

# FRAMEWORK FOR PROMOTING A CULTURE OF LAWFULNESS

## EXECUTIVE PROGRAMME FOR TACKLING PARAMILITARY ACTIVITY, CRIMINALITY, AND ORGANISED CRIME

### Background

The independent Panel set up to make recommendations<sup>1</sup> towards the disbandment of paramilitary groups noted that ‘lack of confidence in the rule of law’ was identified during consultations as a key barrier towards progressing the disbandment of these groups, and that cultural issues towards reporting to the police make delivery of successful criminal justice outcomes more difficult. They note that respect for the rule of law implies an individual responsibility to uphold the law, be involved in the incident/crime reporting process, and to trust and support the justice system to tackle criminality;—it will take time to change a prevailing culture; and strong political and community leadership will be needed to promoting a “culture of lawfulness”. Promoting lawfulness has the most change of success when it is something that takes place across all sectors of society, and is led by representatives across all sectors.

2. A key element of the Tackling Paramilitarism programme is robust law enforcement activity to tackle those involved in ongoing criminality linked to paramilitary activity. However, it is clear that law enforcement activity on its own is not sufficient; a broader shift in culture and attitudes is needed to support transition to a society in which paramilitarism has no place, supported by actions to build public confidence in the rule of law. We recognise that in part ensuring there is confidence in the justice system and in the rule of law is the responsibility of government, and through *A Fresh Start* and the resulting action plan we are taking forward a number of initiatives to increase confidence in the system, and ensure that it works for everyone.

### Why do we need a framework?

---

<sup>1</sup><https://www.northernireland.gov.uk/sites/default/files/publications/newnigov/The%20Fresh%20Start%20Panel%20report%20on%20the%20disbandment%20of%20paramilitary%20groups.pdf>

3. A commitment by the Executive to promote lawfulness sits at the heart of the Executive action plan: “*The Executive should make promoting lawfulness a key priority in the current mandate*” (action A1). This is followed by a number of subsequent commitments to promote lawfulness, and build confidence in the rule of law.

4. As there are several actions in relation to lawfulness that sit across a number of lead departments and bodies, it is important that an agreed framework provides delivery leads with a broadly consistent interpretation of lawfulness. This framework should be considered as a starting point for your work and a basis for your own co-design processes.

5. It is important to acknowledge the variety of forums within which lawfulness is discussed in the context of this programme, and as such individual actions, interests and stakeholders will take slightly different views, and apply them within the context of their own work – and this is appropriate. For example, whilst all messages should reflect the programme position, there will of course be variation in how a leading sports figure or organisation might discuss lawfulness with young people, as compared to a statutory figure such as the Attorney General.

6. Therefore, whilst there is no one set definition of what we mean by a “culture of lawfulness”, we have developed a set of guiding principles which will help all sectors consider what they can do to support and promote a culture of lawfulness. In order to develop this work, a workshop was held for the Promoting Lawfulness and Tackling Criminality subgroup, involving all those with responsibility for actions aimed at promoting lawfulness. A discussion was facilitated by the Departmental Solicitor’s Office (DSO), and a series of person-centred case studies were considered and principles developed on the basis of agreement of those common themes arising. The draft Framework has been further revised following feedback and engagement with stakeholders.

### **What do we mean by lawfulness?**

7. Lawfulness means awareness of, adherence to and respect for the rule of law. A culture of lawfulness is one in which obeying the law is accepted as the way to behave and relate to others in society. People and institutions are expected to follow the law, to see breaking the law as unacceptable and to report crimes and provide information to the police, who then, with others in the justice system, act upon it to bring about justice. Any attempt to intimidate or prevent anyone from providing information to the police is also considered as unacceptable, is reported and acted upon.

8. However, promoting a culture of lawfulness is about more than just criminal justice: in a culture where lawfulness is respected and embedded, individuals should feel a sense of social connection and desire to participate in society; acting in accordance with a sense of personal responsibility whilst being empowered and supported through the support available in their communities. Whilst there is a need for a permeating respect for the rule of law, at an individual level this also means the influence of acceptable standards of behaviours and positive role models, which are accepted by all, allowing people to live in safety and stability.

### **Actions to promote a culture of lawfulness**

9. The actions needed to bring about this culture change include a focus on promoting a culture of both 'lawfulness' and 'active citizenship' within communities. We therefore need to reach a position whereby all communities have an ownership of the law and have trust in and support the justice institutions; enhanced confidence in the justice system is key to promoting respect for a culture of lawfulness – it is a mutually reinforcing relationship. We need to embed within communities that are currently vulnerable to influence from paramilitaries, the capacity and ability to resist, overcome and ultimately move away from that influence.

10. In parallel, we also need to continue to make the reforms necessary to build the trust people have in the institutions of justice and encourage the public to play an active part in tackling criminality through bringing information to the relevant authorities and working with the criminal justice institutions. Related to work on promoting lawfulness, the action plan therefore has a delivery approach and high level outcome focused on building public confidence in the justice system. This

includes measures on: further developing policing with the community; implementing reforms aimed at speeding up justice; further developing the use of restorative practice; reviewing legislation on serious and organised crime and looking at the systems around bail; and powers to refer unduly lenient sentences. This is also set in the context of the wider programme of reforms being implemented across the justice system.

11. These principles will help to ensure a consistent understanding of what we mean by a culture of lawfulness, and these principles are intended to provide a starting point for delivery leads to engage with stakeholders and local communities in planning interventions to build positive movement towards a culture of lawfulness. An outline framework for promoting lawfulness is attached at Annex A.

## **A Framework for Lawfulness**

The Framework is underpinned by core values of: respect; transparency; impartiality; accountability; consistency; and proportionality.

### **Individual**

- Individuals believe that they can make a difference and have hope for the future. They are valued and feel that they have a stake in society.
- Individuals have a sense of social connection to others and participate in society.
- Individuals have, and act in accordance with, a sense of personal responsibility.
- Individuals are informed about, understand, respect and are willing to abide by the rule of law, and have an expectation that others will do so.
- There are opportunities to participate in community life, through which individuals feel supported and empowered.

### **A system that is clear, consistent and accessible**

- There are good advice and support services that people know how to access and want to use.
- People know how to influence change or seek redress, including through political engagement and community co-design.
- The system is perceived as fair and effective, and to address issues proportionately.
- There are opportunities for redress between offender and victim through the use of restorative practices.
- Responsibilities are understood and acted upon by all.

- Problems, issues and crime are reported to the police or relevant legal bodies (e.g. Trading Standards, councils or other agencies), without fear of intimidation, and action is taken in response.
- Communities demonstrate their capacity, skills and autonomy by addressing local concerns and harm proactively, with support from statutory agencies.
- There is understanding of how the system works – and its limitations.
- There is trust and confidence in the justice system (and other agencies) and confidence that the system acts with certainty and predictability.
- The government and justice system takes action to address issues of public concern in order to build and retain public confidence.
- The law applies equally to all – there is no ‘2-tier system’ and no-one is considered ‘untouchable’.
- Communities are free from fear and harm and are confident in standing up to those who seek to use fear to control them. Action is taken to challenge any intimidation or coercive control.
- The Government, political and other leaders, and police lead by example in promoting active citizenship and upholding the rule of law

### **Culture and Values**

- There is permeating respect for the rule of law.
- There is respect for the rights of others – a citizen is both a rights-holder and a rights-upholder.
- There are acceptable standards of behaviour that are upheld by all (with positive role models, e.g. sports personalities, church leaders, business people, celebrities, community and charity workers).

- There are behaviours that are not condoned.
- People are able to live in safety and stability.
- Lawfulness and what it means to people is talked about in public conversations.

DRAFT