

# Findings and Indicators:

## *Residents' Jury on the Regeneration of Girdwood Barracks and Crumlin Road Gaol*

### *A Human Rights Based Approach*



On the 28<sup>th</sup> May 2008 a Residents' Jury was convened in North Belfast to consider the regeneration of Girdwood Barracks and Crumlin Road Gaol. The Jury is composed of residents from the five wards surrounding the 27 acre site (Ardoyne, Crumlin, New Lodge, Shankill, Waterworks). They heard evidence and put questions to a wide range of local and international experts on equality, human rights and urban regeneration. The Residents' Jury aimed to use this information to set human rights indicators to measure whether the regeneration fulfilled government's obligations under human rights law to progressively realise their right and that of their communities to work, education, adequate housing and the highest attainable standard of health.

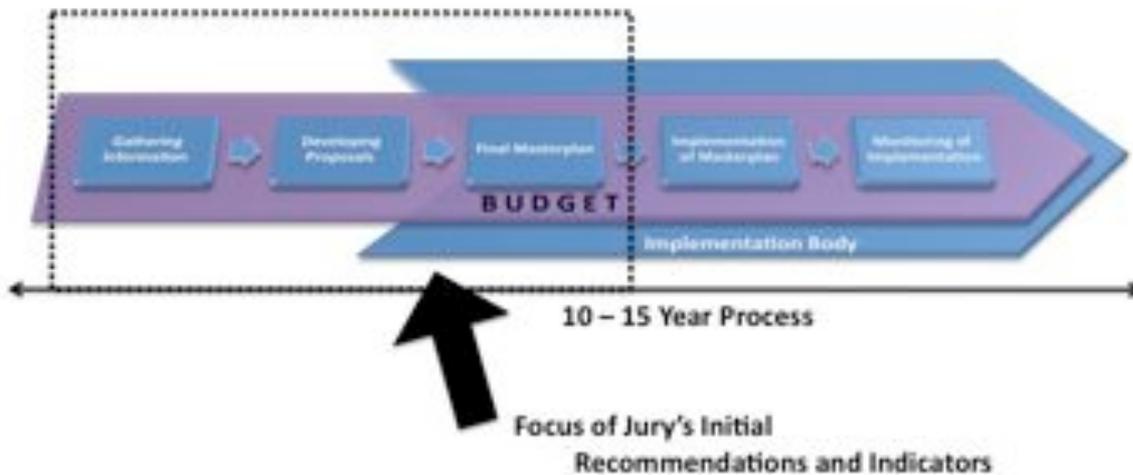
The Girdwood regeneration is expected to take 10-15 years to complete – yet the Residents' Jury believe that the process must be right to allow for the regeneration to deliver change on the ground in accordance with human rights standards. Principles of equality, participation and accountability are key concepts for the delivery and realisation of human rights. The regeneration of Girdwood Barracks and Crumlin Road Gaol is a one-off opportunity to address the legacy of deprivation and inequality in some of the most deprived areas of Northern Ireland.



As a result, the Jury have selected a number of human rights indicators to monitor the process by which the regeneration takes place and whether it is in accordance with human rights standards pertaining to economic, social and cultural rights. The three key principles, equality, participation and accountability, overlap and intersect each other. Based on the evidence they heard in May, the Residents' Jury have selected a number of human rights indicators to monitor the first steps in the process. Over the coming months the Jury will engage in outreach work to include more residents from the wards surrounding the regeneration site in the monitoring of the indicators. The jury will use the indicators to gauge whether human rights are being translated into practice on the ground. This is where their success can best be measured – among the rights holders themselves who will either be the beneficiaries or the victims of the regeneration process and outcomes.

## Structure of the Findings and Indicators

The regeneration of Girdwood Barracks and Crumlin Road Gaol will take 10-15 years to complete. As a result, the recommendations and indicators contained in this report focus only on the initial stages of the regeneration process. It includes recommendations for each step of the process through to the agreement of a Final Masterplan.

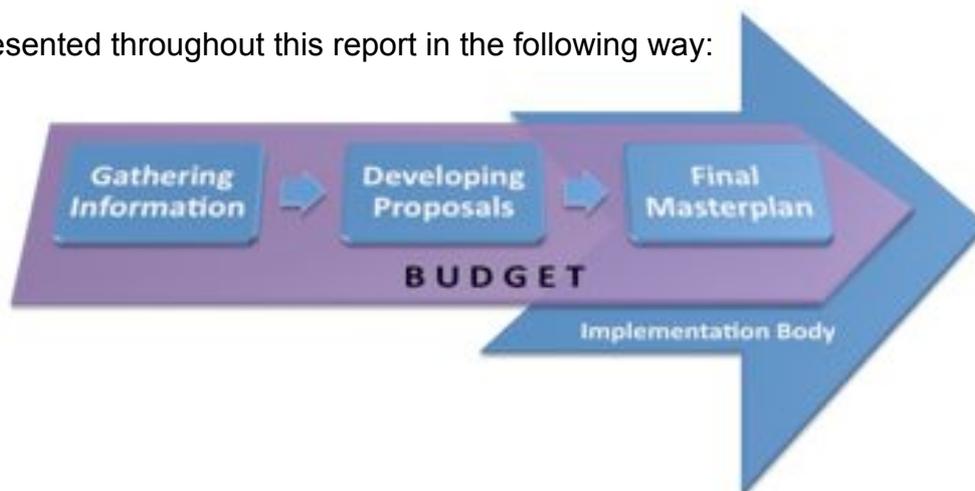


The Jury will develop further indicators at appropriate stages as the regeneration continues.

The Residents' Jury's findings and indicators are divided into five sections corresponding to five aspects of the early regeneration process:

- **Gathering Information:** Before developing proposals for a regeneration plan, the government should gather information about existing inequalities and deprivation in the surrounding communities.
- **Developing Proposals:** The development of proposals must include the participation of vulnerable groups and ensure that inequalities and deprivation are targeted.
- **Final Masterplan:** Once the proposals have been finalised, the full proposals including targets should be reflected in the final document.
- **Implementation Body:** This body ensures that the regeneration takes place according to principles that have been set.
- **Budget:** This includes the way resources are prioritised and allocated throughout the regeneration process.

It is represented throughout this report in the following way:



# Gathering Information

## What Has Happened So Far:

Evidence on local inequality and deprivation did not inform the original proposals contained in the draft Masterplan or the consultations held on the plan. The Department for Social Development has now collected comprehensive statistics on inequality and deprivation in the surrounding areas as part of the Equality Impact Assessment they are carrying out. They have also collected information from international and local experts on regeneration, equality and human rights, as well as information obtained through a series of focus groups organised by community groups with local residents of the most deprived areas in north Belfast.

## Residents' Jury's Indicators:

<b>A1</b>	Have the most vulnerable groups in north Belfast been named in the EQIA through the gathering of statistical information on inequality and deprivation?
<b>A2</b>	Have the experiences of vulnerable groups living with deprivation and inequality been collected?
<b>A3</b>	Were identified vulnerable groups involved in naming and prioritising the issues which are most important to them?
<b>A4</b>	Is the information on inequality and deprivation clear, accessible and easily understood in the EQIA documents and in the consultation process?
<b>A5</b>	Were residents from identified vulnerable groups involved in collecting and analysing the information during the EQIA process?
<b>A6</b>	Was there training and assistance resourced and made accessible by government to enable vulnerable groups to provide, collect and analyse information during the EQIA process?
<b>A7</b>	Is the evidence regarding local deprivation and inequality being used by government to form proposals?

## These indicators will be monitored at the following points in the regeneration process:

- Following the publication of the Draft EQIA on the Regeneration of Girdwood Barracks and Crumlin Road Gaol.
- Following the completion of the consultation process on the draft EQIA
- Following publication of the final EQIA.



## Developing Proposals

### What Has Happened So Far:

Evidence on local inequality and deprivation did not inform the proposals contained in the draft Masterplan and the consultations held on the plan. At key decision making points, such as the appointment of consultants responsible for drawing up the draft Masterplan, community representatives on the Advisory Panel were excluded. No expert on equality sat on the Advisory Panel and no information on the equality duties under Section 75 was given.

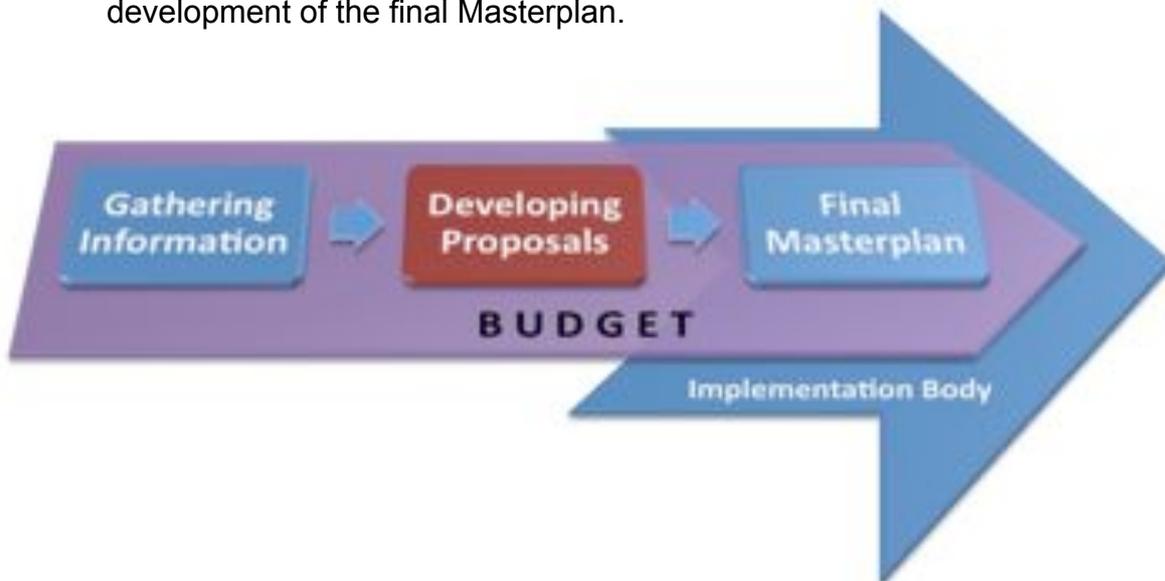
To date information gathered by the Department for Social Development for the purpose of their EQIA has been limited to assessing the impact of these proposals on a range of groups, rather than identifying the existing needs of the communities and assessing what proposals could meet those needs.

### Residents' Jury's Indicators:

<b>B1</b>	Have residents from the vulnerable groups in north Belfast received training and technical assistance to enable them to: <ul style="list-style-type: none"> <li>• work with other residents;</li> <li>• analyse information and best practices;</li> <li>• put forward proposals to tackle identified inequality and deprivation?</li> </ul>
<b>B2</b>	Was the information collected about vulnerable groups and their needs given due priority when developing proposals?
<b>B3</b>	Do all proposals to tackle inequality and deprivation have set targets which have been agreed between the Department and affected vulnerable groups?
<b>B4</b>	Is there a process set up to resolve disagreements over the development of proposals and targets, which is accessible, affordable, timely and effective?
<b>B5</b>	Are proposals published with enough time to consider them before meetings and events as well as in a way which is accessible for all affected groups?
<b>B6</b>	Have the developing proposals been co-ordinated with the plans for all surrounding regenerations in north Belfast?

**These indicators will be monitored at the following points in the regeneration process:**

- When concrete proposals emerge following the EQIA and leading up to the development of the final Masterplan.



## Final Masterplan

### What Has Happened So Far:

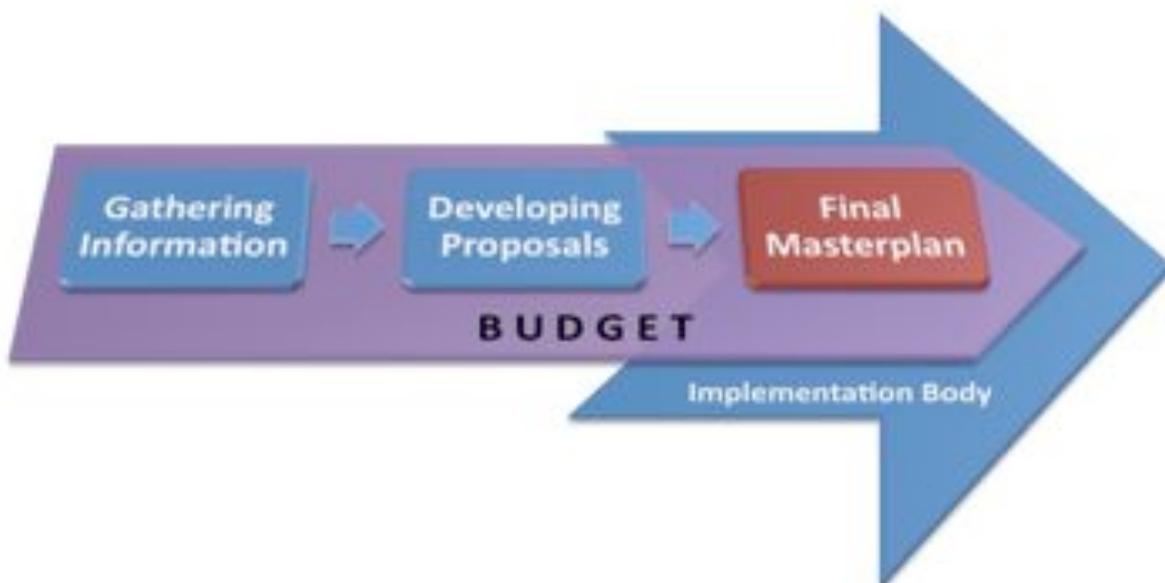
The Department for Social Development published the Draft Masterplan for Crumlin Road Gaol & Girdwood Barracks in July 2007. It is one of six regeneration plans aimed at deprived areas in North Belfast. These plans contain differing approaches to local inequalities which illustrated a lack of co-ordination between the plans. The Draft Masterplan for Crumlin Road Gaol & Girdwood Barracks gave primacy to the good relations duty and Shared Future policy; however, under Section 75 of the Northern Ireland Act 1998, the equality duty takes precedence. The Draft Masterplan does not contain any targeted proposals for tackling inequality.

### Residents' Jury's Indicators:

<b>C1</b>	Were the proposals, developed in accordance with the previous indicators, included in the main body of the Masterplan?
<b>C2</b>	Is it clear from the Masterplan which inequalities the proposals are supposed to target to ensure the best possible use of resources?
<b>C3</b>	Is there evidence that the Masterplan is co-ordinating its efforts to tackle inequality with the other, surrounding Masterplans in North Belfast?
<b>C4</b>	Has the Masterplan included resources for the sustainable training and assistance of vulnerable groups to monitor how effective the proposals are?
<b>C5</b>	In the event that changes to the Masterplan are necessary, is there an agreed process in place to do so which includes participation from vulnerable groups?

**These indicators will be monitored at the following points in the regeneration process:**

- When the final Masterplan is published.



## Implementation Body

### What Has Happened So Far:

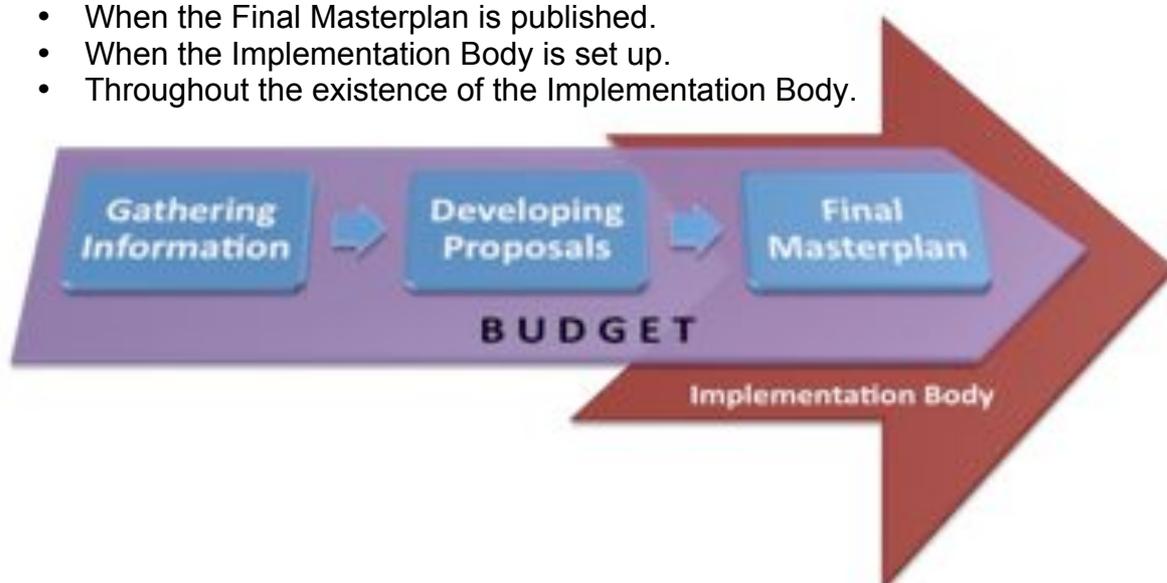
The Draft Masterplan states that “early decisions on implementation arrangements and a proactive approach by the agreed implementation agency” will be required. There are no proposals in the Draft Masterplan for an Implementation Body that ensures residents participate in overseeing the regeneration as it moves forward. Instead, there are proposals for a Development Trust which would involve the ‘gifting’ of a historically significant part of the site for a community enterprise project such as a café or souvenir shop. This is identified as a way to increase skills, bring jobs into an area and increase communities’ engagement with the regeneration.

### Residents’ Jury’s Indicators:

<b>D1</b>	Is the Implementation Body bound by the same equality and accountability legislation and duties as a public sector body?
<b>D2</b>	Is there clear evidence that decisions taken by the Implementation Body are based on tackling the inequality and deprivation of the identified vulnerable groups within north Belfast?
<b>D3</b>	Are equality targets contained in proposals monitored by affected groups, the government and any third party organisations involved in implementation?
<b>D4</b>	Is training and assistance resourced and available for anyone with responsibility for developing or implementing proposals – e.g., government, planners, architects, private developers, etc. – in order to equip them with the skills of working with the community on tackling inequality?
<b>D5</b>	Is there a process set up to deal with the failure to meet equality targets in proposals which is accessible, affordable, timely and effective?
<b>D6</b>	Are there plans for vulnerable groups to take part in an independent, annual review of the performance of the Implementation Body with enforceable recommendations?
<b>D7</b>	Are all decisions taken by the Implementation Body transparent and publicly available?

**These indicators will be monitored at the following points in the regeneration process:**

- When the Final Masterplan is published.
- When the Implementation Body is set up.
- Throughout the existence of the Implementation Body.



# Budget

## What Has Happened So Far:

The Draft Masterplan is clear that in order to achieve its aim, investment, and particularly private investment must be leveraged into the site. In order to attract funding the Masterplan cites the desire for change expressed during the consultation process, the cross-community support for the development of the site, and the potential to meet the needs of disadvantaged neighbourhoods as relevant criteria to attract funding. There is currently a total of £231 million earmarked for the regeneration site.

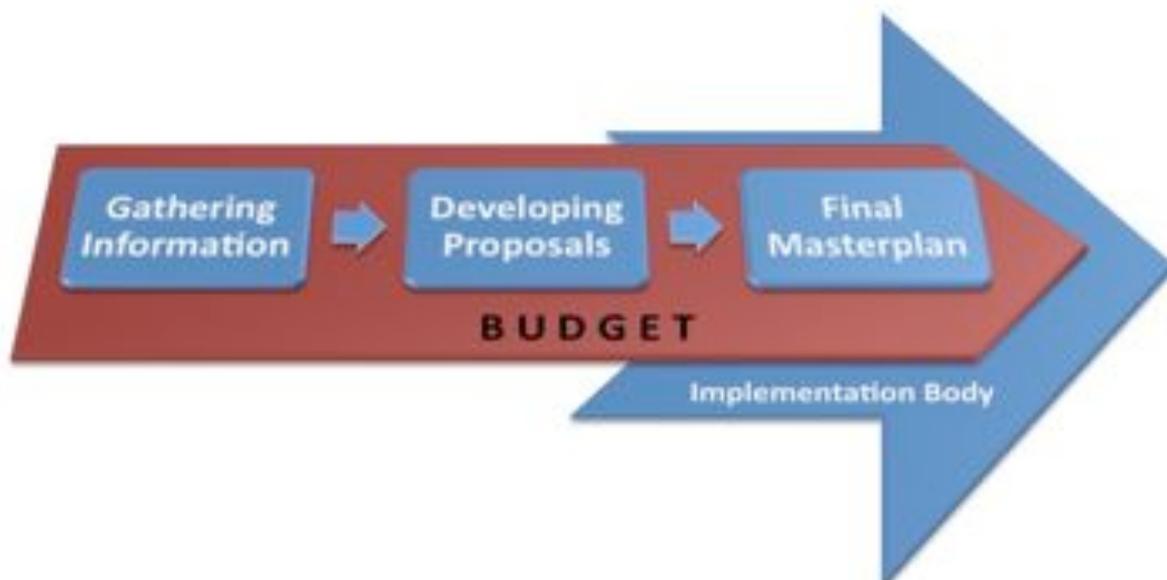
Information on the budget to date has not been transparent. One page of the Draft Masterplan gave minimal details and a further Freedom of Information request to the Department for Social Development seeking additional information simply referred back to the same page.

## Residents' Jury's Indicators:

<b>E1</b>	Are the priorities of the vulnerable groups reflected in the budget?
<b>E2</b>	Are vulnerable groups able to access independent, technical advice to enable them to understand the budget and to be able to provide recommendations and alternatives?
<b>E3</b>	Is information on the budget publicly available and presented in a clear and easy to understand manner?
<b>E4</b>	Do procurement contracts have equality targets built into them?
<b>E5</b>	Are there resources allocated for the ongoing participation of vulnerable groups in the regeneration process?

**These indicators will be monitored at the following points in the regeneration process:**

- When decisions regarding the establishment of budget priorities, the allocation of resources, and the monitoring of the effectiveness and efficiency of spending have been made.



## Human Rights Context

### **Participation**

Under international human rights law, the right of individuals and groups to participate in decision making should be an integral part of all the policies, programmes and strategies intended to implement the obligation of States parties.<sup>1</sup> The right to participate is inextricably linked to other rights, such as the right to freedom of expression, the right to freedom of information and freedom of association.<sup>2</sup> The International Covenant on Economic, Social and Cultural Rights states:

“Education is vital to enable all persons to participate effectively in a free society”<sup>3</sup>

Participation should not be treated as a one-off contribution. Human rights compliant standards of participation require “effective involvement in the definition of priorities, decision-making, planning, implementation and evaluation of strategies to promote economic and social rights.”<sup>4</sup> In order to be effective, participation must be active and informed.<sup>5</sup> Institutional arrangements and specific mechanisms must be put in place to ensure people can participate. They must be able to access the process, (including capacity building), access information (including understanding the information) and have access to decision making processes including budget allocation. The importance of providing technical and vocational education to disadvantaged groups is underlined as vital to contributing to “personal development, self-reliance and employability, and enhances the productivity of their families and communities, including the State party’s economic and social development.”<sup>6</sup>

### **Accountability**

In order for rights-holders to realise their economic and social rights, accountability is crucial. International human rights law treaties are clear that States are obligated to monitor the situation which “requires that special attention be given to any worse off regions or areas and to any specific groups or subgroups which appear to be particularly vulnerable or disadvantaged”.<sup>7</sup> Rights holders have the right to receive that information, which must be made public.<sup>8</sup> Under human rights law, this obligation is absolute – while other aspects of economic and social rights need not be immediately realised by States, monitoring must be done regardless of any other considerations including resource constraints.<sup>9</sup> Information gathered through monitoring must be used in the “elaboration of clearly stated and carefully targeted policies”, including the establishment of priorities which reflect the provisions in the

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<sup>1</sup> General Comment No. 4, para.12, General Comment No. 18, para. 3 (c), para 14. International Covenant on Economic, Social and Cultural Rights, Article 3 (1), General Comment 14, para 54

<sup>2</sup> General Comment No. 4, para. 9, General Comment No. 14, para 12 (b)

<sup>3</sup> International Covenant on Economic, Social and Cultural Rights, Article 13 (1)

<sup>4</sup> General Comment No. 14, para. 54

<sup>5</sup> Substantive issues arising in the implementation of the ICESCR: Poverty and the ICESCR, Statement adopted by the Committee on Economic, Social and Cultural Rights on 4 May 2001, E/C.12/2001/10, para 12

<sup>6</sup> General Comment 13, para. 16, (a)

<sup>7</sup> General Comment No. 1, para. 3, General Comment No. 4, para. 13, General Comment No. 13, para. 2 (b), General Comment No. 14, para. 35.

<sup>8</sup> General Comment No. 1, para. 5

<sup>9</sup> General Comment No. 3, para. 11

Covenant. Economic and social rights require accessible, transparent and effective accountability mechanisms in order to highlight when and how corrective action is required.<sup>10</sup> When human rights standards are violated, remedies must be available to those affected. These remedies need not be judicial; they can be administrative. Administrative remedies must be accessible, affordable, timely and effective.<sup>11</sup> Victims of violations are entitled to adequate reparation, which may take the form of restitution, compensation, satisfaction or a guarantee of non-repetition.<sup>12</sup> Under human rights law, steps should be taken by government to ensure co-ordination between ministries and regional or local authorities in order to reconcile related policies.<sup>13</sup> All human rights impose three types of obligation on governments – to respect, protect, and fulfil. The obligation to protect requires States to take measures that prevent third parties from interfering with economic and social rights guarantees. This includes the regulation of private actors.<sup>14</sup>

## Equality

Human rights are held by all people simply by virtue of their being human. However international human rights law has a particular preoccupation with vulnerable and disadvantaged groups. The human rights standards relating to the right to adequate housing, the right to the highest attainable standard of physical and mental health, the right to education and the right to work all include provisions which direct States to give “due priority to those social groups living in unfavourable conditions by giving them particular consideration. Policies and legislation should correspondingly not be designed to benefit already advantaged groups at the expense of others.”<sup>15</sup> Further to this, the non-discrimination clause at the heart of both the International Covenant on Economic, Social and Cultural Rights places an immediate obligation on States to ensure that economic and social rights “will be exercised without discrimination of any kind, as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Human rights law is clear that governments are under an obligation to use their resources to reduce differentials in employment and education, with a particular emphasis on disadvantaged and marginalised groups.<sup>16</sup> Significantly a misallocation of resources which does not discharge government’s obligation to give particular consideration to social groups living in unfavourable conditions, and results in different qualities of experience for different geographic locations, can be *de facto* evidence of discrimination.<sup>17</sup>

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<sup>10</sup> E/C.12/2001/10, para. 14

<sup>11</sup> General Comment No. 9, para. 9

<sup>12</sup> General Comment No. 18, para. 48, General Comment No. 14, para. 59

<sup>13</sup> General Comment No. 4, para. 12

<sup>14</sup> General Comment No. 13, para. 47, General Comment No. 18, para. 25, General Comment No. 14, para. 33

<sup>15</sup> General Comment No. 4, para. 11, General Comment 18, para. 12 (1), General Comment 14, para. 30,

<sup>16</sup> General Comment No. 18, para. 26, General Comment 14, para. 19,

<sup>17</sup> General Comment No. 13, para. 35, General Comment No. 18, para. 26, General Comment No. 14, para. 19.

## Jury Members' Biographies

**Bertie Atkinson** has lived in North Belfast for the past 6 years on the Lower Shankill. He is on sick leave with a number of illnesses and lives on his own, but he used to teach rugby to under 12s in England and Northern Ireland. His twenty-one year old son suffers from mental health issues and lives just down the street.

**Janice Beggs** is a youth worker at the Upper North Belfast Community Empowerment Partnership. She lives in lower Oldpark just next to the Girdwood site.

**Mary Connor** has lived in Belfast all her life. She has been a single parent for 20 years and has raised three daughters. Having returned to work in 1983, she has spent much of her time working in north and west Belfast.

**Sinead Copeland** is 19 years old and is completing her NVQ in childcare. She lives on the Crumlin Road in Ardoyne and is a member of the Cliftonville Youth Group.

**Annalene Cummings** is a single parent of two children, the oldest of which has special needs. She has lived in North Belfast all her life. She is involved with a local primary school's cluster learning new skills and training.

**Irene Drain** is the single parent of two children from the New Lodge area.

**George Hill** is a pensioner and a resident in lower Oldpark. He is married with a grownup son. Prior to retiring, he worked for 44 years in the printing industry as a typesetter.

**George Kidd** is a member of the Lower Shankill Community Association's General Committee and volunteers in the Denmark Street Voluntary Community Centre. He also takes part in the PPR Project on the lower Shankill.

**Cailin McVeigh** is 16 years old and lives in Waterworks Ward in North Belfast. She is still in school and is currently taking her GCSEs. She serves as a lifeguard and is a member of the Cliftonville Youth Group.

**Nadine Morgan** is a twenty four year old single parent of a girl (Aleisha, four years old). Nadine has lived in Ardoyne for one year and previously lived in the New Lodge for four years. Nadine is currently unemployed.

**Maireaid Rooney** is a single parent with an 8 year-old son living in Carrickhill. She has lived there all her life and is involved with the local schools cluster, learning new skills and training.

**Jacqueline Spence** is 17 years old and lives on the Crumlin Road. She is currently completing a course at Belfast Metropolitan College. She is a member of the Space Project at Upper North Belfast CEP.

**Margaret Valente** is a resident of Brucevale Park and have five grown up children. She works in youth and community development and is studying community relations at the moment. Margaret loves reading, listening to music and walking.

*The Participation and the Practice of Rights Project exists to promote awareness of international human rights instruments and standards and support marginalised communities and groups to use them in accessing services and achieving equality.*

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