

## Draft Equality Impact Assessment on the Regeneration of Crumlin Road Gaol and Girdwood Barracks

### **Submission from the Participation and the Practice of Rights Project**

The Participation and Practice of Rights (PPR) Project works in North Belfast to support groups in using a Human Rights Based Approach to tackle the inequalities and deprivation they face and realise their economic and social rights. Currently, PPR works with residents of the Seven Towers on housing, members of PIPS/Greater Shankill Bereaved Families on mental health, the Lower Shankill Residents Voice on the right to play, and the Girdwood Residents Jury on the right to participate.

1. This submission is in response to the Department for Social Development's Draft Equality Impact Assessment on the Regeneration of Crumlin Road Gaol and Girdwood Barracks.
2. An EQIA on the Girdwood regeneration is of great importance for a number of reasons. First, the Girdwood site is located at the heart of five of the most deprived wards in Northern Ireland. The deprivation and inequality existing in Crumlin, New Lodge, Water Works, Shankill and Ardoyne is both chronic and long-standing. According to statistics developed by the Northern Ireland Neighbourhood Information Service (a government body) these electoral wards are among the most deprived in Northern Ireland across the indices of health, housing, education and employment.
3. Further to this, an EQIA is crucial due to the fact that the proposals contained in the Draft Masterplan for the Regeneration of Crumlin Road Gaol and Girdwood Barracks, were not drawn up on the basis of any equality analysis as required by Section 75 of the Northern Ireland Act. An EQIA should have been undertaken prior to the development of proposals and should therefore have informed any such proposals. The failure to subject the Masterplan to equality screening on the grounds it was 'conceptual' is baseless. In the DSD Equality Scheme (para 3.1), there is no distinction made between 'conceptual' or any other kinds of schemes, simply a requirement to subject 'proposed policies' to an equality screen, and an EQIA where necessary. The Masterplan contained projected budgets, zoned areas and detailed proposals around housing, health, education and employment, none of which had been targeted at the existing inequalities in the area. As stated in the PPR Report 'Unlocking the Potential: Human Rights, Equality and the Draft Masterplan for Crumlin Road Gaol and Girdwood Barracks':

*"It is clear from the proposals in the Draft Masterplan that concrete decisions have been taken, and in light of the inequalities existing in the area, should have been subject to an EQIA to ascertain how successful the proposals would be at targeting inequalities and deprivation in the area".*

As a result of the failure to target these proposals on inequality as required, the Draft EQIA is even more crucial as a means to potentially address this failing.

4. The PPR Project met with the North Belfast Community Action Unit on the 4<sup>th</sup> July to discuss how the unit planned to proceed with the Draft EQIA. PPR expressed concern that the Unit planned to carry out the EQIA on the

proposals contained in the Draft Masterplan, and that this approach would not facilitate the promotion of equality as required by legislation, but would merely analyse if the existing proposals were discriminatory. On 21<sup>st</sup> July we wrote to the Unit to reiterate this concern as well as our hope that the Unit use the work they had already done as a starting point to produce a baseline equality analysis of the wards surrounding the Girdwood site, against which proposals could be considered. However the NBCAU have proceeded to carry out an EQIA on the basis of the proposals, which themselves were not subjected to any equality-proofing. As such this methodology is insufficient to discharge their obligations in relation to Section 75.

**The current approach of testing the Masterplan proposals for adverse impact is unacceptable. The PPR Project calls for the final EQIA to start with the inequalities and deprivation existing in North Belfast, and ensure that any proposals for the site are considered against them.**

5. The PPR Project actively contributed to the 'Consideration of Available Data and Research' stage of the Draft EQIA process by responding to the North Belfast Community Action Unit's request for information with a significant amount of information consisting of the following documents:
  - a. Unlocking the Potential: Human Rights, Equality and the Draft Masterplan for Crumlin Road Gaol and Girdwood Barracks (January 2008)
  - b. Transcript from Residents Jury on Regenerating Crumlin Road Gaol and Girdwood Barracks: A Human Rights Based Approach' (May 2008)
  - c. 'Changing the Patterns of the Past: Putting People First in the Regeneration of North Belfast' (August 2008)
  - d. 'Regeneration and the Race Equality Duty' by the Commission for Racial Equality (September 2007)
  - e. Olympic Delivery Authority – Equality and Diversity Strategy (July 2007)
  - f. Lower Shankill Community Audit (2006) submitted on behalf of the Lower Shankill Community Association
  - g. Submission from Residents Groups who took part in EQIA focus groups.

This information was submitted on the 30<sup>th</sup> September, the closing date of the data collection stage of the EQIA. We were notified on the 28<sup>th</sup> October in response to a written query from PPR that an 'early draft' of the Equality Impact Assessment was provided to the Equality Commission on the 3<sup>rd</sup> October. This means that with only 3 days between the data collection stage closing and the submission of this draft to the Equality Commission for comment, a very short space of time was available for the consideration of a large volume of information, some comprising of resident's own views, and some from international experts on how regenerations have successfully tackled deprivation and inequality in other contexts. In addition, very little of the content of the documents submitted are reflected in the NBCAU's analysis in the Draft EQIA document.

**The PPR Project calls for the above information to be given due weight in drawing up the Final EQIA and for it's contents to be reflected in that document where relevant.**

6. Turning to the content of the Draft EQIA document, the scant use of statistical information relating to each of the Section 75 group is of serious concern. For example, the statistics relating to employment and health reference only one Section 75 group, that of gender. The statistics relating to education are relevant to age as a section 75 group, but focus only on those obtaining GCSE's and school leavers, and do not consider those in adult education or training. The experiences of those of different dependent status, religion, disability, marital status, political opinion and sexual orientation are not considered in relation to health, education or employment.

**The PPR Project strongly recommends that further statistical information is used in the final EQIA to disaggregate the experiences of all the Section 75 groups in North Belfast in relation to issues of health, housing, education and employment**

7. The statistics included in relation to housing are much more comprehensive and consider a number of the Section 75 groups, including age, religion, marital status, and dependents. However, although inequalities are identified, the Draft EQIA does not make any commitment to address them, or outline how this could be done, instead stating:

*"The preferred option of the Department is shared housing"*

The Draft EQIA appears to prioritise the good relations duty over the equality duty, in violation of the legislation which clearly states that the equality duty takes primacy.

**The PPR Project calls for the equality duty to be recognised in the final EQIA as having primacy over the good relations duty and for this to be reflected in the analysis.**

8. Furthermore, the Draft EQIA focuses on assessing adverse impact throughout. There is a consistent failure to consider how equality of opportunity can be promoted through the regeneration. This is contrary not only to the DSD's Equality Scheme which states at section 3.2 that any policies should consider how to better promote equality of opportunity:

*"For each policy the following criteria were applied:  
Is there an opportunity to better promote equality of opportunity or good relations by altering policy or working with others in Government or the community at large?"*

In addition the Equality Commission's Guide to the Statutory Duties (2.1) of Section 75 of the Northern Ireland Act 1998, also state that a positive approach is required:

*"The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to secure equality of opportunity between the groups identified in Section 75 (1). The equality duty should not inhibit action to counter disadvantage among particular section of society. Indeed such action may be an appropriate response to redressing inequality of opportunity"*

Yet only one paragraph (paragraph 6.85) recognises the positive duty to promote equality of opportunity.

**The PPR Project urges the NBCAU to fully consider the positive duty to promote equality of opportunity, and so explore how housing, health, education and employment inequalities can be proactively addressed by the regeneration of Girdwood Barracks and Crumlin Road Gaol. Recognition of the positive duty must be clear in the decision-making and analysis in the final EQIA Report.**