

**Seven Towers**  
**Monitoring Group**

**FOURTH REPORT ON  
PROGRESS OF HUMAN  
RIGHTS INDICATORS**

January 2009

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# INTRODUCTION

## Context

On 13<sup>th</sup> June 2007, residents from the Seven Towers in north Belfast held a landmark 'Evidence Hearing on the Right to Housing'. Residents of the Seven Towers had many outstanding housing issues which had been raised yet unresolved for years. At the Hearing residents presented six human rights indicators, including benchmarks for a twelve month period, which they had developed to measure whether their right to adequate housing was being progressively realised. These indicators were validated by a panel of international housing rights experts at the Hearing and in the subsequent findings.<sup>1</sup>

The Minister for Social Development, Ms Margaret Ritchie, visited the residents on 3<sup>rd</sup> July 2007 and committed her Department to working with the residents to ensure that these indicators and benchmarks were met. A Seven Towers Monitoring Group (STMG) was established consisting of residents, a local housing activist and the PPR Project to produce monitoring reports following measurements carried out by residents periodically throughout the year. The Minister appointed representatives from the Department for Social Development and the Northern Ireland Housing Executive to liaise with the STMG to ensure there was progress on the indicators.

To date, the STMG have produced three Progress Reports (September 2007, December 2007, May 2008<sup>2</sup>) outlining what progress, or otherwise, has been made on each of the indicators. The STMG have met with representatives from the DSD and NIHE on two occasions to review indicators and benchmarks.

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<sup>1</sup> Findings of the International Panel are available at <http://www.pprproject.org/>

# HUMAN RIGHTS INDICATOR #1

## Pigeon Waste

For their first indicator, residents identified pigeon waste built up behind ventilation partitions on each floor of the Seven Towers as an issue which required immediate attention. 'Pigeon waste' refers to the pigeon droppings, dust, carcasses of dead pigeons, nests, feathers, and infestations of mites caused by the waste on each floor.

### NIHE Responsibility:

- According to the Housing Rights Service, pigeon waste could be classed as a 'public health nuisance' and therefore is an '**urgent repair**' which the NIHE must repair within 4 days
- According to the NIHE, **98%** of **urgent repairs** were carried out within 4 days. (*NIHE Tenant's Charter 2005*)

### Human Rights Standard:

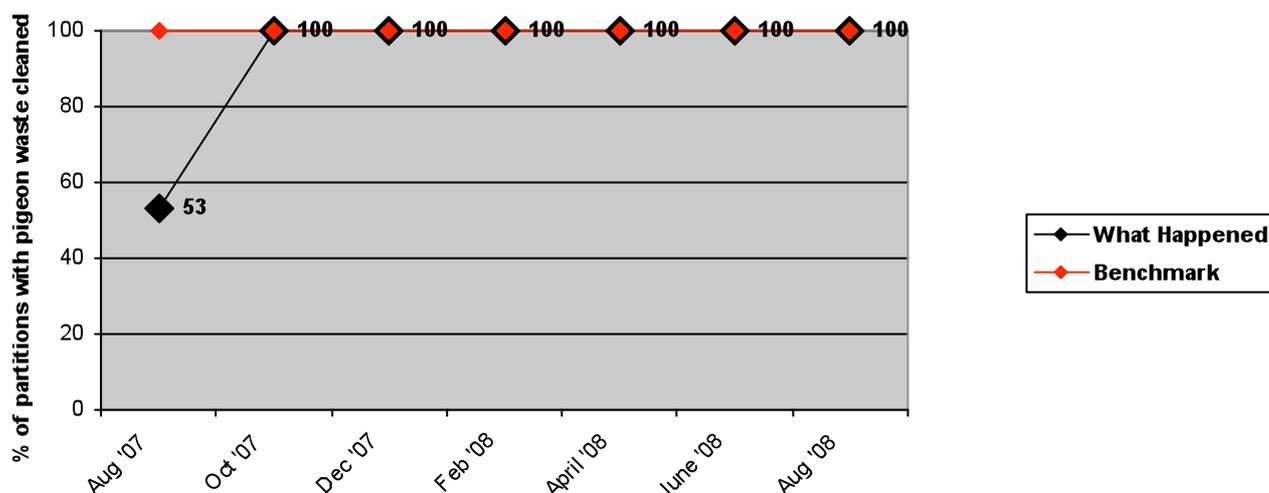
CESCR General Comment 4, Paragraph 8 (d)<sup>3</sup>

*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**. [emphasis added]*

### How was this monitored?

On a monthly or bi-monthly basis by residents using checklists and photographs.

### Results:



### What has been done?

<sup>3</sup> General Comment 4, The Right to adequate housing, (Art. 11(1) of the Covenant), (Sixth Session, 1991)

After an initial failure to tackle this issue effectively, the District Office of the NIHE and DSD have consistently met this benchmark since October 2007. The NIHE monitor the cleanliness of the partitions on a frequent basis and then take necessary action. The Seven Towers Monitoring Group are informed when monitoring and cleaning occurs.

### **Analysis**

As we said in our Third Progress Report, there are significant lessons to be learned from how the issue was prioritised by the residents themselves. This prioritisation allowed resources to be allocated to deal with the situation and systems to be changed by the NIHE to ensure the process was monitored and implemented effectively.

# HUMAN RIGHTS INDICATOR #2

## No. of families in the Seven Towers

For their second indicator, residents identified the re-housing of families out of the Seven Towers. This has been a long-standing demand of residents, especially as it relates to the experience of children.

### NIHE Responsibility:

“The Housing Executive entirely accepts that this type of accommodation is unsuitable for families with young children” (*Letter obtained through the Freedom of Information Act from Chief Executive of the NIHE to former Northern Ireland Commissioner for Children and Young People, Mr Nigel Williams (16<sup>th</sup> February 2005)*)

### Human Rights Standard:

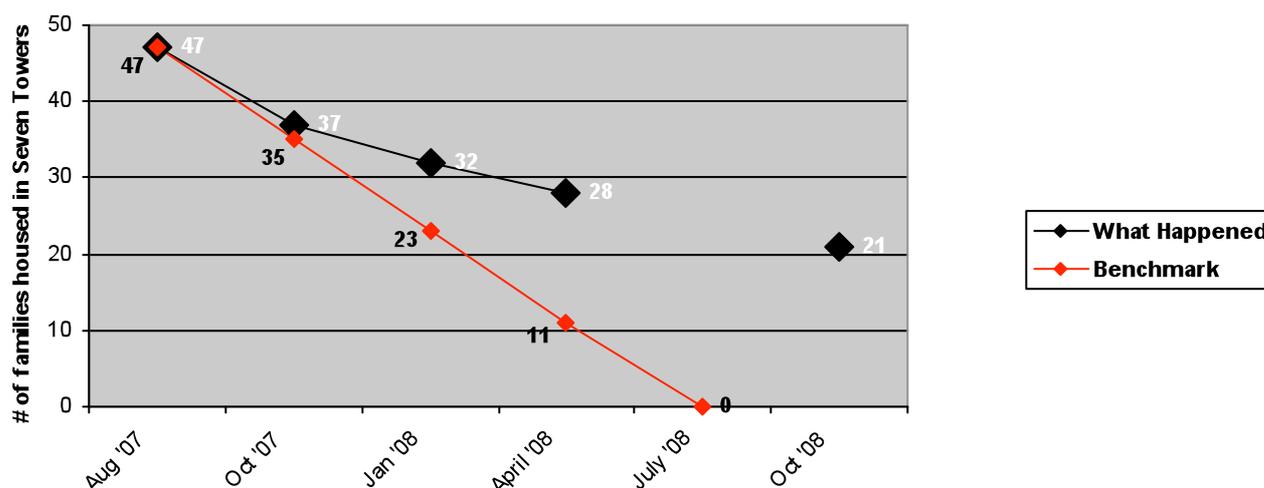
UN Convention on the Rights of the Child  
Article 27

*requires states to recognise the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development, including ‘appropriate measures to assist parents and others responsible for the child to implement this right and shall in the case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing’.*

### How was this monitored?

On a quarterly basis by information provided by the NIHE.

### Result



### What has been done?

The NIHE and DSD have:

- given priority status to families seeking to be re-housed from the Seven Towers

- distributed transfer forms to families in the Towers to ensure that the option of re-housing was offered

## **Analysis**

The numbers of families in the Towers has consistently declined, and while falling significantly short of the benchmarks, it is clear that genuine effort has been made to re-house the families by the District Office of the NIHE. The 57% reduction across the monitoring timeframe is proof of the focus which the indicators methodology and Ministerial commitment has brought to responsive service delivery.

However, the 57% reduction is no consolation for residents who are still forced (and in future will be forced) to raise children in what has been acknowledged as an unsuitable environment. This is an issue which cannot be divorced from the lack of social housing provision in 'nationalist' areas of north Belfast, which is the underlying cause of the inappropriate housing of families in the Seven Towers. Tackling this need will require commitment across the board, from the District Office of the NIHE, to the Chief Executive and Board.

This issue must be addressed by government, namely the DSD and the NIHE, fulfilling their legal obligations, both under national and international standards, to target resources towards the most vulnerable communities and to tackle existing inequalities.

With the projected continued growth of numbers on the social housing waiting list it is evident that the lack of social housing will continue to be a problem in the future. The current approach adopted by the government and service delivery bodies towards housing in north Belfast falls outside their legal obligations, does not assist the most vulnerable and in this time of economic contraction, does not present itself as good use of public monies.

# HUMAN RIGHTS INDICATOR #3

## No. of residents reporting drainage and sewage problems

The third indicator relates to the problem of sewage coming up residents' baths and sinks as a result of insufficient drainage systems.

### NIHE Responsibility

- According to the Northern Ireland Housing Rights Service booklet '*Repairs in Social Housing*' sewage ingress is classed as an 'Emergency Repair', which should be carried out within 24 hours.
- Blocked drains are classed as 'Urgent repairs', which should be carried out within 4 working days.

### Human Rights Standard:

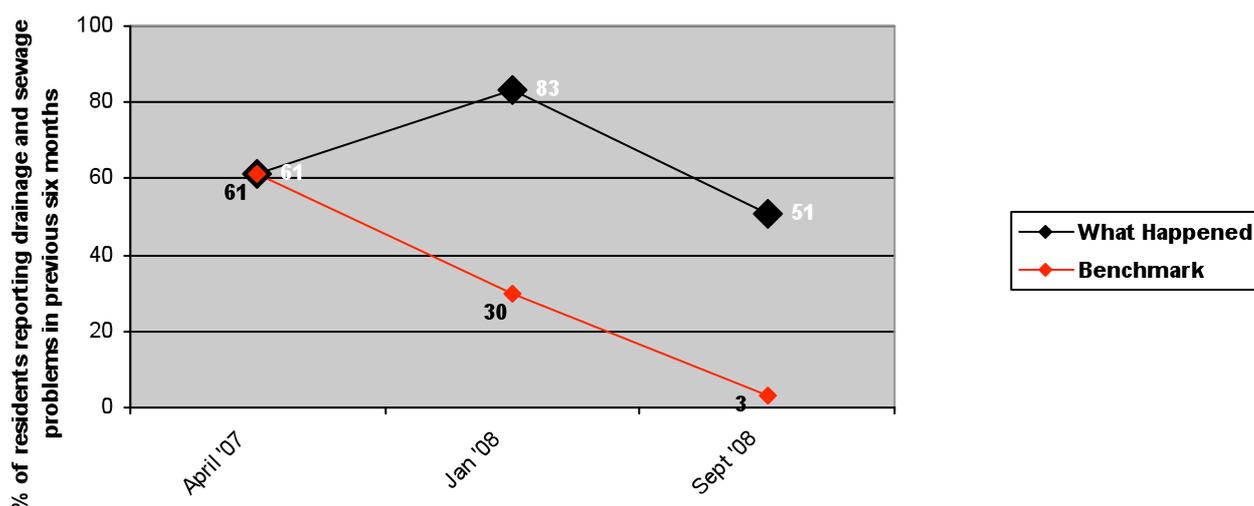
CESCR General Comment 4, Paragraph 8 (b)

*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.* [emphasis added]

### How was this monitored?

On a bi-annual basis through door-to-door surveys

### Result



### What has been done?

Following a dramatic increase in reported incidents during the 6 month monitoring phase:

- a new 'soil stack' replacement system was implemented on a pilot basis in Maeve House
- a residents' Satisfaction Survey was undertaken by Residents Committee following the pilot. The results indicated 96% satisfaction with the outcome of the pilot and made concrete suggestions as to how the project should be implemented across the other Towers, including better communication with residents and the provision of temporary toilet facilities.
- all of the recommendations proposed by residents were then implemented by the District Office of the NIHE when replacing the system in subsequent Towers.
- work has commenced or been completed on the other Towers.

### **Analysis**

Repeated incidents of sewage coming up the baths and sinks is simply unacceptable. This issue had been raised regularly by residents for years and had been told by the NIHE that replacement of the sewage system was impossible given that the original pipes were encased in concrete.

While the benchmarks set by the residents were not met during the monitoring phase, the monitoring work of the Seven Towers residents combined with Ministerial determination has managed to exert sufficient pressure to ensure that the problem is being decisively dealt with. The positive response to an issue highlighted by the residents as a long-standing problem and the agreement of the NIHE to implement the recommendations from the Residents satisfaction survey are to be welcomed.

# HUMAN RIGHTS INDICATOR #4

## No. of residents reporting dampness and mould in flat

Residents identified the presence of dampness and mould in their flats as the fourth indicator needing to be resolved.

### NIHE Responsibility

Serious damp penetration is classed as an 'Urgent Repair' which should be carried out within 4 working days

### Human Rights Standard

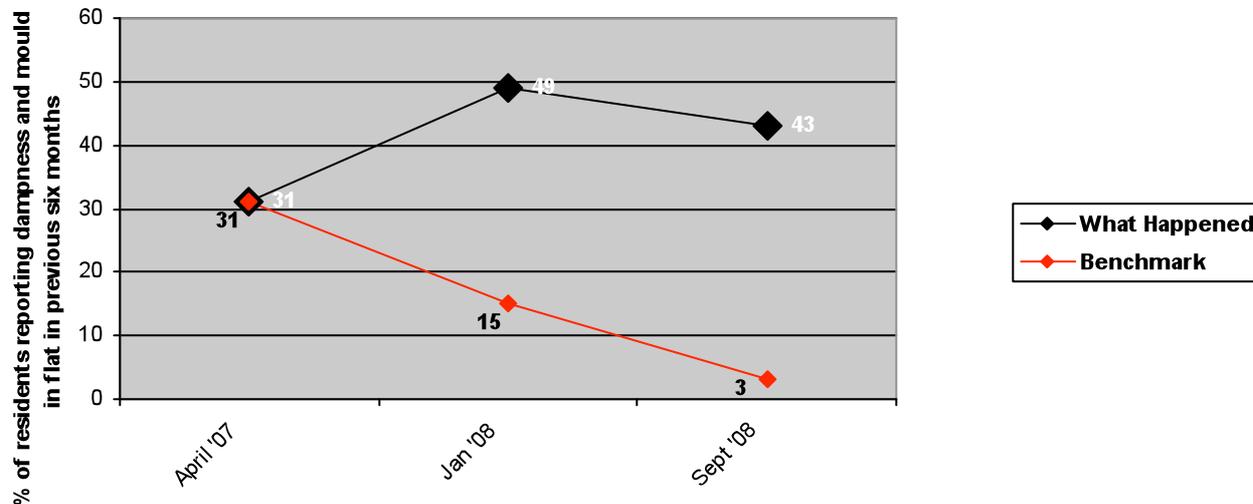
CESCR General Comment 4, Paragraph 8 (d)

*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.*

### How was this monitored?

On a bi-annual basis through door-to-door surveys

### Result



### What has been done?

The NIHE have by and large denied the widespread presence of dampness in the Seven Towers.

- In November and December 2007, the NIHE undertook a 'Report on Dampness and Condensation'. This report concluded that dampness was not a significant problem and that most of residents' grievances were attributable to 'condensation', 'mould' or 'water ingress' that would be dealt with through response maintenance or future planned schemes.

- At a meeting with the STMG, NIHE representatives stated that the presence of condensation was due to 'life style' choices – for example drying washed clothes inside the flat.
- NIHE and DSD are proposing a PVC cladding scheme for the Seven Towers which may resolve outstanding issues of dampness, although this has not been confirmed. It is estimated that this scheme will cost in excess of £7 million pounds and represents a massive investment and indication of the role of the Seven Towers in future housing provision in north Belfast.

## **Analysis**

It is evident that there is a wide discrepancy between residents' experience of dampness in their flats and the NIHE's own findings. However the commitment to invest in excess of £7million on the flats, signifies that there are very serious structural problems within the Seven Towers. It has taken the constructive and participatory work of residents over the previous period to highlight that these conditions are not down to individual 'behaviour' or 'lifestyle choices' of residents but chronic problems with the buildings themselves.

From a Freedom of Information request obtained by the PPR Project in February 2008, it is clear that the proposed PVC cladding is primarily about protecting the value of the capital investment in the Seven Towers. Nothing in the economic appraisal refers to the cladding eliminating existing dampness issues.

No mention is made in the economic appraisal of the effect the PVC cladding will have on housing quality for those living in the Seven Towers. Residents do not want to see £7million being used as a 'sticking plaster' for past inadequate, defective, or simply out of date building standards and materials. It is imperative that an investment of this size in the Seven Towers makes a tangible difference to the housing conditions of the residents, and their full and informed participation is employed when decisions are made.

# HUMAN RIGHTS INDICATOR #5

## No. of residents reporting complaints who were happy with the response they received by the NIHE

The fifth indicator refers to the satisfaction rates of residents who either reported maintenance problems to the NIHE or formally complained about them.

### NIHE Responsibility

According to the NIHE Tenants Charter 2005 95% of first stage complaints were dealt with within 15 working days. 88% of 2<sup>nd</sup> stage complaints were dealt with within 15 working days.

### Human Rights Standard

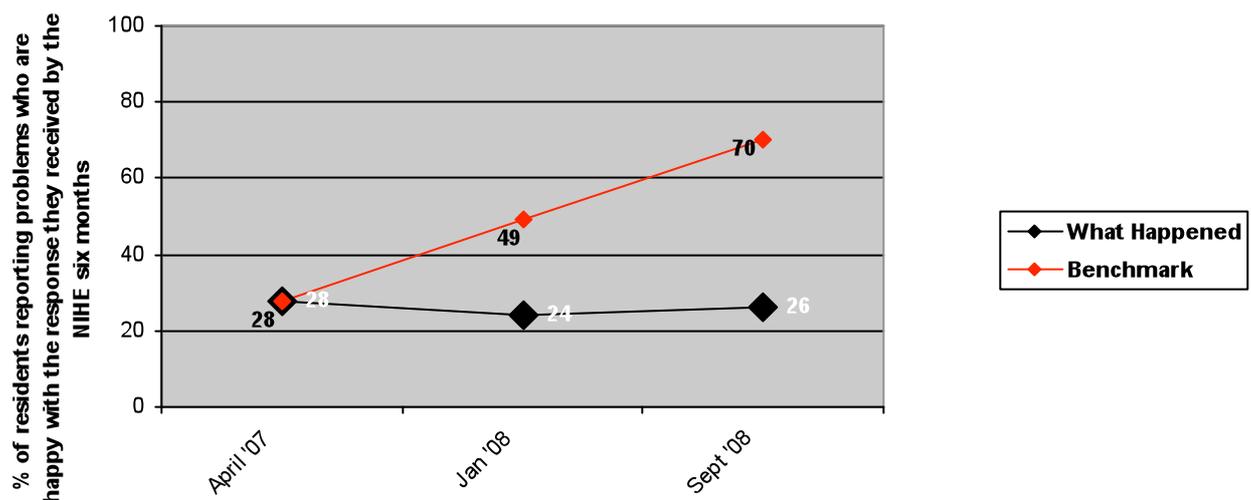
CESCR General Comment No 9, C paragraph 9<sup>4</sup>

*The right to an effective remedy need not be interpreted as always requiring a judicial remedy. Administrative remedies will, in many cases, be adequate and those living within the jurisdiction of a State party have a legitimate expectation, based on the principle of good faith, that all administrative authorities will take account of the requirements of the Covenant in their decision-making. Any such administrative remedies should be accessible, affordable, timely and effective.*

### How was this monitored?

On a bi-annual basis through door-to-door surveys

### Results



### What has been done?

<sup>4</sup> General Comment 9, The domestic application of the Covenant, (Nineteenth session)

There has been no evidenced attempt to address this low satisfaction rate by the NIHE other than repeated calls for residents to use existing channels.

At the November 2008 STMG meeting with the NIHE, it was proposed that the NIHE Quality Assurance scheme which was to be introduced could focus on the Seven Towers. To our knowledge, this has not been progressed, nor have the opportunities for residents to be involved through designing, monitoring, or evaluation of such an accountability mechanism been discussed.

In March 2008, residents from the Seven Towers carried out a focus group with nine residents regarding the experience of the NIHE's response to reported problems. The results of this, including discussions with 67 residents through the most recent survey, will contribute towards a broader research to be carried out in 2009.

It has been agreed at meetings with the STMG that this issue will continue to form part of the ongoing agenda.

### **Analysis**

Any structure set up to fix problems should be accessible, affordable, timely and effective.

Official responses to the STMG on the monitoring have simply called on residents to use the current mechanisms for reporting problems with which the residents have repeatedly expressed dissatisfaction with. Similarly, calls on local housing activists to continually highlight specific problems to the NIHE where maintenance work is not being carried out to residents' satisfaction fails to address systemic problems and puts the onus on unpaid and minimally resourced individuals and groups. As the Findings from the International Panel were clear, states and service delivery bodies are the 'duty-bearers' and have ultimate responsibility for ensuring effective remedies are in place that allow problems to be identified and tackled.

The issue of remedies will be carried forward into the next phase of indicators setting and monitoring. This report has highlighted examples of how effective resident participation has led to targeted and effective use of public money to improve housing quality. Any quality assurance scheme or changes to process regarding the reporting of problems must involve residents in the design, delivery, implementation and monitoring stages. Their experience must be used to construct effective accountability mechanisms which will enable government to pinpoint where changes can most effectively be made and which deliver on the residents' human rights.

# HUMAN RIGHTS INDICATOR #6

## No. of residents reporting dissatisfaction with how involved they feel in NIHE decisions which affect them

This indicator highlights the participation of Seven Towers residents in decisions taken by the NIHE and DSD about their housing. It refers to how involved residents feel in the decision-making process.

### NIHE Responsibility

“67% of tenants felt that, overall, they had been well consulted by the Housing Executive” (*NIHE Tenants Charter, 2005*)

### Human Rights Standard

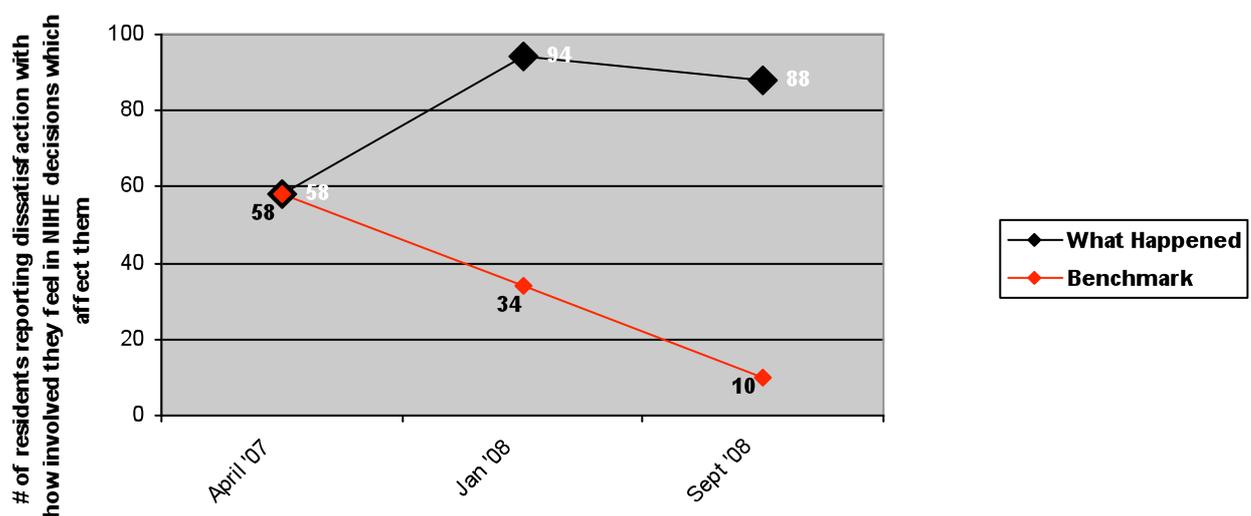
CESCR General Comment 4, Paragraph 9

*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.*

### How was this monitored?

On a bi-annual basis through door-to-door surveys

### Results



### What has been done?

There have been a number of initiatives undertaken by the NIHE and DSD which could have provided the opportunity to promote residents participation in decisions about their housing.

These have included NIHE schemes:

- External Cyclical Maintenance Scheme (est. cost £900,000)

- Replacement of sewage system
- PVC Cladding Scheme (est cost +£7 million)

Residents have also led initiatives to promote participation including:

- Development programme for residents on housing rights
- Selecting issues to be brought forward and analysing nature and extent of problems
- Setting housing rights indicators and benchmarks and monitoring these across twelve month period
- Monitoring the implementation of the sewage replacement scheme

## **Analysis**

The NIHE schemes have followed a traditional model of engagement with residents – i.e. through their formal ‘consultation’ structures and ad hoc meetings. Minutes and notes from these meetings inform us that in relation to the above NIHE schemes this has involved ‘advising’ or ‘informing’ the local groups or residents what the NIHE intend to do after decisions have been taken. Resident groups are then contacted throughout the course of the scheme and asked to assist in solving ‘problems’ which occur (usually issues around access to individual flats). The result is extremely poor participation from residents themselves and a growing dissatisfaction in the nature of this engagement.

Resident led initiatives, through the PPR Project and Seven Towers Residents Committee, have attempted to broaden that participation to include residents in the design, delivery, implementation, and evaluation stages of schemes and have produced:

- 13 residents undertaking a development programme on their housing and human rights
- 62 residents involved in setting priorities for issues to be addressed and setting a baseline of evidence on nature and extent of specific problems in the Seven Towers (May 2007)
- 28 residents with children completing a survey on housing preferences (September 2007)
- 67 residents involved in providing information to monitor indicators and benchmarks (January 2008)
- 9 residents participating in focus groups sessions on the NIHE response to residents’ problems (March 2008)
- 24 residents (58%) participating in satisfaction survey following the completion of sewage replacement in Maeve House (June 2008)
- 67 residents involved in providing information to monitor indicators and benchmarks (September 2008)

The two approaches are fundamentally different. The residents’ initiatives have not been about ‘informing’ or ‘consulting’ residents once substantive decisions have already been made, or involving them to ‘iron out’ implementation problems. Rather, it has been about training residents, enabling them to identify problems, collect and analyse data, prioritise issues, and monitor effectiveness. This has led to substantially higher levels of meaningful participation among residents of the Seven Towers.

This approach, crucially reinforced by Ministerial dedication, has led to modest yet effective improvements over the previous period in residents' housing conditions – pigeon waste has been resolved, sewage problems will be resolved shortly, and families have been successfully re-housed out of the Towers in larger numbers than at any other time previously.

The next phase of setting human rights indicators and benchmarks will concentrate on how residents can be effectively involved in all decisions which affect their housing conditions. The findings of the International Panel, and all of the progress reports to date, show that doing so is the pre-requisite to effective expenditure of public funds and a respectful exercise of Ministerial obligations.

# CONCLUSION

On 23<sup>rd</sup> January 2009, residents from the Seven Towers will be convening the second Hearing on the Right to Housing. This will involve input from residents, local housing activists, international experts on human rights, and member of the International Panel. The NIHE and DSD have also been invited to participate.

Following the Hearing, residents will begin a process of setting new human rights indicators and benchmarks to be monitored over a defined period. In coming to this decision, they will take on board learning over the previous monitoring period, input from governmental bodies, evidence from domestic and international experts, and most importantly evidence from residents of the Seven Towers.

From the results to date, it is clear that substantial work needs to be done around reported problems and resident participation. In particular, the decision to spend £7million pounds in the Seven Towers needs to be assessed in terms of how it meets residents' needs and how the money will be spent to ensure best value for money. It remains unclear how the £7million will improve the living conditions of residents – as it seems to primarily focus on preventing the physical decay of the Seven Towers. Worse, it seems to fly in the face of the experience of many high rise developments across Britain and Ireland which have been totally or partially demolished due to inadequate infrastructure but also due to their failure to promote healthy and vibrant families or communities.

The decision to spend a considerable amount of public resources on PVC cladding did not meaningfully involve the residents of the Seven Towers or potential tenants on the waiting list in north Belfast. In addition it does not consider the lessons learned from past wasteful and inappropriate expenditure that provided only sub-standard housing provision and contributed to the undermining of family and community relationships.

It is clear that traditional models of engagement, which place residents at the receiving end of the decision making process and are not based on any measurable standards, are still in place. What is more concerning is that this type of engagement is being used to underpin a proposed major capital expenditure (PVC cladding) which has neither sought nor included the needs and priorities of residents in its criteria.

The Minister's commitment to fulfil her obligations was based on respectful engagement with, and participation by, residents. The co-operation evident between the District Office of the NIHE and Seven Towers residents over the replacement of the sewage system gave an indication of the effectiveness of this approach. There is now evidence that this has improved the quality of life for residents.

# APPENDIX

## Human Rights Indicators

An integral part of the human rights based approach is the selection of human rights indicators and benchmarks by which progress on the selected issues can be measured. Part of the Seven Towers Residents training focused on the identification of issues which were affecting the participants. These were not necessarily 'human rights' issues, but issues they faced in their daily lives. From this comprehensive list of issues, the group were then asked to narrow down the issues based on two criterion. Firstly the issue had to be a 'rights' issue. Secondly, 'strategic considerations' regarding what was achievable had to be taken into account.

The group carried out some action research (in the form of a survey) amongst residents in the Seven Towers to uncover the extent of these issues and to get the feedback of other residents.

The data collected was analysed and summarised. The Seven Towers Residents then took part in workshops to refine the indicator they wished to measure for each issue and to set benchmarks i.e. targets which should be achieved each time a measurement was taken.

## Why use indicators?

An integral part of the human rights based approach is the selection by the group of human rights indicators and benchmarks.

Much of the work of the PPR Project in setting indicators has been based on the papers written by Paul Hunt on the subject in his capacity as UN Special Rapporteur on the Right to the Highest Attainable Standard of Health. He explains:

*“A human rights based approach requires that special attention is given to disadvantaged individuals and communities, it requires the active and informed participation of individuals and communities in policy decisions that affect them; and it also requires effective, transparent and accessible monitoring and accountability mechanisms. The combined effect of these...is to empower disadvantaged individuals and communities.”<sup>5</sup>*

The right to adequate housing is among other rights laid down in the UN Convention on the Rights of the Child which are subject to progressive realisation. At an international level discussions have taken place on how human rights indicators can provide a way of monitoring progressive realisation. The purpose of the human rights indicators used by the residents is twofold:

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<sup>5</sup> Para 25 Report of the Special Rapporteur on the Right to Health E/CN.4/2006/48

- 1) to measure the progress on the issue, and assess whether things are improving and at what rate
- 2) to measure the fulfilment of rights on the ground.

For indicators to be human rights indicators and fulfil each of these aims, it is necessary for each indicator to be linked to a human rights standard, so they can be used to measure progressive realisation in local communities. The indicators will be used by the group over the course of a year to chart progress on their issues and also the progress being made by statutory agencies in progressively realising their human rights on the ground.

Much of the work done to date on setting indicators, including Paul Hunt's work, is aimed at States who wish to set human rights indicators to evaluate their own progress in realising human rights. However, the PPR Project takes a grassroots approach and aims to assist communities to set *their own* indicators and to do so in relation to *very specific issues selected by that community*.

### **Outcome and process indicators**

The Seven Towers group set outcome indicators to measure their issues. The outcome indicators measure how government policies and practice have impacted at community level, considering only what the tangible outcomes have been. However it is important to note that the human rights based approach is as concerned with the process by which human rights are achieved as with the outcome. In order then to capture the full human rights based approach to indicators, it is necessary to include indicators on the participation of the community in question in decision-making, and the accountability of the duty-bearer.

The next indicators set by the group will contain process indicators, which will elaborate and set standards on the level of participation of residents on decisions taken which affect their housing. These process indicators will be developed by the group using input from the international experts speaking at the 'Second Evidence Hearing on the Right to Housing' to highlight the specific steps to be taken to ensure residents right to participate is realised.

### **Disaggregation**

As we are measuring the progressive realisation of a right at community level, in this instance it will be measured in the context of a fairly homogenous community. Disaggregation of the indicators is essential for a human rights based approach; the data must be capable of being broken down into categories to reveal whether certain groups of disadvantaged individuals are suffering particular hardship or discrimination. Paul Hunt, UN Special Rapporteur on the Right to Health recommends disaggregation on the basis of age, gender, socio-economic group, rural/urban and ethnicity, but acknowledges that 'these have to be reviewed in the light of (i) capacity (ii) context (iii) the relevant issue in question'. In the context of the issues picked by the resident groups, the information was collected by age, gender, family status, and residence i.e. which of the Towers the respondent lives in. This will be continued in the next monitoring period.

