

SINN FEIN SUBMISSION ON FLAGS, SYMBOLS AND EMBLEMS

Historically the political use of flags, symbols and emblems has been contested within our divided society since the genesis of partition. The old Stormont regime heavily regulated the public display of flags by citizens, prohibiting the flying of the Irish Tricolour, while making it a criminal offence to take down a Union flag anywhere other than your own property.

This legislation was repealed in 1987, as it was incompatible with Articles 10 and 14 of the European Convention on Human Rights (ECHR) in respect of freedom of expression without discrimination.

In 1998, both the Good Friday Agreement (GFA) and the Human Rights Act (HRA) guaranteed the incorporation of the ECHR into domestic law.

The GFA provide for an *'Equality of Treatment'* duty on public authorities. This statutory duty was explicitly singled out in the agreement to be enshrined with the Bill of Rights.

'The formulating of a general obligation on government and public bodies, fully to respect on the basis of equality of treatment, the identity and ethos of both communities'.

Subsequently, the Human Rights Commission (HRC), tasked with the formulation of the bill, recommended in its 2008 advice to the government:

'Public authorities must fully respect, on the basis of equality of treatment, the identity and ethos of both main communities in NI. No one relying on this provision may do so in a manner inconsistent with the rights and freedoms of others'.

The British Government has still not introduced a Bill of Rights. This void has contributed in no small measure to the malaise we are currently in, surrounding these issues.

In the context of a divided society, public authorities cannot and should not reflect the national identity of just one side of the community. In respect of this Sinn Féin has proposed a policy of *'equality or neutrality'*. This can translate into both national flags on display or no flags at all to be flown. What is required is a manifestation of mutual respect for both identities, British and Irish.

Apart from public buildings, the use of flags, symbols and emblems are also a contentious issue in public places. Apart from unenforced planning laws, no form of state regulation exists.

Some may question the need or purpose of flying flags at all, within our divided society. Such displays can generate a sense of fear and division by marking our territory. This is clearly at odds with the wishes of the majority of the population to develop a peaceful, progressive and shared future. However, we must deal with the current reality, and the essential need to find a way of *'regulating'* the display of flags and emblems.

There does exist however a *'flags'* protocol in which the PSNI is the lead agency. This has never been implemented in any significant measure. In essence it is a totally ineffective mechanism for dealing with displays in public spaces. It was introduced in 2005 with a remit to provide the means with which to remove all flags from arterial routes and town centres. It also included a number of specific objectives:

- Removal of all paramilitary flags and emblems
- Control of display of flags in certain areas
- The limitation on when flags could be flown and for how long
- Secure local agreement that tattered/dicoloured flags don't enhance the local environment

While the protocol has not delivered, its objectives require further consideration, especially in the context of any attempt to build a statutory and/or consensual approach for them.

We need to respect the right of all citizens to celebrate one's culture and identity in an acceptable manner, while recognising and respecting the perceptions of those who may view such displays as overtly sectarian, intimidating and indeed threatening in nature. Failure to do so, perpetuates division and instability.

Sinn Fein is committed to proactively work with the Republican/Nationalist community to develop agreed protocols around flags, symbols and emblems with our Unionist/Loyalist neighbours.

This could be dealt with through observing the following measures which should be underpinned in legislation.

1. No flags or emblems to be displayed on key arterial routes (to be defined) and town centres.
2. No paramilitary flags, displaying symbols or names, and regimental military flags (e.g. Parachute Regiment) on display in public places
3. No flags/emblems to be displayed in the vicinity of:
 - a. Places of worship
 - b. Schools
 - c. Hospitals or any publicly funded buildings
 - d. Or within, or adjacent to, shared/mixed/new housing developments
 - e. Interface boundaries
4. Flags/emblems/symbols that are tattered, torn, discoloured or in general disrepair, confer a lack of respect and should be removed.
5. Flag protocols could be developed in local or between neighbouring areas:

Agreement could be reached on the following principles:

- A no flag policy, pertaining to both identities
 - No pavements to be painted in 'traditional' colours i.e. red/white/blue or green/white/orange.
 - In relation to the proliferation of flags, an agreement to establish a single flag post in each area, on which respective national flags will be flown, and maintained over time.
6. Any actions under these protocols must be necessary, proportionate and in line with the ECHR.

The development of a consensus around these protocols over time is desirable in addressing this contentious and highly divisive issue.

This would also contribute, in no small way, to a reduction in tension and frustration that this issue has generated, for all political perspectives, especially over this past ten months. Moreover, it would help create the conditions for promoting reconciliation, and help build a shared future, on the foundation stones of equality, parity of esteem, tolerance and respect for all.