



# The Office of the First Minister and Deputy First Minister

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2. The letter to the Secretary of State included information on the activity within the devolved administration which can make a contribution to changing attitudes and creating a culture of tolerance and equality. Ministers also indicated that they wished to meet with Mr Ingram to discuss how legislation and practical action in both the transferred and reserved fields, could contribute to these aims. Currently, legal protection in NI lags behind that in GB and in the RoI (RoI legislation deals with race, religion and homophobia). Ministers also expressed a wish to hear the views of the NIO on the impact of the Crime and Disorder Act on race relations in GB.
3. Ministers will wish to explore these issues at the meeting. Briefing is attached as follows:

General Lines to Take	Annex A
Fair Employment and Race Relations Orders	Annex B
Public Order and Protection from Harassment Orders	Annex C
Community Relations	Annex D
Race Equality Strategy and Policy	Annex E
Statutory Duty	Annex F
Equality Commission work	Annex G

## RECOMMENDATION

4. Ministers are invited to note the attached lines to take and background note.

## M BUNTING

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cc PS/Mr Haughey  
PS/Mr Nesbitt  
PS/Mr Loughran  
Mr McCusker  
Mr Haire  
Mr Lavery  
Mr May  
Mrs McAuley  
Miss Smith  
Mr Stewart  
Mr Barrington  
Mr Campbell  
Dr Gudgin  
Mr Kerr  
Mr Larkin  
Mr Logue  
Mr McKervill  
Ms McGivern  
Mr Ross  
Mr Pringle  
Mrs Cosgrove

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## ANNEX A

### GENERAL LINES TO TAKE

- We are tackling racism and sectarianism in a number of ways:
  - Community relations programme
  - Committed in Programme for Government to review and put in place a cross-departmental strategy for promotion of community relations
  - Race equality policy and strategy will be developed
  - Equality Commission taking forward work to combat sectarianism and racist harassment
  - Statutory obligations under s75 of the Northern Ireland Act require public authorities to have due regard to the desirability of promoting good relations.
- Tackling these issues must be a combination of these types of programmes and legal protection.
- Anxious that protection under the law for those who are victims of racial harassment and sectarianism is extended beyond the employment field. Currently, sectarian and racial harassment constitute discrimination under anti-discrimination legislation. However, there are shortcomings in existing provisions for dealing with other forms of harassment. Legal

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protection in Northern Ireland not available to the same level as in Great Britain.

- Like to hear about experience in Great Britain of operation of Crime and Disorder Act.
- Also would like to know of any plans which NIO has to introduce this legislation in Northern Ireland.

## BACKGROUND NOTE

Under the Fair Employment and Treatment and Race Relations Orders the treatment of a person on religious, political or racial grounds less favourably than another person is, or would be, treated in the same circumstances constitutes unlawful discrimination. Employers can be held liable for any unlawful acts of their employees unless they can show that they took such steps as were reasonably practicable to prevent those acts being done.

Codes of Practice issued under both Orders provide advice to employers on ways to counter harassment. In particular the Fair Employment Code of Practice advises employers to "promote a good and harmonious environment in which no worker feels under threat or intimidated because of his or her religious belief or political opinion or prohibit the display of flags, emblems, graffiti or the circulation of materials, or the deliberate articulation of songs, which are likely to give offence or cause apprehension among particular groups of employees".

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## ANNEX B

### FAIR EMPLOYMENT AND TREATMENT AND RACE RELATIONS ORDERS

#### LINE TO TAKE

The harassment of a person in the workplace on the grounds of their religious belief, political opinion or race constitutes unlawful discrimination.

#### BACKGROUND NOTE

Under the Fair Employment and Treatment and Race Relations Orders the treatment of a person on religious, political or racial grounds less favourably than another person is, or would be, treated in the same circumstances constitutes unlawful discrimination. Employers can be held liable for any unlawful acts of their employees unless they can show that they took such steps as were reasonably practicable to prevent those acts being done.

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## ANNEX C

### PUBLIC ORDER AND PROTECTION FROM HARASSMENT ORDERS

#### BACKGROUND NOTE

##### **Public Order (Northern Ireland) Order 1987**

Part III of this Order deals with incitement to hatred and arousing fear. “Fear” and “hatred” relate to groups defined by reference to religious belief, colour, race, nationality (including citizenship) or ethnic or national origin. Essentially this means that the legislation covers both sectarian and racist incitement. The Order created offences of using threatening abusive or insulting words or behaviour, or disseminating, through various media, threatening abusive or insulting material, or possessing such material.

However, an offence is only committed if a person has the intention of stirring up hatred or arousing fear. This legislation has existed, in various forms, for 30 years and has been rarely used, despite the widespread sectarianism of recent decades. It was closely modelled on GB legislation on incitement to racial hatred, which has been criticised for its limited scope. The Macpherson Report recommended that it be extended to cover incitement which occurred within a private dwelling. There is also similar Irish legislation which covers race, religion, nationality and sexual orientation.

##### **Protection from Harassment (Northern Ireland) Order 1997**

This Order is not restricted to harassment motivated by any particular type of prejudice. The chief mischief which it was intended to address was “stalking” but it could also be applied in other circumstances eg persistent harassment or

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intimidation of an individual or family for racist or sectarian reasons. It does, however, require that a "course of conduct" be demonstrated. The conduct (which may include speech) has to occur on at least two occasions. This considerably restricts the application of the Order.

It applies to two levels of offence. The less serious of these is harassment (up to six months' imprisonment on summary conviction and/or a fine up to level 5). There is also a civil remedy against harassment, including an injunction to restrain the harasser.

The more serious offence is that of putting people in fear of violence (on conviction on indictment, up to five years' imprisonment and/or an unspecified fine). A court may also impose restraining orders against the defendant guilty of either the harassment or intimidation offences, and it is a criminal offence to break the restraining order.

follows

Community Relations Council	2,700
District Councils	1,600
Capital Programme	300
Research Programme	310
Community Relations/Cultural Traditions Groups	400
TOTAL	5,310

In addition under the EU Peace Programme, "Pathways to Reconciliation" measure, administered by the Community Relations Council, over £3.0m is available for projects during this financial year.

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## ANNEX D

### COMMUNITY RELATIONS PROGRAMME

#### LINE TO TAKE

- We currently invest £5.4 million per year tackling the underlying causes of racism and sectarianism through our community relations policy initiatives. [Department for Education spends a further £3.4 million per year.]
- On its own this is not enough. We must have effective legislation to deal with racism and sectarianism. Any extension of hate crimes legislation should include sectarianism as well as racism.

#### BACKGROUND

1. In 2000/2001 the department's Community Relations budget is as follows:

	£k
Community Relations Council	2,700
District Councils	1,650
Capital Programme	360
Research Programme	310
Community Relations/Cultural Traditions Groups	440
<b>TOTAL</b>	<b><u>£5,460</u></b>

2. In addition under the EU Peace Programme, "Pathways to Reconciliation" measure, administered by the Community Relations Council, over £3.0m is available for projects during this financial year.

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The Department of Education also has its own community relations programme with resources of £3.4m for schools and young people.

3. The **Community Relations Council** (CRC) was established in 1990 as an independent body with considerable financial help, currently £2.7m per annum, from the Community Relations budget. It is the main channel for Government funding and has established itself as a centre of expertise on community relations in Northern Ireland, co-ordinating and advising voluntary community relations groups. An independent evaluation of CRC was commissioned recently and will report in the New Year.
4. Under the **District Council Community Relations Programme** (DCCRP) financial support at 75% of expenditure is available towards the salaries of Community Relations officers employed by Councils. This amounts to over £1.6m per year. An evaluation of the DCCRP was commissioned in June 2000 and the final report recently received is under consideration.
5. The **Community Relations Unit** has a small capital programme, £360k in this financial year, which provides support towards the provision of cross-community facilities, including equipment. Priority is given to small towns and villages where there has been evidence of inter-community tensions and where there is no existing “neutral venue”.
6. A **research programme**, £310k in this financial year, is funded within the overall Community Relations Programme. This is administered by the Equality Unit’s Research Branch. One of its functions is to carry out

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evaluations of funded organisations and projects. However, its primary activity is to commission specific research on community relations issues.

7. Although the main funder of voluntary groups is the Community Relations Council there are a very small number which continue to receive funding directly by CRU, mainly because the activities concerned do not fit into CRC's remit. These include Co-operation Ireland, the Ulster People's College and two ethnic groups, the Chinese Welfare Association and the Multi-Cultural Resource Centre. The provision for such groups in the current financial year is £440,000, of which Co-operation Ireland takes up £200,000.

## **Future Work**

8. In the coming months the Community Relations Unit will engage in the following activities:
  - In relation to the completed evaluation of the District Council Community Relations Programme agree a timetable for the implementation of accepted recommendations.
  - To complete the evaluation of the Community Relations Council and agree a timetable for the implementation of accepted recommendations.
  - Security the implementation of a community relations measure under Priority 2 of the EU Peace II Programme.

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- Monitoring and evaluation of Government and EU funds.

## Programme for Government

9. The draft Programme for Government includes the following action in respect of community relations:

“by 2002, review and put in place a cross-departmental strategy for the provision of community relations, leading to measurable improvements in community relations’.

10. This will be the major task falling to the Community Relations Unit over the next year. The key steps are likely to be:

- evaluations of the current policy instruments – funding of the Community Relations Council and the District Council Community Relations Programme (underway);
- a major review of overall community relations policy across the devolved administration;
- development and implementation of a new cross-departmental strategy; and
- commissioning research to measure the effect of the strategy in improving community relations.

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## ANNEX E

### RACE EQUALITY POLICY AND STRATEGY

#### LINE TO TAKE

- We are developing a new cross-Departmental race equality policy and strategy, which will help to promote good relations between people of different racial groups.

#### BACKGROUND

The Programme for Government includes a commitment to bring forward a Race Equality policy and strategy and implement it within a 3 year strategic framework, and to provide support for ethnic minority groups and projects.

A draft is being developed by a Working Group comprising Departments, statutory bodies and voluntary agencies. It includes the aim of promoting good relations between people of different ethnic backgrounds and has been approved by Junior Ministers.

The strategy includes new funding for ethnic minority voluntary organisations. The funding scheme has been developed and the first awards will be made by April 1.

Awards will be made against strict criteria, one of which is “the extent to which [the proposed work or project] contributes to good relations between different racial groups”.

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## ANNEX F

### STATUTORY DUTY

- Under the statutory obligations of Section 75 of the Northern Ireland Act 1998, public authorities in Northern Ireland must have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. Public authorities are required to prepare an Equality Scheme which will include how they will comply with this duty.
- The majority of departmental Equality Schemes, implementing the terms of s75 of the Northern Ireland Act 1998, have been approved by the Equality Commission. It is expected that the remaining Schemes will be approved by mid March 2001.

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## ANNEX G

### WORK BY EQUALITY COMMISSION

- The Equality Commission has made considerable efforts to combat sectarian and racist harassment, and promote a harmonious environment in the workplace. A promotional campaign to address negative perceptions and racist attitudes is planned for later in the year. The Commission provides specialist training for service providers, employers and others. It also participates in the Ethnic Minority Police Liaison Committee.

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 Edward Godfrey  
19/02/2001 11:51

To: Ray Morrison/OFMDFM/DFP@DFP  
cc: Maggie Smith/OFMDFM/DFP@DFP, Paul Bradley/OFMDFM/DFP@DFP

Subject: SUBMISSION TO FM & DFM ON 'HATE CRIMES' - MEETING WITH MR. INGRAM

Ray,

Attached input to Annex D of Patricia's draft submission for Mary's signature. With regard to Maggie's manuscript amendments to Annex A the exact wording of the Act is " .... between persons of different religious belief, political opinion or racial group."



'HATE CRIME' S75 input to MR submission to FM&

Edward

Re: hate crimes - ~~part of the submission~~

## ANNEX D

### Statutory Duty

- The majority of departmental Equality Schemes, implementing the terms of S75 of the Northern Ireland Act 1998, have been approved by the Equality Commission. It is expected that the remaining Schemes will be approved by mid March 2001.
- The crux of all Equality Schemes is the Equality Impact Assessment (EIA) of policies. The purpose of an EIA is to decide whether, through the application of a particular policy, there is or likely to be a differential impact on one or more of the nine categories listed in S 75. If an adverse impact is identified the public authority must consider alternative policies that could achieve the required outcome by better promoting equality of opportunity or identifying measures that could mitigate the effect of the adverse impact on the affected group(s).
- An Equality Scheme must also state how it will monitor, on an annual basis, any adverse impact of policies adopted by the public authority on the promotion of equality of opportunity and undertake to publish the results of that monitoring.