



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

Supplementary memorandum to the Commission's Parallel Report to the Committee of Experts on the Third Periodical Report of the United Kingdom

1. The Northern Ireland Human Rights Commission provided a Parallel Report to the Council of Europe Committee of Experts (COMEX) in September 2009 in advance of the Committee's monitoring visit to Northern Ireland. This was undertaken in the context of the absence of information in the Third Periodical Report of the United Kingdom on the Irish language and Ulster Scots in relation to devolved matters in Northern Ireland. At the time the Commission indicated that it would consider forwarding supplementary information to the Committee if further official information became available sufficiently in advance of the Committee's deadline for submissions, on 25 October.
2. As the Committee will be aware the UK authorities have not to date forwarded a supplementary report to their Third Periodical Report containing the response of the devolved administration in Northern Ireland. The Commission has also not received further information from the UK authorities in relation to the proposed Irish Language Act, nor on the strategies for the Irish language and Ulster-Scots.
3. The Commission therefore submits this memorandum to provide further information in four areas discussed with the Committee: firstly the issue of school transport policy in the Irish-medium sector, on which there has been movement from the state party (Education, Art. 8); secondly information on signage within a local authority; thirdly information discussed with the Committee in relation to risks of Irish Government cuts to schemes in the Gaeltacht (Irish-speaking

Education (Art. 8)

4. As highlighted in its Parallel Report the Commission had responded to requests for advice from the Northern Ireland Department of Education in relation to the outcomes of its school transport policy and the Irish-medium sector. Since the Committee's monitoring visit the Department of Education has updated the policy circular adding a reference to the duty to promote Irish-medium education. It is at present reviewing the arrangement whereby a parental allowance for transport costs can be provided, with a view to developing what the Minister described to the Commission as "a more transparent and quantitative scheme".¹

Article 10(2)(g) Administrative Authorities

5. The Commission commented in its Parallel Report on provision for street and traffic signs in Irish, a matter within the legislative power of Northern Ireland government departments. Further to this the Commission is now aware that during the monitoring cycle Northern Ireland's largest local authority, Belfast City Council, adopted policy which in effect prohibits the use of Irish in signage on all of the council's facilities. The policy stipulates that the name of the facility can be in English only and that English is the only language permitted on signs inside Council properties, the sole exception being a multi-lingual welcome sign.² This policy generally conflicts with the spirit of the Charter and, to the extent that it prevents signage including place-names in the traditional and correct form in Irish it appears to be incompatible with Article 10(2)(g) to the extent that the state's acceptance of a commitment to allow or encourage the adoption of place names in Irish implies an obligation not to allow a subordinate organ of the state, in this instance a municipal council, to prohibit the practice. The Council's policy also appears to conflict with Article 7(1)(d) (facilitation and/or encouragement of the use of minority languages in public life), 7(2) (unjustified restrictions), 10(4) (translation as required), 12(1)(d) (in respect of premises where cultural activities take place) and 13(1)(d) (facilitation of the use of minority languages in economic and social life).

¹ Correspondence to Commission from Minister of Education, Caitríona Ruane MLA, 16 September 2009, referencing amended Home to School Transport Circular 1996/41.

² Minutes of Strategic Policy and Resources Committee, Belfast City Council, 16 November 2007, referencing extension of the [September 2006] Language Policy

Transfrontier Exchanges (Art. 14)

6. There is currently a risk to the financial viability of schemes which support transfrontier exchanges. This includes *Scéim na bhFoghlaimoirí Gaeilge* (Scheme for Irish-language Learners), an Irish government scheme which provides a daily subsidy to Irish-speaking households that host students attending Irish-language courses, principally summer schools for school-age children. These immersion courses in Gaeltacht areas are widely regarded as essential to developing fluency, particularly for students who have not benefited from Irish-medium schooling, and some 25,000 students take part each year. In relation to the Donegal Gaeltacht many of the 6,000 students who participate in such schemes come from Northern Ireland. An Irish government report issued in July 2009 recommends the discontinuation of the scheme in the context of a vast array of proposed cuts to public expenditure.³ As referred to in the UK's report, special provision was made under the Belfast (Good Friday) Agreement for bilateral relations with the government of the Republic of Ireland through the North-South Ministerial Council and its cross-border implementation bodies, including a remit on the Irish language. The Committee may wish to urge the UK authorities to raise this matter with the Irish government, to provide its own subvention for Northern Ireland student participation in Gaeltacht summer schools, or otherwise take action to safeguard transfrontier learning programmes.

Ulster-Scots Roadmap

7. In paragraphs 65-66 of its Parallel Report, in relation to the Ulster Scots Academy, the Commission refers to having limited information but being aware of an Ulster-Scots Roadmap developed by the Ulster Scots Academy Implementation Group (USAIG) Partnership Board which government departments were unable to fully support. The Department of Culture, Arts and Leisure has now provided the Commission with further information on the Roadmap and expert advice sought by the Interdepartmental Charter Implementation Group (ICIG) in relation to it. The Roadmap does not relate directly to standardisation or the establishment of the Academy per se, but rather a proposal to accelerate Ulster-Scots to Part III status under the Charter. Government departments in the ICIG rejected this on the

³ *Report of the Special Group on Public Service Numbers and Expenditure Programmes* Volume II: Detailed Papers Department of Finance/An Roinn Airgeadais (16 July 2009) (recommendation E2).

grounds that the evidence of the stage of development of Ulster-Scots is not yet sufficient to fulfil the requirements of Part III. Departments responsible for education voiced particular concerns regarding the feasibility of proposals on schools and higher education, including highlighting the need for standardisation and the timescales being unrealistic. The advice received by the ICIG is critical of the Roadmap's focus on the importance of achieving Part III status rather than focussing on actual concrete measures to progress the linguistic development of Ulster-Scots. The advice presses for the adoption of structured language planning, including the need for standardisation and assessment of demand, and noting slow general progress to this regard to date.⁴ The Commission concurs with the advice to government that charter implementation initiatives should be based on objective evidence of the situation of a language. To this end the Committee may wish to support the Commission's view on the need for further scholarly work on baseline issues to ensure the safeguarding and development of Ulster-Scots.

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⁴ Correspondence from Linda Wilson, Chair of ICIG to Dr Philip Robinson, Chair USAIG Partnership Board, 5 Nov 2008; Ulster-Scots roadmap and assessment; Ulster-Scots and Part III of the ECRML: Ó Riagáin, Dónall, *A response to the Assessment of the Paper presented to the ICIG and the USAIG*, April 2008.