



European
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30/06/2021

RAP/RCha/IRL/18 (2021)

EUROPEAN SOCIAL CHARTER

Comments by Community Action Network
on the 18th National Report on the implementation of the
European Social Charter

submitted by

THE GOVERNMENT OF IRELAND

Follow-up to Collective Complaints

Report registered by the Secretariat
on 30 June 2021

CYCLE 2021

Comment on Ireland's 18th National Report on the Implementation of the European Social Charter

Submitted by Community Action Network (CAN) and Centre for
Housing Law, Rights and Policy Research (CHLRP), NUI Galway

June 2021

1. Introduction

The Government of Ireland submitted its 18th national report on the follow-up given to the decisions of the European Committee of Social Rights ('The Committee'), relating to collective complaints ('the Government report') on 22 December 2020. The government report sets out the Irish state response to the decisions relating to a number of specified collective complaints including *International Human Rights Federation (FIDH) v Ireland*, Complaint No. 110/2014 (*FIDH v Ireland*).¹ According to Rules 21A of the Committee, trade unions, employer's organisations, NGOs and others are allowed to submit comments and other information related to national reports to assist the committee in examining the national report concerned.² Community Action Network (CAN) and Centre for Housing Law, Rights and Policy Research, NUI Galway (CHLRP) welcome this opportunity to comment on the Government report.

Community Action Network ('CAN') is a social justice NGO dedicated to working with communities to create a more equal, more just society that has the well-being of citizens at its heart. CAN works with people to assert their rights to participate fully as subjects of their own lives, to have their voices heard and to have their choices respected. CAN works within a human rights framework, and seek to build leadership for positive social change and participative democracy. It strives to create vibrant communities that have the capacity to participate powerfully in society and to challenge the inequitable structures, policies and

¹ The Report to the Ministers of the Council of Europe of 22 June 2017 on the Decision on the Merits of Collective Complaint *International Human Rights Federation (FIDH) v Ireland*, Complaint No. 110/2014, para 105-106.

² Council of Europe, Rules of the European Committee of Social Rights, Rules 21A: 'comments and other information relating to national reports submitted by trade unions, employers' organisations, NGOs and others in pursuance of Article 23(1) of the Charter as amended by the Turin Protocol shall be submitted to the Secretariat no later than 30 April of the year during which the Committee examines the national report concerned'.

practices that prevent them from doing so. It actively seeks opportunities to do this work in local, regional, all-island and international contexts.

The Centre for Housing Law, Rights and Policy Research ('CHLRP') is a research centre in National University of Ireland, Galway. It endeavours to create a space for a free and open discussion, combining research, resource development, advocacy and publications on housing law, rights and policy in Ireland, and internationally. It aims to contribute to the development of housing law, rights and policy through conferences, lectures, training, advocacy, publications and specialist research support. Current areas of research include mortgage market regulation and consumer protection, independent living for people with disabilities, housing rights in the EU Charter of Fundamental Rights, regulation of housing systems and implementation deficits in housing law and policy.

The aim of this report is not to comment on all topics covered by the Government report, but rather to present our views in particular on the response to the collective complaint *FIDH v Ireland*.³ In that case, the Committee found that a significant number of families living in Local Authority housing in Ireland reside in poor housing conditions amounting to housing that is inadequate in nature.⁴ The Committee found that persistent conditions like sewage invasions, contaminated water, dampness and mould go "to the core of what adequate housing means."⁵ CAN and CHLRP played a key role in bringing the initial Collective Complaint that led to *FIDH v Ireland* and are well placed to comment on the Government response to that Committee decision. Since the decision of the Committee in *FIDH v. Ireland* was delivered in

³ The Report to the Ministers of the Council of Europe of 22 June 2017 on the Decision on the Merits of Collective Complaint *International Human Rights Federation (FIDH) v Ireland*, Complaint No. 110/2014.

⁴ The Report to the Ministers of the Council of Europe of 22 June 2017 on the Decision on the Merits of Collective Complaint *International Human Rights Federation (FIDH) v. Ireland*, Complaint No. 110/2014, para 105-106.

⁵ *FIDH v. Ireland*, Complaint No. 110/2014, para 119.

2017, we have been monitoring progress within Local Authority areas and the legislative, policy and administrative frameworks that support Local Authority tenants. Our Comment on Ireland's 17th National Report on the Implementation of the European Social Charter, was extensively referred to by the Committee in its Findings Report 2020.

In this comment we highlight how the inadequate housing conditions at the centre of *FIDH v. Ireland* have not been addressed and, as the European Committee of Social Rights (the Committee) have repeatedly determined, Ireland remains in violation of Article 16 of the Revised European Social Charter (the Charter). This is particularly apparent in the Committee's Findings Report 2020 which outlined, for the second time, that Ireland continues to fail to "take sufficient and timely measures to ensure the right to adequate housing for a not insignificant number of families living in Local Authority Housing and is therefore in violation of article 16 of the Revised European Social Charter."⁶ At the end of this Comment, we outline a number of recommendations that would help bring the situation into conformity with the Charter.

2. Comment on Ireland's 18th National Report on the Implementation of the Charter

We begin our comment by drawing the Committee's attention to the Government's inadequate engagement with the national reporting mechanism. The 18th National Report contains pages of text that appear to be copied word for word from the 17th National Report. As we note in section 3 below, the 'recycling' of content is particularly concerning because it means that the 18th National Report does not engage with the important housing and public health developments that have occurred since the 17th National Report. We suggest that the

⁶ European Committee of Social Rights, *Follow-up to Decisions on the Merits of Collective Complaints – Findings Report 2020* (Council of Europe, 2020) 165-168.

Committee invite the Irish Minister to provide an urgent report to the Council of Ministers on the reasons as to why this Decision in *FIDH v. Ireland* has been largely ignored.

The 18th national report sets out the Government's response to the decision in *FIDH v. Ireland*. The Government report draws attention to measures in three areas including (1) preventative maintenance, (2) stock improvement works and (3) regeneration. CAN and CHLRP have responded to these measures in turn in order to demonstrate that these measures are inadequate and that important information has been omitted. We submit that there has been insufficient progress in bringing the situation into conformity with the Charter following *FIDH v. Ireland* and draw particular attention to the following points:

(a). The legal framework for the right to housing for families in Ireland is insufficient;

We have drawn attention to specific failings of the legal framework to protect the human right to housing for families in Ireland. This is particularly apparent in the S.I. No. 137 of 2019, which is referred to in the Government report as part of the response to *FIDH v. Ireland*. As we have explained, the Regulation follows the previous approach and creates a lower standard for local authority tenants and approved housing body tenants than private sector tenants. Given the centrality of poor housing conditions relating to damp and persistent mould to the violation in *FIDH v. Ireland*, it is important to take care to outline how this Regulation fails to address these conditions.

The standards for rented housing in the Regulations are clear.

Regulation 8 *Ventilation*

8. (1) Every room used, or intended for use, by the tenant of the house as a habitable room shall have adequate ventilation.

(2) All means of ventilation shall be maintained in good repair and working order.

(3) Adequate ventilation shall be provided for the removal of water vapour from every kitchen and bathroom.

Para 7(2) states:

Subject to paragraph (1), there shall be provided, within the same habitable area of the house, for the exclusive use of the house:

(h) ...Where the house does not contain a garden or yard for the exclusive use of that house, a dryer (vented or recirculation type) or access to a communal dryer facility.

Para 7(3) states:

All facilities under Regulation 7(2) shall be maintained in a safe condition and in good working order and good repair.

This is of course, now regarded as a basic requirement and normative standard for modern housing especially with apartment blocks without gardens or balconies.

BUT, the Regulations also creates a lower standard for local authority and approved housing body (social housing) tenants than other tenants. In fact, in apartment blocks, there is no obligation **AT ALL** on local authorities or approved housing bodies to provide a dryer or any facilities for the drying of clothes.

7. (1) Notwithstanding paragraph (4), paragraphs (2) and (3) shall not apply where the house is let or available for letting –

(i) by a housing authority under the Housing Acts 1966 to 2014,

(ii) by a housing body approved under Section 6 of the Housing (Miscellaneous Provisions) Act 1992 , or

In Ireland, households without a garden or yard to dry washed clothes or the use of a dryer, or a communal dyer are forced to dry clothes in their homes. This statutory provision effectively forces local authority tenants to dry their washed clothes in their homes, a situation which contributes to condensation. This is clearly unfair and forces local authority tenants to spend more on drying facilities, where there is no garden or communal space, as is the case in many Dublin City apartment blocks. Despite not providing any appropriate indoor drying facilities, local authorities also warn tenants about drying indoors. The Dublin City Council Housing and Community Services Tenant Handbook outlines on page 19 that “Condensation is caused mainly by not opening windows, especially in bathrooms, or **by drying clothes in rooms with no windows or vents open**. Condensation appears as black mould on walls and the edges of windows. Always make sure that vents are clear to allow air to flow into a room.” This section outlines the entirely unrealistic and unfair expectation that in some case windows must be kept open throughout the year, even in winter.

To illustrate this issue, we draw the Committee’s attention to an Environmental Conditions survey of tenants experiences of local authority housing conditions in the Oliver Bond House complex in Dublin. The survey was carried out on 11th March 2021 by Robert Emmet Community Development Project (CDP) and the completion rate of the survey was 47%. (the full report is attached to this Comment). Of those that completed the survey, nearly two-thirds of households reported not having a suitable place to dry laundry (see response to Question 2).

The poor housing conditions in the Oliver Bond House complex are not an isolated example and these problems affect significant numbers of households living in local authority housing. A recent report in the Irish Times outlines how “problems of mould and damp were rife” at the Balgaddy local authority estate of 400 housing units in Dublin.⁷ The same report makes clear that local authority tenants living in the 345 flats at Pearse House are in “a “constant battle” against mould and damp, as well as a rat infestation”.⁸ The experience of households living in the Oliver Bond House, Balgaddy and Pearse House is representative of the wider experiences of many households living in local authority housing in Ireland.

We submit that this specific failure is symptomatic of the wider insufficiency of the legal framework for the right to housing for families in Ireland. As we have noted in our comments on the 17th report, there is no enforceable right to adequate housing for families in Irish law. There is no remedy for a family denied such housing against a local authority or State body. Currently, there is no sufficient legal framework to grant the right to housing for families in Ireland.⁹ As we have previously explained, aside from the weakness in regulating the property/housing system resulting in rising rents and unaffordable house prices for families on low to middle incomes, there is a general failure to implement legislation or provide sufficient resources to manage and maintain local authority housing to an adequate standard.

(b). Local authority housing tenants continue to live with inadequate housing standards;

We have repeatedly drawn attention to the fact that despite the Committee finding in *FIDH v. Ireland*, a significant number of local authority households continue to live with poor

⁷ Kitty Holland, ‘Poor council housing: ‘It’s like Angela’s Ashes in here sometimes’ *The Irish Times* (Dublin, 11 March 2021) available at <<https://www.irishtimes.com/poor-council-housing-it-s-like-angela-s-ashes-in-here-sometimes-1.4506529>> accessed 23 June 2021.

⁸ Ibid.

⁹ This was made clear in the UN Committee on Economic Social and Cultural Rights, *Concluding observations on the third periodic report of Ireland* (UN Doc. E/C.12/IRL/CO/3, 2015).

housing conditions. This is particularly apparent in the results of the CAN Collective Complaint monitoring survey 2020, which are outlined in our Comment (attached to this submission). The evidence gathered by CAN is consistent with recent research that shows how a number of the local housing estates have become some of the most deprived urban areas in Ireland. The Department of Employment Affairs and Social Protection's Social Inclusion Monitor for 2017 shows the consistent poverty rate for local authority tenants was 16.6 percent in that year.¹⁰ In a 2018 study on discrimination and inequality in housing published by the ESRI (Economic and Social Research Institute) and IHREC (Irish Human Rights and Equality Commission), it was found that 38 percent of those living in local authority housing experience housing deprivation (this means one or more of: leaking roof, damp walls, floor or foundation, rot in windows frames or floor; dark rooms; no central heating; and no double glazing).¹¹ Furthermore, the study found that 28 percent of local authority dwellings are overcrowded, and local authority tenants are 5.6 times more likely than owner-occupiers to live in overcrowded accommodation.¹² These findings are supported by Environmental Conditions surveys that have been carried out on specific local authority housing estates. One such survey of tenants' experiences of housing conditions was carried out the Oliver Bond House complex in Dublin on 11th March 2021 by Robert Emmet CDP (the report is attached to this Comment). The completion rate of the survey was 47%. Of those that completed the survey, four out of five reported problems of mould and damp in their home, three out of five reported drafts or poor insulation and two-thirds reported problems with crime and anti-social behaviour. The experience of households living in the Oliver Bond House complex is

¹⁰ Department of Employment Affairs and Social Protection, *Social Inclusion Monitor 2017* (Government of Ireland, 2019) 59.

¹¹ IHREC/ESRI, *Discrimination and Inequality in Housing in Ireland* (IHREC/ESRI, 2018) 42-43.

¹² *Ibid* 52, 54.

consistent with those at Balgaddy and Pearse House and are representative of the wider experiences of local authorities in Ireland.

(c). The Government report does not provide national statistics on the conditions of local (State) authority housing stock;

The data we have referred to in this report and in *FIDH v. Ireland* give an indication of the poor housing conditions faced by households living in a significant number of local authority dwellings. While this data makes clear the failure to protect the human right to housing of families, we reiterate that there is a general absence of meaningful national statistics on housing conditions in Ireland. We raise the following concerns regarding stock taking and condition assessments:

- That the State has not followed through on its commitment under its own Rebuilding Ireland policy, and in line with the findings of *FIDH v. Ireland* to initiate a condition survey of local authority housing in every area by Q4 2018.
- We note that the Government have recently outlined that it aims to commence stock condition surveys in Q4 2021. The Government indicate that these surveys will be “completed by local authorities over a 4/5 year timespan”.¹³ The Government have not explained why there has been a three year delay in commencing stock condition surveys nor why these surveys will take so long to complete. Even if surveys are conducted within this 4/5 year timespan, this means that it would be almost a decade after the Committee decision in *FIDH v Ireland* before concrete measures could be taken to address the substandard housing conditions at the heart of that Complaint.

¹³ ECSR Briefing Joint Oireachtas Committee Date 25th May, 2021 (HLGH-347a-2021 recd 24/5/21).

This delay and the failure of the State to provide a clear timetable that specifies when and how these surveys will be carried out, means this theoretical commitment cannot be regarded as practical and effective. Thus, we submit that the State has not undertaken general supervision at national level to ensure in a consistent manner that all local authority dwellings across Ireland are of adequate quality, as required by *FIDH v. Ireland*

- It is to be welcomed that Dublin City Council has initiated a programme to assess housing conditions and provide remedies. However, it is unclear how this has been progressed or how much this will be supported by the Central Government. It is also unclear how serious the commitment is to stock condition surveys outside of flats complexes in Dublin.
- There is no evidence that Ireland is considering a policy of facilitating meaningful tenant participation in addressing the problems for families in local authority housing. In Dublin, where the need for participation is most urgent given the estate renewal programme underway for flat/apartment complexes, there are no plans to facilitate tenant participation, notwithstanding the widespread concerns of tenants about the future of their homes. The COVID-19 pandemic has highlighted the lack of a national voice for local authority tenants. Many local authority tenants have faced lockdown in poor housing conditions but there has been no way for them to collectivise their experience.

We submit that the failure to follow up on this key commitment means that there has been insufficient progress in remedying the violation of Article 16 in *FIDH v. Ireland*.

(d). There is no national timetable for the refurbishment of local authority housing stock;

We have outlined that the Government report does not contain a clear national timetable for the housing stock condition survey or for refurbishment of the substandard local authority housing stock. Despite the various measures referred to in the Government report, it is important to reiterate that the Government have previously made clear the “first step” of addressing poor housing conditions was the carrying out of a nationwide stock condition survey of social housing. Indeed, the Government explained that this survey would form “the basis for the adoption of preventative maintenance approaches to housing stock management”.¹⁴ We have queried why the Government report does not explain why this commitment has been postponed by at least 3 years. We submit that the absence of meaningful data on housing conditions means that measures outlined to address substandard housing conditions in the Government report cannot be regarded as concrete and effective.

This is particularly apparent with respect to the ‘preventative maintenance approach’ which the Government report refers to. We have explained that, in reality, the maintenance staff employed by local authorities devote nearly all their time to response maintenance i.e. responding to tenants’ repair requests.¹⁵ We submit that there are inadequate resources committed to ‘preventative maintenance’ i.e. planned maintenance (repairs and upgrading).

We have made a similar point in response to the ‘regeneration programmes’ detailed in the Government report. Although in recent years new regeneration programmes have subsequently been developed, not all of these have been completed, and there is no national

¹⁴ Committee of Ministers, *Appendix to the Resolution CM/ResChS(2018)1: Address by the Representative of Ireland at the meeting of the Rapporteur Group on Social and Health Questions (GR-SOC) of November 2017*. (Council of Europe, 2018) para 11. Available at <<https://rm.coe.int/0900001680784fa2>> accessed 20 April 2021.

¹⁵ Michelle Norris and Aideen Hayden, *The Future of Council Housing: An analysis of the financial sustainability of local authority provided social housing* (Community Foundation of Ireland, 2018) 67.

plan for regeneration and no national tenant participation mechanism. The Government report does not provide any targets, a clear time line or any action plan against which progress can be measured.

To illustrate this point, we draw the Committee's attention to the fact that the 18th National Report repeats the exact same claims about new housing units that are contained in the 17th National Report. For example, on page 24 of the 18th National Report, the Government claims that 42 new houses are proposed at Southhill. The exact same commitment to build 42 new houses at Southhill was outlined on page 25 of the 17th National Report. To take another example, it is claimed that 53 new houses were completed at Moyross on page 27 of the 17th National Report. The exact same 53 houses at Moyross are claimed again on page 25 of the 18th National Report. In many cases the only difference between the 17th and 18th National Reports is that the same houses are proposed but with a later starting date. Equally, the 18th Report fails to give an accurate update on whether theoretical commitments have been realised in reality. For example, the 17th National Report outlines that 56 housing units at O' Devaney Gardens were due to be completed in 2020 (page 22). However, in reality this has not happened and in fact the plans are still being contested. This is clear from a recent report (June 2021) by the national broadcaster RTE which outlines how local residents "are concerned about the height and density in the latest regeneration plan according to local councillors".¹⁶

In summary, it is clear that the 18th National Report simply repeats the exact same claims made in the 17th National Report. The recycling and repetition of material demonstrates the

¹⁶ John Kilraine, 'Residents concerned over height, density in O'Devaney Gardens plan' (RTE, 21 June 2021) available at < <https://www.rte.ie/news/dublin/2021/0621/1229527-odevaney-gardens/>> accessed 23 June 2021.

inadequate engagement of the Government with the National Reporting mechanism, but it also shows how the commitments contained in those reports are largely theoretical and cannot be regarded as practical and effective.

(e). The Government has not fulfilled its obligation in providing adequate management and maintenance of local authority housing

The right to adequate housing for families living in local authority housing, requires the government to take seriously their responsibilities for management and maintenance and make the relevant cost reasonable and transparent, and the relevant information accessible. The Irish government has not fulfilled its obligation in several respects. This is apparent in the unsatisfactory management and maintenance issues for tenants. We have explained that there are considerable shortcomings to the ‘preventative maintenance’ measures detailed in the Government report. This is supported by evidence gathered by CAN survey which found that 71% of local authority tenants reported that management and maintenance the work carried out on their homes was of poor quality.¹⁷ Poor responses to maintenance issues is also a consistent issue for local authority tenants. Tenants report having to wait for long periods for basic repairs including repairs to electrics, boilers, broken windows and doors. Tenants often give up on the landlord attending to issues, and pay out for repairs from their own resources. One issue that is particularly frustrating for tenants is the absence of any suitable appointment system for attending to repairs. The Council staff person will not make a definite appointment and then drop in a card saying they missed the tenant. After long waits of weeks or even months for service, the tenant must then face another long wait. We have previously drawn attention to how in Glenshane in South Dublin Council, tenants who had

¹⁷ The CAN Collective Complaint monitoring survey was conducted in the first 6 months of 2020.

repairs categorised as level 5 – the most serious level, were told that they could not be put on the lists for repairs as they were in arrears.¹⁸ Assessments of housing stock and some remedial work begun following resident actions in 2017 in Glenshane but were not completed.

This is consistent with the findings of an Environmental Conditions survey of tenants experiences of local authority housing conditions in the Oliver Bond House complex in Dublin carried out by Robert Emmet CDP (the full report is attached to this Comment). Of those that completed the survey, nearly three out of four reported that maintenance and repairs are not carried out in a timely manner relevant to their urgency. The same proportion reported that maintenance and repairs were not carried out because of rent arrears. Furthermore, four out of five reported that they are not kept informed about how long it will take for maintenance issues to be addressed (see response to Question 3).

It is important to reiterate that local authorities actually made a surplus from local authority rents, (after management and maintenance expenditure) despite the poor quality housing provided in many cases.¹⁹ In effect local authority tenants are subsidising other local authority services from the rents. Clearly, there are insufficient resources dedicated to maintenance and refurbishment.

¹⁸ See for example, Dominic McGrath, 'An 11-year wait for windows: How Dublin tenants are left waiting years for repairs', available at <<https://www.thejournal.ie/dublin-city-council-residents-delays-houses-4248136-Sep2018/>> accessed 20 April 2021.

¹⁹ National Oversight and Audit Commission, *A Review of the Management and Maintenance of Local Authority Housing* (NOAC Report No. 12, 2017) Section 2.3.

(f). The Government has not fulfilled its obligation in ensuring community safety for local authority housing tenants

Article 16 guarantees adequate housing for families and this means a dwelling which is safe from a sanitary and health point of view.²⁰ A key aspect of safety is security at home but this also extends to feeling safe in one's community. The CAN Collective Complaint monitoring survey in 2020 found that 68% of respondents reported problems with crime and anti-social behaviour and just 19% reported that their home/area had a safe place for kids to play. This indicates that the Government has not fulfilled its obligation in ensuring community safety for local authority housing tenants.

(g). There is no meaningful participation of all those affected in the design, implementation and monitoring of housing policies, programmes and strategies

We note the Government report mentions on page 13 that it is committed to “established principles of community-based, tenant-led approaches to estate regeneration, ownership and management”. We consider this commitment is, at best, theoretical and cannot be regarded as practical and effective. We have repeatedly drawn attention to the lack of meaningful participation of all those affected in the design, implementation and monitoring of housing policies, programmes and strategies. This is particularly apparent in the CAN Collective Complaint monitoring survey in 2020. The response to the question: ‘If there is a plan for improvements has the community been part of the process?’ was:

- 9% said that the community is very involved
- 16% said that the community is somewhat involved

²⁰ *FEANTSA v. France*, Complaint No. 39/2006, para 76.

- 28% said that the community is not involved and
- 47% said they didn't know

This is consistent with a recurring theme within Irish housing policy of inefficient top-down decision-making that reinforces patterns of social exclusion and creates housing that is ill-suited to peoples' needs, commonly in remote locations and often left abandoned.²¹ The lack of meaningful participation goes to the core of the various failures to protect the human right to housing under Article 16 of the RESC that were laid bare in *FIDH v. Ireland*. This central importance of meaningful participation has been made clear by the Special Rapporteur on the right to adequate housing, Ms. Leilani Farha, who has provided guidelines which outline key elements needed for the effective implementation of the right to housing. These guidelines are based on existing human rights standards and recommendations the Special Rapporteur submitted over the last years to Member States in her official reports. Guideline No 3. makes clear that States must ensure meaningful participation in the design, implementation and monitoring of housing policies and decisions.²² Yet, in the Government report there is little recognition of the need for meaningful participation of households living in local authority housing in the design, implementation and monitoring of housing policies, programmes and strategies. There is a clear need for a rights-based participation model supported by all levels of Government transforms residents into active citizens and engaged community members, making housing programmes more affordable and effective and creating vibrant, more sustainable communities.²³

²¹ Special Rapporteur on adequate housing, *Guidelines for the Implementation of the Right to Adequate Housing* (UN A/HRC/43/43, 2019) para 22.

²² *Ibid* para 20 to 24.

²³ *Ibid* para 24.

3. Recommendations

The Government report seeks to place primary responsibility for the substandard housing conditions experienced by significant numbers of families living in local authority housing on local authorities and has, at times, emphasised the strategic role of the City and County Management Association (CCMA) in addressing poor housing conditions. It is important to point out that local authorities are public authorities and the CCMA is a non-statutory network of local authority managers which has no legally defined role. We reiterate that under international human rights law, it is the State which is the ultimate duty bearer. Thus, although local authorities have various housing functions, it is the Irish State which bears the ultimate responsibility to ensure that the rights under the RESC are respected.²⁴

The Committee have made clear:

*Even if under domestic law, local or regional authorities, trade unions or professional organisations are responsible for exercising a particular function, States Parties to the Charter are responsible, under their international obligations to ensure that such responsibilities are properly exercised. Thus, ultimate responsibility for policy implementation, involving at a minimum supervision and regulation of local action, lies with the Government which must be able to show that both local authorities and itself have taken practical steps to ensure that local action is effective.*²⁵

We therefore recommend that the State takes the following concrete steps to bring the situation into conformity with Article 16.

²⁴ *FEANTSA v. France*, Complaint No. 39/2006, para 56, 79.

²⁵ *European Roma Rights Center (ERRC) v. Italy*, Complaint No. 27/2004, Decision on the merits of 7 December 2005, § 26; *European Federation of National Organisations Working with the Homeless (FEANTSA) v. France*, Complaint No 39/2006, decision on the merits of 5 December 2007, § 79.

(1) Practical and effective steps

The Committee have made clear that when one of the rights in question is exceptionally complex and particularly expensive to implement, states party must take steps to achieve the objectives of the Charter within a reasonable time, with measurable progress and making maximum use of available resources.²⁶ Obligations under the Charter, while not imposing an “obligation of results” must take a “practical and effective, rather than purely theoretical form”.²⁷ For the situation to be compatible with the Charter, the Irish State must:

- a) adopt the necessary legal, financial and operational means of ensuring steady progress towards achieving the goals laid down by the Charter;
- b) maintain meaningful statistics on needs, resources and results;
- c) undertake regular reviews of the impact of the strategies adopted;
- d) establish a timetable and not defer indefinitely the deadline for achieving the objectives of each stage;
- e) pay close attention to the impact of the policies adopted on each of the categories of persons concerned, particularly the most vulnerable.

(2) Tenant participation

The lack of meaningful participation of local authority tenants goes to the core of the various failures to protect the human right to housing identified in *FIDH v. Ireland*. The State must develop and implement a rights based tenant participation strategy that ensures effective local authority tenants’ involvement in housing management decision making, policy

²⁶ *Autisme Europe v. France*, Complaint No. 13/2002, decision on the merits of 4 November 2003, para 53.

²⁷ *FEANTSA v. France*, Complaint No. 39/2006, para 56.

formation, tenancy agreements, performance improvement, and community projects, at local, regional and national level.

(3) Engaging with Committee's Findings Report 2020

We wish to conclude our Comment by drawing the Committee's attention to the Government's inadequate engagement with the national reporting mechanism. The Irish State has accepted an obligation under Article 20 of the European Social Charter to submit a National Report which updates the Committee on the progressive realisation of the rights contained in the Charter. It is highly disappointing that the 18th National Report contains pages of text that appear to be copied word for word from the 17th National Report. The text of pages 12-15 of the 18th National Report is nearly word for word exactly the same as the text of pages 11-20 of the 17th National Report. Indeed, the only material difference between the two Reports appears to be the updated appendix in the 18th National Report. This is particularly disappointing considering the important housing and public health developments which have taken place since the 17th National Report. We consider that the 18th National Report does not provide an adequate update and we suggest that the Committee ask the Irish Government why it has not effectively engaged with its reporting obligations and request that they provide an appropriate update on the practical and effective steps which are being taken to bring the situation into conformity with the Charter. We also suggest that the Committee invite the Irish Minister to provide an urgent report to the Council of Ministers on the reasons as to why this Decision in this Complaint has been largely ignored.