

Creatchoinbhinsiún um Chosaint na Mionlach Náisiúnta

Feidhmiú i leith na Gaeilge

Tuairisc POBAL don Choiste Comhairleach

Márta 2016

Arna hullmhú: Janet Muller

**POBAL's Report for the Advisory Committee
Framework Convention for the Protection of National
Minorities**

March 2016

Prepared by Janet Muller

Janet Muller
POBAL
13-3ú urlár
Muileann Abhainn Bheara
81 Bóthar Chluanaí
Béal Feirste BT12 7AE
Teil: +44 (0)77 13 630325
jmuller@pobal.org
eolas@pobal.org
www.pobal.org

Contents

1. POBAL's Final report	3
2. The UK's Fourth report on the application of the FCPNM (8 th April 2015)	3
3. POBAL overview of this reporting period	4
4. POBAL's findings	6
UK Treaty Commitment to introduce the Irish Language Act	
Duty under St Andrews Act (2006) to adopt a strategy	
5. Article 5	14
6. Article 6	18
7. Misinterpretation of the Equality Duty and Linking Irish and Ulster Scots	19
8. Article 7 and 10	20
9. Article 9	22
10. Article 10 (see also sections 4.1, 4.2 and 8)	25
11. Article 11	26
12. Article 12	28
13. Article 16	36
14. Some conclusions to the final report	37

1.0 Final monitoring report for Advisory Committee

In order to facilitate the on-the-spot visit (7th March 2016) for the current monitoring cycle on the FCPNM, POBAL, the advocacy organisation for the Irish speaking community in Northern Ireland made available a preliminary report in advance of this finalised written submission to the Advisory Committee. We wish to note that in the intervening period since the on-the-spot visit, the NI Executive has rejected proposals for the Irish Language Bill and has refused to adopt a strategy for the development and enhancement of the Irish language. It is our view that these failures represent significant set-backs to the application of the FCPNM. We will discuss the UK government commitment to enact legislation for Irish in section 4.1, and the St Andrews' Act 2006 duty to adopt a strategy in section 4.2 of this final report.

2.0 The UK's Fourth Report on the Application of the FCPNM (8th April 2015)

2.1 The UK has submitted this report four years after its previous report. The Fourth report contains only one reference to the application of the FCPNM in Northern Ireland (pg 40, Articles 9 and 10). Nor does it offer any explanation for the lack of information provided in respect of the FCPNM in the North in this case. POBAL believes that the extremely serious reporting failure is because, as has been the case since 2007 when the NI Assembly was re-established, the NI Assembly has failed to agree the contents of the NI report and that this has not therefore been made available to the UK government.

2.2 The effect of this reporting failure in the case of the FCPNM is that there is no information provided in the UK report in respect of the Irish language, except under Articles 9 and 10, concerning the media. Broadcasting remains one of a number of issues which the UK government 'reserves' for itself and therefore the UK government is able to report on its own activity. We shall comment on Article 9 and 10 in respect of Irish later in this preliminary report.

2.3 It is a matter of concern to us that the UK government fails to report on any of the other duties which fall to Westminster under the FCPNM. These include other 'reserved' matters and matters for which the UK has sole responsibility, for example, the oversight of compliance with treaty commitments; the application of the FCPNM by Crown bodies, etc. We also note that the UK report does not acknowledge any reporting difficulties. POBAL is

concerned that this marks an ongoing attempt by the UK government to ‘normalise’ its reporting failure in respect of Northern Ireland.

2.4 It is POBAL’s belief that the reporting failure at the NI Assembly is symptomatic of deep-rooted tensions in the application of the FCPNM and in the treatment of the Irish language within the political administration since the re-establishment of devolution in 2007.

2.5 The lack of detailed reporting appears to undermine the UK duty under the FCPNM to provide information and assist the Advisory Committee to evaluate progress made on its own findings and recommendations from 2011. POBAL would submit that this is particularly significant in respect of parag 8 of the 2011 Advisory Committee report,

8. The Advisory Committee regrets this situation and urges the authorities in Northern Ireland to demonstrate their commitment to the goals of the Convention through full participation in the preparation of the next report.

3.0 POBAL’s Overview of this reporting period

3.1 During this reporting period, the Irish speaking community has continued to strive in difficult circumstances, to promote and protect the Irish language and to expand and develop its usage. The community has continued to outreach to the general public, to break down stereotypes and increase mutual understanding with members of other linguistic and cultural communities.

3.2 At the level of the devolved institutions, following elections in May 2011, a nationalist Minister for Culture, Arts and Leisure was appointed. This Ministry has central responsibility for language matters. Minister Carál Ní Chuilín is a member of Sinn Féin, a party which states that it wishes to support the development of Irish in the North of Ireland. The Minister has undertaken several initiatives during this period, including the inception of Líofo, a project to raise the profile of Irish language classes, which are predominantly run by under-resourced Irish language community groups. The project has had some success as a communications tool. However, Líofo appears to have no means to measure the progress of learners beyond registering their initial participation in classes on a website. It operates on a

very limited budget, and it is unclear what direct benefit accrues to the groups organising classes.

3.3 The Minister has also initiated a consultation on strategies for the development of the Irish language and Ulster Scots, and on proposals for an Irish Language bill. In December 2015 and January 2016, the Minister's proposals for both an Irish language strategy and for an Irish language bill were put to the NI Executive.¹ As noted in the introduction to this final report, on 10th March 2016, the NI Executive rejected the proposals for legislation and for a development strategy.² We will discuss these issues more fully at section 4.1. and 4.2.

3.4 In 2011, Sinn Féin established a funding trust 'Ciste Infheistíochta na Gaeilge / 'The Irish Language Investment Fund') with funds negotiated from the UK government during the crisis relating to devolution of policing powers in 2010. This Trust has funded a number of capital build projects throughout the North. It does not, however, provide funds for staff or programming for such new-build projects.

3.5 The economic downturn of recent years has impacted exponentially on the Irish language sector, with increased governmental control of state funding; the cutting of budgets and the ending of core funding to Irish language groups. We shall discuss this matter later in this report.

3.6 At a political and institutional level, UK neglect allows deep-rooted racist/sectarian attitudes to the Irish language to continue to dominate the treatment of the language. The structures of the con-sociational Assembly, ostensibly established to create and maintain 'balance' between two sections of society appear at times to magnify and focus historical division. Whilst the approach of the Sinn Féin Minister for Culture, Arts and Leisure has been in contrast with that of her predecessors from the DUP, the built-in double veto at the NI Assembly has repeatedly and demonstrably prevented progress on the Irish language, leading to frustration and anger.

¹ NI Assembly, Cathal Boylan, MLA. AQO=20, 9560/11-16, 28/01/2016, <http://aims.niassembly.gov.uk/terms/PrintResults.aspx?se=&so=Ascending&tb=&per=&sp=&fd=&td=&cb1=&cb2=&itn1=Irish%20language&itn2=&itn3=&pid=4&pm=&pg=2&tn=1&ito2=&ito3=&ks=&st=1&pi=0&m=0&mn=All%20Questions> downloaded 16.3.2016

² Sinn Féin press statement by Carál Ní Chuilín, 'Failure to support Acht na Gaeilge a missed opportunity – Ní Chuilín' 10/3/2016, <http://www.sinnfein.ie/contents/38990> , downloaded 15.3.2016

4.0 POBAL's Findings on the Application of the FCPNM

4.1 UK treaty commitment to introduce the Irish Language Act

4.1.i It is POBAL's contention that the UK government and the devolved institutions have failed in their duty to implement the FCPNM in respect of the Irish language. Article 2 of the FCPNM requires that the provisions of the FCPNM shall be applied 'in good faith, in a spirit of understanding and tolerance and in conformity with the principles of good neighbourliness, friendly relations and co-operation between states.'

4.1.ii As POBAL has noted in our previous report (2011), the St Andrews' Agreement gives an unequivocal commitment by the UK government that it will introduce Irish language legislation in the North of Ireland. However, following delay due to the instigation of a second consultation process on the issue, once the devolved institutions were re-established in May 2007, the UK government denied responsibility for the legislation, referring it back to the NI Assembly.

4.1.iii The largest party in the con-sociational Assembly, the Democratic Unionist Party (DUP) publicly and consistently opposes Irish language rights, including a commitment to end the Irish language Act as a 2007 election manifesto commitment. POBAL contends that the UK government is fully aware of the stance of the unionist parties and its failure to enact the legislation either before devolution or since through its parallel legislative competence is in contravention of its duties under Article 2, Article 4, Article 15 of the FCPNM.

4.1.iv In May 2011, for the first time since the re-establishment of the devolved institutions in NI, a nationalist minister was appointed to the Department of Culture, Arts and Leisure. Sinn Féin's Carál Ní Chuilín succeeded 3 DUP Ministers of Culture, Arts and Leisure who had refused to enact the Irish Language legislation, as noted in previous POBAL reports.

4.1.v POBAL has brought the failure to fulfil the commitments of the St Andrews' Agreement in respect of the Irish language Act to the attention of international human rights

bodies including the United Nations Committee on Economic, Social and Cultural Rights. In its 2009 Concluding Observations, the Committee stated,

37. The Committee is concerned that there is still no protection in respect of the Irish language in Northern Ireland, whereas the Welsh and the Gaelic languages are protected by the Welsh Language Act 1993 and the Gaelic Language (Scotland) Act 2005, respectively. (arts. 15 and 2)

The Committee recommends 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, and invites the State party to provide detailed information on the progress made in its next periodic report.³

4.1.vi We have also raised the issue of the Irish language Act with the Council of Europe Committee of Experts on the ECRML. In its December 2011 report, the COMEX comment,

13. The devolution settlement in Northern Ireland presents obstacles to the promotion and the protection of regional or minority languages to the extent that there is no political consensus on the contribution to be made by the Northern Ireland Government. The responsibility of competence with regard to regional or minority languages was devolved to the Northern Ireland Assembly. Nevertheless, no legislation promoting the Irish language has been adopted. The Committee of Experts was informed that this is because of the need to obtain consensus within the power sharing administration.

14. The Committee of Experts is of the opinion that legislation is needed for the protection of the Irish language. The Committee of Experts strongly urges the authorities to provide an appropriate legislative base for the protection and promotion of Irish in Northern Ireland.⁴

4.1.vii POBAL has welcomed the identification of Irish language legislation as an issue for immediate action by the Advisory Committee on the FCPNM in its 2011 report. The AC calls on the authorities to,

³ UN Economic and Social Council, E/C.12/GBR/CO/5, 22 May 2009

⁴ COMEX, 22nd December 2014, ECRML (2014) 1, pg 5

Develop comprehensive legislation on the Irish language in Northern Ireland and take resolute measures to protect and implement more effectively the language rights of persons belonging to the Irish-speaking community.

4.1.viii As noted, the approach of Sinn Féin Minister Carál Ní Chuilín to the Irish language has been different from her predecessors. In line with her party's approach, she has demonstrated a more positive attitude and stated her intention to bring forward proposals to the NI Executive for the Irish language Act. In 2015, the Minister announced a further official consultation on legislative proposals (previous consultations were held in 2006 and 2007). The Departmental report⁵ of responses to the consultation, published in December 2015 by the Department, indicate similar levels of support for the Irish language Act as demonstrated previously in 2006 and 2007. Some 94.7 % of respondents supported the legislation with over 60 % of these highlighting the legislative model put forward by POBAL in the document *The Irish Language Act Issue 2*,⁶ as the best approach to the Act.

4.1.ix POBAL applauds the support in principle of the Minister, Carál Ní Chuilín for the full implementation of the UK government's 2006 St Andrews' commitment to enact Irish language legislation. However, for such legislation to be introduced at the level of the devolved administration requires the agreement of the NI Executive.

4.1.x In a written response to an Oral Question, Minister Ní Chuilín confirmed that she put proposals for an Irish Language Bill to the Executive.⁷ On 10th March 2016, the Minister issued a statement through her party to the effect that the proposals she had submitted had been rejected⁸ by the unionist parties and the Alliance Party. Officials in the Department of Culture, Arts and Leisure have confirmed their understanding that the proposals for an Irish Language Bill have been rejected at Executive level. It is POBAL's understanding that no

⁵ DCALNI, Report of the Consultation, <https://www.dcalni.gov.uk/sites/default/files/publications/dcal/report-of-the-consultation-on-proposals-for-an-irish-language-bill.PDF>, downloaded 15.3.2016

⁶ POBAL, *Acht na Gaeilge TÉ, Eis 2 / The Irish Language Act Issue 2*, 2012 <http://www.pobal.org/uploads/images/Acht%20na%20Gaeilge%202012.pdf>, downloaded 16.3.2016

⁷ NI Assembly, Cathal Boylan, MLA. AQO=20, 9560/11-16, 28/01/2016, <http://aims.niassembly.gov.uk/terms/PrintResults.aspx?se=&so=Ascending&tb=&per=&sp=&fd=&td=&cb1=&cb2=&itn1=Irish%20language&itn2=&itn3=&pid=4&pm=&pg=2&tn=1&ito2=&ito3=&ks=&st=1&pi=0&m=0&mn=All%20Questions> downloaded 16.3.2016

⁸ Sinn Féin Press Release, Carál Ní Chuilín, 'Failure to support Acht na Gaeilge a missed opportunity – Ní Chuilín', <http://www.sinnfein.ie/contents/38990> downloaded on 15.3.2016

formal Ministerial statement will be issued on this matter and that the issue of the Irish language Act cannot now be moved forward at the Assembly level.

4.1.xi POBAL has previously noted that the 2006 St Andrews' promise to enact legislation for Irish is part of the UK government's treaty commitments and should be dealt with using Westminster's parallel legislative competence. We maintain this position, and further reiterate that even had agreement on legislation been reached at the level of the devolved institutions, there would be many areas of life that remain under the sole competence of Westminster.

4.1.xii We contend that the approach of the UK government on this matter is deeply problematic and in contravention of its duties under the FCPNM. Given the latest failure to progress Irish language legislation 10 years after the Treaty commitment was made by the UK government, POBAL respectfully suggest that the Advisory Committee pursue the matter of the Irish Language Act with the UK government as a matter of urgency.

4.2 Duty in the St Andrews' Act (2006) to adopt an Irish language strategy

4.2.i Both the St Andrews' Agreement and the 2006 St Andrews' Act place a duty upon the devolved institutions to adopt a strategy to enhance and protect the development of the Irish language (and a strategy for Ulster Scots). In 2013, Sinn Féin Minister for Culture, Arts and Leisure, Carál Ní Chuilín carried out a public consultation on strategic proposals for Irish and a separate strategy for Ulster Scots. The adoption of a strategy for Irish is referenced as a 'building-block' in the NI Assembly Programme for Government 2011-14.⁹

4.2.ii Correspondence between the Department for Culture, Arts and Leisure and other Departments in the NI Assembly regarding the implementation of the Irish language Strategy proposals, obtained by POBAL following Freedom of Information requests, indicate that reactions to Irish language strategy proposals largely follows party political lines. Ministers from nationalist parties, SDLP and the Minister's own party, Sinn Féin respond more positively to the preparation of the proposals, whilst Ministers from the DUP, UUP and

⁹ NI Executive, Programme for Government 2011-2015 Final report, pg 49, Priority 4, Our Building Blocks, <http://www.northernireland.gov.uk/pfg-2011-2015-final-report.pdf> downloaded 15.3.2016

Alliance party display varying degrees of negativity. No response is available from DUP First Minister at the time, Peter Robinson (nor from Deputy First Minister, Sinn Féin's Martin McGuinness).

4.2.iii DUP Ministers Sammy Wilson (Finance and Personnel) is dismissive. Nelson McCausland (Social Development) records a 'nil response'. At second draft stage, his successor, DUP Minister for Social Development, Mervyn Storey states that in relation to Language Awareness Training for department officials, he assumes his department would not be expected to bear any developmental or running costs for such courses. In addition, he notes that in spite of this assumption, he would be, 'closely monitoring costs of releasing staff to undertake Language Awareness training.' Edwin Poots (Health, Social Services and Public Safety) and his successor in 2014, Jim Wells state opposition. Poots, a former Culture Minister who failed to publish proposals for either an Irish language Act or an Irish language strategy, asserts that, 'there would be little popular support for investing the limited resources that are available in seeking to expand the use of Irish or Ulster Scots in public services.' He goes on to note, 'I very much welcome the recognition that negative and divisive consequences have resulted from the politicisation of the language.'¹⁰ His successor Jim Wells writes in October 2014, 'I must question whether expanding the use of Irish and Ulster Scots in public services should be an Executive priority.'¹¹ Arlene Foster (now First Minister), Minister of Enterprise, Trade and Investment states that expenditure on public services in Irish and Ulster Scots, 'could not be justified given the current economic climate'.

4.2.iv Ulster Unionist Party Minister for Regional Development, Danny Kennedy, makes no comment on any section of the strategic proposals except in relation to public services, which it opposes on the basis of costs, and in relation to the tasking of DRD to produce a positive plan for Irish language road signage. Referring to an initiative carried out by his Sinn Féin predecessor, he states, 'DRD consulted on limited bilingual traffic signing in 2011, but

¹⁰ Poots, Edwin, Minister for Health, Social Services and Public Safety, in correspondence to DCAL Minister Carál Ní Chuilín, 4th September 2013, correspondence obtained by POBAL through Freedom of Information request

¹¹ Wells, Jim, Minister for Health, Social Services and Public Safety, in correspondence to DCAL Minister Carál Ní Chuilín, 7th October 2014, correspondence obtained by POBAL through Freedom of Information request

given the lack of operational requirement and no general consensus in favour, it was hard to justify further consultation nor indeed the exorbitant costs, estimated in the millions, associated with provision of traffic bilingual signs.’¹² POBAL notes that based on information received from DRD in 2011, the consultation responses overwhelmingly supported the use of Irish in signage (70 responses in favour, 8 responses neutral, 19 opposed). Minister Kennedy gives no information on who has estimated costs of signage as ‘millions’.

4.2.v The Alliance Party’s Stephen Farry, Minister for Employment and Learning questions the development of a separate strategy for Irish and another for Ulster Scots. In his response to first draft proposals, he calls for one joint strategy for Irish and Ulster Scots together. He indicates willingness to instruct DEL officials to engage with DCAL on the proposals. In October 2014, following this engagement, he reiterates his preference for one integrated strategy, and asks for detailed costings and a ‘final overview of the equality/human rights screening’. He concludes, ‘I regret therefore that I am not yet in a position to agree to {the proposals’} publication.’¹³

In response to first draft proposals, Farry’s Alliance Party colleague, David Ford, Minister for Justice commits to examine, ‘the financial and operational implications of changes to the 1737 Act’.¹⁴ However, by September 2014, in response to revised strategic proposals, Ford states, ‘At no stage have I given any commitment to repealing the Act.’ Referring to a costing exercise carried out by his officials, he contends, ‘I have decided that the financial impact would be prohibitive, particularly in the current difficult financial climate, and especially where demand would be insufficient to justify this expense.’ He continues, ‘The proposal to repeal this legislation could potentially see demands for the use of other languages in any

¹² Kennedy, Danny, Minister for Regional Development in correspondence to Carál Ní Chuilín, 13th August 2013, correspondence obtained by POBAL through Freedom of Information request

¹³ Farry, Stephen, Minister for Employment and Learning in correspondence to Carál Ní Chuilín, October 2014 (no more specific date given on correspondence), correspondence obtained by POBAL through Freedom of Information request

¹⁴ 1737 Administration of Justice (Language)(Ireland) Act. As POBAL has previously reported, this Act prohibits the use of any language other than English in the courts of Northern Ireland. In effect, since interpretation is provided by users of ethnic minority languages on a regular basis, this effectively represents a restriction on the use of Irish. The continued operation of the 1737 Act has been called ‘an unjustifiable restriction’ on the use of Irish, likely to undermine its development by the COMEX (April 2010, pg 19, parags 117-121)

court documents or proceedings as a matter of choice. This could give rise to adverse implications which would not be in the interests of justice.’¹⁵

POBAL contends that in addition to indicating negative reception of the strategy for Irish, Minister Ford’s refusal to repeal the 1737 Act represents an unjustifiable restriction on the use of the Irish language in public life under Articles 7 and 10 of the FCPNM. We shall return to this specific point later in this report.

4.2.vi Nationalist responses to the proposals at both first and second draft stages are generally more positive. As might be expected, the Culture Minister’s party colleagues in Sinn Féin are supportive, although it is clear that Education Minister John O’Dowd required considerable re-drafting of the Education proposals prior to agreeing them. The SDLP’s Mark H. Durkan, Minister for the Environment, points out that some of the strategic proposals are in fact already being carried out in existing projects. It is not clear whether these projects are being undertaken by government or by Irish language NGOs. Minister Durkan recommends that high level action plans should be developed to provide more detail of approaches.

4.2.vii As noted, the St Andrews Agreement Act 2006 places a statutory duty on the NI Executive to adopt a strategy to enhance and protect the Irish language. In January 2015, the Minister for Culture, Arts and Leisure, Carál Ní Chuilín published DCAL’s document, *Strategy to Enhance and Protect the Development of the Irish Language, 2014 – 2034* as a single departmental strategy within the Department of Culture, Arts and Leisure alone.

4.2.viii A written response by the Minister to an Oral question¹⁶ indicates that approximately one year after publication of the Strategy as a departmental document, the Minister put the strategy proposals to the Executive. (see also in respect of the Irish Language Bill proposals, parag 4.1.x). The Minister has not made any public statements to indicate what accounts for

¹⁵ Ford, David, Minister for Justice, in correspondence with Carál Ní Chuilín, 22nd September 2014, correspondence obtained by POBAL through Freedom of Information request

¹⁶ NI Assembly, Cathal Boylan MLA, AQO=20, 9560/11-16, 28/01/2016

<http://aims.niassembly.gov.uk/terms/PrintResults.aspx?se=&so=Ascending&tb=&per=&sp=&fd=&td=&cb1=&cb2=&itn1=Irish%20language&itn2=&itn3=&pid=4&pm=&pg=2&tn=1&ito2=&ito3=&ks=&st=1&pi=0&m=0&mn=All%20Questions> downloaded 16.3.2016

this lengthy delay, nor for the specific timing of the presentation of the proposals to the Executive at this point. As noted, both these proposals and those for the Irish Language Bill were rejected by the Executive on 10th March 2016.¹⁷

4.2.ix POBAL spearheaded community input into the preparation of a strategy for the development of Irish, and we note the hard work carried out by the Irish speaking community and by DCAL officials on this matter. However, the DCAL strategy, *Strategy to Enhance and Protect the Development of the Irish Language, 2014 – 2034* is not a NI Assembly strategy, a fact highlighted conclusively by its rejection by the Executive on 10th March 2016. In our view, the strategy published by the DCAL Minister cannot be deemed to fulfil the obligation placed on the Assembly in the 2006 St Andrews' Act to adopt a strategy for the Irish language.

4.2.x Pending elections set for May 2016 are likely to result in changes in ministers and to the departmental portfolios selected by each political party. In addition, under an organisational review of the Assembly, the current Department of Culture, Arts and Leisure will be amalgamated with two other current departments, and become the Department for Communities. The new department will have a significantly larger work load. It is unclear what impact this may have on human and financial resources of the new Department, or of its approach to fulfilment of the Irish language issues arising under the FCPNM.

4.2.xi As with the Irish language Act, POBAL respectfully suggests that the Advisory Committee might wish to highlight the refusal of the NI Executive to adopt a strategy for the Irish language at its meeting on 10th March 2016, and its consequent failure to fulfil its obligations under the St Andrews Act 2006.

4.2.xii It appears to POBAL that the structures of the NI Assembly as they currently stand represent, in themselves, a hostile environment for the Irish language, since without cross-

¹⁷ Sinn Féin Press Release, Carál Ní Chuilín, 10/3/2016, 'Failure to support Acht na Gaeilge a missed opportunity – Ní Chuilín', <http://www.sinnfein.ie/contents/38990> downloaded on 15.3.2016

party agreement, the Irish language cannot be treated in line with the provisions of the FCPNM, regardless of the approach of individual parties or ministers.

5.0 Article 5

Article 5 provides for the promotion of the conditions necessary to the maintaining and development of language, traditions and cultural heritage.

5.1 Following the Good Friday Agreement, a cross-border body, An Foras Teanga (The Language Board) was established. One part, Foras na Gaeilge specifically deals with the Irish language throughout the island of Ireland.

5.2 In our previous monitoring report, POBAL highlighted policy developments (involving Foras na Gaeilge and the North South Ministerial Council) relating to the restructuring of core funding of Irish language voluntary organisations. Seven of nineteen core-funded groups were based in Northern Ireland.

5.3 In spring 2014, Foras na Gaeilge announced that would cease core funding for all groups from 1st July 2014. Foras na Gaeilge announced two new, separate schemes for radio and production of educational resources. Two Northern-based groups, Raidió Fáilte (Irish language community radio station) and An tÁisaonad (the Irish Language Educational Resource Unit at St Mary's University College, Belfast) are now in receipt of some project funding under these schemes.

5.4 Foras na Gaeilge appointed six 'Lead Organisations' to take forward a range of activities in Irish language promotion. All core funding was awarded to these six organisations, with all other previously core-funded groups being effectively disqualified from receipt of funding from Foras na Gaeilge. All of the organisations core-funded from July 2014 to the present are predominantly Dublin-based and Dublin-centric bodies. All senior directoral positions within these organisations are filled by employees from the Republic of Ireland. Whilst POBAL recognises the work carried out by these organisations, we believe that these developments have had a disproportionately negative impact on the

Irish language core-funded sector based in Northern Ireland, and therefore have implications for UK responsibility to promote the Irish language in Northern Ireland under the FCPNM.

5.5 On 30th June 2014, all core funding to all northern-based Irish language groups ceased. Since this time, Iontaobhas Ultach (The Ultach Trust) has closed its offices and continues only on a voluntary basis. Comhaltas Uladh has been subsumed by one of the ‘Lead Organisations’ and functions only on a voluntary basis. POBAL has lost the equivalent of 5 full-time posts and functions now on its reserves and with one part-time employee on a short-term contract and with short-term funding from Belfast City Council. Altram, which provides services for the North’s Irish language Early Years sector, has received some short-term funding from the Childcare Partnerships through Comhairle na Gaelscolaíochta¹⁸ and is awaiting funding decisions at present. Forbairt Feirste has been awarded some funding direct from the Department of Culture, Arts and Leisure.

5.6 It is POBAL’s contention that Foras na Gaeilge’s withdrawal of core funding to the north’s sector has had a severe impact upon the development of the language. We believe that the shortcomings in Foras’s approach has been borne out by the necessity for the continuing work of Comhairle na Gaelscolaíochta (‘The Council for Irish Medium Education’) and the need for additional funding for Early Years provision in the north to be made available to maintain the services provided by the previously core-funded group, Altram. POBAL is supportive of Altram and Comhairle na Gaelscolaíochta and we recognise the work being carried out by ‘Gaelscoileanna’, the Dublin-based ‘Lead Organisation’ being funded by Foras na Gaeilge, according to Foras’s stated aim that all education sector work across the island be carried out by one single organisation. The need for Comhairle na Gaelscolaíochta and Altram in Northern Ireland to continue to actively support the North’s Irish Medium sector, in addition to An tÁisaonad, the educational resource unit previously referred to, highlights the impracticability of Foras na Gaeilge’s contention that one sole organisation could undertake all work in a given field across the island. We believe that Foras na Gaeilge’s decision in respect of POBAL’s work is equally erroneous and damaging to the language.

¹⁸ This funding originates from the Department of Education NI

5.7 Foras na Gaeilge's approach has also impacted upon the independence of the sector, increasing the dependence of a small number of organisations, and drawing them into 'coordination' structures chaired by Foras na Gaeilge itself. This is a particular concern in relation to advocacy, where the role of NGOs is fundamentally different from that of the state sector.

5.8 POBAL's own capacity to pursue its structured and strategic advocacy role for organisations operating within the particular circumstances of the North has been severely affected. Our staff resources have been reduced from 5 full-time posts to one part-time post. Our grant support has dropped from approx £189,000 per annum from Foras na Gaeilge to £23,500 from Belfast City Council in 2015-6. POBAL has been active since 1998 and has established groundbreaking advocacy work on the Irish language as part of the broader minority and human rights agenda since this time. It does not appear to us that any other organisation has the track record, the focus nor the expertise specific to the North which POBAL has acquired through innovative work.

5.9 There are significant differences in the circumstances and legislative infrastructure for the Irish language in the North of Ireland in comparison with the south where the language enjoys in theory the support of the state and government sectors. Whilst the Republic of Ireland has constitutional and domestic legislative protections in place for Irish as the First National Language, and has adopted a 20 year strategy for the language, no such legislative protections exist for Irish in the North, and as noted in section 4.2, the NI Executive has refused to adopt a strategy for the development of the Irish language in spite of a legislative requirement to do so.

5.10 POBAL recognises Foras na Gaeilge as an all-island organisation with an all-island remit, in line with Article 17 of the FCPNM. However, Foras is also required by law to recognise the significant differences between the constitutional and legal situation of the language north and south:

In carrying out its functions, the Irish language agency will have regard to the positions of the language in the two jurisdictions.¹⁹

It is a matter of concern to POBAL that Foras na Gaeilge's funding decisions has ended funding of groups such as POBAL, whose advocacy work, whilst containing significant all-Ireland collaboration and contextualisation, focuses on the particular circumstances of the Irish language in the North.

5.11 In 2015-6, Foras na Gaeilge has reconfigured funding under its Scéim Pobal Gaeilge / 'Irish Language Community Scheme', proposing the ending of funding for full-time Development officer posts in a number of areas of the North, and imposing an obligation on groups funded under the scheme to secure 20% match funding. POBAL believes that this is damaging to ongoing development of the language, and is indicative of Foras na Gaeilge's approach to the sector.

5.12 On 24th February 2016, the Minister for Culture, Arts and Leisure, Carál Ní Chuilín intervened.²⁰ She reversed Foras na Gaeilge's decision that groups affected under the Scheme would be excluded from applying for more than one grant award from Foras na Gaeilge and in addition she announced that for the first year of each four year scheme, additional office costs for these groups would be provided from her own Departmental budget to mitigate against the 20% reduction.

5.13 POBAL welcomes these developments and notes the willingness and ability of the Northern Minister to intervene and reverse Foras na Gaeilge's decisions in what appears to be a unilateral gesture, not publically approved to date by her counterpart in the Republic of Ireland. In our view, this creates a precedent through which the issue of funding to

¹⁹ The British-Irish Agreement Bill, 1999, Part 5, 1.4.

<http://www.irishstatutebook.ie/eli/1999/act/1/enacted/en/print>, downloaded 16.3.2016

²⁰ Tuairisc.ie, 24/2/2016 'Faoiseamh fôgartha do ghrúpaí Teanga ó thuaidh agus éileamh déanta ar a leithéid do ghrúpaí ó dheas / Reprieve announced for language groups in the north and demand made for similar for southern groups'

<http://tuairisc.ie/faoiseamh-fogartha-do-ghrupai-teanga-o-thuaidh-agus-eileamh-deanta-ar-a-leitheid-do-ghrupai-o-dheas/> downloaded 15.3.2016

organisations such as POBAL and Iontaobhas Ultach in the North could be addressed were the political will to exist.

6.0 Article 6

6.1 As POBAL has reported previously, unlike in Wales and Scotland, devolved government in NI has proven to be detrimental to the primary indigenous language. We believe that under the FCPNM, the UK government has a responsibility to ensure that each RML is treated in an equitable manner, according to its own circumstances and that a spirit of tolerance and dialogue is promoted. The UK government has undertaken no initiatives to ensure that respect for the Irish language is increased, even given the increasingly hostile climate for the language and the clear hostility of sections of devolved government to it. We believe that this is a key failure on behalf of the UK.

6.2 Negative and ugly debates on the Irish language are a feature of the NI Assembly, with the most recent widely-publicised attack carried out by former DUP Minister for Culture, Gregory Campbell on 4th November 2014. Mr Campbell made comments in the Assembly chamber prefaced by, ‘Curry my yoghurt, a can of cola’. This was perceived to be a mocking version of the Irish phrase, often used by nationalist politicians when called to speak, ‘Go raibh maith agat, a Cheannchomhairle.’ (‘Thank-you, Mr Speaker’). On this occasion, the Speaker banned Mr Campbell for one day of Assembly business.²¹ However, Mr Campbell subsequently repeated his remarks and referred to the proposals for the Irish Language Act as ‘toilet paper’ during a speech at the DUP party conference.

6.3 Such incidents are not uncommon in the Assembly (and at local Council level, which we will note in a later section). It is POBAL’s belief that they encourage, and indeed normalise more widespread negative commentary on the language, including through the media, as shown in a subsequent Opinion Piece in the Belfast Telegraph, averring that

²¹ BBC News, “Curry My Yoghurt” – Gregory Campbell, DUP, barred from speaking for a day’, 4th November 2014, <http://www.bbc.co.uk/news/uk-northern-ireland-29895593>, downloaded 16.3.2016

Campbell's comments, 'overshadow the real story'. The author claims that the key issue is what he refers to as 'overspending' on Irish Medium education by Minister John O'Dowd.²²

7.0 Misinterpretation of the Equality Duty and the linking of Irish to Ulster Scots

7.1 POBAL has previously expressed concern at the tendency to make deliberate attempts to link policy and funding for Irish with that for Ulster Scots. It is our contention that the Irish language is at a different stage of development, and that it has a much larger community of speakers (185,000 with knowledge of Irish in the 2001 Census) and a growing community of young people, including those being educated through the medium of Irish in 80 schools in the North.

7.2 There is considerable confusion as to what constitutes Ulster Scots, and some division amongst public bodies. There is no accepted consistent definition of Ulster Scots, no accepted grammar, vocabulary or spelling. Nonetheless, the conscious equating of Irish with Ulster Scots has led to instances where the authorities have refused Irish language provision or funding on the basis that identical provision cannot be provided for Ulster Scots.

7.3 As noted in a previous section, members of the DUP, UUP and Alliance Parties who hold key ministerial posts in the NI Assembly have actively promoted the equating of Irish and Ulster Scots through the development of a joint strategy, rather than two separate strategies. Given the failure of the Executive to date to adopt either strategy, some may view this approach as a diversionary tactic intended to draw attention away from the continuing failure to make appropriate provision for the Irish language in spite of demographic evidence of the growing community using the language.

7.4 The misinterpretation of equality legislation has also lead to uncertainty and restrictions on the visibility of Irish in signage, on logos, in advertisements and in its use in spoken and written forms in public life.

²² The Belfast Telegraph, Opinion by Samuel Morrison, 'Gregory Campbell's "Curry my Yoghurt" comments about the Irish language overshadow the real story', 6th November 2014, <http://www.belfasttelegraph.co.uk/opinion/debateni/samuel-morrison/gregory-campbells-curry-my-yogurt-comments-about-irish-language-overshadow-real-story-30723639.html>, downloaded 16.3.2016

7.5 The COMEX have noted this in its reports of 2010 and 2014 and have called for the delinking of policy for Irish and Ulster Scots and an increased understanding among public bodies that positive measures for the Irish language cannot be interpreted as representing discrimination against Ulster Scots or English.²³

7.6 In spite of this, the misuse of Equality legislation and the incorrect emphasis on ‘Good Relations’ as an overriding consideration continues to place obstacles to Irish language provision. Examples of this are common, as in October 2015, during a bitter debate in Mid Ulster Council. Rather than adopt the Council’s draft Irish Language Policy following considerable public consultation, unionist councillors proposed it be sent to the Council’s Good Relations Team for evaluation. Sinn Féin Councillor, Sean McPeake refers to this action as treating the need to have ‘due regard’ to Good Relations as, ‘a blocker’s charter’.²⁴ The ironic characterisation of the controversy as ‘slightly predictable’ indicates the normalisation of negativity towards provision for Irish speakers within some political circles.

7.7 In February 2016, unionists called for an Irish language audit within Newry, Mourne and Down Council to be halted on the grounds that asking workers if they spoke Irish or wished to learn the language, ‘discriminated against protestants’.²⁵

8.0 Article 7 and Article 10

8.1 As noted in Section 4.2.v, POBAL wishes to draw the attention of the Advisory Committee to the continued operation of the 1737 Administration of Justice (Language) Act (Ireland) in NI. This act prohibits under criminal penalty the use of any language other than English in the courts of NI.

²³ ECRML COMEX, April 2010, p. 6, parags 16 and 17

²⁴ Mid Ulster Mail, “‘Slightly Predictable’ debate rages over Mid Ulster Council’s Irish Language Policy”, 9th October 2015, <http://www.midulstermail.co.uk/news/mid-ulster-news/slightly-predictable-debate-rages-on-over-mid-ulster-council-s-irish-language-policy-1-7002703>, downloaded 16.3.2016

²⁵ The Newsletter, ‘Halt Council Irish Language Audit in Newry, Mourne and Down’, 11th February 2016, <http://www.newsletter.co.uk/news/halt-council-irish-language-audit-in-newry-mourne-and-down-1-7210534>, downloaded 16.3.2016

8.2 The COMEX have noted the following,

The effect of this Act is consequently a prohibition of the use of Irish in court, and this is how it has been interpreted and implemented...a piece of legislation actively prohibiting the use of the language from an important field of one of the Articles under Part III is, in the view of the Committee of Experts, contrary to the spirit and objectives of the Charter and the general commitment of the UK authorities to protect and promote Irish...The active prohibition of the use of Irish in court is a restriction relating to the use of the language. The UK authorities have not provided any justification for this restriction. The Committee of Experts believes that this restriction endangers the maintenance and development of Irish. Based on the available information, the Committee of Experts considers that the prohibition of the use of Irish in court in Northern Ireland by the 1737 Act is an unjustified restriction relating to the use of Irish, endangering the development of the language.²⁶

8.3 As noted previously in section 4.2.v on correspondence on the proposed Irish Language strategy, Minister for Justice in the NI Assembly, David Ford has rejected the repeal of the 1737 Act and opposed the inclusion of this recommendation as part of any strategy.²⁷

8.4 Among his brief assertions, Minister Ford cites concern that, ‘The proposal to repeal this legislation could potentially see demands for the use of other languages in any court documents or proceedings as a matter of choice. This could give rise to adverse implications which would not be in the interests of justice.’²⁸ POBAL points out that interpretation is provided already for a variety of ethnic minority language users in the courts of NI. In addition, legislation of similar intent to the 1737 Act was repealed over previous centuries in England, Wales and Scotland with no apparent deluge of unjustifiable linguistic demands.

²⁶ COMEX, ECRML, Application by the UK, April 2010, p. 19, parags 117-121

²⁷ Ford, David, Minister for Justice, in correspondence with Carál Ní Chuilín, 22nd September 2014, correspondence obtained by POBAL through Freedom of Information request

²⁸ Ford, David, Minister for Justice, in correspondence with Carál Ní Chuilín, 22nd September 2014, correspondence obtained by POBAL through Freedom of Information request

8.5 POBAL believes that the continued operation of the 1737 Administration of Justice (Language) Act (Ireland) represents an unjustified restriction on the use of Irish in public life and that it is incompatible with current human rights obligations. We should request that the Advisory Committee investigate this issue further.

9.0 Article 9

9.1 Broadcasting remains a reserved issue and is therefore the duty of the UK government alone. POBAL notes the references to Irish language broadcasting in the UK report on the FCPNM (April 2015). The UK's comments appear to locate all responsibility for Irish language broadcasting within its funding for the Irish Language Broadcasting Fund. This appears to POBAL to be an extremely limited interpretation of its responsibilities.

9.2 POBAL has commented previously on the anomalous legislative and financial position of Irish language broadcasting on both television and radio in NI in comparison with Welsh language broadcasting in Wales and Gaelic language broadcasting in Scotland.

9.3 In Wales and Scotland, there exist long-standing legislative protections for Welsh and Gaelic language broadcasting respectively. In addition, both languages are specifically mentioned in the 2003 UK Communications Act and the 2005 Royal Charter for the BBC. There are however no references to Irish in either of these UK legislative instruments.

9.4 Funding for Irish language broadcasting has improved over recent years, but there are still major differentials in the funding provided to Welsh in Wales and Gaelic in Scotland. The Irish Language Broadcast Fund (ILBF), established after the Good Friday Agreement delivers excellent value for money and has increased the amount of Irish language programming available for broadcast (primarily on TG4 but occasionally on the BBC). However, funding for the ILBF has not increased over time in line with inflation. Nor is it guaranteed or mainstreamed. The UK government's assertion in its report that the funding period for the ILBF is in line with similar arrangements in Wales and Scotland is disingenuous. Not only is the additional infrastructure support for language broadcasting elsewhere greatly superior to that in Northern Ireland, but the levels of funding do not

compare favourably with Scotland and Wales. In 2011-12, a total of £119.3 million was spent on Welsh language broadcast funding; in Scotland, £19.8 million was spent for Gaelic broadcasting; for the Irish Language Broadcast Fund, £3.53 million was spent. Per person, £19 was spent on Irish and £213 on Scots Gaelic.²⁹ POBAL believes that decisions relating to the resourcing of Irish language broadcasting and other initiatives should be mainstreamed and transparent in line with best practice in governmental accountability and reflective of the Irish language's legitimate place as part of mainstream social provision.

9.5 The BBC Radio Ulster broadcasts approximately 6 hours of Irish language programming per week. In general, programming is of a high standard. However, programming is usually confined to magazine-type or music-related programmes and there is an increasing tendency towards use of English during these programmes. There is no programming specific to given audiences, eg children, young people or women nor to specific formats, eg radio drama, current affairs.

9.6 In 2005, the Radio Authority granted a community radio licence to an Irish language station, Raidió Fáilte which operates in the Greater Belfast area. The station broadcasts 24 hours a day 7 days a week and is highly reliant upon voluntary input from the Irish speaking community. Raidió Fáilte is in receipt of some funding from Foras na Gaeilge, and in February 2016 was awarded capital funding from the Department of Culture, Arts and Leisure, the Irish Language Investment Fund (a private trust set up by Sinn Féin with British government funding in 2010) and Belfast City Council for a new-build project in West Belfast.

9.7 In June 2013, Ofcom awarded 5 new community radio licences for NI, including two which include a proportion of Irish (An Carn, Maghera, Mid Ulster) and Ulster-Scots (fUSE FM, Ballymoney, Antrim) programming.

²⁹ Figures quoted by Sinn Féin MLA, Rosie McCorley during debate on devolution of broadcasting powers, 25th November 2013, <http://www.theyworkforyou.com/ni/?id=2013-11-25.6.1>, downloaded 16.3.2016

9.8 POBAL reported to COMEX on the ending of funding to the Irish language newspaper *Lá Nua* in 2009. It is our firm belief that the Irish speaking community should have access to a daily newspaper. The Belfast-based online news provider, Nuacht24 ceased to have resources to update its website in 2013. Although online providers such as tuairisc.ie occasionally report on the north, their main thrust is to the Republic of Ireland.

9.9 Meon Eile provides an online media platform, but continues on welcome but scarce short-term funding. It has been funded under the same mechanism since its establishment on 25th June 2012. Its funding is made available through the Ciste Craoltóireachta Gaeilge ('The Irish Language Broadcast Fund') under the auspices of Northern Ireland Screen. The company, Below the Radar TV which provides the Meon Eile service, also provides some investment in the website. Meon Eile's funding runs from the beginning of May to the end of April each year and has to be applied for on an annual basis. It is currently awaiting a decision on funding for 2016-7.

9.10 Nós magazine, a publication aimed ostensibly at younger audiences is available online. It is funded by Foras na Gaeilge.

9.11 As noted in previous sections, Foras na Gaeilge has cut funding to other Irish language magazines. In July 2014, it ended ninety years of small-grant funding from Republic of Ireland government sources to An tUltach. The magazine has played an important role in the development of Irish language literature in the province of Ulster and in Northern Ireland in particular. The ending of Foras na Gaeilge funding has left a handful of voluntary workers to struggle to keep the magazine in print. To date, small short-term grants have been awarded by the Arts Council NI, the Ireland Funds, The Ultach Trust, Conradh na Gaeilge and the Arts, Heritage and Gaeltacht Department in the Republic of Ireland. The publication continues to rely on voluntary input.

9.12 Since the ending of funding to An tUltach, Foras na Gaeilge has also ceased to fund the following publications, Feasta, An Timire and An Sagart.

9.13 POBAL believes that the UK government should take resolute action to ensure that Irish language television and radio broadcasting enjoys parity with Welsh-language television and radio broadcasting in Wales and Gaelic-language television and radio broadcasting in Scotland. The defining features of these broadcasting services are a dedicated publicly-funded public service television service and radio service which broadcasts a significant number of hours of programming, including considerable new programming, each day. With regard to television broadcasting, such programming is broadcast in peak viewing times. As in Wales and Scotland, we believe that Irish language broadcasting and media should have a legislative basis, should be adequately funded, should require a wide diversity of programming of high quality, and should provide free access for audiences across a range of platforms.

10. Article 10 (see also section 4.1, 4.2, 8.0)

10.1 Although the use of Irish in public life in spoken and written forms is specified in the FCPNM and the ECRML, there is no central co-ordination or strategic approach to ensure consistency in respect of the use of Irish in government departments, in local authorities or in the Assembly. In addition to this report, POBAL should like to refer the Advisory Committee to our last full report to the ECRML COMEX for detailed reportage on these issues. (<http://pobal.org.gridhosted.co.uk/english/wp-content/uploads/2013/11/2009-13-POBAL-ar-CETRM-POBAL-report-ECRML.pdf>)

10.2 Although simultaneous translation equipment is available during debates at the NI Assembly, translation from Irish can only be heard by the Speaker and not by members, the press or the public. Thus, Irish speaking members must self-translate, leading at times to timed deadlines for answers curtailing either the information given or the self-translation.

10.3 Currently, the UK passport carries information in English, Welsh and Scottish Gaelic. The Irish language however does not appear on the passport.

11.0 Article 11

11.1 POBAL has documented ongoing training problems within a number of local government and Crown bodies in relation to the use of Irish in correspondence. The NI Charities Commission has recently refused to accept applications in Irish. When the basis of this decision was queried by the applicant, the Commission's representative responds, 'The Commission sought legal advice on this matter, and as this is privileged the Commission is not able to share that information with you as suggested.'³⁰

11.2 Use of personal and place names remains a problem. In particular, we wish to highlight the ongoing failure of UK-wide Crown bodies to improve their ability to use the diacritic mark, the síneadh fada, used commonly on Irish language personal names, surnames, companies and organisation titles, addresses and place names.

11.2 In NI, in spite of repeated contact, the Electoral Office appears unable to issue polling cards or correspondence correctly addressed in Irish. The inclusion of the diacritic mark often results in substitution of meaningless symbols into names and addresses.

11.3 Particular difficulties have occurred in respect of Companies House / Companies Register. Whilst measures are now in place to accept the use of the diacritic mark in the names of Limited Companies,³¹ Companies House still require applicants to submit information only in English, and have returned both online and hard copies of forms because of the use of Irish on them.

11.4 POBAL has previously documented controversy arising from requests to NI Tourist Board for bilingual tourist and information signage in NI. We believe that NITB pursues a discriminatory policy in respect of the public use of Irish. We are aware that the Committee for the Administration of Justice will present information to the Advisory Committee on this issue, and we are fully supportive of their conclusions.

³⁰ E-correspondence between member of Irish speaking community and Policy and Research Officer, Charity Commission for NI, 9th February 2016, correspondence made available to POBAL

³¹ Changes were made to Limited Liability Partnership and Business (Names and Trading Disclosures) Regulations 2015 on 31st January 2015 following threat of legal proceedings

11.5 Among the issues we have previously highlighted, has been the withdrawal of funding for signage due to negative publicity around the use of Irish. In addition to incidents with NITB funding, in August 2015, an independent funder withdrew support for a project because of bitter debate about the inclusion of Irish at the local Council level.³²

11.6 The difficulty in use of Irish language traditional placenames has been documented by POBAL in all our previous reports to the Advisory Committee. It is POBAL's view that the 1995 Local Government Order (Miscellaneous Provisions)(NI) is inadequate to facilitate the use of traditional place names in Irish, the use of bilingual or Irish language street signage or the naming in Irish of new estates or streets. It should be replaced with more appropriate legislation, either as part of a comprehensive Irish language Act as promised by the UK government in 2006 in the St Andrews' Agreement or as separate legislation.

11.7 In 2014, a resident of Ballymurphy Drive in West Belfast took a Judicial Review against a decision of Belfast City Council to deem failure to respond to a survey on bilingual signage as 'negative' replies. The JR was lost and resulted in what appears to POBAL to be a problematic judgement.³³

11.8 Whilst leave to appeal the judgement was lodged, it was withdrawn following negotiation with Belfast City Council regarding a further street survey. In January 2016, a motion calling on the Council to exercise discretion and approve the request for signage was defeated.

11.9 On 18th February 2016, residents in Ballymurphy Drive erected an unofficial street sign in Irish. It appears to POBAL that little progress has been made in this matter since the 1980s when residents wishing to have Irish language signage in their streets were forced to

³² Fermanagh Herald, 'Funder withdraws "support" for commemoration plaque as council divided over Irish language.', 14th August 2015

³³ Neutral Citation No. [2014] NIQB 129, High Court of Justice NI, Ref: HOR9455, Eileen Reid v Belfast City Council, 4th December 2014, [https://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2014/\[2014\]%20NIQB%20129/j_j_HOR9455Final.htm](https://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2014/[2014]%20NIQB%20129/j_j_HOR9455Final.htm), downloaded 16.3.2016

take action themselves without official recognition or approval. POBAL regrets that the judgement in this case has not been subject to appeal and that this issue in the Belfast area as in other parts of the north has not been resolved.

11.10 Irish speakers wishing to use the Irish language form of their address have also encountered difficulties with Royal Mail. Whilst Royal Mail does make some attempts to accommodate use of Irish language addresses, it will only do so where a local Council has officially adopted the Irish language version. As noted above, the adoption of Irish language street names by local Councils is often plagued with difficulties for Irish speakers. In addition, Royal Mail has acknowledged that they do not have enough Irish speakers employed in their central sorting office to deal effectively with correspondence addressed in Irish. This creates difficulties for Irish speakers and Irish language groups when they move or otherwise change address details, since it can take many months to resolve ongoing issues relating to use of Irish language versions of addresses. It appears to us that given the length of time which has passed since the ratification of the FCPNM, Royal Mail would have carried out Irish language skills audits internally and taken steps to employ adequate numbers of staff with these skills to resolve ongoing practical problems.

12. Article 12

12.1 The Irish language is rarely taught in Protestant ('Maintained') schools in the North. Although it is taught in some Catholic ('Controlled') schools, it is through Irish Medium (IM) education that most children achieve native speaker-like fluency in the spoken language. In general, some progress has been made in respect of Irish Medium (IM) education in recent years. In particular, the current Minister for Education, John O'Dowd³⁴ has taken measures to improve the physical conditions of a number of Irish medium schools, including most recently approving a capital spend project for 10 primary schools, including 2 Irish Medium schools in Dungannon and Glengormley, on the outskirts of Belfast.³⁵ We applaud these

³⁴ The Department of Education NI has been held by a Sinn Féin Minister since the inception of the NI Assembly in 2000. The Department will be allocated according to the D'Hondt mechanism following the 2016 elections. The current Minister, John O'Dowd has indicated that he will stand down as Minister for Education.

³⁵ <http://www.northernireland.gov.uk/news-de-150316-education-minister-announces>, downloaded 16.3.2016

efforts, but much more remains to be done, given the poor state of the Irish Language sector's physical infrastructure in general.

12.2 After some 45 years of Irish Medium (IM) education, overall, the numbers of children currently receiving their education through Irish remains at around 5,000. It is clear to POBAL that parents are entitled to an adequate infrastructure, resourcing and policy framework to support the excellent work being carried out in Irish Medium schools. Whilst steps have been made within the Department of Education NI (DENI) since 2000 there is still a lack of 'joined-up' thinking at Departmental level, and the promotion and support of Irish Medium Education is not given sufficient priority. This means that responsibility in their early years for ensuring a high standard of education and the viability of Irish Medium schools still depends to a disproportionate and unacceptable degree on the efforts of local parents and small numbers of extremely dedicated school staff.

12.3 There is a widespread belief that policy makers within DENI and the Education services sector still lack understanding and experience of the needs of IME and immersion education. Many of the over-arching policies of the DENI may impact adversely on IM because they take insufficient cognisance of its specific characteristics and needs. For example, 'Area-Planning' has proven ill-matched for the needs of the sector, and discussion of one education system for all children, although generally taken to mean that children in Protestant/ Maintained schools and children in Catholic/Controlled schools should be educated together, does not take into account possible implications for IM education of a 'one size fits all' approach.³⁶ There is a lack of a centralised unit or senior official with appropriate experience and authority to deal effectively with queries and to promote IM sectoral development and support in a strategic, consistent manner likely to impact where it is needed.

12.4 The curriculum for IM schools is in itself an 'add-on' to the EM curriculum. A group was assigned to The Council for the Curriculum, Examinations and Assessment (CCEA) to compile the current NI curriculum for IM schools, published in 2009. The NI curriculum at

³⁶ IM schools are usually categorised as belonging to the 'independent' sector, along with Integrated schools. This definition has in itself proved problematic since the needs of the two sectors are very different.

this point was already statutory, the IM sector having been overlooked, and this group were asked to add specifics pertaining to the IM sector. The English version was not to be changed and therefore the current IM curriculum is simply the curriculum for EM monolingual schools with ‘add-ons’.

12.5 At present the Seirbhís Feabhsaithe Scoile / Schools Improvement Service (formerly Curriculum Advisory Support Service - CASS) employs only two Irish speakers, having cut the number of posts from three. This is inadequate to provide for the needs of the sector. IM schools sometimes pay for specialist services on an ad hoc basis. However, this is dependent on the resources and budget of individual schools. Since IM schools tend to be smaller, their budgets are also smaller and there are many demands on resources. The change in duties of the CASS team for IM schools means that CPD (Continuous Professional Development) has been seriously impacted. The nature of the IM sector is that very little training is available to both newly qualified and experienced teachers who are dealing with the specifics of an immersion setting. This has implications when teaching beginning reading, for example, since there are language-specific in Irish that are very different from English. Also, the teaching of Maths through a second language requires specialist training, regarding concepts and vocabulary and building on prior knowledge in an IM setting. IM education is not simply the same as an EM school through the medium of Irish. It has its own specific needs and demands. As a new sector, new developments and research are ongoing and without CPD teachers are not aware of new practices. CPD should be available for IM schools and should also be linked to research and best practice in immersion settings both nationally and internationally.

12.6 At present, there are no Learning Support Centres for the IM sector, and this is a serious matter. It is hoped that representations made by the sector will have positive results, but it remains the case at present that whilst such services are available for the English Language (EM) sector, they are not there for the IM.

12.7 An additional resource available to the EM sector is the Area Learning Community. This does not exist for the IM sector and this is also a serious gap in provision which should be addressed.

12.8 POBAL has carried out substantial and innovative research into SEN needs within IM education. We believe that there are a number of significant gaps in SEN provision which may affect the rights of children in IM. There remains a lack of language appropriate support services and practitioners with understanding of immersion education to deal effectively with areas such as speech therapy and educational psychology etc. It is an ongoing matter of concern to us that the lack of experience and understanding of the sector amongst some health professionals may lead to inappropriate advice which can increase stress and anxiety for parents in difficult circumstances making decisions about their children's educational options.

12.9 Some recognition of the need for collating of best practice, skill sharing and the integration of sector-specific SEN training into Teacher training and in Continuing Professional Development has been achieved through research carried out by POBAL and the efforts of the sector. However, more is needed, and there should be better co-ordination of the limited resources being made available for project and development work. The establishment of the co-ordinating group CATOC (Committee for Curriculum, Resources, Training and Education) is potentially a step forward, but its central role in co-ordination could be developed by the DENI in conjunction with the Committee itself.

12.10 In 2015-6, the DENI accepted a development proposal for a new post primary school at Dungiven. This is only the second independent Irish medium secondary school in the North. It is a welcome addition to Coláiste Feirste in Belfast. Some post-primary subjects are taught through the medium of Irish in a handful of units or streams in English Medium post-primary schools. However, ensuring the progression from primary to post-primary education in all areas of the North remains problematic, and although welcome, the post primary school in Dungiven is not a panacea for these issues.

12.11 The number of training places for IM teachers remains inadequate. This is a general problem which affects all levels of IM education.

12.12 The lack of teachers is particularly serious at post-primary level, and in particular in the designated STEM subjects.

12.13 Teachers within the sector have identified the need to ensure that the Irish being taught and used in IM schools is of the highest possible standard. However, although there is some excellent teaching of Irish within the English Medium (EM) sector, there does not appear to be a support and assessment system in place to ensure that the general standard of curriculum and teaching of Irish at A level can provide the best grounding for those wishing to progress to teaching through the medium of Irish. More support is needed, in addition to research and ongoing evaluation of the current curriculum. Languages have not been recognised as STEM subjects and while this impacts adversely on all languages within the EM system, it has particular implications for Irish since pupil choice is reduced.

12.14 A special examination, GCSE Gaeilge has been devised for pupils who have been through Irish Medium education (or brought up with Irish at home). However, welcome though the GCSE Gaeilge is, it is not considered to be a direct equivalent to the English Medium GCSE Irish (which many children in IM education take some 5 years before children in EM education). Conceptually and in terms of the required additional vocabulary and translation skills, the GCSE Gaeilge exam is considered to require more developed essay-writing and analytical skills and a greater emotional maturity than is usually expected of children at GCSE level.

12.15 There is no A level Gaeilge examination appropriate for pupils who have been through Irish Medium education (or brought up with Irish at home). Given the real differences in GCSE Irish and GCSE Gaeilge, it is understandable that there might be some concerns that such an initiative would end up disadvantaging children. However, it appears that further research could underpin consideration of the appropriateness of the current examination system at both GCSE and A level.

12.16 Gaeltacht courses should be made compulsory for all and more time should be allocated for Gaeltacht visits for students studying Irish. Other language BA(Hons) degree students spend a year in the designated country where they are fully immersed in the language, and therefore spend four years on a degree course. Irish language students spend a few weeks in the Gaeltacht and study for only three years at full-time BA (Hons). Under such constraints, it is less likely that BA(Hons) students of Irish, many of whom become teachers, will attain the standards required for fluency in a second language.

12.17 POBAL is concerned that the current economic climate poses a particular threat to university courses in Irish. The University of Ulster currently offers a full-time BA degree programme in Irish on its Belfast and Magee (Derry) campuses. We note that the course at the Belfast campus is at risk following a decision made in September 2015 by the University and the Minister for Employment and Learning (DEL), Stephen Farry to end it. This course began in Belfast in the 2012/13 academic year and there has been in demand ever since. The School of Irish Language and Literature offers an intake up to 20 students yearly on its Belfast programme and has filled these places each year. In the current academic year, there were 56 applications for the 20 places available.

12.18 To date, at higher and third level education, although some funding has been made available, more needs to be done to ensure that enough additional, accessible and practical support is made available to assist teachers in achieving high standards of fluency in spoken and written Irish. The availability of an MA in Irish is a valid option for some, but it involves a very heavy workload, cost and time commitment. The introduction of some more flexible course(s) might be a worthwhile option for consideration.

12.19 In recent times, generalised changes to educational provision may have impacted adversely on students selecting Irish language as a subject option. St Mary's University College in Belfast offers a four year course in Education, with Irish as an option students may select. In line with overall practice, students following a language option do not study that subject at all in their final year. Although this is a generalised change, it has clear

implications for the facility of students in their final year, who wish to work in IM schools to continue to develop their language skills and fluency.

12.20 POBAL is supportive of the excellent work being carried out by dedicated teachers in Irish Medium schools across the North. Teachers themselves have identified the urgent need for research on ‘Linguistic Lines of Development’ as the basis for assessment of learning through the medium of Irish at all levels. Currently, whilst teachers strive to deliver on a daily basis, the lack of research means there is no authoritative information on which teachers can draw to support their evaluation, recommendations and approaches. There is a lack of valid methods of assessment and evaluation for teachers to use in their base-line assessment of standards to be attained by Irish speaking children at different stages in their education. In particular, authoritative and linguistically appropriate assessment tools are urgently needed for Irish and Mathematics.

12.21 A structured programme of research and development is required to help build the infrastructure needed around Irish Medium education at all levels. Whilst some very good project work is being done, there is a lack of continuous evaluation and consistency of approach, resourcing and expertise. This is at odds with best practice and can only be seriously addressed at government level. Currently, practitioners struggle to provide high standards, often without adequate support.

12.22 A further generalised development that will impact specifically on IM education is the decision by the DENI to restrict Early Years education for all children to one year. An estimated 95% of children in IM education in the North come from homes in which English is the main medium of communication, particularly at an inter-generational level. In the IM system, children have always had two years of education through the medium of Irish before starting in primary school. We believe that the failure to recognise the specific circumstances of IM immersion education must be addressed and appropriate provision made for children entering IM to continue within a system which best supports their linguistic and reading skills in Irish at an early age. To cut Early Years education from two to one year would have an

ongoing impact on the educational standards children can achieve as they progress through their school life.

12.23 Improvement is also needed in the provision of electronic resources for IM schools. The C2K system is a six-county wide information and communications network operated on behalf of the education system in the North. C2K is responsible for providing all schools in the North with internet and other services to support the curriculum. It should be improved in order that schools can better access and make use of it. In the current contract for C2K no provision was made for IM schools whatsoever. Following complaints from schools, C2K are currently working with An tÁisaonad and CCEA in an attempt to make some small provision until the next contract. POBAL regards the exclusion of IM schools as a very serious oversight which has disadvantaged IM children and denied them much-needed resources and skills.

12.24 The Council for the Curriculum, Examinations and Assessment (CCEA) receives funding to carry out a range of functions in respect of Irish Medium education. In the past it has provided translations into Irish of some reading materials, with mixed results. It has sought to respond to some of the needs of the sector in recent times by encouraging feedback from teachers themselves. This kind of approach can be productive as many Irish Medium teachers have devised good strategies to deliver teaching services. On the other hand, some of these resources may work in one particular school but may not be suited to the whole sector. This practice also needs to be more co-ordinated as it can be ad-hoc in nature. Even then, it cannot replace a standardised system of research, information and support and there may be a tendency for government to be unrealistic about the range of services one agency can provide.

12.25 There has been progress made by An tÁisaonad (The Irish medium resource unit at St Mary's University College, Belfast) in the production of an Early Years Reading Scheme of 180 books for pupils up to age 7. This Scheme provides a structured reading programme of materials with in-built assessment support guides. This Scheme has been well supported by teachers, and a survey by An tÁisaonad identified that 100 % of teachers supported the

development of similar Schemes for age groups from 7 years upwards. To date, however the resources do not currently exist to enable An tÁisaonad to make these Schemes available. An tÁisaonad is funded by Foras na Gaeilge under one of its schemes introduced at the end of core-funding in 2014. However, it receives no regular funding at all from the state sector in the North. In 2016, it was awarded £29,000 from DENI, but this is an exceptional payment which the DENI has said will not be repeated.

12.26 POBAL believes that the IM sector is a crucial element of the language community. In the current monitoring cycle, some progress has been made, but much more remains to be done. In particular, there still appears to be a lack of strategic, centralised approach within the DENI to integrate more fully the needs of IM education into the overall ethos of the Department. Forty-five years after the founding of the first IM school, immersion education through Irish remains an ‘add-on’, lacking much of the infrastructural support which EM schools take for granted.

13. Article 16

13.1 In April 2015, the Review of Public Administration was implemented and the number of local Councils in Northern Ireland was reduced from 26 to 11. Progress in establishing the day-to-day workings of the new Councils has been patchy, with different priorities being set at a local level. To date, a number of new Councils (Newry, Mourne and Down; Fermanagh and Omagh; Mid Ulster) have held consultation processes on draft Irish language policies. As noted, these have often provoked bitter rows and negative reporting. This raises a legitimate concern that even in the new Councils, Irish Language policies will continue to be perceived as ‘difficult’. In turn this may lead to reluctance to engage pro-actively in the fulfilment of the FCPNM.

13.2 Irish speakers in local areas have expressed concern that in Council areas where policies were long-established and relatively forward-thinking, the drafting of ‘new’ policies as opposed to the adoption of policies based on hard-fought principles may lead to ground being lost.

13.3 POBAL is aware that Foras na Gaeilge has produced a draft guidance for local councils. However, POBAL is concerned that without strategic direction, a suitable legislative framework and detailed monitoring of progress within the Councils, the Irish language community will be marginalised and may in fact be further disadvantaged within the new arrangements.

14. Some Conclusions to the Final Report

In this report, POBAL has attempted to focus on difficulties for the Irish language arising from the anomalous legislative position of Irish in comparison with Welsh in Wales and Gaelic in Scotland. It is our firm belief that the situation of the Irish language has been damaged since 2007 by the failure of the UK government to introduce the promised Irish Language Act and its continual denial of responsibility in the face of refusal at the devolved level to implement the commitment.

We respectfully request that following the Advisory Committee's comments in its previous report regarding the need for legislative protection for Irish, and the rejection of the NI Executive on 10th March 2016 of proposals for an Irish Language Bill, that the Advisory Committee revisits its own finding and comments again on this outstanding issue.

The refusal of the Assembly to adopt a strategy to enhance and develop the Irish language is also a key concern, as is the attempt to link Irish to Ulster Scots.

We should like to ask the Advisory Committee to comment on this in the light of the rejection by the NI Executive to adopt strategic proposals on 10th March 2016.

POBAL believes that the 1737 Administration of Justice (Language) Act (Ireland) should be repealed. The UK government offers no reasonable explanation for its continued operation. The rejection by the NI Minister of Justice of the COMEX findings, and the rejection by the NI Executive of proposals for an Irish language strategy, including the repeal of the 1737 Act, is deeply problematic.

We feel that perhaps the Advisory Committee may wish to comment on this issue.



The exclusion of the Irish language from UK broadcasting legislation and the poor, short-term funding available to Irish language broadcasting and print and online media is a matter of concern.

There remain numerous difficulties of an everyday nature in terms of use of diacritic marks, place names, signage and other aspects of the use of Irish in public life. POBAL should like to refer the Advisory Committee to our full report to the ECRML COMEX for detailed reportage on these issues.

<http://pobal.org.gridhosted.co.uk/english/wp-content/uploads/2013/11/2009-13-POBAL-ar-CETRM-POBAL-report-ECRML.pdf>

Finally, POBAL should like to thank the Advisory Committee for its work on the application of the FCPNM in general, in particular in respect of the UK.