

CAJ's submission no. S441

**Submission to the
Department of the Environment
Consultation on
Draft Statutory Guidance for the
Operation of Community Planning**

February 2015

The Committee on the Administration of Justice (CAJ) is an independent human rights organisation with cross community membership in Northern Ireland and beyond. It was established in 1981 and lobbies and campaigns on a broad range of human rights issues. CAJ seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the Government complies with its obligations in international human rights law. CAJ welcomes the opportunity to respond to the Department of the Environment consultation on the Draft Statutory Guidance for the Operation of Community Planning; in particular CAJ is pleased to see that efforts have been made to highlight the safeguards between equality and good relations in section 7.3.

7.3 'Under Section 75 of the Northern Ireland Act 1998 all public authorities have a statutory duty to have **due** regard to the need to promote equality of opportunity and without prejudice to this regard to the desirability of promoting, good relations. **The partners should consider how the promotion of good relations can be applied to all section 75 groups as community planning should reflect and respect the diversity in a particular area.**'

And that those who speak minority languages have been included in the community involvement section.

6.7 Inclusion: 'Practicalities such as venue accessibility, timing, transportation, methods of communication including the obligation to take account of the needs of speakers of minority languages will be important considerations as will ensuring the obligation to make reasonable adjustments for disabled people is met.'

Although CAJ were encouraged by the steps above we would also ask the department to look at the following additions that could be made to the community planning statutory guidance:

Objective need:

The legislation explicitly provides that the reference, in relation to economic well-being, to tackling poverty, social exclusion and patterns of deprivation, is to have the same meaning as s28E of the Northern Ireland Act 1998. S28E is clear that the approach to tackling poverty, social exclusion and patterns of deprivation must be based on objective need. Councils and community planning partners must therefore ensure that their approach to discharging this function is based on objective need. To this end the process should make use of indicators of objective need, including the Northern Ireland Statistics and Research Agency's (NISRA), Multiple Deprivation Measures, in developing the long term objectives. This could be included under point 7.1 in the 'Key Issues to be addressed' section.

Gender:

The community planning process should also pay regard to the affirmation within the Good Friday (Belfast) Agreement of 'the right of women to full and equal political participation' and ensure that this full and equal participation is developed across the structures of the community planning process. A relevant international framework for women's participation in peace building is found within UN Security Council Resolution 1325 women, peace and security. Commitments to the inclusion of women in the community planning process should be inserted at section 4 'Partnership Structure and Governance' in particular in the 'Community Planning Partnership' sub section and 'Community Involvement Process' section of the guidance.

Irish language and Ulster Scots

The guidance should also go further with references to Irish language speakers and include references to the duties of councils under the European Charter for Regional or Minority Languages. The Irish language is registered under part II and part III of this treaty and Ulster Scots under part II. Part II Article 7(4) of the Charter provides that in relation to policy relevant to language provision councils and other public authorities "shall take into consideration the needs and wishes expressed by the groups which use such languages" In Part III Article 10(2) contains specific duties in relation to speakers being able to engage with Councils in Irish.

Good Relations

Good relations is not currently defined by law, the Equality Commission for Northern Ireland does have a working definition.¹ CAJ would prefer to see good relations defined as it is in GB as 'tackling prejudice and promoting understanding.' Some of the new 11 District Councils may have adopted this definition of good relations within their revised equality schemes, or otherwise may wish to consider it a definition for their community planning processes.

Committee on the Administration of Justice
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¹ 'The growth of relations and structures for Northern Ireland that acknowledge the religious, political and racial context of this society, and that seek to promote respect, equity and trust, and embrace diversity in all its forms.'