



**Equality Commission for
Northern Ireland**
Equality House
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27 November 2012

Response Co-ordinator
Language Strategies Team
Department of Culture, Arts and
Leisure
Level 7
Causeway Exchange
1-7 Bedford Street
BT2 7EG

Dear Sir/Madam

Re: consultation on a *Strategy for protecting and enhancing the development of the Irish Language*

The Equality Commission (the Commission) for Northern Ireland welcomes the opportunity to comment on the Department of Culture, Arts and Leisure's consultation on a *Strategy for protecting and enhancing the development of the Irish Language*. As the Commission does not have direct jurisdiction on language issues, our response should be viewed within the context of the Commission's remit in relation to anti-discrimination legislation (including the Fair Employment and Treatment Order - FETO) and Section 75 of the Northern Ireland Act 1998. Further details on our remit are set out in Annex 1.

We note the aims of the proposed strategy to create a framework where Irish can flourish and be shared by all who wish to use it; protect and support the development and learning of Irish; and promote wider understanding of the background to the Irish language. The Commission

also notes that it is proposed that an Irish Language Bill should be presented to the Assembly at the earliest possible time.

The Commission recognises that minority language speakers are entitled to protection of their internationally recognised rights as set out in the Council of Europe Charter for Regional and Minority Languages and the Framework Convention for the Protection of the Rights of National Minorities. We also note the references to language rights in the Belfast Agreement (1998), the Joint Declaration (2003) and the St. Andrews Agreement (2006).

The UK Government ratified the European Charter for Regional or Minority Languages in 2001, recognising obligations to protect and promote Irish, which has been accorded Part 3 status under the Charter which commits States Parties to specific undertakings for measures in areas including education, administrative authorities, media, culture, economic and social life and transfrontier exchanges.

Following the St Andrews Agreement (2006), the Northern Ireland Act 1998 was amended to include a provision (Section 28D) that the Executive Committee shall adopt strategies to enhance and protect the development of the Irish language and to enhance and develop the Ulster Scots language, heritage and culture. The Agreement also included a commitment that “Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland...to enhance and protect the development of the Irish language”.

The Commission is aware that the UN Committee on Economic, Social and Cultural Rights expressed concern at the absence of such legislation in Northern Ireland, in contrast to the protection afforded to the other two main UK minority languages, under the Welsh Language Act 1993 and the Gaelic Language (Scotland) Act 2005. The Committee recommended “that the State party, or the devolved administration in Northern Ireland, adopt an Irish Language Act with a view to preserving and promoting minority languages and cultural heritage...” (E/C.12/GBR/CO/5, 22 May 2009 (Concluding Observations) paragraph 10).

The Council of Europe Committee of Ministers has recommended that the UK authorities “develop a comprehensive Irish language policy” (Council of

Europe, Recommendations of the Committee of Ministers, RecChL (2007)² adopted 14 March 2007, recommendation 2).

The Commission, therefore, welcomes the publication of this draft Strategy, taken forward as part of the Northern Ireland Executive's commitment under the Programme for Government 2011-15 to deliver against the priority of 'Building a Strong and Shared Community', as a step to comply with the commitment in the St Andrews Agreement and as a response to the recommendations of the Council of Europe's Committee of Ministers and the UN Committee on Economic Social and Cultural Rights.

We have previously placed on record¹ our view that a specific language statute is an appropriate mechanism of protection for the Irish language.

The Commission recommends that such legislation should be drafted so as to enable the language to be promoted in a way that is proportionate to the language needs of the situation, in a spirit of respect for the freedom of minority language speakers to speak their home language or language of preference.

The Commission considers that the proposed legislation provides an opportunity to bring about clarity in respect of the level of protection for speakers of Irish within a range of spheres, including education and the courts. Further, while Section 75 of the Northern Ireland Act 1998 has resulted in a proactive and effective approach by a number of public authorities to make arrangements, including translation and interpretation of Irish, for ensuring and assessing public access to information and to the services they provide, this legislation may be a useful opportunity to ensure a more consistent approach across the public sector in the matter of language policy.

The Commission considers that the use of any language should be a neutral act and that the speaking of Irish or its more general use in the community should not diminish the entitlements of those whose right to their British identity is guaranteed in the Good Friday Agreement. Similarly, the Commission considers that the wider use of Ulster Scots should not in any way diminish the entitlements of those whose right to their Irish identity is similarly guaranteed. The speaking of any language in Northern Ireland

¹ Equality Commission for Northern Ireland (2007): *Response to DCAL Consultation on Proposed Irish Language Legislation*.

should not be perceived as a threat to any individual or group, nor should it be intended in such a manner.

In terms of the intention of the legislation, we provide the following comments:

- The provisions in the legislation should be based on the principle of providing a clear and consistent approach to legal protection for the Irish language.
- It should be aimed at facilitating the development of a minority language, in the spirit of the European Charter for Regional or Minority Languages. Given this, the Commission favours the development of legislative provisions which require a proactive approach to providing for the use of the language.
- An important aspect of language policy is the interrelationship between individuals or groups that speak different languages. Any duty placed on public authorities should ensure that the development of provisions to protect and promote the language is viewed within a context of promoting a culture of good relations and diversity within the provision of public services. Public authorities should consider aspects of good relations including mutual understanding, co-operation, communication and partnership between different 'language communities'.
- The legislation should be drafted so as to allow a public body to promote the language in a way that is proportionate to the language needs of the situation, in a spirit of respect for the freedom of minority language speakers recognising that the Irish language represents the home language or language of preference for many people in Northern Ireland.

We look forward to your Department's detailed proposals in respect of legislation when these are issued for public consultation in due course.

Yours sincerely

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Annex 1

1. The Equality Commission for Northern Ireland (the Commission) is an independent public body established under the Northern Ireland Act 1998. The Commission is responsible for implementing the legislation on fair employment and treatment, sex discrimination and equal pay, race relations, sexual orientation, disability and age.
2. The Commission's remit also includes overseeing the statutory duties on public authorities to promote equality of opportunity and good relations under Section 75 of the Northern Ireland Act 1998 (Section 75) and to promote positive attitudes towards disabled people and encourage participation by disabled people in public life under the Disability Discrimination Act 1995.
3. The Commission's general duties include:
 - working towards the elimination of discrimination;
 - promoting equality of opportunity and encouraging good practice;
 - promoting positive / affirmative action
 - promoting good relations between people of different racial groups;
 - overseeing the implementation and effectiveness of the statutory duty on relevant public authorities;
 - keeping the legislation under review;
 - promoting good relations between people of different religious belief and / or political opinion.
4. The Commission, with the Northern Ireland Human Rights Commission, has been designated under the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) as the independent mechanism tasked with promoting, protecting and monitoring implementation of UNCRPD in Northern Ireland.