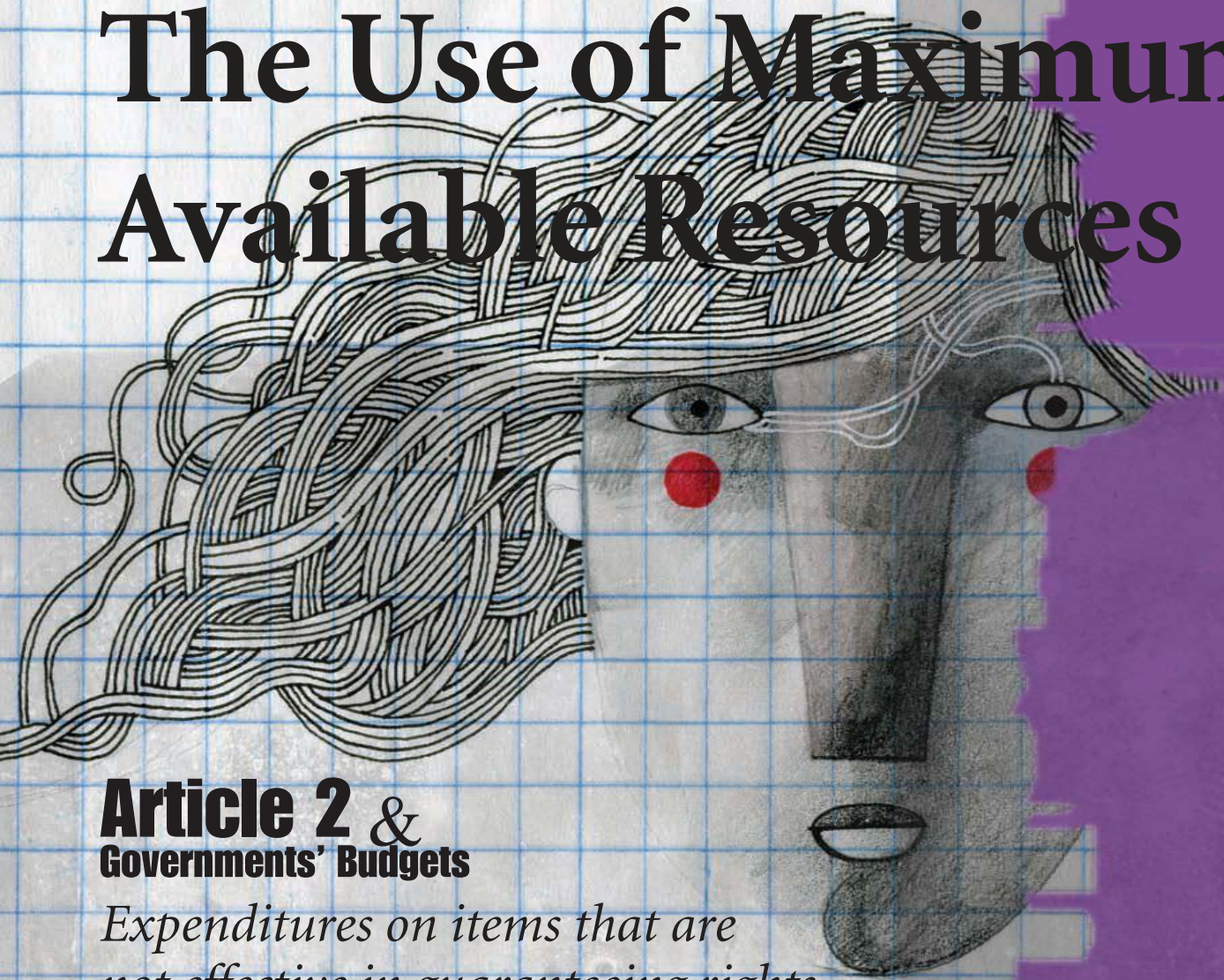


The Use of Maximum Available Resources



Article 2 & Governments' Budgets

Expenditures on items that are not effective in guaranteeing rights

The case in brief

The Seven Towers, a social housing project, is in an electoral ward in Belfast that has consistently been rated as one of the most deprived in terms of unmet housing needs in the whole of Northern Ireland. The Seven Towers Residents Group has collaborated with Participation and the Practice of Rights (PPR) since 2006 on a campaign to identify and seek to remedy problems that are obstacles to the residents' enjoyment of their right to housing. Surveys have consistently confirmed that large numbers of residents suffer from dampness and cold in their flats, and that the heating system in the Towers is inefficient and expensive. Temperatures remain low and dampness persists.

The Northern Ireland Housing Executive (NIHE) manages the flats for the Department for Social Development. In 2007 the residents learned of an NIHE plan to clad the exteriors of the Towers. Cladding would involve fitting a PVC rain screen to the building exteriors. Its primary purpose would be to help maintain the condition of those exteriors. It would have no significant impact on the dampness and cold in the flats.

Using existing Freedom of Information laws, PPR requested information about NIHE's expenditures on maintenance over the previous decade. From the limited information provided, PPR was able to deduce that little had been spent on maintenance related to the residents' needs. PPR also did an estimate of what it would cost to replace the existing heating system with one that was more efficient and less costly to residents. It concluded that such a replacement would cost little more than 25 percent of what the cladding would cost, while addressing directly the problems of cold and damp. In addition, the new heating system would save residents significant amounts on their heating bills.

Through a series of public meetings, PPR has managed to bring about greater public awareness of the problems in the Seven Towers. The residents and PPR also brought the results of their budget analysis to the attention of the Minister for Social Development. While he rejected the alternative proposed by them, the residents' and PPR's efforts have increased NIHE's awareness of residents' needs and of their right to housing, and has ensured greater accountability.



The human rights issue

The NIHE's "Decent Homes Standard" says that publicly-funded housing must:

- Meet the statutory fitness standard— [...] be free from serious dampness...
- Provide a reasonable degree of thermal comfort.

This standard is in line with article 11 of the ICESCR, which guarantees the right to adequate housing. The CESCR's General Comment 4 [para. 8(d)] interprets this right to include habitability:

Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp [...] or other threats to health...

General Comment 4 also guarantees affordability [para. 8(c)].

Article 25 of the International Covenant on Civil and Political Rights guarantees people the right to participate in public affairs.

The human rights argument

The CESCR has interpreted the obligation to use the maximum of available resources to realize ESC rights to mean that governments' actions on ESC rights must be effective.

They must have the effect of realizing rights, in this case the effect of ensuring the habitability and affordability of the social housing.

Governments have an obligation of conduct —i.e., they must take actions to realize human rights— and of result. With regard to the government's budget this means that it is not enough for government to spend money, in this case on housing. Government must do its utmost, within the funding available to it, to ensure that the plans, programs and projects it intends to implement are those most likely to realize people's rights.

When a government chooses, among the options available to it, projects and designs that are not likely to have the effect of realizing people's rights—as the NIHE has done in this case—it is failing to use the maximum of available resources to realize ESC rights.

Moreover, by failing to give serious attention to informed alternatives proposed by residents, the NIHE has not respected their right to participate in a meaningful fashion in public affairs.



Case study in detail



Background

Northern Ireland is quite damp. Belfast experiences more than 200 rainy days annually and the city is cold during winter months. Staying dry and warm can be a challenge.

The Seven Towers is a social housing project in an area of North Belfast that has a majority Catholic population. The Catholic population in Northern Ireland has historically experienced higher rates of unemployment and greater poverty than have Protestants. In 2002, 80 percent of those in “housing stress” (i.e., with the greatest need for housing) in North Belfast were Catholic. By 2008 the number of Catholics so positioned had increased, while the city had also experienced a significant increase in the numbers (although still much smaller) of Protestants in “housing stress.”

Seven Towers is situated in the New Lodge area of Belfast, which has consistently been rated one of the most deprived in terms of unmet housing needs in Northern Ireland. The residents of the Seven Towers have regularly reported mold on the walls of their flats as a result of dampness. In winter the flats stay colder than what is considered healthy by the World Health Organization (WHO). Insulation is poor and the heating system is inefficient and expensive to run.

Seven Towers Residents Group and human rights indicators

Since 2006 the Seven Towers Residents Group has collaborated with Participation and the Practice of Rights (PPR) to address their housing problems. They use a human rights-based approach to campaign for change around identified problems that

conflict with their right to an adequate standard of living, including the right to housing.

Using indicators and benchmarks that they have developed on the basis of international human rights standards, residents have been able to monitor whether or not their rights are being progressively realized. Among those indicators are the percentage of previously reported damp units still experiencing problems with damp, and the percentage of residents dissatisfied with the existing heating system.

In 2011 PPR learned from Seven Towers residents that:

- 45 percent of those surveyed had had problems with dampness over the past two years; and
- 89 percent were unhappy with the heating, with 85 percent of those unhappy considering the heating to be too expensive.



Participation is not only a right in itself, but also helps ensure that government actions are effective in furthering people's enjoyment of their ESC rights. Through consulting with people to identify where enjoyment of their rights falls short, government can do a better job of targeting its spending to meet felt needs.

Government's cladding proposal

The NIHE manages social housing for the Department of Social Development of Northern Ireland. In October 2007 the Seven Towers Residents Group was briefed by NIHE on a plan it had developed to clad (fit a PVC rain screen to) the exteriors of the Seven Towers buildings. According to the economic appraisal undertaken of this plan in November 2007, the cladding would cost £7million (approx. US\$14.5m). The objectives of the cladding included upgrading the health of residents and safety of the buildings, providing

accommodation that met the needs of residents, and reducing the costs of future maintenance of the exterior of the buildings.

When Seven Towers residents asked NIHE how the cladding would help heat retention and reduce damp in the flats, NIHE responded that it was not intended to do that, and would not greatly enhance insulation. Thus, according to the NIHE, the cladding proposal would not even fulfill its own objective of providing accommodation that met the needs of the residents. Moreover, the cladding would not improve health problems caused by dampness and cold in the buildings.

At the same time, according to one of NIHE's regular assessments into the condition of social housing stock, this one undertaken in 2009, there were no structural integrity questions with regard to the exteriors of the buildings, and thus the cladding was not essential in enabling NIHE to meet the Decent Homes Standard of structural safety.

As a result of a Freedom of Information request made in August 2010, residents learned that over the previous nine years NIHE had spent £3.3million (approx. US\$5.14m) on maintenance of Seven Towers. It appeared, however, that the bulk of that money had been directed to installing CCTV, replacing lifts (elevators), and maintaining the exterior of the buildings. PPR was unable to ascertain what had been spent in response to residents' needs with regard to dampness, cold and the cost of heating.

CSOs in countries around the world have difficulty in accessing budget information. Even more difficult is accessing appropriately disaggregated data as well as information about sub-national budgets. The last Open Budget Index (2012)* reveals that the national budgets of 77 of the 100 countries surveyed—countries that are home to half the world's population—fail to meet basic standards of budget transparency. Freedom of Information Acts can be critical in enabling CSOs to get better access to important budget information.

*<http://internationalbudget.org/what-we-do/open-budget-survey/>

A more effective alternative

From the response to a question posed in March 2010 to the Minister for Social Development by a member of the Northern Ireland Legislative Assembly, PPR learned that:

- NIHE was using a more efficient (natural gas) heating system in many other social housing units in Northern Ireland;
- The average cost per unit of replacing the type of heating system used in the Seven Towers with the natural gas system was £5,204 (approx. US\$7,900); and
- The average annual savings in heating costs as a result of the switch would be £193 (US\$ 293) per unit.

PPR, using these figures together with information on the number of flats in the Seven Towers (384) calculated that:

- It would cost approximately £1,998,336 (approx. US\$3m) to replace the existing heating system with the natural gas system. This amounted to 28 percent of the cost of the cladding plan; and
- Altogether, Seven Towers' residents would save £74,112 in heating costs (approx. US\$112,600).

The Seven Towers' residents and PPR concluded that the government, by investing in a project that would not be effective in addressing the issues of habitability and affordability, was failing to use the maximum of available resources to realize their right to housing.

Spending is likely to be more effective in advancing people's rights if it is directed to programs and projects that have been shown by evidence (gathered through research, surveys, etc.) to have made a positive difference in advancing those rights. Government must be able to show that the plans, projects and programs it is proposing are based on such evidence.

Advocacy

Seven Towers' residents held a series of meetings with NIHE and in September 2011 met with the Minister for Social Development to discuss alternatives to the cladding proposal, ones that would be more effective in addressing the problems of damp and cold. Although their evidence was sound, the Minister rejected their suggestion, saying that the cladding would proceed as planned.

While the residents have not yet managed to have their demands met, their advocacy has succeeded in forcing NIHE to assess its plans in light of the residents' needs and rights with regard to housing. The budget analysis also enabled the campaign to put forward an effective alternative to the cladding proposal.

The cladding of the Seven Towers had not yet begun as of June 2013. The Seven Towers Residents Group and PPR will continue to monitor the project and to demand through a multi-faceted campaign that their right to housing be realized.

Questions you might ask yourself or your government about a lack of effectiveness in government spending.

Before deciding upon programs, projects and their related budgets, does the government consult with the communities likely to be affected by the proposed initiatives in order to establish their needs and interests?

Does government involve those likely to be affected by its decisions—on programs, projects and related budgets—in discussions as to their likely effectiveness?

Does the government report on the consultation efforts and factors informing their program, project and related budgetary decisions?

When developing programs, projects and their related budgets, does the government assess the likely impact of the programs, projects and spending on people's enjoyment of their rights? If so, what process does it use? If not, why not?

How does the government weigh the likely benefits of diverse options for addressing shortcomings in infrastructure, operation and/or maintenance related to ESC rights? What mechanisms are in place to ensure that it chooses the option that will realize rights in the most effective way?

Does the government collect data about the effectiveness of its policies, programs and spending in realizing specific human rights guarantees—such as the availability, accessibility, affordability and quality of housing? If so, who collects the data? Who uses it? If it does not collect such data, why does it not?

Does it have a process for involving those *actually* affected by its programs, projects and related budgets in discussions about their effectiveness?

PPR

Participation and the Practice of Rights (PPR), located in Belfast, Northern Ireland, was founded in 2006 by internationally renowned trade unionist and human rights activist Inez McCormack. PPR supports groups to use a human rights approach in their monitoring, organizing, campaigning, strategizing and media work. Each of PPR's working groups is made up of people who are directly impacted by the issue they work on. The groups launch campaigns that measure success not by when government makes a commitment, but by when change is seen on the ground. PPR aims to make the government decision-making processes more participatory and accountable.

PPR groups' successes include the establishment of a new appointment system for mental health patients attending A&E (Accident and Emergency) units across Northern Ireland, re-housing of families from run-down tower blocks, and re-negotiation of regeneration plans from which residents had been excluded. PPR's results demonstrate that people in the most deprived communities have valuable expertise about the problems they face and how they can be remedied.

For more information on PPR, go to:
www.pprproject.org/

The Article 2 Project

This booklet is part of the *Article 2 & Governments' Budgets* handbook. The handbook has been developed by the Article 2 Project, a working group housed first at the Partnership Initiative of the International Budget Partnership (IBP), and then at the Global Movement for Budget Transparency, Accountability and Participation. The project aims to enhance understanding of the implications of article 2 of the ICESCR for how governments should develop their budgets, raise revenue and undertake expenditures. The project encourages the use by civil society and governments of the legal provisions of article 2 to monitor and analyze governments' budgets. Download the complete handbook at:

www.internationalbudget.org/publications/ESCRArticle2.

The case study in this booklet is derived from Participation and the Practice of Rights (PPR), "A Human Rights Budget Analysis of the Northern Ireland Housing Executive's current plans to clad the Seven Towers Flats" (June 2011), available at: http://issuu.com/ppr-org/docs/a_human_rights_budget_analysis_report_on_nihe_s_pl, and "Papering over the Cracks," available at <http://rightsni.org/2011/09/papering-over-the-cracks/>

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