



*CAJ's response to the*

**EQIA Support for Victims Draft EQIA for Consultation**

**February 2009**

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**Promoting Justice / Protecting Rights**

45/47 Donegall Street, Belfast,  
BT1 2BR  
[www.caj.org.uk](http://www.caj.org.uk)  
Tel: (028) 90961122  
Fax: (028) 90246706  
Email: [info@caj.org.uk](mailto:info@caj.org.uk)



The Committee on the Administration of Justice (CAJ) was established in 1981 and is an independent non-governmental organisation affiliated to the International Federation of Human Rights. CAJ takes no position on the constitutional status of Northern Ireland and is firmly opposed to the use of violence for political ends. Its membership is drawn from across the community.

The Committee seeks to ensure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law. The CAJ works closely with other domestic and international human rights groups such as Amnesty International, Human Rights First (formerly the Lawyers Committee for Human Rights) and Human Rights Watch and makes regular submissions to a number of United Nations and European bodies established to protect human rights.

CAJ's activities include - publishing reports, conducting research, holding conferences, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws and the criminal justice system, equality and advocacy for a Bill of Rights.

CAJ however would not be in a position to do any of this work, without the financial help of its funders, individual donors and charitable trusts (since CAJ does not take government funding). We would like to take this opportunity to thank Atlantic Philanthropies, Barrow Cadbury Trust, Hilda Mullen Foundation, Joseph Rowntree Charitable Trust, Oak Foundation and UNISON.

The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

<b>Committee on the Administration of Justice (CAJ) Ltd</b>
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45/47 Donegall Street, BELFAST BT1 2BR  
Northern Ireland

Tel: (00 44 (0) 28 9096 1122 Fax: (00 44 (0) 28 9024 6706  
Email: [info@caj.org.uk](mailto:info@caj.org.uk) Web: [www.caj.org.uk](http://www.caj.org.uk)

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*Winner of the Council of Europe Human Rights Prize*

Inspector Margo Martin  
PSNI Knocknagoney  
29 Knocknagoney Road  
Belfast  
BT4 2PP

4 March 2009

Dear Inspector Martin,

**RE: EQIA Support for Victims Draft EQIA for Consultation**

Please find attached a response from the Committee on the Administration of Justice (CAJ) to the above consultation. We hope that you find these comments useful.

Tim Cunningham  
Equality Programme Officer

# Comments from the Committee on the Administration of Justice (CAJ) to the Consultation on the Equality Impact Assessment of Support for Victims Policy

**February 2009**

The Committee on the Administration of Justice (CAJ) is an independent non-governmental organisation that was established in 1981. CAJ's activities include - publishing reports, conducting research, holding conferences, monitoring, campaigning locally and internationally, individual casework and providing legal advice. Its areas of work are extensive and include policing, emergency laws, criminal justice, equality and the protection of rights. The organisation has been awarded several international human rights prizes, including the Reebok Human Rights Award and the Council of Europe Human Rights Prize.

For some time CAJ has been involved in the process of furthering the mainstreaming of equality within Northern Ireland and we are keen to contribute our views on as many equality related consultations as possible. This is particularly the case where the documents concerned evidently have important implications for those in greatest need, or who are particularly vulnerable. Undoubtedly, the victims of crime would fall into this category.

CAJ would receive and respond to quite a number of Equality Impact Assessment documents from a range of public bodies across Northern Ireland and in some cases we have been particularly disappointed at the failure to engage adequately with the substantive issues under analysis. This however is clearly not the case in relation to this document. It is clear that the PSNI have undertaken a useful and critical analysis of their existing work in order to identify ways in which the particular policy in question might be creating adverse impacts for particular groups. By and large we would agree with much of the analysis presented here and we would wish to commend the PSNI for making a serious, and constructive attempt to identify ways in which specific actions can be taken which would better promote equality for particular groups. We do however have some general comments on the draft EQIA which we hope that you will find useful. For sake of clarity, the comments below relate to the individual sections of the consultation document.

## **1. Introduction**

CAJ would argue that the purpose of an EQIA is broadly two-fold, namely to identify adverse impact, and to identify ways in which equality of opportunity might be better promoted. We would not however identify a causal link between these two objectives

as this document has done. In other words, the identification of ways in which a policy can better promote equality of opportunity is not *contingent* on their first being an identifiable adverse impact. We would therefore disagree with the statement on page 1 of the Draft EQIA which states that

*“In the event that a differential impact is identified, an EQIA also assesses whether that impact is adverse and considers mitigating measures or alternative policies to better achieve the promotion of equality of opportunity”.*

This issue is an important one, given that there may well be circumstances in which no adverse impact has been identified, however, in such circumstances, there will still be a duty to identify ways in which the policy can be amended to better promote equality of opportunity.

The Practical Guidance from the Equality Commission is clear on this and is perhaps worth noting. The procedures that are required are set out in Step 4 of an EQIA which states that:

***“Consideration of***

***Measures which might mitigate any adverse impact; and  
Alternative policies which might better achieve the promotion of  
equality of opportunity***

***The consideration of mitigating measures and alternative policies is at the heart of the EQIA process. Different options must be delivered which reflect different ways of delivering the policy aims. The consideration of mitigation of adverse impacts is intertwined with the consideration of alternative policies. Mitigation can take the form of lessening the severity of the adverse impact.***

***Ways of delivering the policy aims which have a less adverse effect on the relevant equality category, or which better promote equality of opportunity for the relevant equality category, must in particular be considered. Consideration must be given to whether separate implementation strategies are necessary for the policy to be effective for the relevant group. The following must be considered:***

***How does each option further or hinder equality of opportunity?***

***How does each option reinforce or challenge stereotypes which constitute or influence equality of opportunity?***

***What are the consequences for the group concerned and for the public authority of not adopting an option more favourable to equality of opportunity?***

***How will the relevant representative groups be advised of the new or changed policy or service?***

*If an economic appraisal is necessary – What are the costs of implementing each option? Will the social and economic benefits to the relevant group of implementing the option outweigh the costs to the public authority or other groups?*

*Does the public authority have international obligations which would be breached by, or could be furthered by, each of the options?*

*Clear evidence of the consideration of the impacts of alternatives must be apparent in the relevant consultation document.”*

This issue is perhaps less of a problem in relation to this EQIA, given that a number of adverse impacts have been identified, and the document does in fact then go on to outline some alternative measures. The point is important to note however, particularly for instances in which no adverse impact might be identified. In such cases, the duty to consider alternative measures will still apply.

## **2. Policy Aims and Objectives**

CAJ broadly agrees with the conclusions that have been reached in this section of the document. We welcome for example the fact that the screening process identified that the following groups may need additional support if they are a victim of crime: women affected by domestic violence; gay, lesbian, bisexual and transgender people; people with disabilities; people from minority ethnic communities; children and older people.

We would however suggest that people living in communities that might be perceived as Republican or Loyalist should also be added to the list. Given the relationships that have existed between such communities and the police generally over recent years, we would suggest that specific measures would be necessary in order to recognise the needs and problems that specifically exist in such communities in relation to policing generally. We are aware of a number of reports and studies that have looked at this particular issue, the most recent of which focused on the New Lodge area of Belfast and was carried out by Dr Pete Shirlow and Dr Graham Ellison of QUB and which you may find helpful.

## **3. Pre-Consultation**

The holding of pre-consultation meetings in order to better inform the draft EQIA is an approach that we would very much endorse – it is clear that the sooner that a public body obtains input into the consultation process the better. The organisations listed, namely, Women’s Aid, Victim Support, MENCAP, NSPCC and NICEM, in our view, represent a useful starting point in terms of seeking to identify some of the key issues. Certainly, we would commend the PSNI for undertaking a pre-consultation exercise in order to better inform the

EQIA, and we would be of the view that the information summarised is useful in terms of exploring how the EQIA could be taken forward.

#### **4. Available Data and Research**

Looking at the list of key sources of data used to inform the EQIA, CAJ would be of the view that the list is fairly comprehensive. We do wonder however if there may be a gap in terms of looking at data and research on particular communities and individuals identified by certain particular political opinions, in particular those communities and individuals who might be perceived as republican or loyalist? Much of the information that has been obtained here is however quite useful and the PSNI should be commended for having teased out some important issues here in terms of differential experiences across a number of the Section 75 groups.

#### **5. Assessment of Impacts**

In relation to assessment of impacts, we note that the draft EQIA states that:

*“It is assumed that the data relating to Religious Belief correlates strongly with political opinion and on this basis it is suggested that there is no differential impact arising from PSNI policy for supporting victims on people of different political opinion. PSNI would be particularly eager to receive consultation feedback on this point.”*

This is clearly an important, and indeed one might argue, sensitive issue to be considered. CAJ would be of the view that one might be able to draw some broad statements about religious belief and political opinion. For example, one might legitimately assume that most people who vote for the SDLP or Sinn Féin would be Catholic, and most people who vote for the DUP or UUP would be Protestant (although the parties concerned would probably be keen to argue that this is not necessarily the case). Beyond such blanket generalisations however, identifying the interface between religious belief and political opinion becomes somewhat more problematic.

Certainly, CAJ would suggest that there might be circumstances in which a Catholic or Protestant living in say, the Malone Road, might both have a common experience and view of the PSNI, while a Catholic or Protestant living in the lower Shankill or the New Lodge areas might have a very different experience, but indeed common view of the PSNI. Simply aggregating the overall views of Protestants and Catholics each as a single group might however obscure these differences. It is interesting that the Quality of Service Survey referred to showed that 80% of those from a Catholic background and 78% of those from a Protestant background indicated that they were satisfied with the service provided by the PSNI. While the figures for both Catholic and Protestant communities are similar, there are still 20% and 22% dissatisfaction rates in each community with the service provided by the PSNI.

From CAJ's point of view the key issue for the PSNI will be seeking to address the concerns of these significant proportions of *both* communities who have issues with the performance of the PSNI. We would suggest that one way in which this might be done would be to seek to examine the experiences of communities that would be considered "Republican" or "Loyalist" in their political outlook in order to determine whether there are particular difficulties which can be addressed.

## **7. Mitigating Measures**

CAJ broadly agrees with the identification of key themes in para. 7.2, and the recognition for example that there are low levels of some Section 75 groups reporting crime (BME communities and LGBT people in particular). We also fully recognise that given the complexity of the area and the range of stakeholders involved there are no quick fix solutions. We would also agree that training, engagement, information and communication have significant roles to play in mitigating adverse impacts that have been identified, and that monitoring and evaluation are important in ensuring that key indicators are assessed on an ongoing basis to evaluate success in promoting equality of opportunity.

CAJ again broadly welcomes the measures proposed including that existing training, cultural awareness and anti-discrimination training be reviewed. We would also be supportive of the review of accessibility of information and communication to people with disabilities and people who do not speak English as a first language. We would also welcome the specific actions identified, including the commitment to conduct specific research around witness attrition levels to assess if there are specific problems around Section 75 groups.

CAJ also welcomes the fact that in relation to two issues raised by pre-consultees – the age for special measures and the need for witness services across Northern Ireland – which are now within the remit of the PSNI, that the PSNI has given a commitment to raise these issues with the relevant public bodies and support these measures when the opportunity arises.

Overall, CAJ would broadly agree with the thrust of this EQIA, which we believe has quite usefully illustrated the purpose of undertaking such an exercise. Namely, to identify problems for specific Section 75 groups within an overall policy, and put in place measures to try and alleviate those problems. There is little that we would add to this EQIA in terms of specific additional measures to be taken other than to recommend some additional research into the needs and problems of individuals living in particular communities that would be identified as either "Republican" or "Loyalist", where we believe that the history of the last 30 years would suggest that particular problems might exist in relation to victims of crime.