blaming residents for housing problems, to housing standards being viewed as a human rights issue. This was important in reinforcing the sense of pride that residents had in their community and in enabling RRIAG members to confidently articulate abstract concepts of human rights in the everyday language and lived experiences of residents.

CAN's work with SURIAG made it possible for methadone users to articulate the problems faced by services users within a human rights frame. The problems faced by methadone users include daily discrimination, a belief that they are not worthy, rather than recognition that drug use is a symptom of something that has happened in people's lives. Importantly the language of human rights helped to contextualise the experiences of methadone users as rights issues that are of valid importance for duty bearers to take account of.

CAN's skill and use of creative learning tools were hugely effective in interpreting and breaking down human rights standards and empowering people as rights holders. The evaluation found that awareness of human rights progressively deepened because of the methodology developed by CAN, resulting in a visible progression in awareness, empowerment and ownership of human rights language as the project progressed. Technical and human

rights experts that engaged with RRIAG and SURIAG spoke regularly of this 'extraordinary' progression as group members began to articulate what they had been denied for many years.

Overall, the evaluation found that the groups that CAN has worked with developed a sophisticated set of arguments about human rights violations and have interpreted the main human rights instruments in relation to their lived experiences. It is inspiring to see the impact on residents and service users in making abstract concepts of human rights realizable in practice, and the way that they have articulated these with confidence and clarity.

3.2 Outcomes of CAN's work

The evaluation documents very positive impacts and outcomes from CAN's human rights work, which are described below in relation to five core outcomes.

Outcome 1: CAN has implemented an effective model and process to enable people affected by rights violations to be empowered to use and have ownership of human rights language

A clear outcome of CAN's model of human rights work is that it has instilled a strong sense of agency amongst local authority residents and service users. The language of human rights has shifted the emphasis away from the individual needs or failures to the responsibility of the State to vindicate their rights. This has resulted in a very powerful shift in perception, sense of ownership of rights and confidence. Holding the State to account has been a very powerful and empowering process for residents. In this regard the HRBA provides a strong case for collective long-term change that is resident/service-user led. CAN's work provides an important model for future human rights work with people affected by human rights violations. All participants in the evaluation categorically stated that the outcomes achieved would not have happened without CAN. CAN was widely seen to have the expertise and the knowledge of human rights and were powerful spokespersons themselves. Currently RRIAG is continuing its work on monitoring human rights standards and feels confident to be able to do this without the support of CAN; this gives evidence of the achievement in empowering the group to be sustainable in the long term.

Outcome 2: the work carried out by CAN has resulted in a strong evidence base on human rights violations, backed up by independent experts' reports

The detailed process of gathering baseline and monitoring data, through simple questionnaires, videos, photographs, scientific evidence, and relating these to indicators was crucial to empowering RRIAG as rights holders and to holding the State to account. In the case of other communities and SURIAG, the HRBA has been effectively replicated with an emphasis on relating human rights standards to evidence collected in surveys.

This work was significantly strengthened through the wide range of expertise from human rights lawyers and academics, technical experts and an independent architect, amongst others, which gave additional authority and robust evidence against which human rights standards could be applied and monitored.

Outcome 3: the project has given a new focus to participatory decision-making and has led to enhanced participation in decision-making

The human rights work opened up a space for people to actively participate in policy and legislation on housing, health and education rights in the longer-run. This outcome is certainly more radical in an Irish context given the lack of mechanisms in place to enable local communities to have a voice in influencing policy and legislation. This has particularly important implications for methadone service users who experience significant exclusion and marginalisation from decision-making. In addition to the specific rights to housing, health and education, participants in the evaluation highlighted the importance of the right to participate and to be listened to. The combination of the rights to housing, health, education and participation marks a unique role played by CAN in working with marginalised communities

Outcome 4: A real impact on duty bearers

There is no doubt that there has been a real impact on duty bearers. This has resulted from direct engagement with duty bearers and a shift in attitudes towards people living in disadvantaged communities, as rights holders. This has led to real changes in housing conditions for residents in Dolphin House, which is directly attributable to CAN's empowerment of RRIAG through the HRBA. The Human Rights Hearings led to tangible commitments from DCC for structural improvements in Dolphin House. The evaluation found clear evidence that the community has worked effectively in partnership with DCC on a Regeneration Masterplan. RRIAG has made a number of proposals to ensure that a range of economic social and cultural rights were adopted in relation to physical and social regeneration, in tackling education disadvantage and inequalities in health, the provision of community facilities and employment creation through the Community Benefit Clause. As the main duty bearer, DCC acknowledged the impact of the human rights work in progressing improved housing conditions and in progressing a constructive dialogue and partnership for the regeneration of Dolphin House. CAN has also achieved positive outcomes through its empowerment of other local authority tenants who participated in CAN's HRAP, resulting in engagement or planned engagement with duty bearers.

An important outcome for methadone service users in SURIAG was a meeting held with two representatives of the Irish Human Rights and Equality Commission designate, based on a report produced by SURIAG. This represents the first example in Ireland of a constructive dialogue with and the beginning of engagement with potential duty bearers. In this respect the learning from CAN's approach is crucial for

the Irish Human Rights and Equality Commission, particularly in making human rights real on the ground.

Outcome 5: CAN's work has taken local human rights issues into national and international forums and has impacted on a range of policy areas

Building of wide support, alliances and networks with human rights and housing experts, with a focus on the progressive realization of human rights, with impact and engagement at local, national and international levels.

CAN's human rights work has enabled a wider network of local authority residents to claim their rights to housing, notably through the Housing Rights Action Programme and the through the consultations with local authority residents in the preparation of evidence for the Collective Complaint. A further positive outcome of RRIAG's engagement with DCC has been the implementation of a Community Benefit Clause in the procurement process of the regeneration of Dolphin House.

The work of RRIAG has also led to housing rights being addressed directly with human rights Treaty Bodies through submissions under the Universal Periodic Review and to the Special Rapporteur for Extreme Poverty and Human Rights. The Collective Complaint, submitted to the Council of Europe, marks a first example in Ireland of using this human rights route in the field of housing.

4. The strengths and challenges in promoting a human rights approach

This evaluation found that the HRBA and the model adopted by CAN has many strengths, and can be transferable to any geographic community or community of interest experiencing violations of rights. Both RRIAG and SURIAG, and a wider network of communities supported by CAN in Dublin and in Limerick, demonstrate a sophisticated understanding and application of the language of human rights, with outcomes that are very encouraging. The approach has been highly creative and has included written reports, DVDs, submissions to national and United Nations bodies, and most recently in 2014 a Collective Complaint to the Council of Europe.

The critical success factors that have led to a successful application of the HRBA include:

- A good community infrastructure needs to be in place to ensure that follow-up and ongoing engagement and empowerment takes place.

- Engagement of a wide range of experts and supporters from legal, academic, health and other backgrounds who bring multiple levels of expertise and advice to the project.
- Good media engagement, including training in media skills and media messages, which is essential in ensuring that people's lived experiences can be heard, rather than distorted.
- Training in human rights, where the language of human rights is broken down in ways that are accessible and implemented through participatory methods, and using creative and innovative ways to promote understanding of complex human rights language.
- Having time to establish a process and to empower local people, and staying with the process for a period of up to four years.
- Resources to bed down the issues in the community, commission external reports and expertise and production of reports and campaign materials.

There are inevitably huge constraints and challenges to continuing and deepening human rights work. A key challenge is that the work in building empowerment and ownership of rights is a long-term process. CAN works by activating and empowering a community and the timescale is very slow and at times can be very frustrating. CAN's experience is that staying with the process has been important, but with limited staffing and financial resources there are limits to how far this can meet all of the support needs in the community.

One of the reasons that the project was so successful in Dolphin House was because there is a deeply embedded community infrastructure and support from local community organisations in place. This is not the case in other communities and raises an important question about how community infrastructure can be built in the longer-term as a base for human rights work so that it can be implemented in communities with low levels of capacity and support.

A lack of resources was cited by many participants in the evaluation as being a major constraint to the continuation of this work. Notwithstanding the significant outcomes achieved with a relatively small budget, a lack of resources impacts on how this work can be taken forward. In this context, many people giving feedback to the evaluation stated that it is important to ensure that funding is available at a grass-roots level to implement the HRBA. CAN has also noted the leadership gap within the community sector in Ireland that is the result of a funding cuts and a weakened community development infrastructure. This has had a negative impact on community activism and leadership.

5. A way forward for CAN in continuing and expanding human rights work in the future

The evaluation report provides a number of recommendations that point a way forward for CAN in continuing and expanding its human rights work in the future. The full report provides more detailed recommendations under the following main recommendations:

- CAN should continue its human rights work in the future and this should be embedded in a strategy for a national human rights project
- CAN's work and expertise in building an understanding of the HRBA should be progressed at four levels: with rights holders, advocacy organisations, duty bearers and through human rights coalitions
- CAN should actively engage with the IHREC and other agencies to secure funding to progress work with other communities, research and learning of the HRBA in disadvantaged communities
- CAN should actively disseminate the learning from the human rights work and develop training and other guidance tools
- CAN should monitor the progress and outcomes of the Collective Complaint
- Further collaboration with the Participation and Practice of Rights project, Belfast

1. Introduction

1.1 Overview

This report sets out the findings of an evaluation of the human rights work carried out by Community Action Network (CAN) between 2009 and 2014. Following successful funding from the Joseph Rowntree Charitable Trust in 2009 for an 18-month human rights project, which was subsequently extended for a further two years, CAN embarked on a groundbreaking project to implement a human rights based approach (HRBA). This allowed for a whole-time-equivalent worker (carried out by three different CAN workers at different stages of the project). With a relatively modest budget, this evaluation shows that substantial and lasting outcomes have been achieved specifically in empowering communities to implement a HRBA to address infringements to human rights experienced by people living with poverty and inequality.

The project's main activities, which are described in more detail in Section 2, included:

- Establishment of the **Rialto Rights in Action Group (RRIAG)** to challenge housing conditions and to empower residents to claim their rights to housing and health. RRIAG is based in Dolphin House, which is currently the largest local authority complex in Ireland. RRIAG undertook a baseline survey and follow-up monitoring reports which were presented to four Human Rights Hearings. The Government and Dublin City Council (DCC) engaged directly with RRIAG leading to substantial improvements in housing conditions, including improved participation in the planned regeneration programme. RRIAG also established related human rights projects, covering play facilities and the rights of methadone service users.
- Establishment of the **Service Users Rights in Action Group (SURIAG)** of long-term users of methadone. SURIAG carried out a service user survey and related their findings to the right to health. The group subsequently engaged directly with the Irish Human Rights and Equality Commission designate as a first step to engaging with duty bearers.
- Implementation of a **Housing Rights in Action Programme (HRAP)**, an accredited human rights training programme to empower communities affected by poor local authority housing conditions to use the HRBA. The programme included mentoring and support that led to the human rights approach being used in several communities to improve housing conditions and the participation of local authority tenants.
- **Collective Complaint** issued to the Council of Europe (under the European Social Charter) based on evidence gathered from a network of residents from local authority housing

estates across the country, with support from human rights and housing experts.

- Wider **networks, alliances and dissemination** activities, which has included support from a network of academic, legal and technical experts in human rights and housing; engagement with human rights Treaty bodies; and a range of dissemination activities.

Appendix 1 provides a detailed timeline of project activities in relation to each of these main areas of human rights work.

Through these main project activities CAN has worked closely with local communities to achieve the following outcomes (discussed in more detail in Section 3):

- Direct engagement with duty bearers and a resulting shift in attitudes towards people living in disadvantaged communities, as rights holders. This has led to real changes in housing conditions for residents in Dolphin House, which is directly attributable to CAN's empowerment of RRIAG through the HRBA.
- The beginning of a process of engagement with duty bearers, supported by CAN, to address the rights of methadone service users through SURIAG.
- Empowerment of other local authority tenants who participated in CAN's HRAP, resulting in engagement or planned engagement with duty bearers.
- Building of wide support, alliances and networks with human rights and housing experts, with a focus on the progressive realization of human rights, with impact and engagement at local, national and international levels.

1.2 Background to Community Action Network and methodology

Community Action Network (CAN) was established in 1987. It is an organisation widely respected for its participatory methods of practice with individuals, organisations, communities and across whole systems. CAN places people

at the heart of change with a focus on the systemic change required for a more equal and just society. A core feature of its work is to build the inherent leadership of people and communities to challenge and change unjust and inequitable policies and structures of decision-making. CAN is guided by principles of participation, social justice and equality. Prior to the project CAN had extensive involvement with residents in the area.

The overall aim of CAN's approach is to change the power relationship between people experiencing inequality 'rights holders' and decision makers 'duty bearers' using a HRBA. The main focus has been to empower people affected by poverty and exclusion to use a HRBA to address long-standing inequalities in housing, health and education. Using human standards and principles, the project has sought to achieve concrete changes in policy that reflects the participation of local people to change service delivery through the principle of the progressive realization of their rights by holding duty bearers accountable in this process.

CAN has developed a seven-stage methodology that has informed its human rights work. This has a strong focus on establishing the patterns across people's lives, breaching the silence around inequalities and linking these experiences to human rights standards and engaging with duty bearers. The methodology is rooted in the principle of progression, on the basis that as awareness deepens action can be taken to address inequalities. The seven steps are summarised below:²

- *Change is not neutral*: understanding that change is not neutral is a key part of leading and driving change. Those who lead change initiatives must be deeply connected to the value base of their actions.
- *Leadership is key to change*: the capacity for change is intrinsic in everyone but is often lacks the opportunity to be ignited.
- *Breaking the silence*: unlocks the potential of individuals and communities to become powerful actors in their own lives, with a focus on people's lived experiences.
- *Inside-out social analysis*: a process of questioning systems and structures that underlie inequality, with a focus on the structures and processes that cause and perpetuated inequality from the perspective of the lived experiences of those affected by it.
- *Imagining a better future*: enables communities and individuals to become active participants in the construction of their own future and it gives them the confidence and pride to enlist wider support.
- *Moving together*: moving together and acting with intention to change systems takes many forms of action. It is based on collective action for change and for developing sustainable cross-issue partnerships.
- *Learning*: this is essential during all stages and relates to the practice of acting, reflecting and learning.

1.3 The human rights based approach

The human rights based approach (HRBA) is a method rooted in principles of community empowerment aimed at achieving structural change through measurable improvements in a range of services, including housing, education and health. At the core of HRBA is an emphasis on the participation and empowerment of people that experience inequality. There is substantive evidence about the value and practice of the human rights approach in tackling housing inequalities and poor housing conditions (Kenna 2011 and 2014, Kenna and Hearne 2014, Kenna and Gailute 2013). Learning also exists from other European countries regarding the application of human rights provisions (under the Charter of Fundamental Rights) that are being used in a systematic way to improve housing conditions. Models for this exist in Scotland, Finland and Catalonia, among others, where clear, measurable and enforceable sets of rights have been implemented (Bernard and Hubeau 2013). Learning for the application of the HRBA has been developed by the Belfast based Participation and Practice of Rights Project (PPR) (Marshall, Ward and Brown 2014, Donnelly, McMillan and Browne undated).

The main human rights standards that have been used in the project include:

- Universal Declaration of Human Rights, Article 25: "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..."
- The International Covenant on Economic, Social and Cultural Rights sets out the right to 'adequate housing', the 'right to health' and the 'right to education'. In relation to the right to housing, the RRIAG focused specifically on one of the seven features of adequate housing (habitability) as provided for in General Comment 4, (1991). Habitability is defined in the following way "... adequate housing must provide the inhabitants with adequate space and protect them from cold, damp, heat, rain, wind or other threats to health, structural hazards and disease vectors...and provide...safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services".. In the Committee's view the right to housing should not be interpreted in a narrow or restrictive sense, rather it should be seen as the right to live somewhere in security, peace and dignity (United Nations, 1991, para. 7). General Comment No. 4 states also states that, "The right to adequate housing cannot be viewed in isolation from other human rights ... the right to participate in public decision-making – is indispensable if the right to adequate housing is to be realized and maintained by all groups in society."
- Council of Europe, Articles 11, 16, 17, 30 and E of the revised European Social Charter (2000) and under Article 1c of the additional Protocol of 1995 (in relation to the Collective Complaint, discussed below).

² For further information on the CAN model see: http://www.canaction.ie/can_15/www/live_site/downloads/cecilia_forrestal_25th_presentation.pdf?gi_sn=545796e37d995%7C1

1.4 Evaluation objectives and methods

The objective of the evaluation is to identify outcomes from CAN's work in applying a HRBA to social and economic issues and specifically housing and health inequalities. The evaluation has included:

- a) Awareness of human rights in the local communities that CAN has worked with, for example, in relation to the human rights training carried out within Dolphin House, within the Housing Action Programme and with people who are long term on methadone.
- b) The concrete outcomes and impact of the human rights work, for example, in mobilisation to improve housing conditions and reduce health inequalities, empowerment and engagement of local communities, and impact on policy.
- c) The strengths and challenges in promoting a human rights approach and in developing the work nationally in making Collective Complaint submissions to human rights treaty bodies.
- d) A way forward for CAN in continuing and expanding human rights work in the future.

The evaluation used mixed methodologies based on a key set of evaluation questions. First, it reviewed CAN reports and documentation and other relevant reports. Second, consultations (focus groups and interviews) were held with rights holders, duty bearers and local communities. Third, feedback was gained through interviews from CAN staff, other human rights and technical experts, and the Practice and Participation of Rights (PPR) project in Belfast.

Appendix 2 provides a list of the interviews and focus groups carried out to inform the evaluation.

2. Awareness of human rights in the local communities that CAN has worked with

2.1 Introduction

The evaluation sought to gain insight into the awareness of human rights in the local communities that CAN has worked with. Focus groups were held with the two rights holder groups and interviews carried out with a wider network of local authority tenants that CAN has worked with to evaluate: a) awareness of human rights and b) the contribution that CAN has made to this awareness. This section explores the awareness of human rights in the communities that CAN has worked with in relation to work carried out in the following areas:

- Rialto Rights in Action Group (Dolphin House residents)
- Service Users Rights in Action (long-term methadone users)
- Housing Rights Action Programme (including residents from Cherry Orchard, Ballyfermot, Tyrone Place and Limerick Regeneration Watch)
- Development of the Collective Complaint, submitted to the Council of Europe
- CAN's wider network of alliances and dissemination activities

Each of these is discussed in turn in this section. Section 3 looks in more detail at the impact of these activities, including the impact on duty bearers.

2.2 Rialto Rights in Action Group

The main activities carried out with Rialto Rights in Action Group (RRIAG) include:

- Human rights and housing training and awareness, based on the lived experiences of residents. This has included establishing human rights standards against which housing conditions are benchmarked.
- Baseline survey of housing conditions in Dolphin House, regular monitoring reports and Human Rights Hearings;

backed up by technical reports from experts and an independent architect

- Linking of housing rights to the rights to health, education and play.
- Engagement of the media

RRIAG was established through collaboration with Rialto Residents, Dolphin House Community Development Association, The Dolphin and Fatima Health Projects, Community Response, and in the early stages with support from the Participation and Practice of Rights (PPR) project, Belfast. Residents in Dolphin House flats complex had been highlighting significant problems of damp, mould and sewerage for more than two decades. The problems in the flats, which had been built in the 1950s, had worsened over time and the general response from DCC was that the problems were the fault of the residents. See "Appendix 6: Photography" on page 48 for photographic evidence.

CAN initiated a human rights project with Dolphin House residents, with support from the Dolphin Regeneration Coordinator and the Rialto Health Coordinator. This built upon CAN's involvement in two processes of local consultations that had taken place in Rialto, which provided the basis for an emerging new leadership of local people:

- Rialto participatory research and action programme carried out by the Health Wellbeing Sub-Group of the Fatima Regeneration Board in 2008, which led to the publication "Community Health, Community Wealth" (CAN 2008a). CAN facilitated and wrote up the research, which identified substantial inequalities in health and specific issues for methadone service users; it recommended a human rights approach in sustaining local activity around health and housing inequalities.
- 'Dolphin Decides' consultation, which was a response to DCC's regeneration plan for Dolphin House based on a public-private-partnership (PPP) model, under the auspices of the Joint Redevelopment Board. The onset of the economic crisis in 2008, however, led to the collapse of the PPP and the regeneration project for Dolphin House was put on hold.

As a result, RRIAG came into existence at a time of deep disappointment amongst residents about the failure of the planned regeneration of the Dolphin complex and the added urgency to have an impetus in the community to ensure continued DCC accountability as a social housing provider. The support for a HRBA was confirmed at a meeting between CAN and a Rialto-wide group in 2009, and a decision was

made to focus specifically on Dolphin House. The meeting looked at how a human rights approach could be used, the principles upon which this should be built, and the indicators that could be developed to measure human rights violations. The HRBA took the extensive work carried out by CAN in the Rialto area onto a new level enabling the group to look at the wider issues associated with physical regeneration within the context of equality and justice, and an improved quality of life for residents. The branding of the group, Rialto Rights in Action, managed to capture both the activity of the group 'action', with the aim to address 'inaction' in improving housing conditions.

Dolphin House has a strong sense of community and of family connections, where 87% of people living in Dolphin feel a strong sense of belonging to their community. Residents repeatedly state that they want to stay and live in the area and actively contribute to building a sustainable community with a strong physical and social fabric. High levels of social exclusion are experienced by people living in Dolphin House: 2011 Census data shows only 36% of residents have completed education to primary level only, compared to 14% for the rest of the country, while only 7.8% of adults in Dolphin Estate have completed 3rd level education (Levels 6-10 in the **National Framework of Qualifications**), compared to 29% nationally and 35.1% in Dublin. Over a third of people are unemployed, considerably higher than the national figure of 13%; and over a half (57%) of households are affected by lack of money and debt (Quality Matters 2014).

Human rights training on the lived experiences of housing and human rights

An integral part of the work carried out by CAN was the development and delivery of training on the right to health and housing, with a specific focus on the lived experiences of housing and human rights. The training commenced in Dolphin House in May 2009, with 22 participants. It raised awareness about the language of human rights and led to participants drawing up eight indicators against which evidence could be collected and benchmarked. The eight indicators were directly related to General Comment 4 of the UN Covenant on Economic, Social and Cultural Rights.

Feedback on the training was highly positive; people felt genuinely empowered to apply the language of human rights to their own lived experiences and in shifting the responsibility to duty bearers, as the following quotes show:

The human rights training we got was really brilliant, it all came together...Without all of that training we wouldn't have been able to do this and keep it all going.

I didn't know about human rights...it was great when we found Article 25.1 as it was a starting point and you realize when you read it that your rights are being violated. It was brilliant when we quoted all these human rights charters, they [the duty bearers] looked at us with surprise and they were speechless. They didn't expect us to come along with all this knowledge, they had to learn about it themselves... it should be mandatory for them to know this stuff, we were telling them how to do their job.

I learnt such a lot it was really great, it went really well... When they gave us a picture of the 'black box' we realized

that we needed to get out of the black box and go after the duty bearers...it was very important for us to learn that the fella over at the local level didn't have the resources...we realized that the Minister and senior DCC managers did have the duty and the power to make a change.

It was great to learn the language and when you sit down and you have the language it changes everything, you get to be diplomatic, rather than shouting across the table out of frustration.

Survey and monitoring reports

A significant amount of project activity involved carrying out a baseline survey and conducting follow-up monitoring reports across a set of eight indicators related to specific human rights clauses (under General Comment 4, International Covenant on Economic, Social and Cultural Rights).

- Baseline survey, carried out in May 2010, established survey data against which subsequent monitoring reports were benchmarked. This was presented to a Human Rights Hearing.
- 1st Monitoring Report, carried out in October 2010, followed by a Human Rights Hearing.
- 2nd Monitoring Report, carried out in March 2011, followed by a Human Rights Hearing.
- 3rd Monitoring Report, carried out in June 2012, followed by a Human Rights Hearing.
- 4th Monitoring Report, carried out in June 2014, followed by a Human Rights Hearing.

The baseline survey and the 1st Human Rights Hearing focused specifically on the problems of damp and sewerage. The issues of education and health emerged from the survey. RRIAG members identified the link between housing conditions and access to health and education, which were given a focus in the second and third hearings. Significant engagement with the government and DCC began after the third hearing. A fourth hearing addressed the delays in regeneration.

Appendix 3 gives an overview of the findings from the baseline survey, the indicators used and subsequent monitoring reports, as well as the Human Rights Hearings held to disseminate each report.

The baseline survey and subsequent monitoring reports were based on a questionnaire drawn up by RRIAG, with support from CAN. This enabled RRIAG to carry out a door-to-door survey of housing conditions in Dolphin House, which documented significant problems with damp, mould and sewage, as well as the lack of responses from DCC. Some residents took photographs to provide visual evidence and videos were taken of people's housing conditions. In documenting the housing conditions, residents were for the first time given a voice. According to one CAN worker:

Breaking the silence, breaking the shame as they had been told for years that it was their fault even though it was not their fault, when they realized they had a right to a

proper standard of housing, using this different language, they were very empowered and engaged that this could be used for change.

The baseline survey and monitoring reports were viewed by RRIAG to have been instrumental in providing the evidence base needed for the progressive realization of human rights. Again CAN was seen to have played a key role in providing the tools to support this process and in empowering group members to conduct the initial and subsequent monitoring surveys. One of the important impacts was that the baseline survey and monitoring reports provided an irrefutable evidence base and shifted the problems from being the individual fault of tenants to an infringement of human rights that duty bearers had a responsibility to act upon. This change in awareness and the realization of the extent of the problems were very powerful, as one RRIAG member stated:

I was shocked going into every room of the flats, practically every flat had damp, not just a few. The shock was that many people had problems, many people felt really ashamed as they had had it drilled into their brains that they were at fault, such as drying clothes on the rads, but those problems were there before the rads were put in.

The first hearing held in 2010 was hugely successful and there was extensive media coverage, a pattern that followed the subsequent hearings in 2011, 2012 and 2014. According to CAN the hearings really empowered people, “they could see the light at the end of the tunnel”.

DCC’s own subsequent inspection survey of all Dolphin flats, carried out in 2012 with involvement of RRIAG, was initiated following evidence submitted by RRIAG. There is no doubt that this would not have taken place had it not been for RRIAG’s work in highlighting human rights violations through its own evidence base. As one RRIAG member stated that their evidence was really important in getting DCC to carry out their own survey and which revealed more extensive problems of damp and mould:

From the human rights, we did a survey to find out how many flats were affected by damp and mould...DCC then did their own survey and they found out that it was true. That put it on a solid basis, at first they wouldn’t come to the hearings, but when they did their own survey that hit the mark...I was sitting there taking lots of notes...we went with her to make sure that they went into all of the rooms and didn’t miss anything.

Linking housing rights to rights to health, education and play

From the evidence collected on damp and mould, RRIAG made a connection to the huge impact this was having on people’s health, particularly on children’s health and their participation in education. This led the group to begin to articulate the infringement of rights to health and education, and to incorporate these into subsequent monitoring reports and hearings. RRIAG members talked about how bad housing was perpetuating a cycle disadvantage and the need to tackle the interlinked problems of housing, health and education, on the basis that, “...you have to tackle them all as they are all connected, they are all aspects of the same housing problem”. The importance of the evidence in showing these interlinking

problems was regarded by RRIAG to be critical to talking about rights to health and education:

Having the evidence about aspergillus fumigatus confirmed that we knew that it was damaging to people’s health, children were getting asthma and chest infections and not being able to go to school, such a high level. The mothers brought the evidence from doctors and consultants about their children.

We started with the right to housing, and we realized that Article 25 was connected to health and it was all connected, we saw how the shame led people to get depressed, breaking the silence was very hard to begin with, **all the same it was important to get the duty bearers to stand up to their responsibilities**. The thing that really got me was the number of kids out of school. For years this area has been known as being deprived...the kids can’t go to school because they have health problems...that was a turning point for me.

The right to play was identified at an early stage in RRIAG’s work to be an issue of importance, on the basis that tackling infringements in the right to housing needed to address the broader social and environmental facilities in Dolphin House. A sub group was formed by Rialto Rights in Action to apply the HRBA to the lack of play facilities in the complex, which included a review of policy and a local survey. Members of the sub group, led by the Rialto Youth Project facilitated two four-week creative sessions with two groups of children. Following this CAN decided that it would be more realistic to bed this work and approach down in the local youth services. CAN ran a two day training course in HRBA with young people and youth leaders in the Rialto /Inchicore / Bluebell areas of Dublin, starting in June and July 2011, with the intention of mentoring youth workers to lead out on the campaign in relation to play. While the training went very well, the work on play was not carried forward. However, this work informed work on the right to play in Cherry Orchard when it emerged as an issue within the Human Rights Housing Action Programme and is currently informing similar work in Darndale.

Media impact

One of the factors that led to government attention being given to the problems of damp, mould and sewerage was the extensive media coverage given to the Human Rights Hearings. The RRIAG Press Release for the first Human Rights Hearing: stated that “Unprecedented levels of damp, mould and sewage have pushed the residents of Dolphin House in Dublin’s Rialto to declare that their human right to housing is being seriously violated”. In particular, an RTE Prime Time documentary held in May 2011, following the third hearing had a direct impact on the government, and marked the beginning of real engagement with DCC. From the perspective of one member of the RRIAG:

We got very good publicity from the first hearing and that was again through CAN, it was really brilliant, and they [the media] are still really interested. This keeps the focus going.

The current Regeneration Officer in Dolphin House also highlighted the beneficial role that the media has played:

The use of the media is really important in getting a real message across, having good contacts with the media and having media training...it is really important, they don't want that. If there was no media coverage there would be no profile to the issues at the hearings. They are being forced to publicly respond and they can't escape that.

Media training, planning and support from a media consultant helped the residents to get their message across to the media. Most importantly it empowered people to speak out. The media consultant also advised the group on media messaging, which resulted in a clear set of media messages that gave voice to the RRIAG. A key success was getting people to bring their rights to life by using the language of human rights and overlaying their experience on it. Even though the media did not fully grasp the 'rights' element of the work, because the right story was embedded in the conditions, the media had no choice but to link the two issues. According to the media consultant:

A further success was that the conditions in housing were never divorced from rights...one of the hardest things was how difficult it was to open up their houses, there was a sense of pride in where you live and then there was a sense of shame about the damp or sewage...it wasn't just about the damp it was a manifestation of what was wrong about their housing rights.

Community Benefit Clause

A further positive outcome from RRIAG's work is the implementation of Community Benefit Clause for the regeneration of Dolphin House. During the discussions with DCC about regeneration RRIAG argued that the regeneration of Dolphin House should provide an opportunity to address chronic unemployment and underemployment amongst Dolphin House residents.

CAN undertook to research the opportunity of a Community Benefit Clause as a mechanism to ensure that commissioning works include specific clauses in its procurement contracts to include certain social benefits, particularly in relation to the employment of people who are long-term unemployed (CAN 2013 and 2014). Community Benefit Clauses are binding legal commitments of contract, recognised under EU law. A CAN document: *Community Benefits an Opportunity* (CAN 2013) was tabled at the Joint Regeneration Board and was adopted as a policy of the Board and was subsequently adopted in principle as Council policy at a DCC meeting in May 2014. CAN has also been instrumental in attaching Community Benefits to the National Children's Hospital Project and in establishing a working group on the proposal made up of local Regeneration Boards, DCC and St James' Hospital representatives. Contact was made with and an event held with South Glasgow Hospital, who shared their extensive experience with Community Benefits with senior policy makers in Dublin.

According to RRIAG's 4th Monitoring Report, RRIAG will continue to monitor this process in the regeneration programme. The RRIAG 4th Monitoring hearing put pressure on DCC to include Community Benefits within the tendering process for the regeneration of Dolphin House. CAN has also actively participated in the Site Specific group, which is trying to influence the regenerations of St. Teresa's Gardens and

Dolphin House. Technical assistance and a Guide has been provided by Deirdre Halloran NUIG, who is carrying out PhD research on Community Benefits. The Guide aims to be used by other communities, with a planned launch in launch in Spring 2015.

Impact of CAN's human rights work

The impact of CAN's human rights work came across in a very powerful way in the evaluation focus group with RRIAG. RRIAG members spoke about the positive impact of the HRBA in keeping the community together "...so that regeneration builds rather than destroys the community" and in putting "pressure on the right people". One RRIAG member stated that the campaign had resulted in the fact that, "more resources have been allocated to Dolphin House because of the human rights campaign". Another RRIAG member spoke about the wider context of human rights work:

It's not only about us, it's all the people out there who are living in bad conditions in rented accommodation as well. We're doing it for everyone. The UN Declaration of Rights affects everyone. If we were all equal we would all be living in good accommodation.

All members of RRIAG spoke highly of CAN's support, summed up by one person in the following way:

CAN's support was just fantastic. It has been really important to have CAN there, like in finding the duty bearers and in bringing the whole thing together. They did so much of the coordination with the residents in the hearings. They were brilliant.

Through the human rights work RRIAG was able to show that DCC had failed to comply with human rights standards and were called upon to fully implement General Comment 4 on adequate housing. As one of the founding members of the group stated, the human rights approach gave a new tool to tackle endemic housing problems and years of not being listened to by DCC:

As long time residents here we would have known about the damp and sewage...we hadn't been listened to by DCC, when they did listen it was always thrown back on you, we always thought it was our fault. Through the human rights training we learnt that it wasn't our fault but the fault of DCC.

Another group member talked at length about the culture of blaming residents and not being listened to, and how the human rights approach substantively changed things:

Blaming the residents...residents were sick and tired or always being told that we were at fault. We got together and we got educated on our rights and we learnt that it was structural problems, we had an independent architect. Like the flats weren't designed for automatic washing machines, we found out that the system was blocked up and it hadn't ever been cleaned. It was a neglect of DCC, but we took a stand and we used human rights.

Core to this was the sense of pride that people had in their community. Several RRIAG members stated they paid good rent for their housing and realized that they had a right to a decent home, "This was very powerful for us". The sense of pride is reinforced by one RRIAG member:

When you are told for years it is your fault you are shamed and embarrassed, it was so unfair, people pay between €100 and €120 a week to live in these conditions and it was appalling. Still today there are teenagers that they don't give Dolphin House as where they live, I want everyone to feel proud, and the rest of the kids here, to be proud of where they live.

The evaluation focus group carried out with RRIAG revealed a confident articulation of abstract concepts of human rights in the everyday language of residents. It was not only impressive to witness such confident use of the language of human rights, but also how these were brought into the everyday lived experiences and language of the residents. The key to this, and stressed by group members, was that people were empowered and supported to take ownership of their rights. CAN was very skilful in interpreting and breaking down human rights standards using a creative approach, for example, through cartoons and simple messages that people remembered. It is evident that the language of human rights was very powerful, summed up by one CAN worker who stated that, "People began to see their rights, they were no longer having to look in on themselves, it shifted things as people so often internalize their oppression".

Progression over time

The evaluation found that awareness of human rights progressively deepened because of the methodology developed by CAN, which included a focus on breaking the silence around housing conditions and linking housing conditions to human rights. It is evident from consultations with RRIAG, human rights and housing experts, CAN workers and the media consultant, that there was a visible progression in awareness, empowerment and ownership of human rights language as the project progressed. CAN noted the increase in attendance at the weekly meetings during the course of the project, with people becoming very focused on the issues of human rights. One CAN worker highlighted the difference over time in people's confidence in using the human rights approach:

People come across as asserted dignified people, you could really see the difference that the human rights approach gave to their lives and confidence...in their heads it was rights violation and gave a whole different flavour to what they were doing.

Similarly, the independent architect, who praised CAN's work, noted a definite progression in awareness and engagement over time:

The RRIAG group are extraordinary...I think CAN's work has been key to pushing the community towards now where it stands on the threshold of a very serious intervention. I don't think that the dynamic would have been there without CAN. I think the community networking worked very positively and hugely impacted... There is a thriving community in Dolphin and the mood got better and better as the project progressed, despite delays and bureaucracy from the local authority. As the project progressed you could see the enthusiasm grow.

There is no doubt about the outcome in terms of CAN's work in building the confidence and capacity of people affected by human rights violations to progress with confidence. As the

media consultant who worked with the group stated, there was a visible and tangible shift in people's confidence as a result of the training and support provided by CAN:

When I met the group first it was like pulling teeth getting them to speak, now you can see an enormous progression and confidence in the community. They grew in confidence and awareness of rights, they grew in their ability to articulate what they had been denied for years.

Sustainability of the work of RRIAG

RRIAG reconvened in the summer of 2014 and have agreed to continue their work in monitoring human rights standards. Several members spoke about feeling sufficiently confident and experienced to sustain this work, without the support of CAN. This is a real achievement as practice often shows that when project funding ends many groups are unable to keep going without external support. As one member of RRIAG stated:

When [CAN] said she was dropping out, I was really scared, then I realized that we have the strength to move forward and that we can pick up the phone and get some advice is really good.

The sense of pride in their work, strength and resilience was evident from a commitment in the group to continue its work following a recent meeting with DCC:

We met with DCC last week and we told them that we were continuing our work...they thought it was going to finish. It's really empowering that we are still there and that we can now do this on our own. We have CAN to thank for that.

RRIAG are determined to continue their work and although they have achieved a clear outcome in pushing forward the regeneration of Dolphin House, they want to ensure that the regeneration process stays on track and that the flats that are not in the Phase 1 of development are not neglected. As one RRIAG member stated:

Although we are getting regeneration and Phase 1 is happening we want to try and make sure that the rest of the flats that are not in Phase 1 aren't forgotten about, particularly because many of the flats still have many problems...We are keeping the pressure on them about regeneration, we want to enable people to progress in their lives and got out to work, so that children have enough space to do their homework, and we need to stick together.

This was reiterated by another group member who stated that their experience of human rights work has the potential to extend to other communities:

We've met again for the first time and now we are committed to continue and we will keep the day-to-day work going, it is definitely the way forward. We've been asked to go into other communities, if you sit down with people and say to them that you can do something about your housing conditions, and just talk to them like this, you can really give people confidence.

One member of the group has written a play that is currently being planned for production: "its all about awareness raising locally, originally it was for us to tell our story, we won't win

an Oscar for it but it's a great way for us to get the message across and continue our work".

It is evident from the evaluation that RRIAG has fully grasped and implemented human rights and recognise the wider currency and applicability of human rights. For example, members of RRIAG spoke about the importance of teaching human rights to children in schools, "...If it did this whole nation would be a better place". They also highlighted the importance of taxpayers understanding human rights and "...for them to know that people have rights, that is really important". Overall, the evaluation found a positive impact of CAN's work on sustainability, where RRIAG members repeatedly stated that CAN made it possible for them to be sustainable, "We have stuck together thick and thin and if the community sticks together we can really make things change".

2.3 Service Users Rights in Action Group

The work with service users long term on methadone emerged from some of the findings of the "Community Health, Community Wealth" (CAN 2008a) survey of health inequalities in Rialto and was also highlighted as a human rights issue by RRIAG. RRIAG established a sub-group on the human rights of methadone users and were supported by the Rialto Community Health Coordinator and CAN in carrying out two surveys which helped to identify local issues. A meeting was held with Professor Joe Barry (Department of Medicine, Trinity College Dublin) and other experts to inform a submission made by RRIAG to the review of the Opiate Treatment Protocol. The final report of the review acknowledged three core concerns of methadone service users and made recommendations in these areas that have yet to be implemented (HSE 2010).

The Service Users Rights in Action Group (SURIAG) was established in 2010 in response to the disappointment that the recommendations of the Opiate Treatment Protocol review had not been implemented, and to document their own experiences of rights violations in relation to services for people living on methadone. The group was established following discussions between CAN and the Rialto Community Health Coordinator and meetings with local people. It is made up of service users who are long term on methadone and the Service Users Representative Forum (SURF) and the drug-users forum (UISCE). The involvement of SURF and UISCE was regarded as being very positive, as this helped to shift and locate issues facing methadone service users into other representative forums.

As with the methodology used by CAN in its work with RRIAG, the emphasis was on peer-led support and empowerment, rooted in the real lived experiences of methadone users. This was used as a basis for gathering evidence benchmarked

against human rights standards. The group has been supported and facilitated by CAN and the Rialto Community Health Coordinator. This support role was identified by all group members as being very important to supporting and enabling them to have a focus on human rights, "...it helped to give us structure, we couldn't have done this without that support". In particular, the Rialto Health Coordinator played a much valued local role in organising meetings and in keeping contact with group members, and in linking her strategic health role in Rialto with the group's work.

Service users became involved in the group because they wanted to see change, after many years of frustration about discrimination and poor services: "I got involved in this because I really questioned how people were treated on methadone"; "For me it is humiliating being tested and I wanted to see a change to all of this"; "For me having a human rights view on service users was very important, it was degrading how we are treated and with no one behind you to help you get clean"; "I got involved at the beginning because of one of my experiences with a doctor, who treated me so badly, he made derogatory comments about my appearance and about me...I made a complaint against him, but that went nowhere".

In the evaluation focus group members of SURIG spoke about the importance of the human rights approach to addressing a wide range of human rights violations resulting from poor quality of services from doctors, poor access to services, a lack of an independent complaints system, and multiple incidences of discrimination and poor treatment. They spoke eloquently about poor access to good quality services and inadequate treatment in the health care system, which results from a lack of respect and lack of treatment options and choices. A key issue is discrimination. "We felt that all people were discriminated against, it is so hard to deal with mindsets and beliefs, we weren't listened to".

The group initially met every two weeks, but now meets monthly or when they need to meet. Group members have come and gone and recently two new service users have joined the group: "The group has changed, a few people have dropped out, and new people have joined, that's just how people's lives are".

Service users survey

Supported by CAN, the group carried out peer-led research based on interviews with over 100 methadone service users. The research aimed to validate the findings of the earlier study carried out by the sub-group of Rialto Rights in Action and the submission to the Opiate Treatment Protocol review across three main issues, which were identified as abuses of human rights. These covered a) urine sampling, b) a lack of a regular review for service users needs, which result in meaningful engagement and choice, and c) a lack of choice regarding treatment options. These issues have been linked to the right to health, as provided for under Article 25 of the UN Declaration of Human Rights, Article 12 of the International Covenant on Economic, Social and Cultural Rights and Article 11 of the European Social Charter.

Appendix 4 provides more detailed information about the feedback from SURIAG about the survey

findings and demonstrates the way in which service users experiences were related to these three core areas of human rights infringements.

The approach taken with the survey findings was different from that carried out by RRIAG, given the nature of exclusion and frequent negative responses experienced by methadone users. The Rialto Health Coordinator, who played a key role in organising and facilitating the group stated that the process was very enjoyable and CAN took the right approach:

Human rights is really important as it can have a direct impact on policy, you can see it with the housing, its harder for methadone service users because they are so discriminated against...but using human rights tools takes the issue to a new level...its important to get people into a space where they can make choices. What CAN did was really smart in taking these real issues into the community and then giving people the chance to raise them with the Human Rights and Equality Commission.

She went onto say that the group was “full of energy doing the survey and you really felt you get somewhere with it. CAN had to do a huge amount of work in supporting the group”.

The survey findings formed the basis for a report for and a meeting with the Irish Human Rights and Equality Commission (IHREC). The evaluation focus group participants talked about the importance of the meeting with the IHREC of ‘being heard’ and for the IHREC designate to be informed about rights violations for methadone users. This was an important step-change for the group, particularly in presenting evidence within a human rights framework and being heard by a duty bearer with responsibility for implementing human rights and equality. SURIAG felt listened to and were encouraged by the fact that the IHREC were in the process of drawing up their strategic plan and would be getting back to them. As one member of SURIAG stated:

We told them about our experiences, we had set points and we each took a section and when we spoke about each section we had an open discussion with them... they listened to us and we are hopeful that there will be response.

A Commissioner from the IHREC, one of the two representatives who met with the group, praised the work carried out by SURIAG, particularly as methadone users are a group that experience high levels of social exclusion and for whom there is limited public or media sympathy: “They have been very creative in their work in using human rights as a basis for their work, it has a great potential”. The Commissioner’s view is that this represents an important new approach in community development as the primary approach is on empowerment”. She affirmed that: “CAN’s work is very inspiring, it will be very useful for the IHREC and is a methodology to work in partnership with groups who are at the ‘coal face”.

Contribution of CAN to the awareness of human rights

The problems faced by methadone users include daily discrimination, a belief that they are not worthy, rather than recognition that drug use is a symptom of something that has happened in people’s lives. Both CAN and the Rialto Health

Coordinator spoke of the experiences of methadone users as being some of the worst they had come across, with stories of daily discrimination, exclusion and lack of respect. One of the benefits of using the human rights approach is that the language of human rights helps to depersonalize people’s experiences. As CAN states, from their experience of working with the group it has been possible to articulate the problems faced by services users: “...by framing their arguments in the language of human rights, they can tell their stories without exposing themselves, and this gives them a sense that ‘what is happening is wrong and unjust”.

CAN’s principle role has been to train, support and empower the group to take ownership of a HRBA. All group members spoke strongly about the positive role played by CAN in raising their awareness about human rights and empowering them to articulate their rights. CAN was clear from the start that the group had to be led by the service users themselves; this was very empowering for group members:

We could not have done this work without CAN, just getting the human rights stuff and explaining it to us clearly that Ireland has agreed to this. It really helped us to make a shift from it being an individual problem to us having rights that need addressing by duty bearers...and so that we can claim our ‘right to health’.

Without [CAN] I don’t think we would have been able to do this and I don’t think the group would have lasted. Her belief in it and coming from other human rights work, it made me stay there.

Importantly the language of human rights helped to contextualise the experiences of methadone users as rights issues that are of valid importance for duty bearers to take account of. This was very grounding and empowering for group members:

She helped us to see that there is a place for human rights and to see that this is an infringement of our rights. She helped us to see that this is something important, that we are not shouting because we feel hurt and or emotionally scarred because of the services, but because this is a real issue. It helped to ground us, it helped to energise the group, I realized I am not giving this up now.

The language of human rights is hard, [CAN] brought in the part that related to health, that everyone was entitled to quality and the best treatment available. We started looking at how other people are treated, but there is no one that is doing this stuff, challenging the government head on...as a service user rep and drug users often feel that we are not supported, we are forgotten about.

CAN’s role included motivating and inspiring the group to take ownership of human rights, simplifying and making rights accessible, giving insights into how the health care system works and taking the injustices in the system away from personal stories to an understanding that they are a result of structural inequalities and discrimination within the system. Group members spoke about the huge value of this role and of having CAN’s extensive experience to draw on to sustain the group. Several group members stated that they feel fully prepared to take these issues onto another level and through the Drugs Task Force. CAN’s considerable experience was seen as very important in giving direction about the best approach to take and how group members

could “assert ourselves”. As one service user stated learning about the structures of the HSE and different stakeholders was important because:

At this level we needed someone more objective and outside of the box, because we’ve been through the services and you can have an emotional thing and you really have to be challenged, to challenge us as well. Having that objectiveness was good.

The importance of CAN’s support was reiterated by the service users who felt that the work could only be sustained in the future with CAN’s support:

I could continue this work in the future...but I think it would be difficult without the support from CAN... it wouldn’t have happened here without [CAN]...I am still in a bit of shock that this is happening.

Crucial to this was that human rights gave people a sense of empowerment and that they had choices and rights:

Human rights has given us an engagement and has given us a feeling that we should have a choice and have rights to better services...we are the only group that are treated so badly, we could bring them to the European Court of Human Rights on this issue, it is not acceptable how we are treated.

Taking this issue forward, the group is keen to look at how the issues can be taken up at a European level through the European network of drug users and with a view to exploring in the longer-term the possibility of issuing a Collective Complaint.

2.4 Housing Rights Action Programme

From the start CAN was committed to the wider participation of residents and service users from other communities in progressing human rights work. Although CAN was unable to provide the level of support given to RRIAG, they actively encouraged other groups to participate in the HRAP and in providing back-up support.

A Housing Rights Action Programme was established by CAN in 2013, in collaboration with the Ballymun Community Law Centre. The programme involved training and individual mentoring and support. Twenty-two participants from Tyrone Place, Cherry Orchard, Ballymun, Limerick Regeneration Watch, St Teresa’s Gardens and Bluebell registered for the programme and thirteen participants completed the programme. The five-day HRAP was accredited at FETAC Level 5 and of the six participants who sought accreditation, five were awarded distinctions and one a merit. The programme used creative methods to raise awareness of the HRBA and how it could be applied in their local communities, and included introductions to housing law, human rights instruments and practical ways to work

on human rights violations in local communities. As with the training and awareness raising provided to RRIAG and SURIAG CAN’s creative approach aimed to deconstruct rights through cartoons, videos and other media. Participants were also encouraged to refer to the actual documents and words used in technical documents on human rights and housing, enabling participants to know and own their rights and have ownership of the language.

Participants in the programme carried out specific assignments related to actions they were planning in their estates. This led to concrete actions including a survey of tenants and plans to engage with DCC in Tyrone Place, a submission on human rights and housing to the Limerick Regeneration Forum, and work on environment issues in Cherry Orchard. Participants spoke highly of the approach taken in HRAP, particularly in breaking the silence of shame and giving ownership of rights. This was described as being ‘brilliant’ and ‘empowering’, and as one participant stated:

The training is really important, the training explained for us in a language that we understand...I didn’t have a clue to start with, but then they explained it to us and we saw how good it was. The stuff we were actually saying, well then we realized it was human rights.

Two of the residents’ groups that participated in the HRAP and that have subsequently adopted a HRBA in their work are described below: Limerick Regeneration Watch and Tyrone Place flats.

Limerick Regeneration Watch

Limerick Regeneration Watch (LRW) is a voluntary organisation established in 2008 by residents from regeneration areas in Limerick.³ It aims to empower residents to take ownership of the regeneration process and ensure that residents’ rights are safeguarded. It was established in response to the exclusion of residents in the Limerick Regeneration Forum. Following participation in the HRAP, LRW has since adopted a human rights approach to its work.

Two representatives from LRW attended a Dublin based CAN FETAC accredited HRAP. This gave LRW a new impetus to their work and following the HRAP they began to use the language of human rights in their work in advocating for human rights processes of community participation to be introduced into the regeneration plans for Limerick. The project undertaken as part of the training course turned into a submission to the Limerick Regeneration Framework Implementation Plan. LRW also successfully engaged with the UN Special Rapporteur on Extreme Poverty and gained written endorsement on the importance of the right to housing and the right to participation in 2014.

The HRAP training was considered to have been hugely important in giving LRW this new focus to their work, as one of the participants stated:

We learnt a lot from CAN about human rights and the language of the rights to adequate housing and to participation. Our submission to the Office of Regeneration used a human rights based approach to regeneration.

³ Weston Gardens Residents’ Association; Moyross Residents’ Alliance; Ballinacurra Weston Residents’ Alliance; Kincora & Carew Parks Concerned Residents’ Action Group

People really want to see action, we have organised protests and we have featured human rights in our banners and placards, which was picked up by the media. There is a lot of frustration out there.

The two LRW members who attended the HRAP appreciated the fact that covered the costs of travel to the course and were very positive about the HRAP. Following completion of the HRAP LRW carried out a two-week door-to-door post card campaign with residents, as a means of gaining insights about the regeneration process and encouraging residents to make submissions into the Limerick Regeneration Forum. Feedback from LRW is that CAN had been instrumental in helping LRW to address housing issues from a human rights perspective.

A key issue raised in the evaluation is that it would be very useful to have a human rights project in Limerick, particularly because LRW have experienced resistance to human rights in Limerick City Council. Nevertheless, a number of new councillors have expressed an interest in the human rights work and this is seen as an opportunity to engage more constructively with the local authority. LRW also made recommendations to the Seanad Public Consultation Committee on implementing structures for community participation, for legislation to be drafted on a National Framework for Regeneration and for the implementation of effective structures for participation. In this LRW quotes the UN Special Rapporteur, who has commented that: “this is a matter of fundamental justice from a human rights perspective”, on the basis that the spirit of the International Covenant on Civil and Political Rights (ICCPR) has been violated by the Limerick Regeneration Programme. LRW will continue to use a human rights approach in the future, although they argue their role is constrained by a lack of resources and awareness of human rights.

Tyrone Place Flats (Inchicore, Dublin)

Residents at Tyrone Place Flats have built good connections with the RRIAG. This led to three residents from Tyrone Place flats and a support worker from St Michael’s Family Resource Centre attended the HRAP. The Development Worker from the St Michael’s Family Resource Centre was aware that CAN’s work could be replicated in Tyrone Place. Very positive feedback was given about the participation in and learning from the HRAP:

The training was very enjoyable and I liked the way they based it on experiential training...They are really very good, they make you feel very comfortable, they are excellent. You really learn from the training. It would be great if they could do the training in other areas. I think they should be well funded because they are excellent at what they do.

The HRAP helped the residents to gain some momentum in their work and in learning from RRIAG about the importance of collecting evidence linked to human rights standards. The residents carried out a door-to-door survey using the model developed in Dolphin House, which they tailored to the complex. As the Development Worker stated CAN provided an important resource role in this process:

We went from door to door and we invited people to come into the centre to discuss their housing problems.

We wrote up the survey and [CAN] supported us, it was a really useful and important resource that she provided. She helped to facilitate the process.

In addition, the independent architect visited six flats and produced a separate report with recommendations. The report is now finalized and a formal request for a high level meeting within DCC has been made.. The Development Worker reiterated the importance of the process but noted that they would benefit from a higher support role from CAN along the lines of the Dolphin House project:

It has been a really good focus [human rights] for me in getting these issues looked at...It’s a model that could be used on other estates. Our challenge is capacity, we would really love CAN to be there to support us. If they could get the resources it would be fantastic for us. It is a whole new approach and you need someone who is familiar with that territory. It is a long journey to make change, it is long process.

Having this expertise and ongoing support is considered to be really important in supporting local communities, who often have a lot of fear:

People are really afraid...it is important to bring people along with you. In Dolphin it has kept people involved. CAN has absolutely helped people in Dolphin...One woman in our complex said to me, I had no idea my rights were violated, that she never thought about it in that way and that living in a damp home and not being able to dry clothes was an issue of human rights.

2.5 Collective Complaint⁴

The Collective Complaint represents a real attempt to influence social housing policy in Ireland. It is also a new route for CAN in implementing a process that enables communities to engage and gather evidence of human rights violations for submission to the Council of Europe, and has involved a wide network of local authority tenants, including those who participated in the HRAP. Although the process to agree and complete the Collective Complaint was lengthy, it is the first attempt that this human rights process has been used in Ireland in relation to housing rights. CAN has produced a short guidance note for community organisations on the

⁴ Collective Complaint No. 110/2014 International Federation for Human Rights (FIDH) v. Ireland. The process once the Collective Complaint is submitted is that the Committee examines the complaint and declares whether it is admissible or not. If it is declared admissible, a written procedure takes place, during which time the Committee may decide to hold a public hearing. The Committee then takes a decision on the merits of the complaint, which it forwards to the parties concerned and the Committee of Ministers in a report, which is made public within four months of its being forwarded. Finally, the Committee of Ministers adopts a resolution. If appropriate, it may recommend that the state concerned take specific measures to bring the situation into line with the Charter. For further information see: http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/Complaints_en.asp.

Collective Complaint process, which sets out the steps to be taken in preparing and submitting a Collective Complaint. This is an important document as it helps to simplify what is a long and complicated process. CAN is of the view that the process itself, including collecting evidence of housing rights infringements, is valuable in and of itself in helping to raise awareness and embed the lived experience of housing inequalities in the wider context of human rights standards.

The Collective Complaint was drawn up by a group of organisations and individuals who were interested in progressing housing rights, with a view to identifying breaches of human rights in relation to local authority tenants. This included Tenants First, CAN, Faculty of Law, Centre for Housing Law, Rights and Policy (Department of Law, NUI Galway), an independent housing academic currently employed in NUI Maynooth, Ballymun Community Law Centre, Irish Traveller Movement, and with support from the Free Legal Advice Centres (FLAC). Evidence was collected from a wide range of organisations on the violation of rights in relation to housing, health and poverty. Tenants First and CAN worked closely with local community groups to document the lived experiences of local authority residents, and through this produced a video and photographic evidence, statistics, and scientific evidence of rights violations. The housing conditions of twenty communities living in disadvantaged local authority estates in Dublin and Limerick were documented through focus groups, public meetings, one-to-one interviews, site visits and audio-visual documentation of conditions and residents' testimonies. Nearly 300 tenants, residents and community workers were interviewed or participated in the research. A video which gives voice to residents in local authority housing was submitted as evidence alongside the Collective Complaint, and gives powerful testimonies from local authority residents of the impact of poor housing on rights to housing, health and education.

The Collective Complaint was registered with the European Committee of Social Rights (under the Council of Europe's Revised European Social Charter) on 18 July 2014, and is currently listed on the Council of Europe's website, pending a response from the Committee. The complainant organisation, the International Federation of Human Rights (FIDH), alleges that Irish law, policy and practices on social housing does not comply with European housing, social protection and anti-discrimination standards, and are in breach of the several Articles under the Revised European Social Charter.⁵ The use of Collective Complaints (under the Article 16 of the European Social Charter) on the right to housing was first successfully pioneered in a case taken against France.⁶

The three main themes covered in the Collective Complaint are:

- A.** Failure to adopt Charter rights within the legal, policy and administrative framework of housing in Ireland.

- B.** The adequacy, habitability and suitability of some Local Authority housing violates the Charter and RESC.
- C.** The Regeneration Programmes of the State in key Local Authority housing estates do not respect the housing provisions and other rights set out in the Charter and RESC.

Appendix 5 provides a summary of the three main areas covered in the Collective Complaint.

The submission of the Collective Complaint marks a significant stepping up of action to make duty bearers take account, and particularly in ensuring that the issue of the right to adequate housing is addressed as a national issue. The Collective Complaint is a very powerful process where the people affected by the violation of rights speak directly to the European Committee on Social Rights of the Council of Europe. This is important as the experience of using the human rights approach in Dolphin House represents a model for social housing tenants living on other estates where housing conditions were found to be in breach of human rights standards. A key issue about the Collective Complaint is that it underpins the need for a representative model that addresses the longer-term structural problems of social housing. According to an academic expert on housing and human rights (Department of Law, NUIG), this could be groundbreaking:

If one of the things that we got out of the Collective Complaint could be representative organisation of tenants to input into law and policy that would be a groundbreaking development, you would then have a representative body inputting into law and policy for the first time.

At this stage the complaint is being examined for its admissibility. Once this process has been completed there will be an opportunity for residents to participate in a hearing to give evidence to the European Committee. If the process goes to plan the Council of Europe will produce a report on the State's application of Article 16, and it is anticipated that this process could lead to very clear benchmarks and guidelines for the State to introduce standards and legislation for social housing in Ireland, as was achieved under the similar case in France. Human rights academics consulted in the evaluation were of the view that the Collective Complaint will most likely be successful and that it provides an opportunity for mobilization around improved housing conditions across the State. Most importantly is that this has wider relevance to other groups across the country that are beginning to work on the human rights approach, for example, as is the case for local authority tenants in Limerick and Bluebell. It is likely that a focus will be given to Bluebell as it has replicated the Dolphin House model and has been very involved in the Collective Complaint. Although Bluebell has been using the language of human rights and carried out a survey, this has not progressed very far to date. According to CAN, "this will be one of the areas we will focus on with the Collective Complaint because they are way down on the list [for regeneration]".

Groups and individuals consulted in the evaluation were highly positive about the Collective Complaint process, since it represents a potentially significant challenge to the State and an further opportunity to mobilise the media around the

⁵ Article 11 (the right to protection of health); Article 16 (right of the family to social, legal and economic protection); Article 17 (right of children and young persons to social, legal and economic protection); Article 30 (right to protection against poverty and social exclusion); the non-discrimination clause in Article E

⁶ European Committee for Social Rights Collective Complaint relating to Article 31 of the European Social Charter by France (FEANTSA v France). The complaint was issued by the FEANTSA Expert Group on Housing Rights.

right to housing and health. One community representative from Limerick Regeneration Watch stated that he would have liked greater involvement in the final stages of the drafting of the Collective Complaint. He has argued that LRW will use the Collective Complaint to carry out some mobilization on housing rights in Limerick. He was very clear that extensive media mobilization will be important to ensuring that the complaint is taken seriously, otherwise it will be a “missed opportunity”. Representatives from the SURIAG also stated that the Collective Complaint could be a useful mechanism for asserting the rights of methadone service users in the future.

2.6 The wider impact of CAN’s work: alliances, engagement and dissemination

CAN has been instrumental in forging a number of key alliances with human rights and community-based organisations, as well as with academic and legal experts in human rights and housing rights. This had a positive impact in supporting CAN’s work and enabled human rights standards to be understood and applied to RRIAG’s work.

Participation and Practice of Rights, Belfast

In the initial stages of the project CAN received very useful guidance and support from the PPR in Belfast, particularly in establishing the framework and indicators to measure progress. PPR has funding from Atlantic Philanthropies for a three-year project and has developed a wide range of resources and materials to support the HRBA process. PPR’s early engagement with CAN showed that, according to one of the development workers in PPR: “the model they [CAN] had developed was replicable and CAN’s approach in using the indicators worked very well in practice and has been very powerful in articulating housing issues as rights”. Despite an earlier attempt to establish a project in North Dublin funding was withdrawn by Atlantic Philanthropies largely because the community appeared not to be sufficiently ready for a project. CAN lost contact with the PPR during the course of the project and several participants in the evaluation questioned why this contact had been lost and why further collaboration with CAN, including funding, had not been realized in practice. CAN are of the view that it is regrettable that the initial contact with PPR was lost with the group, despite requests to hold meetings to discuss future collaborative work. Consultations with PPR as part of the evaluation found a willingness to reestablish contact with CAN and to develop funding and other partnerships to continue to progress work on a north-south basis on human rights in housing and health.

Network of legal, technical and academic experts

Throughout the human rights project CAN supported RRIAG to seek expertise from legal, technical and academic experts. Reports from technical experts and the independent architect helped to validate and give weight to RRIAG’s own baseline survey and monitoring report findings, and in relation to the independent architect in carrying out reports for other local authority residents, for example, in the Bluebell and Tyrone Flats complex.

In addition, the participation of key human rights and housing experts at the Human Rights Hearings really helped to anchor the issues as violations of human rights. According to CAN, “This was very empowering for residents to hear their issues being validated within the language of human rights”. RRIAG members confirmed the empowerment that the hearings gave them:

The public hearings enabled us to show whether improvements were happening or not, that added a lot of authority to what we were saying. This added weight to what we were saying and the human rights gave us a real argument to make...The government were really embarrassed by questions asked by us and also by the human rights UN people in Geneva. It had a good effect in making them accountable and answering about why was nothing being done.

According to an academic expert in drugs policy who gave advice to CAN (School of Medicine, Trinity College Dublin):

The human rights approach carried out by CAN is important, we are always looking for ways to improve services...You have to shine a light on international issues to get some change to enable people to vindicate their rights...it is the right thing to do... There is a bit of rhetoric about community consultation...a lot of work has been put into this project by CAN.

Legal, human rights and academic advice and expertise was provided by academic experts from NUI Maynooth, NUI Galway, Trinity College Dublin and the Durham University.⁷ These experts also attended one or more of the hearings. This expertise was particularly important in grounding the lived experiences of people living with inequality in national policy and international human rights standards. This support from human rights and housing experts was very important in providing the evidence base for the Human Rights Hearings and for the Collective Complaint, submitted to the Council of Europe in 2014.

A positive outcome was the engagement with the Irish Human Rights and Equality Commission (IHREC). Maurice Manning (former President of the Irish Human Rights Commission) attended all of the RRIAG monitoring hearings and made a formal comment at the first hearing about the infringement of housing rights in Dolphin House. A Commissioner from the IHREC designate also attended one hearing and gave a response to the findings, and met with the

⁷ They included Professor Lorna Fox O’Mahony, Durham University Law School; Professor Fiona de Londras, Durham University Law School; Dr. Padraic Kenna, Centre for Housing Law, Rights and Policy, Department of Law, NUI Galway; Dr. Rory Hearne, Department of Geography, Maynooth University. In addition, Professor Joe Barry, Department of Medicine, Trinity College Dublin, gave advice to the project on drugs policy in Ireland.

SURIAG as a basis for potentially taking the issues faced by methadone users into the workplan of the new IHREC.

In addition, RRIAG commissioned separate technical and expert reports, which were considered to be necessary in giving additional evidence to support the findings of the baseline survey and monitoring reports, and in some cases to counter evidence provided by DCC. This has included:

- In 2010, the Microbiology Department at NUI Maynooth carried out an analysis of fungal growth in a sample of flats, which revealed numerous pathogens, which were determined to be a significant health threat to residents.
- In 2010 RRIAG commissioned a survey by Tobin Consulting Engineers (2010) of wastewater that was backing up in the Dolphin House flats. The report results concluded that the water was highly polluted, was harmful to human health and had constituents that were consistent with partially treated and untreated sewage waste.
- In 2011 RRIAG commissioned an independent engineer's report by Mould Busters Ltd. (2011) on damp; it aimed at counter DCC's assertion that damp was caused by the residents (on the basis that clothes were dried indoors without ventilation). The report found that a lack of cavity or insulation within the walls was the cause of damp and that vents in PVC window frames were inadequate.
- An independent architect was commissioned by RRIAG to provide a report on the physical fabric of Dolphin House. This added to the evidence base and supported residents' claims of human rights violations. The symptoms and causes of the problems were clearly set out in a report for DCC, which identified the problems that needed to be addressed. DCC accepted the findings of the report.

From the perspective of RRIAG, CAN was instrumental in mobilising this expertise, which was considered to be hugely important in giving technical evidence to confirm RRIAG's arguments about infringements of human rights, and according to one RRIAG member, "this made our arguments even stronger in getting DCC to take action". According to another RRIAG member, this helped to give authority to the findings from the RRIAG survey:

The human rights was really good and some of the university people helped us and came back with authority about how dangerous the spores were, those connections set up for us by CAN added a real authority.

Another RRIAG member reiterated the importance of external expertise in giving authority to their arguments with DCC:

It gave you a bridge in what had been a very hostile relationship. Access to expertise was really important to our work. Without [the independent architect] we wouldn't have had the authority to argue with DCC, he was brilliant as he analysed our findings as well. They thought the problem could be solved with extraction problems, but as time went on it was clear that that wouldn't happen.

Engagement with UN Treaty Bodies

CAN has actively supported RRIAG in making submissions to UN Treaty Bodies, which has resulted in action to ensure that

the wider impact of their work engages directly with human rights standards in holding the State to account.

A submission by RRIAG to the Universal Periodic Review in 2011 saw a wider engagement with UN member governments through meetings with Ambassadors from six embassies in Ireland. This led to a visit by the Latvian ambassador and two senior Representatives from the Kenyan Embassy to Dolphin House and a positive engagement of these representatives with the human rights work carried out in Dolphin House.

The submission to the Universal Periodic Review in Ireland highlighted the importance of a human rights approach to housing, health and play. The UN Stakeholders Report submitted for Ireland included reference to the right to housing and to the recommendations made by RRIAG:

Joint Submission 1 reported that Ireland had not incorporated the right to housing into its legislative framework and had opted out of Article 31 of the European Social Charter notably impacting on the standard of local authority housing and Traveller-specific accommodation. Rialto Rights in Action Project (RRAP) recommended that Ireland amend the Constitution to include a right to adequate housing and legislate and provide for actual and enforceable rights to housing for social housing tenants.

As part of her mission to Ireland in 2011, the UN Special Rapporteur on Extreme Poverty, Magdalena Sepúlveda visited Dolphin House. This was a follow-up to a submission made by RRIAG to the Special Rapporteur in January 2011. Her visit helped to strengthen RRIAG's case for the HRBA and was important in validating RRIAG's human rights work. In her report of the visit she concluded that participatory processes should be implemented that respect the dignity and autonomy of those living in poverty, on the basis that:

Participatory processes that are not designed and implemented with a human rights perspective may in fact be disempowering, and serve to exclude or reinforce existing power structures. In contrast, human rights-based participation is an important tool to empower people living in poverty by allowing them to exercise their voice to influence relevant decision-making processes. (United Nations, 2011, para. 72)

The UN Special Rapporteur went on to recommend that:

The State should consider adopting a legislative framework for a National Public Housing Estates Regeneration Programme to ensure that international human rights standards and community participation are ensured in all regeneration projects in the country. (United Nations, 2011, p.20)

The UN Special Rapporteur also engaged directly with Limerick Regeneration Watch, and correspondence was received from her confirming the importance of the human rights approach and the right to participation under the Limerick regeneration process. To date the Special Rapporteur's recommendations have not been implemented, but according to participants in the evaluation they add additional weight to the human rights work and engagement with duty bearers, through DCC, the IHREC and the Collective Complaint.

A further impact of the work carried out is the inclusion of a case study of RRIAG and the Human Rights Hearings in the

Irish Human Rights Commission (2011) report on “Human Rights Education in Ireland”, which notes the positive approach taken and the importance of learning from the project to support other similar initiatives. The report calls for the additional support to be given to community and voluntary organisations in holding Ireland to account for its human rights.

Dissemination of CAN’s human rights work

CAN’s has disseminated the methods and findings of its human rights work in a number of national policy and human rights and academic forums. Examples of this include:

- A national policy document *Principles and Practices for a National Regeneration Programme* was prepared by CAN in collaboration with community workers and residents from five communities. The aim is to use the document to influence Regeneration policy.
- CAN participation in a coalition of groups under the *Economic, Social and Cultural Rights Initiative* which was successful in getting a motion passed at the Constitutional Convention, held on 22-23 February 2014, for the constitution to be amended to protect Economic, Social and Cultural Rights.

CAN has also contributed to a number of speaking engagements, examples of which include the Institute of Public Health Conference, Economic, Social and Cultural Rights Seminar, Equality Rights Alliance, University of Limerick, Irish Human Rights Commission and the Law Society, Money Advice and Budgeting Service and Joseph Rowntree Charitable Trust West Yorkshire programme. CAN estimates that these speaking engagements have been given to a total audience of approximately 600 people.

2.6 Conclusion: CAN’s contribution to the awareness of human rights

A significant number of people consulted in the evaluation, ranging from members of the RRIAG and SUIAG, external stakeholders and experts in the field, stated overwhelmingly that CAN’s approach was crucial to the success of the initiative. This is summed up by the independent architect what stated that, “CAN achieved something that many other groups have been unable to achieve, notably to give people ownership and the language of human rights”. Similarly the academic expert on housing and human rights (Department of Law, NUIG) who advised the project on human rights and housing law reiterated the importance of CAN’s role in building the confidence of people to address the structural problems in the system:

CAN’s role has been crucial, it wouldn’t have happened without CAN. Its crucial that there is a dedicated group of people who can understand and explain it to people, who have the knowledge and trust in working with communities. Its very difficult work because people want to see results and you have to explain to them that it requires a long-term structural approach. I think it is a remarkable organisation.

CAN is very clear that this is a new body of work based on a model that is replicable to other communities. By framing inequalities in the language of rights rather than needs there is a shift in emphasis onto the system. The evaluation found that the groups that CAN has worked with have developed a sophisticated set of arguments about human rights violations and have interpreted the main human rights instruments in relation to their lived experiences. It is inspiring to see the impact on residents and service users in making abstract concepts of human rights realizable in practice, and the way that they have articulated these with confidence and clarity. This is a unique approach and has had a hugely beneficial impact in giving people confidence and a language to make real changes in their communities. The next section of the evaluation report draws out the specific outcomes from CAN’s human rights work.

3. The concrete outcomes and impact of the human rights work

Outcome 1: CAN has implemented an effective model and process to enable people affected by rights violations to be empowered to use and have ownership of human rights language

A clear outcome of the CAN’s model of human rights work is that it has instilled a strong sense of agency amongst local authority residents and service users. The language of human rights has shifted the emphasis away from the individual needs or failures to the responsibility of the State to vindicate their rights. This has resulted in a very powerful shift in perception, sense of ownership of rights and confidence. Holding the State to account has been a very powerful and empowering process for residents.

One of the frequently cited positive outcomes highlighted in the evaluation is significant impact of the empowerment of people to use a human rights language at a grass roots level. According to participants in the evaluation CAN’s approach and methodology in giving people ownership of the language of human rights, based on people’s lived experiences, was critical to ensuring that people were empowered to take action that they had been unable to take in the past. A key issue was avoiding the use of legal language, which according to an academic expert on housing and human rights (Department of Law, NUIG) argues that “once you take a legalistic approach you loose people”. Through this CAN has contributed huge experience and empowerment to groups in understanding, using and implementing a human rights approach.

In this regard the HRBA provides a strong case for collective long-term change and shifts emphasis away from a culture

of human rights implemented through legal cases for people seeking compensation, to broader collective responsibilities of the State, which focuses on changing structural issues in the long-term. One of the important features of this approach is that the process has been resident/service-user led. According to the Community Health Coordinator in Rialto: “It has had a massive impact, this wouldn’t be where we are now if it hadn’t have been for the human rights work in having media impact. It really helped to mobilise resources for Dolphin”. From CAN’s perspective human rights sets a minimum standard that people can work with, which fits with equality principles and shifts the issues away from individual needs to people having ownership of rights. This is described by one CAN worker as being important in, “...reframing issues in the context of rights rather than needs”, on the basis that the language is empowering, “it changes them from being the problem, to being the system that is accountable and needs to change”.

The CAN methodology clearly worked well; by using people’s lived stories and experience as an evidence base and backing this up with scientific and technical expertise resulted in a discipline of collecting evidence and holding up the evidence for scrutiny. According to CAN having the technical evidence was very important to making the case to duty bearers. Importantly this helped to shift people from thinking that they are ‘at fault’ to being ‘worthy and entitled’ to a decent home and to identify that something needs to change. According to CAN: “the human rights language gives people a sense that they are entitled to a decent home, breaking the silence, gathering the evidence, showing the patterns across peoples lives is huge – then you have to work with people to build their voice and confidence”.

CAN’s work provides an important model for future human rights work with people affected by human rights violations. It is a valid model for the whole social housing sector and other groups affected by human rights violations. As one RRIAG group member stated this enabled the group to adopt a constructive evidence-based human rights approach, on the basis that, “The way we used to battle with DCC, we got so frustrated, I think we would have just got lost without this approach. We’ve a lot to thank CAN for”.

The experience of media engagement has been very positive and CAN attributes this to the way in which the human rights hearings framed the issue in a rights context, away from a culture of blame and stigmatisation to a focus on the system that created the problems. This was key to engaging duty bearers in DCC and the government to respond. Allied to this is that leading human rights experts were present at all of the hearings and send a strong message validating the evidence and arguments presented by RRIAG.

All participants in the evaluation categorically stated that the outcomes achieved would not have happened without CAN. CAN was widely seen to have the expertise and the knowledge of human rights and were powerful spokespersons themselves. A further point raised by several participants in the evaluation is that CAN were very skilful in their facilitation role, as people became more confident and knowledgeable CAN knew when to withdraw. As the media consultant working with RRIAG stated: “CAN’s personalities were integral to this work, they don’t come into to do the job

and they facilitate and guide very lightly, so that eventually they disappear.

The impact of CAN’s work has extended to other groups in Cherry Orchard, Darndale, Tyrone Place, Bluebell and Limerick Regeneration Watch. One positive outcome has been the way in which RRIAG has met with residents across the country and in directly relating their on-the-ground experience of human rights violations to the international context. This can be seen, for example, in relation to submissions made to UN Treaty bodies and in the collection of evidence from communities across the country for the Collective Complaint to the Council of Europe.

Outcome 2: the work carried out by CAN has resulted in a strong evidence base on human rights violations, backed up by independent experts’ reports

The detailed process of gathering baseline and monitoring data, through simple questionnaires, videos, photographs, scientific evidence, and relating these to indicators was crucial to empowering RRIAG as rights holders and to holding the State to account. In the case of other communities and SURIAG, the HRBA has been effectively replicated with an emphasis on relating human rights standards to evidence collected in surveys.

Several participants in the evaluation noted the significantly strengthened position of RRIAG in having a wide range of expertise from human rights lawyers and academics, technical experts and an independent architect, amongst others. In this context CAN found it very helpful to gain insights from experts in the field about the nature and meaning of human rights and how they could be applied to a grass roots initiative. In addition, technical reports from experts strengthened and validated the findings from the baseline survey, giving authority to the findings. This robust evidence base formed the basis against which the human rights approach could be applied and monitored.

An important outcome of CAN’s work was that the training, empowerment and evidence base related to human rights standards gave RRIAG and other local authority residents the confidence to raise the issues with DCC, and for SURIAG in taking a different approach in raising the issues with the IHREC.

Outcome 3: the project has given a new focus to participatory decision-making and has led to enhanced participation in decision-making

A third outcome is that the project has opened up a space for people to actively participate in policy and legislation on housing, health and education rights in the longer-run. This outcome is certainly more radical in an Irish context given the lack of mechanisms in place to enable local communities to have a voice in influencing policy and legislation. This has particularly important implications for methadone service users who experience significant exclusion and marginalisation from decision-making. In this context an academic expert on housing and human rights (Department of Law, NUIG) argues that this work has identified a clear obligation for the State:

It is really about empowering these people to have an input into policy, budgets and management in the long run. Groups should be empowered to have an input, to have a real role in writing and drafting new legislation. There is no one that has any input into legislation for the rights of local authority tenants.

In addition to the specific rights to housing, health and education, participants in the evaluation highlighted the importance of the right to participate. There is no doubt that the project has enabled residents in Rialto to have a new impetus in decision-making, resulting in meetings and engagement with duty bearers, and as one member of the group said “being listened to and taken seriously for the first time”. In other communities, for example, in Limerick, residents see the potential that human rights gives to redressing their exclusion from real participation in the regeneration process. Similarly, SURIAG see for the first time a potential to engage directly with decision-makers, initially through the IHREC.

It is the combination of the rights to housing, health, education and participation that marks the unique role played by CAN in working with marginalised communities. In particular, several participants in the evaluation noted the report of the Special Rapporteur to the United Nations Human Rights Council (HRC), Magdalena Sepúlveda Carmona, who has argued that people living in poverty have a right to participate based on dignity, non-discrimination and equality, and “must be empowered so as to make their participation effective” (United Nations Human Rights Council, 2013: 17).

Outcome 4: A real impact on duty bearers

RRIAG and housing rights

For RRIAG the HRBA led to tangible commitments from DCC for structural improvements in Dolphin House. CAN enabled people living without rights to understand the ‘black box’, enabling people to see that the duty bearer was the government. The visit to Dolphin House by the UN Special Rapporteur added significant weight to the work.

The human rights work has had a real and noticeable impact on duty bearers. After the 2nd Human Rights Monitoring Hearing RRIAG was invited to meet with the then Assistant City Manager of DCC. There was a positive outcome to the meeting and DCC agreed to address the issues of damp and wastewater as a matter of urgency, alongside the ongoing planning for the Regeneration of Dolphin House. Subsequent meetings were held with DCC City Managers and a presentation to the Strategic Policy Sub-Committee of DCC in September 2010. Responses from DCC in 2010 included jet washing sewerage pipes and the installation of temporary ventilator units. RRIAG was quick to point out in the 3rd monitoring report that these had largely been temporary measures that did not address the long term problems associated with damp. From 2012 onwards there was a marked change in DCC’s role in Dolphin House. Following the 3rd Human Rights Monitoring Hearing and the subsequent DCC survey, DCC acknowledged that the damp, mould and sewage were structural issues and the responsibility of DCC,

rather than being the result of the lifestyles of residents.⁸ DCC worked closely with RRIAG’s independent architect to develop a high spec refurbishment of the worst affected flats. A commitment was made to work in partnership with residents, through the Maintenance Group, a sub-group of the Dolphin Joint Regeneration Board.

The evaluation found clear evidence that the community has worked effectively in partnership with DCC on a Regeneration Masterplan. RRIAG has made a number of proposals to ensure that a range of economic social and cultural rights were adopted in relation to physical and social regeneration, in tackling education disadvantage and inequalities in health, the provision of community facilities and employment creation in line with government policy. The Masterplan includes the provision of a new community centre, a recreational park, play and multi sports facilities, the implementation of which will be monitored by RRIAG. This is particularly important as two recent surveys in the community found that most residents wanted to see the development of community facilities as an integral part of the regeneration. RRIAG’s 4th monitoring report acknowledges the efforts made by many DCC officials and workers to improve conditions for residents in Dolphin. Although they are working with reduced budgets, RRIAG are clear that this should not be an excuse for allowing substandard housing conditions to continue and state that it would be more costly to the State to address the health problems arising from mould, damp and sewerage, and the constant repairs and maintenance required by DCC, “than to spend money now to bring homes up to the Human Rights Standard”.

There is no doubt that the HRBA has led to significant outcomes for residents in Dolphin House; the project enabled residents to articulate their rights in a way that was taken seriously by duty bearers. According to several participants in the evaluation residents got further in four years in this campaign than they did in the previous 40 years. A clear outcome is that 40 flats in the Dolphin House complex were renovated to a high standard, which is considered to be the highest standard implemented in social housing. A second outcome is that regeneration has been put back on the map, something that RRIAG and many stakeholders claim would not have happened had it not been for the evidence about human rights infringements and the pressure brought to bear on DCC. From the perspective of CAN, duty bearers were:

...‘caught like rabbits in the headlights’, somehow a system turns itself off because they have little power to do anything, despite the fact that evidence shows bad conditions impact on health, heat poverty, the system keeps answering from the same place...DCC got that reality retold through the stories, the media and the human rights experts, it shook them up and rattled the system. The shame shifted from the tenants to the system.

⁸ The 3rd Monitoring Report stated that: “The City Council undertook a comprehensive conditions survey of all the flats in the estate between June and December last year which found that 56% of all flats were affected by some level of dampness (with 114 flats, or 30%, rated high dampness level ‘red’) and 25% (95) of flats identified with mould, and 67% (252 flats) with drainage odours. The City Council’s Investigative Survey Report of March this year identifies the principal causes of dampness and mould as structural problems such as cold walls, insufficient ventilation and insulation, and overcrowding”.

As the main duty bearer, DCC acknowledged in the evaluation that they had been aware of the problems of damp in the flats in Dolphin House following numerous complaints from tenants. These issues were largely dealt with through the local maintenance office and when a complaint was made the Foreman would carry out an inspection and make a recommendation for remedial works. On many occasions the problems were cited as being caused by tenants living conditions, such as overcrowding or vents being blocked, which meant that it was not a responsibility of DCC.

Consultations with DCC suggest that RRIAG's work, and particularly the media coverage at the first and subsequent hearings, was instrumental in gaining a response from government. In the evaluation DCC confirmed that additional resources had been levered for Dolphin House, countering the view that Dolphin House had 'jumped the queue for regeneration'.

According to several participants in the evaluation, the Deputy Chief Executive, responsible for housing welcomed the assistance and intervention of the community. The Assistant Chief Executive of DCC with responsibility for housing spoke positively in the evaluation interview of the good relations that have been created with RRIAG and the Regeneration Board. He was clear that it is DCC's duty to ensure that local authority residents have good quality accommodation and that it is a matter for the State to ensure and guarantee that. However, he noted that from 2007 the economic crisis led to reduced funding, this was a huge barrier and resulted in the slowing down of the regeneration plans for Dolphin House, "...in Dolphin House they had been let down many times, I can see why they would move down this road".

One of the positive outcomes of CAN's work with RRIAG is that it has led to good and effective working relationships between residents and DCC, in a community that is very strong. According to the Deputy Chief Executive:

What it did do, which is brilliant from my point of view, is that it has brought the community together, it has produced leadership in the community, it has welded people together in producing and discussing plans. It has produced groups that you can work with and for... there is no doubt about it that it has been very good for the community...it gave great community cohesion and structures to articulate community feeling, and also for structures for information to flow up and flow down in progressing with regeneration.

He went on to add that RRIAG are "really pushing against an open door, it is my job to do these things and be of service to the community rather than a block", although acknowledges that there is a need for a wider engagement with other areas of the public services in education and health that are relevant to the regeneration of Dolphin House.

The impact of CAN's work was also acknowledged by the DCC Local Housing Manager who stated that the more structured approach based on human rights initiated by CAN provided leverage to the problems of damp in Dolphin House. This subsequently led to the Minister being embarrassed by the media attention and to action being taken to address the housing problems presented at the human rights hearings. In

particular, the survey initiated by DCC in response to RRIAG's evidence found 38 units had serious levels of damp that needed to be attended to. The Local Housing Manager stated that there is no doubt that without CAN's work the situation would have persisted.

Following the DCC survey a constructive dialogue was held between DCC, the Regeneration Board and RRIAG, leading to an agreed plan to temporarily move people out of their flats and refurbish the units to a high standard. The human rights approach was regarded by the Local Housing Manager to be very important for staff on the ground, who had found it difficult to get these changes made themselves. He was also aware that the success of the approach in Dolphin House had led to other flat complexes using the human rights approach to advocate for improved housing conditions. For example, residents in Bluebell have been in touch with DCC and have written to the City Manager informing him of similar problems with damp from a human rights approach and asking for action to be taken.

Phase 1 of regeneration of Dolphin House will commence in September 2015, covering 90 units, some demolition, some rebuild and refurbishment of some existing units. DCC are strongly of the view that regeneration would have happened regardless of RRIAG's human rights work, as Dolphin is currently the largest housing complex in Ireland and has been due for regeneration. However, it is important to note that the pressure from the human rights approach has been relevant to DCC in taking the issue to Ministerial level and in leveraging additional government resources, and as the Local Housing Manager stated it enabled work to take place which "is good for local people". Most importantly the additional resources allocated for Dolphin House from the Department of the Environment avoided Dolphin 'jumping the queue' for regeneration. Overall, DCC are committed to working in partnership with residents in Dolphin House stress the importance of open lines of communication. In this context CAN's role has been welcomed in enabling the fast-tracking of housing improvements. DCC officials stressed the importance of it not being a 'them and us situation'.

There is no doubt that there has been serious engagement by DCC as a result of CAN's work, which according to a human rights and housing academic expert (Department of Law, NUIG) has been very positive:

The impact for tenants has been very dramatic, DCC has to take them more seriously, the Department of the Environment and the Minister have all had to take these issues very seriously and defend the issue of the breach of human rights. It gives it a credibility that takes it far beyond a protest or a complaint...using the language of a breach of human rights is a very powerful.

From the perspective of RRIAG members, they are in no doubt that they have had a real impact on DCC. For members of the group it made DCC "sit up and listen to us for the first time" and "we knew more than them about this issue and they had to learn from us". As one member of the group stated there has been a significant shift from 'doing battle' with DCC and not being listened to, to a change in attitude of engagement with residents: "They have come along way...before we used to have to do battle with them, but to give credit where credit

is due they have come along way, they have started taking the problem seriously”.

SURIAG

An important outcome for methadone service users in SURIAG was a meeting held with two representatives of the IHREC designate, based on a report produced by SURIAG. The meeting was an important listening exercise and represented a first important step in engaging with duty bearers around rights violations. SURIAG group members sought affirmation that their findings were being taken seriously and asked for assistance from the IHREC in helping to get their voice heard and in mobilising duty bearers to respond. IHREC has identified several potential routes for implementing human rights instruments, including further research, inquiry based work, use of the legislation on the new positive equality duty, as a basis for making requests to service providers and duty bearers.

Although at the time of the meeting the IHREC currently had no mandate to take specific actions because it was still in a designate stage, a commitment was made to brief other Commissioners and to examine ways in which the issues raised could be incorporated into the forthcoming strategic plan and workplan of the IHREC. As the Commissioner of the IHREC designated stated in the evaluation:

I hope that what we can do is to brief other Commissioners and to have it ring-fenced as a significant footprint on our workplan...We want to be proactive in identifying the issues so that we don't have to look back in 20 years and deal with them then.

An outcome from this approach is the potential for how human rights standards can be drawn up in relation to service delivery and in implementing a national policy on methadone based on human rights principles. This would represent a significant shift in service delivery. An important objective of the new IHREC is that there is a commitment to make human rights real for people and to show them how they can be real on the ground. In this respect the learning from CAN's approach is viewed to be crucial for the IHREC, particularly in making human rights real on the ground. According to the Commissioner from the IHREC designate:

CAN gives us some useful methodologies. Participation is a key principle of human rights work, particularly of people who are most impacted from the absence of human rights...it is important to find the groups who are the most vulnerable and whose human rights are most trampled on. The [methadone] service users are a good example of that.

Outcome 5: CAN's work has taken local human rights issues into national and international forums and has impacted on a range of policy areas

CAN's human rights work has enabled a wider network of local authority residents to claim their rights to housing, notably through the Housing Rights Action Programme and the through the consultations with local authority residents in the preparation of evidence for the Collective Complaint.

A further positive outcome of RRIAG's engagement with DCC has been the implementation of a Community Benefit Clause

in the procurement process of the regeneration of Dolphin House. This experience was subsequently used by CAN and a network of local groups and regeneration bodies to influence the decision to implement a Community Benefit Clause for the procurement of the construction of the new National Children's Hospital, which is to be located in Rialto.

The work of RRIAG has also led to housing rights being addressed directly with human rights Treaty Bodies, examples of which are the two submissions to human rights Treaty bodies (Universal Periodic Review and to the Special Rapporteur for Extreme Poverty and Human Rights). The Collective Complaint, submitted to the Council of Europe, marks a first example in Ireland of using this human rights route in the field of housing.

The dissemination of CAN's model through numerous conference presentations and submissions, which has included a number of academic journal articles written by experts, also validates the importance attached to the human rights work carried out, and the recognition of the significant contribution CAN has made to the communities with which it has worked.

4. The strengths and challenges in promoting a human rights approach

4.1 Strengths of the human rights approach

This evaluation report has highlighted the many strengths of the HRBA and the model used by CAN, which represents a framework that could be applied to any community experiencing violations of rights. It has enabled people to develop concrete solutions to rights violations based on the progressive realization of their rights. This approach has helped people to look at the bigger picture and to have wider aspirations about what they can change at a community level. Both RRIAG and SURIAG, and a wider network of communities supported by CAN in Dublin and in Limerick, demonstrate a sophisticated understanding and application of the language of human rights, with outcomes that are very encouraging.

RRIAG and SURIAG have collected evidence and information, and have challenged a lack of participation in decision-making, taking the issues from individual level concerns that need to be addressed at collective and structural level. In particular RRIAG collected evidence of against indicators of dampness, sewage, mould, which was verified up by independent expert reports, and benchmarked and monitored against the rights to housing, health and education, and the wider representation of residents in decision-making, alongside an effective media strategy. The evidence collected has been verified by expert reports as well as by international human rights experts, and the project has won wide recognition nationally and internationally. The approach has been highly creative and has included written reports, DVDs, submissions to national and United Nations bodies, and most recently in 2014 a Collective Complaint to the Council of Europe.

The evaluation has found that CAN's methodology and expertise in applying a HRBA that is rights holder led has huge potential in tackling inequality and injustice by challenging the systems that create inequality. The strengths of this approach can be seen from the real awareness and empowerment of local people affected by rights violations that are rooted in lived experiences. Members of RRIAG and SUIRAG spoke with confidence, expertise and pride about their ownership of the HRBA. The groups that CAN has worked with have repeatedly highlighted the importance of CAN's work in inspiring them to seek change at a structural systems level. The fact that RRIAG is continuing its work without the support of CAN's is a testimony to the impact of

CAN's work, and points to the importance of CAN stepping away at a time when the group can be self-sustaining.

The following are some of the critical success factors that have led to a successful application of the HRBA:

- A good community infrastructure needs to be in place to ensure that follow-up and ongoing engagement and empowerment takes place.
- Engagement of a wide range of experts and supporters from legal, academic, health and other backgrounds who bring multiple levels of expertise and advice to the project.
- Good media engagement, including training in media skills and media messages, which is essential in ensuring that people's lived experiences can be heard, rather than distorted.
- Training in human rights, where the language of human rights is broken down in ways that are accessible and implemented through participatory methods, and using creative and innovative ways to promote understanding of complex human rights language.
- Having time to establish a process and to empower local people, and staying with the process for a period of up to four years.
- Resources to bed down the issues in the community, commission external reports and expertise and production of reports and campaign materials.

4.2 Constraints and challenges

There are inevitably huge constraints and challenges to continuing and deepening human rights work. A key challenge is that the work in building empowerment and ownership of rights is a long-term process. CAN works by activating and empowering a community and the timescale is very slow and at times can be very frustrating. CAN's experience is that staying with the process has been important, but with limited staffing and financial resources there are limits to how far this can meet all of the support needs in the community. It is evident that the high level of

support provided to RRIAG could not be replicated in other areas, owing to resource constraints. This is despite the identifiable need for ongoing support.

CAN itself has experienced financial challenges in continuing its human rights work, and the significant cuts in the community sector has impacted on CAN's ability to sustain its self-funding role. However, there are real opportunities for CAN in developing its human rights work in the future and in building a new vision for human rights work as a core community development practice.

The learning from CAN's work is that it is important for the community to be rooted in a strong local infrastructure, which is also important to follow-up and ongoing engagement.

One of the reasons that the project was so successful in Dolphin House was because there is a deeply embedded community infrastructure and support from local community organisations in place. This is not the case in other communities and raises an important question about how community infrastructure can be built in the longer-term as a base for human rights work so that it can be implemented in communities with low levels of capacity and support.

One of the challenges has been in keeping people involved in the process. The experience in RRIAG and SURIAG is that people have come and gone in the groups, although core members have stayed in the process from the start. However, it is evident that the human rights approach does offer a defined process for change with targets and time limits built into the process that can help to sustain engagement.

A lack of resources was cited by many participants in the evaluation as being a major constraint to the continuation of this work. Notwithstanding the significant outcomes achieved with a relatively small budget, a lack of resources impacts on how this work can be taken forward. Nevertheless, several participants in the evaluation stated that a lot can be achieved with small resources. In some cases large philanthropic institutional funders can lead to communities losing control because of bureaucracy and managerialism, and this can reduce the impact of the more radical approach undertaken by CAN. In this context, many people giving feedback to the evaluation stated that it is important to ensure that that funding is available at a grass-roots level to implement the HRBA.

Several participants in the evaluation spoke about the problems inherent in the Irish culture, which works against a human rights approach. The lack of a real rights culture and the predominance of a charity culture means that Ireland's low level of rights developed in the areas of poverty, social exclusion and housing can be a further impediment to implementing a HRBA.

CAN has also noted the leadership gap within the community sector in Ireland that is the result of a funding cuts and a weakened community development infrastructure. This has had a negative impact on community activism and leadership. During the process of compiling the Collective Complaint some community organisations were reluctant to participate in the process, with some believing that the Collective Complaint was too confrontational at a time when they were dealing with funding cuts and survival of their

organisations. A further issue raised in the evaluation is how community development workers and the principles of community development can be reoriented towards a HRBA. This approach is relatively new and it demands that people living with inequality are driving the issue.

Related to this is that human rights work with marginalised communities may not fit with the requirements of public funders because of its emphasis on process and empowerment. Public funders require measurable definable indicators often within a relatively short timeframe. These funding requirements do not always lend themselves to work of this nature. The need for interim indicators and outcomes related to process and empowerment are very important in this context.

5. A way forward for CAN in continuing and expanding human rights work in the future

All stakeholders consulted in the evaluation stressed the vital importance of CAN's continued role in working in this area. The value of CAN's independent role and their expertise in driving this work forward is viewed as being critical to the success of the HRBA and the outcomes achieved.

The following recommendations point a way forward for CAN in continuing and expanding its human rights work in the future.

1. CAN should continue its human rights work in the future and this should be embedded in a strategy for a national human rights project

- » Given CAN's extensive experience and expertise in this work, it will be important for CAN to continue its human rights work in the longer-term. This will require additional resources and a plan to secure funding.
- » CAN should draw up a framework and strategy for a nation-wide human rights project. This should become an integral part of the new CAN strategic plan, which can be used as a basis for funding applications in the future from external bodies, European Union funding programmes, the corporate sector and philanthropic organisations in Ireland and overseas. It may be relevant to buy in some consultancy support for this work and to make links with fundraising Ireland.
- » CAN should consider working with one new community each year in order to embed the human rights approach into a wider set of communities.

2. CAN's work and expertise in building an understanding of the HRBA should be progressed at four levels: with rights holders, advocacy organisations, duty bearers and through human rights coalitions

- » With rights holders, CAN should consider how it can progress its work through the empowerment of rights holder through campaigns and projects, as well as mentoring and coaching, with geographic communities and specific communities of interest (for example, older people, women, disabled people etc.).
- » With advocacy organisations, CAN is well-placed to work with the groups and organisations that support and secure the needs of rights holders, for example, through training-the-trainers programmes, training for key champions in advocacy organisations, guidance materials, a HRBA toolkit, and through the provision of coaching and mentoring for advocacy organisations.
- » With duty bearers, CAN has a significant role to play in raising awareness amongst duty bearers of what

it means to be accountable. This could involve the development of specific guidance and training for duty bearers in housing and health, and a training programme that could be developed to generate income.

- » CAN has a strategic role to play in bringing together groups and organisations to work in coalition in progressing leadership for: a) awareness and application of the HRBA with communities living in poverty and disadvantage and b) leveraging change through human rights treaty monitoring bodies.

3. CAN should actively engage with the IHREC and other agencies to secure funding to progress work with other communities, research and learning of the HRBA in disadvantaged communities

- » There is potential for resources to be identified for progressing this work in the IHREC, on the basis that it will be imperative for the IHREC's new three-year plan to be grounded in a HRBA and to show what the absence of rights means for people experiencing a violation of their rights. This could be carried out through participatory action research projects.
- » In this respect CAN is in a strong position to make a case to the IHREC for research and dissemination of learning and methods of their experience of human rights work. CAN should seek active engagement with the IHREC about how their work could be funded both on-the-ground in local communities, but also in having resources to document the HRBA in local communities. With this in mind it would be timely to contact the IHREC with a view to holding a discussion about how the human rights approach can be incorporated into and funded under the new three-year Strategic Plan. It will also be important to ensure that the IHREC follow-up on their commitment to SURIAG.
- » Opportunities should be explored to work more closely with local Drugs Task Forces in implementing a HRBA, and also for discussions to be held at government level about how funding could be levered for continuing support for methadone users through SURIAG.

4. CAN should actively disseminate the learning from the human rights work and develop training and other guidance tools

- » The achievements of the human rights work should be showcased for other communities experiencing infringements of rights.
- » CAN should disseminate the learning from the project by setting out clear step-by-step approach to building

a HRBA. This could be achieved through a national training programme that targets community champions and leaders who are open to adopting a human rights approach in their local communities.

- » A training-the-trainers programme for key champions and the production of guidance documents should be considered as a way of disseminating the methodology and implementation of the HRBA with disadvantaged communities.
 - » PPR is currently preparing a set of learning pieces about the methodology for human rights works in local communities. It would be worth CAN looking at them as an example of the type of resources that could be drawn up by CAN.
 - » CAN should build on its experience of developing and using creative resources for learning about and demystifying human rights, and to disseminate these creative tools widely for use with disadvantaged communities. For example, a toolkit of creative resources could be developed for this purpose.
 - » CAN is encouraged to take some time out of its work to write up the process and document the history and achievements of the project. This would give the work more international authority and could also be carried out in partnership with and support from academic experts in the field, particularly in producing articles for human rights peer-reviewed journals. This will also be important if further funding is to be sought in continuing the work.
 - » CAN could further use its extensive contacts with the media to further disseminate the learning from the project, including the work carried out in implementing the Community Benefit Clause, for example, in writing opinion pieces and encouraging more in-depth reporting of the project's outcomes and achievements. Media engagement and mobilization will need to be built into the Collective Complaint once the Council of Europe signals its intention to commence with the process of holding the government to account.
 - » CAN should also take a more visible role in championing the work carried out and in using their experience and authority to influence national and international human rights debates about human rights work with disadvantaged communities and the implementation of the Community Benefit Clause.
- » Further collaboration should be sought with PPR, who appear to be very open to working in partnership with CAN in the future, for example, in seeking joint funding for cross-border seminars and projects, visits for groups to learn from each other's work, and to promote mutual learning.

5. CAN should monitor the progress and outcomes of the Collective Complaint

- » The Collective Complaint and its outcomes should be closely monitored and discussion held about whether it can be replicated for other groups. This is important because SURIAG have indicated an interest in pursuing a Collective Complaint in the future in order to raise the profile of their concerns with duty bearers.
- » Consideration should be given to issuing reports based on the Collective Complaint model directly to the government, spelling out relevant Treaty obligations.

6. Further collaboration with PPR

Appendix 1: Detailed timeline of project activities in relation to each of these main areas of human rights work

Time	Action
2008	<p>Right to housing:</p> <ul style="list-style-type: none"> CAN initiates consultations with PPR and local community leaders about adopting a project on a human rights approach. Scoping study carried out, funded by Combat Poverty Agency. “Scoping a Human Rights Based Approach to Housing and Health in the Canal’s Area of Dublin: Report Prepared by Community Action Network for the Participation and Practice of Rights Project”. (CAN 2008b)
2009	<p>Right to housing:</p> <ul style="list-style-type: none"> CAN involvement in the ‘Dolphin Decides’ community consultation on regeneration of Dolphin House. CAN involvement in local health audit: Community Health, Community Wealth (CAN 2008a), the publication of which began a process of dialogue about human rights and housing conditions, and also the right to health for methadone users. Group formed for human rights training identifying issues on the right to housing, the right to play and the right to health. Funding received from Joseph Rowntree Charitable Trust for an 18-month project. Joint Forum held in Carrigdale Hotel with communities active in the work of PPR. CAN briefing note on the human rights based approach and meeting with former UN Special Rapporteur on Health, Paul Hunt. Regular strategy meetings held with stakeholders in Rialto. <p>Right to play:</p> <ul style="list-style-type: none"> A RRIAG sub-group on the right to play established, which led to two four-week creative sessions with local children. The work was continued with local youth services. (2009) <p>Right to health:</p> <ul style="list-style-type: none"> RRIAG carried out a series of conversations with people who are on methadone to inquire in more detail about the exact nature of the issues from lived experience; this led to the link being made between the issues named and human rights. Varied methods were put in place to engage with service users as a campaign group and in training and engaging with local workers.

Time	Action
2010	<p>Right to housing:</p> <ul style="list-style-type: none"> ▪ RRIAG established and weekly meetings held. ▪ Residents survey carried out, with evidence collected on housing, people who are long term on methadone, play facilities and attitudes towards play. ▪ First video produced. ▪ Duty bearers identified and a policy paper produced by Rory Hearne (25th May 2010). ▪ First Human Rights Hearing held, which challenged duty bearers and launched indicators for the progressive realisation of the right to adequate housing. (May 2010) ▪ Extensive media coverage from the First Hearing. ▪ Extensive health risks identified in an analysis of damp and fungal contamination by Dr. Kevin Kavanagh, Senior Lecturer in Microbiology, NUI Maynooth. ▪ Formal response from DCC and meetings held with the Minister for Equality and Human Rights, and a presentation to DCC Strategic Policy Committee on Housing. ▪ Tobin Consulting Engineers Report on the assessment of wastewater backup in Dolphin House confirms highly polluted samples, which were described as harmful to human health. (August 2010) ▪ First Monitoring Hearing survey carried out, with evidence gathered on indicators. (RRIAG, October 2010) ▪ Monitoring Hearing held. (October 2010) ▪ Extensive media coverage from the monitoring hearing. (October 2010) ▪ Response from DCC to address problems of ventilators and jetting of the water system. (October 2010) ▪ Joint Forum and visit to 7 Towers and Lower Shankill in Belfast (December 2010) ▪ CAN report “Telling it as it is: A Human Rights Approach to Housing”. (November 2010) <p>Collective complaint:</p> <ul style="list-style-type: none"> ▪ Padraic Kenna, NUIG suggested the possibility of joining with other groups to request the European Committee of Social Rights to instigate an inquiry under Article 30 of the European Social Charter. <p>Right to health:</p> <ul style="list-style-type: none"> ▪ RRIAG Submission and presentation to the first external review of the Methadone Treatment Protocol. This led to the inclusion of the recommendations on the three issues of concern in the final report.

Time	Action
2011	<p>Right to housing:</p> <ul style="list-style-type: none"> ▪ United Nations Independent Expert On Extreme Poverty visits Dolphin House. (January 2011) ▪ Second Monitoring survey carried out with a health focus. (March 2011) ▪ Second Monitoring Hearing. (March 2011) ▪ Joint Forum and visit to Dolphin and Fatima in Dublin. (March 2011) ▪ Prime Time documentary. (May 2011) ▪ Report by Mould Busters Limited “Mould Analysis Report” revealing the health risks of mould and mould spores in Dolphin flats. (24 March 2011) ▪ RRIAG Submission to Universal Periodic Review Report, 4th March 2011. ▪ RRIAG Submission to UN Mission on Poverty and Human Rights, January 2011 ▪ Weekly meetings of RRIAG and regular strategy meetings held. <p>Collective Complaint:</p> <ul style="list-style-type: none"> ▪ CAN began collaborating with a Housing Policy Group and a first meeting of residents from local Authority Housing Estates on 6th April 2011, under the name of Tenants First. ▪ Contact made with community activists in areas known to have housing issues. A decision was made to target residents in Dublin and Limerick. ▪ A film ‘Abandoned’ was produced with tenants speaking to camera of their experiences (submitted as part of the Collective Complaint). ▪ Evidence gathered across 21 estates, which led to awareness of residents the HRBA, the right to adequate housing and the Collective Complaint process. ▪ Housing, human rights and legal activists from within the Housing Group attend the meetings. A legislative framework for human rights based regeneration proposed as a lobby for change tool with political parties. <p>Right to play:</p> <ul style="list-style-type: none"> ▪ Two-day training course in HRBA with young people and youth leaders in the Rialto/Inchicore/Bluebell areas of Dublin, (June and July 2011). This informed the work on the right to play in Cherry Orchard.
2012	<p>Right to housing:</p> <ul style="list-style-type: none"> ▪ 3rd Monitoring report (June 2012) ▪ 3rd Public Monitoring Hearing (June 2012) showed slight improvement against the indicators set. ▪ Real Engagement with DCC begins. (June 2012) ▪ DCC Condition Survey carried out of the entire flat complex. “Investigative Survey, Dolphin House Complex, Rialto, Dublin 8, DCC City architects Division, March 2012) ▪ CAN worked closely with independent architect, Bill Scott and DCC, in identifying and rectifying shortfalls in the survey as it progressed. ▪ A DCC survey report and a report from the independent architect were produced. ▪ RRIAG agreed short term and long term solutions beginning with a successful programme of refurbishment of the 40 flats worst affected. ▪ The independent architect worked closely with DCC architects and tenants to ensure that the refurbishment was to a high standard, and in agreeing a plan of action for the long-term solution of regeneration. <p>Right to health:</p> <ul style="list-style-type: none"> ▪ Service Users Rights in Action Group (SURIAG) established, following engagement with a local service user and a local worker. Regular meetings and training carried out with the group by CAN and facilitated by the Rialto Local Health Coordinator.

Time	Action
2013	<p>Right to housing:</p> <ul style="list-style-type: none"> ▪ Consultation on the long-term regeneration of Dolphin House commenced in the Autumn 2013. ▪ A RRIAG survey found that 63% of residents said that the Human Rights Campaign had improved housing conditions on the estate, and 83% attributed funding for Regeneration to the campaign. ▪ CAN developed new indicators on the Physical and Social Regeneration: specifically relating to the timeline of the Regeneration as well as employment and education outcomes for the estate. <p>Collective complaint:</p> <ul style="list-style-type: none"> ▪ Final draft of the Collective Complaint prepared, following discussion of earlier drafts at a sub group and at FEANTSA. Following the withdraw of several Irish FEANTSA members it was decided to prepare a submission to the International Federation for Human Rights (FIDH) via FLAC, an Irish member. <p>Human Rights Housing Action Programme:</p> <ul style="list-style-type: none"> ▪ Human Rights Housing Action Programme, a five-day training programme and individual coaching, took place between April and September 2013. The programme was run by CAN in collaboration with the Ballymun Community Law Centre, with FETAC level 5 accreditation. <p>Right to health:</p> <ul style="list-style-type: none"> ▪ Service user survey carried out by SURIAG with 105 service users in Dublin, which established the baseline data in relation to how supervised urine sampling is conducted and used for treatment and whether people have meaningful treatment choices and regular reviews. ▪ Duty bearers were identified and indicators established for the progressive realisation of these rights.
2014	<p>Right to housing:</p> <ul style="list-style-type: none"> ▪ An agreed Regeneration Plan in place and the process of relocating tenants to facilitate phase one is under way. ▪ Report of the Fourth Monitoring of Housing Conditions in Dolphin House. (June 2014) ▪ 4th Monitoring Hearing held on 24th June 2014 to put ongoing pressure on the timeline, community benefits, the right to education and the importance of community facilities. A paper was prepared on the 'Right to Education' by Danielle McKenna, Rialto Youth Project. <p>Human Rights Housing Action Programme:</p> <ul style="list-style-type: none"> ▪ Between the end of 2013 and July 2014 participants from six communities (Tyrone Place, Cherry Orchard, Ballymun, Limerick, St Teresa's Gardens; a participant from Bluebell subsequently dropped out). Six participants completed accreditation (FETAC level 5), five of whom received distinctions and one a merit. Assignments were related to specific proposals for work in local communities. ▪ Mentoring and support by CAN has continued with several groups. Limerick Regeneration Watch in the development of their post card campaign, submission into the new Regeneration Plan and in gaining endorsement of the UN Expert on Extreme Poverty. Tyrone place carried out a survey of tenants and engaged the independent architect to give advice. A campaign is planned with DCC. The Cherry Orchard group has carried out considerable work in exploring the right to play, environmental and health issues. <p>Collective complaint:</p> <ul style="list-style-type: none"> ▪ The Collective Complaint was further re-drafted to focus entirely on Local Authority housing issues, and submitted to FIDH. ▪ Collective Complaint submitted to the Council of Europe Committee for Social Rights (under the Revised European Social Charter). ▪ Meetings with residents to plan the next steps.

Time	Action
2014	<p>Right to health:</p> <ul style="list-style-type: none"> ▪ SURIAG developed a campaign plan and key messages, which included a request for a meeting with the Irish Human Rights and Equality Commission. ▪ A human rights submission was prepared and presented to the Irish Human Rights and Equality Commission, which resulted in a meeting on 1st July with two representatives from the Commission, who gave a positive response to the issues raised and agreed to follow-up with the group. <p>Community Benefit:</p> <ul style="list-style-type: none"> ▪ CAN research carried out to establish use of Community Benefits in the public procurement process for the Regeneration of Dolphin House, including a CAN document: Community Benefits an Opportunity tabled at the Joint Regeneration Board and was adopted as a policy of the Board, which was subsequently adopted in principle as Council policy at a DCC in May 2014. ▪ CAN was instrumental in establishing a working group on a proposal for a Community Benefit Clause for the new National Children’s Hospital, made up of local Regeneration Boards, DCC and St James’ Hospital representatives. ▪ Contact was made with and an event held with South Glasgow Hospital, who shared their extensive experience with Community Benefits with senior policy makers in Dublin. ▪ The RRIAG 4th Monitoring hearing put pressure on DCC to include Community Benefits within the tendering process for the regeneration of Dolphin House. ▪ Technical assistance and a Guide have been provided with Deirdre Halloran NUIG, who is carrying out PhD research on Community Benefits. The Guide aims to be used by other communities, with a planned launch in launch in Autumn 2014 ▪ EU funding is being explored for funding this work.

Appendix 2: Interviews and focus groups carried out to inform the evaluation

Interviews

Dr. Padraic Kenna, Department of Law, NUI Galway

Edel Hackett, Media adviser

Dr. Mary Murphy, Commissioner, Equality and Human Rights Commission

Edel Reilly, Health Coordinator, Fatima Regeneration

Professor Joe Barry, Trinity College Dublin

Nicola Barry, PPR Belfast

Peter Dorman, CAN

Maura White, CAN

Cecilia Forrestal, CAN

Eilish Comerford, St Michael's FRC

Gerry O'Donoghue, Local Housing Manager, DCC

Emily Reaper, UISCE

Bill Scott, Independent Architect

Cathal Mc.Carthaigh, Limerick Regeneration Watch

Dick Brady, Deputy Chef Executive, Housing and Residential Services, DCC

Dr. Rory Hearne, Department of Geography, Maynooth University

Focus groups

Rialto Rights in Action Group

Service Users Rights in Action Group

Appendix 3: Overview of the findings from the Rialto Rights in Action baseline survey, the indicators used and subsequent monitoring reports, and the Human Rights Hearings held to disseminate each report

Monitoring reports (benchmark May 2010, and subsequent monitoring reports: October 2010, March 2011, June 2012)

Indicator	Benchmark May 2010, %	% at 1st Monitoring October 2010	2nd Monitoring March 2011	% at 3rd Monitoring June 2012
Indicator 1 Number of residents reporting dampness	72	77	80	72
Indicator 2 Number of residents reporting mould	64	66	68	63
Indicator 3 Number of residents reporting sewerage invasion/smells	89	77	82	57
Indicator 4 Number of residents concerned about health because of sewerage or damp	91	90	90	62
Indicator 5 Number of residents reporting dissatisfaction with response to issues of sewerage and damp	86	81	82	78
Indicator 6 Number of residents given no satisfactory information/explanation as to why problems occur	68	60	93	65
Indicator 7 Number of residents reporting no information given on how issues of dampness and sewerage are to be addressed	91	-	85	65
Indicator 8 Number of residents reporting that they are not included in decisions affecting them regarding dampness and sewerage	91	83	93	80

Baseline Survey and Human Rights Hearing, May 2010

RRIAG held their first Human Rights Hearing on 5th May 2010 to highlight their housing conditions as a breach of their human right to an adequate standard of living (under Article 11 of the UN Convention on Economic Social and Cultural Rights and Comment 4 of the UN Committee on Economic, Social and Cultural Rights, which states that housing must

protect occupants from cold and damp, poor health or disease).

The hearing presented evidence from the baseline survey of living conditions in Dolphin House and the risks to the health and quality of life of residents, and launched the indicators that were aligned with the relevant UN criteria, targets for measuring progress and baseline survey findings. The indicators were launched as the basis for monitoring, which

was carried out through a door-to-door survey of the 70 flats that provided the evidence for the 1st Human Rights Hearing. Problems included sewerage invasion through toilets, baths, sinks and washing machines, corrosive damp in bedrooms, kitchens and bathrooms and mould containing pathogenic spores. A panel of residents, international human rights and housing experts and the President of the Irish Human Rights Commission spoke at the hearing. A video was also produced by RRIAG, which gave voice to the residents concerns. DCC were invited to attend the hearing but no representative attended. A panel debate was moderated by RTE's Joe Duffy. The IHRC president Dr. Maurice Manning, supported by academics experts in the field (Dr. Padriac Kenna, NUI Galway, Professor Lorna Fox O'Mahony, Durham University Law School, and Professor Fiona de Londras, Durham University Law School) gave an overwhelming confirmation that the conditions breached Ireland's obligations under ICESCR. The Duty Bearer (the relevant minister) was called on to vindicate the progressive realisation of these rights.

At the 1st hearing RRIAG presented evidence on the harmful effects on physical and mental health of the living conditions. Testing of mould by experts showed that the presence of *Aspergillus Fumigatus* was extremely harmful to human health. The repugnant liquid which invaded flats through baths sinks and washing machines was also tested and it was found that the faecal coliform content was alarmingly high – consistent with raw sewage. The following are some of the quotations from residents presented to the hearing:

“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.”

“The sewerage that came up through my hand basin in my bathroom, my sink –black, all the black stuff coming up. It came out on to my floors. Human faeces or whatever faeces was in it.”

“The smell of it in my toilet coming up through my bath, my hand basin. Since then to be honest with you I've been at the doctor with stomach bugs and bacterial infections and its costing me a fortune, out of my own pocket to go to the doctor and I guarantee you if you pull my sink out in my kitchen there is still human faeces behind it because the smell of crap and everything else that's in my flat is unbelievable.”

RRIAG group members attributed the extensive media coverage from the hearing to the subsequent response from DCC and the government (notable senior DCC officials, local politicians, and Ministers of State).

Monitoring hearings were held on four subsequent occasions, in October 2010, March 2011, June 2012 and June 2014.

1st Monitoring Report and Hearing, October 2010

The Monitoring Report was based on a survey of a significant sample of residents, which took place in September 2010, based on the monitoring across the eight indicators established in the baseline survey.

The evidence was presented to a second hearing in October 2010, which was attended by the same experts who attended the first hearing, as well as Sarah Burke, health policy analyst and Professor Fiona De Londras. This time there was representation from politicians (including a Minister of State), and DCC's Assistant City Manager and a Senior Executive Official. Again, RRIAG undertook significant media work around the hearing.

The monitoring report found evidence that little had changed since May 2010 and in some cases the situation had worsened, with a slight increase in the number of residents reporting dampness (from 72% to 77%) and mould (from 64% to 66%), and 77% reporting sewerage problems. Despite a programme of works to address the problems identified in May 2010 by DCC, the monitoring report showed that a large number of tenants still experience significant problems in relation to a repugnant smell of sewerage on a daily basis, baths and sinks taking hours to drain, and black gunge is still coming back up into sinks and baths. Residents continue to report being told by DCC that the problems were of their own making, for example, from drying clothes, not opening windows, and vents being closed or blocked.

The report gives an example of one woman with damp and mould in her bedrooms and bathroom, which contained spores harmful to health, suffers from persistent asthma and bronchitis. She was told by a DCC representative that the problem was just condensation and she was to wash the walls with Milton to stop the mould. He said that DCC would be back in touch with her, but after three weeks she had heard no more. In another case a resident reported worsening damp in the walls and was by DCC that she needed another vent in the wall. However this would make the flat too cold for her young children. Other tenants reported their clothes continue to be ruined by mould due to the dampness. The Monitoring Report found that further problems exist for 90% of residents who are concerned about the health implications of the sewerage, damp and mould, particularly for the health of their children, with reports that their babies and young children are 'constantly sick' with chest infections, pneumonia, bronchitis and e-coli infections. One tenant with bad damp and mould problems in the flat explained that both her young children were asthmatics and the doctor told them that: “the flat was not good for their chests”. One child is attending the respiratory clinic and another had been in hospital recently for pneumonia. Another tenant explained that her children are picking up infections on their face and hands from the drain (shore) outside the door of the flat, which is constantly blocked and very smelly. Tenants also report that the smells cause them headaches. An overwhelming 83% of residents surveyed felt that DCC was not doing enough to address the problems, many feeling tired and frustrated that their reports are not followed up DCC.

As well as the door-to door survey RRIAG commissioned Tobin environmental consultants to undertake a test of wastewater backing up into the flat of one of the residents. The results of this analysis support residents in their belief that sewerage invasion is a threat to their health. This information, together with the results of spore samples taken from a number of flats, which found significant levels of pathogenic moulds,

illustrate the impact on the health and quality of life of residents, and a breach of housing standards.

2nd Monitoring Report and Hearing, March 2011

The monitoring report and hearing presented evidence that very little progress had been made in meeting the targets set, and in some cases the situation had worsened.

A further 60 flats were surveyed through a door-to-door survey, benchmarked against the first survey and eight indicators. The report found that dampness had increased from 72% residents reporting damp in the first survey to 80% of residents reporting damp. Similarly there was a rise in the number of residents reporting mould from the benchmark set of 64%, rising to 68%. There was a slight reduction in the number of residents reporting sewerage invasion and smells from the benchmark of 89%, which had reduced to 82% in March 2011. The number of residents concerned about their health because of sewerage and damp remained largely the same (91% benchmark, against 90% in March 2011). A survey of a further 15 flats revealed significant problems of damp, mould growth, sewerage invasions and concerns about health. The survey also found that 45% of residents identified respiratory issues for adults and 42% for children, with 62% stating that these ailments had worsened only since moving into a flat with mould, damp or sewerage problems. Some residents experienced diarrhea, skin rashes and depression from living in the flats.

The monitoring report and subsequent hearing called on the Irish State to fulfil its obligations to provide adequate housing established under human rights standards in relation to addressing the housing problems in Dolphin and in ensuring that DCC and the government engage with residents in addressing these concerns.

3rd Monitoring Report and Hearing, June 2012

The 3rd Monitoring Report was based on a survey by RRIAG of 75 flats which have been surveyed three times previously on progress on the eight indicators set in May 2010 to measure the compliance of the State with its obligations under the Convention of Economic Social and Cultural Rights. The 3rd monitoring report found that living conditions had not improved greatly across the eight indicators, with 72% of residents reporting dampness in their flats (the same % as the 2010 benchmark). The report gave specific focus to the health and education impact of poor housing conditions, with the following findings in relation to health:

- 57% report either adult and/or children living in the flat affected by illnesses related to or aggravated by the conditions of damp, mould and sewage
- 52% of adults report suffering respiratory disorders or stomach upsets/nausea related to or aggravated by the conditions in the last year
- 40% report children living in the flat affected by illnesses related to or aggravated by the conditions of damp, mould and sewage
- 45% report respiratory issues for adults living in the flat
- 37% report respiratory issues for children in the flat

- 92% of those in poor conditions report their child or children had missed school as a result of these illnesses in the last year
- 65% report medical practitioner said poor conditions contribute to their ill health

Of those reporting respiratory and or stomach upsets/nausea issues for children related to the housing conditions, 92% stated that their child or children had missed school as a result of these illnesses in the last year. Most had missed over ten days, some missing up to 22 days, with others stating the children had missed 'numerous', and 'a lot' of days as a result of the illnesses.

These findings were presented to a Human Rights Hearing held in June 2012, which again called on the State to fulfil its obligations to provide adequate housing and in ensuring that DCC and the government engage with residents in addressing these concerns. Maurice Manning and Professor Lorna Fox O'Mahony attended the hearing.

4th Monitoring Report and Hearing, June 2014

The report and hearing presented the monitoring of the indicators, and included new indicators in relation to the timeline for Regeneration, and the call for the right to education and employment.

The monitoring report presented data provided by DCC of the remediable and refurbishments works carried out in response to the initial survey in 2010 and complaints by residents since then. The Council initially responded by undertaking a programme of refurbishment of the flats with highest levels of mould and sewerage and also agreeing to effectively and appropriately to address the remaining flats with lower levels of mould and sewerage problems. DCC figures states that in total 40 flats have been refurbished and have carried out remedial and maintenance works in additional 54 flats. Since 2012, 24 tenants have reported issues of mould, dampness and sewerage problems to DCC. Currently there are eight flats that have been assessed by the Council with works to be carried out and three flats which they are due to visit in response to tenants complaints. DCC have informed the RRIAG that four tenants with mould and sewage issues did not want to move or have had works done themselves. The Council figures indicate that the most of the works being carried out in response to tenants' complaints other than refurbishments relate to choked drains, leaking pipes and the installation of vents.

RRIAG's survey covered a sample of 25 flats, including 15 units that were refurbished by DCC. Of these ten have no remaining issues with mould or dampness. However two of these are experiencing cracks in walls and ceilings. Five of the refurbished flats surveyed continue to have incidences of mould or dampness on the walls and ceilings, while three have sewerage problems and ongoing issues with smells. Although the survey showed that DCC is responding to complaints, a significant minority of tenants indicated dissatisfaction with the works carried out or the ability of these works to resolve the underlying problems. RRIAG's view is that the underlying issue of substandard housing conditions can only be resolved by refurbishing the entire blocks and building new apartments as outlined in the

Masterplan for Dolphin Estate. The RRIAG survey showed that over one in five (22%) of families on the estate are living in overcrowded conditions and previous surveys which showed that seven out of ten residents were living in with damp; over 60% were living with mould in their flats and over one-half of residents (57%) reported sewerage coming through their sinks or baths, or living with suffocating sewerage smells.

The 4th monitoring hearing was chaired by Joe Duffy and attended by Dr. Mary Murphy, Commissioner Irish Human Rights and Equality Commission and Dick Brady, Assistant City Manager, DCC, as well as TD's and Local Councillors, community activists, representatives of human rights campaigning groups and the media. Invitations were also sent to the main duty bearers with responsibility for housing and employment Minister for Environment, Community and Local Government, Minister for Housing, Minister for Education and Minister for Jobs, Enterprise and Innovation. The hearing heard stories from people living in Dolphin House about their continued bad housing conditions and the impact that this has had on their health and well-being, the importance of Regeneration being carried out on time and the crucial role of community facilities and local employment. Contributions were also made by Deirdre Halloran (NUGI) and Fergas Finlay (Barnardos).

The Hearing highlighted the right to education, and in particular called on the State to address educational disadvantage through work that connects schools, the community and families. This is an important issue, as 55% of adults living in Dolphin do not hold a Leaving Certificate and one-fifth report that serious literacy issues within their households. One local secondary school reports that 74% of young people are below the national reading age when entering the first year. Furthermore, poor housing conditions, particularly damp conditions, have been shown to have a negative impact on the health of children and young people, which in turn impacts on their participation in education and attendance at school. Similarly, overcrowding may impede on children and young people being able to have space to carry out homework. Aside from the work carried out on housing conditions, a number of community-based initiatives to address access to formal education and community-based education have been introduced by Rialto Youth Project, including the Dolphin House Homework Club (providing basic skills support through homework support, coaching and mentoring, group work, arts work, sports and social programmes).

The Hearing also presented concerns of residents of Dolphin House about an apparent delay in the planned regeneration of the estate, which was due to commence in January 2015. A press release issued by RRIAG on 24 June 2014 called on DCC to keep to its timeframe, on the basis that a survey of residents found that 38% of residents were concerned that regeneration will not be completed. The delay was described by community leader, Debbie Mulhall, as putting "families at prolonged and uncertain health and safety risks".

RRIAG will continue to monitor complaints by the residents of Dolphin while the regeneration of the community is ongoing. While there is a commitment to build new homes for all those living in Dolphin the right to adequate housing for those remaining in blocks which will form later stages of

the physical regeneration should continue to be realised by DCC, the Minister for Housing and the Department for the Environment, Community and Local Government.

Appendix 4: Service Users Rights in Action Group survey

The following provides a brief overview of the main findings and recommendations of the methadone service users survey, and draws on feedback given on the survey by the SURIAG participating in the focus group held for the evaluation. It covers three core areas of human rights infringements.

a) Urine sampling

The group has recommended that urine sampling be ended immediately as this is a gross violation of fundamental rights to human dignity and respect, and is an unnecessary practice. In the survey carried out. The practice of urine sampling resulted in lack of dignity and respect by 65.7% of service users in the survey. The focus group participants talked about the humiliating impact of urine testing:

For me it is humiliating being tested, its an equality thing, we have to give a sample to prove that we are not taking drugs, it is a breach of human rights...it is awful for a woman who has a period, you are always being watched by them; they serve no purpose and it has no impact on drug use.

If you didn't give your sample, you wouldn't get your methadone that day or that week, you would be left...if you don't get it your system gets really sick. Withdrawing treatment from a patient has very serious consequences, it is unethical, you wouldn't do it to a dog...you are treated as if you are all chaotic.

The ending of urine sampling would be in line with the recommendations of the external review of the Methadone Treatment Protocol in Ireland under the HSE's (2010) *Opiate Treatment Review*, which recommended that urine sampling be ended, along with recommendations for detoxification programmes, multidisciplinary integrated services, improved management treatment programmes and improved care planning. However, these recommendations have not yet been implemented and the Service User Rights in Action survey details case studies and individual experiences of the humiliating and degrading practices of urine sampling were collated; clear arguments were made about the validity of urine sampling as a method, particularly as it is open to abuse and is carried out inconsistently across the country and in relation to methods used to take samples, for example, using mirrors to supervise sampling.

b) The lack of a meaningful review

The group have identified a range of violations of human rights in relation to the lack of a systematic review process, for example, in relation to the assignment of a key worker, integration of across services and referral pathways. Overall 83% of participants in the survey stated that they had never been asked for an opinion on their treatment. The report of the survey states that: "People have a right to participate in decisions that impact on their lives. People on methadone have a right to have a meaningful say in the progressive

realization of their right to health". The evaluation focus group heard a wide range of issues that were judged to be a violation of human rights:

We are treated as second-class citizens, why should we be treated any differently than anyone else...I always wondered why people were left in this third world.

It's a really serious drug, you are treated so badly and no help is given to get off it...the system allows for abuses, you get down to 15ml and they tell you that you are not ready to come off it...sometimes what happens is that you are given more than you need, its all about control and it keeps you dependent.

Methadone wrecks your health and your memory, your kidney, your liver your brain...we are not being offered options, why isn't the money being spent on putting children into care than in helping the woman to come off methadone...too much methadone is being given to stop you combining heroine with methadone, it's a really serious issue particularly when people are getting stable, the last few mil of methadone are difficult, but the fear of the service user because you are worried you will be taken off the drug...you end up having to take methadone every week that you don't always need, when it would be better to have a take away when you need it.

Going into a clinic, you can't bring your kids in with you to the clinic, if you have kids and you are on your own...we had to leave them in the car or at home, and then we could be reported, it is an equality thing.

c) Lack of real choice in treatment options:

A significant issue raised by the Service Users in Action Group is that few or no treatment options are available, resulting in methadone being a 'life sentence'. The survey found that one in four users had been on methadone for over 20 years, and many require additional medication to address the side effects of methadone. This is shocking despite the fact that methadone was never intended to be a long-term programme for treatment, and in some cases is administered with unacceptable levels of medication to further subdue a person. The lack of viable alternatives, including detoxification and alternative medications is regarded by the group to be a fundamental violation of human rights, and is an issue that needs to be addressed with urgency. The evaluation focus group heard a wide range of issues that were judged to be a violation of human rights in relation to a lack of treatment options:

There are still abuses of power by doctors and pharmacists, such as asking patients to sign a behavioural contract, which sets out what you have to do, you have to go in at a certain time, for people trying to work and rehabilitate you are creating rather than fixing problems.

It is important to build a relationship, but it is like they want to keep us in treatment, you have to look at your

addiction and also your mental health, but that is a big issue and just doesn't happen.

Its been shown that within two years in methadone, you are more at risk of returning to heroine, that is one of the reasons why such high doses are given...if you want to come off a low dose, the doctors will say that doses have to be increased after the blockade effect has been reached... that leads to the person being very much dependent on a larger quantity of a very dangerous opiate. It's a lack of choices and that you are a person who should be able to make decisions; they fail to see that you can be a responsible person capable of making decisions, it stops people getting clean.

The group calls for the introduction of a regular meaningful review, treatment plans and treatment choices in line with the realization of the right to participation in decisions that result in the highest attainable standard of health for people who are on methadone.

Appendix 5: Summary of the three main areas covered in the Collective Complaint

A. Failure to adopt Charter rights within the legal, policy and administrative framework of housing in Ireland.

1. In general, housing law and policy in Ireland does not adopt any timeframe, or measurable progress towards realising the rights set out in the Charter and RESC. Thus, there is no means of ensuring the steady progress towards achieving the goals laid down by the Charter for particular and vulnerable groups of people.
2. It does not maintain meaningful statistics on needs, resources and results.
3. It does not undertake regular reviews of the impact of the strategies adopted.
4. It does not pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable.

B. The adequacy, habitability and suitability of some Local Authority housing violates the Charter and RESC.

1. There is evidence of substandard housing conditions experienced by families and children, those living in, or at risk of, poverty and social exclusion living in a significant proportion of local authority housing in disadvantaged areas. These conditions indicate a failure on the part of the Irish State to take practical steps towards realising Articles 16 and 30 of the RESC. These conditions for tenants have been highlighted in many reports.
2. Much local authority housing does not meet the legal standards for rented housing. In any case, while local authorities carry out a range of limited inspections of private rented properties, there are no such inspections of local authority housing. This illustrates the clear conflict of interest in this situation and the failure to respect the rights of local authority tenants. The result is that these standards for rented housing are not applied to local authority tenancies (unlike private sector tenants).
3. There is a lack of effective remedies open to Local Authority tenants to ensure compliance with the standards compared with private tenants.
4. Besides limited census, there is a lack of meaningful statistics on housing conditions and social exclusion in Local Authority housing – the last State sponsored assessment study was in 2002.
5. The health and well-being of tenants in Local Authority housing is being affected by the poor housing conditions.
6. Local authority tenants are deprived of an effective right to protection against poverty and social exclusion.

C. The Regeneration Programmes of the State in key Local Authority housing estates do not respect the housing provisions and other rights set out in the Charter and RESC.

1. Poor housing conditions persist despite Regeneration Programmes being undertaken.
2. There is a poor level of participation by tenants in the regeneration process – indeed, the State is not supporting any formal national or local representative organisation of tenants and has no policy/framework in place to do so. The system and process of regeneration of Local Authority estates has failed to respect the rights set out in the Charter. It has failed to respond to the recommendation, in 2011, of the UN Expert on Poverty and Social Exclusion, Magdalena Sepulveda, following a country inspection that “The State should consider adopting a legislative framework for a National Public Housing Estates Regeneration Programme to ensure that international human rights standards and community participation are ensured in all regeneration projects in the country.”
3. Cuts to community and social services have exacerbated the conditions of Local Authority tenants.
4. There is a serious deficiency incorporating any housing/human rights approaches in regeneration policy and plans – particularly in relation to Article 30 RESC on the rights to protection against poverty and social exclusion – no timetables are set or deadlines established for the implementation of these rights.

A full copy of the Collective Complaint can be found on the Council of Europe’s web site: http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC110CaseDoc1_en.pdf

Appendix 6: Photography







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