

**A Response to the consultation document -**

**Draft Disability Discrimination (Northern  
Ireland) Order**  
**Office of the First Minister and Deputy  
First Minister**

**April 2005**

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## **Introduction**

The Women's Support Network (WSN), established in 1989, is an umbrella organisation for more than 40 community-based women's centres, women's projects and women's infrastructure groups. The WSN aims to achieve social, political and economic justice through the promotion of the autonomous organisation of women. The Network also aims to strengthen the collective voice for women's groups, to promote and develop networking to enable collective action and to influence policy and decision making processes. The WSN is an important vehicle for taking forward the common agenda of community-based women's organisations, many of which are based in the most disadvantaged areas of the city and which have experienced the worst effects of the political conflict. The experience of the Women's Sector in terms of combating discrimination and exclusion has direct relevance to our ability to evaluate the importance of provisions aimed at eradicating exclusionary practices suffered by disabled people. The mentality that can lead to statements like 'we don't need to provide a crèche as there is no demand for one' is the same as that leading to statements regarding disability ' we haven't got a ramp because no one has ever asked for one'. We need to work for a society where all possible adjustments are made automatically, on the basis of an understanding of human rights, to ensure that citizens are able to access goods, facilities and services as equally as possible.

## **General Comments on the Draft Order**

The women's sector is dedicated to working for the removal of barriers to women's participation in everyday life and in public and political life. Our ethos has always been one of inclusion and respect for individual human rights. We therefore welcome every measure that is intended to further the inclusion of all

individuals and to achieve a more diverse workforce. While the Draft Disability Discrimination (Northern Ireland) Order (DDDO) is concerned mainly with public transport and public bodies, it could have the potential to provide a moral yardstick in how people suffering from a number of conditions (HIV, cancer, MS and mental illness) should expect to be treated by society as a whole. However, there is a major flaw in the approach taken in this Draft Order and WSN concurs with the view of Disability Action<sup>1</sup> that it is a lost opportunity to fully address discrimination, in that the emphasis is placed on assessing the cost of society of making adjustments to ensure the greater inclusion of disabled citizens, rather than estimating the potential benefits to Northern Ireland society of increased protections for disabled citizens. It is, in other words, a negative rather than a positive approach, regardless of the overall positive impact of the Order.

## **District Councils**

The WSN agrees that Article 3 extends the DDA to local councillors and we would hope, given the marked discrepancy in numbers of disabled councillors in Northern Ireland (2%) compared with GB (13%), (p.16) that implementation of 15c will be undertaken in the spirit of public education, so that political parties will be encouraged to review their internal policies, enabling more disabled people to consider standing for local election.

## **Discrimination by public authorities**

We welcome the extension of disability legislation to cover all functions of public authorities, but we have reservations regarding para 21 'Discrimination can in

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<sup>1</sup> Disability Action, *Response to Draft Disability Discrimination (Northern Ireland) Order*, March 2005, p.2.

certain circumstances be justified'. This caveat has the potential to negate the benefits of the anticipatory duties and we would ask for further clarification.

**Police**

Yes.

**Application of sections 19 to 21 of the 1995 Act to transport vehicles**

It is difficult to interpret exactly the scope of this section. However, if it means that transport vehicles are granted some exemption from ensuring full access, then we do not agree.

**5 – 7. Rail Vehicles**

Articles 7 –9

Yes.

**Discriminatory Advertisements**

Yes

**Group Insurance**

Yes

**Private Clubs**

Yes

**Discrimination in relation to letting of premises**

Yes

**Power to modify or end small dwellings exemption**

Yes

**Generalisation of section 56 of the 1995 Act in relation to Part III claims**

Yes

**Meaning of Disability**

Yes. We agree that the definition of disability should be amended and extended in scope.

**Do you agree that Article 16 adequately ensures that the clinically well recognised condition for mental illness is removed?**

Yes. We agree that the restriction to 'clinically well-recognised' was in itself discriminatory in its impact.

**EQUALITY IMPACT ASSESSMENT**

**16. Any additional data or information that might be used**

More specific information on the response to the Single Equality Bill consultation and a progress report on the Bill would provide an important marker for the future of equality legislation.

**17. Do you agree that the proposals do not have any adverse impact on S75 groups?**

While we would agree that the proposals do not have an adverse impact on other S75 groups, we feel that this is a negative way of assessing the impact of important equality legislation.

**18. Have you any thoughts or views on an alternative approach?**

We would prefer to see a positive obligation, so that the DDO would include within its provisions a duty for public authorities to 'promote positive attitudes towards disabled people' and 'to encourage disabled people to participate in public life.' Ideally, we believe that the Good Relations Duty within S75 should be extended to include within its remit the promotion of good relations between persons with a disability and persons without.

**19. Do you have any other comments on the equality impact of these proposals?**

We would like clarification of the statistics used in calculating the costs of providing services for disabled people. They appear to offer a partial way of assessing the overall impact, in that the costs involved in people moving from benefits to wages (that should be the case if these proposals are successful) are not calculated in order to give a more realistic assessment of the overall opportunity costs and the benefits to society that should accrue.

## Appendix 1

### **WSN Member groups**

Al-Nisa Women's Group  
Ardoyne Women's Group  
Ashton Centre  
ATLAS (Lisburn)  
Ballybeen Women's Centre  
Ballymurphy Women's Centre  
Belfast Travellers Education & Development Group  
Brook (Belfast)  
Citywide Women's Consortium  
Derry Women's Centre  
East Belfast Community Education Centre & Walkway Women's Group  
Falls Women's Centre  
Footprints Women's Centre  
Greenway Women's Centre  
Lenadoon Women's Group  
Lesbian Advocacy Service Initiative  
Northern Ireland Women's European Platform  
Parenting Forum NI  
Shankill Women's Centre  
South Tyrone Empowerment Programme (STEP)  
Strabane & Lifford Women's Group  
Windsor Women's Centre  
Women's Information Group  
Women into Politics  
Women's News  
Women's Resource Development Agency  
Women's Tec