

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

Supporting document for charity trustees

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The Charity Commission for Northern Ireland

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

Our vision

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.”

Further information about our aims and activities is available on our website www.charitycommissionni.org.uk

Equality

The Commission is committed to equality and diversity in all that we do.

Accessibility

If you have any accessibility requirements please contact us.

Online or in print

If you are viewing this document online, you will be able to navigate your way around by clicking on links either within the contents page or text.

We have produced a glossary that provides further information, definitions and descriptions of some key terms. The words in **bold green type** indicate words that are found in the *Public benefit glossary*.

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Section 1: Overview

This supporting document is intended for charity trustees of organisations which have a purpose falling under the ‘advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity’ description of charitable purpose.

It is one of 12 supporting documents covering each of the descriptions of charitable purposes listed in the Charities Act (Northern Ireland) 2008. It provides further information to assist charity trustees in understanding the *Public benefit requirement* statutory guidance and applying the principles of public benefit to the purposes of their organisation.

In sections 2 and 3 this supporting document explains 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 and applies the principles of public benefit to this purpose, providing practical examples.

You may also wish to refer to the Commission’s guidance on:

- *Running your charity* which deals with operating your organisation for the public benefit
- *Registering as a charity in Northern Ireland* which explains the online registration process.

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Section 2: 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?

2.1 Meaning

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

A charity with purposes under this description may be established to pursue one or more of the described purposes.

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 includes lessening conflict and eliminating discrimination.

The advancement of peace and good community relations also falls under this description.

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

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exhaustive, so even if there is not an example which relates directly to your organisation's **purposes**, they may still fit under this description.

Charities advancing human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality and diversity for the public benefit might be set up to:

- advance human rights at home or abroad (provided the purposes are not **political**)
- promote religious harmony by educating the public about different faiths and their common ground
- advance restorative justice
- promote mediation
- promote good relations between people of different racial or ethnic groups by promoting knowledge and understanding between them
- promote equality and diversity by eliminating discrimination on the grounds of age, gender, sexual orientation, marital status, religion, race, political opinion or disability.

An example of a purpose which is not charitable under this description, or where the case is yet to be made, includes:

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

This is because case law has decided that political purposes are not charitable. The court cannot decide whether a change in the law resulting from the campaign would be for the public benefit.

We will always consider an organisation's purposes on a case by case basis.

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Section 3: 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

Your organisation's **purposes** must be for the public benefit and all of its **purposes** must be **charitable** in order for it to be a charity.

It must be clear what the intended or actual benefit of the purpose(s) of a charity are and who the **beneficiaries** are to be.

Set out below are 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 understand how the public benefit requirement applies to your organisation.

This should help you to identify:

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
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 **section of the public** or group of people that can benefit
- determine how its purposes can benefit the public or section of the public.

The advancement of human rights, conflict resolution or reconciliation or the promotion of religious or racial harmony or equality is a relatively new

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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, how public benefit is demonstrated in these cases and how the principles of public benefit apply more generally.

3.1 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.

3.2 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 their purpose is to promote harmony and the lessening of conflict between people from differing religions or belief systems, whereas a charity set up to advance religion would be seeking to advance a particular religion.

The promotion of religious harmony is considered analogous to the promotion of racial harmony and public benefit can be proven in the same way.

Benefit must be clear and any organisation that intends to promote religious harmony must clearly state both what the intended benefits are and who the beneficiaries are. This relatively new purpose is about promoting harmony or reducing conflict; it is not necessarily limited to promoting harmony between religions that are recognised by charity law. Since 'religion' in this context is not necessarily confined to the charity law definition used when considering the charitable purpose of the advancement of religion, this might 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

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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 people or groups of people who are intended beneficiaries must be identified.

3.3 Ensuring the benefit is for the public

Benefit must be to the public or to a section of the public. For example, it is perfectly legitimate for people of two particular faiths to attend events if the aim of the organisation is to benefit the public by promoting religious harmony between these two groups only. An organisation that promotes diversity by working towards harmony between communities, 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 information so that we can be satisfied that there is benefit to the public.

3.4 Purposes must be beneficial not harmful

A purpose must be beneficial, not harmful. An example where harm rather than benefit might result would be if an organisation's purpose was to operate a project designed to reconcile religious groups, but which itself would result in a huge amount of disagreement and opposition, thus creating conflict rather than reducing it.

3.5 Private benefit must be incidental

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 necessarily incidental to 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.

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Useful publications

Statutory guidance on the public benefit requirement PBR1

The prevention or relief of poverty supporting document PBS01

The advancement of education supporting document PBS02

The advancement of religion supporting document PBS03

The advancement of health or the saving of lives supporting document PBS04

The advancement of citizenship or community development supporting document PBS05

The advancement of the arts, culture, heritage or science supporting document PBS06

The advancement of amateur sport supporting document PBS07

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The advancement of environmental protection or improvement supporting document PBS09

The relief of those in need supporting document PBS10

The advancement of animal welfare supporting document PBS11

Any other charitable purpose supporting document PBS12

Public benefit glossary PBG

Frequently asked questions (FAQs)

Running your charity

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If you are dissatisfied with our service

The Commission is committed to delivering a quality service at all times. However, we know that sometimes things can go wrong. If you are dissatisfied with the service you have received, we would like to hear from you, and have a procedure that you can use. You will find further information on these processes in our guidance, *Making a complaint about our services*, which is on our website www.charitycommissionni.org.uk

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Freedom of information and data protection

Data Protection

Any information you give us will be held securely and in accordance with the rules on data protection. Your personal details will be treated as private and confidential and safeguarded, and will not be disclosed to anyone not connected to the Commission unless you have agreed to its release, or in certain circumstances where:

- we are legally obliged to do so
- it is necessary for the proper discharge of our statutory functions
- it is necessary to disclose this information in compliance with our function as regulator of charities where it is in the public interest to do so.

We will ensure that any disclosure made for this purpose is proportionate, considers your right to privacy and is dealt with fairly and lawfully in accordance with the Data Protection Principles of the Data Protection Act.

The Data Protection Act 1998 regulates the use of “personal data”, which is essentially any information, whether kept in computer or paper files, about identifiable individuals. As a “data controller” under the Act, the Commission must comply with its requirements.

Freedom of Information

The Freedom of Information Act 2000 gives members of the public the right to know about and request information that we hold. This includes information received from third parties.

If information is requested under the Freedom of Information Act we will release it, unless there are relevant exemptions. We may choose to consult with you first if this relates to your consultation or application. If you think that information you are providing may be exempt from release if requested, please let us know.

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Further information on our activities is available from:

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