

JOINT PROTOCOL

IN RELATION TO THE

DISPLAY OF FLAGS

IN

PUBLIC AREAS

Police Service of Northern Ireland

Department for Social Development

Department for Regional Development, Roads

Services

Department of the Environment – Planning Service

Northern Ireland Housing Executive

Office of the First Minister and Deputy First Minister

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1.0. INTRODUCTION

- 1.1 The display of flags, in the Northern Ireland context, is an emotive issue, which has existed for some time. Flags may be used for many purposes which can include:
- (a) celebration of cultural identity;
 - (b) marking a festive event;
 - (c) sectarianism or intimidation;
 - (d) marking out of territory.
- 1.2 The use of flags in instances such as celebration or festivity are not normally an issue. However, the use of flags for other more sinister purposes is of more concern and is unacceptable in a peaceful and tolerant society,
- 1.3 The issue of flags supporting proscribed organisations is clearer in that the display of such flags is illegal. What can be less clear is what constitutes such a flag, in the eyes of the law.
- 1.4 Often the reason for the display of flags is perceived in different ways by different members of the community. What seems perfectly acceptable to one side is an insult or worse, to the other side.
- 1.5 There are often misconceptions regarding the powers of police and other agencies in dealing with flags issues. In particular, police are mainly concerned with the display of flags supporting proscribed organisations, where flags are likely to cause a breach of the Peace or for other possible criminal intent. It is reasonable to say that in recent times, there has been a willingness, in some areas, to adopt a new attitude to the display of flags and related issues, which has helped improve the environment in these areas. However, there are many examples of aggressive displays, which aim to intimidate and harass.

1.6 This protocol sets out an agreed partnership approach in dealing with flags issues between the Police Service of Northern Ireland, the Department of the Environment, Department for Regional Development, Department for Social Development, Office of the First Minister and Deputy First Minister, and the Northern Ireland Housing Executive. In time it is hoped that all local councils will examine this protocol and adopt it as a way forward for the community in Northern Ireland.

2.0 JOINT AIMS

- 2.1 To improve the environment by removing the display of paramilitary flags or flags of a sectarian nature.
- 2.2 To develop a partnership approach, which allows the agencies involved to impact on the flags issue in a cohesive manner.
- 2.3 To develop a strategic and graduated response to the flags issue which involves consultation, shared understanding, negotiation and, if necessary, proportionate and legal use of enforcement methods.
- 2.4 To provide a proactive approach, with the support of communities and their representatives, to address:
 - The removal of all flags and emblems from arterial routes and town centres;
 - The removal of all paramilitary flags and displays;
 - The control of displays of flags and emblems in particular areas: e.g.: mixed and interface areas and near buildings such as schools, hospitals, places of worship and community halls;
 - Flag flying should be limited to particular times and particular dates; and that:
 - where flags are displayed for a festive or other occasion, that the display is reasonably time-bounded and that:
 - flags, including plastic ties, tape and poles, should be removed by the community after the agreed period;
 - To encourage communities to accept that flags displayed which are tattered and torn or discoloured do not enhance the environment and should be removed.

3.0 CORE ISSUES

3.1 This protocol and any actions arising therefrom will take cognisance of the contents of the Human Rights Act 1998 and, in particular:

Article 5 - Right to liberty and security.

Article 6 - Right to a fair trial.

Article 7 - No punishment without law.

Article 8 - Right to respect for private and family life.

Article 9 - Freedom of thought, conscience and religion.

Article 10 - Freedom of Expression.

Article 14 - Prohibition of Discrimination.

Protocol 1 of Article 1 - Protection of Property.

3.2 In particular, any actions under this protocol must be necessary, proportionate and legal in line with the general principles of Human Rights.

3.3 Whichever agency is placed in the most effective position to consult, negotiate or resolve situations, will take the lead and will be supported by the other partners within their remit and specialism. Where the display is one that is causing community tension or is affecting the quality of life for a community, then the police will take the lead.

3.4 In addition, in carrying out their functions under this protocol, the various partners will take cognisance of their statutory duties under Section 75 of the Northern Ireland Act 1998, and, in particular, their

duty of promoting good relations between persons of different religious belief, political opinion or racial group.

3.5 Each partner agrees to keep other partners abreast of changes in policy, operations or actions, which may affect this protocol or operational decisions deriving from it.

3.6 Each partner will provide its support or services, for operational action, within its own budgets in a spirit of mutual operational support.

4.0 KEY RESPONSIBILITIES

- 4.1 The Police Service will support partners and, where best placed, will take forward consultation and negotiation with local community representatives where the display of flags is an issue.
- 4.2 Where necessary, the Police Service will take the lead in the removal of flags where the partner agency is unable to take action, and where negotiation and consultation have failed or where such items must be seized as evidence for Court purposes.
- 4.3 Where other partners seek to remove flags and any disorder or other criminality is evident or likely to occur, the Police Service will provide support or take the lead, where appropriate.
- 4.4 Where the Police Service seek to take action or initiate prosecution regarding flags issues, partner agencies will provide any evidential material, which they have, to support such action or prosecution.
- 4.5 Roads Service, when called upon by a lead Agency, will provide partnership support facilities such as Mobile Extendable Working Platforms ('Tower Wagons') to take down unwanted flags that have been agreed but not removed by the community themselves.
- 4.6 The Northern Ireland Housing Executive will take the lead where it is proposed to address the removal of flags as part of a broader environmental improvement project; or where requested by local community representatives.
- 4.7 The role of the DOE Planning services in relation to flags will stem from the application of the Planning (Control of Advertisements) Regulations (NI) 1992 and action will be taken, in consultation with the PSNI and other partner agencies, where circumstances permit.

5.0 INFORMATION EXCHANGE

- 5.1 Each partner agrees to provide relevant and necessary information to other partner agencies, to support actions being taken in relation to flags issues.
- 5.2 The exchange of information will be subject to confidentiality, where so indicated.
- 5.3 No exchange of information will take place where this is likely to contravene the Data Protection Act, or similar legislation or a confidentiality agreement.

6.0 MEASURING SUCCESS

- 6.1 It is difficult to measure success in these matters as a result of this protocol and its operation. There are many extraneous factors, which can influence these situations.
- 6.2 The qualitative measure of success will be an improvement in the environment leading towards a more peaceful and tolerant society.
- 6.3 Quantitative measures may include the number of complaints regarding flags; the number removed voluntarily, the number removed by enforcement, and the number of prosecutions.

7.0 REVIEW

7.1 This protocol will be subject to review after its first year or earlier if necessary.