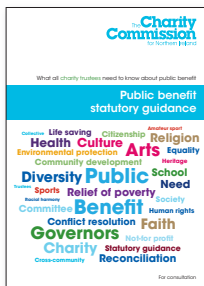


Supporting guidance for **charity trustees**

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity

A word cloud of terms related to charity and social issues. The words are in various shades of blue and cyan, with some in larger, bolder fonts than others. The terms include: Collective, Life saving, Citizenship, Amateur sport, Health, Culture, Religion, Environmental protection, Arts, Equality, Community development, Heritage, School, Diversity, Science, Need, Trustees, Sports, Animal welfare, Racial harmony, Committee, Improvement, Society, Conflict resolution, Faith, Governors, Not-for profit, Advancement, Charity, Relief of poverty, Human rights, Cross-community, and Reconciliation.



This supporting guidance must be read alongside the Commission's statutory guidance on public benefit.

Online or in print

If you are viewing this guidance online, you will be able to navigate your way around by clicking on links either within the text, at the top of each page, or in the chart.

If you choose to read this document in a printed format, you can still use the section headings and page numbers to assist you in moving around the guidance.

We have produced a glossary which provides further information, definitions and descriptions of some key terms. The words in **green type** indicate words that are found in the glossary. You can find these definitions either by downloading the glossary as a separate document or, if you are reading the guidance online, by clicking on the green words which link to the glossary.

Our vision

The Commission's vision is to deliver, in partnership with other key stakeholders in the charitable sector:

'A dynamic and well governed charities sector in which the public has confidence, underpinned by the Commission's effective delivery of its regulatory and advisory role.'

Our values

The Commission aspires to be respected and valued in the execution of its functions and will ensure that in the performance of our role as the charity regulator for Northern Ireland we will be:

Independent: we will maintain independence in our decision making, acting without fear or favour, in the public interest.

Accountable: we will be proactive in accounting to all our stakeholders, which will include involving others on a continuous and appropriate basis and taking responsibility for our decisions.

Proportionate: our actions, procedures and culture will be proportionate to the burden of regulation on charities of different sizes, to the degree of risk involved and to the potential impact within the resources available to us.

Impartial: we will exercise our powers and discretion in a way which is non-partisan and even-handed.

Transparent: we will communicate with and listen to our stakeholders and will be clear about our actions, intentions and expectations.

Consistent: we will act consistently in our decision making.

Equality and accessibility

The Charity Commission for Northern Ireland is totally committed to equality and diversity in all that we do.

We intend to make all of our guidance available to all stakeholders. We will aim to meet all accessibility needs and offer other languages and formats for this guidance, for example Braille or audio or meet any other requirements needed in line with the Commission's Equality Scheme.

If you have any accessibility requirements please contact us.



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Section 1: What is meant by the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity?

1.1 Definition

The advancement of human rights includes relieving the negative effects of human rights abuse, raising awareness of human rights, and securing the enforcement of human rights law.

The advancement of conflict resolution or reconciliation includes the resolution of international conflicts and relieving the suffering, poverty and distress arising through conflict on a national or international scale. It includes the promotion of **restorative justice**, mediation and reconciliation.

The promotion of religious or racial harmony or equality and diversity is about lessening conflict and eliminating discrimination.

It is important to distinguish between the **charitable purpose** of advancing human rights, and the non-charitable purpose of promoting a change in the law or policy, whether locally or of a foreign country.

Examples

The following is a list of examples of the sorts of **charities** and charitable purposes which might fall within this description. The list is not exhaustive, so even if there is not an example which

relates directly to your organisation's **purposes**, they may still fit under this description.

- the promotion of human rights at home or abroad, provided the charity's purposes are not **political**;
- conflict resolution and restorative justice charities;
- mediation;
- peace building and promoting community capacity;
- good relations between people of different racial or ethnic groups;
- equality and diversity by eliminating discrimination on the grounds of age, gender, sexual orientation, marital status, religion, race, political opinion or disability.

Examples of purposes which are not charitable, or where the case is yet to be made

For example:

- an organisation set up to campaign politically on a particular issue.

This is because principles drawn from case law suggest that they are unlikely to be able to do so. We will always, however, consider organisations' and trustees' rationale on a case by case basis.

Section 2: Applying the principles of public benefit to the advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity

The information below sets out examples of how public benefit applies to an organisation with the purpose of advancing human rights, conflict resolution or reconciliation, or promoting religious or racial harmony or equality and diversity. It is not intended to be a full interpretation of the law in every set of circumstances. However, it is our intention that the examples we provide will help you to apply the public benefit principles to your organisation.

This should help you to clarify:

1. The benefits your charity's **purposes** are intended to provide;
2. Whether your charity's purposes are intended to benefit the public in general; or
3. The section of the public that your charity's purposes are intended to benefit.

A charity aiming to advance human rights, conflict resolution or reconciliation, or promoting religious or racial harmony or equality and diversity must:

- identify the sections of the public or group of persons to benefit;
- determine how the actions of the charity can benefit that section of the public; and

- this is a very wide description of purposes and there are many types of **charities** that could fall under this heading.

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality is a reasonably new purpose and as such, has not been tested by the courts. Therefore it is difficult to provide examples of the application of the law in this area.

However, we can look at how charity law deals with other similar matters and how public benefit is demonstrated in these cases, and how the principles of public benefit apply more generally.

2.1 Identifying your intended beneficiaries

It must be clear who the **beneficiaries** are. In the case of advancing human rights, conflict resolution or reconciliation, or promoting religious or racial harmony or equality and diversity, beneficiaries will likely be the general public.

2.2 Identifying your benefits

All **charities** must be able to demonstrate the benefits arising or expected to arise from their purposes. Organisations promoting religious harmony are distinguished from those advancing religion as they are actively promoting harmony and the lessening of conflict between people from differing religions or belief systems.

If the purpose of an organisation falls under this description of **purposes** in the Act it will be charitable if it is similar or analogous to a purpose already **established** as being a **charitable purpose** in law. For example, the promotion of religious harmony is considered analogous to the promotion of racial harmony and public benefit can be proven in the same way.

Benefits must be clear and so any organisation that intends to promote religious harmony must clearly state both what the intended benefits are and who the **beneficiaries** are. This new purpose is about promoting harmony or reducing conflict; it is not restricted to promoting harmony between religions that are recognised by charity law. Since 'religion' in this context is not confined to the charity law definition, this could also embrace 'beliefs' as defined in human rights case law. It also includes the promotion of harmony between believers and non-believers.

For an organisation concerned with the promotion of harmony between people with different religions or beliefs to be charitable, it must be able to show that disharmony between people from those particular groups is either

apparent or that it has the potential to arise or is indeed present such that the promotion of harmony or the lessening or prevention of conflict between them would benefit the public. Those persons or groups of persons who are intended beneficiaries must be identified.

2.3 Ensuring your benefits are for the public

Benefit must be to the public or to a section of the public and must not be unreasonably **restricted**. For example, it may be legitimate for persons of two particular faiths to attend events if the aim of the organisation is to promote religious harmony between these two groups only. An organisation that promotes diversity by working towards racial harmony between Catholics and Protestants, for example, would be for the benefit of the public.

Sometimes it may be obvious that there is public benefit and therefore straightforward to prove. For example, the advancement of human rights is generally accepted to be for the public benefit. However, in other cases it may not be straightforward and we may require further evidence.

2.4 Balancing benefit against detriment or harm

Benefit must be balanced against **detriment or harm**. An example where there is detriment or harm that is greater than the benefit might be if a project designed to reconcile groups resulted in a huge amount of disagreement and opposition, thus creating conflict.

2.5 Public benefit rather than private benefit

Any **private benefit** must be **incidental**.

For example, the payment of staff or persons with professional expertise where this is necessary in the promotion of the charity's **purposes**. The payment is a private benefit but is a necessary incident of the furtherance of the charity's objectives.

The **activities** of the charity may make a community a more attractive place to live or work in. An increase in trade for local business as a result of this confers a private benefit on the owners of those businesses, but this is a by-product of the charity's activities.

Useful publications

Statutory guidance on public benefit

The 'public' and 'benefit' elements supporting guidance

The prevention or relief of poverty supporting guidance

The advancement of education supporting guidance

The advancement of religion supporting guidance

The advancement of health or the saving of lives supporting guidance

The advancement of citizenship or community development supporting guidance

The advancement of the arts, culture, heritage or science supporting guidance

The advancement of amateur sport supporting guidance

The advancement of environmental protection or improvement supporting guidance

The relief of those in need supporting guidance

The advancement of animal welfare supporting guidance

Any other purposes supporting guidance

Glossary

Frequently asked questions (FAQs)

For more information on all of our work
please see the Charity Commission website:

www.charitycommissionni.org.uk

Our preferred method of contact is email:
admin@charitycommissionni.org.uk

The Charity Commission for Northern Ireland (CCNI) is the new regulator of charities in Northern Ireland, a non-departmental public body sponsored by the Department for Social Development.

Our aims

- the Commission aims to develop a regulatory framework in which the public have confidence and in which charities can grow and flourish, clear in the knowledge of their rights and responsibilities;

And

- manage the establishment of the organisation to a statutory non-departmental public body following the full implementation of the **Charities Act (Northern Ireland) 2008**.

Further information about our activities is available from:

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