



**Department of Culture, Arts & Leisure**

**Consultation Paper on  
Proposed Irish Language Legislation  
for Northern Ireland**

**13 December 2006**

# **CONSULTATION PAPER ON PROPOSED IRISH LANGUAGE LEGISLATION FOR NORTHERN IRELAND**

	<b>FOREWORD</b>	<b>Page 3</b>
<b>CHAPTER 1</b>	<b>INTRODUCTION</b>	<b>Page 4</b>
<b>CHAPTER 2</b>	<b>LEGISLATION AND INITIATIVES RELATING TO THE IRISH LANGUAGE</b>	<b>Page 7</b>
<b>CHAPTER 3</b>	<b>APPROACHES TO ENHANCING THE STATUS OF IRISH</b> <ul style="list-style-type: none"><li>• <b>A RIGHTS-BASED APPROACH</b></li><li>• <b>DETAILED DUTIES ON PUBLIC BODIES</b></li><li>• <b>A LANGUAGE SCHEME APPROACH</b></li><li>• <b>A COMBINED APPROACH</b></li></ul>	<b>Page 11</b>
<b>CHAPTER 4</b>	<b>IMPLEMENTATION AND ENFORCEMENT</b> <ul style="list-style-type: none"><li>• <b>REGULATORY BODIES</b></li><li>• <b>FUNCTIONS</b></li></ul>	<b>Page 21</b>
<b>CHAPTER 5</b>	<b>CAPACITY ISSUES</b>	<b>Page 30</b>
<b>CHAPTER 6</b>	<b>FURTHER AREAS FOR CONSIDERATION</b> <ul style="list-style-type: none"><li>• <b>INCLUSION OF A PROVISION ON STATUS</b></li><li>• <b>EDUCATION</b></li><li>• <b>THE NORTHERN IRELAND ASSEMBLY</b></li><li>• <b>COURTS AND TRIBUNALS</b></li><li>• <b>STREET NAMES</b></li></ul>	<b>Page 32</b>

<b>CHAPTER 7</b>	<b>FINANCIAL IMPACT ASSESSMENT</b>	<b>Page 59</b>
<b>ANNEX A</b>	<b>EQUALITY IMPACT ASSESSMENT</b>	<b>Page 66</b>
<b>ANNEX B</b>	<b>BELFAST (GOOD FRIDAY) AGREEMENT 1998</b>	<b>Page 79</b>
<b>ANNEX C</b>	<b>PART III OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES (APPLICATION TO NORTHERN IRELAND)</b>	<b>Page 80</b>
<b>ANNEX D</b>	<b>CURRENT GOVERNMENT ACTIVITY IN RELATION TO THE PROMOTION AND PROTECTION OF THE IRISH LANGUAGE</b>	<b>Page 86</b>
<b>ANNEX E</b>	<b>DEVELOPMENTS IN EDUCATION RELATING TO IRISH</b>	<b>Page 98</b>
<b>ANNEX F</b>	<b>FURTHER AND HIGHER EDUCATION AND TRAINING</b>	<b>Page 106</b>
<b>ANNEX G</b>	<b>MEDIA IN SCOTTISH GAELIC, WELSH AND IRISH</b>	<b>Page 110</b>

## **FOREWORD**

While recognising that language policy is a transferred matter which will, on restoration of devolution in Northern Ireland, be the responsibility of the Minister of Culture, Arts and Leisure, the Northern Ireland Executive and the Northern Ireland Assembly, the Government supports the need for legislation to underpin the Irish language in Northern Ireland.

We have made this support clear in the St Andrews Agreement, in which we made a commitment 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”, and in provisions in the Northern Ireland (St Andrews Agreement) Act 2006 which place a duty on a restored Executive Committee to adopt a strategy to enhance and protect the development of the Irish language.

As part of our delivery on these commitments, I am publishing today this consultation paper which invites views on how best to give effect to underpinning the use of the Irish language in Northern Ireland through legislation, reflecting the principle of facilitation for those who wish to use the Irish language. Those who do not wish to do so would continue to conduct their public affairs in English.

The consultation period will last until Friday 2 March 2007. Our aim is to ensure that legislation can be taken forward quickly thereafter in line with the St Andrews Agreement.

The enhancement and protection of the development of the Irish language is an important and significant matter for Northern Ireland. It is vital, therefore, that there is an opportunity for all views to be expressed. It may be that the Programme for Government Committee may wish to establish a sub-group specifically to consider this paper. We will give careful consideration to all responses to the consultation exercise.

Maria Eagle MP  
Minister of Culture, Arts and Leisure

13 December 2006

## Chapter 1: Introduction

The Agreement at St Andrews included a provision to introduce an Irish Language Bill reflecting on the experience of Wales and Ireland and to work with the incoming Executive to enhance and protect the development of the Irish language.

The purpose of this consultation paper is to seek views on the nature and content of possible Irish language legislation. The paper deals with the use of Irish in public services. It does not relate to the use of Irish in business or private life.

### The case for language legislation

Legislation to protect a minority indigenous language is not a novel idea and is one well established in other parts of the UK and in the Republic of Ireland. The Welsh Language Act 1993, the Gaelic Language (Scotland) Act 2005 and the Official Languages Act 2003 in the Republic of Ireland all provide measures of varying degrees to recognise, promote and protect their respective languages. In 2000, the UK Government ratified the European Charter for Regional or Minority Languages in respect of the UK's indigenous languages including Irish and Ulster Scots.

This general recognition of the need for language legislation provides the basis for developing a statutory framework for the Irish language in Northern Ireland. There has also been a longstanding call from the Irish speaking community in Northern Ireland for such legislation. In 2006, POBAL, an Irish language umbrella group published detailed proposals for an Irish language Act in Northern Ireland including draft legislation. The proposals followed on from a public consultation process conducted by POBAL in the previous year and represent a valuable contribution to the debate on the nature of Irish language legislation.

### Historical use of Irish

Historically, the Irish language has been a spoken language in Ireland for 2000 years and was the main language until around the middle of the 19<sup>th</sup> century. It has a considerable and important repository of literature, poetry, folklore, culture and tradition associated with it. However, the Great Famine accelerated a decline that was linked with the growing dominance of English in the industrial and commercial worlds. An Irish language revival movement began in earnest in Ireland around 1890 and has continued in varying forms through to the present.

Irish is closely related to Scottish Gaelic, which is still used in the Highlands and Western Isles of Scotland. In Ulster, until the mid 19<sup>th</sup> Century (and later in some areas), the Irish language was a common element of religious worship and everyday life for Protestant and Catholics alike and many of the champions of the revivalist movement were from a Protestant background. However, the degree of involvement of the Unionist/ Protestant community with the Irish language had declined by the beginning of the 20<sup>th</sup> Century. Now, generally, Nationalists / Republicans / Catholics tend to place a cultural and political value on the Irish language whereas Unionists / Loyalists / Protestants do not. It is also the case that many in the latter communities have a sense of exclusion or alienation from the Irish language and view its advancement with concern..

### Current use of Irish

Today, there are approximately 168,000 people in Northern Ireland with varying degrees of ability in the use of Irish, with some 4,000 children being educated through Irish medium education. This figure, from the 2001 census, represents nearly a 1% increase in the 1991 figure of 144,003.

### The Northern Ireland context

In the St Andrews Agreement, the Government recognised the validity of the desire for Irish language legislation. At the same time, however, the wider context is one in which Northern Ireland is now trying to come to terms with a troubled

past where symbols and cultural identities – not least language - have been deeply contested. As a result, there is a range of political sensitivities that need to be fully considered in bringing forward proposals for Irish language legislation in Northern Ireland. These are sensitivities that do not pertain to anything like the same extent in other parts of the UK or the Republic of Ireland. However, it is instructive to note that recent legislative and policy support for the Welsh language was, for the preceding decades controversial, yet it is now an accepted and welcomed part of mainstream life in Wales.

In bringing forward this consultation, Government acknowledges that, in the complex situation in Northern Ireland, the legitimate aspirations of one community (the rights of Irish speakers to official recognition and protection of the language) may be the genuinely held fears of another (the concern of the Unionist community that their British identity may be undermined). But Government is also aware that the communities in Northern Ireland have shown themselves both able and willing to learn to accommodate cultural and political differences as a mark of growing political maturity, tolerance and respect for diversity. As part of this process, many now recognise that it is in no one's interests if the cultural flowering of one community is interpreted as undermining the cultural identity of the other.

One of the aims of Government's Irish language policy is, therefore, to address the political sensitivities, so that the cultural and linguistic benefits of the language can once more be shared across the communities in Northern Ireland.

One of the key lessons along the long path to reconciliation in Northern Ireland is that it is only through open discussion that a shared future can be created for all our communities. This consultation should be seized by interested parties as an opportunity to discuss freely both the aspirations and concerns around the use of the Irish language in public life in Northern Ireland.

## **Chapter 2: Current legislation and initiatives relating to the Irish language**

Government policy in relation to the provision of public services through the medium of Irish is informed and shaped by legislation, political agreements, and international obligations. The Belfast (Good Friday) Agreement 1998 and the Joint Declaration of April 2003 created a significant impetus for the development of policy and initiatives on the Irish language.

### Northern Ireland Constitutional / Political Obligations

#### The Agreement 1998

The Belfast (Good Friday) Agreement was signed on 10 April 1998 and all signatories to the Agreement 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”. The UK Government made specific commitments in relation to Irish. These are listed in Annex B.

#### Joint Declaration April 2003

The Joint Declaration by the British and Irish Governments of 1 April 2003 states:

‘The British Government will continue to discharge all its commitments under the Agreement in respect of the Irish language. Specifically, in relation to broadcasting, the British Government will take all the necessary steps to secure the establishment as soon as possible, following receipt of the final business case in April, of a fund for financial support for Irish language film and television production. It will also take steps to encourage support to be made available for an Ulster-Scots academy. The two Governments will continue to work with the relevant regulators and broadcasting authorities to address the technical and other barriers with a view to increasing substantially the reception of TG4 in Northern Ireland.’

## Key Legislation

### Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995

Article 11 of the 1995 Order enables local councils to display street names in languages other than English. This provision has been used to display street names in Irish.

### Human Rights Act 1998

The Human Rights Act 1998 provides a general legal framework for the protection of the individual's right to express and celebrate his or her own culture (mainly under the Article 10 right to freedom of expression).

### Education (Northern Ireland) Orders 1989 and 1998

In the education field, the Education (Northern Ireland) Order 1989 had already established Irish as an integral part of the curriculum. Building on this, the Education (Northern Ireland) Order 1998 placed a duty on the Department of Education to encourage and facilitate the development of Irish-medium education.

### North / South Language Body

The North / South Language Body (An Foras Teanga) was established, by the Agreement between the two Governments on Implementation Bodies, of 8 March 1999. It has two separate agencies, Foras na Gaeilge (the Irish Language Agency) and Tha Boord o Ulstèr Scotch (the Ulster-Scots Agency). Under the North/South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999, the North/South Language Implementation Body has a statutory responsibility for funding a range of organisations which promote Irish: Comhdháil Náisiúnta na Gaeilge, Gael Linn, Conradh na Gaeilge, An tOireachtas, An Comhlachas Náisiúnta Drámaíochta, Cumann na bhFiann and Comhluadar and Iontaobhas Ultach.

## Northern Ireland (St Andrews Agreement) Act 2006

The Northern Ireland Act 2006 places a duty on the Northern Ireland Executive to adopt a strategy for the enhancement and protection of the Irish language.

### International obligations

In 2000, the Government ratified the European Charter for Regional or Minority Languages in respect of the UK's indigenous languages, including Irish. The European Charter, the overriding purpose of which is cultural, is designed to protect and promote regional or minority languages as a threatened aspect of Europe's cultural heritage. In Northern Ireland, it applies to the Irish and Ulster-Scots languages. The Charter sets out a range of actions that governments may take to support its aims. These are set out in Annex C.

A cross departmental group, chaired by the Department of Culture, Arts and Leisure (DCAL), has developed guidance for public servants to help them meet their obligations under the European Charter, and is also responsible for coordinating work to implement, monitor and report on it.

### EU – Irish as an official language

On 13 June 2005, EU foreign ministers including the UK Foreign Minister decided to make Irish an official language of the European Union. The new arrangements will come into effect on 1 January 2007. (The implications of this are set out in Chapter 6, section (iii)).

### Additional information

More detailed information on Government action in relation to the promotion and protection of the Irish language (including information on the media) is contained in Annex D and G.

### POBAL proposals

Early in 2006, POBAL (an Irish language umbrella group in Northern Ireland) published a comprehensive paper setting out their proposals for draft Irish language legislation. This followed on from a public consultation carried out by the organisation the previous year. To a significant extent, the POBAL proposals for legislation reflect the legislative regime in the Republic of Ireland. But in a number of instances the provisions suggested by POBAL are more extensive and radical than those contained in the Official Languages Act 2003 in the Republic of Ireland.

### Equality Impact Assessment

An equality impact assessment has been carried out on the policy to introduce Irish language legislation (see Annex A) . A further impact assessment will be carried out on specific options contained in the consultation paper. This further EQIA will be published before Monday 8<sup>th</sup> January 2007. Consultees are invited to consider any equality impacts on the groups mentioned in section 75 of the Northern Ireland Act 1998.

### **CHAPTER 3: APPROACHES TO ENHANCING THE STATUS OF IRISH**

As a basis for discussion, this paper takes account of the legislative regimes of Wales, Scotland and the Republic of Ireland, and of the European Charter. It also considers the POBAL proposals, on the grounds that they broadly represent the view of the Irish language community. The aim is to see what approach or combination of approaches might best serve Northern Ireland's unique and complex needs.

In comparing the language legislation adopted in Wales, Scotland and the Republic of Ireland, the POBAL proposals and the European Charter, it appears that there are four different approaches which an Irish Language Act for Northern Ireland might adopt. These are:

1. a rights-based approach;
2. an approach based on detailed duties on public bodies;
3. an approach based on language schemes; and
4. an approach based on a combination of the above.

This chapter sets out the basic features of each of these approaches and a preliminary analysis of each. Chapter 4 discusses how these approaches might be implemented and enforced. Chapter 6 looks at a number of substantive issues and the implications of these different approaches for each issue, where relevant.

1. A rights-based approach

If the legislation were to adopt a rights-based approach, this would mean that key provisions would take the form of a right, with a corresponding duty on the relevant public body to ensure that the right in question is respected. The rights could include some or all of the following:

- the right to use Irish in Assembly proceedings;
- the right to use Irish in meetings and debates of local authorities;
- the right to communicate with all public bodies in Irish;
- the right to receive a response in Irish from public bodies;
- the right to certain documents and official forms in Irish;
- the right to use Irish in legal proceedings;
- the right to Irish-medium education; and
- the right to use an address in Irish in correspondence.

A rights-based approach is arguably the strongest legislative model for protecting a language. Rights are clearly articulated in the legislation; these are followed by an enforcement procedure; and remedies are provided for breaches of those rights. Some rights might be absolute in character while others might be qualified rights. Normally, the creation of a right (in the civil and political sphere) is accompanied by a right of action to a court or similar body to enforce the right. Provision would also be made for a range of remedies which could include damages.

Depending on the context, a rights-based approach can have advantages and disadvantages. The advantages of a rights-based approach may include the following:

- it has the advantage of clearly articulated rights thereby making the legislation more transparent and accessible;
- it is a strong and secure mechanism for protecting a language;
- it is accompanied by a court-based enforcement mechanism;
- remedies may include an award of damages; and
- in symbolic terms, it provides a strong statement of the importance of the language and the need for its protection.

The disadvantages may include the following:

- the precise contours of the right must be articulated in the legislation;
- rights are static and provide little flexibility;
- rights are accompanied by formal, legalistic enforcement mechanisms;
- rights can be too individualistic in nature; and
- a rights-based approach may be a disproportionate mechanism, depending on the context, especially since the great majority of citizens in Northern Ireland have no Irish language facility.

## 2. An approach based on detailed duties on public bodies

A second approach is one which does not create rights as such but which creates detailed duties for public bodies. It would essentially set out what public bodies must do in order to facilitate the use of Irish in the exercise of their functions. One duty might be a duty to provide certain documents in Irish. These could be specified in the legislation. Another might be a duty to provide a certain service in Irish, depending on the public body in question.

There may be some advantages with this approach in that the legislation would set out the precise circumstances when Irish would be used by a particular public body. The main disadvantage with this approach, however, is that it is difficult to set out in legislation every instance when a particular body must facilitate the use of Irish. Since public bodies have a wide-ranging and diverse range of functions, legislating for the use of Irish in connection with individual functions of public bodies could render the legislation complex and unwieldy.

### 3. An approach based on language schemes

An approach based on language schemes differs from the two previous approaches in that detailed rights and duties are not contained in the legislation. Instead, duties are placed on public bodies to prepare and adopt a language scheme. A statutory scheme, such as a language scheme, is essentially a document which states what the public body has agreed to do. In the context of Irish language legislation, it would set out the extent to which the public body has committed itself to use Irish in the exercise of its functions.

Language schemes would be submitted to a new regulatory body, either an Irish Language Commissioner or an Irish Language Board, for approval. Compliance with a language scheme would be monitored by the regulatory body and individuals could make a complaint that a public body is not complying with its approved scheme. The regulatory body could have powers of investigation and could make a report on whether the public body has complied with the scheme. In order to ensure that a scheme could be enforced, either the relevant Northern Ireland Minister, the First Minister and deputy First Minister or the Secretary of State could have a role in issuing directions to a public body. These would be binding and could be enforced in the courts.

There are a number of advantages to a language schemes model. These include the following:

- public bodies have some discretion in what they propose to be included in a language scheme;
- it allows an incremental approach to be taken since timetables may be included in a scheme to allow for the gradual development of services in Irish;

- not all public bodies may be required to produce a scheme in the first instance - the regulatory body could initially require certain public bodies to produce a scheme with others following at a later stage;
- the process of submitting and approving a scheme encourages a consensual approach between the public body and the regulatory authority;
- it takes account of practical constraints, for example, the availability of translation services, and focuses on what is realistic and achievable at a particular time; and
- language schemes can be subject to public consultation.

However, a language schemes model is often perceived as a less effective mechanism than one based on rights or detailed duties. In those jurisdictions where language schemes have been adopted, there has been occasional criticism of the delay by public bodies in submitting a scheme. There has also been criticism that language schemes often do not contain sufficiently robust commitments, that they are often not implemented properly by public bodies and that they tend to have weak enforcement mechanisms.

#### Comparison between the language scheme approach and that based on detailed duties

The language scheme option and the alternative based on detailed statutory duties essentially reflect a choice between discretion and rules, and between flexibility and prescription. However, the level of flexibility in any given model is an important consideration in Northern Ireland given the unevenness of demand for Irish language use and the political sensitivities surrounding the issue. A language scheme, where the public authority has the responsibility to develop the contents, is a mechanism that allows public bodies to take account of different levels of demand. It also facilitates an incremental approach that in turn allows time to build capacity. The disadvantage is that if there is an overly high

level of discretion in what services a public body should provide through Irish then minimalist or inconsistent practice may develop. The more prescriptive approach, where all the duties and obligations are spelt out in detail, has the advantage of certainty. The public bodies know exactly what they must provide and the individual knows what he /she can expect. The disadvantage is that this approach does not easily take into account widely differing degrees of demand across different geographical areas and the extent to which Irish is to be used by the person, in relation to whom the functions of the body are exercised.

In view of the large number of public bodies, the regulatory / enforcement body could choose to look at a number of language plans each year on a rolling basis; it could also choose initially to focus on particular areas of provision in the early years of the Act's operation. Guidelines could be issued by the regulatory body setting out its strategy and objectives for each round of assessments. This would allow for an incremental approach to allow time to build capacity and to ensure that public bodies are not placed under an undue burden as soon as the Act comes into operation.

This phased approach is a characteristic of the three legislative models and the European Charter.

4. An approach based on a combination of rights, duties and a language scheme

In addition to the three approaches discussed above, a further option based on a combination of these approaches is possible. For example, language legislation could require public bodies to adopt a language scheme but it could also make provision for some rights and additional duties. Alternatively, some public bodies could be subject to a requirement to produce a language scheme, while others could be the subject of specific, detailed statutory duties. A number of other combinations might also be possible.

There may be some merit in a combined approach if a small number of rights and / or duties is included in addition to language schemes. If a more lengthy list of rights and duties is combined with a language scheme, this might lead to duplication and could run the risk of rendering the legislation complex and difficult to understand. Since most of the issues falling within the remit of Irish language legislation could probably be dealt with by one of the above approaches by itself, it could be argued that the legislation should adopt one, main approach, as far as this is possible.

### The approach adopted in other jurisdictions

#### Wales

The main approach adopted in the Welsh Language Act is the language schemes model. A Welsh Language Board is established which approves language schemes and monitors compliance by public bodies. The Secretary of State for Wales also has a role in enforcing language schemes. A rights-based model is not adopted and rights to use the Welsh language are not included. In addition to the provisions on language schemes, provision is made to allow Welsh to be used in legal proceedings. Since the Act's introduction, the historical decline in the use of the Welsh language has been reversed and its use has become increasingly popular and acceptable. The Welsh Board has indicated a positive response by public bodies to the development of language schemes.

#### Scotland

As with the Welsh legislation, the main approach is that of language schemes (called "language plans" in the Scottish legislation). A Board is established with responsibility for approving language plans and monitoring their implementation. The Scottish Ministers also have a role in the implementation of language plans. Although it is too early to assess the impact of the Act on the use of Scottish Gaelic, the Board reports a sympathetic response from public bodies on the

consultation on the National Gaelic language plan, which is the overarching strategy for the creation of Gaelic language plans.

### Republic of Ireland

The main approach of the Official Languages Act 2003 in the Republic of Ireland is the language schemes model. However, the legislation also displays some characteristics of a combined approach in that it contains some duties on public bodies, in addition to those pertaining to language schemes. These are limited, however, to the duty on courts to ensure that a person may be heard in either of the official languages (s. 8), and the duty on public bodies to publish certain specified documents in both official languages (s. 10). In addition, the legislation creates a right in section 6 of the Act for members of the Oireachtas and persons appearing before Oireachtas committees to use Irish. This is the only language right, as such, created by the Act.

Although the Act was only enacted in 2003, officials in the Department for Community, Rural and Gaeltacht Affairs indicate that there is already an increased awareness of the Irish language, more discussion about it in public life and greater visibility of the language than has been the case in the past. Good progress has been made in the preparation and approval of language schemes. They also describe the approach adopted by public bodies to the provision of improved public services through Irish as a pragmatic and realistic one, which takes account of the ability of the public bodies to deliver such services within the existing human and financial resources available to them.

### The European Charter

Although the European Charter on Regional or Minority Languages is part of human rights law and is regarded as a key instrument in promoting language rights, the approach adopted in the Charter is not a rights-based approach as such. This type of human rights treaty contrasts with the European Convention

on Human Rights (another Council of Europe treaty) which contains specific rights, enforced by the European Court of Human Rights. The different approaches adopted by the Council of Europe to protect and enhance different types of rights is a useful point of reference in considering which approach to adopt in Irish language legislation.

The provisions of the Charter are, on the whole, aimed at States who can choose which measures to adopt for languages such as Irish which are designated under Part III. The Charter, therefore, displays an in-built flexibility, in that States have a discretion in choosing which measures to adopt, depending on the language in question, its level of development, and the particular circumstances surrounding the use of that language.

This approach is arguably more akin to that of language schemes which provide the flexibility of an incremental approach, or that of detailed duties on public bodies.

### The POBAL proposals

The approach proposed by POBAL is similar to the Irish legislation in that it is also an approach combining rights, duties and language schemes. A language scheme model is not, however, the principal feature of the proposals. The main approach of the POBAL proposals is one of enumerating specific duties on some public bodies while using a language scheme (or “plan” as it is called in their proposals) for the remainder. The POBAL proposals also rely more heavily on a rights-based approach since they include a right to use Irish in Assembly proceedings, in meetings and debates of local authorities, and a right to Irish-medium education (subject to sufficiency of numbers).

Views are welcomed on the following matters:

1. Which of the above approaches is most suitable for the development of Irish language legislation in Northern Ireland?
2. If a combined approach is the preferred option, what combination of rights and / or duties and / or language schemes is most suitable?

## **CHAPTER 4: IMPLEMENTATION AND ENFORCEMENT**

### **1. REGULATORY BODIES**

The means by which the legislation is implemented and enforced, including the possible creation of a new regulatory body, largely depends on which of the four approaches described in Chapter 3 is adopted.

#### A rights-based approach

If a rights-based approach is adopted, the usual means of enforcement would be for the individual to take an action in the courts against the public body which has failed to respect his or her rights. Rights would also normally be accompanied by a range of remedies appropriate to the right in question which could include damages.

If, in addition, it was considered desirable to create a new body to oversee the language rights legislation, its role might be similar to that of the Northern Ireland Human Rights Commission. Its functions could include an advisory, promotional and educational role. It could, in addition, have investigatory powers and a power to assist individuals in bringing cases to court.

#### A prescribed duties approach

If a prescribed statutory duties approach is adopted, the enforcement of those duties could be pursued by the individual through the courts using judicial review and its associated remedies. Alternatively, a new regulatory body could be established with responsibility for monitoring and enforcing the duties set out in the legislation. This body could be similar in constitution to that required to monitor and enforce language schemes as discussed below.

### A language scheme approach

If the language scheme approach were adopted, consideration would have to be given to the kind of mechanism needed to monitor and enforce language schemes. This could take a number of forms. In Wales and Scotland, the principal enforcement mechanism is a Language Board whose main function is to approve language schemes and monitor public bodies' compliance with their obligations under each Act. In the Irish legislation, the Minister for Community, Rural and Gaeltacht Affairs has a significant role in approving language schemes. The Irish model also makes provision for an Irish Language Commissioner who is independent of government, and whose functions include monitoring compliance by public bodies with their obligations under the Act.

### The creation of a new regulatory body

In view of the existing legislation in Wales, Scotland and the Republic of Ireland, all of which are based predominantly on the language scheme approach, an enforcement mechanism could take the form of either a Language Board (as in Wales and Scotland) or a Language Commissioner (as in the Republic of Ireland). The relative merits of these are discussed below.

### The option of an Irish Language Board

A Board could consist of a specified number of members. It would be responsible collectively for carrying out the functions assigned to it under the Act. One advantage with this option is that the Board could include a range of people, not all of whom need necessarily be Irish speakers. A disadvantage may be the process of decision-making within the Board and the potential for disagreement.

### The option of an Irish Language Commissioner

An Irish Language Commissioner could possibly be a more visible mechanism. He/she might also be perceived as more authoritative, in comparison to a Board where the authority is diffused among its membership. The difficulties of reaching agreement, which may be experienced by a Board, would not necessarily arise

with the Commissioner option. An adjudication or investigation role may also sit more easily with a Commissioner structure than a Board.

### Power of Appointment

The relationship between Ministers and a Board or a Commissioner is an important one. This includes the power of appointment. As POBAL pointed out in its paper, there is a balance to be struck between the independence of the regulatory body in the eyes of those who may bring complaints, and legitimacy from the point of view of the bodies who may be subject to investigation. In the Republic of Ireland, the appointment of the Commissioner is made by the President; in Wales, the Board is appointed by the Secretary of State; and in Scotland, the Board is appointed by the Scottish Ministers.

Since language and culture are devolved matters in Northern Ireland, the power of appointment of either a Board or a Commissioner could fall to either the Minister of the relevant department (DCAL), or the First Minister and deputy First Minister. However, it may also be possible for the power of appointment to lie with the Secretary of State. The appointment process would fall within the Public Appointments requirements and would of necessity be a transparent and open one.

## **2. FUNCTIONS OF A NEW REGULATORY BODY**

The functions assigned to any new regulatory body (a Commissioner or Language Board) will largely depend on the approach taken in the legislation and the nature of any duties created for public bodies.

### Implementation and enforcement of rights

As mentioned previously, the usual enforcement mechanism for statutory rights would be an action in the courts against the public body. A new regulatory body may not, therefore, be necessary. However, a new body could be created with

an advisory or promotional role. It might also be given a power to assist individuals in bringing cases.

#### Implementation and enforcement of prescribed duties

If detailed duties were to be created for public bodies, responsibility for monitoring and enforcing those duties could lie with the language body. Public bodies could be placed under a duty to report on compliance to the language body on a periodic basis. An individual could also make a complaint to the language body that a public body has not fulfilled its statutory duty. The language body could have powers to investigate the complaint, and call for persons and papers. Following an investigation, it could make a report and submit it to the relevant Northern Ireland Minister, the First Minister and deputy First Minister, or the Secretary of State. Possible Ministerial enforcement powers are discussed in the section below on language schemes. These could equally apply if an approach based on prescribed duties is adopted.

Alternatively, the legislation could create a right of action so that an individual could apply to the courts to have a statutory duty enforced against a public body. The legislation could specify the remedies available.

#### Implementation and enforcement of language schemes

If the language scheme approach were adopted, the language body (either a Commissioner or Language Board) could be responsible for implementing and enforcing language schemes.

The content of language schemes is similar in each of the three jurisdictions discussed in this paper. The role of the language scheme is to require information on how the public body proposes to facilitate the use of the language in the exercise of its functions. Many of the provisions relating to public bodies in the European Charter are similar to the kind of information which would be contained within a language scheme. These include the drafting of documents in

Irish, the submission of oral or written applications in Irish, and the submission of written correspondence in Irish.

Under the Welsh and Scottish legislation, public bodies submit language schemes to the Language Board for approval. The requirement for public bodies to produce language schemes is triggered by a notice from the Language Board. In both jurisdictions, the Board has a discretion to issue a notice. Under the Welsh legislation, the scheme must specify what measures the public body will take to give effect, “so far as is both appropriate in the circumstances and reasonably practicable”, to the principle that the two languages should be treated on a basis of equality.

Where agreement between the Board and the public body has not been reached on the content of a language scheme, either the Board or the public body may refer the matter to the Secretary of State (under the Welsh legislation) or the Scottish Ministers (under the Scottish legislation). Under the Welsh legislation, the Secretary of State may decide upon the terms of the scheme and, under the Scottish legislation, the Scottish Ministers must either approve the original plan (the term “plan” is used in the Scottish legislation) or approve an amended plan.

Where it is alleged that a public body has not complied with its language scheme, the Welsh Language Board may conduct an investigation into the alleged failure and must send a report of its findings to the Secretary of State. The Secretary of State may then issue directions to the public body. These are enforceable in the courts. In the Scottish legislation, where the Board considers that a public body is failing to implement its language plan, it may submit a report to the Scottish Ministers. The Scottish Ministers may lay a copy of the report before the Scottish Parliament and / or direct the authority to implement its language plan by a certain date.

Under the Irish legislation, public bodies must submit language schemes for approval by the Minister for Community, Rural and Gaeltacht Affairs. The Minister may require a public body to produce a scheme specifying the services which the public body proposes to provide either exclusively through Irish or English, or through the medium of both. The public body must ensure that it has a sufficient number of Irish-speaking staff to enable it to provide the services in Irish. Where a public body fails to prepare a draft scheme, the Minister must report this failure to the Oireachtas.

The Commissioner has a range of powers to monitor compliance by public bodies with all of the Act's provisions. He or she may carry out an investigation and publish a report containing his or her findings. After a finding has been made that a public body has failed to comply with its duties under the legislation, the Minister may make a compensation scheme (with the consent of the Finance Minister) providing for the payment by the public body of a specified amount of compensation. A party to an investigation may appeal to the Irish High Court on a point of law from a decision of the Commissioner.

#### How a language scheme might work in Irish language legislation for Northern Ireland

In Irish language legislation for Northern Ireland, the language body could be given a power to issue a notice requiring the submission of a language scheme from a public body within a certain timetable specified in the notice. In preparing a scheme, a public body could be required to consult on the content of its scheme before submitting it to the regulatory body. After a scheme is submitted, the language body could either approve the scheme or approve it subject to modifications. Where a public body fails to produce a language scheme within the specified time, or the language body does not approve a scheme and agreement cannot be reached on the content of a scheme, either body could refer the matter to the relevant Northern Ireland Minister, the First Minister and

deputy First Minister, or the Secretary of State. The question of which Minister should have this role is an issue for consideration in this consultation exercise.

Once a referral has been made, the Minister (either the relevant Northern Ireland Minister, the First Minister and deputy First Minister, or the Secretary of State) could either approve the original scheme as submitted (with or without modifications), or make a scheme for the public body. A copy of the approved scheme would be sent to the public body and the language body. Should a public body fail to comply with its approved scheme, the Minister could be given a power to issue directions. The legislation could state that these would be binding in law and capable of being enforced by way of an application for judicial review made by the Minister or the language body.

A further option to ensure that a language scheme can be enforced would be to include a Ministerial power to make a scheme of compensation payable by the public body which has failed to comply with its scheme. Like the legislation in the Republic of Ireland, such a power could be exercisable after an investigation has been carried out by the language body, where a finding of a failure to comply has been made, and where the public body has been given further time to remedy the failure but has not done so. If a power to make a compensation scheme were to be included in the legislation, an appeal on a point of law to the Northern Ireland Court of Appeal might also be considered.

#### Wider functions of a Commissioner or Board

A further question, in relation to the functions of a language body, is whether the role should be confined to monitoring and enforcing the legislation, or whether it should also have a promotional or advisory role. The language body could have a number of additional functions which might include: promoting and facilitating the use of Irish; providing advice to Ministers and public bodies; keeping under review the operation of the legislation; and reporting annually on the exercise of its functions.

## The role of Foras na Gaeilge

In considering the functions of a Commissioner or Board, the role of Foras na Gaeilge would need to be borne in mind. Foras na Gaeilge is the Irish language agency of the North/South Language Body, An Foras Teanga. It was established by the Agreement between the two Governments establishing implementation bodies of 8 March 1999. Its role is essentially promotional and advisory; it also has a significant role in relation to Irish-medium education.

The key feature of its role is that it carries out its functions on an all-island basis; consequently, it cannot exercise any of its functions solely in relation to either Northern Ireland or the Republic of Ireland. Since Foras na Gaeilge has a distinct role, this can co-exist with any new statutory regime contained in Irish language legislation. This has happened in the Republic of Ireland, where a Language Act was enacted in 2003, three and a half years after the establishment of Foras na Gaeilge. In the Republic of Ireland, Foras na Gaeilge carries out its role and the statutory regime created by the 2003 Act runs in parallel.

However, the functions of Foras na Gaeilge have implications for the role of any new Board or Commissioner created under Irish language legislation since it may not be advisable to duplicate any of Foras na Gaeilge's functions. For example, one of those functions is to promote the Irish language. It may not be desirable, therefore, to duplicate this function by giving this same role to a new Board or Commissioner. Likewise, it may not be desirable to duplicate the function of advising both administrations, North and South, and public bodies on Irish language issues generally. In view of this, the functions given to any new Board or Commissioner could be limited to those functions connected with approving language schemes and monitoring of compliance with any duties created by the Act. This would ensure that the role of Foras na Gaeilge remains distinct from that of any new regulatory body created by an Irish Language Act.

Views are welcomed on the following issues:

1. Is it necessary for Irish language legislation to create a new regulatory body?
2. If so, what type of regulatory body would be most suitable?
3. What functions should such a body have?
4. Who should be responsible for appointing the body?
5. If a prescribed duties approach or that of a language scheme is adopted, where should the Ministerial role lie?
6. Should enforcement powers include a Ministerial power to make binding directions and / or a power to make a compensation scheme?

## **CHAPTER 5 : CAPACITY AND PROPORTIONALITY ISSUES**

Throughout this document, reference is made to the issue of capacity, that is, the availability in the public or private sectors of the skills necessary to provide public services through the medium of Irish. These skills include translation of public documents, legislation and legal documents, interpretation (including simultaneous translation and interpretation in legal proceedings) and fluency for frontline services.

The current level of demand for public services through the medium of Irish is relatively modest. This is related to the number of Irish speakers in Northern Ireland, but it may also reflect the level of services currently available through the medium of Irish. Legislation to protect and enhance the Irish language could have the effect of raising the level of demand for public services in Irish; the approach adopted in the legislation will also influence the way in which public bodies manage any increase in uptake. Chapter 3 discusses the potential for a language scheme to facilitate an incremental approach to the provision of public services in the medium of Irish. It also suggests that a rights-based approach, being more individualistic in nature, could create a disproportionate requirement on public bodies.

Some specific examples of capacity issues in different contexts are highlighted in Chapter 6. Additional examples include the case of post-compulsory education and training where there is limited capacity in the non-statutory sector to deliver training programmes through the medium of Irish. In addition, in relation to frontline services (for example, Jobcentres and Benefit Offices) any requirement for these centres to have the capability to conduct face-to-face business in Irish on demand would have significant capacity and cost implications.

There is a general acceptance (including within the Irish language community) that there is currently a scarcity of Irish language skills necessary for provision

across the range of public services. This is a practical factor that impacts on the level and type of Irish-medium service that can be made available at present. Any improvement in the availability of this service will, therefore, require an increase in skills capacity. This area requires further consideration and planning.

In the first instance, however, it would be useful to establish what level and type of Irish language skills are currently available in the public sector. An audit across public bodies would be necessary to gather this information.

It is also essential that, in considering policy on the use of Irish in the delivery of public services, a number of other factors are taken into account. These include proportionality, the existence of competing priorities and the availability of resources. This means taking into account the number of people who wish to use public services through the medium of Irish and balancing these numbers against the cost of providing the services, the priority with other services, and the availability of public resources.

## **CHAPTER 6: FURTHER AREAS FOR CONSIDERATION**

### **(i) INCLUSION OF A PROVISION ON THE STATUS OF THE IRISH LANGUAGE**

#### Legislation in other jurisdictions and the European Charter

Within the three legislative regimes examined and the European Charter, reference is made to the status of the language within public life. These provisions range from designation of the respective language as official, to according equal status to English, to being recognised as a minority or regional language entitled to be accommodated in public life. The European Charter refers in its Preamble to the right to use a regional or minority language in private and public life as an inalienable right.

From a constitutional law perspective, there are no established conditions or criteria which give rise to a particular language being adopted as an official language in any given country. The adoption of a new official language largely depends on political will and consensus. In its Constitution, the Republic of Ireland declares Irish to be the first official language (English is the second official language). In Wales, the Welsh Language Act in its Long Title states that Welsh is to be treated on an equal basis with English in public life. In the Scottish legislation, the Long Title states an aspiration that the status of Scottish Gaelic is to be secured as an official language, commanding equal respect with English.

Although the Long Title is not technically part of an Act's provisions, it sets out the purpose of the Act and can be used by the courts in interpreting the Act's provisions.

Irish (along with Ulster-Scots) has been designated by the UK Government as a 'regional or minority language', under the European Charter for Regional or Minority Languages. Under Article 1 of the Charter, the term 'regional or minority languages' means languages that are traditionally used within a given territory of

a State which are “different from the official language(s) of that State”. The Charter definition does not, however, preclude a language which is currently designated as a regional or minority language from being adopted as an official language.

### EU Official language

Since the accession of the Republic of Ireland in 1973, Irish has had the status of a treaty language. In addition, from 1 January 2007, Irish will become the EU's 21st official language, following agreement within the Committee of Permanent Representatives of EU Member States on 13 June 2005. This means that key EU legislation will be translated into Irish and Irish may be used at certain Ministerial meetings.

### Belfast and St Andrews Agreement (s)

The Belfast Agreement provided that all signatories to the Agreement 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”. The St. Andrews Agreement states that “the Government will 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.”

### The different options

The approaches adopted in the different jurisdictions and the European Charter present a number of options if a provision on the status of Irish is to be included in the legislation.

First, if Irish were to be given official status it would mean that Irish would be on an equal footing with English and would be used to a significant extent by public bodies, in government, and in the justice system (Republic of Ireland position). The fact that the English language is not declared in law as the official language

of the United Kingdom, but is in fact the official language, did not raise any difficulties when the Welsh and Scottish legislation was enacted. If Irish were to be declared an official language in Northern Ireland it may be desirable, for the sake of clarity, to make a similar declaration of official status for English.

A provision declaring Irish an official language alongside English would not of itself create any new rights to use Irish, nor would it automatically create a duty on public bodies to adopt a bilingual approach. The extent of any rights or duties would have to be clearly articulated in the legislation. However, a declaration of official status would create an expectation of significant levels of bilingualism in the public sector. This option would have a significant impact for those wishing to use Irish.

Second, Irish could be recognised as being of equal validity to English but the provisions of the Act would not necessarily be as extensive as with the first option (Welsh position). Again, a declaration of equality would not automatically create rights or duties and its outworkings would need to be defined in the legislation. This option could have a significant impact for those wishing to use Irish but this would depend on the precise nature and extent of the rights or duties created by the legislation.

Third, Irish could be recognised as a 'traditional', 'historic', 'indigenous' or 'minority' language (using one or more of these terms) along the lines of the terminology used in the European Charter. This approach would accord to Irish a degree of public recognition, but would not amount to official or equal status in formal terms. It could be accompanied by a significant level of provision on the use of Irish in the legislation or by a more moderate level of provision.

A fourth variation is an aspirational form of provision (aspiring to official or equal status at some unspecified point in the future) as contained in the Scottish legislation.

A provision on status can have an important symbolic effect and may, therefore, be most appropriately placed in the Long Title of the legislation. The nature of such a provision largely depends on the content of the legislation itself and the extent to which Irish may be used in public life by those wishing to do so.

Views are welcomed on the following matters:

1. Should a provision on the status of the Irish language be included in an Irish Language Act?
2. If a provision on status is included, what should that provision be?
3. Where in the Act could a provision on status be located, i.e. in the Long Title or in the body of the legislation?

## **(ii) EDUCATION**

### Background

The education system is an important structure for the facilitation and promotion of a language and, in this area, Government has been active in relation to the Irish language. These developments are to be found in more detail in Annex E.

Following a commitment in the Belfast Agreement, the Education (Northern Ireland) Order 1998 placed a statutory duty on the Department of Education to “encourage and facilitate the development of Irish-medium education”. The Order also made provision for the Department to pay grants to bodies whose objective is the encouragement or promotion of Irish-medium education. In 2000, the Department established a promotional body, Comhairle na Gaelscolaíochta, to facilitate and encourage the development of Irish-medium education in Northern Ireland.

The cross-border Irish language agency, Foras na Gaeilge, was established in 1999. It is charged with the promotion of Irish on an all-island basis. One of its functions is to support Irish-medium education and the teaching of Irish.

### Irish-medium pre-school, primary and post-primary provision

The Department of Education currently funds 18 Irish-medium primary schools and one post-primary school in Northern Ireland. In addition, there are 10 Irish-medium primary units that are currently funded and 2 post-primary Irish-medium streams. The Department introduced criteria for the funding of Irish-medium primary and post-primary schools in 1999 (set out in Annex E). In 2004-2005, 522 places in Irish-medium playgroups were being funded. In addition, 3 Irish-medium nursery units, offering a total 104 places, are in operation. Almost 3000 pupils were being educated through the medium of Irish in September 2005.

## Approaches in other jurisdictions and the European Charter

### *Wales*

The Education Reform Act 1988 made Welsh a compulsory subject for all pupils in Wales at Key Stages 1, 2 and 3 (i.e. up to age 14) from 1990. In 1999, it became a compulsory subject at Key Stage 4. As a result, all pupils in mainstream schools in Wales now study Welsh (either as a first or a second language) for 12 years, from the ages of 5 to 16.

Under the Education Act 1980, funding is allocated to Local Education Authorities (LEAs) to support Welsh-medium education. Secondary schools are funded according to criteria set by LEAs. The Welsh Language Board plays a central role in supporting Welsh language education. The Education and Training Department of the Board (the EDT) agrees Welsh Education Schemes (as part of Language Schemes) with each LEA. The EDT is responsible for reviewing LEA policies, approving and monitoring the implementation of their Education Schemes and also maintaining a strategic overview of Welsh medium education and training. In addition, the Board allocates grants to LEAs on an annual basis to support the teaching of Welsh, both as a first and second language.

### *Scotland*

Scottish Gaelic is used in both primary and secondary schools, as a medium of instruction and taught as a subject. Education in Scottish Gaelic is available in around 60 primary schools, mostly located in the Highlands and Islands where the native speakers of Scottish Gaelic are concentrated.

The Gaelic Language Board, established by the Gaelic Language (Scotland) Act 2005, has the role of promoting and facilitating the promotion of Scottish Gaelic education; and advising the Scottish Ministers, public bodies and other persons on Scottish Gaelic education. It may also prepare guidance for the Scottish Ministers in relation to the provision and development of Scottish Gaelic education. One of the Board's functions is to produce a National Gaelic

language plan which must include a strategy for promoting and facilitating the promotion of Scottish Gaelic education.

In addition, all public bodies including local councils and education authorities must produce a Gaelic language plan.

### *The Republic of Ireland*

In the Republic of Ireland, English is the primary medium of instruction at all levels, except in Gaeltacht schools, where the native speakers of Irish are concentrated and in Gaelscoileanna, where the curriculum is delivered predominantly in Irish. There are currently 122 Irish-medium primary schools and 33 post-primary schools or all-Irish units (excluding the Gaeltacht areas), with an attendance of more than 27,000 pupils.

Section 6 of the Education Act 1998 in the Republic of Ireland contains a list of objectives which must be taken into account by all those who have a role in the field of education under the Act. Among the objectives are: (i) the realisation of national policy and objectives in relation to the extension of bilingualism in Irish society and, in particular, the achievement of a greater use of the Irish language at school and in the community; and (ii) the maintenance of Irish as the primary community language in Gaeltacht areas.

Under the Official Languages Act 2003, a public body may be required to submit a language scheme to the Minister setting out the services it proposes to provide in Irish.

### A rights based approach

The responsibility for Irish-medium education in Northern Ireland lies with the Department of Education. It introduced new criteria for the funding of Irish-medium education in 1999. If the viability criteria on number of pupils are met, then the Department will fund the school ( see Annex E). In practice, therefore,

children have access to Irish-medium education (as opposed to a right), subject to viability criteria and available resources.

Under a rights-based approach, a right to Irish-medium education could be included in the legislation. This would be a qualified right (as opposed to an absolute right) which would be subject to sufficiency of numbers. Since any new right would not be absolute but qualified in nature, its inclusion in Irish language legislation would not, in itself, change current practice or increase the level of access to Irish-medium education. For parents seeking Irish-medium education, and the Irish language community in general, a statutory right might be perceived as a stronger form of provision. Since the legislation would set out the precise circumstances when this right could be invoked, it would make the current process more transparent. One disadvantage to a rights-based approach is that it may appear to set one form of education above others, as rights to other forms of education do not currently exist..

#### A language scheme or detailed statutory duties

The Department of Education in Northern Ireland currently has a statutory duty to “encourage and facilitate the development of Irish-medium education”. The precise manner in which the Department fulfils this statutory duty is currently for it to decide. Building on this, an Irish Language Act could create mechanisms to increase transparency and participation in decision-making on the creation of new Irish-medium schools. This could be achieved by adopting any of the four approaches outlined in this paper, including a language scheme model or the creation of statutory duties, in addition to the Department’s current duty to encourage and facilitate Irish-medium education.

A language scheme would specify the manner in which the Department aims to carry out its statutory duty to encourage and facilitate Irish-medium education. The scheme would commit the Department to providing Irish-medium education in certain circumstances; it would specify those circumstances; it would

demonstrate how the Department takes the views of parents into account; and it would state how the viability criteria are reviewed. It could also cover other issues relevant to teaching and learning in the Irish-medium sector. The new regulatory body could publish guidelines on what should be contained in an education language scheme.

#### Detailed statutory duties

If a prescribed duties approach were to be adopted, the duties may include some or all of the following: a duty on the Department to publish the viability criteria for primary and post-primary schools; a duty to consult on those criteria; and a duty to review those criteria on a periodic basis. (These matters could also be dealt with in a language scheme.) Since the Department currently consults on the viability criteria and takes into account the views of interested parties, these additional duties would essentially put current practice on a statutory footing).

In considering the way forward, the demands of other parts of education provision need to be considered. There are competing claims over what is the most appropriate form of education and parents, currently, have considerable choice.

The equality implications of any new provisions in this area will be more fully explored in the Equality Impact Assessment exercise.

### **Further and Higher Education and Training**

There is currently no duty on the Department for Employment and Learning (DEL) in respect of the Irish language (see Annex F for further details on further and higher education and training). Currently, the Department addresses the language in the context of the European Charter. This has allowed for flexibility

and the facilitation of provision through the medium of the language in line with demand. This is informed primarily by the skill needs of the economy (i.e. employers). The importance of matching skills to demand is particularly important in the field of employment. Availability of resources and the viability of provision would be key considerations.

The new Education and Skills Authority (ESA) will have responsibility for provision for 14-19 year olds across schools, further education and training. The Department of Education (DE) might choose to exercise the duty to encourage the teaching of Irish through the ESA, in particular where there is an appropriately identified need for provision. In respect of this age-group, undertaking Professional and Technical Education and Training, consideration would need to be given to the demand from employers and availability of resources.

#### A rights-based approach

The level of demand for learning through the medium of Irish is relatively modest at present and manageable in terms of tutor availability. If a right of access to third level education and training through the medium of Irish were to be introduced, there are insufficient numbers of skilled tutors both in terms of specific skill areas and also in terms of those able to teach through the medium of Irish to facilitate this. Given the technical nature of the curriculum, it is unlikely that an interpreter would be sufficient. Also, relevant curriculum materials are not available to support the breadth of provision potentially impacted by this.

By far the biggest identified language need in the Northern Ireland economy is English for Speakers of other Languages (ESOL), given the increasing flow of migrant workers. There is provision for education and training in the FE/HE sectors for EU citizens, but no specific rights for any identified national, ethnic or language groupings.

## Language Scheme approach

A duty requiring the production of a language scheme could be placed on the Department. The provisions of the European Charter could form a starting point for the kind of provision within a language scheme. This would enable the Department to develop provision through the medium of Irish incrementally in line with demand. The deficit of tutors and curriculum materials could then be addressed in a managed fashion to ensure consistency and quality of provision as with any other course topic or area. DEL consults already on the development of new policies. Therefore, a duty to consult on a language scheme would be in line with current practice.

In addition, the language scheme approach would allow DEL, over a period of time, to develop provision in line with demand, possibly on an all-island basis. This may be desirable in resourcing terms, seeing as some Irish-medium further and higher education is already available in the Republic of Ireland.

Views are welcomed on the following matters:

1. What further provision should be made in Irish language legislation for Irish-medium education?
2. Should that provision be based on a rights-based approach or an approach based on prescribed duties or a language scheme?
3. If a rights-based approach is adopted, what should the extent of any rights be?
4. Alternatively, if a prescribed duties approach is adopted, what should be the extent of those duties?

### **(iii) THE NORTHERN IRELAND ASSEMBLY**

#### Current position

At present, neither the Northern Ireland Act 1998 nor Assembly Standing Orders make provision for any official language of the Northern Ireland Assembly or for Irish to be treated on a basis of equality with English. The 1998 Act makes no specific provision for the use of Irish within the Assembly; it provides that the Assembly may regulate its own proceedings. This is done through the adoption, with cross-community support, of Assembly Standing Orders. The issue of which languages may be used in Assembly proceedings is currently a matter for the Assembly itself to determine through its Standing Orders.

The current position under Standing Orders is that Members may speak in the language of their choice in the proceedings of the Assembly. This provision does not create a right as such, but allows Members to use Irish. Where Assembly Members choose to speak in Irish, the Official Report records their contribution in Irish. It is current practice within the Assembly for a Member who has spoken in Irish to provide an English translation for the Official Report. Simultaneous translation is provided for the Speaker and the Clerks during plenary sessions; it is not available for Members other than the Speaker. Assembly Bills, Acts of the Assembly and other reports are not generally available in Irish.

The corporate body of the Assembly, the Assembly Commission, is responsible for recruitment, signage, official stationery, etc. It, therefore, has a role in relation to language issues in connection with its functions.

#### Approaches in other jurisdictions and the European Charter

##### Wales

The extent to which Welsh is used in proceedings of the Welsh Assembly is governed by Standing Orders and legislation. The Standing Orders provide that Assembly Members and those who address committees may speak in English or

Welsh and interpretation facilities are available. Headsets are used at plenary and committee meetings to enable members of the public to follow proceedings. The Government of Wales Act 2006 includes a number of additional requirements in relation to the use of Welsh within the Assembly: for example, when a Bill is introduced, the Ministerial statement on legislative competence must be made in both languages; and the Assembly may only pass a Bill if it is published in both languages. Bilingual signage is used throughout the Assembly.

### Scotland

Within the Scottish Parliament, the Scottish Parliamentary Corporate Body (the SPCB) adopted a language policy in November 2004. Although the policy states that the normal working language of the Parliament is English, Members and others participating in the proceedings may use any language with the prior agreement of the Presiding Officer. In these circumstances, the SPCB will make translation services available. The prior approval of the SPCB is needed when a Member or a committee wishes to have a Bill translated into another language. When Scottish Gaelic is used in meetings of the Parliament and in committee meetings, the Official Report provides the Scottish Gaelic text followed by the English translation.

### The Republic of Ireland

The Official Languages Act 2003 in the Republic of Ireland provides that Members of the Oireachtas and persons appearing before committees (including witnesses, members of the public and departmental officials) have the right to use either of the official languages in proceedings. The Official Report is published in both official languages, regardless of whether any Member has used Irish in the proceedings. Acts of the Oireachtas are published in Irish and English simultaneously.

In addition, the Minister may, by regulations, provide that any stationery, signage and advertisements be in the Irish language. Correspondence with members of the public in Irish is a matter for inclusion in a language scheme.

### The European Charter

The European Charter contains commitments to allow and / or encourage the use of regional or minority languages in regional assemblies and local authorities, without excluding the use of the official language of the state.

### The Irish language in the EU

Since the accession of the Republic of Ireland to the European Community in 1973, Irish has had the status of a Treaty language. Therefore, the primary legislation, including the accession agreement and certain other pieces of legislation are translated into Irish.

In January 2007, Irish will become an official language of the European Union. This means that key EU legislation will be translated into Irish. For practical reasons, the Council decided that only regulations adopted by the European Parliament and the Council under the co-decision procedure must be available in Irish. Other legislative acts will be exempted for a transitional period of five years to allow time to recruit and train translators. Thereafter, the situation will be reviewed regularly to decide when this exemption should end.

Interpretation from Irish will also be provided at certain Ministerial meetings, as requested.

### The different options

In comparing the positions in Wales, Scotland and the Republic of Ireland, it is clear that language issues may be left to the legislature for it to determine either in Standing Orders or in a corporate language policy; or it may be the subject of

legislative provision, as in Wales and the Republic of Ireland. Although the Northern Ireland Assembly has the power to regulate its own proceedings, this does not prevent further provision being made in legislation for the use of Irish in its proceedings.

#### A rights-based approach

If a rights-based approach is adopted in the legislation, a Member of the Assembly could be given a right to use Irish in proceedings. Persons appearing before Assembly Committees could also be given that right.

#### A language scheme approach

The Assembly could be placed under a duty to produce a language scheme setting out the extent to which Irish will be facilitated in the exercise of its functions. The scheme could include matters such as provision on the use of interpreters for Members and others wishing to use Irish in proceedings, entries in the Official Reports, responses to individuals who wish to communicate in Irish with the Assembly, and signage.

#### Prescribed duties approach

Detailed duties, in relation to the use of Irish, could be included in the legislation.. This approach would be similar to that of the Government of Wales Act 2006.

#### Capacity issues

Extending the current use of Irish in the Assembly (in particular, facilitating those attending before committees to use Irish) is likely to have resource implications both in terms of availability of translators and interpreters, and the costs of obtaining these services. Simultaneous translation is a particular skill and one which may not be immediately available to the extent required. On the other hand, it is a skill that is becoming increasingly attractive to acquire in the Irish language, in view of the designation of Irish as an official language of the EU.

The publication of Bills and Acts of the Assembly in Irish also raises capacity issues, since legal drafting skills in Irish may not currently be readily available.

### Local Authorities

In principle, the issues raised in relation to the use of Irish in Assembly proceedings could apply in respect of local authorities.

### Views are welcomed on the following matters:

1. What provision should be made in Irish language legislation to further enhance the use of Irish in the Northern Ireland Assembly?
2. Should the legislation include rights to use Irish in Assembly proceedings?
3. Alternatively, should an approach based on language schemes or prescribed duties be adopted?
4. If a prescribed duties approach is favoured, what should be the extent of those duties?
5. What type of provision should be made for local authorities?

#### **(iv) COURTS AND TRIBUNALS**

If a duty on public bodies to facilitate the use of Irish in the delivery of public services is accepted in principle, active consideration should be given to extending similar provision to the justice system. An Irish Language Act could create a right to use Irish in legal proceedings. Alternatively, courts and tribunals could be subject to a duty to adopt a language scheme. A further approach would be to create detailed duties on courts and tribunals to facilitate the use of Irish.

##### Background

Currently, all proceedings in the courts, including any documentation relating to those proceedings, must be in English. The requirement that court proceedings be conducted in English was imposed by the Administration of Justice (Language) Act (Ireland) 1737, which is still in force. The intention behind the 1737 Act was to improve the administration of justice by ensuring that only one language was used in all courts throughout Great Britain and Ireland. By the end of the 19<sup>th</sup> century, all similar Acts were repealed elsewhere, although it remains the convention that court proceedings in other parts of the United Kingdom are conducted in English except where otherwise provided, for example by the Welsh Language Act 1993. Northern Ireland is now alone in retaining a statutory provision that proceedings must be in English. An Irish Language Act could repeal this provision.

In March 2000, the Criminal Justice Review Group recommended “that consideration of the use of the Irish language in the courts be taken forward in the wider context of the development of policy on the use of Irish in public life generally.” The Government accepted this recommendation and, in its updated Criminal Justice Review Implementation Plan in June 2003, confirmed that a sub-group of the Interdepartmental Charter Group would be established to consider the scope for adopting the provisions of Article 9(1) of the European Charter for

Regional or Minority Languages, which would allow Irish to be used in certain legal proceedings.

The sub-group undertook an initial assessment of the likely level of demand for the use of the Irish language in legal proceedings in Northern Ireland and undertook comparative research into the use of regional or minority languages in other jurisdictions. In its preliminary report, which was sent to Ministers in March 2005, the sub-group agreed that it would be necessary to consider a legislative framework for the use of Irish in legal proceedings.

#### Other jurisdictions

Both the Welsh and Irish legislation provide for the use of Welsh and Irish respectively in legal proceedings. In Wales, the Welsh Language Act provides that Welsh may be spoken by any party, witness or other person who desires it; the court must make provision for translation and interpretation; and the oath may be administered in Welsh. The Welsh legislation does not, therefore, create a right to use Welsh as such. Similarly, under the Official Languages Act 2003 in the Republic of Ireland, a person may use Irish in legal proceedings. This, again, does not create a right. In addition, a duty is placed on courts to ensure that anyone using Irish is not placed at a disadvantage; and where the State or a public body is a party to civil proceedings, it must use the language chosen by the other party. These provisions apply to courts and tribunals.

#### The European Charter

Article 9(1) of the European Charter sets out a range of measures which may be adopted in legal proceedings. At present, the Government has not adopted any of the Article 9(1) provisions in respect of Irish. These measures relate to criminal proceedings, civil proceedings, and proceedings before courts concerning administrative matters. Under each heading, there is a graduated range of obligations which States may choose to adopt: the least extensive obligation relates to the production of legal documents and evidence connected

with the proceedings in the minority language; the next level allows a person appearing before a court to use a minority language; and the highest level relates to conducting the proceedings in the minority language.

It is clear that there is a range of options which may be used to provide for the use of Irish in legal proceedings. In determining which approach is most effective, there are a number of factors which must be considered, including level of demand, availability of appropriate translation services, cost of translation services (including the need for proportionality and value for money in the use of public funds), and the risk of causing delay in the administration of justice.

(i) Demand

It is difficult to forecast demand with any degree of certainty. Although the numbers of Welsh speakers in Wales and Irish speakers in the Republic of Ireland are higher than those of Irish speakers in Northern Ireland, a relatively small number of people actually use Welsh and Irish in legal proceedings. Experience to date of Northern Ireland departments is that there is not a high level of uptake for services to be provided in Irish, where offered. This may, of course, increase in the future with the implementation of measures to promote the use of Irish in public life.

It seems, therefore, at this stage of the language's development, that there is unlikely to be a high level of demand for Irish to be used in legal proceedings in Northern Ireland.

(ii) Availability of translation services

It would be important to assess the availability of translators and the accuracy of translations in advance of being used in legal proceedings. This is to ensure that there would be no adverse impact on the administration of justice where a person chooses to use Irish. There are arrangements in place already to quality-assure the work of translators approved to work for the Northern Ireland Civil Service.

However, given the complexity of legal terminology, and the specialist medical and scientific terms often used in legal proceedings, it would be important to have a mechanism in place to ensure capacity and quality of translators.

At present, the capacity of the Irish language translation sector may be a practical constraint on the potential level of provision that can be made. There may be capacity, however, to allow the adoption of certain provisions, falling short of permitting entire proceedings to be conducted in Irish.

(iii) Cost of translation services

There will be costs involved in introducing a new service of Irish language provision in legal proceedings. Such costs would include the funding of any advisory body, training, and purchase or hire of equipment for interpretation. In addition, the resources for future operational costs of Irish being used in courts and tribunals need to be identified. These costs would be determined by two factors: first, the extent to which Irish may be used in court proceedings; and second, any future increase in that use.

As noted above, because of the uncertain level of demand, costs cannot be accurately predicted. However, it is clear that the costs of conducting entire proceedings in Irish would be much higher than the costs of adopting other less extensive provisions, such as allowing a person to present oral evidence in Irish or permitting documents and evidence to be admissible in Irish.

(iv) Delay in the administration of justice

The facilitation of the use of Irish in legal proceedings may cause delay in the justice system. Additional time would be required to translate statements, documents and other papers in advance of a hearing and the use of consecutive translation would inevitably increase the length of proceedings. In relation to civil proceedings, delays could result in other parties feeling that justice was not being provided to them. In criminal proceedings, delay in processing criminal cases

could give rise to defendants spending more time in custody; an increased backlog of cases; and some victims and witnesses feeling that they have not been treated fairly. For certain types of proceedings (e.g. bail hearings and first remands) there would need to be translators available at short notice, as a delay in such matters may lead to grounds for challenge.

The Administration of Justice (Language) Act (Ireland) 1737 would need to be repealed or amended to facilitate the use of Irish in legal proceedings in Northern Ireland. The shape which any changes to this Act might take, would have to reflect whether a rights-based approach is adopted or one based on detailed duties or a language scheme. The language scheme approach would allow incremental provision to be made in line with the graduated approach of Article 9(1) of the European Charter.

In view of the uncertainties identified above, regarding capacity within the translation sector and the anticipated level of demand, provision for legal proceedings as a whole to be conducted in Irish may not be feasible at this stage. A more measured response, which would be consistent with the incremental approach of the European Charter, may be to adopt individual measures set out under Article 9(1) of the Charter, which could then be evaluated and further implemented as appropriate. These could be contained in a language scheme or a number of detailed duties could be included in the legislation, for example, a duty on the court to facilitate a party to use Irish in legal proceedings with the provision of translation and interpretation.

Views are welcomed on the following matters

1. What provision should be made for the use of Irish in courts and tribunals?
2. Which approach should be adopted in the legislation: a rights based approach, one based on detailed duties, or one based on a language scheme?
3. If a right to use Irish in legal proceedings is the preferred approach, what should the extent of that right be?
4. Alternatively, if detailed duties to facilitate the use of Irish are to be created for courts and tribunals, what should the extent of those duties be?

## **(v) STREET NAMES**

### Current position

Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995, enables councils to display street names in languages other than English. A “street” is defined in Article 11 to include “any road, square, court, alley, passage or lane”.

This provision has been used by local residents in Northern Ireland to request that a street name be displayed in Irish. However, the 1995 Order only makes provision for the display of an Irish street name alongside the English version; it does not provide for any further recognition of the Irish street name as part of an address or in a description of land for the purposes of any statutory provision. Consequently, where a street name is displayed in Irish, a person living in that street is not authorised to use the Irish name in correspondence.

Although statutory provision on the display of street names in other languages already exists, this provision, insofar as it relates to Irish, might be more appropriately placed in an Irish Language Act. Any new provision would largely follow the structure of Article 11 of the 1995 Order.

The Irish language community have called for a strengthening of provision around the use of street names. For example, a new provision could authorise the use of a street name in Irish as part of an address for the purpose of correspondence. This would be limited to those street names which are displayed in Irish by the council. Although this could mean, in some circumstances, that an address is expressed partly in Irish and partly in English, this may not give rise to problems in practice.

A new provision could also authorise the use of an Irish street name as part of a person’s address in certain official documents, for example, a driving licence or

passport. It is the current practice of DVLNI to include an address in Irish on a driving licence where the street name has been officially adopted in Irish by the Council. Any new provision in the legislation permitting the inclusion of an address in Irish in official documents could be limited to those street names which are displayed in Irish.

Further provision could be made on the process for having a street name displayed in Irish. Currently, a council must have regard to the views of local residents and other occupiers of premises, but the manner in which each council takes those views into account is for the council to decide. One council could, for example, operate a practice of displaying a street name in Irish where 75% of the residents are in agreement, while another could set that requirement at 85%. The precise level of consensus needed is an issue for consultation. In fixing the required level of consensus in a statutory provision, this would ensure consistency in the practice of each council.

A new provision could also address a situation where residents do not agree with the translated version of the street name. A council would be required to publish a draft Irish street name and invite comments from interested parties. Once a new Irish street name has been adopted, the council would be required to notify a number of relevant bodies of the Irish version, including the Post Office, the Driver and Vehicle Licensing authority and the Passport Office. Councils would also be required to keep a register of Irish street names for consultation by any person.

Lastly, a duty could be created for public bodies to use an Irish street name in correspondence with a person or body who has used that name as part of an address.

Views are welcomed on the following matters:

1. What provision on street names might be included in Irish language legislation?
2. Is there a need to clarify the process for having a street name displayed in Irish to ensure consistency in practice?
3. If a percentage of residents in favour of an Irish street name is required, what should that percentage be?
4. Should the residents of a street where an Irish street name is displayed be able to use the Irish name in correspondence?
5. Should they be able to use the Irish street name in certain official documents? If so, which ones?
6. Should public bodies be required to use an Irish street name in correspondence with a person who has used that name as part of their address?

## Chapter 7: FINANCIAL IMPACT ASSESSMENT

### Introduction

In order to develop a forecast of the likely financial impact of Irish language legislation in Northern Ireland, information on costs was sought from the Republic of Ireland and Scottish Governments and the Welsh Assembly. There are two key observations:-

- each Administration set up a statutory body (a non-departmental public Body (NDPB)) to implement their Language Act.
- the cost of implementing the Language Schemes by public bodies (Government Departments and Councils) is not monitored in detail, nor are data collected on the cost of complying with language schemes.

From the information provided by the Republic of Ireland, the Welsh and Scottish Administrations, selected Northern Ireland departments and local councils, the following is a brief outline of:-

- (i) resources currently deployed by the Republic of Ireland, Wales, and Scotland on the implementation of their Language Act;
- (ii) resources currently deployed in Northern Ireland on the Irish language since the Belfast Agreement; and
- (iii) a projection of resources required to implement the proposed Irish Language Bill.

## **Republic of Ireland**

The 2002 Census found the population of the Republic of Ireland to be 3,917,203 people. Around 43% of the population can speak Irish with 9% of them doing so daily.

In the Republic of Ireland, there are constitutional obligations in relation to the use of Irish and the Official Languages Act 2003 was introduced on the basis that its implementation would be on a phased basis with any additional costs - if any arose – being met by each public body from within its existing administrative budget.

### **Commissioner of Official Languages**

Following the introduction of the Official Languages Act 2003, the Commissioner's Office (Oifig Choimisinéir na dTeangacha Oifigiúla) was set up with 6 staff to monitor compliance and investigate failures to comply with language schemes.

The calendar year 2005 was the first full year in which the Commissioner's office was operational. The total grant-in-aid funding for the year was £450,074 and its expenditure amounted to £440,454 (€641,592).

## **Wales**

The 2001 census found the population of Wales to be 2,903,085 people. Approximately 21% of the population speak Welsh.

### **Welsh Language Board**

The Board was established in December 1993 under the terms of the Welsh Language Act 1993 to promote and facilitate the use of the Welsh

language and maintain a strategic overview of Welsh language education. Most of its funding is grant funding provided by the National Assembly for Wales. In 2005/06, the Board allocated approximately £2.7m in grants to promote Welsh language education and approximately £3.97m to promote the use of Welsh.

The Board had a permanent staff complement of 71.3 employees and in 2005/2006 financial year its total income (grant-in aid and other resources) was £13,108,000. Since the Welsh Language Board has functions which are currently carried out by the Department of Education and Foras na Gaeilge in Northern Ireland, a comparative pro rata figure for Northern Ireland is difficult to extrapolate.

## **Scotland**

Scotland has a population of 5,062,011 (2001 Census). Around 1.84% of the population has some knowledge of Scottish Gaelic and approximately 1.16% of the population can speak the language.

### **Bòrd na Gàidhlig**

The Bòrd was created under the Gaelic Language (Scotland) Act 2005 with a permanent staff complement of 8 employees to promote, facilitate and monitor the use and understanding of the Scottish Gaelic language.

The Bòrd's projected income and expenditure for 2006/2007 is estimated to be in the region of £4,663,000. As with the Welsh Language Board, some of the functions carried out by the Scottish Board are similar to some of those carried out by Foras na Gaeilge in Northern Ireland. It is therefore difficult to extrapolate a comparative figure for Northern Ireland.

## **Northern Ireland**

The population of Northern Ireland in 2001 was 1,685,267. The Census found that 10.35% of the population can speak Irish.

### **Foras na Gaeilge**

The North/South Language Body was established under the Agreement between the two Governments establishing implementation bodies of 8 March 1999. The Language Body has two separate Agencies, the Irish Language Agency (Foras na Gaeilge) to promote the Irish Language throughout the island of Ireland, and the Ulster-Scots Agency, to promote greater awareness and use of Ullans and Ulster-Scots cultural issues.

Under the 1998 Belfast Agreement, Northern Ireland is committed to providing grant funding for the Irish language to the North/South Language Body, Foras na Gaeilge.

The Language Body is funded jointly by the Department of Culture, Arts and Leisure (DCAL) in Northern Ireland and the Department of Community Rural and Gaeltacht Affairs (DCRGA) in the Republic of Ireland.

Foras na Gaeilge has a staff complement of 65 employees. In the 2005 calendar year, the total income of Foras na Gaeilge was £13,063,420 (DCRGA £8,861,084, DCAL £2,945,212, other income £1,257,124).

The following table is a summary of the resources provided by the Republic of Ireland, Wales, Scotland and Northern Ireland to the relevant language body.

	<b>Republic of Ireland</b>	<b>Wales</b>	<b>Scotland</b>	<b>Northern Ireland</b>
Population	3,917,203	2,903,085	5,062,011	1,685,267
% of population who can speak				

Irish, Welsh or Gaelic.	43%	21%	1.16%	10.35%
<b>Resources</b>				
Grant-in-aid Language Board		£12,560,000	£4,659,000	
<b>Grant-in-aid</b> Commissioner's Office	<b>£ 450,074</b>			
<b>Grant-in-aid</b> Foras na Gaeilge	<b>£8,861,084</b>			<b>£2,945,212</b>
Other Resources	<u>£942,843</u>	<u>£548,000</u>	<u>£4,000</u>	<u>£314,281</u>
Total	£10,254,001	£13,108,000	£4,663,000	£3,259,493

**Other Programme Expenditure, Including Interpretation and Translation Costs Incurred by Northern Ireland Departments**

Northern Ireland Civil Service Departments, their Agencies and non-departmental public bodies (NDPBs) incurred the following expenditure in 2005/2006 on Irish interpretation and translation costs and on a range of programmes relating to the Irish language<sup>1</sup>:-

<b>NI Departments (incl. Agencies &amp; NDPBs)</b>	<b>Irish Interpretation and Translation Costs</b>	<b>Programme Expenditure</b>	<b>2005/06 Total</b>
Northern Ireland Office	£481	£0	<b>£481</b>
Department of Education	£19,349	£12,875,657	<b>£12,895,006<sup>2</sup></b>
Dept of Agriculture & Rural Development	£3,391	£0	<b>£3,391</b>
Department of Employment & Learning	£0	£69,897	<b>£69,897</b>
Department of	£391	£0	<b>£391</b>

<sup>1</sup> The expenditure detailed above is met from within existing Departmental budgets and excludes grant-in-aid provided by the Department of Culture, Arts and Leisure to Foras na Gaeilge (£2,945,212) and the Irish Language Broadcasting Fund (£2,999,874).

<sup>2</sup> This figure does not include transport assistance costs for children to and from Irish-medium schools. The 2005-2006 figures are not available but, in 2004-2005, £488,000 was provided in financial assistance.

Enterprise, Trade & Industry			
Department of Finance & Personnel	£900	£234,391	<b>£235,291</b>
Dept of Health, Social Service & Public Safety	£43,757	£42,212	<b>£85,969</b>
Department of the Environment	£7,290	£0	<b>£7,290</b>
Dept of Regional Development	£436	£0	<b>£436</b>
Department of Social Development	£0	£795,959	<b>£795,959</b>
Office of the First Minister & deputy First Minister	£2,741	£0	<b>£2,741</b>
Department of Culture, Arts & Leisure	£20,801	£3,805,851	<b>£3,826,652</b>
<b>Total</b>	<b>£99,537</b>	<b>£17,823,967</b>	<b>£17,923, 504</b>

### **The Northern Ireland Assembly**

Minutes of Assembly proceedings are published in English. There have been no requests for the minutes to be printed in Irish. On the occasions when Members of the Assembly made introductory comments in Irish, an Irish language interpreter employed by the Assembly Commission (staff officer rank) provided simultaneous translation. Currently, de minimis costs are incurred in the provision of simultaneous translation.

## **Conclusion**

In the Republic of Ireland and Wales, implementation of their language legislation was on a phased basis with any additional expenditure incurred by departments and local authorities being met from within their existing budgets. In Wales, on occasions when financial difficulties were encountered when introducing a Welsh language service, the 'reasonably practicable' test set out in the Welsh Language Act was invoked. In some cases, it was concluded that the proposed Welsh language scheme should be deferred.

It is difficult to estimate with any degree of precision the costs of introducing Irish language legislation in Northern Ireland. Little relevant information on the full costs of implementation is available from neighbouring jurisdictions. Where new machinery has been established to support implementation, the remit and scale of operation differs significantly. This ranges from the Commissioner of Official Languages in the Republic of Ireland, which has a staff of six and a budget of £440.5 K in 2005, to the Welsh Language Board, with more than seventy staff and a budget in excess of £13m in 2005-2006. In addition, Foras na Gaeilge in Northern Ireland already promotes the Irish language and this would be a material consideration when considering the role and remit of any new body.

Local authorities would also have to be included in any detailed financial impact assessment.

## EQUALITY IMPACT ASSESSMENT

### 1 Introduction

1.1 Under section 75 of the Northern Ireland Act 1998 (“the Act”) the Department of Culture, Arts and Leisure (DCAL), in carrying out its functions relating to Northern Ireland, is required to have due regard to the need to promote equality of opportunity:

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation;
- between men and women generally;
- between persons with a disability and persons without; and
- between persons with dependants and persons without.

1.2 In addition, without prejudice to its obligations above, DCAL shall, in carrying out its functions relating to Northern Ireland, have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

1.3 DCAL’s Equality Scheme commits the Department to assess how policy proposals impact on the promotion of equality of opportunity within the terms of section 75 of the Act. The Equality Impact Assessment (EQIA) is subject to a formal consultation process during which the Department will consider all comments received.

### 2 Policy background

2.1. The St Andrews Agreement (13<sup>th</sup> October 2006) stated: “the Government will 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.”

### **3 Policy aim**

- 3.1 The policy aim is to introduce an Irish Language Bill in accordance with the commitment made in the St Andrews Agreement.

### **4 *Policy delivery***

- 4.1 DCAL officials have prepared this EQIA for publication. A further EQIA will be prepared on the implications of the various options put forward in this paper. This will be published shortly .

- 4.2 The Department will also be collating and considering the responses, issuing a summary of responses, and providing the relevant Minister with appropriate briefing and information to make an informed policy decision on the nature of an Irish Language Bill. This decision can only be made after the full 12 week consultation period and after due consideration has been given to the responses received.

### **5 Consideration of available data and research**

- 5.1 In relation to the use of Irish, DCAL has information available from the Northern Ireland Life and Times Survey (1999) and the 2001 Census. The Census recorded 167,490 people with some knowledge of Irish (see Table 1). This included at least 106,844 who could speak Irish. 1,450,467 people had no knowledge of Irish. The Life and Times Survey was based on a representative sample of 2,200 adults.

### **6. Assessment of impacts**

General

- 6.1** Screening for a range of impacts indicates that a full EQIA is required. A copy of the integrated screening form will be made available on request.

#### Equality

- 6.2** Gender

The Census revealed that very similar proportions of males (10.1%) and females (10.5%) had some knowledge of Irish (see Table 2). The Life and Times Survey also revealed similar proportions of males (14%) and females (13%) who could speak Irish (see Table 5)

- 6.3** Age

The Census found that people aged 12 to 15 were the most likely to have some knowledge of Irish, followed by people aged 16 to 24 (see Table 3). Those aged 75 and over were least likely to have some knowledge of Irish. Excluding children aged 3 to 11, knowledge of Irish decreases with age.

The Life and Times Survey, which provided data for adults only, also found that, broadly speaking, the younger the age group, the higher the proportion of Irish speakers (see Table 5). The youngest age group (18 to 24) was the most likely to speak Irish and people aged 65 and over were the least likely.

- 6.4** Religious belief

The Census showed that Roman Catholics were more likely to have some knowledge of Irish than Protestants (see Table 4): 22.2% compared to 1.2% of Protestants and 'other Christians'.

The Life and Times Survey also showed that Roman Catholics were more likely to speak Irish (29%) than Protestants (3%) (see Table 5).

#### 6.5 Political opinion

The Life and Times Survey indicated that nationalists (31%) were more likely to speak Irish than either unionists (2%) or those classified as neither nationalist nor unionist (12%) (see Table 5).

We have no data on other political opinions held by Irish speakers. The Census did not provide data on political opinion.

#### 6.6 Race or ethnic origin

A higher proportion of respondents in the Irish Travellers category have some knowledge of Irish than other ethnic groups. (Note the small base numbers in some of the ethnic groups - see Table 6).

#### 6.7 People with or without dependants

The census only contains information about adults in households with dependent children who speak Irish. It does not contain information on any other type of dependant. Those with dependent children in the household were slightly more likely (11.5 %) to have some knowledge of Irish than those with no dependants (8.2%), (see Table 7).

#### 6.8 Marital status

The Census shows that single people (12.8%) were more likely to have some knowledge of Irish than married people (8.8%). Widowed (5.5%), re-married (3.9%) and divorced people (7.3%) were less likely to have some knowledge of Irish (see Table 8)

The Life and Times Survey showed that single people (19%) were more likely to speak Irish than other groups. Divorced (10%) and widowed people (10%) were the least likely groups to speak Irish (see Table 8).

## 6.9 Disability

Census information is available for those who speak Irish and have a 'limiting long-term illness', which covers any long term illness, health problem or disability that limits daily activities or work. The Census found that those with a limiting long-term illness were less likely to have some knowledge of Irish (7.9%) than those without (11%), (see Table 9)

The Life and Times Survey found that people without long-standing health problems or disabilities (14%) were slightly more likely to speak Irish than those with such problems or disabilities (11%) (see Table 3).

(The survey asked '*do you have any long standing health problems or disabilities which limit what you can do in work, at home or in your leisure time?*' "Long standing" was defined as 'having a problem for three years or more or expecting a problem to last for three years or more'.)

## 6.10 Sexual orientation

No data available.

## Conclusions

6.11 The data indicate that those speaking and possessing some knowledge of Irish are more likely to be Roman Catholic, nationalist and young. There are no significant differentials in relation to gender, marital status or disability. We have no data in relation to sexual orientation.

6.12 It is DCAL's view that the policy to introduce an Irish Language Bill can have a positive impact on Irish speakers and therefore indirectly on Roman Catholics, nationalists and younger people, which are the groups most likely to speak Irish. In relation to the Equality Impact Assessment carried out to date, DCAL has found no adverse impacts.

## **7 Assessment of impact on good relations**

- 7.1 DCAL considers that the introduction of an Irish Language Bill has the potential to improve good relations, as it will potentially give the Irish language a more accessible platform for all sections of the community.

## **8 Consultation**

- 8.1 We believe that the policy will have only positive impacts, as identified above.

- 8.2 To enable us to complete an equality impact assessment, including consideration of mitigating measures or alternative policies, DCAL is seeking views on the equality impact of this policy.

- 8.3 The following questions may help interested parties to take part in this consultation process, but views may be submitted in any format.

- Are there any other data or information that might be drawn upon to help us assess the equality impact of the policy?
- Do you consider that the policy has any positive or negative equality impacts on any of the groups included within Section 75 of the Northern Ireland Act 1998 and, if so, how?
- Do you have any other comments on the equality impact of the policy?

## **9 Publication**

- 9.1 This Equality Impact Assessment (EQIA) will be completed, taking into account the outcome of this public consultation. Any resulting amendments to the policy will then be made. The general public will be informed of the availability of the EQIA through a press release. The results will also be published on the Departmental website ([www.dcalni.gov.uk](http://www.dcalni.gov.uk)).

10 **Monitoring for adverse impact in the future and publication of results of monitoring**

10.1 The impact of the policy will continue to be monitored by the Department of Culture, Arts & Leisure, to identify any unforeseen results and to ensure that the aim is being achieved. Reviews will be conducted at key stages and results will be analysed to determine whether or not its impact on any of the nine categories has significantly changed.

**Table 1 – Knowledge of Irish (All persons)**

*Table population:* All persons aged 3 and over (and column percentages)

	Understands spoken Irish but cannot read, write or speak Irish	36,479	
	Speaks but does not read or write Irish	24,536	
	Speaks and reads but does not write Irish	7,183	
	Speaks, reads, writes and understands Irish	75,125	
	Other combination of skills	24,167	
Has Some Knowledge of Irish		167,490	10.4%
Has No Knowledge of Irish		1,450,467	89.6%
All persons		1,617,957	100.0%

\*Source: Northern Ireland Census 2001

Note: An ability to speak, read or write Irish does not imply an ability to understand spoken Irish, unless stated. Persons in these categories may or may not have the ability to understand Irish.

**Table 2 – Knowledge of Irish by Gender (All persons)***Table population:* All persons aged 3 and over (and column percentages)

	Male	Female	All
Has Some Knowledge of Irish	79,858 (10.1%)	87,632 (10.5%)	167,490 (10.4%)
Has No Knowledge of Irish	707,038 (89.9%)	743,429 (89.5%)	1,450,467 (89.6%)
All persons	786,896 (100.0%)	831,061 (100.0%)	1,617,957 (100.0%)

\*Source: Northern Ireland Census 2001

Note: An ability to speak, read or write Irish does not imply an ability to understand spoken Irish, unless stated. Persons in these categories may or may not have the ability to understand Irish.

**Table 3 – Knowledge of Irish by Age (All persons)***Table population:* All persons aged 3 and over (and column percentages)

	3 to 11	12 to 15	16 to 24	25 to 39	40 to 59	60 to 74	75 and over	All
Has Some Knowledge of Irish	13,710 (6.1%)	25,662 (23.8%)	33,874 (16.0%)	39,784 (10.7%)	36,772 (9.0%)	12,735 (6.5%)	4,953 (4.9%)	167,490 (10.4%)
Has No Knowledge of Irish	209,420 (93.9%)	81,954 (76.2%)	177,608 (84.0%)	332,076 (89.3%)	370,185 (91.0%)	184,045 (93.5%)	95,179 (95.1%)	1,450,467 (89.6%)
All persons	223,130 (100.0%)	107,616 (100.0%)	211,482 (100.0%)	371,860 (100.0%)	406,957 (100.0%)	196,780 (100.0%)	100,132 (100.0%)	1,617,957 (100.0%)

Source: Northern Ireland Census 2001

Note: An ability to speak, read or write Irish does not imply an ability to understand spoken Irish, unless stated. Persons in these categories may or may not have the ability to understand Irish.

**Table 4 – Knowledge of Irish by Religion (All persons)***Table population:* All persons aged 3 and over (and column percentages)

	Has Some Knowledge of Irish	Has No Knowledge of Irish	All persons (Row %'s)
Catholic	144,346 (22.2%)	505,316 (77.8%)	649,662 (100.0%)
Presbyterian Church in Ireland	3,608 (1.1%)	335,298 (98.9%)	338,906 (100.0%)
Church of Ireland	3,146 (1.3%)	246,881 (98.7%)	250,027 (100.0%)
Methodist Church in Ireland	634 (1.1%)	56,912 (98.9%)	57,546 (100.0%)
Other Christian (including Christian related)	1,331 (1.3%)	97,896 (98.7%)	99,227 (100.0%)
Other religions and philosophies	314 (6.5%)	4,518 (93.5%)	4,832 (100.0%)
No religion or religion not stated	14,110 (6.5%)	203,646 (93.5%)	217,756 (100.0%)
All persons	167,489 (10.4%)	1,450,467 (89.6%)	1,617,956 (100.0%)

**Table 5 – Irish Speakers (from Northern Ireland Life and Times – 1999)**

	<b>Speak Irish</b>	<b>Total</b>	<b>Percentage %</b>
<b>All</b>	<b>289</b>	<b>2200</b>	<b>13</b>
<b>Gender</b>			
Men	128	940	14
Women	161	1260	13
<b>Age</b>			
18-24	49	243	20
25-34	77	441	17
35-44	65	444	15
45-54	31	352	9
55-64	29	291	10
65+	35	418	8
<b>Marital Status</b>			
Single	113	608	19
Married	113	1058	11
Living as married	9	56	16
Separated	19	122	16
Divorced	11	110	10
Widowed	24	246	10
<b>Religion</b>			
Catholics	239	830	29
Protestants	31	1070	3
No religion	15	207	7
<b>Political opinion</b>			
Unionist	16	871	2
Nationalist	183	600	31
Neither	81	671	12
<b>illness/disability</b>			
yes	42	394	11
no	247	1804	14

**Table 6 – Knowledge of Irish by Ethnic Group**

Table population: All persons aged 3 and over (and column percentages)

	<b>White</b>	<b>Irish Traveller</b>	<b>Mixed</b>	<b>Indian</b>	<b>Pakistan i</b>	<b>Banglades hi</b>	<b>Other Asian</b>
Has <b>Some Knowledge</b> of Irish	166,314 (10.4%)	314 (19.4%)	276 (9.4%)	52 (3.5%)	22 (3.6%)	24 (10.3%)	17 (8.9%)
Has <b>No Knowledge</b> of Irish	1,438,272 (89.6%)	1,302 (80.6%)	2,650 (90.6%)	1,453 (96.5%)	597 (96.4%)	209 (89.7%)	175 (91.1%)
All Persons	1,604,586 (100.0%)	1,616 (100.0%)	2,926 (100.0%)	1,505 (100.0%)	619 (100.0%)	233 (100.0%)	192 (100.0%)

	<b>Black Caribbean</b>	<b>Black African</b>	<b>Other Black</b>	<b>Chinese</b>	<b>Other Ethnic Group</b>	<b>All</b>
Has <b>Some Knowledge</b> of Irish	21 (8.6%)	22 (4.8%)	59 (16.1%)	265 (6.6%)	103 (8.4%)	167,489 (10.4%)
Has <b>No Knowledge</b> of Irish	224 (91.4%)	438 (95.2%)	307 (83.9%)	3,722 (93.3%)	1,118 (91.6%)	1,450,467 (89.6%)
All Persons	245 (100.0%)	460 (100.0%)	366 (100.0%)	3,987 (100.0%)	1,221 (100.0%)	1,617,956 (100.0%)

\*Source: Northern Ireland Census 2001

Note: An ability to speak, read or write Irish does not imply an ability to understand spoken Irish, unless stated. Persons in these categories may or may not have the ability to understand Irish

**Table 7 – Knowledge of Irish by Adults in Households with/without Dependants**

Table population: All adults in households (and column percentages)

	Some dependant children in household	No dependant children in household	All adults in households
Has Some Knowledge of Irish	54,453 (11.5%)	59,784 (8.2%)	114,237 (9.5%)
Has No Knowledge of Irish	420,785 (88.5%)	670,399 (91.2%)	1,091,184 (90.5%)
All Adults in Households	475,238 (100.0%)	730,183 (100.0%)	1,205,421 (100.0%)

\*Source: Northern Ireland Census 2001

## Notes:

1. An ability to speak, read or write Irish does not imply an ability to understand spoken Irish, unless stated. Persons in these categories may or may not have the ability to understand Irish.
2. A dependant child is a person in a household aged 0-15 (whether or not in a family) or a person aged 16-18 who is a full time student in a family with parent(s). The dependant child may or may not be a child of the adult.
3. An adult in a household is defined as a person who is not a dependant child i.e. an adult is someone aged 19 or over, or someone aged 16 to 18 who is not a full-time student living with their parents(s).

**Table 8 – Knowledge of Irish by Marital Status**

Table population: All persons aged 3 and over (and column percentages)

	Single	Married	Re-married	Separated (but still legally married)	Divorced	Widowed	All
Has Some knowledge of Irish.	96,992 (12.8%)	54,702 (8.8%)	1,345 (3.9%)	5,072 (10.3%)	3,855 (7.3%)	5,524 (5.5%)	167,490 (10.4%)
Has No Knowledge of Irish	659,968 (87.2%)	568,956 (91.2%)	33,080 (96.1%)	44,348 (89.7%)	49,148 (92.7%)	94,967 (94.5%)	1,450,467 (89.6%)
All persons	756,960 (100.0%)	623,658 (100.0%)	34,425 (100.0%)	49,420 (100.0%)	53,003 (100.0%)	100,491 (100.0%)	1,617,957 (100%)

\*Source: Northern Ireland Census 2001

Note: An ability to speak, read or write Irish does not imply an ability to understand spoken Irish, unless stated. Persons in these categories may or may not have the ability to understand Irish.

**Table 9 – Knowledge of Irish by Limiting Long-term illness (All Persons)**

Table population: All persons aged 3 and over (and column percentages)

	Limiting long – term illness	No limiting long – term illness	All
Has some knowledge of Irish	26,802 (7.9%)	140,688 (11.0%)	167,490 (10.4%)
Has No Knowledge of Irish	313,939 (92.1%)	1,136,528 (89.%)	1,450,467 (89.6%)
All Persons	340,741 (100.0%)	1,277,216 (100.0%)	1,617,957 (100.0%)

\*Source: Northern Ireland Census 2001

Notes:

1. An ability to speak, read and write Irish does not imply an ability to understand spoken Irish, unless stated. Persons in these categories may or may not have the ability to understand Irish.
2. Limiting long-term illness covers any long-term illness, health problem or disability which limits daily activities or work.

## **ANNEX B**

### **BELFAST (GOOD FRIDAY) AGREEMENT 1998**

The issue of linguistic diversity and the Irish Language is dealt with in the section on ‘Rights, Safeguards and Equality of Opportunity: Economic, Social and Cultural Issues’. The relevant parts are paragraphs 3 and 4:

3. All participants recognise 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.
4. In the context of active consideration currently being given to the UK signing the Council of Europe Charter for Regional or Minority Languages, the British Government will in particular in relation to the Irish language, where appropriate and where people so desire it:
  - take resolute action to promote the language;
  - facilitate and encourage the use of the language in speech and writing in public and private life where there is appropriate demand;
  - seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language;
  - make provision for liaising with the Irish language community, representing their views to public authorities and investigating complaints;
  - place a statutory duty on the Department of Education to encourage and facilitate Irish medium education in line with current provision for integrated education;
  - explore urgently with the relevant British authorities, and in co-operation with the Irish broadcasting authorities, the scope for achieving more widespread availability of Teilifís na Gaeilge in Northern Ireland;
  - seek more effective ways to encourage and provide financial support for Irish language film and television production in Northern Ireland; and
  - encourage the parties to secure agreement that this commitment will be sustained by a new Assembly in a way which takes account of the desires and sensitivities of the community.

**PART III OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES**

Of the thirty-six paragraphs which the UK Government has chosen to apply in respect of Irish, thirty paragraphs relate to matters which are the responsibility of the Northern Ireland administration. The remaining six paragraphs relate to reserved and excepted matters.

**Article 8: Education**

Paragraphs:

- 1a With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:
- (iii) to apply one of the measures provided for under i and ii above [i.e. to make available *pre-school* education or a substantial part of pre-school education in the relevant regional or minority languages] at least to those pupils whose families so request and whose number is considered sufficient; or
- 1b (iv) to apply one of the measures provided for under i to iii above [to make available *primary* education or a substantial part of primary education *in* the relevant regional or minority language or to provide, within primary education, *for* the teaching of the relevant regional or minority languages as an integral part of the curriculum] at least to those pupils whose families so request and whose number is considered sufficient;
- 1c (iv) to apply one of the measures provided for under i to iii above [to make available *secondary* education or a substantial part of secondary education *in* the relevant regional or minority languages; or to provide, within secondary education, *for* the teaching of the relevant regional or minority languages as an integral part of the curriculum] at least to those pupils who, or where appropriate whose families, so wish, in a number considered sufficient;

- 1d (iv) to apply one of the measures provided for under i to iii above [to make available *technical and vocational* education or a substantial part of technical and vocational education *in* the relevant regional or minority languages or to provide, within technical and vocational education, *for* the teaching of the relevant regional or minority languages as an integral part of the curriculum] at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;
- 1 e (iii) if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii [to make available *university and other higher* education *in* regional or minority languages; or provide facilities *for* the study of these languages as university and higher education subjects] cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;
- 1f (ii) to offer such languages as subjects of adult and continuing education;
- 1g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;
- 1h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;
- 2 With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

**Total:**

**9**

### **Article 9: Judicial authorities**

Paragraph:

- 3 The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.

**Total:**

**10**

### **Article 10: Administrative authorities and public services**

Paragraphs:

- 1 Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:
  - 1 a (iv) to ensure that users of regional or minority languages may submit oral or written applications in these languages;
  - 1c to allow the administrative authorities to draft documents in a regional or minority language
- 2 In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:
  - 2b the possibility for users of regional or minority languages to submit oral or written applications in these languages;
  - 2e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official languages of the State;
  - 2f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official languages of the State;
  - 2g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.
- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:
  - 3 c to allow users of regional or minority languages to submit a request in these languages;
4. With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:
  - 4a translation or interpretation as may be required;
- 5 The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

Total:

9

### **Article 11: Media**

Paragraphs:

- 1: The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:
  - 1a to the extent that radio and television carry out a public service mission:
    - 1a (iii) to make adequate provision so that broadcasters offer programmes in the regional or minority languages;
    - 1b (ii) to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis;
    - 1d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;
    - 1e (i) to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages; or
    - 1f (ii) to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;
  - 1g to support the training of journalists and other staff for media using regional or minority languages;
- 2 The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.

**Total: 7**

### **Article 12: Cultural activities and facilities**

Paragraphs:

- 1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including **inter alia** the

use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- 1a to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;
- 1d to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;
- 1e to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;
- 1f to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;
- 1h if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language.
- 2 In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.
- 3 The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.

**Total: 7**

### **Article 13: Economic and social life**

Paragraph:

- 1 With regard to economic and social activities, the Parties undertake, within the whole country:
  - 1d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs.

**Total: 1**

**Article 14: Transfrontier exchanges**

Paragraphs:

- a to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;
- b for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.

**Total: 2**

**CURRENT GOVERNMENT ACTIVITY IN RELATION TO THE PROMOTION AND PROTECTION OF THE IRISH LANGUAGE**

**ADMINISTRATIVE AUTHORITIES AND PUBLIC SERVICES**

Government departments, and their associated bodies, facilitate customers who wish to conduct their business in Irish either orally or in writing. A telephone voicemail facility has been set up for members of the public who wish to conduct business in Irish.

There is no statutory prohibition on a person's use of the Irish version of their name. The Northern Ireland Civil Service's Code of Courtesy for Irish (Annex C of the 'Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster-Scots' for public servants) states that 'staff must respect the wishes of anyone who wants to be known by the Irish version of their name'.

Local councils may, under Article 11 of the Local Government (Miscellaneous Provisions) (NI) (Order) 1995, erect street names in English and in any other language. In doing so, councils must have regard to the views of the residents living in the premises of that street. There are no restrictions on using Irish versions of other parts of an address, e.g. townland, town, county.

Throughout the UK, the use of Irish in the private/non-governmental sector is facilitated on the same basis as any English-using private sector enterprise or non-governmental organisation, and such enterprises / NGOs are open to apply for public sector support .

Armagh Planetarium	<ul style="list-style-type: none"> <li>- Has run very successful Irish language science events in the past with assistance from Foras na Gaeilge and the Ultach Trust.</li> </ul>
Arts Council	<ul style="list-style-type: none"> <li>- Has encouraged writing in Irish by funding a twice-weekly literary supplement in <i>Lá</i>; enhancing funding to the magazine <i>An tUltach</i>; funding a year-long NI-wide Irish arts roadshow with POBAL (03-04) instituting the first Writer-in-Residency in Irish in the island, supporting the Irish language arts centres in Derry and Belfast; and promoting literary readings with traditional music. It completed an extensive analysis and needs analysis of the arts of Irish (June 04), completed sectoral consultation on that report (March 05) and is preparing policy responses for decision in autumn 05.</li> <li>- The Arts Council employs an officer responsible for the language arts, including the arts in Irish. The Council has procured a redesigned corporate brand using Irish on all stationery, publications, business cards, signage, etc; conducted training for all staff in the use of simple greetings, the elements of pronunciation, etc.; conducted a benchmarking exercise with respect to POBAL's Cairt na Gaeilge with a view to adopting its action guidelines with respect to publications, publicity correspondence, public presentations, administrative practice, etc.</li> <li>- The Arts Council's grant support programmes have assisted the development of facilities and artistic programmes: Cultúrlann McAdam-O Fiaich, Conradh na Gaeilge (Derry), literary supplement to <i>Lá</i>, Comchoiste Na Gaeilge, Aisling Ghéar, <i>An tUltach</i>. Funded projects include: education programmes and outreach, workshops, performances, script development and the construction of facilities. It completed an extensive analysis and needs analysis of the arts of Irish (June 04), completed sectoral consultation on that report (March 05) and is preparing policy responses for decision in autumn 05.</li> </ul>
Belfast Education and	<ul style="list-style-type: none"> <li>- Belfast Central Library has a substantial collection of Irish language material. A range of periodicals, books and tapes is also</li> </ul>

<b>Library Board</b>	<p>held at selected libraries in the Belfast area. Irish stock is selected either in response to direct contact with teaching staff from local schools or on the basis of knowledge of the Irish language publications. All selection is made using the expertise of Irish-speaking library staff, Irish speakers in local bookshops and bilingual bibliographical information.</p> <ul style="list-style-type: none"> <li>- Foras na Gaeilge has been in contact with Belfast Central Library in relation to the provision of services for Irish speakers- it is intended to have an ongoing working relationship with the Belfast Central Library. A visit was conducted in the Irish language with an Irish Language speaking school during the past year.</li> <li>- Belfast Central Library has fluent Irish speaking staff and some of the community libraries have fluent Irish language speakers on their establishment. Bilingual reading lists are produced for schools.</li> </ul>
<b>Belfast Education and Library Board (BELB)</b>	<ul style="list-style-type: none"> <li>- Translates documents, if requested, into Irish.</li> </ul>
<b>Department for Employment and Learning (DEL)</b>	<ul style="list-style-type: none"> <li>- In Northern Ireland, the Further Education (FE) colleges are key players in the delivery of vocational training. The FE colleges offer Irish language courses at various levels.</li> <li>- Since the 2001/02 academic year, the Department for Employment and Learning (DEL) has provided funding for an Irish language vocational training programme delivered by Belfast Institute of Further and Higher Education (BIFHE), in co-operation with Forbairt Feirste. The aim is to address the training needs of pupils who leave Irish-medium secondary schools at age 16.</li> <li>- BIFHE delivers this programme through the medium of Irish, as an integral part of its mainstream provision. Subject to evaluation, and local demand, DEL will support Irish medium vocational programmes throughout the FE Sector.</li> <li>- In seeking a more co-ordinated approach to Irish language provision, the Department for Employment and Learning has held discussions with representatives of the Irish language community and is considering the appointment of a suitable organisation to provide strategic advice on the way forward for vocational education and training, in the medium of Irish.</li> <li>- The Department for Employment and Learning (DEL) provides targeted financial support to students in higher and further education, including students of Irish. In addition, Higher Education students from NI who wish to be educated in the medium of Irish, could attend courses in the Republic of Ireland and have their fees paid.</li> <li>- Irish language classes are delivered at two levels (Beginners and Intermediate) in the Ulster People's College (a voluntary</li> </ul>

	<p>and community education and training provider established in 1982 as a residential cross community education centre).</p> <ul style="list-style-type: none"> <li>- The Workers' Education Association (also a voluntary and community adult education provider) offers an Irish language course for beginners.</li> </ul>
<p>Department for Regional Development (DRD)</p>	<ul style="list-style-type: none"> <li>- Translated into Irish the following information: the Water Reform Information Leaflet; Consultation document on First Year review of the Regional Development Strategy; Report of the Panel on the Review of Housing Growth Indicators; Response by the Department on the Review of Housing Growth Indicators. The Department's Water Reform Unit will also issue a water billing/charging information leaflet soon, and an Irish language version will be available of the Department's website.</li> </ul>
<p>Department of Agriculture and Rural Development (DARD)</p>	<ul style="list-style-type: none"> <li>- Identified a number of staff who speak Irish and are willing to accept telephone calls in Irish on behalf of their Department. DARD has produced an executive summary of the first Rural Proofing Report for 2003/4 in Irish.</li> </ul>
<p>Department of Culture, Arts &amp; Leisure (DCAL)</p>	<ul style="list-style-type: none"> <li>- Translated Policy on Provision of Financial Support for Irish Language Film &amp; Television in Northern Ireland (including the Equality Impact Assessment -EQIA), and its related Summary of Responses; the Dutton Report on the Gaeltacht Quarter (Ceathru Gaeltachta) into Irish. DCAL has also set up a telephone voicemail facility has been set up for members of the public who wish to conduct their business in Irish. The Linguistic Operations Branch facilitates translation and interpretation requests for Government Departments and their associated bodies. DCAL has established a call-off list of Irish Language Translators, a sample of each organisation's work is quality assured at least every quarter.</li> <li>- An Advisory Committee of language experts comprising academics, officials and experienced translators has been set up to develop a house style for use in public sector translations in Northern Ireland. They are developing guidelines and have provided a TRADOS term database to approved translators.</li> <li>- Interdepartmental Charter Implementation Group (ICIG) translated 'Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster-Scots' into Irish and Ulster-Scots.</li> <li>- The ICIG established a subgroup (in May 2004) to look at staff training issues arising from the implementation of the Charter across Government Departments. The training subgroup intends to commission a survey of training needs with regard to Irish across all the Government Departments, which operate in Northern Ireland.</li> <li>- ICIG has established contact with the Society of Local Authority Chief Executives (SOLACE) to discuss local councils</li> </ul>

	<p>obligations in relation to the Council of Europe Charter on Regional or Minority Languages.</p> <ul style="list-style-type: none"> <li>- Supports the Translation Advisory Committee (TAC). The TAC provides technical linguistic support for official translators in Northern Ireland. DCAL has created a Cultural Affairs Desk in the Northern Ireland Bureau in Washington DC to promote Northern Ireland arts and cultural issues in the United States.</li> <li>- The NI Administration is represented at meetings of the British Irish Council. The British Irish Council was created under the Agreement reached in the Multi-Party Negotiations in Belfast in 1998 to promote positive, practical relationships among its Members, which are the British and Irish Governments, the devolved administrations of Northern Ireland, Scotland and Wales, and Jersey, Guernsey and the Isle of Man.</li> <li>- The Department of Culture Arts and Leisure (DCAL) is providing £12m over 5 years for the establishment of a fund for financial support for Irish language film and television production. The Irish Language Broadcast Fund came on stream in 2005, once State Aids clearance was received. The funding includes a training element.</li> <li>- Foras na Gaeilge funded Súil Aduaidh, to conduct a training course in film and television production over a three year period (2001-2003).</li> <li>- The principle source of production funding is the Northern Ireland Film and Television Commission (NIFTC). The NIFTC has been delegated responsibility by the Arts Council for the distribution of the film and moving image element of Northern Ireland's share of National Lottery proceeds for the Arts. The NIFTC will administer the Irish Language Broadcast Fund.</li> <li>- The Irish Language Broadcast Fund is committed to developing the level of skills within the Irish Language production sector.</li> <li>- Foras na Gaeilge funds Lá (daily newspaper), Foinse (Sunday paper) and several periodicals.</li> <li>- Republic of Ireland radio and television broadcasts in Irish (RTE and TG4) are widely available in Northern Ireland.</li> <li>- At the British Irish Intergovernmental Conference on 2 March 2005, the two joint chairs signed an Intergovernmental Agreement granting authority for TG4 to use a UK frequency to broadcast in Northern Ireland.</li> <li>- TG4 has now been up and running in Northern Ireland since 4 March 2005.</li> </ul>
<p><b>Department of Education (DE)</b></p>	<p>- Produces a range of key documents in Irish ranging from inspection reports, advertisements and key documents which would be of interest to Irish speakers.</p>

- Grant-aided status has been approved for 18 Irish-medium primary schools. In addition there are 10 funded Irish-medium primary units attached to existing primary schools. In 2005/0 there were 2,365 pupils in primary Irish-medium education. -
- To qualify for Grant-maintained status a school must meet certain viability criteria and other criteria applicable to all new schools.
- Irish-medium pre-school settings are eligible for funding under the Pre-school Education Expansion Programme in the same way as other voluntary and private pre-school playgroups that meet the requirements of the programme. 569 places were funded in Irish medium settings for 2006/2007.
- Irish-medium nursery units are eligible for full grant-aided nursery status where there is evidence of sufficient demand to ensure the viability and effectiveness of the unit.
- Meanscoil Feirste (Irish-medium secondary school based in Belfast) is a grant-maintained Irish-medium school. In addition, there are 2 Irish-medium secondary units Coláiste Bhríde, attached to St Brigid's High School, Carnhill, and Meanscoil Chaitriona, attached to St Catherine's College, Armagh. Both of these are grant -aided. In 2005/06 there are 570 pupils in these schools.
- Schools can choose to make provision for the teaching of Irish as a way of fulfilling the requirement for pupils in post-primary education to study a modern language. An Irish-medium unit has been set up in The Council for the Curriculum, Examinations and Assessment (CCEA) with a remit to translate and provide curriculum support, examination and assessment materials.
- The Irish Medium Sector have a Programme for Government Target of growth of the number of pupils in the sector by 5% year on year.
- In 2000/01 2,452 pupils had entries in Irish at GCSE level.
- In 2001/02 2,670 pupils had entries in Irish at GCSE level.
- In 2002/03 2,689 pupils had entries in Irish at GCSE level.
- In 2003/04 2,530 pupils had entries in Irish at GCSE level.
- In 2004/05 2,248 pupils has entries in Irish at GCSE level.
- The revised statutory curriculum will be introduced from September 2007 and will provide greater flexibility for schools to

	<p>tailor their curriculum to better suit the needs of their pupils. It aims to enable young people to develop as contributors to society through themes such as cultural understanding across the whole curriculum and it also includes Citizenship education, where pupils will be able to look at issues such as cultural identity.</p> <ul style="list-style-type: none"> <li>- Initial training is provided for aspiring teachers of the Irish language and for those who will be employed in schools, which teach through the medium of Irish. DE and DEL are working jointly to take forward the further development of Irish Medium post primary Initial Teacher Education in the Higher Education Institutions. DEL currently funds Irish Medium Education in St Mary's University College, some £100,000 per annum. All teacher training is inspected by the Education and Training Inspectorate.</li> <li>- The Northern Ireland Education and Library Boards, in conjunction with Gael Linn, offer in-service training courses during the summer to teachers of Irish in mainstream and teachers in Irish medium schools.</li> <li>- Currently within the Education and Library Board system there is an adviser, an advisory teacher for literacy and a seconded teacher developing work on phonics, for Irish-medium education, all of whom have a five-Board remit.</li> <li>- Fit for purpose professional development for teachers in Irish-medium education is beginning to be made available on a cross-phase/5 ELB (Education and Library Board) basis.</li> <li>- Citizenship is part of the National Curriculum in England and includes cultural and linguistic diversity of the British Isles. Schools can offer Irish as part of their modern languages provision and Irish is also available as an optional GCSE and A-Level subject. Irish is available as a subject at University level in Britain.</li> <li>- The Department of Education funds, through the British Council, the East-West pilot project which aims to link schools in Northern Ireland (NI), the Republic of Ireland (RoI) and Great Britain with a view to breaking down barriers and fostering understanding and respect.</li> <li>- This year there are 2 primary schools and 1 special school linked through the East West programme. Projects undertaken will be art/posters/pottery with focus on healthy eating, exercise and physical activities; social and economic implications of the famine on the cities of Belfast, Dublin and Liverpool through art, music, literacy and ICT, history of shipbuilding; mosaic to incorporate the heritage of each community where the schools are located, outdoor and team building activities.</li> </ul>
Department of the	- Issued initial guidance on the Council of Europe Charter on Regional or Minority Languages to District Councils in July 2002.

Environment (DOE)	- Government policy does not prohibit local (District Councils) or Regional authorities accepting oral or written applications in Irish.
Department of Finance and Personnel (DFP)	- Translated into Irish an Equality Impact Assessment (EQIA), Executive Summary and advice on the Reform of the Domestic rating system into Irish.
Driver and Vehicle Licensing Agency (DVLNI)	- Strives to use Irish addresses , when requested (including street names) on driving licences. The Agency has also translated its 'Customer Service Guide' and 'How to Complain' leaflets into Irish.
Foras na Gaeilge	<ul style="list-style-type: none"> <li>- Irish is the working language of Foras na Gaeilge and all their documents and correspondence is in Irish or bilingual (Irish/English).</li> <li>- Provided financial support to Craigavon Health Trust to translate a document into Irish.</li> <li>- Foras na Gaeilge advertised an Irish Language Officer Scheme in 2006, with a view to appointing Irish language officers in the District Councils, co-funded by Foras na Gaeilge. The response was very positive and it is envisaged that at least four officers will be appointed in 2007.</li> <li>- Provides funding for Féile an Phobail and a range of other events.</li> <li>- Coiste Tearmaíochta (Terminology Committee) is funded by Foras na Gaeilge. The work of the Coiste Tearmaíochta is ongoing and it is working with experts from all over Ireland.</li> <li>- Foras na Gaeilge has provided funding for a scholarship scheme on the Irish translation course at Queen's University Belfast.</li> <li>- An Gúm, (Irish language publisher) recently published Taisce Téarmaíochta containing nine dictionaries. A range of dictionaries are available from An Gúm.</li> <li>- Foras na Gaeilge, Tha Boord o Ulstèr-Scotch and the Arts Council of NI will appoint an Irish language-Ulster-Scots Arts and Language Officer in 2007, funded jointly by the three bodies, to promote and develop the arts and traditional arts of the two cultures.</li> <li>- Has established an Advisory Panel in relation to the use of Irish in the Private/non-Governmental Sector.</li> <li>- The Northern Ireland Administration is currently working on a partnership with the private, voluntary and community</li> </ul>

	<p>sectors to develop a Gaeltacht Quarter in West Belfast.</p> <ul style="list-style-type: none"> <li>- Foras na Gaeilge grant-aided the Irish language radio station, Raidió Fáilte in Belfast in 2006.</li> <li>- Foras na Gaeilge is providing grant-in-aid to Iontaobhas na Gaelscolaíochta to implement a Money Collection Strategy (Straitéis Bhailithe Airgid) to underpin the funding for the Irish-medium sector in the short term. It also has provided grant-in-aid to after-school clubs for young people through Irish.</li> </ul> <p>Foras na Gaeilge has provided core funding for Altram (voluntary Irish-medium pre-school organizations) and for Forbairt Naonrai Teo.</p> <ul style="list-style-type: none"> <li>- In the past, Foras na Gaeilge has provided grant-in-aid to Gaeloiliúint (voluntary support organisation for Irish-medium primary education), interim grant-in-aid to Irish medium primary schools awaiting departmental recognition and grant-in-aid to Irish medium teaching/learning resources for Irish medium primary schools.</li> <li>- Foras na Gaeilge has provided grant-in aid to Gaeloiliúint and grant-in-aid to Gael Eagrais Um Shainriachtanais Oideachais (GESO) (voluntary organisation for special needs in Irish-medium education) to develop special education resources for Irish medium secondary schools.</li> <li>- An Irish-Medium Curriculum Materials Unit, An tÁisaonad, has also been established at St Mary's University College, and is core funded by Foras na Gaeilge.</li> <li>- Foras na Gaeilge provides grant aid for adult education initiatives, e.g. Ogmios, An Gaeláras, Comhaltas Uladh etc (voluntary organisations).</li> </ul>
<p><b>Local Government Staff Commission and NI Local Government Superannuation Committee</b></p>	<ul style="list-style-type: none"> <li>- Have received Irish language awareness training.</li> </ul>
<p><b>Museums, Arts, Galleries, Northern Ireland (MAGNI)</b></p>	<ul style="list-style-type: none"> <li>- The sound archive at the Ulster Folk and Transport Museum has significant Irish content. The archive is open to the public five days a week during office hours. Most of the material is available on demand. The Ulster Folk and Transport Museum also has a copy of the RTÉ Raidió na Gaeltachta sound archive, which contains Irish language material from thirty years of</li> </ul>

	<p>broadcasting at the Doirí Beaga studios in County Donegal. Access is granted to researchers and interested members of the public for reference and research purposes only, by prior appointment.</p> <ul style="list-style-type: none"> <li>- As well as sound archive provision, the Library at the Ulster Folk &amp; Transport Museum is the repository for material of linguistic interest in documentary and literary form. Its Ulster Dialect Archive, containing several collections and much additional documentation, provides anyone interested in loan-words from Irish, with a rich source of information.</li> <li>- The Ulster Folk and Transport Museum is in the fortunate position of having one member of staff who is fully conversant in Irish.</li> </ul>
<b>Newry &amp; Mourne District Council</b>	<ul style="list-style-type: none"> <li>- Provide a bi-lingual translation system for use by all members in Council Committees and has appointed a Development Officer to promote its policy of using Irish Language in internal administration.</li> </ul>
<b>NI Place Names Project at Queen's University</b>	<ul style="list-style-type: none"> <li>- Provides traditional and concrete forms of place-names. It is also focussed on preserving the Townland Heritage and re-instating townlands in the Post Office address database, it is supported by Foras na Gaeilge.</li> </ul>
<b>North Eastern Education and Library Board:</b>	<ul style="list-style-type: none"> <li>- Multi-lingual "welcome" posters are displayed in all libraries. The Director of Libraries met with representatives of Foras na Gaeilge to discuss promotion of the Irish Language in libraries.</li> <li>- Foras na Gaeilge has been in contact with the Chief Librarian of NEELB in relation to the provision of services for Irish speakers -it is intended to have an ongoing working relationship with Foras na Gaeilge.</li> </ul>
<b>Northern Ireland Assembly (NIA)</b> (currently suspended)	<ul style="list-style-type: none"> <li>- Has made provision for the use of Irish in debates. An Irish language speaker is employed as a full-time official in the Assembly for Irish language translation and interpretation.</li> </ul>
<b>Northern Ireland Court Service</b>	<ul style="list-style-type: none"> <li>- The following national statutory texts have been translated and are available in Irish:</li> <li>- The Education (Northern Ireland) Order 1998</li> <li>- The North South Co-operation (Implementation Bodies) (Northern Ireland) Order 1999</li> <li>- The Northern Ireland Act 1998</li> <li>- The Human Rights Act 1998 is currently being translated into Irish by DCAL.</li> </ul>
<b>Northern Ireland</b>	<ul style="list-style-type: none"> <li>- Includes a target to provide guidelines on the use of minority languages, including Irish, to Northern Ireland's museums by</li> </ul>

Museums Council's Business Plan 2005/6	end March 2006. Relevant guidance also featured in its Cultural Diversity Guidelines, issued in 2005.
Northern Ireland Museums Council	Can access through the Department of Culture, Arts and Leisure, translation facilities and is able to receive communications, and where practicable respond, in minority languages.
Ordnance Survey of Northern Ireland's (OSNI)	- Cultural map and gazetteer of Ireland North includes settlement names in English and the authenticated Irish form. OSNI's POINTER address database includes the Irish version of approved street names where these have been supplied by the District Council concerned. POINTER is an address database used by many public authorities.
Public Record Office Northern Ireland (PRONI)	- Has at its disposal a senior member of staff fluent in Irish.
Queen's University - the Séamus Heaney Centre	- Foras na Gaeilge is funding the residency of Pádraigín Ní Uallacháin, the celebrated traditional singer, in Queen's University, since 2005, for a three-year period.
South Eastern Education & Library Board	- Has just completed the consultation process on its draft Community Languages Policy which includes provision for the Irish language. In 2004-2005, under the draft policy, the SEELB purchased adult fiction to strengthen Irish language collections in Castlewellan, Colin Glen and Downpatrick libraries. Colin Glen Library has storytelling sessions in Irish for classes from Scoil na Fuiseoige.
South Eastern Education and Library Board (SEELB)	- The draft Community Languages Policy contains a commitment to ' <i>Provide opportunities for frontline Library staff to acquire basic skills in specified community languages</i> '. - In Colin Glen Library, there are two fluent Irish speaking members of staff; others have been trained in basic Irish to enable them to greet Irish speakers.
Southern Education and Library Board	- The Southern Board's Library Service, as part of its Service Development Plan for 2005-2006, will produce a draft policy on the provision of services to minority language groups. Following on from this, ways of improving future provision will be investigated.

The Council for the Curriculum and Examinations and Assessment (CCEA)	- Facilitates clients who wish to submit documents in Irish and translate all examination and assessment material into Irish on request and a number of support packages have also been translated.
Western Education and Library Board (WELB)	- Facilitates clients who wish to submit documents in Irish
Youth Council for Northern Ireland (YCNI)	- Facilitates clients who wish to submit documents in Irish, and translate documents, if requested, into Irish

**DEVELOPMENTS IN EDUCATION RELATING TO IRISH**

Following a commitment in the Belfast Agreement, the Education (Northern Ireland) Order 1998 placed a statutory duty on the Department of Education (DE) to encourage and facilitate the development of Irish-medium (IM) education. The Order also made provision for the Department to pay grants to any body appearing to have as an objective, the encouragement or promotion of Irish-medium education. In August 2000 the Department established the promotional body Comhairle na Gaelscolaíochta. Some of the objectives of this body are “to facilitate and encourage the development of Irish-medium education in Northern Ireland, to represent the sector, and to liaise with and provide the Department with advice on various issues relating to Irish-medium education”.

As part of its statutory duty under the 1998 Education Order, the Department of Education worked with Comhairle na Gaelscolaíochta to establish, in 2001, the Irish-medium Trust Fund known as “Iontaobhas na Gaelscolaíochta”. The Trust provides support for the development of the Irish-medium sector by establishing pre-school provision, awarding grants to independent Irish-medium schools and helping with capital costs for Irish-medium schools which have been approved for recurrent grant aid, but which are not yet eligible for capital costs. The Department has so far made contributions of almost £3.2m to the Trust. Foras na Gaeilge, the cross-border Irish language agency was established in 1999. It has offices in Dublin and in Belfast and is charged with the promotion of Irish on an all-island basis. One of its functions is to support Irish-medium education and the teaching of Irish.

## **Irish-Medium Education Provision**

Prior to the 1998 Order, Irish-medium pre-school units were not considered for grant-aided status but were registered as playgroups with their local Health Trust. Since the commencement of the pre-school education expansion programme, voluntary and private providers, including Irish-medium playgroups, have been eligible to receive funding provided they comply with the requirements of the expansion scheme and are included in the development plan drawn up for their local Education and Library Board area. Over 450 places in Irish-medium playgroups are being funded currently; in addition, 3 Irish-medium statutory nursery units, offering a total of 104 places, are in operation.

The Department currently funds 20 recognised Irish-medium primary schools and one post-primary school. In addition there are 2 independent primary schools that have not met the viability criteria necessary to qualify for grant aid. In September 2005, almost 3000 pupils were being educated through the medium of Irish. In practice this means that over 98% of pupils learning through the medium of Irish attend schools that are in receipt of recurrent grant-aid.

In addition to free-standing schools, Irish-medium education is provided through units or streams within existing schools. Primary units require an annual intake of around 9-10 pupils and operate in a self-contained manner under the management of a host English-medium school. Irish-medium post-primary streams operate within existing English-medium schools and offer bilingual education with substantial IM provision. There are currently 10 primary units and 2 post-primary Irish-medium streams with a total of over 600 pupils (pupil numbers are included in the figures above). A number of the Irish-medium free-standing schools, units and one post-primary stream are currently operating below the numbers required to satisfy the criteria for recurrent funding; only 2 free-standing IM primary schools, however, are not in receipt of recurrent funding.

## **GCSE / A Level in Irish**

A table is attached at Annex A which ranks, in order, the number of pupils taking Irish and other modern languages at GCSE and GCE A Level since 2000 / 2001. From the most recent figures, Irish is the third most popular modern language at both GCSE and GCE A Level. Altogether over 2,500 students took GCSE or GCE A Level examinations in Irish in 2004/05.

## **Irish as a modern language**

### Background

Under the 1989 Education Order, Irish was not treated in the same manner as the other accepted modern languages. Article 5(5) states: 'The curriculum for every grant-aided secondary school shall afford to all pupils in the third and fourth key stages the opportunity to be taught, within the area of study called Language Studies, one of the following listed contributory subjects, namely French, German, Italian or Spanish'. This was not revised in the 1996 Order.

Irish was mentioned explicitly in the key stage 3 and key stage 4 programmes of study for the Northern Ireland Curriculum as one of the five languages recognised as contributing to the area of language studies (French, German, Italian, Spanish and Irish.) Irish teachers and the Irish language community were never happy with this situation which meant that a school could offer only one of French or German or Italian or Spanish, but if a school offered Irish they also had to offer one of the four languages mentioned in the Order.

### Current position

The Education (NI) Order 2006 has changed this position. The 2006 Order now reads '[a]ny official language of the European Union (other than English and, in Irish speaking schools, Irish).

## Resources

From the late 1980s until the mid-1990s, DE facilitated and funded the development and production of a range of resources for the teaching of Irish as a modern language. Some of the titles produced include:

- Fáilte
- Seal Do Leasa
- Seal Eile 1 & 2
- Saothar A Leibhéil

St Mary's University College now plays an important role in the development of Irish teaching materials, and Foras na Gaeilge has a role in awarding grants to facilitate the development of resources.

### **Initial Teacher Education (ITE) Courses in Irish-Medium Education**

Currently, St Mary's University College offers a 4-year BEd course and a one-year PGCE to address the needs of the IM sector at primary level. 47 students are currently taking the 4-year BEd Irish-medium course, with 12 students expected to qualify in June 2007. 16 students are enrolled on the one-year PGCE (Irish-medium education) primary course. Currently, there is no bespoke ITE provision for the Irish-medium post-primary phase. In order to meet the demands of this sector, DE and DEL collectively are considering with the HEIs, through the Universities Council for the Education of Teachers (UCET[NI]), a proposal for improving the supply of teachers to the Irish-medium post-primary sector. The Departments are currently refining a revised proposal on a post-primary PGCE (Irish-medium education) from UCET[NI].

## **Other Support**

Irish-medium education is supported by specific officers within the Council for the Curriculum, Examinations and Assessment (CCEA) and within the Curriculum Advisory and Support Service (CASS) of the Education and Library Boards. The former organisation includes a small team of translators. An tÁisaonad Lán-Ghaeilge, based in St Mary's University College, Belfast and funded by Foras na Gaeilge, has responsibility for the provision of teaching materials for the Irish-medium sector. It has a small team of editors and translators, who create, adapt and translate texts for use in Irish-medium primary and post-primary schools. Since 2000, DE has funded and published a number of research projects to inform policy and guide practice in the IM sector. A major study on the issue of special educational needs in the sector is currently being undertaken.

## **The Local Management of Schools Common Funding Formula**

Under the "Curricular Support" element of the formula, all Irish-medium schools and Irish-medium units are allocated a fixed amount per pupil to reflect costs associated with the development of curriculum materials. (The pupil count excludes pupils in nursery classes.) In the primary phase, the additional funding recognises the extra costs incurred in teaching English at Key Stage 2 as a curricular requirement.

Irish-medium units operate as discrete units within the management arrangements of the host English-medium school. They therefore generate some additional administrative and management responsibilities and these needs are addressed under the "Administrative Support for Irish-medium Units" element of the formula. The amount allocated depends on the size and profile of the unit.

In 2006/07, funding distributed under these factors amounted to over £500,000.

## Capital Development

The Department encourages the development of Irish-medium schools through its recurrent and capital support. To qualify for recurrent grant, new primary schools currently require a Year 1 intake of 15 pupils in Belfast and Derry/Londonderry and of 12 pupils in rural areas. Post-primary schools require a minimum year 8 intake of 50 pupils for all areas. In determining approval of grant-aid eligibility, the Department of Education also takes account of factors such as:

- evidence of parental demand;
- historic and projected enrolments;
- distance from other grant-aided Irish-medium schools;
- educational soundness and viability of the proposal;
- value for money;
- acceptable accommodation; and
- any valid objections to the proposal.

To become eligible for capital grant, the annual Year 1 intake targets for primary schools in the medium term must be 20 pupils for Belfast and Londonderry schools and 15 pupils for rural schools. These medium term targets are monitored over a 3 year period and will be considered met when a school achieves this higher level of intake for 2 consecutive years, and has provided evidence of the expected intake for the third year. Post-primary intakes remain at 50 and the Department ensures that the school maintains the Year 8 intakes at a minimum of 50 pupils over a 2-3 year period before committing capital funds. Once these have been achieved, established Irish-medium schools seeking capital investment do so via the Department's capital planning process.

## **Milestones in Irish-medium Education**

- 1971 First independent IM primary school, Bunscoil Phobal Feirste, established in Belfast.
- 1983 Bunscoil Cholmcille, IM unit of Steelstown Primary School, an English-medium PS in Derry / Londonderry, receives grant-aid.
- 1984 Bunscoil Phobal Feirste receives grant-aid.
- 1984 to 2006 30 new primary schools and 3 post-primaries are established, all but 2 are currently grant-aided.
- 1995 Specialised Irish-medium Teacher Education introduced to St Mary's University College.
- 1996 CCEA appoint Principal Officer with responsibility for Irish-medium education.
- 1998 An tÁisaonad Lán-Ghaeilge (Irish-medium Resource Unit) established in St Mary's University College.
- CCEA appoint full-time Irish translator (now 2).
- 2000 Establishment of Comhairle na Gaelscolaíochta to manage the strategic development of the IM sector. They have dedicated education and development teams.
- 2001 Establishment of Iontaobhas na Gaelscolaíochta to look after the funding needs of fledgling IM schools before they meet DE viability criteria.
- Appointment of Inter-board ELB CASS adviser for the IM sector. DE lower viability criteria for new IM and integrated schools.
- 2003 Inter-board CASS adviser is supplemented by 2 advisory teachers on secondment.
- CCEA appoint Assistant Principal Officer on secondment to work alongside their existing PO.
- 2006 There are now 32 primary schools and units (30 grant-aided), 3 post-primary schools or streams, and 44 pre-schools with a total of around 4,000 children.

2000/01		2001/02		2002/03		2003/04		2004/05	
A Level									
French	1011	French	959	French	794	French	813	French	725
Spanish	375	Spanish	397	Spanish	405	Spanish	445	Spanish	402
Irish	268	German	244	Irish	240	Irish	275	Irish	295
German	201	Irish	243	German	201	German	188	German	133
Italian	29	Italian	31	Italian	20	Italian	17	Chinese	21
Chinese	8	Chinese	11	Chinese	18	Chinese	12	Italian	18
Russian	2	Russian	5	Russian	3	Russian	3	Russian	6
		Arabic	1	Dutch	1	Dutch	1	Modern Greek	2
				Portuguese	1	Modern Greek	1	Dutch	1
				Japanese	1			Turkish	1

#### GCSE

French	13394	French	13,173	French	12,524	French	12,436	French	11,239
Irish	2452	Spanish	2,716	Spanish	3,077	Spanish	2,945	Spanish	3,132
Spanish	2444	Irish	2,670	Irish	2,689	Irish	2,530	Irish	2,248
German	1412	German	1,390	German	1,244	German	1,266	German	1,315
Italian	207	Italian	164	Italian	163	Italian	151	Italian	137
Chinese	11	Chinese	10	Chinese	15	Chinese	19	Chinese	19
Russian	3	Russian	8	Arabic	3	Russian	10	Russian	7
Portuguese	1	Portuguese	1	Russian	3	Arabic	2	Portuguese	1
		Arabic	1	Portuguese	1			Arabic	1
								Turkish	1

# FURTHER AND HIGHER EDUCATION AND TRAINING

## General Background

### 1 Republic of Ireland, Scotland and Wales

As with the school sector, the authorities in the Republic of Ireland, Scotland and Wales adopt different approaches with regard to the provision of Irish, Scottish Gaelic and Welsh in tertiary education and training.

In Wales, where over one fifth of the population is Welsh-speaking, post-16 Welsh medium education is available in Years 12 and 13 in secondary schools, and in tertiary colleges and colleges of further education, with the latter being limited to some availability in traditionally Welsh-speaking areas. At present, the main providers of Welsh medium education are the Welsh medium/bilingual secondary schools, apart from one area in North Wales where all post-16 education and training is provided at the local tertiary and Further Education (FE) College. As public bodies, FE and Higher Education (HE) institutions are required to agree Welsh Language Schemes with the Welsh Language Board.

In Scotland, under the Gaelic Language (Scotland) Act 2005, the Gaelic Language Board is scheduled to produce a 5-year national language plan by February 2007 that will include a national Gaelic Education strategy and local language plans to promote the use of the language. There is not, as yet, universal access for learners to learn the language, but progress has been made along the lines of materials produced by learndirect Scotland. Also, courses in Scottish Gaelic are part of the offer that can be accessed and part-financed using an Individual Learning Account in Scotland. Courses are free for those on a low income.

In relation to HE, there is a Gaelic College on the Isle of Skye (Sabhal Mór Ostaig – SMO) offering Gaelic-medium degree courses and other courses in communication, language and culture and North Atlantic studies are on offer at Lews Castle College.

In the Republic of Ireland, professional and technical training through the medium of Irish is facilitated via an Irish medium training centre located in Gweedore, in the Gaeltacht area. Those who wish to train via the medium of Irish are directed to this centre.

## **2 Northern Ireland**

Unlike the school sector in Northern Ireland, there is no statutory duty on the Department for Employment and Learning (DEL) to provide learning through the medium of the Irish language. However, DEL is bound, under Article 8 of the European Charter for Regional or Minority Languages (which includes the provision of technical and vocational education and higher education) to “apply one of the measures [for the teaching of or teaching through the medium of Irish, at least to those pupils who or, where appropriate, whose families, so wish in a number considered sufficient.”

Third level education and training is concerned with providing individuals with the opportunity to acquire the skills and qualifications for the world of work and thus this sets the agenda for DEL’s engagement with Irish language issues. There is no evidence currently to suggest that outside of teaching, there is significant demand in the workplace for speakers of Irish. The flexibility afforded by the provisions of the European Charter has enabled DEL to address the issue of the Irish language in a proportionate manner, in line with demand. DEL has engaged in discussion with Irish language organisations with a view to obtaining strategic advice on the way ahead for the development of Irish medium provision in the further education sector and is involved actively with the Department of Education (DE) in relation to improving the supply of teachers to the Irish-medium post primary sector. In addition, there is a range of available options to study the Irish language.

A table within this Annex shows the most recent information available to the Department in relation to the uptake of Irish language courses and learning through the medium of Irish.

### **(i) Higher Education**

DE and DEL are working jointly to take forward the further development of Irish medium primary and post-primary Initial Teacher Education in the Higher Education Institutions. Initial training is provided for aspiring teachers of the Irish language and for those who will be employed in schools which teach through the medium of Irish. DEL currently funds Irish-medium education in St Mary’s University College (£100,000 per annum).

Irish language courses are available in Further and Higher Education Institutions and there is some study available through the medium of Irish, including as part of a wider course of Celtic Studies. In addition, eligible HE students from Northern Ireland who wish to be educated in the medium of Irish, could attend courses in the Republic of Ireland and have their fees paid by DEL.

### **(ii) Further Education – Statutory**

The provision in FE Colleges to study the Irish language ranges from A level

Irish to Irish for Beginners. Training through the medium of Irish is also available – see Professional and Technical Training below.

In deciding upon any curriculum offer, local FE colleges must take into account market needs, the quality of provision and the practicality of delivering individual courses. In seeking a more co-ordinated approach to Irish-medium education and training, DEL is currently taking strategic advice (representative of the view of the entire Irish-medium post-16 sector) on how best it might mainstream vocational provision through the medium of Irish, where this is supported by a sufficient level of demand, and subject to quality and cost effectiveness.

### **(iii) Professional and Technical Training (Jobskills)**

Since the 2001/02 academic year, the Department for Employment and Learning has provided funding to pilot an Irish language vocational training programme delivered by the Belfast Institute of Further and Higher Education in co-operation with Forbairt Feirste. The aim is to address the training needs of pupils who leave Irish-medium secondary schools at age 16. In conjunction with advice received from the Education and Training Inspectorate (ETI), and following discussions with the two delivery partners, the Department has mainstreamed the provision as an FE course with effect from September 2006. The Belfast Institute currently delivers this programme through the medium of Irish, as an integral part of its mainstream offer.

### **(iv) Other learning opportunities**

The totality of Irish-medium provision in the non-statutory sector is not fully documented at this stage. The Department is aware that some projects have been in receipt of EU or other funding to deliver courses through the medium of Irish. For example, two large non-statutory education and training providers; the Workers' Education Association (WEA) and the Ulster Peoples' College (UPC) provide a range of Irish language classes, at Beginner and Intermediate level, subject to sufficient demand.

### **(v) Careers services to Irish - Medium schools**

The Department's Careers Advisers currently provide to Coláiste Feirste in Belfast and Coláiste Bhríde in Derry / Londonderry a full range of Careers services delivered in each school in English. There are no fluent Irish speakers available to provide a service through the medium of Irish. Since September 2005, the Careers Service produced posters advertising the Careers Service through the medium of Irish. These are sent to all schools teaching Irish and those who teach through the medium of Irish.

## IRISH LANGUAGE (position at November 2006)

### Higher Education

Academic Year	Total Enrolments on Celtic Courses (defined by the HESA Celtic Studies Group)	Of which relate to Celtic Studies Courses	Of which on Irish Gaelic Courses	Of Which on Irish Gaelic Literature courses
2003/2004	506	85	349	72
2004/2005	496	76	343	77

Some portions of Irish language courses are taught through the medium of Irish but details of these are not currently held.

### Initial Teacher Education with Irish and Irish-medium Education (St Mary's)

Academic Year	B Ed Irish Courses	PGCE Irish Medium (Primary) courses	Total enrolments
2003/2004	43	16	59
2004/2005	43	20	63

Substantial elements of both courses are delivered through the medium of Irish.

### Statutory FE Sector

Enrolments in Irish Language Courses	Vocational level	Non Vocational level	Total
2003/2004	160	168	328
2004/2005	506	216	722

### Non-Statutory FE sector

Enrolments in Irish Language Courses	Ulster Peoples College	Workers Education Association	Total
2002/2003	24	38	62
2003/2004	6	26	32
2004/2005	9	24	33

### Professional and technical Training (Jobskills)

Year	Participants
2001/2002	12
2002/2003	18
2003/2004	21
2004/2005	12
2005/2006	14
2006/2007	15

### **MEDIA IN SCOTTISH GAELIC, WELSH AND IRISH**

#### Wales

The main statutory functions (arising from the Communications Act 2003) of the Welsh Government in relation to film have not been devolved to the Welsh Assembly Government. The Department of Culture, Media and Sports (DCMS) is responsible for UK-wide policy on film and sponsors the UK Film Council and the National Film and Television School.

The Royal Charter for the Continuation of the BBC, which was accepted by on 19 July 2006, and comes into force on 1 January 2007, recognises the BBC's significant role in supporting Welsh and Scots Gaelic language broadcasting.

#### *Film*

A new film agency for Wales is currently being established. The new organisation will ensure that the economic, cultural, educational and exhibition aspects of film are effectively represented in Wales, the UK and the world. It will concentrate on selection and developments of scripts, short film schemes, part funding and production of micro and full budget feature films in the Welsh language medium. .

#### *Television*

S4C (Sianel 4 Cymru), the Welsh language television channel has been broadcasting in Wales since 1982. Its analogue service provides programmes through both Welsh and English, whereas S4C Digidol is wholly Welsh language. S4C2 broadcasts Assembly proceedings live with an interactive service which lets viewers choose between the Welsh and the English language. In 2005, S4C received funding totalling £88.69m from DCMS.

#### *Radio*

BBC Radio Cymru, an entirely Welsh language radio station has been broadcasting since 1977, and broadcasts some 100 hours of Welsh language

programming per week. Other regional and commercial stations also broadcast certain amounts of Welsh language programming.

Radio Cymru is streamed live on the internet, and digital satellite, and S4C 1 and 2 are available in Wales, and outside on digital satellite. BBC Wales provide an extensive interactive Welsh Language services on the internet, which contains many streaming audio and video broadcasts in Welsh.

#### *Statutory Body*

Sgrin, the Media Agency for Wales, was from 1997 to 2006, the primary organisation for film, television and new media in Wales, and was funded jointly by the Arts Council of Wales, BBC Wales, British Film Institute, Film Council, S4C, TAC (Welsh Independent Television Producers) and the Welsh Development Agency. It was responsible for the formulation of a strategic vision for the development of the industrial and cultural aspects of these industries to their full potential, and was also responsible for awarding National Lottery film production funding for works which may be in Welsh or English. It also awarded exhibition grant aid which is used to support or assist in exhibiting both Welsh and English-language films. Creative industries' support in Wales, including Sgrin, has been restructured and unified to create the 'Hub', or the new Wales Creative Industries' Support Service, and managed by the Welsh Assembly Government. This new agency will have access to a £7m Intellectual Property Fund, and will ensure that the Welsh language is represented in all aspects of film production.

#### *Newspaper*

There are a large number of news publications available in Welsh, including *Y Cymro* and *Golwg* which appear weekly, and *Barn*, a monthly current affairs magazine. A company has recently been established to create a national daily newspaper in Welsh called *Y BYD*, with first publication due in Spring 2007. This venture has been strongly supported by the Welsh language community.

### Scotland

Under the Communications Act 2003, the Gaelic Broadcasting Committee was replaced by the Gaelic Media Service (GMS). The scope of the Gaelic Media

Service has been widened to the production, scheduling, and commissioning of programmes as well as the authority to seek a licence.

### *Television*

The Service is charged with delivering television programmes in Gaelic and receives funding from the Scottish Executive for this purpose. These programmes are carried by the BBC, STV and Grampian. The annual cost of GMS is £8.5m per year.

The Scottish Media Group (Scottish media company) also produces its own Gaelic programming on STV and Grampian. The Group is also required by legislation to carry GMS produced programmes, of which some should be transmitted at peak times.

A Gaelic digital television channel (a collaboration between the BBC and GMS) will be set up and in operation from 2007. Funding for the channel has not been finalised, although it is likely that costs (estimated at £16.8m) will be split between the Scottish Executive, DCMS and the BBC.

### *Radio*

The BBC national Gaelic radio station is Radio nan Gaidheal, and currently receives £8m in funding from the Scottish Executive.

### *Newspaper*

There is no national Scottish Gaelic newspaper that meets the European Charter definition.

### Republic of Ireland

There are three main papers available in the Irish language, Lá, a daily publication published in Belfast; Foinse, a weekly publication published from Galway; and Saol, a monthly publication. Irish language material is also published in some of the national papers, including the Irish Times, and the Irish News.

The Department for Communications, Marine and Natural Resources recently announced that the Irish language television broadcaster TG4 will become an independent station in 2007. TG4 currently operates under the umbrella of RTE, and will become an independent statutory body from April 2007.

TG4 will continue to receive grant aid from the Exchequer to fund their operations in 2007, along with income they receive from advertising. TG4 first aired on October 31st, 1996 and according to the station, over 800,000 viewers now tune into the channel each day.

The station broadcasts over seven hours of programming in Irish each day as well as a wide range of English language programmes, mostly American imports. RTE's Irish language radio station, Raidió na Gaeltachta, which broadcasts in the Republic of Ireland is also available in some areas via signal overspill.

### European Charter for Regional or Minority Languages

Article 11 of the European Charter for Regional or Minority Languages acknowledges that, because of the varying degrees of control which may exist, and in order to uphold the principle of autonomy, public intervention in matters relating to the media may be limited.

The provisions of the article also take account of the fact that individuals often enjoy unrestricted access to the audio-visual media in particular. Thus, whilst the measures provided for in this article are for the benefit of the users of regional or minority languages within the respective geographical areas of those languages, it is acknowledged that their effects may extend beyond it. However, measures need not be taken within the territory in question, provided they benefit those who live there.

In essence, the measures in Article 11 seek to encourage positive action and the provision of funding aid.

The UK Government has accepted obligations under Article 11 relating to Irish, Welsh, and Scottish Gaelic respectively under. While broadcasting remains a reserved matter in Northern Ireland, under the responsibility of the NIO and the Department for Culture, Media and Sport, a number of obligations fall under the responsibility of the Department of Culture, Arts & Leisure.

For further copies of this consultation document, or an Irish language version (or to request other formats), please go to DCAL's website [www.dcalni.gov.uk](http://www.dcalni.gov.uk), or contact:

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Please send all responses to this consultation document **by Friday 2<sup>nd</sup> March 2007** to:

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Please note that all responses will be published on DCAL's website ([www.dcalni.gov.uk](http://www.dcalni.gov.uk)), and your name (if a personal response) or your organisation's name will be disclosed unless you specifically request otherwise.

Please note that information supplied during the consultation may be disclosed in response to a request under the Freedom of Information Act. If you consider that any such information is either confidential or commercially sensitive, you should identify the information to the Department and specify any reasons for its sensitivity. The Department will consult you about the information before making a decision on any request received.