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**From Seven Towers to Grenfell: failures of social housing and the possibilities of a human rights-based approach**

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# **From Seven Towers to Grenfell: failures of social housing and the possibilities of a human rights-based approach**

*'Those who were living now are dead*

*Those who were breathing are from the living earth fled.*

*If you want to see how the poor die, come see Grenfell Tower.*

*See the tower, and let a world-changing dream flower.'*<sup>1</sup>

## **Introduction**

On 14th June 2017, a devastating fire at Grenfell Tower, part of the Lancaster West Estate in North Kensington, London, revealed many truths about the extent of inequality in modern-day Britain and Northern Ireland, about the fatal consequences of decades of political decisions which have undervalued poor, working-class and immigrant lives, and about how social housing residents have been historically vilified and marginalised. Of course, for many, these truths were not unknown, but simply facts of life underscored by lived experiences. For the rest of society, and for the authorities responsible, the Grenfell Tower fire should have been a moment of realisation about the urgent need for a drastic change in governance. In this dissertation, I will demonstrate the extent to which the state's response to Grenfell has failed to match the severity of the moment. In a broad sense, my research has been undertaken with the intent to explore the extent to which a narrow focus on civil and political rights has ultimately denied people their economic, social and cultural rights, particularly in the context of social housing in the UK.

Firstly, I will introduce the historical context surrounding the perceived unenforceability of social rights, which include the right to health, the right to education, and the right to housing. For the purposes of this discussion and for the sake of brevity, I will use the term 'social rights', as opposed to common alternatives such as 'socio-economic rights' and 'economic and social rights', to refer to these human rights which concern the conditions required to live a fair and dignified life. Drawing upon this history of social rights, I will consider how the protection of social rights has come to be weakened in the UK by the

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<sup>1</sup> Ben Okri, 'Grenfell Tower, June, 2017', *After Grenfell: Violence, Resistance and Response* (2019) 32

government's adoption of widespread austerity measures, with particularly damaging consequences for the provision of social housing. Secondly, I will outline how the Grenfell Tower fire unfolded, and will consider the human rights implications of both the decision-making processes that led to the mass loss of life in June 2017 and in the state's response in the aftermath. Here, too, my analysis will point to the fatal consequences of neoliberalism, deregulation and austerity, which all inherently imply the privileging of profit over people. As such, I contend that Grenfell is the culmination of an economic and political order that has cemented the ultimately dangerous opposition between housing as a commodity and housing as a right—a basic need that should be fulfilled and protected by the state.

After outlining the human rights issues surrounding Grenfell Tower, I will consider examples where social rights have been used to improve social housing situations in the UK or elsewhere—namely, I will look at the collaboration between human rights organisation PPR (Participation and the Practice of Rights) and residents of the Seven Towers social housing blocks in Northern Ireland, as well as the work of grassroots organisation PAH (Plataforma de Afectados por la Hipoteca) around evictions and housing rights in Spain. Finally, I will evaluate how the lessons learned from the human rights-based approaches adopted in these examples could be effectively used to guide victims of the Grenfell fire and their supporters in their demands for change. Ultimately, I will conclude that the value of human rights to social movements lies in its potential to be adopted as a language of optimism which empowers marginalised groups, reframing them as rights-holders with the capacity to hold duty-bearers to account.

Throughout this discussion, I will avoid referring to the 'Grenfell Tragedy', as many have tended to do, in the belief that to label it a 'tragedy' too closely suggests that it was entirely accidental, and therefore risks absolving the state and other private actors of their responsibility for the failure to protect the lives that were lost, even if only at a lexical level. The Grenfell fire was tragic, of course, but in the following chapters I will explore how and why it was not accidental but entirely preventable, and how it was symptomatic of a political and societal order which treats working-class lives as expendable. While this research is about the right to housing, and the material needs and rights of those who live in social housing in particular, it has also been undertaken with an effort to keep the concept of *home* in mind. In particular, home as conceptualised by Professor Lorna Fox is a useful and compassionate starting point from which to build any discussion about the right to adequate housing; for Fox, home is more than just

physical shelter—home ‘offers security and control’, acting as a ‘locus in space, permanence, security and privacy’.<sup>2</sup>

## Chapter one

### The invisibility of social rights

#### 1.1 The perceived unenforceability of social rights

Before considering the adoption of a human rights-based approach to address the rights-related issues raised by the Grenfell fire, it is first necessary to place this discussion in the wider context of social rights and, more specifically, their long-standing perceived lack of enforceability. It is with this perception that any attempt to argue for socio-economic rights is likely to be met, even by states and governments which proudly claim to uphold all human rights. The 1966 separation of civil and political rights and economic, social and cultural rights into their respective treaties, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), was based on the idea that the two sets of rights were fundamentally different and would require different enforcement mechanisms; civil and political rights were classed as ‘amenable to immediate, judicial protection’, while economic and social rights were considered to be ‘primarily political aspirations’.<sup>3</sup> As a result, civil and political rights have been termed ‘first generation rights’ and placed in rigid opposition to ‘second generation’ economic and social rights; in fact, this categorisation has proved ‘harmful’<sup>4</sup> to the important notion of the ‘indivisible and interdependent’ nature of all human rights.<sup>5</sup>

There has long been a concern that for social rights protection and fulfilment to be enforced at the same level as civil and political rights, states would be forced to cede too much authority to the courts, who would then be empowered to make unreasonable economic demands of the government.<sup>6</sup> This, despite the ‘equal position’ of civil and political and social rights in the Universal Declaration of Human

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<sup>2</sup> ‘Evidence Hearing on the Right to Housing’, PPR (2007) 50

<sup>3</sup> Rory O’Connell, Aoife Nolan, Colin Harvey, Mira Dutschke and Eoin Rooney, *Applying an International Human Rights Framework to State Budget Allocations: Rights and Resources* (2014) 9

<sup>4</sup> *Ibid* 4

<sup>5</sup> General Comment 9: The domestic application of the Covenant, Committee on Economic, Social and Cultural Rights, E/C.12/1998/24 (3 December 1998) 4

<sup>6</sup> Paul O’Connell, *Vindicating Socio-Economic Rights: International Standards and Comparative Experiences* (2012) 2

Rights, goes some way to explaining why social rights have been ‘relegated to a secondary status’ both internationally and in member states,<sup>7</sup> and thus are typically upheld ‘more ‘in the breach than the observance’’.<sup>8</sup> It is an unfortunate inevitability, then, that the reality of social rights having long been ‘systematically neglected’<sup>9</sup> has furthered the neglect of low-income and working-class people who are most in need of the protection offered by international human rights instruments such as the ICESCR. This imbalance is also reflected in the work of even the most prominent international human rights organisations, where economic inequality and other social rights issues like work and housing have historically been ‘very low on the list of priorities’, due in part to a popular yet detrimental assumption that if we are to focus on ensuring that civil and political rights are protected, ‘respect for economic and social rights will automatically follow.’<sup>10</sup>

The rigid dichotomy between economic and social rights and civil and political rights has been most prominently dismissed by philosopher Henry Shue, who, in his writing on basic rights, introduced what is known as the tripartite typology of states’ obligations. According to Shue, a right is ‘the basis for a justified demand’ on which people ‘not only may, but ought to, insist’, and ‘those who deny rights can have no complaint when their denial, especially if it is part of a systematic pattern of deprivation, is resisted.’<sup>11</sup> Shue determines that basic rights are those which guarantee subsistence, such as the rights to economic security and adequate food, clothing, and shelter,<sup>12</sup> and underlines the equal importance of these rights along with guarantees of security, or what we might call civil and political rights, as ‘basic’ rights that are vital to the enjoyment of all other rights.<sup>13</sup> In a sense, basic rights empower the most deprived people of a society by effectively imposing upon others, or upon the state, a duty to ensure the provision of a minimum standard of living, and by giving them the means to identify the ‘minimum reasonable demands [that they may place] upon the rest of humanity’.<sup>14</sup> Shue attributes three correlative duties to every basic right: the duty to avoid depriving people of their right, the duty to protect from

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<sup>7</sup> Daphne Barak-Erez and Aeyal M Gross, *Exploring Social Rights: Between Theory and Practice* (2011) 4

<sup>8</sup> Paul O’Connell, *Vindicating Socio-Economic Rights: International Standards and Comparative Experiences* (2012) 1

<sup>9</sup> Daphne Barak-Erez and Aeyal M Gross, *Exploring Social Rights: Between Theory and Practice* (2011)

<sup>10</sup> Philip Alston, ‘Universal Basic Income as a Social Rights-Based Antidote to Growing Economic Insecurity’, *The Future of Economic and Social Rights* (2019) 379

<sup>11</sup> Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (1996) 14

<sup>12</sup> *Ibid* 23

<sup>13</sup> *Ibid* 26

<sup>14</sup> *Ibid* 19

deprivation, and the duty to aid those who are deprived.<sup>15</sup> Today, this 'tripartite typology' of obligations has been distilled into the duty to respect, protect and fulfil human rights. Placing his argument in the theoretical framework of U.S. foreign policy, and positing that there is a 'fundamental core'<sup>16</sup> of economic rights which must first be prioritised, Shue counters the oft-held position that there is a dichotomy between 'positive' and 'negative' rights. According to this position, positive rights, those which require 'positive' action in order to be fulfilled, are considered to impose a much larger, or even impossible, burden on states than negative rights, which require actors to merely refrain from violating rights.<sup>17</sup> By extension of his argument, Shue also counters the popular perception of a dichotomy between the two, with civil and political rights being perceived as wholly negative rights and subsistence rights, or economic rights, perceived as positive rights.<sup>18</sup> In reality, the broad range of human rights cannot be so neatly divided into these distinct categories. Professor Paul Hunt elaborates on this position, positing that it is misleading to suggest that it is only social rights which impose costly obligations on states in order to ensure their fulfilment—the prohibition against torture, for example, places both a 'negative' obligation on the state to refrain from torture as well as the correlative 'positive' obligations to uphold international human rights standards at detention centres and to invest in the training of prison and police officers.<sup>19</sup>

Some argue, however, that human rights alone are not enough to challenge inequality. Samuel Moyn, for instance, posits that the focus on what Shue termed 'basic rights' resulted in a situation where 'the distributive ideal of sufficiency alone survived, and the ideal of equality died',<sup>20</sup> with attention and resources shifting away from welfare and social rights. Moyn criticises the human rights community's reliance on the model of sufficiency, which he argues does not go far enough to achieve 'material equality'<sup>21</sup> and has instead aligned itself with 'market liberalization'.<sup>22</sup> Certainly, the human rights community has traditionally not exerted its full force in enforcing either the 'positive' or 'negative' obligations of states in relation to economic and social rights, and therefore has not produced an effective

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<sup>15</sup> Ida Elisabeth Koch, *Human Rights as Indivisible Rights: The Protection of Socio-economic Demands under the European Convention on Human Rights* (2009) 14

<sup>16</sup> Henry Shue, *Basic Rights: Subsistence, Affluence, and U.S. Foreign Policy* (1996) 5

<sup>17</sup> Ibid 36

<sup>18</sup> Ibid 37

<sup>19</sup> Paul Hunt, *Reclaiming Social Rights: International and Comparative Perspectives* (1996) 55-56

<sup>20</sup> Samuel Moyn, *Not Enough: Human Rights in an Unequal World* (2018) 121

<sup>21</sup> Ibid 120

<sup>22</sup> Katharine G Young, *The Future of Economic and Social Rights* (2019) 13



countermeasure against the growth of global economic inequality. The ‘open-ended language’<sup>23</sup> of Article 2(1) of the ICESCR permits states to realise economic, social and cultural rights progressively and ‘only to the maximum of [their] available resources’.<sup>24</sup> As Philip Alston notes, this qualification is ‘often invoked to excuse abusive instances of non-compliance’.<sup>25</sup> Nevertheless, the Committee on Economic, Social and Cultural Rights (CESCR) has been clear that while the language of the Convention is flexible, the obligation to take positive steps to fulfil these rights still stands. As such, the Committee has increasingly adopted the use of indicators and benchmarks, or ‘measurable targets’, in order to assess the actual steps being taken by states parties to abide by their human rights obligations.<sup>26</sup> Moreover, Malcolm Langford contends that in recent years social rights have ‘emerged from the shadows’ to take a more central place in the human rights discourse, as illustrated by increasing interventions by courts in socio-economic issues, ordering ‘the reconnection of water supplies’ and ‘the reinstatement of social security benefits’.<sup>27</sup> Relatedly, and on a somewhat promising note in light of the questions surrounding state responsibility in the case of Grenfell Tower, Langford has observed that where jurisprudence has evolved to address social rights claims, it has been in cases supported by evidence of ‘inhumane suffering in the face of [the state’s] unwillingness to fulfil its own legislation’.<sup>28</sup>

Even if, as Moyn argues, human rights do not place a ‘ceiling on inequality’, rather only ‘a floor of protection against indigence’,<sup>29</sup> it is clear that existing guidelines could serve as a way of pressuring states to implement concrete protections against economic inequality if they were adhered to with the same robustness as civil and political rights have been. It is not the case that the human rights framework does not protect against inequality; instead, it is the ‘lop-sided and counterproductive institutional choices’<sup>30</sup> and misguided interpretations of the international Conventions that have quite drastically skewed the priorities of the global human rights community. The hugely damaging effects of this failure to properly address economic and social inequality lies in the fact that such inequities, which exist across

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<sup>23</sup> Yuval Shany, ‘Stuck in a Moment in Time: The International Justiciability of Economic, Social and Cultural Rights’, *Exploring Social Rights: Between Theory and Practice* (2011) 82

<sup>24</sup> Art. 2(1), International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3

<sup>25</sup> Philip Alston, ‘Extreme inequality as the antithesis of human rights’, OpenGlobalRights (2015)

<sup>26</sup> Yuval Shany, ‘Stuck in a Moment in Time: The International Justiciability of Economic, Social and Cultural Rights’, *Exploring Social Rights: Between Theory and Practice* (2011) 86

<sup>27</sup> Malcolm Langford, *Social Rights Jurisprudence: Emerging Trends in International and Comparative Law* (2008) 3

<sup>28</sup> *Ibid* 10

<sup>29</sup> Gilian MacNaughton and Diane F Frey, *Economic and Social Rights in a Neoliberal World* (2018) 104

<sup>30</sup> Philip Alston, ‘Extreme inequality as the antithesis of human rights’, OpenGlobalRights (2015)

the world, impede upon the realisation of human rights by limiting the ability of certain groups to claim their rights or to access justice, thus creating a vicious circle wherein those who suffer violations of their social rights are not sufficiently protected by the state and are essentially powerless to hold the state to account.

## 1.2 The lack of social rights protection in the UK

Despite bold assertions to the contrary—when the Conservative Party claimed, for example, that ‘the UK’s protection of human rights has always been grounded in real circumstance, rather than simply being a matter of abstract principle’<sup>31</sup>—there has been a distinct failure to incorporate social rights provisions into domestic law. This is in spite of the fact that the CESCR has ‘repeatedly called on the UK to do so’, and that General Comment No. 9 on the domestic application of the Covenant states that ‘direct incorporation’ is ‘desirable’.<sup>32</sup> Instead, the UK has continued to uphold the argument that economic and social rights are ‘principles and programmatic objectives rather than legal obligations that are justiciable’.<sup>33</sup> For this reason, domestic protection of economic and social rights in the UK relies on the Human Rights Act (HRA), which incorporates the rights contained within the European Convention on Human Rights (ECHR); the social rights protections of the ECHR are more ‘narrow in scope’ than those in the ICESCR.<sup>34</sup> The ECHR eschews, for example, protections for the right to enjoy just and favourable conditions of work and the right to an adequate standard of living, including the right to adequate housing.

In his capacity as UN Special Rapporteur on extreme poverty and human rights, Philip Alston has lamented that, due in part to the enduring asymmetry in the importance accorded to civil and political rights over social rights, the response of the human rights community to the global issue of increased economic insecurity has been largely inadequate. In the UK, this economic insecurity has been compounded by years of austerity politics and ruthless welfare cuts. The extensive austerity programme enacted in the past decade has effectively decimated many of the mechanisms for the protection and

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<sup>31</sup> The Conservative Party, ‘Protecting Human Rights in the UK: the Conservatives’ Proposals for Changing Britain’s Human Rights Laws’ (2014) 2

<sup>32</sup> General Comment 9: The domestic application of the Covenant, Committee on Economic, Social and Cultural Rights, E/C.12/1998/24 (3 December 1998) 3

<sup>33</sup> Committee on Economic, Social and Cultural Rights, ‘Concluding Observations: UK’, E/C.12/1/Add.79 (5 June 2002) 3

<sup>34</sup> Rory O’Connell et al, *Applying an International Human Rights Framework to State Budget Allocations: Rights and Resources* (2014) 20

advancement of social rights, such as welfare and housing benefits, which are crucial for many low-income people's enjoyment of an adequate standard of living. After a mission visit to the UK in 2018, Alston published a report criticising the policies enacted by the government since 2010 which have ostensibly worsened inequality and placed many people in precarious financial situations, with one fifth of the UK population now living in poverty.<sup>35</sup> Alston cites an increasing reliance on food banks<sup>36</sup> and a lack of community and youth centres as the symptoms of a politics of austerity that has 'deliberately gutted local authorities' and left many services vulnerable to outsourcing and privatisation.<sup>37</sup> Crucially, Alston's report highlights the risk that the privatisation of public services poses to the protection of human rights: 'abandoning people to the private market in relation to services that affect every dimension of their basic well-being, without guaranteeing their access to minimum standards, is incompatible with human rights requirements'.<sup>38</sup> Further to this, the report points to the reduction in legal aid for family, benefits and housing rights cases as a systematic erosion of the ability of poor people to 'effectively claim and enforce their rights'.<sup>39</sup> In 2013, cuts to legal aid left 650,000 people 'no longer able to access the justice system, with housing rights particularly lacking protection unless under 'exceptional circumstances'.<sup>40</sup> Alston also opposes the oft-repeated defence of austerity measures as an 'unavoidable' economic necessity by proposing that the policies put in place 'have almost certainly cost far more than their proponents will admit'.<sup>41</sup> As expressed by Professor Paul Hunt, Alston's report on extreme poverty and human rights in the UK does the important work of explicitly identifying the 'gaping hole at the heart of our national human rights system', that is, the lack of domestic recognition of social rights and, therefore, the state's failure to oblige by its international social rights obligations.<sup>42</sup> Official government responses to Alston's report were significantly less welcoming, with the UK's submission to the Human Rights Council lamenting the report's 'inflammatory language and overtly political tone'.<sup>43</sup> In framing the report as a politically motivated partisan attack on the Conservative government rather than an evidence-based

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<sup>35</sup> 'Visit to the United Kingdom of Great Britain and Northern Ireland: report of the Special Rapporteur on extreme poverty and human rights', A/HRC/41/39/Add.1 (2019) 3

<sup>36</sup> Ibid 3

<sup>37</sup> Ibid 4

<sup>38</sup> Ibid 11

<sup>39</sup> Ibid 9

<sup>40</sup> Eimear McCartan and Sam Blewitt, 'Were Grenfell Tower residents denied access to justice?', Legal Voice (2017)

<sup>41</sup> 'Visit to the United Kingdom of Great Britain and Northern Ireland: report of the Special Rapporteur on extreme poverty and human rights', A/HRC/41/39/Add.1 (2019) 5

<sup>42</sup> Paul Hunt, 'UN envoy is correct to call for greater social rights protection in the UK - says former rapporteur', The Conversation (2018)

<sup>43</sup> 'Report of the Special Rapporteur on extreme poverty and human rights on his visit to United Kingdom of Great Britain and Northern Ireland: comments by the State', A/HRC/41/39/Add.3 (2019) 2

analysis of policies which exacerbate extreme poverty, at times amounting to systemic violations of the state's human rights obligations, the government's response indicates a refusal to acknowledge the lived reality of the poorest sections of its population, and subsequently a shameful refusal to diligently monitor and assess the human rights impact of its policies.

### 1.3 The right to (social) housing in the UK

The international legal standard for the right to adequate housing arises from Article 11 of the ICESCR on the right to an adequate standard of living, which includes the right to adequate food, clothing and housing. The Committee on Economic, Social and Cultural Rights has defined the right to housing as 'the right to live somewhere in security, peace, and dignity';<sup>44</sup> included in the expectation that states will provide access to 'adequate' housing are the factors of availability, affordability, habitability and accessibility of housing.<sup>45</sup> One of the effects of the government's austerity policies has been to further the housing crisis in the UK, compounded by a lack of affordable social housing which can be traced back to Margaret Thatcher's Right to Buy programme in the 1980s. While this policy initially helped many families to buy their council homes in the decades after it was introduced, it has since come to be seen as one of the driving factors in the 'deliberate destruction of social housing', with homes increasingly considered a commodity instead of a "public good".<sup>46</sup>

The cuts to welfare services recognised by Alston as an economically unnecessary infringement of people's economic and social rights have created a crisis in social housing, with low-income households continuing to be priced out of 'affordable' council homes while prices in the private rented sector continue to rise. In writing about the violence of austerity, Ian Shaw notes that cuts to social services such as housing allowance are experienced as a 'slow and steady deterioration'.<sup>47</sup> Drawing on theories of urbicide, or 'violence against the city',<sup>48</sup> Shaw contends that austerity is itself a form of urbicide;

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<sup>44</sup> General Comment 4: The Right to Adequate Housing (Art. 11(1) of the Covenant), Committee on Economic, Social and Cultural Rights, E/1992/23 (13 December 1991) 2

<sup>45</sup> Ibid 3-4

<sup>46</sup> Radical Housing Network, Becka Hudson and Pilgrim Tucker, 'Struggles for Social Housing Justice', *After Grenfell* (2019) 125

<sup>47</sup> Ian G. R. Shaw, 'Worlding austerity: the spatial violence of poverty', *Environment and Planning D: Society and Space* (2019) 8

<sup>48</sup> Ibid 3

certainly, if we understand uricide to consist of 'the intentional destruction of civilian infrastructure',<sup>49</sup> it is easy to see how the gradual breaking down of the social safety net through austerity measures could be considered its own form of slow, cruelly enacted violence. Looking at the right to housing in this context enables us to see how violence against physical space, such as the abandonment by the state of public libraries, schools, and youth services, 'is simultaneously violence against people',<sup>50</sup> and nowhere is this made clearer than in the lives violently cut short by the Grenfell Tower disaster. It is telling that uricide is typically understood in a wartime context—seen, for example, in the systematic demolition of Palestinian homes by the occupying Israeli forces, as a means of not only physical destruction but a more long-lasting destruction all of the facets of our identity that we attach to our home; ultimately, the loss of the home 'strips us of our place in the world'.<sup>51</sup> Be it the abandonment of a social housing block and the concerns of residents for their safety going unheard, or be it the cutting of legal aid resulting in the exclusion of poor people from the justice system, austerity, as Shaw puts it, 'imparts an indelible wound on the human condition'<sup>52</sup> by entrenching inequality so deeply into the fabric of society that people begin to accept the notion that 'inequality is deserved'.<sup>53</sup> In this way, the enduring effects of austerity and the immediate violence of the Grenfell fire are two sides of the same coin, both working along class and racial lines to remind people of their unequal status in society and to '[slash] the potential' of people to lead a 'dignified life'.<sup>54</sup> It is not an accident that the community affected by the Grenfell disaster was one made up of working-class, low-income people, most of whom were people of colour and/or immigrants. In a cruel addition to the inequalities that these residents endured on account of their class or race, the shameful neglect of their basic needs has resulted in their having to engage in the process whereby disadvantaged communities 'have to resort to constant public deliberation and engagement to secure basic needs'.<sup>55</sup>

Additionally, the shame of this violence leaves its mark not only on those who bear its damaging effects but on the society as a whole, and should urge all of us to interrogate the legitimacy of the widely purported claim that the UK 'has a long history of protecting human rights at home' and that the

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<sup>49</sup> Ian G. R. Shaw, 'Worlding austerity: the spatial violence of poverty', *Environment and Planning D: Society and Space* (2019) 7

<sup>50</sup> *Ibid* 2

<sup>51</sup> *Ibid* 14

<sup>52</sup> *Ibid* 7

<sup>53</sup> *Ibid* 4

<sup>54</sup> *Ibid* 2

<sup>55</sup> Casey J Dawkins, 'Autonomy and Housing Policy', *Housing, Theory and Society* 34(4) (2017) 426

government's commitment to upholding those rights 'is as important as ever'.<sup>56</sup> As if to heighten the audacity necessary for the Conservative Party to make such a statement in a time of deepening inequality and increasing impoverishment largely of their own making, they followed it by immediately stating their pre-2015 election intention to repeal the Human Rights Act, arguing that the Act in its current form 'goes far beyond' the obligations set out in the ECHR<sup>57</sup> and that the use of human rights law should be restricted to 'the most serious cases'.<sup>58</sup> In the UK, the aforementioned general failure to incorporate social rights provisions into domestic law has been accompanied by an overall atmosphere, stoked by conservative and right-wing factions of the media, of scepticism and fear mongering over human rights, which have often been presented to the general public as a set of protections for criminals and terrorists. The HRA and the ECHR are particularly common targets for this kind of reporting, with The Sun and The Daily Mail both misleadingly suggesting in 2011 that a Bolivian man was spared deportation under Article 8 of the HRA, which protects the right to respect for one's private and family life, because he had a pet cat, and not because he was in a long-term relationship with a person settled in the UK. This false claim was subsequently embraced by the then Home Secretary Theresa May in her speech suggesting that this case supported her view that 'the Human Rights Act needs to go'.<sup>59</sup> This proposal to repeal the HRA risks setting a worrying precedent whereby those suffering inequality and exclusion would find themselves being even further denied the opportunity to engage with the domestic legal human rights system in order to ensure that their basic rights and needs are met.

It is in this context of scepticism and misinformation that a human rights approach to campaigning and advocacy around socio-economic issues appears to be an increasingly urgent and effective way of both engaging with disadvantaged communities and simultaneously reminding states of their obligation to give equally robust attention to all rights. In particular, Bruce Porter, Executive Director of The Social Advocacy Centre in Canada, has spoken of their decision to frame anti-poverty and socio-economic arguments as human rights claims, which rested upon the potential for such an approach to afford

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<sup>56</sup> The Conservative Party, 'Protecting Human Rights in the UK: the Conservatives' Proposals for Changing Britain's Human Rights Laws' (2014) 2

<sup>57</sup> Ibid 4

<sup>58</sup> Ibid 7

<sup>59</sup> 'Human Rights Act Reporting in the Media: corrections and clarifications', Human Rights Futures Project, LSE (2011) 2

economic and social rights more 'adjudicative space', thus symbolically reaffirming 'their equal standing and worth in the constitutional order'.<sup>60</sup>

## Chapter two

### The human rights implications of the Grenfell Tower fire

#### 2.1 An overview of the incident

In the early morning hours of 14th June 2017, a small fire which started in a refrigerator inside a flat in Grenfell Tower, North Kensington, quickly engulfed the 24-storey building, killing 72 people, and leaving over 70 people injured and hundreds displaced. Experts have since agreed that a fire which started on such a small scale should have been contained, that it should not have led to such a substantial loss of life.<sup>61</sup> Beyond indicating issues regarding fire safety measures and building regulation, this disastrous outcome also points to a broader sense of culpability linked to a series of institutional failures, potentially amounting to failure by the state to abide by its human rights obligations. The failure to provide a safe place to live engages not only the right to life, but also the right to adequate housing and, potentially, the right to freedom from torture or inhuman and degrading treatment. It is difficult to determine the exact nature and extent of culpability that can be attributed to the public institutions and private actors involved, and there are several more rights which may well have been violated, such as the right to health. Broadly, though, it is unequivocally clear that the Grenfell Tower fire was the result of 'a long history of violence'<sup>62</sup> against immigrants, people of colour, working-class people, and social housing residents in the UK.

#### 2.2 The human rights implications of the fire

Perhaps inevitably, the fire at Grenfell Tower was initially depicted in the media as a tragic accident unfolding before our eyes. This framing of the fire as a terrible anomaly, however, suggests that

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<sup>60</sup> Paul O'Connell, *Vindicating Socio-Economic Rights: International Standards and Comparative Experiences* (2012) 181

<sup>61</sup> Dan Bulley, 'Everyday Life and Death in the Global City', *After Grenfell* (2019) 50

<sup>62</sup> Dan Bulley, Jenny Edkins and Nadine El-Enany, *After Grenfell* (2019) 17

it was ‘something beyond intentionality, something to which any response is inadequate’,<sup>63</sup> and it risks discouraging us from examining the wider context of the broader societal forces which allowed it to happen. In fact, information soon emerged which painted a more complex picture, indicating that this was a preventable disaster, one which was feared and predicted by residents themselves in the years and months before it happened. In an unfortunately prescient blog post from 2016, Grenfell resident Edward Daffarn cautioned that ‘Only a catastrophic event will expose the ineptitude and incompetence of our landlord, the KCTMO [the Kensington and Chelsea Tenant Management Organisation], and bring an end to the dangerous living conditions and neglect of health and safety legislation that they inflict upon their tenants and leaseholders.’<sup>64</sup> This tragic incident, far from being a freak accident, very clearly bore the mark of ‘the four horsemen of late-stage capitalism: inequality, austerity, deregulation and privatisation’.<sup>65</sup>

The right to life is considered to be an absolute right, which means that the state has a binding obligation to not interfere with its enjoyment. With regards to international human rights instruments, the right to life is protected under Article 6 of the International Covenant on Civil and Political Rights (ICCPR) and Article 2 of the European Convention on Human Rights (ECHR). Domestically, the right to life finds protection via the ECHR, namely in Article 2 of the Human Rights Act. It is from Article 2 and the right to life that the state derives its obligation to protect life both by refraining from killing people and by taking adequate measures to protect lives, particularly those who are at heightened risk because of specific characteristics, such as religion or disability.<sup>66</sup> In this instance, the violation of the right to life at Grenfell relates not to a duty to protect from direct ‘use of force by agents of the state’, but to the state’s positive obligation to ‘take appropriate steps’ to protect lives.<sup>67</sup> Under Article 14 of the ECHR and the Human Rights Act, the UK is obliged to facilitate the enjoyment of the rights contained therein, including the right to life, without discrimination on any grounds. At Grenfell Tower, an increased risk was posed to more vulnerable residents, such as those of old age or with limited mobility, because the only existing fire escape route was a single stairwell.<sup>68</sup> As a member of the London Fire Brigade told the public inquiry,

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<sup>63</sup> Dan Bulley, ‘Everyday Life and Death in the Global City’, *After Grenfell* (2019) 42

<sup>64</sup> Robert Booth, ‘Grenfell survivor blames landlord’s ‘cancerous’ decisions for disaster’, *The Guardian* (2018)

<sup>65</sup> Gary Younge, ‘The shameful truth about Britain’s response to Grenfell’, *The Guardian* (2019)

<sup>66</sup> Equality and Human Rights Commission, ‘Following Grenfell: Grenfell residents’ access to public services and support’ (2019) 35

<sup>67</sup> Susan Bright and Douglas Maxwell, ‘Human Rights and State Accountability for Fire Safety in Blocks of Flats’, *University of Oxford* (2019)

<sup>68</sup> Equality and Human Rights Commission, ‘Summary of submissions following Phase 1 of the Grenfell Tower inquiry’ 56



efficient evacuation in the event of a fire in a high-rise tower block requires two staircases, one for firefighting and one for rescue.<sup>69</sup> The UK has no legal requirement to safeguard vulnerable groups in high-rise buildings by ensuring that they can evacuate safely,<sup>70</sup> which is why the construction of the Tower included inadequate fire safety measures which did not take into account the vulnerability of many of its occupants. As such, this failure to provide sufficient regulatory standards may amount to a violation of the right to life of those living in Grenfell Tower who were more vulnerable and therefore less able to escape, including those who were elderly, disabled, pregnant, or had mobility issues.

Another way in which the residents' right to life may have been compromised rests on the notion that they frequently raised concerns about the safety of the building, concerns which went largely ignored. While Daffarn's concerns centred around poor maintenance of the building and not specifically its combustible exterior cladding, the neglected state of the tower is nonetheless all too indicative of the detached, uncaring attitude of KCTMO and the general lack of concern for quality of life which besets those who live in social housing across the country. Moreover, reports that residents of Grenfell Tower sought twice to challenge the building's management indicate that their suffering was amplified by their inability to afford legal representation or to access legal aid in a time where the service has been rendered inaccessible to the most disadvantaged after large austerity-induced funding cuts.<sup>71</sup> With this failure to properly address legitimate health and safety concerns resulting in the loss of so many lives at Grenfell, it is difficult to avoid the conclusion that the residents of the tower have suffered a clear violation of their right to life. Furthermore, by failing to take appropriate measures to address safety concerns by the residents themselves, or more generally to enforce effective legislation ensuring that the homes people live in are safe, the government has failed to satisfy its obligation to protect the right to housing. In the UK, the right to (adequate) housing is protected through 'piecemeal' domestic legislation, including the Housing Act 2004, the Landlord and Tenant Act 1985, the Environment Protection Act 1990 and the Building Regulations 2010.<sup>72</sup> According to the Committee on Economic, Social and Cultural Rights, the right to adequate housing should be understood not only as necessitating the provision of basic shelter,

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<sup>69</sup> Equality and Human Rights Commission, 'Summary of submissions following Phase 1 of the Grenfell Tower inquiry' 49

<sup>70</sup> Ibid 8

<sup>71</sup> Eimear McCartan and Sam Blewitt, 'Were Grenfell Tower residents denied access to justice?', Legal Voice (2017)

<sup>72</sup> Equality and Human Rights Commission, 'Following Grenfell: Grenfell residents' access to public services and support' (2019) 10

but as the right to 'live somewhere in security, peace and dignity'.<sup>73</sup> The Equality and Human Rights Commission has determined that existing building regulations have had a severe enough impact on fire safety standards to amount to a 'systemic breach' of the obligation to protect the right to life.<sup>74</sup> In an independent review of the regulations after the fire, Dame Judith Hackitt produced a 'damning indictment'<sup>75</sup> of the measures that were supposed to protect residents from such a disaster and failed to do so.

One of the most significant factors in the unexpectedly rapid spread of the fire was the lethally flammable cladding surrounding the building, which acted as a way for the flames to wrap around the building's exterior and meant that the fire brigade's conventional 'stay put' fire safety policy did not work,<sup>76</sup> since it relied on the assumption that the fire would be contained via what is known as 'compartmentation'.<sup>77</sup> The devastating effects of this cladding can be traced back to the renovation of the tower block, during which, in one of many cost-saving decisions that were made, cheaper and less fire-resistant cladding panels were chosen in favour of more expensive (read: safer) ones.<sup>78</sup> The horrific irony of this decision is that the cladding was installed in part to insulate the building, but also to improve its cosmetic appearance for the benefit of the wealthier Kensington and Chelsea neighbours, for whom the tower was an ugly feature of the skyline which only hindered efforts to regenerate the area. Tellingly, the regeneration of Grenfell Tower and the surrounding Lancaster West estate has been termed a 'shattering of accountability'.<sup>79</sup> The refurbishment of the tower, which took place in 2015 and 2016, was overseen by the landlord responsible for the borough's council housing, Kensington and Chelsea Tenant Management Organisation (KCTMO) and their main contractor, the British firm Rydon, who further subcontracted much of the work, leading to the implication of 'up to 500 different companies and organisations'.<sup>80</sup> The subcontracting and outsourcing now typical of such renovation projects, in addition to saving money for those who set to profit from them in the first place, also results in 'a tangled web of responsibility',<sup>81</sup> so

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<sup>73</sup> General Comment 4: The Right to Adequate Housing (Art. 11(1) of the Covenant), Committee on Economic, Social and Cultural Rights, E/1992/23 (13 December 1991) 2

<sup>74</sup> Equality and Human Rights Commission, 'Summary of submissions following Phase 1 of the Grenfell Tower inquiry' 5

<sup>75</sup> *Ibid* 5

<sup>76</sup> *Ibid* 7

<sup>77</sup> John Boughton, *Municipal Dreams: The Rise and Fall of Council Housing* (2019) 253

<sup>78</sup> Dan Bulley, 'Everyday Life and Death in the Global City', *After Grenfell* (2019) 51

<sup>79</sup> John Boughton, 'Grenfell and the Need For a Tenants' Voice', University of Oxford (2019)

<sup>80</sup> *Ibid* 50

<sup>81</sup> Dan Bulley, 'Everyday Life and Death in the Global City', *After Grenfell* (2019) 54

that any attempt to establish who is responsible when things go wrong is obscured. Increasingly, the business sector is being subjected to similar human rights expectations as states. It is now widely accepted, according to the UN Guiding Principles for Business and Human Rights, for example, that businesses and corporations are understood to have human rights obligations, and in turn, the state has a duty to protect people's rights from interference from these third parties. Concerning Grenfell, the outsourcing of the redevelopment of the tower represents a distinct failure by the KCTMO, and by extension, the state, to ensure that its practices respected human rights. In response to the poorly managed renovation, residents organised themselves and formed Grenfell Unite, a group calling for an independent investigation into the redevelopment of the tower. Their request was denied, with the KCTMO instead conducting an internal investigation.<sup>82</sup> What is now a devastatingly clear instance of a missed opportunity to save the lives that were lost was then merely another example of the widespread 'politics of contempt'<sup>83</sup> which renders social housing residents powerless, not in the sense that they do not speak out, but that when they do, their warnings are ignored: they are 'not voiceless, rather, preferably unheard and unseen'.<sup>84</sup>

In January 2017, just a few months before the Grenfell disaster, UN Special Rapporteur on the right to adequate housing Leilani Farha published a report examining the impact of the 'financialization' of housing on human rights, noting that housing markets currently do not respond to the needs of communities.<sup>85</sup> Criticising the staggering amount of empty investor-owned homes, Farha had the unfortunate foresight to note that the worrying effects of financialization in the affluent borough of Kensington and Chelsea, where 'the value of housing is no longer based on its social use'.<sup>86</sup> Farha urges that states, 'rather than treating housing as a commodity valued primarily as an asset for the accumulation of wealth,' instead 'reclaim housing as a social good, and thus ensure the human right to a place to live in security and dignity'.<sup>87</sup> In the superficial refurbishment of Grenfell Tower and in the poor management of social housing residents' concerns, the affluent borough of Kensington and Chelsea 'revealed its binaries: of affluence and poverty; of inclusion and exclusion; of deserving and undeserving.'<sup>88</sup> Austerity

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<sup>82</sup> Daniel Renwick, 'Organising on Mute', *After Grenfell* (2019) 64

<sup>83</sup> *Ibid* 63

<sup>84</sup> *Ibid* 65

<sup>85</sup> 'Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination in this context', *A/HRC/34/51* (2017) 10

<sup>86</sup> *Ibid* 10

<sup>87</sup> *Ibid* 1

<sup>88</sup> Phil Scraton, 'Preface', *After Grenfell* (2019) 13

policies are estimated to have caused 130,000 preventable deaths in the UK since 2012, but Grenfell proved to be a shock to the system; as journalist Gary Younge notes, ‘politicians are rarely directly confronted with the human cost of their ideology on such a scale.’<sup>89</sup> We know that the scale of the loss of life that occurred in the fire can almost certainly be attributed to the cost-saving decisions that were made during the building’s renovation. In addition to this, cuts to public services have had damaging effects on people across the country, from legal aid cuts to the poorly implemented universal credit system, and in the case of Grenfell, this may have been deadly; as the commissioner of the London Fire Brigade told the public inquiry, the full extent of compartmentation safety checks ‘could not be performed by a service under so much strain’.<sup>90</sup>

It is not only austerity measures that have led to serious potential breaches of the state’s human rights obligations, but the years of neoliberal policies of privatisation and deregulation that have accompanied them, too. The decisions that led to the loss of life at Grenfell form part of the tradition of reduced regulation that has been established through the ‘embedding of a neoliberal canon within the UK central state’.<sup>91</sup> The profit-minded political will to reduce the bureaucratic burden of ‘excessive’ regulation has allowed financial concerns to be privileged over the safety of some of society’s most disparaged and disadvantaged people. In a reflection of this, in 2014, then Housing Minister Brandon Lewis introduced a rule which required the removal of two existing building regulations for every new one that was implemented.<sup>92</sup> The result of the materialisation of ‘neoliberal ideologies of minimal government’ through deregulation is that it leaves people who rely on these services, such as social housing, ‘more vulnerable to the forces of the free market’.<sup>93</sup> If the government had provided sufficiently thorough building safety regulations and had acted upon residents’ concerns about the private companies responsible for renovating their block, the tragedy might have been avoided. In this way, the state has failed to fulfil its responsibility to protect the lives of people living at Grenfell Tower. Deregulation directly and tragically impacted the lives of those residing at Grenfell Tower, resulting in a fire permitted to be so destructive because of a series of decisions influenced by private, corporate interests which ‘prized cost savings over

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<sup>89</sup> Gary Younge, ‘The shameful truth about Britain’s response to Grenfell’, *The Guardian* (2019)

<sup>90</sup> Daniel Renwick, ‘Organising on Mute’, *After Grenfell* (2019) 68

<sup>91</sup> Gordon Macleod, ‘The Grenfell Tower atrocity’, *City: analysis of urban trends, culture, theory, policy, action* 22(4) (2018) 474

<sup>92</sup> *Ibid* 474

<sup>93</sup> Monique Charles, ‘ComeUnity and Community in the Face of Impunity’, *After Grenfell* (2019) 245

human life'.<sup>94</sup> As a consequence, it is important that we continue to frame the Grenfell fire not as a freak accident but as the arguably inevitable outcome of the 'dismembered state'<sup>95</sup> we are left with now, where public services are increasingly outsourced and privatised, and where determining who is responsible for safe social housing is increasingly complicated.

### 2.3 The human rights implications of the state's response

A series of structural failures have occurred in the immediate and long-term aftermath of Grenfell, with the response by the authorities being so inadequate that the Equality and Human Rights Commission has identified 'an ongoing breach' of the state's obligation to protect the right to life.<sup>96</sup> In the days, weeks and months following the fire, both local and national government officials proved largely incapable of either understanding or meeting the 'complex' needs of survivors.<sup>97</sup> The response of authorities in the immediate aftermath of the fire can be summed up by the emails between Kensington and Chelsea councillors asking, 'Who is in charge?'.<sup>98</sup> In a study conducted by the Equality and Human Rights Commission into the state's response to the disaster, respondents felt that there was a lack of access to the council's advisory services, which were set up on the second day after the fire, and that the responsible authorities were not ready or equipped to deal with an emergency on such a scale.<sup>99</sup> Furthermore, a consultation with bereaved families conducted by state-related deaths charity INQUEST found that families 'felt abandoned by the state at all levels' in the immediate aftermath of the fire and that the space left by the lack of state support was filled, by necessity, by NGOs and the local community.<sup>100</sup>

This inadequate official response stands in stark contrast to the response of the local community, who came together to offer aid and help to organise people who had been evacuated to nearby

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<sup>94</sup> Dan Bulley, 'Everyday Life and Death in the Global City', *After Grenfell* (2019) 53

<sup>95</sup> Gordon Macleod, 'The Grenfell Tower atrocity', *City: analysis of urban trends, culture, theory, policy, action* 22(4) (2018) 475

<sup>96</sup> Equality and Human Rights Commission, 'Summary of submissions following Phase 1 of the Grenfell Tower inquiry' 4

<sup>97</sup> Phil Scraton, 'Preface', *After Grenfell* (2019) 13

<sup>98</sup> Dan Bulley, Jenny Edkins and Nadine El-Enany, *After Grenfell* (2019) 20

<sup>99</sup> Equality and Human Rights Commission, 'Following Grenfell: Grenfell residents' access to public services and support' (2019) 12

<sup>100</sup> 'Family reflections on Grenfell: No voice left unheard: INQUEST report of the Grenfell Family Consultation Day', INQUEST (2019) 5

community centres. In his writing about this heartening show of solidarity, Phil Scraton, a prominent researcher into the Hillsborough disaster who at the time uncovered several systemic failures within the state's investigation, refers to Susan Sontag's reflection on our reaction to witnessing the 'ordeal of others': 'we are reduced to voyeurism unless we 'do something to alleviate it'. That is the priority.'<sup>101</sup> Here, amidst the failure of the institutions charged with the responsibility to deal with such a situation, their duties were instead taken up by people from the community who immediately, instinctively organised themselves, perhaps fuelled by the desire to act, in any small way, to diminish the sense of helplessness that comes with watching a tower block burn in real time on the news, or from the street.

Beyond the failure to ensure that their housing was safe in the first place, the state has continued to impede upon the survivors' right to adequate housing in the aftermath. In June 2017, then Prime Minister Theresa May said, 'We cannot and will not ask people to live in unsafe homes',<sup>102</sup> but in reality, the rehousing of the families who lived in and around Grenfell tower has been a 'desperately slow process'<sup>103</sup> plagued with incompetence and thoughtlessness. One year on, most of the households displaced by the fire were still in emergency or temporary accommodation,<sup>104</sup> despite promises that they would be rehomed quickly. As of August 2019, most of the surviving Grenfell households were in permanent accommodation, though twelve remained in temporary accommodation.<sup>105</sup> Additionally, a recent report has revealed that survivors living in flats obtained by the council have been placed in a building which is 'at high risk of fire' and where there is 'no adequate procedures for disabled residents to be evacuated'.<sup>106</sup> With this, not only did the authorities fail to offer in a timely and considerate manner, but they failed to ensure that the permanent housing offered to survivors would be safe, risking the exacerbation of trauma and other mental health issues and, yet again, risking people's lives. Related to this is the right to freedom from torture and cruel, inhuman or degrading treatment, which is derived from Article 7 of the ICCPR and Article 3 of the ECHR and HRA. A report by the Equality and Human Rights Commission concluded that beyond the trauma inflicted upon the survivors and the bereaved by the fire

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<sup>101</sup> Phil Scraton, 'Preface', *After Grenfell* (2019) 15

<sup>102</sup> Peter Apps, 'Have the promises made after Grenfell been kept?', *Inside Housing* (2019)

<sup>103</sup> *Ibid*

<sup>104</sup> Equality and Human Rights Commission, 'Following Grenfell: Grenfell residents' access to public services and support' (2019) 14

<sup>105</sup> The Royal Borough of Kensington and Chelsea, 'Grenfell Tower and Grenfell Walk Housing Policy and Progress' (2019)

<sup>106</sup> Aamna Mohdin, 'Grenfell survivors housed in flats with high fire risk, report finds', *The Guardian* (2019)

itself, it is possible that the inadequate response by the state ‘may have increased the harm that they suffered’,<sup>107</sup> particularly highlighting a ‘continued lack of support’<sup>108</sup> and the insufficient provision of mental health support and adequate housing, thereby failing to offer sufficient protection from cruel or degrading treatment.

Almost every journalist, commentator, witness and survivor of Grenfell, when discussing the catastrophic fire, has worried that the government has not reacted swiftly or radically enough and warned that another is surely on the way.<sup>109</sup> Yet, at no point since June 2017 has the government’s response seemed to reflect the same sense of urgency. Now, just over two years on from the fire, it increasingly seems that any initial sense that the scale of the destruction and trauma caused by what happened at Grenfell might be enough to shock the political system was overly optimistic. Natasha Elcock, a former Grenfell resident and member of the group Grenfell United, expressed her dismay at the lack of progress being made: ‘It is the government’s indifference that makes it incompetent. It’s not an issue of capacity. It could fix these things if it wanted to. But it doesn’t care enough.’<sup>110</sup> As if to confirm this, the government responded to immediate calls to ban combustible cladding fifteen months after the fire, leaving many disappointed and, more importantly, in danger, because the ban only applies to high-rise buildings and cannot be applied retroactively.<sup>111</sup> As a result, around 200,000 people are still living in tower blocks fitted with unsafe cladding in 2019.<sup>112</sup> The Equality and Human Rights Commission has identified this failure to address the issues which led to the Grenfell fire as ‘an ongoing violation’<sup>113</sup> of the right to life, as residents of tower blocks and buildings covered in the same combustible cladding have been left to wonder if they will be the next Grenfell. Residents of Clyde House, a social housing block in south-west London, have warned that they are living in a ‘death trap’, and an independent fire risk assessment concluded that the building was rated at ‘moderate to high risk’.<sup>114</sup> The extent of the long-lasting damage caused by the fire is of course not limited to the residents of Grenfell Tower. A recent study uncovered cancer-causing

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<sup>107</sup> Equality and Human Rights Commission, ‘Following Grenfell: Grenfell residents’ access to public services and support’ (2019) 38

<sup>108</sup> Ibid 61

<sup>109</sup> Dan Bulley, Jenny Edkins and Nadine El-Enany, *After Grenfell* (2019) 18

<sup>110</sup> Gary Younge, ‘The shameful truth about Britain’s response to Grenfell’, *The Guardian* (2019)

<sup>111</sup> Daniel Renwick, ‘Organising on Mute’, *After Grenfell* (2019) 68

<sup>112</sup> Susan Bright and Douglas Maxwell, ‘Human Rights and State Accountability for Fire Safety in Blocks of Flats’, University of Oxford (2019)

<sup>113</sup> Douglas Maxwell, ‘Grenfell, the right to life, and the investigative duty’, University of Oxford (2018)

<sup>114</sup> Harriet Sherwood, ‘London social housing block residents warn of ‘death trap’ conditions’, *The Guardian* (2019)

chemicals and harmful toxins around the tower which pose ‘serious health risks’ to the wider Lancaster West Estate community.<sup>115</sup> The study was not undertaken by the government or by the local authorities, despite the fact that residents and survivors had ‘repeatedly asked questions about the potential effects’ of the toxins from the fire.<sup>116</sup> Instead, the study was undertaken independently by Professor Anna Stec, who has since resigned from her position in the Scientific Advisory Group (SAG), citing the government’s inaction, and indicating that the authorities are not being proactive enough in ensuring that the continuing risk to public safety is mitigated.<sup>117</sup>

The UK has a positive duty under Article 2 of the ECHR and HRA to investigate loss of life where the state may be implicated. An official inquiry into the incident has been opened, with phase 1 complete (although its report has been delayed) and phase 2 due to begin in 2020. Phase 1 of the inquiry was focused on the sequence of events on the night of the fire, while phase 2 is intended to examine the causes of the fire. However, the inquiry does not have the scope to consider the more long-term, structural causes that many have perceived as contributing to a situation whereby the fire was allowed to spread so quickly and cause so much devastation. The perception of social rights as non-justiciable has had a material impact on Grenfell survivors, resulting in the inquiry’s disappointingly narrow remit. This ‘justiciability’ concern was voiced in the formation of the public inquiry when Sir Martin Moore-Bick, Chair of the inquiry, refused to expand the terms of reference of the inquiry ‘so as to enable scrutiny of the Grenfell Tower fire within the broader historical context of Britain’s social housing policy’ because such questions, which are ‘of a social, economic and political nature’, were deemed unsuitable for a judge-led inquiry.<sup>118</sup> Given the central importance of human rights to understanding how the Grenfell disaster happened and to identifying where changes can be made, the Equality and Human Rights Commission requested to be a core participant in the official inquiry, but they were denied.<sup>119</sup> Instead, the Commission is conducting its own review of the incident and its aftermath. Given that other public inquiries into deaths where the state is involved, such as the Mid-Staffordshire NHS Foundation Trust public inquiry, have

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<sup>115</sup> Nick Hopkins, ‘Grenfell: toxic contamination found in nearby homes and soil’, *The Guardian* (2019)

<sup>116</sup> *Ibid*

<sup>117</sup> ‘Grenfell fire expert resigns over contamination risk’, *BBC* (2019)

<sup>118</sup> Patricia Tuitt, ‘Law, Justice and the Public Inquiry into the Grenfell Tower Fire’, *After Grenfell* (2019) 187

<sup>119</sup> Equality and Human Rights Commission, ‘Following Grenfell: Grenfell residents’ access to public services and support’ (2019) 8



‘explicitly recognised and addressed the human rights issues raised by the state’s failure to protect life’,<sup>120</sup> the government’s failure to meaningfully engage with human rights organisations on this issue where the right to life and the right to housing, among others, were potentially violated is symptomatic of the larger issue of housing being overlooked as a human rights issue. While the state is, on some level, fulfilling its obligation to investigate the Grenfell fire, it could be argued that the choice not to conduct an official investigation into the historical, structural causes of the disaster risks allowing it to happen again.

## **Chapter three**

### **Case studies: considering a human rights-based approach**

#### **3.1 The merits of a human rights-based approach**

In order to gain further insight into how and why a human rights-based approach to housing issues might be successful, and what it might look like in the context of Grenfell Tower, I will evaluate two case studies: first, the collaboration between human rights organisation PPR and residents of the Seven Towers social housing blocks in Belfast, Northern Ireland, and secondly, the work of PAH around evictions and housing rights in Spain. The value of these case studies lies in the insight that they offer into how engaging with human rights and framing issues as human rights concerns or violations can affect positive change, particularly with regards to social rights and housing issues, which have long been ignored as issues which engage our human rights at all. Generally, a human rights-based approach to social justice campaigning is one which adopts the language of human rights and emphasises the state’s obligation to respect, protect and fulfil those rights in order to achieve material improvements to people’s standard of living, including housing. The benefits of such an approach has been well-documented, with its capacity to provide ‘a language to articulate social needs’ and to act ‘as a means for government to meet them’,<sup>121</sup> but this angle has not necessarily been enthusiastically adopted by those who seek to reach social and economic justice. Ultimately, both of these case studies tell a similar story of empowerment through participation, demonstrating that a human rights approach allows for the mobilisation of people, empowering them to advocate for themselves, rather than somebody else

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<sup>120</sup> Equality and Human Rights Commission, ‘Application for core participant status’ (2018) 3

<sup>121</sup> ‘Bringing Human Rights Home: How State and Local Governments Can Use Human Rights to Advance Local Policy’, Columbia Law School Human Rights Institute (2012) 2

advocating on their behalf. People living in social housing and people living in poverty are experts in their own lives—they are able to identify their own needs and the ways in which those needs can be addressed better than any external actor can.

### **3.2 Case study A: PPR (Participation and the Practice of Rights) and the residents of the Seven Towers in Belfast**

PPR (Participation and the Practice of Rights) is an organisation which uses a human rights-based approach to support people fighting against the denial of their economic and social rights in Northern Ireland. In the case of the Seven Towers social housing blocks in Belfast, PPR has spent over a decade working alongside residents, first gathering evidence around the unhealthy and unsafe conditions of their buildings, and then helping them to frame their issues as human rights concerns and demanding action from the social housing landlord responsible for managing the Towers, the Northern Ireland Housing Executive (NIHE). In particular, families living in the flats complained of dampness, overflowing sewage, pigeon waste, the inappropriate housing of families on higher floors, and general poor maintenance to the buildings. While their concerns differed, residents of the Seven Towers were facing, and to some extent continue to face, the same challenges as those who were living in Grenfell Tower; that is, their concerns have been repeatedly ignored or dismissed as a nuisance, and so they too have been left with no choice but to live in unsafe and unhealthy social housing. A Freedom of Information request submitted by PPR revealed that of the approximately £3 billion that NIHE spent on the maintenance of the flats between 2001 and 2010, 29% was spent on CCTV and 22% on maintenance of the buildings' exterior. The allocated maintenance budget did not address any of the concerns raised by the residents themselves about their unsatisfactory housing conditions.<sup>122</sup> Here, there is a strikingly similar recurrence, as with Grenfell, of the prioritisation of the external appearance of a building in lieu of actual concern for the standard of living afforded to those who live inside.

In this case and many others, the denial of social housing residents' basic rights is compounded by the dismissal of their concerns, as they are too often forced to 'live with the reality of the failure to

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<sup>122</sup> 'A Human Rights Budget Analysis of the Northern Ireland Housing Executive's current plans to clad the Seven Towers flats', PPR (2011) 14

listen to the people most affected'.<sup>123</sup> Nadine Morgan, a Seven Towers resident and activist, summarised the disheartening effect of the indifference, or even contempt, with which anybody who dares challenge the assumption that they will simply sit back while their basic needs are neglected by landlords and local authorities is met: 'When you raise your voice or stand and be counted about issues which are affecting you, it is very easy for those in power [...] to label you simply as at best a trouble maker, and at worst as a problem.'<sup>124</sup>

In practice, PPR's human rights-based approach entails facilitating the involvement of rights-holders in the claiming of their rights by arming them with the skills and knowledge to identify where their social rights are being denied, with the ultimate aim to 'introduce or increase standards of participation and accountability'<sup>125</sup> in the decision-making processes from which disadvantaged people are typically excluded. This approach is taken with a view to creating long-term change, not only in the immediate protection and fulfilment of rights, but in the identification or creation of 'avenues (mechanisms) for the active and meaningful engagement'<sup>126</sup> of rights-holders. Moreover, this approach directly addresses the precedent set out in General Comment No. 4 on the right to adequate housing, which requires that the right to participate in decision-making is 'indispensable' to the realisation of the right to adequate housing.<sup>127</sup> With the help of PPR, and spurred by their legitimate concern for their own and their children's safety, the residents undertook a 'journey towards rights':<sup>128</sup> after naming the issues they were facing, residents were able to name the rights that were implicated, notably the right to adequate housing, and from there they set out to establish the 'evidence base'<sup>129</sup> for those right(s).

In 2007, PPR and residents from the Towers held an 'Evidence Hearing on the Right to Housing', where they presented evidence of poor management by NIHE to a panel of international housing rights experts. Earlier that year, before a visit from the Children's Commissioner in Northern Ireland, a group of residents had decided to document the appalling conditions they and their families were living in by taking

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<sup>123</sup> 'Equality Can't Wait: The Right to Housing Campaign', PPR (2013) 7

<sup>124</sup> Ibid 9

<sup>125</sup> 'PPR highlights obstacles to securing state accountability for social and economic rights to UN' (2019)

<sup>126</sup> Ibid

<sup>127</sup> General Comment 4: The Right to Adequate Housing (Art. 11(1) of the Covenant), Committee on Economic, Social and Cultural Rights, E/1992/23 (13 December 1991) 4

<sup>128</sup> 'Evidence Hearing on the Right to Housing', PPR (2007) 6

<sup>129</sup> Ibid 20

photographs and interviewing other residents,<sup>130</sup> noting, too, that they had been denied any say in how the money allocated to future upgrades to the Towers would be spent.<sup>131</sup> This hearing served as a launching platform for what would become a sustained campaign by residents for the realisation of their right to adequate housing. The group's organisation and their bold claims attracted some media attention, thereby exposing the failure of the NIHE and the local authorities to provide safe and decent housing for some of the most disadvantaged, low-income residents of North Belfast. After the public evidence hearing in 2007, dissatisfied with the unsafe and unhealthy conditions in the Towers, residents established the Seven Towers Monitoring Group, which was intended to empower residents to place pressure on NIHE to act on their obligations by producing reports which monitored the improvement, or lack thereof, to conditions in residents' housing conditions. This consistent monitoring of the situation first necessitated the identification of the residents' main concerns, and for those concerns to be framed as human rights issues where they had not been considered as such before. To achieve this, residents made a list of all of the issues they faced, narrowing them down to those which were social or economic human rights issues, and those which were covered by international human rights law.<sup>132</sup> In order to begin the process of measuring the progressive realisation of their rights, residents surveyed their neighbours, gathering information about their opinions on the condition of the Towers. Ultimately, the group decided upon the three most urgent human rights issues, which were pigeon waste (and resulting health concerns), maintenance problems, and the need to rehouse families outside of the Towers.<sup>133</sup>

Having identified their most pressing issues and framed them as human rights concerns, residents moved to establish six human rights indicators intended to monitor the fulfilment of their right to an adequate standard of living, including the right to adequate housing. A human rights indicator is defined as information concerning the 'condition of an object, event, activity or outcome that can be related to human rights norms and standards',<sup>134</sup> which is subsequently used to measure whether progress is being made in the implementation of those rights. The setting of human rights indicators and benchmarks to monitor conditions has been identified by the OHCHR as a valuable means by which to make human rights assessments 'more concrete' by identifying needs which need to be addressed,

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<sup>130</sup> 'Evidence Hearing on the Right to Housing', PPR (2007) 19

<sup>131</sup> *Ibid* 17

<sup>132</sup> *Ibid* 38

<sup>133</sup> *Ibid* 38

<sup>134</sup> 'Human Rights Indicators: A Guide to Measurement and Implementation', OHCHR, HR/PUB/12/5 (2012) 16

setting attainable targets, monitoring progress and providing feedback to duty-bearers.<sup>135</sup> What is unique, and certainly admirable, about the Seven Towers indicators is that they were decided upon by the residents themselves after a serious consultation of their neighbours and consideration of the legitimacy of their claims within the international human rights framework. This ‘grassroots approach’<sup>136</sup> is what sets the work of PPR apart from typical state-led human rights evaluations, which by their very nature risk not taking sufficient care to ensure the ‘active and informed participation’ of affected communities—a factor which has been identified by Paul Hunt as vital to any human rights-based approach which seeks to empower disadvantaged groups or individuals.<sup>137</sup>

The indicators chosen by Seven Towers residents were a combination of ‘judgement-based’ and ‘fact-based’ indicators,<sup>138</sup> each with an accompanied benchmark against which progress would be measured. These measurable targets related specifically to the number of families in the Towers; the percentage of previously reported damp units still experiencing damp; the number of Towers passing the security systems check; the percentage of residents satisfied with the NIHE’s response to reported problems; and levels of participation and transparency in decision-making.<sup>139</sup> Designed to make the connection between their material needs and concerns and the failure of the NIHE to meet international human rights standards, the indicators set by Seven Towers residents were derived from standards set in the Convention on the Rights of the Child (CRC) and in General Comment No. 4 on the right to adequate housing under the ICESCR; Article 27 of the CRC requires that states shall ‘recognise the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development’, and, if necessary, states shall also ‘provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.’<sup>140</sup> By monitoring these indicators and setting benchmarks to be met, the residents have been able to track whether or not their rights are being

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<sup>135</sup> Human Rights Indicators: A Guide to Measurement and Implementation’, OHCHR, HR/PUB/12/5 (2012) 104

<sup>136</sup> ‘Fourth Report on Progress of Human Rights Indicators’, Seven Towers Monitoring Group (2009) 19

<sup>137</sup> Ibid 18

<sup>138</sup> ‘Human Rights Indicators: A Guide to Measurement and Implementation’, OHCHR, HR/PUB/12/5 (2012) 17

<sup>139</sup> ‘A Human Rights Budget Analysis of the Northern Ireland Housing Executive’s current plans to clad the Seven Towers flats’, PPR (2011) 2

<sup>140</sup> Art. 27, UN Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3

effectively fulfilled in line with the obligation set out in the ICESCR that states shall 'progressively' realise the rights contained therein.<sup>141</sup>

In 2012, PPR's approach was recognised by OHCHR as an 'example of how people can effectively use indicators to claim their rights'.<sup>142</sup> As noted in the same report, PPR's strategy of training residents to identify where their human rights are being violated has resulted in 'modest yet effective' improvements to some of the issues measured in the monitoring group's reports.<sup>143</sup> Crucially, by collecting data and monitoring people's experiences, the group has been able to 'use [its findings] as a kind of lobbying tool'<sup>144</sup> to advocate for their rights. By identifying their issues as human rights concerns which necessitate positive intervention from the duty-bearer, the residents found that some of their concerns were suddenly addressed, or at least explicitly acknowledged, by the NIHE after having been ignored for years. The benchmark of cleaning 100% of building partitions covered in pigeon waste, for example, was very easily met, increasing from 53% to 100% from August to October 2007, immediately after the residents' benchmarks were set.<sup>145</sup> In addition to this, citing their serious concerns about the habitability of the flats, the demands made by some families to be rehoused outside of the Towers into more suitable accommodation were met.<sup>146</sup>

Despite its successes, however, PPR's human rights-based approach to tackling housing issues has not been without challenges. The use of human rights indicators in this approach adopted by PPR with Seven Towers residents was somewhat limited in its ability to achieve concrete improvements for residents. Monitoring of the dampness indicator did not seem to place adequate pressure on the NIHE to address the problem proactively, and the benchmark was far from being met in 2009.<sup>147</sup> Instead, the NIHE have denied the extent of the dampness in the flats, noting in an internal report that it is 'not a significant problem'<sup>148</sup> and even implying that where it does exist, dampness or condensation is not due

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<sup>141</sup> Art. 2(1), International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 UNTS 3

<sup>142</sup> 'Submission by Participation and the Practice of Rights to the Special Rapporteur on extreme poverty and human rights', PPR (2018) 1

<sup>143</sup> Human Rights Indicators: A Guide to Measurement and Implementation', OHCHR, HR/PUB/12/5 (2012) 16

<sup>144</sup> 'Evidence Hearing on the Right to Housing', PPR (2007) 52

<sup>145</sup> 'Fourth Report on Progress of Human Rights Indicators', Seven Towers Monitoring Group (2009) 4

<sup>146</sup> Ibid 16

<sup>147</sup> Ibid 10

<sup>148</sup> Ibid 10

to poor maintenance of the building or the high cost of heating, but to 'life style' choices.<sup>149</sup> Unsurprisingly, residents also did not report an increased feeling of satisfaction at their level of involvement in decision-making by the NIHE.<sup>150</sup> Over the years, the NIHE has introduced several schemes for residents to voice their concerns which adopted traditional 'consultation' models, and which were met with 'extremely poor participation'. In comparison to the resident-led initiatives, aided by PPR, levels of participation in the top-down NIHE schemes were much lower.<sup>151</sup>

More broadly, in explaining the obstacles they face in their work to the UN, PPR identified two of the major obstacles they face as being, firstly, 'the increasing privatisation of state functions', including housing, and secondly, the creation of a 'hostile environment' around those advocating for human rights.<sup>152</sup> Echoing the dangers of privatisation and deregulation in the housing sector, which materialised in the Grenfell disaster and the ensuing uncertainty around who exactly could or should be held responsible, PPR noted that the lack of transparency and oversight mechanisms in the era of privatisation hinders their goal of ensuring accountability.<sup>153</sup> In addition to the lack of transparency concerning relationships between the state and outsourced private actors, and the subsequent obfuscation of any effort to accurately attribute responsibility when rights violations occur, PPR also laments that private actors are in any case less inclined to concede to pressures to comply with human rights obligations than the state is.<sup>154</sup> More generally, the organisation noted concern amongst housing rights campaigners about the diminishment of affordable social housing stock amid the selling of council houses through the Right to Buy policy and the concurrent increasing profit making by private landlords.<sup>155</sup> Further to this, PPR identified the 'hostile environment', an aggressive Home Office policy directed towards immigrants and those seeking asylum in the UK, who are increasingly facing the 'outsourcing [of] border controls' into aspects of everyday life,<sup>156</sup> as a threat which has expanded its reach outside of the immigration sphere to become a substantial obstacle to the work of any activist or organisation taking a human rights approach to campaigning. In the context of this 'hostile environment', PPR argued to the UN that states

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<sup>149</sup> Fourth Report on Progress of Human Rights Indicators', Seven Towers Monitoring Group (2009) 11

<sup>150</sup> Ibid 14

<sup>151</sup> 'Fourth Report on Progress of Human Rights Indicators', Seven Towers Monitoring Group (2009) 15

<sup>152</sup> 'PPR highlights obstacles to securing state accountability for social and economic rights to UN' (2019)

<sup>153</sup> Ibid

<sup>154</sup> Ibid

<sup>155</sup> Ibid

<sup>156</sup> 'Migration', Global Justice Now

continue to ‘deliberately undermine and de-legitimise rights approaches’, pointing specifically to the concerning example of the criminalisation of anti-deportation activists, labelled the ‘Stansted 15’, who were convicted of terror-related offences for opposing the deportation of several asylum seekers through non-violent direct action.<sup>157</sup>

Notwithstanding that PPR’s work with the residents of the Seven Towers has faced some resistance from the duty-bearers with the capacity to improve the situation, the lasting effect of their engagement with the community has been significantly empowering. While the promise of empowerment is at times employed as an empty platitude, in the case of Seven Towers residents, the process of identifying that they are owed basic provisions by the state owing to its human rights obligations has allowed them to push against the idea that they, as social housing residents, are placing a burden on the state by simply demanding too much of its limited resources. Testimony from residents seems to suggest that the process of organising for their rights has been equally important as the material outcomes they are seeking. Ultimately, they are a group of historically disenfranchised people ‘who are no longer prepared to accept the humiliations in which they exist’ deciding to advocate for their rights ‘in a way that is measured, strategic and makes change possible’.<sup>158</sup> With the provision of resources and legal advice from PPR, many of the people living at Seven Towers have been transformed from residents to human rights campaigners—they have been equipped with the tools and the confidence to continue to speak up for themselves and to challenge the negligent attitude of their landlord. As expressed by Kenyan housing rights activist Odindo James Opiata at the evidence hearing held by residents, the transformational power of PPR’s human rights approach lies in the meaningful participation of ‘the very people who are directly affected’.<sup>159</sup>

### **3.3 Case study B: PAH (Plataforma de Afectados por la Hipoteca) in Spain**

PAH (Plataforma de Afectados por la Hipoteca, or Platform for People Affected by Mortgages) is a collective of volunteers fighting to defend the right to adequate housing in Spain, formed in the wake of

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<sup>157</sup> ‘PPR highlights obstacles to securing state accountability for social and economic rights to UN’ (2019)

<sup>158</sup> ‘Evidence Hearing on the Right to Housing’, PPR (2007) 5

<sup>159</sup> Ibid 8



the 2008 financial crash which led to the collapse of the Spanish housing market. In comparison to the UK, the protection of the right to housing in Spain is similarly limited, with no substantive domestic legal protection meaning that attempts to address issues of housing access and inequality through a human rights lens 'have fundamentally come from the international level'.<sup>160</sup> PAH first came together in 2009 in Barcelona as a response to increasingly frequent evictions, after which evictees who had lost their homes would still be classed as in debt to their mortgage lenders. Between 2008 and 2017, over 400,000 were evicted due to the homeowners' inability to meet their rent or mortgage payments'.<sup>161</sup> PAH evolved out of 'V de Vivienda', a movement which advocated for the full realisation of the right to housing, but whose action took place 'mostly online'.<sup>162</sup> Recognising the need for an organising response around the 'traumatic situation'<sup>163</sup> faced by an increasingly large amount of people in Spain, PAH activists sought to empower the most vulnerable people, who were essentially paralysed by their 'sense of personal failure and shame',<sup>164</sup> through community building and direct action. The collective's first victory came in 2010, with a protest resulting in the suspension of an eviction<sup>165</sup>, and the movement has since spread into a network of localised action, with over 220 PAH groups having formed across Spain.<sup>166</sup> Using their bodies as shields to prevent evictions in the short-term, and negotiating alternative arrangements for individuals and families in the long-term, PAH activists had, by 2016, managed to block over 2,000 evictions across the country.<sup>167</sup>

Another of PAH's direct actions, under its *Obra Social* campaign, is to occupy empty houses owned by banks and allow families facing homelessness or those in urgent need of shelter, such as undocumented migrants, to move in, therefore reclaiming the 'social function of housing'.<sup>168</sup> Between 2011 and 2016, over 2,500 were rehoused in this way.<sup>169</sup> This strategy serves a dual purpose, at once addressing the immediate needs of those faced with eviction and threatened with homelessness, and

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<sup>160</sup> Sonia Olea Ferreras, 'Access to justice for the right to housing in Spain: lights and shadows onto a disputed right', Housing Rights Watch (2019)

<sup>161</sup> Cesare Di Felicianantonio, 'Social Movements and Alternative Housing Models: Practicing the "Politics of Possibilities" in Spain', *Housing, Theory and Society* 34(1) (2017) 43

<sup>162</sup> Ibid 45

<sup>163</sup> Ibid 44

<sup>164</sup> Ibid 45

<sup>165</sup> Ibid 45

<sup>166</sup> Melissa Garcia Lamarca, 'From Occupying Plazas to Recuperating Housing: Insurgent Practices in Spain', *International Journal of Urban and Regional Research* 41(1) (2017) 45

<sup>167</sup> Ibid 45

<sup>168</sup> Ibid 47

<sup>169</sup> Ibid 47

also bringing public attention to the severe lack of social housing. In Spain, social housing only accounts for 2% of the housing market, compared to 17.6% in the UK.<sup>170</sup> By occupying empty houses with some of the many people who have been evicted from their homes, PAH highlight the absurd extent of the inequality inherent to the housing crisis, and calls on the state to do the same—that is, to reappropriate empty bank-owned homes and convert them into social housing and to fine property owners who leave their properties empty and do not allow it to become social housing.<sup>171</sup> While the state has not yet ceded to this demand, PAH members continue to do the work of converting empty properties into social housing themselves, acting on their commitment to realising the right to housing by demonstrating that another reality is possible, thus reducing the likelihood that their demands might be dismissed, especially by public opinion, as too radical or idealistic. Indeed, it has been noted that one of the group’s major strengths has been its ability to popularise the perception of insurgent practices such as occupation ‘as a right in the collective imaginary’, and as a justified response to a systematic violation of tenants’ right to adequate housing.<sup>172</sup>

In addition to focusing on the immediate needs of those facing eviction through direct action, PAH have made several attempts to bolster legal protection for the right to housing both regionally and nationally, although none have been wholly successful thus far. One legal effort did come close: the ILP (Iniciativa Legislativa Popular) was a campaign seeking to reform mortgage and eviction laws which gathered mass support in the form of 1,400,000 signatures in 2013 and was approved by Catalan Parliament in 2015.<sup>173</sup> However, this law, which would have ensured that any outstanding debt would be cancelled upon the foreclosure of somebody’s home, remained law for just nine months before being overturned.<sup>174</sup> Fortunately, PAH have been dynamic in their human rights-based approach to the Spanish housing crisis, and while they have not ignored legal avenues, they have simultaneously recognised that investing time into the broader goal of ‘enacting equality’ through direct action and empowering people to advocate for themselves is ultimately of equal value. The sustained success of their campaigning over many years stands as an example of why the importance of having radically optimistic objectives, to

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<sup>170</sup> ‘Housing Data’, *Plataforma de los Afectados por la Hipoteca* (2018) 5

<sup>171</sup> Oscar Berglund, ‘Contesting Actually Existing Austerity’, *New Political Economy* 23(6) (2018) 812-3

<sup>172</sup> Melissa Garcia Lamarca, ‘From Occupying Plazas to Recuperating Housing: Insurgent Practices in Spain’, *International Journal of Urban and Regional Research* 41(1) (2017) 49

<sup>173</sup> Cesare Di Feliciano, ‘Social Movements and Alternative Housing Models: Practicing the “Politics of Possibilities” in Spain’, *Housing, Theory and Society* 34(1) (2017) 46

<sup>174</sup> Oscar Berglund, ‘Contesting Actually Existing Austerity’, *New Political Economy* 23(6) (2018) 813

create long-lasting changes in public opinion and to build solidarity networks, for example, should not be underestimated. In fact, despite the lack of concrete success in their legal challenges, PAH have very effectively adopted human rights rhetoric in a consistent and public manner, and by drawing upon the right to housing in order to argue for legislative reform, they have helped to 'galvanise' popular support for the active resistance to evictions.<sup>175</sup> This consensus building approach has been sustained by a commitment to identifying the 'structural forces' that have culminated in the housing crisis, or as PAH calls it, the 'fraud', and not allowing those who have fallen prey to it to believe that they have 'failed'.<sup>176</sup>

Both ideologically and strategically, the recent housing rights movement in Spain, of which PAH's work is at the heart, is preceded by the anti-austerity, pro-democracy '15M movement'. Beginning in 2011 in response to austerity measures after the public bailout of the banks, protesters occupied public spaces such as plazas, calling for 'real democracy' with their slogan, 'We are not merchandise in the hands of bankers and politicians'.<sup>177</sup> Although this occupation movement did not last more than a few months, the lasting effect of its popularisation of the 'appropriation of central city space'<sup>178</sup> can be found in the similarly spatially disruptive tactics adopted by PAH, who primarily employ direct action and civil disobedience strategies to physically stop or postpone evictions. Having conducted in-depth research into PAH's strategies, scholar Melissa Garcia Lamarca identifies the strong influence of the 15M occupations in PAH's 'spatial and political practices of insurgency',<sup>179</sup> namely the occupation of empty homes and the exertion of pressure on the state to fully realise the right to housing. Lamarca defines insurgent practices within the urban setting as a set of actions which 'enact equality and disrupt the dominant production of space'; here, PAH activists work to enact equality by 'making visible' what have become entrenched as invisible 'relations of oppression, domination and exploitation'.<sup>180</sup> The campaigning and activism by PAH around the Spanish housing crisis fits well into this 'insurgent practice' model because their organising around the immediate economic and social needs related to debt and housing is combined with their

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<sup>175</sup> Paul Hunt, 'Social Rights Are Human Rights: But the UK System is Rigged', Centre for Welfare Reform (2017) 20

<sup>176</sup> Cesare Di Feliciano, 'Social Movements and Alternative Housing Models: Practicing the "Politics of Possibilities" in Spain', *Housing, Theory and Society* 34(1) (2017) 48

<sup>177</sup> Melissa Garcia Lamarca, 'From Occupying Plazas to Recuperating Housing: Insurgent Practices in Spain', *International Journal of Urban and Regional Research* 41(1) (2017) 37

<sup>178</sup> Ibid 38

<sup>179</sup> Ibid 38

<sup>180</sup> Ibid 41

success in building a community sustained by a desire for a more just future where the promise of human rights for all is actually guaranteed.

Lamarca likens the involvement of disadvantaged and disenfranchised people in PAH's insurgent practices to Foucault's suggestion that 'political subjectivation' occurs when people 'refuse to be the population', acting in ways counter to the norm.<sup>181</sup> The politicisation of those suffering inequality and exclusion can offer the possibility of a more equal future by exposing normalised injustices or inequalities and 'making visible that which had no reason to be seen',<sup>182</sup> thereby facilitating 'the moment of recognizing that a different housing model is possible'.<sup>183</sup> Many who became involved with PAH had been rendered 'outcasts' by their inability to pay back their mortgages, often due to unemployment or illness,<sup>184</sup> and had never before been afforded the confidence or the authority to act as the central agents in the fight for their own human rights. In adopting the mantra of 'Take and do instead of ask and wait!'<sup>185</sup> PAH signals its core commitment to the empowerment of affected individuals in place of reliance on the institutions that have failed to protect their right to a home; as one evictee-turned-activist so succinctly expressed, 'We defend the rights that aren't there for us'.<sup>186</sup> Just as the Seven Towers residents did not simply politely request to be invited to participate in the decision-making processes which so deeply affected their lives and chose instead to centre themselves in the process by deciding the benchmarks against which the realisation of their human rights should be measured, the people helped to avoid homelessness by PAH have undergone a similar journey to political empowerment. While most who joined PAH's anti-eviction actions were inexperienced, afterwards they reported understanding the organisation's direct action as 'a collective tool to transform reality, and a legitimate action applicable to other struggles',<sup>187</sup> thus demonstrating the unquestionable value of mobilising people around the recognition of and advocacy for their own rights.

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<sup>181</sup> Melissa Garcia Lamarca, 'From Occupying Plazas to Recuperating Housing: Insurgent Practices in Spain', *International Journal of Urban and Regional Research* 41(1) (2017) 41

<sup>182</sup> Ibid 42

<sup>183</sup> Cesare Di Feliciano, 'Social Movements and Alternative Housing Models: Practicing the "Politics of Possibilities" in Spain', *Housing, Theory and Society* 34(1) (2017) 48

<sup>184</sup> Melissa Garcia Lamarca, 'From Occupying Plazas to Recuperating Housing: Insurgent Practices in Spain', *International Journal of Urban and Regional Research* 41(1) (2017) 49

<sup>185</sup> Ibid 48

<sup>186</sup> Melissa Garcia Lamarca, 'From Occupying Plazas to Recuperating Housing: Insurgent Practices in Spain', *International Journal of Urban and Regional Research* 41(1) (2017) 49

<sup>187</sup> Ibid 46

For Lamarca, conducting interviews with newly politicised activists involved in PAH's work revealed a sense that their 'insurgent' practices have high 'emancipatory possibilities'; one activist claimed, for example, that participating in direct actions and civil disobedience to prevent evictions and save families from homelessness has the effect of transforming 'alienated and docile' people into 'subjectivities aware of their environment' with a newfound recognition of their 'strength to change it'.<sup>188</sup> This building of a sense of autonomy is important because groups and individuals who suffer social rights violations often exist in a society which excludes them from the political conversation by the very nature of their class or their race. This exclusion of rights-holders from the discourse surrounding social rights issues is symptomatic not only of the unequal structure of society, but also of the overall failure to respond to these issues in an adequate manner by not according equal importance to social rights themselves, and this gap in the discourse is evident even at the seemingly superficial level of terminology. To even refer to the situation in Spain and elsewhere a 'housing crisis', for instance, rather than a 'housing rights crisis' or a 'tenants' rights crisis' is to decentre the experiences of the people who were and continue to be most affected by the further entrenchment of economic inequality that occurred in the aftermath of the global financial crash. It is by bringing the people who suffer most from this economic inequality into a community of support and solidarity that PAH seeks to redress the imbalance of power that would otherwise leave people feeling helpless and alone.

PAH's mutual aid network of people with first-hand experience of eviction has been built around the notion that 'you are the best assessor for yourself'.<sup>189</sup> Many of the organisation's volunteers are people who have previously been evicted and who want to protect others in similar situations, motivated by the desire to let people know that they 'won't be fighting alone anymore'<sup>190</sup> and that eviction is 'not [an] unavoidable and inescapable' certainty.<sup>191</sup> PAH's direct actions are supplemented by local support groups, where people seeking advice are welcomed by those who have experienced eviction before; membership of the group results in a shift in self-perception from 'victim' to 'actor', suddenly armed with the knowledge that they have a right to adequate housing and that they can demand that more be done

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<sup>188</sup> Melissa Garcia Lamarca, 'From Occupying Plazas to Recuperating Housing: Insurgent Practices in Spain', *International Journal of Urban and Regional Research* 41(1) (2017) 49

<sup>189</sup> Cesare Di Felicianantonio, 'Social Movements and Alternative Housing Models: Practicing the "Politics of Possibilities" in Spain', *Housing, Theory and Society* 34(1) (2017) 45

<sup>190</sup> Ibid 45

<sup>191</sup> Ibid 49

to fulfil it.<sup>192</sup> Evidently, there is a genuine sense of empowerment to be gained from the engagement that PAH does with people who might otherwise feel powerless, underlining the real value in realising your capacity to affect change, and in the solidarity that comes from joining a network of activists fighting for the same issue. Further to this, the organisation has been keen to share its model of success in order to build alliances with other international workers' and tenants' movements; the influence of PAH's impressive capacity to build and sustain a housing rights campaign can be seen in many renters' movements in the UK, such as Rent Strike, a collective of localised responses to the housing crisis which act upon the belief that 'we cannot wait for the benevolence of the wealthy and the ruling classes to improve our situation'.<sup>193</sup> The most notable success story from this movement is the UCL Cut the Rent campaign, which in 2016 saw students refusing to pay their extremely high rents for poor quality accommodation, and ultimately overcoming threats of eviction and exclusion to win £1.5 million in bursaries and rent cuts.<sup>194</sup> A quote featured on the Rent Strike website from Ada Colau Ballano, founding member of PAH and now Mayor of Barcelona, perhaps serves as a reminder of what this commitment to believing in the potential of grassroots collective action can achieve: 'One thing is certain: we have lost the fear and shame, and we have experienced that truly together we can. And that is irreversible.'<sup>195</sup>

## **Chapter four**

### **Re-thinking Grenfell: lessons learned**

It is ultimately clear that there is a simple yet invaluable lesson to be gleaned from analysing the work done by PPR and PAH in their attempts to improve the situation of marginalised groups by mobilising around the right to housing—that is, that human rights have the potential to bolster social movements and can act as the framework of values at the centre of community-led action and advocacy. Grenfell survivors, the bereaved families, those who were inadequately rehoused, who are still without a permanent home, or who continue to live in dangerous conditions next to the Tower and in other cladding-shrouded buildings, have a strong basis on which to claim that their human rights have been neglected or directly violated. As a result, it is unequivocally clear that the Grenfell Tower fire should be the catalyst

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<sup>192</sup> Ibid 51

<sup>193</sup> 'Why We Strike', Rent Strike

<sup>194</sup> Ibid

<sup>195</sup> 'Ada Colau, 'How to Stop an Eviction: The Experience of PAH', Rent Strike

for the strengthening of the at-present insufficient domestic protection of the right to (adequate) housing, and specifically of tenants' right to participate in decision-making processes.

One concrete step that could be taken, in light of its relative success for the residents of the Seven Towers in Belfast, is the setting of human rights indicators and benchmarks for social housing providers and local authorities across the country. The work that PPR did to facilitate public hearings and monitoring reports allowed residents to publicly hold their landlord to account for the neglect of their basic right to adequate housing, and there are countless communities across the country who could benefit from similar rights monitoring and oversight mechanisms. If Grenfell Tower residents had been equipped with the same tools as those in the Seven Towers, then perhaps, at least, their concerns would have been harder to ignore. Participation of affected individuals is vital to the benchmark-setting process, since we know from STMG reports that residents were more likely to engage with their grassroots model, where it is their voices that were placed at the centre of all advocacy, than with the comparatively ineffectual consultation schemes imposed by the NIHE. Beyond this, there is a wider need for more transparency and accountability regarding housing regulation and safety, which the representation of social housing tenants on monitoring bodies for landlords and estate management organisations could go some way to achieving.<sup>196</sup>

While setting human rights indicators and benchmarks proved to be a valuable process for Seven Towers residents in some respects, it is also important to note that making use of the international human rights law framework alone to address housing rights issues is not enough, especially in light of the state's repeated failure to meet the standards set in the ICESCR to ensure that people may enjoy an adequate standard of living. The UK is due to submit its next report under the ICESCR in 2021, wherein the government is expected to explain the steps it has taken to implement the provisions of the treaty. At this reporting stage, the Equality and Human Rights Commission is likely to submit their own report to the Committee, which will doubtless address the litany of issues they have already identified within the state's response to Grenfell in addition to any recommendations that might arise by the end of the government's official inquiry. However, given the state's inadequate response in the past to the Committee's repeated insistence in its concluding observations that it must take actions to improve the availability and

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<sup>196</sup> Dan Bulley, Jenny Edkins and Nadine El-Enany, *After Grenfell* (2019) 26

affordability of habitable social housing, it would be naive to suggest that Grenfell survivors and other vulnerable social housing residents could rely on this process to provide a real sense of accountability or justice, or indeed any material improvements to their situation.

The same could certainly be said about the official inquiry itself, which has been marred by survivors' disappointment with their own lack of representation in the process, as well as with the narrow scope of the inquiry and its 'inability to deal with long-standing and racialised oppression'.<sup>197</sup> Essentially, the inquiry has as yet only served to underline the limitations of using legal mechanisms to meaningfully address the broad structural issues—the marginalisation of working-class communities and 'the slow violence of inadequate and unsafe housing',<sup>198</sup> for instance—that allowed Grenfell to happen in the first place. Interestingly, one of the demands of the families after phase one of the inquiry has been that they be seated so that they can 'look into the eyes' of the people being questioned, which is perhaps indicative of their role in the process being limited to that of spectators unable to ask direct questions of the people working for the companies and authorities that have failed them.<sup>199</sup>

The importance of centring marginalised voices and allowing people to participate in the decision-making processes that affect their lives at such a basic level as housing is evocative of what philosopher Henri Lefebvre termed the 'right to the city'—that is, 'a right to autonomous, publicly owned urban spaces beyond capitalism' wherein residents are actually empowered to '[take] control of the conditions of their own existence'.<sup>200</sup> Professor Lucie White's writing on human rights testimony is illuminating on this matter. Common practice in human rights campaigning and advocacy is to collect and disseminate testimonies from those whose rights have been violated. On the notion of 'crafting' victims' stories and framing their issues as human rights violations, White notes that as well as being truth-seeking, human rights testimony often seeks to 'shame' the actors responsible for the violation and to 'pressure' them to stop or alter their practices.<sup>201</sup> However, these testimonies often position these subjects as 'passive and despondent'<sup>202</sup>

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<sup>197</sup> Dan Bulley, Jenny Edkins and Nadine El-Enany, *After Grenfell* (2019) 24

<sup>198</sup> *Ibid* 28

<sup>199</sup> 'Family reflections on Grenfell: No voice left unheard: INQUEST report of the Grenfell Family Consultation Day', INQUEST (2019) 6-7

<sup>200</sup> Ian G R Shaw, 'Worlding austerity: the spatial violence of poverty', *Environment and Planning D: Society and Space* (2019) 14

<sup>201</sup> Lucie White, 'Human rights Testimony in a Different Pitch: Speaking Political Power', *The Future of Economic and Social Rights* (2019) 480

<sup>202</sup> *Ibid* 475



victims rather than as agents who are actively claiming their rights. White argues that while testimonial practice can be a powerful part of human rights advocacy, its proponents need to work towards constructing 'empowered political subjects'<sup>203</sup> rather than passive victims. At present, the central aim of telling stories of human rights violations seems to be to shame or punish the perpetrator, largely at the expense of the empowerment of the 'victim'. Alternatively, social rights may thrive in an environment where human rights advocates, those who do the work of taking victims' testimonies and framing their experiences as human rights violations, are able to collaborate with subjects 'who have [already] been equipped with such skills'.<sup>204</sup>

Writing about the 'root causes' of human rights violations, Susan Marks explores the limited capacity of institutional responses to tackle the complex and interconnected nature of rights violations. At present, Susan Marks explains, human rights organisations do not adequately address the systemic issues that connect many of the violations they are campaigning against. In this way, human rights violations continue to be presented as somehow 'random, accidental or arbitrary'<sup>205</sup> and the context surrounding them is removed from the discussion entirely, at least at the institutional level. A study of UN special rapporteurs and other experts found that all of them pointed to discrimination, marginalisation and exclusion as 'structural causes of human rights violations';<sup>206</sup> this consideration of the broader, deep-rooted issues of racism and economic inequality that lie at the centre of many human rights violations is not reflected, however, in the 'remedial'<sup>207</sup> measures set out in recommendations to states. When the CESCR notes that the UK has not taken sufficient steps to fulfil its obligation to provide access to adequate housing, it is not addressing the question of *why* the violation has occurred, and thus it is not challenging the state to look at the 'root cause'. For Marks, the key to enacting real change is to engage in discussion around the systemic root causes of human rights violations, thereby placing abuses in the 'political, economic and social contexts which make them possible'<sup>208</sup> instead of offering the same recommendations to states when the same violations continue to occur.

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<sup>203</sup> Lucie White, 'Human rights Testimony in a Different Pitch: Speaking Political Power', *The Future of Economic and Social Rights* (2019) 471

<sup>204</sup> *Ibid* 471

<sup>205</sup> Susan Marks, 'Human Rights and Root Causes', *Modern Law Review* 74(1) (2011) 75

<sup>206</sup> *Ibid* 62

<sup>207</sup> *Ibid* 72

<sup>208</sup> *Ibid* 59

Sarah Keenan, Co-Director of the Centre for Research on Race and Law, argues that in order to tackle the institutional racism that is inherent to the 'hostile environment' operating in the background of the Grenfell atrocity, human rights campaigns 'are not enough', and that the empowerment of individuals requires a commitment to fighting for 'housing, universal health care and education'.<sup>209</sup> What this position ignores, however, is that human rights campaigning need not be detached from campaigns for more 'tangible' issues such as housing and health care; in fact, these wide-ranging issues coalesce within the language of social rights, which provides a substantial framework for anybody demanding that a state does more to address inequality. Keenan's comment suggests that the connection between socio-economic inequalities and the social rights which exist to address or reduce them is not being made. The right to adequate housing is a human right, and is therefore a potentially invaluable tool for those seeking to demand more action from the state by reminding them of their duty to take steps to respect, protect and fulfil that right. Moreover, as explored in chapter one, the risk of framing concerns over the habitability and affordability of social housing as a human rights issue is that such an approach could be dismissed, as social rights claims have tended to be, as an attempt to gain 'unearned privileges' afforded by the overly generous terms of the ICESCR.<sup>210</sup> In other words, the political will to seriously address the deep-rooted inequality in our society is not necessarily there. Nevertheless, the near inevitability that a human rights-based approach will be met with the challenges associated with the perceived lack of enforceability of social rights is not enough to suggest that it would not be a worthwhile approach to take in the first place, primarily because it holds the promise, for disadvantaged groups, of increased autonomy and a sense of ownership over one's narrative.

The cases of both the residents of the Seven Towers and the evictees-turned-activists of PAH serve as valuable illustrations of the change that individuals can achieve when they can draw upon a human rights discourse. Ultimately, they are the 'experts on the ground when it comes to their own housing',<sup>211</sup> and the human rights-based approach in both cases allowed tenants to organise their actions or their demands around a set of incontrovertible international standards. What is especially clear from the experience of the Seven Towers residents is that employing the language of human rights can be

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<sup>209</sup> Sarah Keenan, 'A Border in Every Street: Grenfell and the Hostile Environment', *After Grenfell* (2019) 143

<sup>210</sup> Douglas Maxwell, 'A Human Right to Housing?', University of Oxford (2019)

<sup>211</sup> John Boughton, *Municipal Dreams: The Rise and Fall of Council Housing* (2019) 254

both practically and personally empowering. By holding a public hearing and going on to publish human rights monitoring reports, residents of the Seven Towers were able to present their version of events in a way that directly engaged the NIHE, the duty-bearers, with their human rights obligations. Central to PAH's strategy of encouraging people to participate in direct action and claim their right to housing by defying state-enforced evictions, and also to PPR's efforts to involve residents in human rights monitoring, is the act of being politicised. It is this transformation, the turning of disaffected people into political subjects or agents, that perhaps holds more value and provides a more optimistic vision of the future than simply waiting for institutional change. Fundamental to the formation of the 'empowered political subject' is their ability to make the connection between their personal 'experience of injury' to an 'analysis of structural wrong'.<sup>212</sup> In the days and weeks after the fire, the Radical Housing Network (RHN), a collective of grassroots housing campaigns, facilitated media training for local residents who were being bombarded with requests for statements and interviews; fortunately, RHN recognised the importance of residents' ability, when speaking to the media, to 'stake a claim in the wider effects of what was happening around the tower'.<sup>213</sup> In this way, Grenfell residents and members of the broader community have already shown that they are adept at organising. Groups of survivors and bereaved families, including Justice 4 Grenfell and Grenfell United, have organised in different ways, but all with the same long-term goals of justice, accountability, and ensuring that what happened at Grenfell does not happen again. Adopting human rights language and making concrete claims about where and how alleged violations occurred both preceding and following the fire has the potential to make duty-bearers sit up and listen to the concerns of those they have fatally ignored in the past.

The authors of *After Grenfell*, a collection of critical analyses of the state's response to the fire, have made the link between what happened at Grenfell Tower and the larger global forces identified by Saskia Sassen as issues of 'expulsion', which include 'the removal of vast numbers of people from social welfare and health insurance' and evictions due to debt.<sup>214</sup> Given the ubiquitous nature of the effects of this trend towards 'expulsion', the authors are somewhat hopeful that the local activism that emerged after Grenfell might 'find common cause'<sup>215</sup> with those fighting against similar issues elsewhere, forming

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<sup>212</sup> Lucie White, 'Human rights Testimony in a Different Pitch: Speaking Political Power', *The Future of Economic and Social Rights* (2019) 497

<sup>213</sup> Radical Housing Network, Becka Hudson and Pilgrim Tucker, 'Struggles for Social Housing Justice', *After Grenfell* (2019) 121

<sup>214</sup> Dan Bulley, Jenny Edkins and Nadine El-Enany, *After Grenfell* (2019) 21

<sup>215</sup> *Ibid* 25

a sort of global solidarity network. It is possible that those who are campaigning for access to adequate social housing in Northern Ireland, those who are fighting against evictions of vulnerable people in Spain, and those who are seeking justice post-Grenfell would be in a stronger position if they made the meaningful connection between their local struggles and realised that their interests are aligned. While presenting a documentary on the fire, former Grenfell resident Ishmael Francis-Murray suggested that this connection is already being made by survivors, noting that 'Grenfell burned for local and global reasons' and that '[the survivors] talk politics now. And how we can take power, because we learned that we have to look after ourselves'.<sup>216</sup>

## Conclusion

When considered in a human rights context, the path that led to the Grenfell Tower fire is strikingly clear. Rather than existing merely as an abstract peculiarity of international human rights law, the neglect of social rights is a reality which, when combined with recent trends towards neoliberalism and austerity politics, ultimately allowed for the creation of a society which undervalued the lives of the people living at Grenfell Tower, and which continues to reinforce the systematic nature of economic inequality in our society. As explained in the first chapter, the lack of social rights protection in the UK acts as the extremely precarious backdrop against which the government has not only failed to meet its obligation to provide safe and affordable social housing but has exerted a sustained effort to demean and demonise racialised working-class communities.

Given the extent to which these structures of inequality are embedded into society, it is perhaps not surprising that the enormous outcry after Grenfell—the calls for justice, the allegations of corporate manslaughter and institutional neglect, and the words and images of grieving family, friends and neighbours—seem not to have been enough to trigger a change. The official institutional response to this event proved to be continuously incompetent and wholly lacking in compassion. Nothing in the response by the government or by the institutions and corporations involved indicates that substantial action will be taken to prevent the reoccurrence of a similar disaster. Since the underlying issues are symptomatic of a

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<sup>216</sup> Dan Bulley, Jenny Edkins and Nadine El-Enany, *After Grenfell* (2019) 22

much broader problem of racial and socio-economic inequality, any response which hopes to actually address the problem needs to be radical; in this case, 'radical' requires the overhauling of the entire system instead of mere 'reform'. Beyond seeking proclamations of guilt or accountability, a broader rights-based political response is needed, because human rights are inextricable from the global issues of financialisation, the commodification of housing, and deepening economic inequality.

The Grenfell community's response thus far has been both practically and symbolically powerful in that it represents a patent rejection of the way in which poor people and social housing residents have historically been portrayed—that is, as lazy, undeserving, and incapable of improving their own situation—in a brazen attempt to demonise and disempower them. The longevity and political impact of this response could be strengthened through the inclusion of a message which connects the Grenfell Tower fire to wider structural issues of austerity, deregulation and neoliberalism, and which further links the domestic fight for access to social housing to similar struggles across the globe.

The examples of the residents of the Seven Towers and the evictees-turned-activists of PAH serve as valuable illustrations of the change that individuals can achieve when they can draw upon a human rights discourse. Being careful to not overstate the potential of human rights to facilitate meaningful structural change for working-class people, it is certainly possible to conclude from the evaluation of the organising done by PAH and PPR that the value of the human rights framework lies in its capacity to be adopted as a language of optimism by social movements as a means of raising consciousness and empowering individuals to hold duty-bearers to account. Where human rights are being violated on a global scale and in a slow, banal manner, empowering regular citizens with the knowledge that they hold rights and that they collectively possess the ability to organise and advocate for their right to be treated as 'humanely' as the most privileged of society, is undeniably powerful.

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