

Reimagining rights-based accountability: community use of economic and social rights

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Abstract:

This article explores the ways in which marginalised groups in Northern Ireland have employed and translated for practical use human rights standards, principles and mechanisms to campaign for the implementation of economic and social rights obligations. With the support of Participation and Practice of Rights, a regional non-governmental organisation, marginalised groups have drawn upon human rights in their local context to campaign on issues related to mental health, housing, work and play. Based on case studies from four such campaigns, this article reviews the practical steps groups took to engage directly or indirectly with economic and social rights tools and mechanisms. The article reflects on the usefulness of these frameworks and mechanisms for achieving change in the case studies discussed, as well as the value of a human rights framework for empowering marginalised communities to make rights-based demands for change. It is argued that although the realisation of economic and social rights is limited in part by the lack of traditional enforcement mechanisms, community-driven campaigns offer an opportunity for reimagining mechanisms for rights-based accountability.

Keywords:

Human rights-based approach, community participation, economic and social rights, human rights indicators, progressive realisation

Introduction

The United Kingdom ratified the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) in 1976, yet it remains difficult for communities to engage economic and social rights arguments, tools and mechanisms in campaigns for local change. Despite arguments affirming the justiciability of economic and social rights (Nolan et al., 2007), traditional legal methods to challenge such rights violations are rare. States are obligated to *give effect* to economic and social rights (CESCR, 1998, para 1),¹ yet these rights often rely on non-legal measures of implementation. Unlike their civil and political counterparts, long-considered by the courts, economic and social rights often fall within the remit of political decision-making. Communities seeking to hold governments to account for the implementation of economic and social rights are left, therefore, to engage in State-led public decision-making processes. Communities are invited to participate in government decision-making regularly in the Northern Ireland, but these invitations occur when policy-makers have agreed many substantive issues, at later stages in the process. Moreover, when vulnerable and marginalised groups are asked to participate through consultation or consultative bodies, they must “enter the terrain of others and learn to play by their rules” (Eversole, 2012, p.38). Over-reliance on State-led opportunities for participation raises questions about the extent to which the experience and expertise of communities affected by public policies has meaningful influence. In practice, therefore, community access to meaningful levers for progressing economic and social rights has been limited.

The human rights-based approach developed by Participation and Practice of Rights (PPR)² and its groups identifies those responsible for fulfilling rights commitments and seeks to hold those in power (duty-bearers) to account through community-led monitoring processes.³ This approach, which has at its core a partnership approach between policy and development functions, builds the capacity of marginalised individuals and communities to name the issues of relevance to their lives while ensuring the agenda for change begins with their experiences. Community groups employing this approach have secured identifiable change at both policy and grassroots level, through, for example, the implementation of a new appointment card system for mental health patients leaving hospital and greater employment equality in public procurement processes.⁴ These successes demonstrate the strength of developing alternative accountability mechanisms for social and economic rights implementation (e.g. Diamond, 2012). Based on fundamental human rights principles, including progressive realisation, accountability, transparency of decision-making and participation, PPR’s approach supports affected communities to identify issues they would like to see change on, develop these into human rights indicators and benchmarks, which are monitored to hold government to account for its rights obligations. Through a series of examples from the work of groups PPR has supported, this article explores the ways in which communities in Northern Ireland have employed economic and social rights standards, principles and mechanisms in their on-going campaigns for change in the areas of housing, health, play and work.

1 The Committee on Economic, Social and Cultural Rights (CESCR) states that the “central obligation in relation to the Covenant is for States parties to give effect to the rights recognized therein”. The Vienna Declaration and Programme of Action (1993, sec 1, para 27) affirms that “every State should provide an effective framework of remedies to redress human rights grievances or violations”.

2 See <http://www.pprproject.org/>

3 The approach developed and used by PPR is referenced briefly by Shiel (2013, p.26) in this journal.

4 Campaign successes include: a £900,000 investment by the local housing authority into a local high rise flats (Seven Towers, North Belfast) to install a new sewage system; a new appointment card system, the ‘Card Before You Leave’, for people at risk of suicide who present at Accident and Emergency Departments; the insertion of equality clauses into £42 million of government procurement contracts to provide real jobs and apprenticeships for the long term unemployed; and the re-housing of 60 families from unsuitable high rise flats into more appropriate social homes.

Direct use of human rights standards and provisions

States are obligated to raise awareness among rights-holders about human rights standards and provisions, yet PPR's experience working with socio-economically marginalised communities in Northern Ireland demonstrates that the direct use of rights standards rarely begins with rights as the starting point. Instead, communities engage with rights on the basis of their situation and lived experience, and with support, translate rights for use in their campaigns. Although the aim of the approach is not the development of specialist policy skills by communities, this approach brings the direct use of human rights standards and provisions into community-led campaigning through their work with PPR. This *indirect* use of human rights standards is the point of departure for many groups, facilitating vulnerable and marginalised communities to move from aligning issues of concern with human rights provisions to viewing themselves as rights-holders.

PPR's approach begins with a development programme for affected communities, which includes a series of modules on: confidence building; international human rights standards; identification of issues; action research; setting benchmarks and indicators; developing tactics and strategies; understanding power; and preparing for engagement with government. The programme's focus on identifying human rights concerns facilitates a paradigm shift for participant groups to recognise their identified issues within the human rights framework. For example, children, young people and adults in the Lower Shankill community in Belfast, an area marked by high levels of deprivation across multiple indices, worked with PPR in 2009 to identify issues of significant concern on which they would establish their campaign. Both adults and children determined that the most immediate need was to address barriers to the enjoyment of the children's right to play in their community (UNCRC, art 31).⁵ The group's expression of issues included: broken glass and poor lighting in play areas; speed of traffic in the adjoining roads; provision of age- and ability-appropriate facilities; and structural concerns regarding the participation of both children and parents in government decisions related to play. In the group's words, these were not only "the issues parents and children chose in our survey" but also "issues government is already supposed to fix" as "all of the issues we have chosen are supported by the international human rights standards" (When Kids Decide, 2009). Exploring provisions in a range of human rights treaties to which the UK is a signatory, PPR staff identified rights obligations in the *UN Convention on the Rights of the Child* (UNCRC) that would support the group's concerns. Article 31 of the UNCRC recognises "the right of the child to rest and leisure, to engage in play and recreational activities", and the group drew upon this provision to campaign as rights-holders demanding change, rather than individuals asking for improvements (e.g. Donnelly, 2013).

PPR's approach in fomenting rights ownership by participant groups requires dedicated policy support to rights-holders so that they can navigate and extrapolate relevant rights provisions, providing an indirect link between rights-holders and the direct use of rights standards. This type of support involves the use of skills that have been viewed traditionally as specialist in nature, owing to the emphasis on understanding and interpreting human rights standards within the context of the wider international public law normative framework. Marginalised communities' access to these skills may be inhibited by barriers such as knowledge, awareness, literacy issues and complexity of the information, especially in communities affected by inequalities in education provision and attainment. Access to these skills, and the process of rights ownership, can be inhibited also by the traditional role of non- governmental organisations (NGOs) and community development organisations structured in such a way that "very little decision making authority is vested in communities or clients, with actual project objectives being determined by NGOs and funders long before any 'participation' occurs" (Ebrahim, 2003, p.818).

5 This campaign included a group of adults and a group of children from the area, who worked separately and together towards the realisation of shared campaign goals.

It is significant therefore that PPR's approach places development and policy skills at the service of communities to support the identification of rights concerns by communities themselves.

In practice, providing development and policy support to communities to articulate rights from their own experiences, rather than being led by specialist knowledge of human rights standards creates opportunities for more nuanced understandings of rights implementation. The Committee on the Rights of the Child produced *General Comment No 17* due to its concern regarding "the poor recognition given by States to the rights contained in Article 31" (CRC, 2013, para 2). Until 2013, when the Committee published this elaboration of the meaning and extent of Article 31, the community members' articulation of the detailed aspects of the enjoyment of the right to play in the Lower Shankill was more developed than international documents. By starting with the issues most relevant to their community, group members in the Lower Shankill articulated necessary and practical components for the realisation of these rights. In this way the direct use of rights standards and provisions by communities goes further than a process of alignment of community-identified issues with rights standards. This example demonstrated how communities' articulation of what full enjoyment of their rights would mean in reality can be more developed, nuanced and useful to defining change than the text of international human rights documents.

Experience in the application of this approach has highlighted the potential for use of these tools to be universalised, while at the same time underlining the essential nature of structured support to rights-holders. By engaging rights-holders in the alignment of issues with rights standards, groups develop familiarity with rights provisions and build confidence to employ these tools in their work. PPR's experience in developing and applying this approach highlights tentative examples of the support given to groups to conduct elements of this work directly. In one example, women living in social housing in high-rise flats in north Belfast, known as the Seven Towers, sought rights provisions to support their campaign to improve housing conditions. The Seven Towers Residents Group had identified multiple housing and health complaints, chief among them were inefficient and costly heating provision, the prevalence of damp and mould and the presence of pigeon excrement on communal landings and drying areas. Residents analysed Article 11(1) of ICESCR through an examination of the Committee on Economic, Social and Cultural Rights' (CESCR, 1991) *General Comment No. 4* on the right to adequate housing. The direct identification of their complaints as rights issues relevant to habitability (*ibid*, para 8(d)) enhanced the process of ownership of rights and was a key element in developing the rights-based context for indicator development.

Crucially, in order to frame issues as human rights indicators, the identification of 'rights' issues need also be viewed within the broader paradox of socio-economic provisions. These broader provisions contextualise rights enjoyment within the obligations of the State and include affording due priority to vulnerable groups; fulfilling and protecting rights in a manner which is non-discriminatory and crucially, ensuring the progressive realisation of rights.

Progressive Realisation

Progressive realisation is a principle of economic and social rights that creates critical opportunities for marginalised communities to hold governments to account for their obligations. A signatory State to ICESCR is obligated to take steps to the "maximum extent of its available resources with a view to achieving progressively the full realization" of economic, social and cultural rights (art 2(1)). Within the global framework of rights protections, this principle acknowledges that States Parties will have various systems in place and resources to meet their obligations under the Covenant. Still, there is an expectation of continuous improvement. Notwithstanding resource barriers,

CESCR recommends that States should *take steps* toward the realisation of economic and social rights and that “Such steps should be deliberate, concrete and targeted as clearly as possible towards meeting the obligations recognized in the Covenant” (CESCR, 1990, paras 1-2).

Progressive realisation is monitored through various mechanisms at both international and domestic levels. States Parties are required to submit periodic reports to CESCR, and following an examination of the State’s progress, the Committee produces Concluding Observations, assessing the extent to which rights are being realised and making recommendations for further action. This process occurs generally every five years and provides a limited opportunity for communities to raise concerns at an international level through NGO alternative reporting.⁶ At a domestic level, States’ progressive realisation of their obligations can be assessed through human rights indicators and benchmarks. By monitoring progress on particular areas, States can determine appropriate resource allocation and future policy-making. However, despite the emphasis in international human rights law on the participation of affected groups and individuals in public decision-making, the process of identifying and monitoring indicators remains distant from the traditional mechanisms for public involvement through consultation processes.

Thus, although opportunities exist in both international and domestic mechanisms for affected communities to use the principle of progressive realisation to hold governments to account, meaningful engagement with these mechanisms is constrained by: knowledge and awareness of existing processes; capacity to engage with technical procedures; relying on government to “invite” (Eversole, 2012) communities into domestic monitoring processes. The rights-based approach developed by PPR disrupts traditional power relationships by centralising the meaningful and timely involvement of affected communities in the identification of indicators and benchmarks, monitoring of progress and reporting on the realization of their rights. A key element of PPR’s approach is to support affected communities to establish their own indicators, benchmarks and timelines for change. As much as possible, community members lead the monitoring of progress on the issues they identified by gathering evidence from the experience of local communities. Participation at this level (re)establishes rights-holders at the centre of service design and delivery. In this way, communities drive the agenda for change at a pace demonstrated by targeted, community-identified need. The indicator methodology developed by PPR and groups was named by the UN Office of the High Commission on Human Rights as a “best practice example of how communities can claim their rights” (OHCHR, 2012). This section reviews how communities in Northern Ireland, with the support of PPR, have translated the principle of progressive realisation into their campaigns for change.

Identifying indicators

Following a development programme led by PPR, the first step in creating indicators is facilitating the group’s identification of the key issues for remedy in their community. In addition to development workers, who build the capacities of groups to campaign for change in their communities, PPR’s staff team includes policy workers, skilled with awareness and understanding of international and domestic legal and policy frameworks. Policy workers build capacity, knowledge and understanding of human rights within the groups when possible, although more often development workers achieve this process with support from the policy team. Led by the groups’ priorities, PPR staff members align community-identified issues with rights-based commitments.⁷

6 PPR’s engagement with periodic reporting will be discussed below.

7 When possible, this process includes working with the group to identify these areas of alignment, and in one instance described below, group members have made tentative steps towards taking this step on themselves.

Following this, groups establish indicators and benchmarks to monitor change made during their campaigns for action with support. Together, two parts of the organisation create a critical bridge for community groups to use international legal frameworks, addressing in part the gap discussed above in communities' ability to hold the State to account through traditional means.

After multiple experiences supporting communities through this progress, PPR has learned that the following criteria help groups to establish indicators that strengthen their overall campaigns for the progressive realisation of rights:

Indicators should be *measurable* through means accessible to the group. In practice, this means there should be a small number of indicators that are specific and clear enough for community groups to research and monitor them through accessible methods, such as door-to-door surveys.⁸ Since indicators are developed to reflect the particular issues identified by the group, it is unlikely that there will be existing data to use as a baseline or collected on the specific area of their focus. Even if data exist, for example through an annual report produced by a governmental department, the group may require information more regularly (e.g. six to twelve month intervals) to support their on-going campaign work. As such, indicators should be chosen with a view to facilitating the group's establishment of a baseline through the wider community's experience and capacity to conduct subsequent monitoring. The Lower Shankill's campaign on the right to play, for example, involved both children and adults in monitoring specific issues that the group had identified as barriers to the fulfilment of the right to play. The presence of broken glass was identified in 25 sites across the community, which children had identified as locations where they played. Monthly monitoring conducted by adults and children established visually and recorded if each site contained broken glass. Monitoring results were often supplemented with photographic evidence (Lower Shankill Residents' Voice, 2009). Critically, since the community had identified that the presence of *any* broken glass was experienced as a barrier to the right to play, it was not necessary to quantify the amount of glass in each site. Simple, visual and photographic monitoring methods could be used for this indicator and had the added benefit of allowing younger community members to participate in the monitoring process.

Indicators should be *true to the issue* the group has identified. When aligning human rights standards to issues raised and identified by communities affected directly, it can be tempting to look towards UN Committees' interpretation of States' obligations in a particular area. However, the fundamental aim of the human rights-based approach is to locate marginalised communities' articulation of their own needs and demands at the centre of each group's campaign. For example, PPR's early work with residents living in the Seven Towers high rise flats in north Belfast led to the immediate identification by the group of the issue of pigeon waste accumulating in the landing and drying areas of the flats. The group was concerned that this posed a health risk to residents and prevented the enjoyment of the space, especially by children. PPR's experience pointed towards the structural root of the many concerns highlighted by the residents in the persistent religious inequality faced by the Catholic community who lived there and who were over represented on the social housing waiting list. This inequality manifested itself in excessive waiting times to be rehoused in suitable homes with improved conditions (e.g. PPR, 2013). By developing the indicator from the lived experiences of the marginalised group, however, their priority of removing pigeon waste was central to the campaign, rather than the likely focus on inequality that a strictly legal approach would have taken. As the campaign developed in later years, residents themselves began to articulate religious inequality as a priority for government in order for progress on substantive rights relating to habitability to be realised (PPR, 2014).

8 Due to the specific nature of the group's concerns in the Mental Health Rights Group's campaign to improve mental health services, surveys were conducted through supporting community and voluntary organisations and often by a PPR worker or volunteer.

Indicators should be *strategically aligned* to the group's primary goal of holding government to account for its human rights obligations. This may mean the group *names an issue* by creating an indicator to measure, even if they acknowledge that there may be little or no change in the issue during their campaign. For example, all PPR groups monitor the extent to which affected groups feel they are involved in State decision-making about the issue. In this way, each campaign acknowledges that rights violations persist in decision-making processes that do not include rights-holders or prioritise their concerns. Monitoring this issue is not associated with an expectation for significant change but rather a determination to 'name' the violation. The group may also choose *not to name an issue* because of strategic campaign considerations that doing so would create challenges for the broader campaign or because the group determined that it would not focus on that area at a particular time. Mental health service users and carers in the Belfast Mental Health Rights Group, for example, identified a concern with appropriate service provision through General Practitioners (GPs) for those in mental health distress during their initial discussions. However, the group opted not to include the concern as a human rights indicator since the structure of GP contracts blurred lines of accountability with government duty-bearers.⁹

Indicators should measure both *outcome* and *process*. PPR groups have chosen outcome indicators in many instances, such as the presence of pigeon waste in flat landings and drying areas (right to housing) or broken glass in public areas (right to play). In order to measure communities' full enjoyment of their rights, however, groups have included process indicators. These indicators have monitored participation, such as the percentage of residents who feel involved in decisions made by government about social housing (right to housing), and the suitability of existing remedies to rights violations, such as the percentage of respondents who were satisfied with information about complaints procedures in hospital (right to health). Although structural indicators may reveal significant barriers or opportunities for further implementation, this approach has focused on process and outcome indicators (see Corkery, Way and Otero, 2012) that can be measured through rights-holders' stated enjoyment of their rights.

There may also be strategic reasons for selecting indicators or benchmarks that are *achievable*. When developing their campaigns, groups have included indicators that seem achievable because they: relate to clear existing guidance or policy that government bodies have already brought into force; are resource neutral or low-cost; articulate a clear priority of the community that with practical attention could result in considerable improvement in the fulfilment of governmental obligations. For example, one group campaigned for the use of an appointment card to be given to patients leaving accident and emergency services after presenting for acute mental health needs. This card describes clearly the details of the person's next appointment, and the Belfast Mental Health Rights Group believed this was a reasonable change health trusts could make that would improve significantly patients' and carers' experience waiting for follow-up appointments during critical times. PPR's experience demonstrates that when at least one indicator is 'achievable' in a short timeframe, this sustains community engagement and builds confidence of communities to continue pursuing longer term issues. Further, including achievable demands provides a clear message to decision-makers that communities are campaigning for serious improvements, and media are better able to understand and engage with the campaign demands.

9 As the work of this group has developed and expanded geographically across Northern Ireland, concerns at GPs have re-emerged as a priority issue. The most recent indicators set by the group, now aligned in a broader Mental Health Rights Campaign, monitor concerns with GPs.

Establishing benchmarks – timetable for change

With indicators identified, PPR supported groups to establish benchmarks on which they would campaign for improvement in service delivery. This is a critical step in that it prescribes power to communities to identify the speed of meaningful change. As PPR founder, Inez McCormack (2008, p.136), notes, government processes for implementing change are slow, and “the timetable for implementation remains at the discretion of those who are required to change, not according to the right of those who need the change”. With support from policy and development staff at PPR, groups discussed how to set benchmarks in relation to: the strength of the rights argument underpinning the issue; whether government had already brought the international standard into local legislative or policy commitments; the severity of the violation and time sensitivity for change.

The following table describes one indicator and benchmark used in the campaign of a group of unemployed people in Belfast who launched the ‘Right to Work, Right to Welfare’ campaign in March 2013. This campaign called for the progressive realisation of both the right to work (ICESCR, art 6) and the right to social security (ICESCR, art 9). As the table shows below, baseline results demonstrated that 72% of people surveyed who were able to work had not had a job for more than a year (classified by government as ‘long term unemployed’). By assessing the strength of the rights argument, the policy commitment of government to tackle long term unemployment and the devastating impact on the affected group, the campaign set a benchmark for change that required a significant reduction and would see the problem halving to 36% in one year.

Indicator: % of people who told us that they were able to work but hadn’t had a job in over one year	
International Human Rights Context: “The principal obligation of States parties is to ensure the progressive realization of the exercise of the right to work. States parties must therefore adopt, as quickly as possible, measures aiming at achieving full employment” (CESCR, 2006, para 19).	
Government policy: “The primary objective of these efforts remains the effective targeting of resources towards those in greatest objective need” (OFMDFM, 2012, p.24).	
Baseline (March 2013): 72%	Benchmark (March 2014): 36%

Once groups identified a manageable number of indicators and established benchmarks for improvement, they began research in the community. In order to provide evidence for progress made against the groups’ specific concerns, it was necessary to establish a baseline of information. Groups used survey-based research methods to establish a baseline and conducted follow-up research to monitor progress. With support from PPR staff, groups developed questionnaires, conducted research in their communities and, in some instances, worked through relevant community and voluntary organisations to access further research participants. Groups were well positioned in most cases to identify research participants in their communities when the campaigns related to community experiences. The following table is an example of how survey-based results were monitored against benchmarks depicted above:

Indicator: % of people who told us that they were able to work but hadn’t had a job in over one year		
Baseline (March 2013): 72%	Benchmark (March 2014): 36%	Result (March 2014): 69%

Although government departments, agencies and other research bodies collect data across many aspects of people's lives, it is unlikely that data will exist in relation to the particular indicators groups develop. It may be possible to draw on existing data to supplement the campaign, but research conducted directly with affected groups supports on-going campaigns in at least the following ways: raises awareness about the campaign issues with the wider community and develops a constituency of support; measures the specific issues of interest to the group; is independent of government oversight and can therefore be a useful tool for holding duty-bearers to account; acts as an organising tool by encouraging active participation of rights-holders. Perhaps most importantly, research conducted directly with affected communities confirms and legitimises through community experience the issues identified by group members, off-setting potential criticism that individuals involved are unrepresentative.

Accountability for progressing economic and social rights

A key component in community-monitoring of economic and social rights progression is the participation of rights-holders in identifying duty-bearers and structuring accountability on the basis of their rights. We suggest the use of community-generated indicators and benchmarks contributes to accountability through structuring this relationship between duty-bearers and rights-holders.¹⁰

Structured engagement

The use of indicators and benchmarks was significant to PPR groups' campaigns for accountability because this placed a timetable on engagement with duty-bearers. Early campaigns used formal public launches to declare the intention of the group to monitor State progress in relation to specific indicators. International experts in the areas of health and housing were invited to affirm the groups' identification of particular issues as rights-based and to demonstrate to duty-bearers that the group would be highlighting progress, or lack thereof, of action at identified intervals (e.g. six or twelve months) (e.g. PPR, 2007). Later campaigns used benchmarks as reporting timelines with duty-bearers through structured engagement sessions. For example, residents of the Seven Towers flats in Belfast worked with PPR to establish the Seven Towers Monitoring Group (STMG), through which residents communicated directly with the government department with responsibility for housing (Department for Social Development (DSD)) and the local housing authority (Northern Ireland Housing Executive (NIHE)) about progress in relation to their key issues of concern. In contrast with participative models of the State "inviting communities into decision making" (Eversole, 2012, p.38), Seven Towers residents instigated the engagement on their own terms.

There has been notable success in ensuring accountability for rights progression from the STMG, principally in terms of indicator progression on issues relating to sewerage and pigeon waste. The NIHE has referenced the STMG engagement structure as having the effect of "focusing" or "targeting of resources" of the Housing Executive management and staff towards the delivery of improvements especially in terms of financial options (PPR, 2010).¹¹ At the same time, engagement with duty-bearers through the STMG structure has been one punctuated by dissatisfaction with and criticism of the indicator/benchmark process. As De Vos et al. (2009, p.27) note, there is likely to be resistance from the State when communities "set their own priorities, make their own

10 Lines of accountability for rights obligations can be blurred by increasing privatisation of economic and social rights provision, such as the rights to health and housing. Though beyond the scope of the current study, we argue that although structured accountability becomes more complex in such cases, it is not impossible.

11 Comments made by Northern Ireland Housing Executive area manager at the 2nd Housing Hearing, 23 January 2009.

decisions, and take a lead role in implementing these priorities and decisions”. The Housing Executive has been resistant to external monitoring and critical of the role of the affected community in articulating their demands as human rights indicators. During this time, therefore, the group has used other campaigning tools to apply pressure on the duty-bearer to progress rights. In the face of such resistance, it has been of significant value to the group that their campaign was grounded in international human rights standards and provisions that experts in the field have commended the approach.¹²

Despite the normative framework identifying the obligations on the State for rights progression, often the process of seeking accountability at local levels is curtailed by political reluctance to realise these responsibilities at government levels. The STMG was developed initially in 2007, following campaign pressure resulting in the Minister for Social Development’s decision to “work with” the residents (McEntee, 2007). A change in minister, however, has meant that formal departmental engagement in the structure has become more limited. The experience of engagement through the STMG demonstrates a successful model of rights-based accountability, as well as the persistent challenges communities face when seeking meaningful engagement with the State for the realisation of rights.

Transparency and Information

Accountability for rights progression relies on the practical application of other inter-related rights principles, such as transparency in decision-making and the right to information. CESCR has emphasised repeatedly the interdependence of these rights with more familiar social and economic rights. In its *General Comment No. 4*, the Committee specifies that with immediate effect States should collect “detailed information” about the enjoyment of rights by different groups. Further, the Committee underscores the need for health decisions to be made “with the participation of the population” (CESCR, 2000, para 11) and “on the basis of a participatory and transparent process” (ibid, para 43(f)). This is a call that is repeated in relation to other rights, such as the right to work (CESCR, 2006, para 31(c)) and the right to social security (CESCR, 2008, para 26). Significantly, the Committee recalls these rights in all instances as core obligations, and thus they are said to have immediate effect. This is crucial for groups who require change, and their practical application is discussed in the next section.

In PPR’s experience, government decision-making processes typically do not involve vulnerable groups in a meaningful way when priorities related to service design; provision and resource allocation are set. Therefore, especially for those groups from marginalised communities where enjoyment of these rights has been limited, the ability to establish whether a group’s concerns are prioritised requires government transparency.

One group that worked with PPR to locate their concerns about the campaigns in the language and practice of accountability was S.T.E.P.S., a mental health group based in rural County Derry. S.T.E.P.S. used the *Freedom of Information Act 2000* (FOIA) to access information related to the local health authority’s assessment of the differing needs of rural and urban communities in the design and delivery of media campaigns providing advice to those in mental health distress. In February 2013, S.T.E.P.S. submitted a FOIA request to the Public Health Agency (PHA) to access the formal evaluation of its ‘Under the Surface’ media campaign. Information secured through this process revealed that the PHA media campaigns were of limited impact to those in rural communities owing

12 E.g. The UN Special Rapporteur on extreme poverty and human rights sent a message of support to the group stating, “The important work being done by the Right to Work: Right to Welfare Group in Belfast, Northern Ireland to hold the government accountable... is crucial and should be praised as a promising practice to be followed” (Sepúlveda, 2013).

to the type of provision that was being advertised and the methods for making this information available. Initially, the aim of the PHA had been to advise those in need of mental health care to seek both help from their local GP and advice from an online resource. The PHA recognised barriers to accessing sufficient support from GPs, and the campaign changed latterly to one with the sole aim of highlighting the existence of an online resource. To S.T.E.P.S., a rural group whose access to mental health services was generally limited to GP services and for whom internet access is unreliable, it was clear that the experiences of rural communities were not reflected in this decision. The FOIA request documented further that the campaign advertisements were delivered through radio and print press outlets, and the group's analysis identified that none of the media platforms used were local, rural-based media. The PHA's evaluation of the success of the campaign had relied on a survey of the local population to assess their recall of the campaign, its key messages and any resulting information. Across all of these indices, communities living in rural areas had poorer recall of the campaign.¹³ The information obtained by the S.T.E.P.S. group identified that despite a total cost for the "Under the Surface" campaign reaching more than £450,000, the specific needs of rural communities had not been identified or targeted. S.T.E.P.S.' use of the *Freedom of Information Act* evidenced the potential for inadequate service design and delivery when government decisions do not take into consideration the experiences of vulnerable. With this evidence, the S.T.E.P.S. group was able to use local media, lobby local political representatives and demonstrate successfully to duty-bearers the ineffectiveness of public health campaigns that do not account for the needs of marginalised groups. Employing tools to promote the provision of information and transparency in decision-making therefore has allowed S.T.E.P.S to call for accountability for rights progression.

With support from PPR, the Seven Towers Residents Group also engaged Freedom of Information requests as a mechanism of accountability. Residents submitted a request regarding the local housing authority's proposals for a multi-million pound renovation to the tower blocks in which they lived. The group aimed to assess the impact of this investment against the issues of concern they were monitoring as human rights indicators. The Housing Executive proposed the installation of PVC cladding for the buildings, and, despite repeated requests from residents, had failed to evidence how this would tackle the poor heating and chronic dampness experienced by residents. The response to the FOIA request revealed that specialist consultants had advised the Housing Executive five months previously of their "serious concern over the condition of the metal surrounds to the balcony glazing units" and had recommended that residents be advised not to use the balconies. Despite this, residents had not been informed of the potential danger of the balconies. Seven Towers residents engaged effectively with local politicians and the media in light of this information, which resulted in an apology from the Housing Executive to residents ('NIHE says sorry for not highlighting balcony risk', 2011). This work secured a programme of balcony repair work as well, which was completed in late 2013.

Practically, accessing information often involves sustained support from those who are familiar with processes such as *Freedom of Information Act* requests and the extent to which State decision-making should be transparent. Support is necessary also in the analysis of information yielded through such exercises, as well as the use of information in relation to the rights-based priorities identified by the group. Often, in spite of domestic legislation and international obligations to ensure decision-making is transparent and information is accessible, rights-holders remain subject to duty-bearers' compliance with these provisions.

13 Recall of campaign press advertisements among those living in the Belfast Health and Social Care Trust area (urban) was reported at 48%, compared with 24% recall for those in the Northern Trust area (includes mostly rural areas). Awareness of the campaign radio advertisement was also considerably higher in the Belfast Trust (46%) than the Northern Trust (36%) (Social Market Research, 2012).

Engaging with international human rights mechanisms

In addition to the use of human rights standards at a national level, PPR and its participant groups engage more traditional international human rights mechanisms to enhance local accountability. NGOs may participate in periodic examinations by treaty monitoring bodies by submitting alternative reports for the Committee's consideration, campaigning around the examination process and seeking an audience with Committee members or Rapporteurs. In the last examination of the UK by the Committee on Economic, Social and Cultural Rights, PPR (2009) submitted a report documenting key rights failings as evidenced by the groups indicator monitoring. The action research phase of all PPR's participant groups' work ensures confirmation of the resonance of the group's priorities in the wider community of those affected by the same issues and thus deepens the mandate to report to the Committee. Priority issues identified by groups and reaffirmed by the wider affected group were presented as key human rights concerns of international relevance.

PPR submitted evidence from groups' campaigns and sought to influence Committee questioning during the State examination. A representative from each of the groups campaigning on rights related to mental health, housing, the right to play and urban regeneration at that time were supported by PPR to attend the examination. Further participation of affected groups was facilitated by the production of short daily videos and blog diary entries from attendees (e.g. Atkinson, 2009; McCartan, 2009; McManus, 2009; Valente, 2009), which were sent back to Northern Ireland as both a campaigning tool to raise the profile of the issues being highlighted by groups attending and also as a mechanism for raising awareness among local communities about the process. The significance of group members' involvement in the process was captured by one participant, a member of the Seven Towers Residents Group, who stated that it was "important" for her to see a member of the Committee a question proposed by her group on the concerns relevant to them (McManus, 2009).

The Committee's (CESCR, 2009) Concluding Observations contain three specific concerns relevant to the groups' concerns on mental health, housing and urban regeneration, as well as recommendations for specific State action. One such recommendation refers to the existence of religious inequality in the provision of social housing in north Belfast, which impacted the Catholic community and manifested in lengthy time spent on the waiting list in unsuitable housing – key concerns for the Seven Towers group. The Committee (*ibid.*, para 29) expressed its concern with "the chronic shortage" of housing in north Belfast, noted that the existence of this shortage was "in spite of financial measures taken by the State Party in this regard" and called on the State to "intensify its efforts". The Seven Towers Residents Group raised this issue again with the UN Special Rapporteur on the Right to Adequate Housing, Raquel Rolnik, during her official visit to the UK in 2013. In her final report, Rolnik (2013, para 73) observed that "long standing issues related to inequality continue to require concerted efforts" and highlighted that "concerns about differences in the way information is collected, disaggregated and presented have been raised". Specifically, of the Special Rapporteur's ten key recommendations to the UK government, the requirement that "additional efforts to address challenges to overcome persistent inequalities in housing in North Belfast" (*ibid.*, para 80) is notable. It is significant also that the Special Rapporteur recommended that for this purpose the "active, free and meaningful participation of all in decisions made about housing should be promoted" in that the demand for participation in devising a remedy was core to the campaign for change articulated by north Belfast residents (PPR, 2014).

Notwithstanding the increased and internationalised profile of community demands for change through these mechanisms, however, clear limitations in affecting change and in securing progression of economic and social rights should be noted. Whilst the UK government retains overall responsibility for obligations under international human rights treaties, socio-economic decisions such as those relating to housing are made by the devolved

administration in Northern Ireland. Despite the obligation on the Northern Ireland government to ‘give effect’ to economic and social rights contained within the Covenant, however, there has been limited participation in human rights processes by the government. For example, the Northern Ireland Office did not attend the CESCR examination in Geneva in 2009, frustrating the Committee’s opportunities for direct questioning. Attempts to measure the influence of the Committee’s recommendations, through submission of written requests for information on the State’s progress since 2009, have been constrained by a lack of information produced by the department responsible for human rights in Northern Ireland.¹⁴

Devolved arrangements in the UK create complexities the ability to exercise levers of State accountability. This was evident in the UK government’s recent response to the Special Rapporteur on Adequate Housing’s report, which did not deal with the specific references to housing rights issues in Northern Ireland. Instead, the response cited housing as “a matter for the devolved administrations” and concluded that it would therefore be “inappropriate for the UK government to respond” (Human Rights Council, 2014, para 80). At the same time, Northern Ireland’s Minister for Social Development responded to the visit of and report by the Special Rapporteur by questioning her credibility and the independence of her visit (Northern Ireland Assembly, 2013), as well as and disputing the existence of the central problem highlighted (Northern Ireland Assembly, 2014). Unfortunately, these responses from the Northern Ireland and UK governments to the CESCR examination and the report of the Official Mission by the Special Rapporteur have impeded potential for international mechanisms of accountability.

Critically, however, the use of traditional human rights mechanisms focuses international attention on local issues, which has been of significant value to PPR groups. Community groups have been able to apply pressure on duty-bearers in Northern Ireland not only to progress economic and social rights but to discuss group-identified priorities as internationally significant issues. The use of local media and other campaign tools in achieving this has been essential in validating groups’ concerns. Moreover, international reinforcement of PPR groups’ use of rights standards and principles further re-energises and adds validation to the campaigns for economic and social rights pursued by vulnerable groups.

14 The Office of the First and Deputy First Minister has not responded to letters from PPR requesting information dated January 2012 and February 2014.

Conclusion

This article has reviewed PPR's human rights-based approach to explore how vulnerable and marginalised communities have employed international human rights standards and principles in their campaigns for change. Despite limitations to traditional domestic and international mechanisms for State accountability for human rights obligations, the experiences of the groups described here offer useful examples for communities in Ireland and elsewhere to employ in their own campaigns. By working outside formal legal and political structures, PPR's groups have demonstrated the potential use and usefulness of international human rights frameworks for contributing to community-led change on the ground.

We suggest this model of working relies on at least three factors: the *meaningful participation* of communities affected by the issues; sustained *support* from individuals or NGOs who are familiar with human rights law, tools and mechanisms and are committed to working with affected communities to support their campaigns; and *flexibility* on the part of all involved to apply these tools or develop new approaches when and where appropriate. McMillan et al. (2009, p.69) argue that "Without addressing patterns of nonparticipation and the lopsided power relationships between rights-holders and governments, many of the underlying causes of problems in service delivery will remain unresolved". PPR's approach relies fundamentally on supporting the participation of marginalised groups and communities to claim their rights, rather than waiting to be invited into State-led processes for change. Through development and policy support, organisation works to build confidence in marginalised community groups to use human rights tools in their campaign work. As McCormack (Cizmar et al., 2008) states, "To enable the powerless, the invisible, to be part of making change. That changes how they see themselves... and that changes everything". The articulation of the groups' issues as human rights demands has demonstrated change in individuals' perceptions of themselves as rights-holders and claimants, as well as direct improvements to implementation of rights on the ground and the shape of government decision-making.

Critically, the approach discussed has developed and adapted in relation to various groups' priorities, challenges faced in holding particular State bodies to account, and in response to the added skills, interests and creative contributions of individuals involved in each campaign. Although the groups working with PPR have engaged in many central elements of this human rights-based approach, the reality of working with marginalised communities to improve the realisation of rights requires flexibility in the face of challenges and opportunities. Although human rights standards and provisions may support a community's campaign, it is important that a rigid reading and understanding of these documents does not constrain a group's development and articulation of their rights from their own positioning. Examples from a range of the groups demonstrated the use and usefulness of some tools human rights can add to traditional community empowerment frameworks, but these campaigns have also drawn on other models, such as trade union organising, use of the media and lobbying politicians. A central component of PPR's approach, however, is the articulation of issues as human rights indicators with benchmarks for improvement, on which a considerable portion of this article has been focused. As former Special Rapporteur on the Highest Attainable Standard of Health (Hunt, 2007, p.4) notes, "By supporting communities to set human rights indicators and benchmarks that measure whether their economic and social rights are being realised on the ground, the PPR project is applying two fundamental features of the human rights-based approach to social change". We suggest that this tool is a particularly effective accountability mechanism for drawing economic and social rights into local contexts.

International human rights law is a powerful framework that can contribute to marginalised communities' campaigns for change on the ground. However, it is a framework that should be at the service of rights-holders who can benefit from articulating, both for themselves and as an influential tool, their concerns as rights-based

demands for change. With significant barriers to domestic enforcement of economic and social rights through traditional mechanisms, we suggest drawing human rights standards and provisions into community-driven campaigns offers potential for meaningful implementation.

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