

SHRC

Scottish
Human Rights
Commission

Housing Rights in Practice

Project Summary

June 2019

“Where after all, do human rights begin? In the small places, close to home...”

Eleanor Roosevelt

“The right to housing should be seen as the right to live somewhere in security, peace and dignity.”

United Nations Committee on Economic, Social and Cultural Rights

Introduction

In 2015, the Scottish Human Rights Commission began to work alongside a group of residents in Leith, Scotland, who were living in poor housing conditions. People were experiencing problems with damp, mould, ineffective or broken heating, pigeon, rodent and insect infestations, and maintenance issues.

Following a model developed by Participation in the Practice of Rights (PPR) in Belfast, Northern Ireland, the Commission aimed to support residents to advocate for their right to an adequate standard of housing to secure improvements in their housing. The right to housing is set out in international law and contains a range of standards which need to be met on issues such as habitability and availability of services, among others.

This is a summary of the project. A film about the project has also been produced and is available via www.scottishhumanrights.com.

A longer report will be published later in 2019, setting out more detail about lessons learned from the project and how the project worked in practice.

How did the project come about?

In 2013, Scotland's National Action Plan for Human Rights (SNAP) was launched as a framework for action to address gaps in the reality of human rights in people's everyday lives. One of the actions identified through SNAP was to pilot an approach to empowering people experiencing human rights violations through social exclusion and poverty, drawing on the expertise of PPR.

The PPR approach involves ensuring that 'rights holders' – people whose rights are affected by an issue or problem – are supported to take part in measuring and monitoring the extent to which their rights are upheld. This information can then be used by rights holders to hold public authorities (or 'duty bearers') to account.

This approach was first adopted with residents living in the Seven Towers in North Belfast. It has been commended by Mary Robinson, former UN High Commissioner for Human Rights, and Raquel Rolnik, former UN Special Rapporteur on the Right to Housing.

Why did the Commission choose to work in Edinburgh?

The Scottish Human Rights Commission and PPR had built links with the Edinburgh Tenants Federation (ETF) through our work on poverty and the right to an adequate standard of living, as part of SNAP. With the support of ETF and PPR, the Commission approached different registered tenants organisations from across the city at a meeting on 23 June 2015, which was also attended by officers from the City of Edinburgh Council.

One group based in Leith came forward, recognising a number of similarities between the challenges of their own housing, and those experienced by people in the Seven Towers in Belfast. The majority of residents in the area were social housing tenants, whose landlord was the City of Edinburgh Council. The housing is made up of two high rise blocks of 76 flats each, and one low rise block of 30 flats. The area is within the most deprived 10% in Scotland, according to statistics from the Scottish Index of Multiple Deprivation.

The Council had made a number of commitments to undertake work on the buildings in 2010, 2011 and in early 2014 and 2015. However, by the time the Commission began to work in the area in June 2015, investment had still not been forthcoming.

What did the Commission do during the project?

In August 2015 residents were invited to take part in an assessment of their housing conditions. Following this, residents recognised that they needed to find out more about the conditions across all of the flats. They developed a survey for this purpose in October 2015. This was distributed to all flats in December 2015, both through face-to-face

surveying and by leaving the questionnaire with each house if no-one was available. 85 responses were received, representing just under half of all households.

Analysis of the data provided from this survey showed that residents had a range of concerns including poor drainage and plumbing; broken down lifts; damp and mould; inadequate or defective heating; and ageing and inadequate kitchen and bathroom facilities. Residents also expressed concerns that complaints and requests for help were often slow to be answered, or were never resolved. Homeowners expressed concern about the accuracy and transparency of billing for factoring services.

These findings were presented back to a group of residents in spring 2016. Residents discussed the results, selecting a range of issues as priorities for monitoring and requiring improvements. Each of these has a basis in the right to housing in international law. The indicators below set targets for the improvements that residents wanted, and have been monitored throughout the four-year life of the project.

1. The % of households who say their heating protects them from the cold should increase from 62% to 76% in Citadel, 32% to 48% in Persevere and from 47% to 60% in West Cromwell St.
2. The % of people experiencing dampness should go down from 31% to 18% in Citadel, from 29% to 17% in Persevere and from 87% to 68% in West Cromwell St.
3. The % of people satisfied with the maintenance response from City of Edinburgh Council should go up from 43% to 59% in Citadel, from 44% to 62% in Persevere and from 23% to 28% in West Cromwell St.
4. Homeowners requested annual billing, transparency around which repairs they needed to pay for, and more say in procurement processes to which they were required to contribute.

While the survey was being carried out and analysed, the Commission also engaged in a range of meetings with council officials and Councillors from the City of Edinburgh Council. The purpose of these meetings was to explain the project's approach and to offer support in taking a human rights based approach.

On 8 June 2016, the residents presented the findings from the survey to an audience of the wider community, council officers, and the Vice Convener of the Health, Social Care and Housing Committee, Councillor Cammy Day.

Council officers agreed to meet with the residents within a month of the meeting and later formalised this offer. However, the residents' group felt that it would be better to engage with a more senior officer. Residents wrote to the Chief Executive Officer of City of Edinburgh Council in July requesting a meeting. The Commission also wrote in support of the residents. Susan Mooney, then Head of Housing and Regeneration, responded to these letters in August 2016, articulating the Council's commitment to work with the residents.

This meeting took place in September 2016. Residents presented the survey report and expressed their concerns to Susan Mooney, who had not been present at the June meeting. After a further meeting in October 2016, residents expressed frustration that they still had few opportunities to influence improvement plans, see the budget for proposed works or influence the choice of contractor. Residents also expressed frustration that the Council had offered only two spaces for them to sit on a 'project board' intended to manage and run improvements on the three blocks. At an autumn 2016 meeting with regard to rent increases, several residents were able to speak directly to the relevant council officer, to ask for more spaces for participation on the project board.

In late summer, the residents invited MSPs and Councillors from all parties to a walkabout at the flats. They also invited the First Minister, Nicola Sturgeon to come for a walkabout at the flats. A civil servant from the Scottish Government's Housing Standards and Quality met with residents on 17 October 2016.

In November 2016, residents began preparing for the second round of monitoring of the indicators through a survey of all flats.

In December 2016, the Scottish Human Rights Commission held a celebration of International Human Rights Day at the Scottish Parliament, hosted by the Convener of the Equalities and Human Rights Committee. At the event, the Commission screened a film which followed the progress of the residents in seeking change to their housing conditions.

In January 2017, the first meeting of the project board between tenants, the Council, ETF and the Commission took place. This group provided tenants with the opportunity to feed in their thoughts on the improvement works, make suggestions, advocate for a different approach and raise any concerns. The group has been scheduled to meet monthly since that date.

In February 2017, the Council issued a newsletter committing to replace the ventilation system within Citadel and Persevere in April 2017, followed by a replacement of all kitchens, bathrooms and heaters within the two high rise buildings. They also agreed to replace windows in both high-rise buildings in the latter part of 2017. During the same period, the Council began work to replace the roof of West Cromwell St, the condition of which had caused water ingress and related damp. The Council has also run several pest control clinics and has provided netting to prevent pigeons from inhabiting balconies on the flats.

In May 2018, Virginia Brás Gomes, then Chair of the United Nations Economic, Social and Cultural Rights Committee, visited the area. The Committee has a role in monitoring the UK's compliance with the right to housing. At a meeting with Ms Gomes, the Council shared that the total financial investment in the blocks had been £2.3 million, excluding the proposals for replacing the windows.

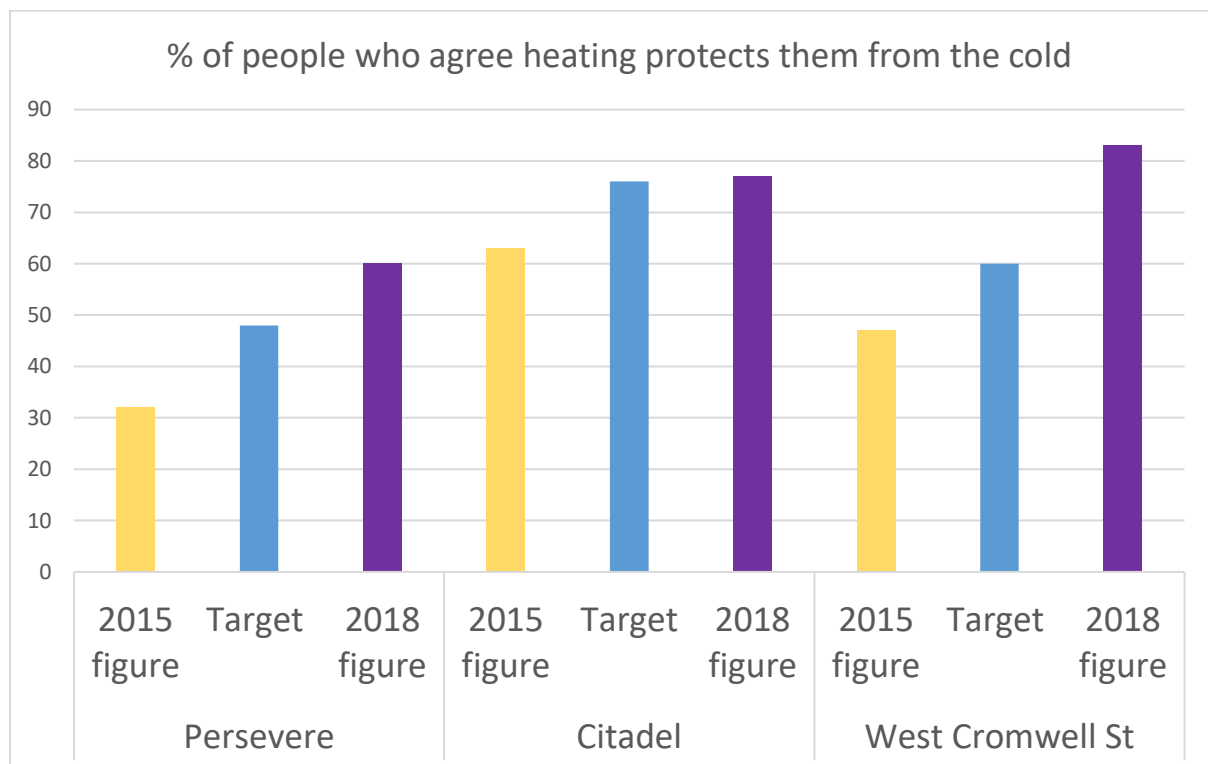
What was the impact of the work?

Impact on residents

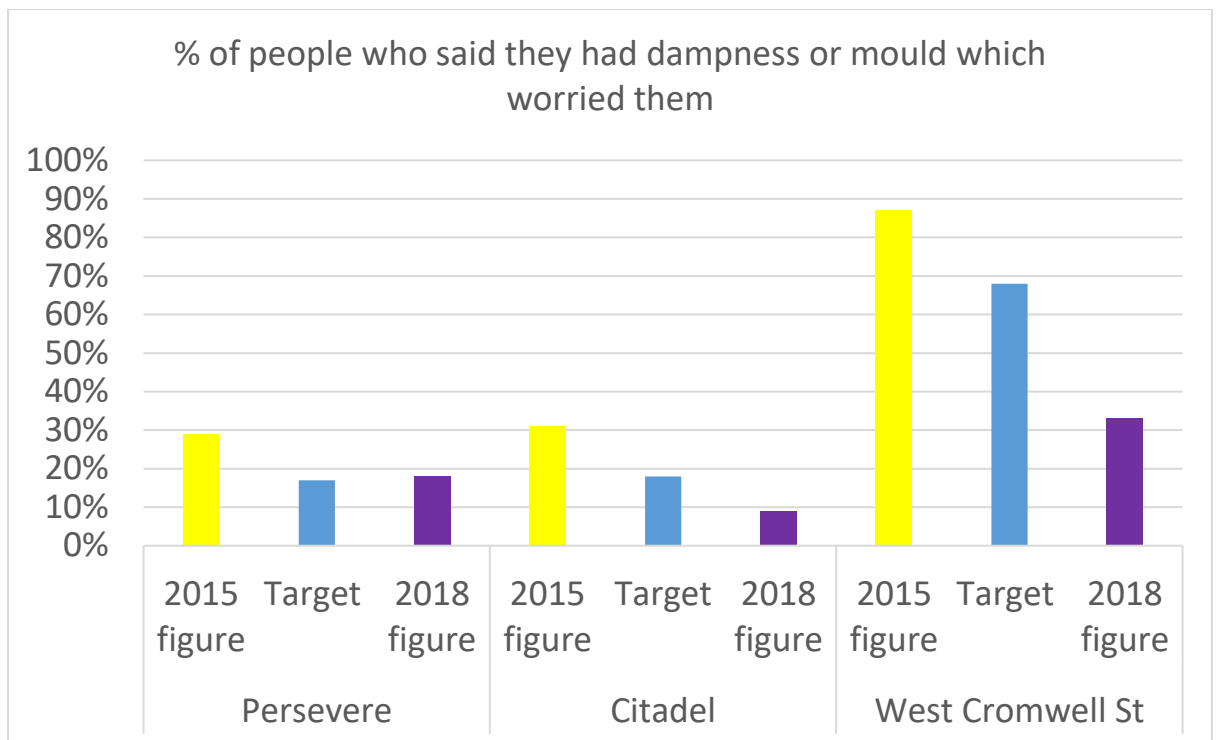
A follow up survey was issued in 2018, after the bulk of the works had been completed across all three buildings. This survey aimed to monitor progress towards the residents' original indicators (detailed above).

This survey received 58 responses. Analysis of the information provided showed that after the works, the Council **met the residents' human rights based targets on heating and dampness**.

- The proportion (%) of people who think their heating protects them from the cold has gone up in all three blocks.



- The proportion (%) of people who say they have worrying dampness and mould in their flat has gone down in all three blocks.



According to the survey the Council **has not met the residents' human rights based targets** on its **response to problems** or on **homeowner issues**.

- Positively, the number of problems people had reported more than halved.
- However, just 30% of people were satisfied with the Council's response to a problem which they were reported. This is lower than in 2015.
- Homeowners told us that they are not receiving quarterly itemised bills and it is still very unclear what the criteria are for communal repairs.
- Communication and consultation with homeowners on the works has been mixed.

Wider impact

The Commission's work in Leith has been recognised and commended by the First Minister's Advisory Group on Human Rights Leadership. It has also been commended by Leilani Farha, current Special Rapporteur

on the Right to Housing and by Virginia Brás Gomes, former Chair of the United Nations Committee on Economic, Social and Cultural Rights.

The Commission continues to call for public authorities to adopt rights based approaches to their work which prioritise the participation of rights holders in decisions which affect them. The Commission has also regularly called for economic, social and cultural rights, such as the right to housing, to be put into Scots law, to provide greater accountability for rights holders.

A full report of lessons learned from the project will be published by the Commission later in 2019.