



HERE NI Response to Belfast City Council Consultation on City Centre Bye-Laws.

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This response was prepared by:

Sophie Nelson
Policy Development Officer
HERE NI
Belfast LGBT Centre
1st Floor, 23-31 Waring St
Belfast
BT1 2DX

Email: policy@hereni.org

Web: www.hereni.org

HERE NI is registered with the Charity Commission for Northern Ireland (NIC104707) and a Company Limited by Guarantee (NI053306).

Introduction

HERe NI (previously LASI), established informally in 2000 and formally constituted as a Company Limited by Guarantee in 2004, is a regional organisation that works across all areas of Northern Ireland (NI). We advocate for and support LGBTQIA+ women and their families and improve the lives of LGBTQIA+ women across NI. HERe NI is the only women focused organisation within the NI LGBTQIA+ sector.

HERe NI are aware that noise amplification and the display of graphic imagery has been a problem in Belfast City Centre for many years. We appreciate that the council is seeking to address this issue to make the city centre more dynamic and welcoming to visitors. The LGBTQIA+ community has frequently been the target of homophobic and transphobic abuse and slurs from street preachers within the city centre. Therefore, HERe NI are primarily concerned about anti-LGBTQIA+ messaging and anti-choice imagery within the primary retail district.

Response

Any targeted attacks against minoritised groups need to be addressed both at a council and a governmental level. HERe NI recognise that more should be done to reform hate crime legislation and advance the recommendations outlined in Independent Review of Hate Crime Legislation in NI.¹ In particular, for misogyny and transgender identity to be included as a protected characteristic within updated hate crime legislation. Moreover, HERe NI endorse CAJ's suggestion that the council should take further action to enhance the monitoring of street preachers for breaches of the criminal law on stirring up hatred on grounds of sexual orientation and gender identity that can be reported to the PSNI. This should be paired with public awareness campaigns and messaging tackling homophobia and transphobia.

That the bye-laws would seek to address these issues through reducing noise amplification and adding restrictions on the length of time preachers can perform is welcomed by HERe NI. However, we have some concerns that the council bye-laws will go beyond solely reducing noise amplification. Specifically, our organisation has some concerns about the impact that the proposed bye-laws will have on protestors, including infringing on their right to freedom of assembly outlined within Article 11 of the ECHR.² In particular, HERe NI are concerned that:

- (a) the proposed bye-laws would make it impossible to hold any spontaneous or static protest in the city centre as protestors would have to wait to attain prior-authorisation from the council.
- (b) the proposed bye-laws would require anyone erecting a table or a stand in the city centre to attain prior-authorisation from the council.
- (c) the proposed bye-laws would place a cost on attaining the permit scheme.

These are concerning for a number of reasons, not least that they would risk shrinking civic space in an already hostile environment for many activists and campaigners in the Belfast area. Moreover, the bye-laws in their current form would disproportionately impact on

¹ <https://www.justice-ni.gov.uk/publications/hate-crime-legislation-independent-review>

² <https://www.equalityhumanrights.com/human-rights/human-rights-act/article-11-freedom-assembly-and-association#:~:text=1.,the%20protection%20of%20his%20interests.>

working class people and marginalised people, many of whom use protest as a democratic vehicle to create change and place demands on government.

Therefore, HERe NI would only consider supporting the introduction of such bye-laws if they were amended. Please see below some of our suggested amendments:

1. That the council should add static protests to their exemption list (which already includes trade union pickets and parades).
2. That there should be no cost attached to the scheme and that sum of £500 fine for performing without a permit be considerably reduced.

Overall, HERe NI are concerned that the bye-laws essentially to too far and risk impinging on freedom of assembly and the right to protest. We do not reject the proposals in their entirety; however we urge the council to re-consider the conditions outlined in the proposed city centre bye-laws to ensure the protection of human rights.