



EQUALITY COMMISSION FOR NORTHERN IRELAND

RESPONSE TO

***'A SHARED FUTURE'
A CONSULTATION ON IMPROVING RELATIONS
IN NORTHERN IRELAND***

September 2003

The Equality Commission for Northern Ireland

The Equality Commission for Northern Ireland (“the Commission”) is an independent public body established on 1st October 1999 under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment, sex discrimination and equal pay, race relations and disability. The Commission’s remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998. It fulfils its remit by:-

- working towards the elimination of discrimination
- promoting equality of opportunity and encouraging good practice
- promoting positive / affirmative action
- promoting good relations between people of different racial groups
- overseeing the implementation and effectiveness of the statutory duty on relevant public authorities and
- keeping the legislation under review.

The Commission’s response to this consultation process on ‘A Shared Future’ is based on its experience of working within its statutory remit and in advising on and promoting equality of opportunity and good relations.

1. Introduction and background

The promotion of good relations is an important component of creating social and economic cohesion in Northern Ireland. This was recognised in Section 75 of the Northern Ireland Act under which public bodies must have regard for the desirability of promoting good relations. The Commission is working in partnership with public bodies designated under the Act, and with the voluntary and community sector, to ensure that the promotion of good relations is mainstreamed into the process of developing and implementing policy and that it is monitored and reviewed appropriately.

A good relations strategy will be inclusive and operate at many levels within and across all 'groups' and 'classes' of people in Northern Ireland. The development of the strategy should not therefore be limited to the actions of the public sector. Organisations in the private and voluntary and community sectors will also have roles to play if the strategy is to be owned and implemented so as to achieve a shared and pluralist society.

The Commission believes that in the transition to a peaceful society, in which everyone can freely and fully participate, achieve their full potential, and live free from poverty, an effective Single Equality Act would provide the framework and demonstrate the political commitment necessary to achieve such a society.

A Shared Future recognises the need for a new direction and impetus in promoting good relations. The policy aims are outcome focused and allow for long-term, co-coordinated action. However the terms good relations, community relations and improved relations appear to be used interchangeably and without specific definition.

The term "community relations" is not always regarded as inclusive, and the Commission will use "good relations" throughout the document as this term best reflects our statutory remit.

The Commission would argue that, in keeping with the spirit of the Section 75 obligation that extends the good relations duty to people of different religions, political opinions and racial groups, a good relations strategy must go beyond any traditional axis. It is therefore recommending that the Single Equality Act requires the good relations duty to cover other equality groups. It would also wish that any policy aimed at building a shared, pluralist society would be inclusive in this way.

While not underestimating the crucial importance of eradicating sectarianism, it is vital that a vision of a shared and pluralist society also includes the need to eliminate racist, homophobic and sexist actions and behaviours as well as the outworking of prejudiced attitudes to disability.

The Commission acknowledges and welcomes its involvement in the development of other relevant policies and strategies, including OFMDFM's race equality and gender equality strategies. However, there needs to be a commitment to common core principles in such developments with a clear understanding that all contribute to the vision for a shared future.

The development of a good relations strategy must take account of the legacy of sectarian conflict. Without this the inter-action of sectarian violence, the impact of disadvantage and poverty and residential and educational segregation cannot be addressed through the creation of structures and processes that may in the long run break the spiral of violence and segregation.

The Commission acknowledges the views of those who do not want closer integration. This suggests that achieving a shared society may be slower than we would want, but it will be necessary to gain the trust and acceptance of all parts of the community if it is to be a truly shared one.

Section 75 recognises the interdependence between equality of opportunity and good relations. The work of public bodies in preparing good relations strategies and policies under Section 75 could be an important driver in the implementing any strategy derived from A Shared Future.

There are lessons to be learnt from the Commission's experience of the work done by public and private sector organisations in developing harmonious work environments where workers can work free from intimidation and harassment. There are well-established practices and procedures to eliminate religious and political discrimination and promote affirmative action in the workplace. This work may well provide useful models in developing community-based approaches to promote good relations.

There are also some good models of awareness raising and consultation with members of minority ethnic groups which could be developed and built on, in both the design and implementation of a good relations strategy.

A strategy for good relations must be anchored in strong human rights and equality principles but these principles should not be confined to the particular role of specific statutory bodies. Rights in this society can be seen as divisive

and thus create tension rather than healing it. The responses to A Shared Future may provide some insights as to how this might be addressed. However, it would certainly seem that a fundamental premise on which to build the promotion of good relations must be the assurance that equality for all underpins the strategy.

The Commission recommends that any good relations strategy endorse the aims, scope and impact of Section 75 and be embedded in a strong equality and human rights framework

2. Policy Aims

Do you agree that the overall aim for policy must be for a more shared but pluralist society?

2.1 The Commission supports the vision of society as set out in the 2002 Programme for Government:

Our vision – as set out in the Agreement – remains of a peaceful, cohesive, inclusive, prosperous, stable and fair society, firmly founded on the “achievement of reconciliation, tolerance and mutual trust and the protection and vindication of human rights for all”. It is based on “partnership, equality and mutual respect as the basis of relationships within Northern Ireland, between North and South and between these islands”.

2.2 The Commission views with concern the continuing segregation in our society and the implications for the provision of services and its social and economic life. It also has the effect of ghettoising other groups. For example, members of the Chinese community tend to live in predominantly Protestant areas while members of the Travelling community tend to be located in predominantly Catholic areas. Existing areas where people of different backgrounds share space should be supported and encouraged as exemplars to others.

2.3 Shared space in the community as in the workplace can and should help to create interdependence and develop respect for and understanding of the needs and concerns of our diverse communities. Section 75 requires public bodies to have due regard for the promotion of equality of opportunity and regard for the desirability of promoting good relations in relation to their roles and functions and their policy making. In assessing the equality impact of their policies on different groups, in consulting with those groups and in implementing the policies, public bodies can build confidence and trust that a shared society can be a fair society. The opportunities for sharing and interdependence must be improved and extended through policy making in key areas such as housing, education, cultural and leisure activities and service delivery.

2.4 The Commission believes that equality is a pre-requisite for good relations. A policy which aims to bring about a more shared and pluralist society must facilitate the recognition of inequalities, an understanding of others' needs and concerns by all sectors of society, and a willingness to come together to respond appropriately.

Specific Policy Aims

What do you think should be the main policy aims and outcomes which should drive the new approach to promoting good relations in society?

2.5 The Commission supports the policy aims outlined and has additional comments as follows:

- Continuing segregation will confirm separateness and do little to develop trust and respect in place of fear and hatred. Integrated/shared communities where people can live work and play together should be encouraged but the Commission is of the opinion that this aim could be strengthened by wording along the lines of **‘to build strong communities based upon respect for self-identity and the identity of others’**.
- Where segregation continues to exist, all opportunities for sharing and coming together such as in Section 75 consultations should be encouraged and facilitated.
- The celebration and understanding of all the diversity of culture, faiths traditions **and political opinions** in the totality of our society should be pro-actively encouraged in any good relations strategy.
It is proposed that political opinion be included in this aim as in the present context the development of greater understanding and acceptance of others political opinions will be essential not only to the development of good relations but also the sustainability of peace.
- Sectarianism and racism are in many ways institutionalised by division and separateness and the barriers these create. The powers available under the anti-discrimination legislation and Section 75 must be used to support the good relations policy in changing behaviours and subsequently attitudes to people of different religions, political opinions and races.
The Commission recommends that the elimination of sectarianism and racism must be joined to the recognition of inequalities which exacerbate community tension. This will take account of the perceptions within individual communities of hierarchies of inequality.
- The Commission recognises that the reduction of tension and conflict at interface areas may properly be given initial priority. However, it is important for the policy to be inclusive and engage all sectors of society so that there can be widespread ownership of the policy. It also has to be recognised that it is in the areas which lie just beyond the interface areas, where segregation is at its strongest, that a good relations policy may be most necessary.
To take account of this the Commission would wish to amend this aim and to add ‘and wherever it (tension and conflict) is found.

Additional aims

There are two additional policy aims which the Commission would wish to see included. These recognise the importance of equality and human rights in our society as essential to the implementation of a good relations strategy and that the Section 75 equality and good relations duties provide a mechanism for implementing policies which would support that strategy.

The two proposed policy aims are: -

1. To promote an understanding of equality and human rights standards in society so as to promote good relations and diversity.

This would create an opportunity for all groups to be made aware of the equality and human rights context in which the strategy is being promoted and create greater confidence in the practices and procedures being developed.

The Commission suggests that the last specific policy aim be withdrawn and replaced with the following new aim:-

2. To ensure that the statutory duties to promote equality of opportunity and good relations are fully implemented so that policies, practices and institutions encourage good relations, trust and confidence.

This aim would provide the link between the good relations strategy and the duties on public bodies under Section 75 of the Northern Ireland Act 1998 and ensure the involvement of all groups in decision making.

3. Fundamental principles

What do you think ought to be the principle upon which a new approach to promoting good relations in Northern Ireland should be based?

3.1 The Commission believes that in order to change society and to achieve the vision of a *“peaceful, cohesive, inclusive, prosperous, stable and fair society, firmly founded on the “achievement of reconciliation, tolerance, and mutual trust, and the protection and vindication of the human rights of all”* the following fundamental principle should underpin all others:-

- **Each individual has a right to live peacefully, according to their beliefs, free from fear, intimidation and violence.**

This principle would reflect the view previously proposed that equality and human rights should underpin all aspects of a good relations strategy. It is also worth considering if the section on *fundamental principles* should provide a value base for the consideration of the aims and development of a good relations policy and therefore this section may well be better placed with the consideration of the vision in section 2.

3.2 Acknowledgement of the problem

The Commission agrees that there is a real need to recognise the deeply damaging impact of community conflict in our society and to acknowledge the historical background to sectarianism. Sectarian violence and residential spatial segregation is clearly evident in large areas in Belfast where almost 30 per cent of the region’s inhabitants live but it is also visible in rural communities.

Understanding this geography and the prejudice and mistrust which goes with it will be essential to the successful implementation of a good relations strategy. Lessons from other parts of the world, in terms of the causes of conflict and how these were addressed successfully could also be useful.

3.3 Leadership

The Commission regards effective leadership across the political, public private and voluntary and community sectors as essential to bring about the necessary changes and convey consistent messages. Political leadership and commitment to delivering on the strategy will be of the utmost importance in providing influential role models and in creating an environment in which good relations can flourish.

3.4 The need for long-term, cross-Government and co-ordinated action. The Commission agrees that “joined-up” thinking and co-ordinated action will be important in driving forward a good relations strategy. It also welcomes the recognition of the need for investment in time, resources and effort. This reflects the requirement under Section 75 for public authorities’ equality schemes to demonstrate a commitment to resourcing implementation of the statutory duties in terms of ‘people, time and money’.

3.5 Widespread ownership and engagement

Without ownership and engagement of all relevant stakeholders little progress will be made. This will require defining the mechanisms by which this will happen at local and regional level. There may be the need for something like a charter to be drawn up which can be signed up to by all supporting stakeholders, showing how they will work to implement the policy and how this work will be resourced.

3.6 The importance of local action

Since the desired outcomes will not be achieved by Government alone the Commission welcomes the recognition of the need for Government to work in partnership to develop capacity in local communities to tackle complex and historic conflict issues. The Commission would like to see local action measures harnessing initiatives such as Peace 11, which has injected millions of pounds into local communities. This process should also build on initiatives which have worked well in many communities through the Peace Programme. Local action measures must also take account of where community infrastructure remains weak and where the peace initiatives and other community based approaches may not have been adequate in the past.

3.7 Targeting

The Commission agrees that areas of greatest need should be targeted but also welcomes the emphasis on children and young people who will benefit from and are most likely to deliver on good relations in our society. Those most personally affected by the conflict such as victims, combatants and ex-prisoners should also be the subject of targeted action.

From the experience of mainstreaming the public sector duties providing exemplars of good practice will bridge the gap between “don’t know how to” and “can do”. This should take account of existing strategies including Neighbourhood Renewal, rural and urban development initiatives, Local Strategy Partnerships and Community Safety strategies.

3.8 It is essential that while targeting the most disadvantaged and problematic areas and groups, time and effort is directed to engagement with the whole community to gain their support and allegiance.

3.9 The broader perspective

The Commission would echo the recognition in the Belfast Agreement of all the work in promoting good relations at many levels over many years and the commitment of many organisations to creating a context of reconciliation and mutual understanding. It recognises the value of North/South/East/West relations and how they can foster a heightened understanding of the cultures and needs of different communities. The Commission benefits greatly from close working relations with equivalent organisations and other relevant bodies in Ireland, GB, Europe and beyond.

3.10 Other considerations

The Commission would recommend one additional fundamental principle:- .
Separate cannot be “equal for all”.

As stated above in our response to section 2, *Policy Aims*, the Commission is concerned that accepting and accommodating separate communities leads to polarised identities and often entrenched negative attitudes. The Commission acknowledges that providing separate public services during long and extreme periods of violence was necessary but it has exacerbated and prolonged the isolation and polarisation of communities. Northern Ireland has an increasingly diverse population of different races, creeds, cultures and traditions. Public services must take account of the needs and interests of all groups and deploy resources as efficiently as possible, to meet the requirements of Section 75. It is therefore strongly recommended that an integrated approach should be a fundamental principle in pursuing change in this society.

4. Implications for action

What action needs to be taken at local government and community level to underpin the development of good relations between and within communities?

4.1 In order to succeed the good relations strategy will need to have clearly defined and measurable short, medium and long-term actions to ensure the ownership and continuing engagement of all stakeholders. These actions will have to take account of equality considerations and where necessary be subject to equality impact assessment. This will ensure openness and transparency in arriving at the actions.

4.2 The Commission strongly supports any action which builds capacity within groups to increase their ability to work constructively with other communities and agencies. The Commission's experience in meeting its responsibilities under Section 75 and the Race Relations Order has shown the commitment of many in the voluntary and community sectors to engaging with public authorities. The development of strategies and mechanisms to develop and resource capacity building will be central to the success of any new policy.

4.3 Indirect action could be an important contributor to the implementation of the good relations policy and relevant initiatives such as Neighbourhood Renewal, Promoting Social Inclusion and New TSN must be recognised and included in the implementation strategy to make best use of resources in a joined up and co-ordinated way.

4.4 Action is necessary at many different levels and may well be incremental as the good relations strategy develops and rolls out to engage and involve all of society from small locally based community groups to central Government.

Action by the Equality Commission

4.5 The Commission recognises and accepts the actual and potential role it will have to play in the promotion and development of a good relations strategy. It is well aware of its current role and duties in relation to promotion of good relations under Section 75, the Race Relations Order 1997 and the Fair Employment and Treatment Order 1998 and accepts that it would have an enhanced role if, as has been argued, the good relations strategy is grounded in the principle of equality for all. The Commission has also recommended that the good relations duty should be extended to cover all the anti-discrimination groups as well as Section 75 groups.

4.6 The Commission is considering, in the context of our own policy development and the current review of the guidance documents; *“Guide to the Statutory Duties”* and *“Practical Guidance on Equality Impact Assessment.”* what further advice it might usefully provide on the good relations duty. Key elements of the Commission’s strategy include:

- monitoring the implementation of the good relations duty - the Commission audits each public authority annual progress report, to identify progress/lack of progress and the models, mechanisms, processes and strategies being used;
- identifying good practice being developed and obtaining information on outcomes and making this information available to public authorities and other stakeholders;
- reporting on progress made by public authorities - to each public authority, in writing, and in presentations to groups of public authority equality officers and to all organisations and the general public as an overall report on progress on the implementation of the duties, including good practice examples);
- sharing information on innovative practice not just in terms partnerships between public bodies but also in terms of strategic, joined-up approaches to implementing the two duties.
- taking account of the relevant advice and recommendations on revisions to the Commission’s guidance documents; and
- the production of baseline advice on the implementation of the good relations duty.

Local action

4.7 It is important that local government plays a central role in developing action on promoting good relations to ensure commitment and give local leadership to the action. It should be noted that, as a consequence of Section 75 requirements to mainstream the statutory duties, good relations work is now built into corporate plans and strategies of local authorities.

4.8 The Commission also supports the more co-coordinated approach suggested in terms of integrating programmes into Community Support Plans, local integrated strategies and Local Strategy Partnership work. All such action must take account of progress at local government level in mainstreaming the Section 75 duties. The decision to relocate Community Relations Officers within the corporate centre of such authorities is an example of such mainstreaming. In addition a number of local authorities have developed good relations strategies and are using the Equality Impact Assessment process to improve

policies relevant to good relations, particularly in sensitive areas such as flags/emblems and funding of events.

It should also be noted that consortia of public authorities are using a joined up approach to address implementation of the good relations duty, for example in the further education sector through the Colleges and the Association of Northern Ireland Colleges.

Lessons can and must be learnt from those working at interfaces, and on mediation in particular. In such situations learning to live together has to be first about reconciliation, acceptance of difference and then respect for it. Any local initiatives put in place must take account of the whole community and for example promote good relations between the Travelling community and the settled population where that is appropriate.

Finally, partnerships are also highly important at a local level and therefore any financial and human resources allocated to developing and implementing local action plans should be managed by a steering group consisting of membership from local government, local business and the voluntary and community sector.

4.9 The Commission is very supportive of any plans which are likely to put resources into communities to provide support and encourage good practice in local community development. While recognising the need for targeting those who have experienced the greatest deprivation and disadvantage as a consequence of the conflict the Commission has suggested previously that there must be engagement throughout the community.

4.10 The Commission has already endorsed the view that if a good relations strategy is to be successful, local communities and groups must be empowered to take ownership of the strategy and where appropriate drive its implementation.

Action at regional level

4.11 The Commission agrees that a regional policy is required which gives direction and cohesion to local policies, strategies and effort but which leaves room for flexibility to meet local needs.

4.12 The key functions at regional level seem appropriate but need to take account of some already existing functions of various bodies in relation to good relations.

The Commission already has a challenge function in relation to all public bodies, including government and district councils under Section 75. It also has this function in terms of district councils under section 67 of the Race Relations Order, with regard to the duty not to discriminate and the promotion of equality of opportunity and good relations. It also has a monitoring, training and support role. The Commission is currently developing guidance on the Section 75 duty on good relations, in line with its duty to offer advice to public bodies in connection with Section 75.

The Community Relations Council and others have a funding role and provide training development and support

4.13 The Commission has a very well developed role in many of the key functions as described briefly above and disseminates good practice in the promotion of good relations under Section 75 through the annual progress reports, meetings, and the preparation of guidance. The Commission's other roles in relation to the Race Relations Order 1997 and the Fair Employment and Treatment Order 1998 have been described elsewhere and must also be acknowledged in the development of a regional action plan.

The Commission would be well placed to extend and develop its existing role in many of these areas.

Action at regional level also must take account of the role which is undertaken by the voluntary and community sector, providing a challenge and valuable expertise on the needs of affected groups and those most marginalised as a result of the conflict.

Centralise functions within Government

4.14/4.15 Any consideration of structures and/or institutions required for implementing an effective good relations policy should be informed by the final policy. However, the Commission does not agree that if all functions were brought together within Government that this would provide a "powerful challenge function to government departments and others". This challenge is better coming from outside Government by way of independent public bodies with a scrutiny function and from the voluntary and community sector both of whom are likely to have more direct experience and knowledge. It could as suggested also stifle creativity and risk taking in an area that needs innovation.

An independent body

4.16 The Commission advocates a joined-up approach to the implementation of any new policy. The roles of the bodies currently involved in all aspects of good relations, including the Commission, the Community Relations Council and the Community Relations Unit in OFMDFM, will have to be taken into account in providing a co-coordinated policy. In designing roles and institutions, it is

important that independence and autonomy are retained so that confidence and credibility is maintained.

Central Government

What actions do you think central government should take to improve relations?

4.18 The Commission welcomes the significant consideration that has gone into actions required by central government. The commitment to examine the allocation of resources required to carry out the functions effectively is also a positive indication of commitment from central government.

In defining the role of central government, the Commission recommends that account is taken of the effect of the Section 75 duties on all policy making both in defining possible equality implications and in equality impact assessment.

4.19/4.20 Additional or earmarked resources are essential to the success of the policy. Action within Government is important in terms of example and commitment to the policy framework.

4.21 The Commission notes that the cross-Departmental Group referred to does not include the Commission. In terms of the Commission's statutory role in relation to current good relations duties the Commission's representation on this group is essential.

4.22 The Commission would wish to contribute to the development of an overarching Strategic Plan for the Executive with actions and targets to promote good relations. A methodology for harnessing and benefiting from the experience of the ongoing work on the implementation of good relations would be useful. Important initiatives on good relations are being undertaken within health, education, further education and by UK-wide public authorities such as the Inland Revenue.

4.23 The Commission welcomes the co-coordinated approach and the outline of the terms of reference of the Steering Group. It should be noted that the Group's role in monitoring and reviewing the development of the strategy and its impacts needs to take account of the role of the Commission in evaluating progress on the implementation of the statutory duties by public authorities.

4.24-4.33 The Commission is aware of the work of a number of Government Departments and the Northern Ireland Office (NIO). It will, of course be for those Departments to ensure that the initiatives they take have been properly equality proofed. Some developments should be noted in particular. The

Commission has recommended the future designation of schools under Section 75 and also the Northern Ireland Transport Holding Company, whilst the recent Joint Declaration by both Governments refers to the designation of Translink; paragraph 4.33 does not acknowledge the NIO's role in the designation of public authorities for Section 75 purposes. Given the wider equality and good relations agenda, paragraph 4.33 should perhaps also include the NIO's role in terms of racial crime and homophobic related crime.

In conclusion to our considerations on this section "*Implications for Action*", the Commission has some concerns that Section 75's inextricable link to an effective good relations policy are not sufficiently recognised. This could result in a disjointed policy that creates additional unnecessary structures and actions – in essence "re-inventing the wheel." The Commission strongly recommends that the final policy provides greater clarity and coherence of existing roles, responsibilities and functions of existing institutions.

5. Monitoring and evaluation

How do you think a new strategy for improving relations ought to be monitored?

5.1 The Commission recognises the importance of monitoring and evaluating any new policy; monitoring is a key final stage in the EQIA process. Since the policy, structures, mechanisms and processes of implementation have not yet been agreed it is hard to design a methodology for measuring the policy.

The Commission, in terms of Section 75, race relations work, and its work with employers on good and harmonious work environments, is already undertaking monitoring of good relations.

Continued monitoring of attitudes through the Northern Ireland Life & Times Survey (NILT) will be important to assess the impact of any good relations strategy. Whatever steps are taken to monitor and evaluate the overall strategy and specific initiatives, it is important these measures have credibility throughout society.

5.2 In setting up the basic monitoring framework the policy should have interim targets and milestones that can be monitored and reviewed regularly. Performance indicators and targets must be widely agreed as meaningful measures. Crucial to the credibility of any monitoring measure is that it is seen to be clear, objective and reported upon regularly and openly. The Commission suggests some examples of relevant indicators:-

- a decrease in sectarian, racist and homophobic incidents
- a decrease in attacks on women, including domestic violence
- a decrease in flags and emblems used in public places to define territory
- an increase in facilities and services shared across communities
- an increase in the numbers participating in integrated education
- an increase in mixed community public housing
- an increase in cross-community contact and co-operation
- an increase in respect for cultural diversity
- an increase in awareness raising activities producing a better understanding and acceptance of 'others'
- increased recognition and support for good relations initiatives

In terms of evaluation, this must be built in at interim stages throughout the process, correlating with a timetable of targets to demonstrate the achievement of objectives.

The Commission recognises that the monitoring process will be easier to develop once the policy aims are agreed and recommends that the monitoring process strives for transparency and an objective and independent approach to reporting achievements to date.

6. Conclusion

6.1/6.2 The Commission is committed to the creation of a shared, integrated and pluralist society that is based on the principle of equality for all. It accepts that major difficulties lie ahead in agreeing and implementing a good relations strategy but the outcome of such a strategy has to be a prize worth striving for in a new peaceful Northern Ireland. The Commission advocates a strong and decisive policy that is ambitious but realistic, setting a long-term vision with key interim targets and milestones that are measurable and outcome focussed. Its fundamental principles should reinforce an equality and human rights framework and should inform policy aims.

**Equality Commission for Northern Ireland
September 2003**