



Rialto Rights InAction (RRIAG) Submission to UN Mission on Poverty and Human Rights January 2011 (Summary)

This submission relates to the housing issues affecting residents of Dolphin House, Dublin 8, and the human rights based approach being implemented to address them.

1. Appalling housing conditions breach Human Rights Standards

The extremely poor and health hazardous housing conditions in Dolphin House, including waste water invasions and damp, are breaches of human rights standards in relation to adequate housing as outlined in CESCR General Comment 4, Paragraph 8 (b) and 8 (d). Despite the condemnation of the conditions at a Human Rights Hearing in May 2010 by the Irish Human Rights Council, and promises made by Dublin City Council, the conditions, as of January 2011, have not been adequately addressed.

2. Irish State fails to ensure adequate participation of rights holders

The Irish state has failed to implement the Human Rights Standard outlined in CESCR General Comment 4, Paragraph 9 in relation to the right of Dolphin House residents to participate in the decision making relating to their housing issues. The duty bearers (the Government Minister for the Environment, the Minister for Housing and the Department of the Environment) have not engaged in any meaningful way with residents, nor have they provided resources to address the poor conditions. The practice of the relevant local authority, Dublin City Council, has also been disappointing in this regard.

3. The Human Rights Based Approach provides participation and solutions: Resources must be continued for this process.

The Human rights based approach in Dolphin House, implemented by the local community project and Community Action Network (CAN), has been very successful in empowering and facilitating the rights holders, the tenants, to highlight their conditions. It is a poor reflection on the Irish State, at local and central level, that it does not take greater advantage of this group of active tenants who want to engage in a partnership manner to develop solutions. The resourcing of the project workers and CAN is central and, therefore, reduction of funding to these sources jeopardises the success that has been achieved to date.

4. Importance of sustaining the community. This approach costs less over the long-term.

To date Dolphin House has avoided the devastating deterioration of communities where regeneration was planned as evidenced in other estates in Dublin. It remains a strong community. By putting in resources to address the housing conditions– but also addressing the system failures in the state institutions that lead to poor resource allocation and mistreatment of vulnerable citizens – the state can ensure the survival and sustainability of this community. It will be much more costly to the State over the long-term to address the health problems arising from mould, damp and sewerage, the constant repairs and maintenance required by DCC, and the social outcomes from the break down of the community, than to invest now.

Monitoring Hearing Planned for March 2011

The RRIAG monitoring group will conduct its next survey (Second Monitoring) in February 2011 with the third hearing set to take place in March or April 2011. We will forward you the report prepared for that hearing and the outcomes. We look forward to your support in progressing these issues.



Rialto Rights InAction (RRIAG) Submission to UN Mission on Poverty and Human Rights

January 2011

1. Substandard housing conditions in Dolphin House

The appalling housing conditions in the local authority (Dublin City Council) housing estate of Dolphin House, Dublin are an example of the Irish State's failure to implement Irish housing law and key human rights standards in relation to housing and participation. Evidence has been gathered of highly polluted waste water invasion through toilets, baths, sinks and washing machines, corrosive damp in bedrooms, kitchens and bathrooms, and mould containing pathogenic spores. The evidence was obtained from a door to door survey and scientific testing of the spores from the mould, and of the waste water. Tenants of the estate are told by their landlord, Dublin City Council (DCC), that the problems are of their own making, they are left waiting for inexcusable lengths of time for repairs to be carried out, feel disrespected by the poor treatment from City Council employees, and feel let down from constant promises that are not delivered upon.

The RRIAG organized a Human Rights Hearing into these housing conditions in May 2010 where residents (tenants) launched 8 indicators, in line with the Human Rights Standards and the principle of progressive realization. The RRIAG is monitoring these over a 12 month period and organising Hearings on a quarterly basis. The indicators include the percentage of residents reporting dampness, mould, sewerage invasion/smells, health impacts, responses from DCC, information/and inclusion in decisions affecting them regarding dampness and sewerage. The IHRC president Dr. Maurice Manning, Dr Padriac Kenna of NUI Galway and Professor Lorna Fox O Mahony of Durham University, attended the hearing and stated that these conditions clearly contravene the rights of residents under the United Nations Convention on Economic Social and Cultural Rights (CESCR), to which Ireland is a signatory.

Since the May 2010 Hearing there has been very slow progress on addressing the identified problems despite promises by Dublin City Council (DCC). After the hearing DCC gave an undertaking that, while the planning for the Regeneration Project for Dolphin House was ongoing, the issues of damp and waste-water would be addressed as a matter of urgency. However, evidence from the RRIAG presented at the second hearing in September 2010 showed that very little changed for residents regarding the unacceptable housing conditions in which they live. DCC did install, in December 2010, a very small number of ventilators as a pilot solution to address dampness. As of January 2011 the general poor situation remained.

2. Very poor engagement by the duty bearers with affected tenants. Firstly, the key duty bearer with responsibility for addressing housing conditions, the Minister for the Environment, and Minister for Housing, and the Department of Environment have not attended either Hearing, despite being invited, nor have they met a representation from the group. They have not made any financial, or otherwise, commitment to address the housing issues. It is extremely problematic to try and work out solutions when the key funder, the Department of Environment, is not prepared to engage with the process. Secondly, a request was made by the RRIAG for the senior Dublin City Council officials, with responsibility for addressing the housing conditions, to attend monthly meetings with residents to work out solutions in a participative and partnership approach. This has not been the practice, despite promises made by Senior DCC officials at the second hearing. If the key actors from DCC are not attending such meetings it is difficult to see how effective ameliorative solutions can be worked out and implemented in partnership and with the participation of residents. A proposal from RRIAG for a

joint plan and communication with tenants was declined by DCC. There is also an on-going problem with the manner in which DCC's employees treat tenants. The experience is one of very poor listening, communication, disrespect and condescension. These issues demonstrate a failure of the Irish State at all levels still fails to engage with those suffering from poverty and social exclusion – the tenants of this social housing estate - in a respectful, dignified and just manner.

3. Participation of affected group:

The Human rights based approach in Dolphin House, implemented by the local community project and Community Action Network, has been very successful in ensuring the empowerment and facilitation of the rights holders, the tenants, in trying to address their problems. However, the state has not, as explained earlier played their part. It is a poor reflection on the state at local and central level that it does not take greater advantage of this group of active tenants who want to contribute positively to improving the conditions for the entire community of Dolphin.

The participation and empowerment of residents was achieved through a programme of intensive support, meetings and education, and draws from decades of local community work. It has involved those directly affected by the problems leading the identification of issues, gathering of evidence, speaking to the media, meeting politicians, and the state. At each juncture they have been centrally involved and facilitated to participate by the community workers. The key steps have included gathering evidence in a systematic format, engaging residents in understanding the human rights process approach, supporting them to speak publicly on these issues, engaging key human rights 'experts', learning from other areas that implemented this approach (the Participation and Rights Project in Northern Ireland) and other residents experiencing the impact of the hearings.

The successful engagement of residents in dolphin house also comes about as a result of a frustration of residents with decades of poor housing conditions, years of youth and community work undertaken by local community projects, an intensive and 'participation in planning' award winning consultation on regeneration in 2008 that provided a new 'leadership' in the estate, addressing the issues that held residents back from engaging such as safety provided by increased police presence, the success of the process itself – as the process went on more residents were engaged and saw the possibilities from the process. The resourcing of the project workers and CAN has been central. The uncertainty and cutting of funding jeopardises the success that has been achieved to date.

It is important to note that the approach of residents and the RRIAG has been to try and engage with the state from the outset and work out ameliorative solutions together. Rather than being threatened the state should be supporting the active engagement and empowerment of these tenants. It can help the state in implementing its own human rights obligations. It can save the state money as we have identified potential causes and solutions that the state could investigate. We facilitate the state to listen to tenants concerns, really hear them, and therefore ensure that ameliorative solutions are appropriate and will be successful. This is not an approach that is based upon criticizing the state without putting forward solutions or just standing back expecting the state to deliver.

4. Importance of sustaining the community. To date Dolphin House has avoided the devastating impact of relocation and de-tenanting evidenced in other estates in Dublin. It has retained a strong, vibrant community and family ties. These are vital supports in their addressing social marginalisation and ensuring a sustainable community. Current Irish Government Housing Policy (The Housing Policy Framework – Building Sustainable Communities 2005) states its aim is to support such communities. By putting in resources to address the housing conditions– but also addressing the system failures in the state institutions that lead to poor resource allocation and mistreatment of vulnerable citizens – the



state can ensure the survival and sustainability of this community. Regeneration is ultimately the solution to the housing situation but while waiting for this it is essential the environmental conditions are improved so that this can be a sustainable community which does not go the way of other estates; entering a downward spiral of anti social behaviour, vandalism, despair and ultimately, complete break down.

While Dublin City Council is stating that finance is not available to address these issues due to cuts from its funding sources including the Department of the Environment, this should be contrasted with the ability of the Irish State to finance the rescue of the financial system. It should also be noted that these unacceptable housing conditions were not addressed either during the economic boom; therefore finance is not the only issue. It is about commitment to ensuring adequate housing conditions for all in society, and particularly those on lower incomes and marginalized in social housing estates such as Dolphin House. Furthermore, taking the view that conditions cannot be improved because of a lack of finance is a short sighted approach. It will be much 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.

By Dr Rory Hearne, RRIAG, January 2011

Relevant Human Rights Standards;

“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.”

CESCR General Comment 4, Paragraph 8 (d)

“An adequate house must contain certain facilities essential for health, security, comfort and nutrition...safe drinking water, energy for cooking, heating and lighting, sanitation and washing facilities, means of food storage, refuse disposal, site drainage and emergency services.”

CESCR General Comment 4, Paragraph 8 (b)

The full enjoyment of other rights...such as the right to participate in public decision making is indispensable if the right to adequate housing is to be realised and maintained by all groups in society.

CESCR General Comment 4, Paragraph 9

Right to Health

The Rialto Rights in Action Group first became involved in methadone use as a consequence of a community led audit on health needs in the Rialto area (*Our Health, Our Wealth*). Grave concern was expressed about the lived experience of people who are on long term medication. This audit highlighted a number of key issues that illustrate the denial of the right to health and the right to participate in decisions that impact on a person's life such as

- The practice of urine sampling
- The lack of an annual review for each person where there is meaningful engagement and choice
- The lack of real choice for treatment options.

The group then conducted a series of recorded conversations with people who are on methadone to inquire in more detail about the exact nature of the issues from lived experience. We have subsequently established the link between the issues named and human rights.

During this process a review of the protocol for methadone in Ireland was being carried out. Submissions were being invited from groups working with this issue. The health groups sent in a submission and following this were then invited to make a presentation to the review board. This happened in early summer 2010. The report named 'Introduction of the Opioid Treatment Protocol' was completed in December 2010 and the key issues raised by the group were identified in the report and a number of recommendations were made. The role of the group now is to plan a strategy to ensure that the recommendations are implemented.

Right to Play.

One of the issues selected as suitable for focus by RRIAG was play facilities for 10 to 14 year olds in Rialto. Linking the issues to the Right to Play, RRIAG worked with children from Dolphin House flats and the general Rialto area using a human rights approach. The work began with four sessions with the children. These sessions introduced the children to the notion of human rights and explored with them their experience of play. They then considered the opportunities and amenities in the area in light of the Right to Play. The children gathered evidence through photography of how play facilities fall below acceptable standards. Within Dolphin House, apart from a small playground for younger children, the only amenity for a large population of young teenagers is a pot-holed and glass strewn tarmac pitch and a small youth work room in a portacabin. Within wider Rialto, most children play on busy streets. Evidence was also gathered through questionnaires for parents.

RRIAG made initial links with the Children Rights Alliance and the Ombudsman for children. Children also visited other play facilities elsewhere in the city.

Recently, RRIAG has offered to mainstream this work, which is in its early stages into the local Rialto Youth Service, introducing and supporting the youth workers in developing a human rights approach in their work.

The Rialto Rights in Action Project is a collaboration of Rialto Residents, Dolphin House residents, Dolphin House Community Development Association, The Dolphin and Fatima Health Projects, Community Response, Community Action Network and Participation and Practice of Rights Project, Belfast, and is funded by Joseph Rowantree Charitable Trust.