



**Northern Ireland Human Rights Commission  
Submission to the Committee of Experts of the  
European Charter for Regional or Minority  
Languages**

**Parallel Report to the Fifth Periodic Report  
submitted by the UK Government under the  
European Charter for Regional or Minority  
Languages**

**May 2018**

Northern Ireland Human Rights Commission  
Temple Court, 39 North Street  
Belfast, BT1 1NA  
Tel: +44 (0) 28 9024 3987  
Fax: +44 (0) 28 9024 7844  
Textphone: +44 (0) 28 9024 9066  
SMS Text: +44 (0) 7786 202075  
Email: [info@nihrc.org](mailto:info@nihrc.org)

## Executive Summary

The Northern Ireland Human Rights Commission makes the following recommendations:

The Committee of Experts may wish to request information from the State Party as to what steps it is taking to ensure that the Irish language is placed on a statutory footing in compliance with the Charter. (para 24)

The Committee of Experts may wish to seek assurances that the rights of Ulster-Scots speakers under the Charter are fully and consistently protected across all Council areas. (para 29)

The Committee of Experts may wish to request further information from the Department for Communities into how it has ensured the effective implementation of the Strategy for Ulster-Scots language, culture and heritage since it has taken over responsibility for the Strategy. (para 33)

The Committee of Experts may wish to request further information from the Executive Office on what effective steps it is taking to ensure compliance with its statutory duty to produce a strategy to protect the Irish language, following the judgment of the High Court in Northern Ireland. (para 38)

The Committee of Experts may wish to request further information from the Department of Justice as to whether it intends to repeal the Administration of Justice (Language) Act (Ireland) 1737, in line with the Committee's recommendation. (para 43)

The Committee of Experts may wish to request further information from the Department of Education as to how the recommendations of the 2014 Review into Irish-medium post-primary education are being implemented. (para 53)

The Committee of Experts may wish to ask the Department of Education for its assessment of the recommendations from the 2015 report and its intentions for the subsequent review. (para 56)

The Committee of Experts may wish to request further information from NI departments as to whether any further national statutory texts will be made available. (para 63)

The Committee of Experts may wish to request further information from the Assembly Commission in relation to how respect for those speakers of Irish in the Chamber can be promoted in the NI Assembly. (para 68)

The Committee of Experts may wish to ask what steps local Councils are taking to ensure users of Irish are able to submit oral or written applications across all areas. (para 75)

The Committee of Experts may wish to ask the Department of Economy how it intends to address its failure to make provision for bilingual signage. (para 85)

The Committee of Experts may wish to request further information from NI councils as to the number of requests for bilingual signage and the number approved. (para 86)

## Table of Contents

|  |    |
|--|----|
| Executive Summary .....  | 1  |
| Northern Ireland Human Rights Commission .....                   | 4  |
| Involvement by the Northern Ireland Executive .....              | 4  |
| Part II observations: Irish and Ulster-Scots .....               | 5  |
| Introduction .....   | 5  |
| NI domestic framework .....                                      | 6  |
| Article 7(1)(a) .....  | 7  |
| Legislative framework for the use of the Irish language .....    | 7  |
| Article 7(1)(b) .....  | 8  |
| Article 7(1)(c) .....  | 9  |
| Ulster-Scots language, culture and heritage strategy .....       | 9  |
| Irish language strategy .....                                    | 10 |
| Article 7(2) .....   | 11 |
| Administration of Justice Act 1737 .....                         | 11 |
| Part III observations: Irish .....                               | 12 |
| Article 8: Education .....                                       | 12 |
| Irish-medium education .....                                     | 12 |
| Transport .....  | 14 |
| Líofa bursary scheme .....                                       | 15 |
| Article 9: Judicial Authorities .....                            | 15 |
| Article 10: Administrative authorities and public services ..... | 16 |
| The NI Assembly .....  | 16 |
| Public Bodies .....  | 17 |
| Place names .....  | 19 |

## Northern Ireland Human Rights Commission

1. The Northern Ireland Human Rights Commission (NIHRC) is a statutory public body established by the Northern Ireland Act 1998 to promote and protect human rights. In accordance with the UN Paris Principles, the NIHRC reviews the adequacy and effectiveness of measures undertaken by the UK Government and NI Executive to promote and protect human rights, specifically within Northern Ireland (NI).
2. The NIHRC is one of the three A Status National Human Rights Institutions (NHRIs) in the United Kingdom (UK). The NIHRC's mandate extends to all matters relating to the protection and promotion of human rights in NI, both matters within the competence of the NI Assembly and those within the competence of the Westminster Parliament. This submission relates to the protection of human rights in NI.

## Involvement by the Northern Ireland Executive

3. The NIHRC notes that the UK State Report does not contain any reference to NI or matters that have been devolved to the NI Assembly. The responsibility for the relevant languages under the Charter falls to the Department for Communities (DfC); although there may be some overlap with other departments on particular issues for example the Departments of Justice or Education. No reason is provided for the lack of NI specific information in the State report.
4. The lack of NI input was also a feature of the fourth periodic reporting cycle. The Committee of Experts noted the lack of involvement was due to a lack of agreement within the NI Executive on the text and urged the State Party to "comply with their obligation to report on the application of the Charter in accordance with Article 15 of the Charter."<sup>1</sup>
5. The NIHRC has previously raised concerns about the lack of involvement of the NI Executive in various treaty monitoring processes; including reporting under the International Covenant on Economic, Social and Cultural Rights (ICESCR)<sup>2</sup> and the Framework Convention on the Protection of National Minorities (FCNM)<sup>3</sup>.

---

<sup>1</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle (15 January 2014) ECRML (2014) 1, para 12

<sup>2</sup> NIHRC, [Parallel Report on the Sixth Periodic Report of the United Kingdom under the International Covenant on Economic, Social and Cultural Rights](#) (September 2015) para 3.2

<sup>3</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, [Fourth Opinion on the United Kingdom](#) (25 May 2016) ACFC/OP/IV(2016)005, para 3

6. In January 2017, the devolved institutions collapsed following the resignation of the Deputy First Minister. Despite a series of elections and long running negotiated talks, an Executive has not been formed and there has not been a functioning devolved government.
7. The NIHRC has therefore compiled this report in the absence of any official information provided to the Committee of Experts about devolved issues in NI. The NIHRC may provide further and updated submissions to the Committee of Experts should further information become available.

## **Part II observations: Irish and Ulster-Scots**

### **Introduction**

8. The relevant languages in NI, designated under the Charter, are Irish and Ulster-Scots. Irish is registered under Parts II and III, with the UK accepting 36 specific commitments. Ulster Scots is registered under Part II only.
9. The most recent official statistics on speakers of Irish and Ulster-Scots comes from the 2011 Census, which predates the Committee of Experts last on-the-spot visit in April 2013. Among usual residents, 11 per cent (184,898 people) of respondents has some ability in Irish and 8.1 per cent (140,204 people) in Ulster-Scots. In respect of those who could speak, read, write and understand the language, 3.7 per cent (75,125 people) of respondents in Irish and 0.9 per cent (16,373 people) Ulster-Scots.<sup>4</sup>
10. In the 2016/17 Continuous Household Survey (CHS), adults were asked about their experience of Irish and Ulster-Scots culture and heritage, taking account of their engagement, participation and understanding of culture and traditions.
11. The survey figures identify that there has been a steady decline in participation in an Irish cultural activity, from 16 per cent in 2012/13 to 11 per cent in 2016/17.<sup>5</sup> The most cited forms of cultural activity were playing traditional Irish music, an Irish language or music feis or an Irish language class.
12. The CHS also showed that 85 per cent of adults identified as having “at least a little respect for Irish culture and traditions”. This included 90

---

<sup>4</sup> NISRA, [Statistics Bulletin. Census 2011: Detailed Characteristics for Northern Ireland on Ethnicity, Country of Birth and Language](#) (28 June 2013) p.52, para 3.10

<sup>5</sup> NISRA, Continuous Household Survey [Experience of Irish culture and heritage by adults in Northern Ireland](#) (30 November 2017) p.4

per cent of Catholic adults and 82 per cent of Protestant adults. There was no difference in the overall figure, compared with 2014/15, although there has been an increase among Protestant adults (from 79 per cent to 82 per cent).<sup>6</sup>

13. Looking at participation in an Ulster-Scots cultural activity, there has been a slight decrease from 7 per cent to 6 per cent of adults from the previous year.<sup>7</sup> The most cited activities include an Ulster-Scots parade, festival celebrating Ulster-Scots, playing Ulster-Scots music and Ulster-Scots dancing.
14. The statistics also show that 77 per cent of adults has “at least a little respect for Ulster Scots culture and traditions”; with Protestant adults more likely (84 per cent) than Catholic adults (71 per cent). This represents a decrease from 80 per cent in 2014/15, with a decrease among Catholic adults (75 per cent to 71 per cent) and those who live in deprived areas (76 per cent to 68 per cent).<sup>8</sup>

## NI domestic framework

15. The Belfast (Good Friday) Agreement 1998 recognised the “importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, the Irish language, Ulster Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland”.<sup>9</sup>
16. The St Andrews Agreement 2006 committed the UK Government to introduce an Irish Language Act, reflecting on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish language.<sup>10</sup> The Northern Ireland (St Andrew’s Agreement) Act 2006 added in a statutory duty to the Northern Ireland Act requiring the NI Executive Committee to adopt strategies relating to the Irish language and Ulster-Scots.<sup>11</sup>
17. The Stormont House Agreement of 2014 recalled commitments from previous Agreements, and “recognising the importance of understanding, tolerance and respect in relation to linguistic diversity, endorse the need for respect for and recognition of the Irish language

---

<sup>6</sup> NISRA, Experience of Irish culture and heritage by adults in Northern Ireland (30 November 2017) p.9

<sup>7</sup> NISRA, [Experience of Ulster-Scots culture and heritage by adults in Northern Ireland](#) (30 November 2017) p.4

<sup>8</sup> NISRA, Experience of Ulster-Scots culture and heritage by adults in Northern Ireland (30 November 2017) p.9

<sup>9</sup> Belfast (Good Friday) Agreement 1998, Chapter 6 ‘Rights, Safeguards and Equality of Opportunity’, para 3

<sup>10</sup> [St. Andrews Agreement](#) (2006), Annex B

<sup>11</sup> [The Northern Ireland \(St Andrew’s Agreement\) Act 2006](#), Section 15

in Northern Ireland, consistent with the Council of Europe Charter on Regional or Minority Languages".<sup>12</sup> This remains an outstanding commitment in the 'Fresh Start: Stormont Agreement and Implementation Plan'.<sup>13</sup>

## Article 7(1)(a)

### Legislative framework for the use of the Irish language

18. A consultation was issued by the (then) Department of Arts, Culture and Leisure in 2015 in respect of proposals for an Irish Language Bill. The proposals contained provisions on the official status of the Irish language, use of Irish in the courts and the Assembly, the creation of an Irish Language Commissioner, the inclusion of provisions for public bodies to promote the Irish language, Gaeltacht (Irish language speaking) areas, place names and education.<sup>14</sup>
19. In its report on the consultation, DCAL noted that of the 12,911 responses received, 94.7 per cent were in favour of Irish language legislation.<sup>15</sup> Departmental officials briefed the NI Assembly Culture, Arts and Leisure Committee in October 2015; indicating that the (then) Minister remained committed to an Irish Language Act and to progressing the Bill as far as possible.<sup>16</sup> However, no further progress was made in relation to the Bill prior to the collapse of the NI Assembly in January 2017. This was due to the lack of agreement by the political parties on the issue.
20. The NIHRC has previously raised concerns with the protection and promotion of minority language in NI with the Committee of Experts; and also with the Advisory Committee on the FCNM<sup>17</sup> and with the Committee on Economic, Social and Cultural Rights.<sup>18</sup> Both the Advisory Committee and CESCR have made recommendations with respect to the compliance of the NI Executive with language rights due to its failure to bring forth legislative protection for the Irish language.<sup>19</sup>

---

<sup>12</sup> NIO, [The Stormont House Agreement](#) (2014) para 68

<sup>13</sup> NIO, [Fresh Start: Stormont Agreement and Implementation Plan](#) (2015) p.38

<sup>14</sup> DCAL, [Consultation on Proposals for an Irish Language Bill](#) (February 2015)

<sup>15</sup> DCAL, [Proposals for an Irish Language Bill: Consultation Report](#) (10 Dec 2015) p.5

<sup>16</sup> Information obtained from a recording of the [meeting of the Culture, Arts and Leisure Committee](#) (1 October 2015)

<sup>17</sup> NIHRC, [Submission to the Advisory Committee on the Framework Convention for the Protection of National Minorities](#) (March 2016) para 182

<sup>18</sup> NIHRC, [Parallel Report on the Sixth Periodic Report of the United Kingdom under the International Covenant on Economic, Social and Cultural Rights](#) (September 2015) para 36.1

<sup>19</sup> Advisory Committee on the Framework Convention for the Protection of National Minorities, [Fourth Opinion on the United Kingdom](#) (25 May 2016) ACFC/OP/IV(2016)005,

21. At the conclusion of the previous monitoring cycle, the Committee of Ministers recommended that, as a matter of priority, the UK authorities “adopt and implement a comprehensive Irish language policy, preferably through the adoption of legislation providing statutory rights for the Irish speakers”.<sup>20</sup> It was noted that the Irish language remains a contentious issue.<sup>21</sup>
22. The issue of the Irish language has formed part of the negotiations to re-establish the devolved institutions but, at the time of writing, no agreement has been reached. A draft agreement between the parties was leaked to the press in February 2018; this suggested that three separate language bills dealing with Irish, Ulster-Scots and Respecting language and diversity were under discussion.<sup>22</sup>
23. The NIHRC welcomes the proposals to place the protection of the Irish language on a statutory footing. However, it notes the absence of consensus between the political parties in NI.
24. **The Committee of Experts may wish to request information from the State Party as to what steps it is taking to ensure that the Irish language is placed on a statutory footing in compliance with the Charter.**

## Article 7(1)(b)

25. Since the Committee of Experts last on-the-spot visit, the structure of local councils has changed; being reduced from 26 to 11. The Committee of Experts expressed concerns that the new administrative divisions would not have the same protection for minority languages.<sup>23</sup>
26. Currently, only five of the 11 councils have policies on minority languages.<sup>24</sup> Belfast City Council has a language policy which covers all minority languages; Mourne & Down District Council provides for Irish only and Derry & Strabane, Fermanagh & Omagh and Mid-Ulster Councils have distinct policies for both Irish and Ulster-Scots.

---

para 105; CESCR, [Concluding Observations on the Sixth Periodic Report of the United Kingdom](#) (14 July 2016) E/C.12/GBR/CO/6, para 68

<sup>20</sup> Recommendations of the Committee of Ministers of the Council of Europe on the application of the European Charter for Regional or Minority Languages by the United Kingdom, Recommendation CM/RecChL(2014)3 (15 January 2014) Recommendation 2

<sup>21</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle ECRML (15 January 2014) ECRML (2014) 1, para 17

<sup>22</sup> BBC, [Disputed Stormont 'deal' pages leaked](#) (21 Feb 2018) accessed 17 April 2018

<sup>23</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle (15 January 2014) ECRML (2014) 1, para 31

<sup>24</sup> At the time of writing, it was not possible to establish if Lisburn Council has a policy.

27. The three councils with dedicated Ulster-Scots policies commit to the support and promotion of the language. They each make provision for individuals to communicate with them in writing through the medium of Ulster-Scots and for replies in Ulster-Scots where possible. Fermanagh Council makes specific provision for members to use the language of choice, so long as it is immediately followed by an English translation.<sup>25</sup> Derry City & Strabane is the only council to operate a trilingual identity, with English, Irish and Ulster-Scots.<sup>26</sup> However, following a policy review on language usage, the Council is to consider options, which include the removal of Ulster-Scots and the adoption of a bilingual policy. At the April 2018 meeting, the committee decision was deferred to a future date.<sup>27</sup>
28. Further information about the Irish language policies of local councils will be provided in the commentary under Article 10.
29. **The Committee of Experts may wish to seek assurances that the rights of Ulster-Scots speakers under the Charter are fully and consistently protected across all Council areas.**

## Article 7(1)(c)

### Ulster-Scots language, culture and heritage strategy

30. The Ministerial Advisory Group for the Ulster Scots Academy (MAGUSA) was established in 2011 with a four-year remit to provide strategic advice in relation to the Ulster-Scots sector. It published a report on its activities and achievements for the period in 2015.<sup>28</sup> Following a review of MAGUSA, the (then) Minister for Culture, Arts and Leisure did not extend the appointment of the chair and members of the group.<sup>29</sup>
31. The Department for Culture, Arts and Leisure (DCAL) published a strategy for Ulster-Scots language, culture and heritage in 2015 which sets out, across a 20-year time frame, a number of key areas for action including education, media, Ulster-Scots language, public services, culture research and development.<sup>30</sup>

---

<sup>25</sup> Fermanagh & Omagh District Council, Ulster-Scots Policy (July 2015) p.8

<sup>26</sup> Derry City & Strabane District Council, Ulster-Scots Policy (April 2015) para 4.2.2

<sup>27</sup> Derry City and Strabane District Council, [Governance and Strategic Planning Committee Meeting Agenda](#) (10 April 2018)

<sup>28</sup> DCAL, [Ministerial Advisory Group Ulster-Scots Academy: Activities and Achievements, 2011-15](#) (August 2015)

<sup>29</sup> NI Assembly, Written Ministerial Statement: [Review of the Ministerial Advisory Group Ulster-Scots Academy and Plans for an Ulster-Scots Academy and an Irish Language Academy](#) (25 January 2016)

<sup>30</sup> DCAL, [Strategy to Enhance and Develop the Ulster-Scots Language, Heritage and Culture: 2015 –2035](#)

32. The Department published a review looking at progress against the Strategy in 2016 against its three main objectives.<sup>31</sup> The report considers actions taken across government departments, the Ulster-Scots Agency, the Ulster-Scots Community Network and local councils. It does not provide any update on the institutional framework that was to be established to oversee implementation, including a Strategy Delivery Group, a Strategy Unit and an Advisory Forum.<sup>32</sup>
33. **The Committee of Experts may wish to request further information from the Department for Communities into how it has ensured the effective implementation of the Strategy for Ulster-Scots language, culture and heritage since it has taken over responsibility for the Strategy.**

#### Irish language strategy

34. Alongside the publication of the abovementioned consultation on an Ulster Scots Strategy, a separate draft Strategy to Enhance and protect the development of the Irish language was published for consultation in 2012.<sup>33</sup>
35. The Department circulated the strategy and sought comments from Ministers in June 2013. The (then) Minister produced a draft paper for the Executive Committee in December 2015 but this was not placed on the agenda until March 2016. A cross-community vote was taken on the strategy at that meeting and the necessary level of support was not achieved.<sup>34</sup>
36. The ongoing failure to produce an Irish Language Strategy was the subject of litigation in 2017, with Conradh Na Gaeilge initiating judicial review proceedings against the Executive Office.<sup>35</sup> The argument before the court was whether the NI Executive Committee had failed to discharge its obligations under section 28D of the Northern Ireland Act 1998, which placed a statutory duty on the Executive to produce both Irish and Ulster-Scots strategies.
37. The High Court noted that ten years, since the imposition of the statutory duty, was more than a reasonable time within which to

---

<sup>31</sup> DCAL, [Strategy to Enhance and Develop the Ulster-Scots Language, Heritage and Culture, 2015 – 2035: One year on](#) (March 2016)

<sup>32</sup> DCAL, [Strategy to Enhance and Develop the Ulster-Scots Language, Heritage and Culture, 2015 –2035](#) p.56-7

<sup>33</sup> DCAL, [Strategy to Enhance and Protect the Development of the Irish Language](#): 2015-35

<sup>34</sup> See timeline produced in the judgment of [In the Matter of an Application by Conradh Na Gaeilge](#) [2017] NIQB 27 (3 March 2017) at [16]

<sup>35</sup> [In the Matter of an Application by Conradh Na Gaeilge](#) [2017] NIQB 27 (3 March 2017)

perform the obligation. Consequently, it made a declaration that “the Executive Committee has failed, in breach of its statutory duty under 28D(1) of the Northern Ireland Act 1998, to adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language.”<sup>36</sup>

38. **The Committee of Experts may wish to request further information from the Executive Office on what effective steps it is taking to ensure compliance with its statutory duty to produce a strategy to protect the Irish language, following the judgment of the High Court in Northern Ireland.**

## Article 7(2)

### Administration of Justice Act 1737

39. While the UK has not committed itself to the use of Irish in the courts under Article 10, the Committee of Experts has previously considered this issue in previous cycles under Article 7(2). It concluded, “the prohibition of the use of Irish in courts in Northern Ireland by the 1737 Act is an unjustified restriction relating to the use of Irish, endangering the development of the language.”<sup>37</sup>
40. The operation of the Administration of Justice (Language) Act (Ireland) 1737 precludes the use of Irish in the Courts in NI, requiring that proceedings are conducted in English only. The legislation was challenged on the basis that it was incompatible with both the ECHR and the Charter but the existing law was upheld by the NI Court of Appeal in 2010.<sup>38</sup>
41. The DCAL consultation on an Irish Language Bill, in 2015, proposed the repeal of the legislation.<sup>39</sup> The NIHRC, in its response on the consultation, welcomed the repeal of the Administration of Justice (Language) Act (Ireland) 1737 as a means to remove restrictions on the use of Irish in the courts. However, it noted that the repeal of this legislation lies within the remit of the Department of Justice and recommended that the nature of the cross-departmental commitment to delivery is made clear in the next stage of the process.<sup>40</sup> The NIHRC also identified the lack of detail in the consultation document as to how

---

<sup>36</sup> [In the Matter of an Application by Conradh Na Gaeilge](#) [2017] NIQB 27, at [17]

<sup>37</sup> COMEX, Application of the Charter in the United Kingdom: 3rd Monitoring Cycle ECRML (2010) 4, para 121

<sup>38</sup> Mac Giolla Cathain’s Application [2010] NICA 24

<sup>39</sup> DCAL, [Consultation on Proposals for an Irish Language Bill](#) (February 2015) p.8

<sup>40</sup> NIHRC, [Response on the proposals for an Irish Language Bill](#) (May 2015) para 34

the use of Irish in the courts would be facilitated at an operational level.<sup>41</sup>

42. No further progress has been noted in relation to the repeal of the legislation.
43. **The Committee of Experts may wish to request further information from the Department of Justice as to whether it intends to repeal the Administration of Justice (Language) Act (Ireland) 1737, in line with the Committee's recommendation.**

## **Part III observations: Irish**

### **Article 8: Education**

#### Irish-medium education

44. The UK undertakings for Irish language education require the State to either make available Irish language education, make available a substantial part of that education in Irish language or to provide the teaching of Irish as an integral part of the curriculum, where the numbers are considered sufficient.
45. In the previous monitoring cycles, the Committee of Experts noted the lack of information provided in relation to education. As a consequence, it concluded that the undertakings with respect to the provision of Irish-medium education at pre-school and secondary levels are only partly fulfilled<sup>42</sup> and was not in a position to make a conclusion in respect of primary level education.<sup>43</sup>
46. The Department of Education, under the Education (NI) Order 1998, has a statutory duty to "encourage and facilitate the development of Irish-medium education."<sup>44</sup> In respect of this, it established Comhairle Na Gaelscolaíochta in 2000 in order to promote, facilitate and encourage Irish-medium education (IME) and schools in NI.
47. Department of Education statistics show that there were 6,184 children in IME in the period 2017-18; including 923 at pre-school level, 4,156

---

<sup>41</sup> NIHRC, [Response on the proposals for an Irish Language Bill](#) (May 2015) para 35

<sup>42</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle (15 January 2014) ECRML (2014) 1, paras 211 and 214

<sup>43</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle (15 January 2014) ECRML (2014) 1, para 219

<sup>44</sup> Education (NI) Order 1998, [Article 89\(1\)](#)

at primary level and 1,106 at post-primary level.<sup>45</sup> In Comhairle Na Gaelscolaíochta's (CnaG) most recent annual report, it indicates that there has been an 8% growth in the IME school population in the period 2016-17.<sup>46</sup>

48. In NI, there are currently 28 stand-alone Irish medium primary schools and seven with Irish-medium units. At the post-primary level, there is one stand-alone school and three others with Irish medium units. There is also one independent Irish-medium school.<sup>47</sup>
49. The DCAL consultation on an Irish Language Bill proposed placing Irish-medium education on a statutory footing<sup>48</sup> but no detail was provided to describe how this would impact upon the current statutory duty. There was also no reference to consultation or agreement with the Department of Education. The NIHRC, in its response to DCAL on the consultation, recommended that the nature of cross-departmental commitment to delivery is made clear in the next stage of the process.<sup>49</sup>
50. DE appointed an advisory group in August 2013 to conduct a review into Irish-medium post-primary education. The Advisory Group was to consider the level of demand for this form of education provision and consider how best this could be met.<sup>50</sup> The Advisory Group reported their findings in April 2014, making 33 recommendations.<sup>51</sup> The Department's response to the report accepted a number of the recommendations made and was to form the basis for an action plan for the strategic development of Irish-medium post-primary provision.<sup>52</sup>

---

<sup>45</sup> Department of Education, [Statistical Bulletin 2/2018: Annual enrolments at schools and in funded preschool education in Northern Ireland](#), 2017/18 (27 February 2018) Table 2b, p.22

<sup>46</sup> Comhairle Na Gaelscolaíochta, [Annual Report and Accounts for the year ended 31 March 2017](#) (2017) p.2

<sup>47</sup> DE, [Irish-medium schools](#) (Accessed 12 April 2018)

<sup>48</sup> DCAL, [Consultation on Proposals for an Irish Language Bill](#) (February 2015) p.15

<sup>49</sup> NIHRC, Response on the proposals for an Irish Language Bill (May 2016) para 66

<sup>50</sup> Advisory Group on the Strategic Development of Irish-medium Post-primary Education [Report](#) (March 2014) p.7

<sup>51</sup> Ibid, p.13 ff.

<sup>52</sup> DE, [Response by the Department of Education to the Recommendations contained in the Report from the Advisory Group on the Strategic Development of Irish-medium post-primary Education](#) (November 2014) p.22

51. The Education portfolio then changed, with the first DUP Minister being appointed in May 2016. The Minister was in post only seven months prior to the collapse of the NI Assembly. The DE has been criticized over its rejection of IME development proposals, with the majority being refused since 2016.<sup>53</sup> In 2016, three proposals were rejected and one approved<sup>54</sup>; in 2017, three were rejected<sup>55</sup> and in 2018, so far three have been approved.<sup>56</sup>
52. In April 2017, the Education Authority (EA), in conjunction with sectoral bodies such as CnaG, published 'Providing Pathways – A Strategic Area Plan for School Provision 2017–2020' which set out key themes for the future planning of school provision.<sup>57</sup> In the 2018/19 Action Plan, it identifies the then Minister's vision that regardless of sector all pupils deserve equality of access to high quality education.<sup>58</sup> In respect of Irish-medium education, it lists a number of actions for exploring opportunities or developing options to develop or establish IME provision. There is also a proposal for a consultation on the establishment of an Irish-medium post-primary school in North Belfast.<sup>59</sup> These proposals remain subject to consultation and a decision of the Minister (or Permanent Secretary in the absence of a Minister).<sup>60</sup>
53. **The Committee of Experts may wish to request further information from the Department of Education as to how the recommendations of the 2014 Review into Irish-medium post-primary education are being implemented.**

#### Transport

54. The Committee of Experts noted the lack of information on transport in the previous report, despite the successful judicial review by Coláiste Feirste<sup>61</sup>, and recommended the provision of free school transport.<sup>62</sup>

---

<sup>53</sup> Irish News, [Tyrone Irish school plan rejected on election day](#) (8 March 2017)

<sup>54</sup> DE, [Development proposal decisions 2016](#) (accessed 23 April 2018)

<sup>55</sup> DE, [Development proposal decisions 2017](#) (accessed 23 April 2018)

<sup>56</sup> DE, [Development proposal decisions 2018](#) (accessed 23 April 2018)

<sup>57</sup> EA, [Providing Pathways – a Strategic Area Plan for School Provision 2017-2020](#) (April 2017)

<sup>58</sup> EA, [Annual Action Plan for Primary, Post-Primary and Special Schools April 2018 – March 2019](#) (April 2018) p.2

<sup>59</sup> EA, [Annual Action Plan for Primary, Post-Primary and Special Schools April 2018 – March 2019](#) (April 2018) p.19

<sup>60</sup> EA, [Annual Action Plan for Primary, Post-Primary and Special Schools April 2018 – March 2019](#) (April 2018) p.5

<sup>61</sup> In the matter of an Application by Coláiste Feirste for Judicial Review [2011] NIQB 98

<sup>62</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle (15 January 2014) ECRML (2014) 1, para 219

55. The Department of Education's 2013 review of the Home to School Transport Policy reported in June 2015<sup>63</sup>; however, the recommendations were not taken forward. The NIHRC understands that DE is conducting a further review, which will take on board the previous recommendations.<sup>64</sup>
56. **The Committee of Experts may wish to ask the Department of Education for its assessment of the recommendations from the 2015 report and its intentions for the subsequent review.**

### Líofa bursary scheme

57. The DfC provides funding for the Líofa ('fluent') project, which was established in 2011 to increase the number of people who are fluent in the Irish language. The departmental funding is used for a bursary scheme that allows young people and adults to attend an Irish language summer scheme. In December 2017, the then Minister for Education, Paul Givan, withdrew the support citing efficiency savings.
58. This decision caused widespread political and public criticism. The then Deputy First Minister, the late Martin McGuinness, cited the Líofa decision as one of the reasons for his resignation in January 2017. It was this resignation that triggered the collapse of the devolved government.<sup>65</sup>
59. The funding, which amounted to £50,000, was restored in January 2017 with the Minister announcing his decision on Twitter.<sup>66</sup> It later was reported that the Department did not carry out the required equality screening for the decision to discontinue the Gaeltacht Bursary Scheme.<sup>67</sup>
60. The Equality Commission for Northern Ireland announced in June 2017 that it would carry out an investigation into the Department for Communities' compliance with its Equality scheme commitments.<sup>68</sup>

## Article 9: Judicial Authorities

---

<sup>63</sup> DE, [Independent Review of Home to School Transport](#) (10 June 2015)

<sup>64</sup> Irish News, [Department of Education undertakes another review of school transport](#) (22 December 2017)

<sup>65</sup> BBC, [Martin McGuinness resigns as NI deputy first minister](#) (10 January 2017)

<sup>66</sup> Paul Givan (@paulgivan) [Tweet](#) "My decision on the Líofa Bursary Scheme was not a political decision. I have now identified the necessary funding to advance this scheme." (12 January 2017)

<sup>67</sup> The Detail, [Files link Arlene Foster to Irish language row and how DUP failed to equality test Líofa cut](#) (27 January 2017)

<sup>68</sup> ECNI, [Equality Commission investigates Department for Communities decisions](#) (16 June 2017)

61. The only aspect of Article 9 that the UK Government has accepted in respect of Irish is the production of the most important national statutory texts to be made available in the Irish language.<sup>69</sup> In the previous monitoring round, the Committee of Experts noted that no information was provided for by the authorities, leading to the conclusion that the undertaking is not fulfilled.<sup>70</sup>
62. The DCAL proposals for an Irish Language Bill did not address this aspect of Article 9, which the Commission has highlighted to DCAL<sup>71</sup> and to COMEX previously.
63. **The Committee of Experts may wish to request further information from NI departments as to whether any further national statutory texts will be made available.**

## Article 10: Administrative authorities and public services

### The NI Assembly

64. The Committee of Experts concluded the use of Irish in the Assembly was only partly fulfilled; and called upon the relevant authorities to “introduce a system of simultaneous translation, which facilitates the full use of Irish in the Northern Ireland Assembly”.<sup>72</sup>
65. The Standing Orders of the NI Assembly permit the use of a language of the members’ choice.<sup>73</sup> The Assembly does not provide any form of interpretation, simultaneous or otherwise, in respect of its debates. In practice, a number of the Irish-speaking MLAs will use Irish in the chamber, followed by the use of English.
66. The use of “hostile and disparaging remarks” towards the Irish language was noted by the Committee of Experts in 2014, and it has continued to emphasise the “crucial importance of the continued freedom to use Irish within the democratic framework of Northern Ireland”.<sup>74</sup> In November 2014, a Member of the Local Assembly (MLA) was barred from addressing the NI Assembly for a day after remarks made about the Irish language. The Deputy Speaker of the House

---

<sup>69</sup> ECRML, Article 9(3)

<sup>70</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle ECRML (2014) 1, paras 223, 225

<sup>71</sup> NIHRC, [Response to DCAL consultation on an Irish Language Bill](#) (May 2015) para 35

<sup>72</sup> Ibid, para 238

<sup>73</sup> NI Assembly, [Standing Orders](#) (as amended 4 October 2016) Order 78

<sup>74</sup> COMEX, Application of the Charter in the United Kingdom, 4<sup>th</sup> Monitoring Cycle ECRML (2014) 1, para 235

noted that the comments fell short of the standards of courtesy and respect in the Chamber and the “spirit of mockery was blatant and reflects badly on the House”.<sup>75</sup>

67. The DCAL consultation on the Irish Language Bill proposed that there would be provision for Irish being treated on the basis of equality in the conduct of proceedings, that a person could conduct business in Irish and that a simultaneous interpretation system be available.<sup>76</sup> As noted in other sections, there has been no further progress with Irish language legislation.
68. **The Committee of Experts may wish to request further information from the Assembly Commission in relation to how respect for those speakers of Irish in the Chamber can be promoted in the NI Assembly.**

#### Public Bodies

69. The Charter provides a range of obligations for the use of regional or minority languages in administrative or public services. Article 10 permits users of Irish to submit oral or written applications to administrative authorities<sup>77</sup> or local and regional authorities<sup>78</sup> in Irish. It also empowers administrative authorities to draft documents in Irish.<sup>79</sup> In respect of public services, the Charter requires that users of Irish are able to submit requests in their own language.<sup>80</sup> For the purposes of giving effect to the above rights, translation or interpretation may be required.<sup>81</sup>
70. In the previous monitoring cycle, the Committee of Ministers deemed the undertakings under Article 10 as only partly fulfilled; referring to the absence of information provided by the authorities, and the inconsistent response to Irish across council areas, departments and other public services.<sup>82</sup>

---

<sup>75</sup> NI Assembly, [Official Report \(4 November 2014\)](#)

<sup>76</sup> DCAL, [Consultation on Proposals for an Irish Language Bill](#) (February 2015) p.9

<sup>77</sup> ECRML, Article 10(1)(a)(iv)

<sup>78</sup> ECRML, Article 10 (2)(b)

<sup>79</sup> ECRML, Article 10(1)(c)

<sup>80</sup> ECRML, Article 10(3)(c)

<sup>81</sup> ECRML, Article 10(4)(a)

<sup>82</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle ECRML (2014) 1, paras 226-252

71. The existence of an Irish language policy remains inconsistent, with only five of the eleven local councils publishing such a policy or guidelines on the use of Irish.<sup>83</sup> Each of these five councils provide for receiving and replying to written correspondence and submission of application forms in Irish.<sup>84</sup> In addition, Belfast City<sup>85</sup>, Derry City & Strabane (DCS)<sup>86</sup>, Mid Ulster District<sup>87</sup> and Newry, Mourne & Down District (NMDD)<sup>88</sup> councils provide for oral communication to the Council in Irish.<sup>89</sup>
72. In respect of access to forms/applications or publications in the Irish language, DCS, Mid Ulster and NMDD Councils provide Irish language versions of application forms.<sup>90</sup> Publications are also provided in Irish by NMDD (main council documents)<sup>91</sup>; Mid Ulster (key corporate documents)<sup>92</sup>; Fermanagh & Omagh (translation of council documents on request)<sup>93</sup> Belfast City (translation as required)<sup>94</sup>. Derry & Strabane commits to producing four publications and four newsletters in Irish each year.<sup>95</sup>
73. DCS, Mid-Ulster and NMDD councils permit representatives to use Irish in their presentations and public events, providing simultaneous translation upon request.<sup>96</sup> Fermanagh & Omagh council specifies that

---

<sup>83</sup> Belfast City Council, [Language Policy](#) (September 2006); Derry City and Strabane District Council, [Irish Language Policy](#) (April 2015); Fermanagh & Omagh District Council, [Irish Language Policy](#) (July 2015); Mid Ulster District Council, [Irish Language Policy](#) (2017); Newry, Mourne & Down District Council, [Guidelines for the Use of the Irish Language in Newry, Mourne and Down District Council](#) (2016)

<sup>84</sup> Belfast City Council, [Language Policy](#) (September 2006); Derry City & Strabane District Council, [Irish Language Policy](#) (April 2015) para 4.2.3; Mid-Ulster Council, [Beartas Gaeilge/ Irish Language Policy](#) (2017) p.12;

<sup>85</sup> Belfast City Council, [Language Policy](#) (September 2006)

<sup>86</sup> Derry City & Strabane District Council, [Irish Language Policy](#) (April 2015)

<sup>87</sup> Mid-Ulster Council, [Beartas Gaeilge/ Irish Language Policy](#) (2017)

<sup>88</sup> Newry, Mourne & Down District Council, [Bilingualism Procedures](#) (July 2015) para 6.3

<sup>89</sup> Please note that Belfast City Council provide an Irish Language voicemail service

<sup>90</sup> Derry City & Strabane District Council, [Irish Language Policy](#) (April 2015), para 4.2.5; Mid-Ulster Council, [Beartas Gaeilge/ Irish Language Policy](#) (2017) p.12; Newry, Mourne & Down District Council, [Guidelines for the Use of the Irish Language in Newry, Mourne & Down District Council](#) (2016) para 8.1

<sup>91</sup> Newry, Mourne & Down District Council, [Bilingualism Procedures](#) (July 2015) para 6.4

<sup>92</sup> Mid-Ulster Council, [Beartas Gaeilge/ Irish Language Policy](#) (2017) p.12

<sup>93</sup> Fermanagh & Omagh District Council, [Irish Language Policy](#) (July 2015) p.8

<sup>94</sup> Belfast City Council, [Language Policy](#) (September 2006), p.2

<sup>95</sup> Derry City & Strabane District Council, [Irish Language Policy](#) (April 2015), para 4.2.5

<sup>96</sup> Derry City & Strabane District Council, [Irish Language Policy](#) (April 2015), para 4.2.7; Mid-Ulster Council, [Beartas Gaeilge/ Irish Language Policy](#) (2017) p.13; Newry, Mourne & Down District Council, [Bilingualism Procedures](#) (July 2015) para 10.1

a member may use Irish in the chamber, so long as they provide an English translation immediately afterwards.<sup>97</sup>

74. In May 2017, Belfast City Council voted to approve a public consultation on the draft policy on linguistic diversity, which includes the option of a staff member dedicated to the promotion of the Irish Language.<sup>98</sup> On 22 September 2017, the Council's Strategic Policy and Resources Committee approved the hiring of two staff, one for the Irish language and a second, which would cover Ulster-Scots and sign language.<sup>99</sup>
75. **The Committee of Experts may wish to ask what steps local Councils are taking to ensure users of Irish are able to submit oral or written applications across all areas.**

#### Place names

76. The provision of traditional local names and street signs in a minority language remains a contentious issue in NI. Although there are examples of street signs in both Irish and Ulster Scots, there does not appear to be a consistent approach to dealing with requests for bilingual signage.
77. The Local Government (Miscellaneous) Order 1995 permits the erection of bilingual street signs by local councils.<sup>100</sup> It further requires that the council has regard to the views of the occupiers of the street.<sup>101</sup> The 1995 Order also creates the offence of obscuring, pulling down or defacing a name plate.<sup>102</sup> Examples of bilingual street and road signs being defaced and vandalised are commonplace and often reported in the local press.<sup>103</sup>

---

<sup>97</sup> Fermanagh & Omagh District Council, Irish Language Policy (July 2015) p.9

<sup>98</sup> Belfast City Council, [Strategic Policy and Resources Committee](#) (21 April 2017)

<sup>99</sup> Belfast City Council, [Strategic Policy and Resources Committee](#) (22 September 2017)

<sup>100</sup> Local Government (Miscellaneous) Order 1995, [Article 11](#)

<sup>101</sup> Local Government (Miscellaneous) Order 1995, [Article 11\(4\)](#)

<sup>102</sup> Local Government (Miscellaneous) Order 1995, [Article 11\(10\)](#)

<sup>103</sup> Down Recorder, [Outrage as another Irish sign is defaced](#) (25 January 2017); Irish News, [Irish language council sign welcoming people to Mid-Ulster is defaced](#) (28 December 2017)

78. The Local Government (Northern Ireland) Act 2014 also permits a NI government department to direct a council to take, or not take, any action, which would be incompatible with international obligations.<sup>104</sup>
79. The 2015 consultation on an Irish Language Bill contains proposals to include both place-names and bilingual road signs.<sup>105</sup> The NIHRC advised, in its response to that consultation, that the Bill should make provision for a broader range of topographical indicators.<sup>106</sup>
80. In 2014, a judicial review of a Belfast City Council decision not to erect a street sign in Irish was unsuccessful, with all grounds of challenge being dismissed.<sup>107</sup> The matter was appealed to the Court of Appeal; where the parties agreed that the matter be sent back to the Council for re-consideration without any further order. At its meeting on 8 December 2015, the Council voted to conduct a further survey regarding the erection of the street sign.<sup>108</sup>
81. In the five councils, which have language policies, there is provision for requesting bilingual street signs.<sup>109</sup> This is not consistent across all the council areas. In February 2018, Newtownabbey and Antrim Council took a decision to ban the provision of bilingual signage, adopting an 'English only' policy<sup>110</sup>, before installing plant pots in Ulster-Scots language.<sup>111</sup> An Irish language group, Ionad Teaghlaigh Ghlrann Darach, has recently indicated that it will lodge a complaint with the Equality Commission regarding refusal of requests for Irish street signs.<sup>112</sup>
82. Public authorities are also under a duty to promote 'good relations' between ethnic groups and the main communities in NI<sup>113</sup> and are required to conduct an equality impact assessment to determine

---

<sup>104</sup> Local Government (Northern Ireland) Act 2014, [s.107](#)

<sup>105</sup> DCAL, [Consultation on Proposal for an Irish Language Bill](#) (February 2015)

<sup>106</sup> NIHRC, Response on the proposals for an Irish Language Bill (2014) para 57

<sup>107</sup> [Reid's Application](#) [2014] NIQB 129

<sup>108</sup> Belfast City Council, [People and Communities Committee Meeting Minutes](#) (8 Dec 2015)

<sup>109</sup> Belfast City Council, [Language Policy](#) (September 2006) p.2; Derry City & Strabane District Council, [Irish Language Policy](#) (April 2015) para 4.2.9; Fermanagh & Omagh District Council, Irish Language Policy (July 2015) p.10; Mid-Ulster District Council, Irish Language Policy (2017) p.14; Newry, Mourne & Down District Council, Bilingualism Procedures (July 2015) para 5.2

<sup>110</sup> Newtownabbey and Antrim Council, [Council Meeting](#) (26 February 2018)

<sup>111</sup> Belfast Telegraph, ['English only' council installs Ulster Scots planter](#) (19 April 2018)

<sup>112</sup> Belfast Telegraph, ['English only' council installs Ulster Scots planter](#) (19 April 2018)

<sup>113</sup> Northern Ireland Act 1998, [s.75\(2\)](#)

whether a policy will have an adverse impact on a particular group. The Committee of Experts has previously raised concerns at a number of reported instances whereby measures to promote the Irish language were not taken forward amid concerns that it would contravene the section 75 equality duty.<sup>114</sup>

83. In 2014, the Committee of Experts noted the “persisting difficulties” and “delay and obstruction” in dealing with requests for bilingual street names by local councils and the refusals by the Northern Ireland Tourist Board (NITB).<sup>115</sup> The Committee concluded that a decision by the Minister for the Department of Regional Development and NITB not to introduce bilingual signage may be an infringement of the Charter.<sup>116</sup>
84. Tourism NI (formerly the NITB) has since produced a new policy on ‘Signing of Tourist Attractions and Facilities’ which is agreed with Transport NI and the Department of Economy.<sup>117</sup> The policy does not make provision for bilingual signage.
85. **The Committee of Experts may wish to ask the Department of Economy how it intends to address its failure to make provision for bilingual signage.**
86. **The Committee of Experts may wish to request further information from NI councils as to the number of requests for bilingual signage and the number approved.**

---

End.

---

<sup>114</sup> COMEX, Application of the Charter in the United Kingdom: 3<sup>rd</sup> Monitoring Cycle, ECRML (2010) 4, para 123

<sup>115</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle (15 January 2014) ECRML (2014) 1, para 243-246

<sup>116</sup> COMEX, Application of the Charter in the United Kingdom, 4th Monitoring Cycle (15 January 2014) ECRML (2014) 1, para 243-246

<sup>117</sup> Tourism NI, [The Signing of Tourist Attractions and Facilities](#) (9 October 2014)