



Department of Culture, Arts & Leisure

**Consultation Paper (13th December 2006) on
Proposed Irish Language Legislation for
Northern Ireland**

**Summary of responses to
Equality Impact Assessments**

March 2007

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1. Executive Summary

- 1.1. The Department of Culture, Arts and Leisure published a consultation paper on Irish language legislation on 13th December 2006. The paper set out a number of approaches which the legislation could take and was accompanied by an equality impact assessment (EQIA). A further EQIA, looking in more detail at some of the options, was published on 16 January 2007.
- 1.2. The general aim of the proposed Irish language legislation would be to enhance and protect the Irish language in Northern Ireland through supporting its use in the provision of public services. The proposal has been developed within the context and spirit of the UK Government's international commitments under The Framework Convention for the Protection of National Minorities, The UN Declaration on The Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities, and The European Charter for Regional or Minority Languages and taking account of the Good Friday (Belfast) Agreement and the St Andrews Agreement.
- 1.3. Government has also sought to develop its proposals on Irish language legislation within the policy framework of A Shared Future. Given the often contested approach to language in Northern Ireland, it is hoped that new thinking around the development of the Irish language will further engender cultural diversity. In taking forward this policy, the Government sees the Irish language as an important part of the rich intercultural heritage of Northern Ireland. It believes protection of the Irish language can bring benefits across cultural divides including to those who currently have no knowledge or connection with the language.

Responses received in relation to equality issues

- 1.4. DCAL is very grateful to all those who responded. Many of the responses received were particularly thoughtful and can contribute significantly to the development of Irish language policy and legislation.
- 1.5. Equality issues were specifically raised by a number of commentators. The response by the Equality Commission to the consultation was particularly helpful in this context. The Commission's experience in relation to anti-discrimination legislation and the operation of Equality Schemes in Northern Ireland provides an important insight into Irish language legislation issues. The Commission in its response highlighted a number of issues to which the Department has given careful consideration and which it will take forward as part of the planned continuing consultation process. In particular the Commission made the point that:

'The notion that providing equality or protection for one group limits their availability for another is both unfounded in itself and acts to the detriment of all who seek to live in a society that is fair and equitable and should be avoided in the drafting of public policy.'

Government subscribes to this view and wants to ensure that the debate on Irish language legislation in Northern Ireland is understood and conducted on this basis.

Equality Impact Screening and Assessment

- 1.6. The equality screening exercise carried out by DCAL concluded that the policy could have a significant impact on certain groups, in particular, young people, Roman Catholics, and nationalists.
- 1.7. Equality Impact Assessments (EQIA) were conducted and published for consultation. The first assessment was published with the consultation paper with a closing date for responses of 2nd March

2007. The second assessment which dealt in more detail with a number of specific areas of public services was published on the 19th January 2007 with a closing date for responses of 9th March 2007.

Positive Equality Impacts

- 1.8. DCAL preliminarily concluded from these assessments that the policy to introduce an Irish Language Bill could have a positive impact on Irish speakers and therefore indirectly on Roman Catholic, nationalists and younger people, which are the groups most likely to speak Irish. It could also have a positive impact on Irish speakers not falling within those categories. None of the responses challenged this view and no evidence was put forward to change this assessment put forward in the EQIA published with the consultation paper on 13th December 2006.

Adverse Equality Impacts

- 1.9. DCAL also found in its assessments that there were no adverse impacts flowing from the general principle to introduce Irish language legislation; this conclusion was reached on the basis that such legislation would not generally affect the level of public services available through English. The Department did consider there may be potential for adverse impacts specifically in the areas of education and legal proceedings depending on which approach to legislation was adopted.
- 1.10. After considering the responses, DCAL has concluded that the adoption of a language scheme approach generally, including in particular its use in the area of education, and the adoption of the proposed mitigating measures specifically for the use of Irish in legal proceedings, would ensure that the proposed legislation would have no adverse equality impact. See paragraphs 6.1-6.4 for discussion of these issues.

Good Relations

- 1.11. DCAL also put forward the view in the first consultation paper that the policy to introduce Irish language legislation has the potential to improve good relations as it could give the Irish language a more accessible platform for all sections of the community. The majority of commentators supported this view. However, a small number of commentators strongly challenged it. The Department's conclusion is that, in the long term, legislation to protect and support the Irish language could have beneficial effect on relations within the Northern Ireland community. See paragraphs 6.5-6.9 for discussion of these issues.
- 1.12. The Department published a further consultation on Tuesday 13th March 2007, seeking views on a number of indicative draft clauses. This summary EQIA paper is part of an ongoing consultation process and equality issues will be further addressed at the end of the consultation on the draft legislation clauses.

2. Introduction

2.1 Under Section 75 of the Northern Ireland Act 1998 (“the Act”) the Department of Culture, Arts & 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.

2.2 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.

2.3 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. These Equality Impact Assessments were subjected to a formal consultation process during which the Department has considered all comments received.

3. Background

3.1 The St. Andrews Agreement (13th 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”.

3.2 The Northern Ireland (St. Andrews Agreement) Act (November 2006) contains a provision which places a duty on the incoming Executive to adopt a strategy to enhance and protect the development of the Irish language.

4. Data Collection and Consultation

4.1 In order to collect relevant data, DCAL used 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. 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.

The policy aim and detailed possible approaches to the legislation were screened for a range of impacts, the result of which indicated that a full EQIA was necessary. The purpose of the second EQIA was to consider in more detail possible equality issues raised in the main areas discussed in Chapter 6 of the *Consultation Paper on Proposed Irish Language Legislation for Northern Ireland*, namely:

- (a) Education
- (b) The Northern Ireland Assembly
- (c) Courts and Tribunals

and to assess if there are any adverse impacts against the Section 75 groups listed in paragraph 2.1 of this report. The different approaches to the proposed legislation put forward in the original consultation paper, and their application in the areas listed above were examined further in terms of equality issues. Consultees were invited to comment.

4.2 Below is a summary of the findings of the data collection, referred to in para. 4.1:

Section 75 Category	2001 Census Findings	Northern Ireland Life and Times Survey, 1999 Findings
Gender	Very similar proportions of	Similar proportions of

Section 75 Category	2001 Census Findings	Northern Ireland Life and Times Survey, 1999 Findings
	males (10.1%) and females (10.5%) had some knowledge of Irish.	males (14%) and females (13%) could speak Irish.
Age	People aged 12 to 15 were most likely to have some knowledge of Irish, followed by people aged 16 to 24. 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.	This Survey provided data for adults only, and found that, broadly speaking, the younger the age group, the higher the proportion of Irish speakers. The youngest age group (18 to 24) was the most likely to speak Irish and people aged 65 and over were the least likely.
Religious Belief	Roman Catholics were more likely to have some knowledge of Irish than Protestants: 22.2% compared to 1.2% of Protestants and 'other Christians'.	Roman Catholics were more likely to speak Irish (29%) than Protestants (3%).
Politician Opinion	No data available.	Nationalists (31%) were more likely to speak Irish than either unionists (2%) or those classified as neither nationalist nor unionist (12%).
Race or Ethnic	Irish Travellers were the highest percentage of ethnic	No data available.

Section 75 Category	2001 Census Findings	Northern Ireland Life and Times Survey, 1999 Findings
Origin	group to have knowledge of Irish. The Indian community had the lowest percentage (3.5%).	
People with or without dependants	Only contains information about adults in households with dependant children who speak Irish. It does not contain information on any other type of dependant. Those with dependant children in the household were slightly more likely (11.5%) to have some knowledge of Irish than those with no dependants (8.2%).	No data available.
Marital status	Single people (12.8%) were more likely to have some knowledge of Irish than married people. Widowed (5.5%), re-married (3.9%) and divorced people (7.3%) were less likely to have some knowledge of Irish.	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.
Disability	Information available for those who speak Irish and have a 'limiting long-term illness'. The Census found that those with a limiting long-term illness were less	People without long-standing health problems or disabilities (14%) were slightly more likely to speak Irish than those with such problems or

Section 75 Category	2001 Census Findings	Northern Ireland Life and Times Survey, 1999 Findings
	likely to have some knowledge of Irish (7.9%) than those without (11%).	disabilities (11%).
Sexual Orientation	No data available.	No data available.

4.3 The Equality Impact Assessments were prepared and made available for distribution to the public in December 2006 and January 2007. In order to ensure that the consultation document was widely circulated, the following steps were taken:

Advertisements

4.4 Advertisements highlighting the publication of the Consultation Paper on Proposed Irish Language Legislation and Equality Impact Assessment were placed in four regional newspapers – Irish News, News Letter, Belfast Telegraph, and Lá inviting the public to comment on the consultation document and the equality impact assessment. These advertisements indicated that the document was available on DCAL’s website, and could be made available on request in alternative formats. The Consultation Paper published on Wednesday 13th December 2006 also indicated that a second EQIA would be published in January 2007. At that time, a letter was issued to DCAL’s consultation list. DCAL’s consultation list consists of the following:

- The Equality Commission;
- Other Public Authorities;
- Voluntary Groups;
- Community Groups;
- Trade Union Groups; and

- Other groups with an interest in the area, and those directly affected by the policy.

Distribution

4.5 800 copies (400 in English and 400 in Irish) of the consultation paper and second EQIA were printed, and either distributed directly to consultees or made readily available to the general public. The first EQIA document was issued to DCAL's consultation list which is held by the Department's Equality Unit, and in response to individual requests. The second EQIA document was advertised through the issue of a letter to DCAL's consultation list, and was made available on DCAL's website and in hard copy from the Department.

Website

4.6 The consultation document was available in English and Irish, or through the 'languages' page on DCAL's website.

Written Submissions

4.7 Written submissions to the consultation document were received from various public and local authorities, community and voluntary organisations, and schools. For example, responses were received from all of the main political parties, 9 local councils, 18 schools, 9 Orange lodges, and various organisations representing Irish Medium Education organisations, Irish language groups and organisations. A full list of the organisations who responded is attached at Annex A.

4.8 668 individual written responses were also received. In addition to this, 1,376 postcards supporting legislation were received during this time, as well as a petition, and a copy of a newspaper advertisement from the Irish language umbrella group, POBAL.

5. Equality Impact Assessments - Key Findings

5.1 The aim of this section is to summarise the views put forward in the responses in relation to equality and the nine equality categories. The following questions were posed during the consultation to help interested parties respond:

- Is there any 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 agree that the measures proposed at 6.14.5 (Consideration of measures to mitigate delays in legal proceedings) would mitigate or eliminate the potential adverse impacts identified? If not, what alternative measures would you suggest and why?
- Do you have any other comments on the equality impact of the policy?

The issues detailed below are discussed further in Chapter 6.

Gender

No responses on this issue.

Age

The Equality Commission noted that there was no reference in the EQIA to any specific action being taken to consult with young people. The Department notes this point and will give consideration to the issue.

Religious Belief

See paragraphs 6.5-6.9 below for discussion.

Political Opinion

See paragraphs 6.5-6.9 below for discussion

Race or Ethnic Origin

The main points that were made under this heading were that:

- The growing number of ethnic minority languages used in Northern Ireland, suggests there is no justification for supporting Irish and not other languages.
- There is a greater need to support those people living in Northern Ireland who do not have English as their first language than to support Irish speakers all of whom have English as their first language.

People with or without dependants

No responses on this issue.

Marital Status

No responses on this issue.

Disability

The Equality Commission noted that there was no reference in the EQIA to any specific action being taken to consult with people with learning

disabilities. The Department notes this point and will give it consideration.

Sexual Orientation

No responses on this issue.

6. Responses and Conclusion

Equality of opportunity

- 6.1 The draft indicative clauses contained in the second consultation paper aim to clarify for public bodies, the Irish language community, and the NI community as a whole, the intended provision of public services through Irish. Those who wish to interact with public bodies through the medium of English will not be affected, and provision of service will continue unaffected. In addition, it is not proposed to introduce any mandatory element with respect to Irish language qualifications for the provision of any public service.
- 6.2 In relation to the use of Irish in court proceedings, a number of mitigating measures were put forward in the second EQIA that have been included in the terms of the draft clauses published in the second consultation paper. These include the proposed requirement that notice be given to a court or tribunal by an individual wishing to use Irish and a provision ensuring that the court or tribunal could take account of the interests of justice in accommodating an individual's wish to use Irish in legal proceedings.
- 6.3 In the second EQIA the Department considered whether a statutory right to Irish medium education could create an unfair advantage over other sectors who also sought access to a particular form of education within an area. The draft clauses do not propose any new rights. It is considered that under the proposed language scheme approach there will be sufficient scope to ensure that, when it is being drawn up, the scheme can be made compliant with equality obligations.
- 6.4 Accordingly, DCAL has concluded that the proposals for Irish language legislation as presented in the indicative draft clauses in the second consultation will not have any adverse impacts on equality of opportunity. There are predicted positive impacts on a number of groups including

young people, Roman Catholics and nationalists. The Department is not aware of any groups that might be expected to benefit from intended outcomes but which do not.

Impact on good community relations

- 6.5 In its initial EQIA the Department suggested that the introduction of Irish language legislation has the potential to improve good relations, as it could give the Irish language a more accessible platform for all sections of the community. A number of the responses addressed this point with the majority supporting it while a minority of responses challenged the suggestion. Some of these latter commentators took the view that Irish language legislation would be contrary to the Government's policy for good relations contained in A Shared Future. Those commentators who suggested that legislation would be detrimental to good relations were for the most part from the unionist community.
- 6.6 The Equality Commission pointed out that the Department did not provide any quantitative or qualitative evidence to support the idea put forward in the Consultation Paper that the unionist community had concerns that its British identity may be undermined by Irish language legislation.
- 6.7 The responses received have provided the Department with some qualitative evidence in this area and have therefore helped the Department in its consideration of the potential impact of Irish language legislation on good relations. For example, the response from the Democratic Unionist Party states that 'We believe that the proposals to introduce such an Act has already proven to be very politically divisive and any Act would increase division and community tensions.' and 'The Irish language has been used as a political tool by Irish nationalists and republicans in an attempt to alienate unionists....The Irish language is tightly linked to Irish nationalism, and in Northern Ireland it serves no purpose in communication, but simply the promotion of a political cause.'

The Ulster Unionist Party in its response referred to the ‘...proposed Irish Language Act as profoundly harmful to community relations’. As evidence it refers to the negative equality impact of any potential requirement or expectation that public servants have knowledge of the Irish language (although this was not a proposal put forward in the consultation paper). In its response the Alliance Party disputes the conclusion in the Consultation Paper that the proposals for Irish language legislation could have a positive impact on good relations. The Alliance Party response suggests that the main evidence for believing good relations could be damaged is that ‘...this proposed bill has emerged as a political concession in the context of the St Andrews Agreement rather than any objective assessment of the overall legislative requirements with respect to language matters for Northern Ireland.’

- 6.8 Government treats these concerns seriously and wishes to promote consensus and respect around language issues. In doing so it wants to move away from the thinking that reduces language to an emblem of cultural resistance or aggression. There is potential in Irish language legislation to move both public policy and public opinion towards a more inclusive approach; one that sees languages as the possession of the whole community without particular political connotation. The aim of Irish language legislation would be to create opportunities to establish new links, partnerships and new appreciations for the entire community. It would seek to encourage those who had an interest in learning Irish, whichever part of the community they came from, to be able to access it and use it as a living language. It could also help to reach out to those who had no contact with the language. It is important to reiterate in this context a fundamental point made by the Equality Commission in its response to the first consultation and endorsed by Government::

‘The notion that providing equality or protection for one group limits their availability for another is both unfounded in itself and acts to the detriment of all who seek to live in a society that is fair and equitable and should be avoided in the drafting of public policy.’

6.9 In conclusion therefore, DCAL views the proposals set out in the second consultation on Irish language legislation as having the potential in the long term to improve good relations. It also, for the same reasons, sees such legislation as supporting the key objectives of A Shared Future.

7. Monitoring for adverse impacts in the future

- 7.1 The impact of the proposed legislation will continue to be monitored through the responses received during the next consultation stage, which began on 13th March 2007. This will help us identify any unforeseen issues for consideration and to ensure the policy aim is being met.
- 7.2 An Irish language skills audit will be carried out by DCAL as a tool to review and assess potential impacts across the public bodies, and to assess the capacity of bodies to comply with possible legislation. This audit will commence in May 2007.
- 7.3 The next steps of the policy will be taken forward on completion of the current consultation in June 2007. At this stage, consideration will be given to mechanisms required to further review the policy objectives.

List of organisations who responded to the “Consultation Paper on Proposed Irish Language Legislation for Northern Ireland”

1. Alliance Party
2. An Ceathrú Póilí
3. An Droichead
4. An Gaeláras
5. Antrim Borough Council
6. Ards Borough Council
7. Armagh District L.O.L. No. 5
8. Ballyveh Orange Hall
9. Bannside Pharmacy
10. Bellaghy Gaelic Athletic Club
11. Blackie Community Group Association
12. Bláthanna Arts
13. Bogside and Brandywell Initiative
14. Bunscoil an tSléibhe Dhuibh
15. Comunn na Gáidhlig
16. Comaltas Uladh
17. City of Derry Academy of Language: CODAL
18. Coiste an Cumann Ghaelaigh
19. Coiste Na Gaeilge
20. Coláiste an Phobail
21. Coláiste Chnoc na nDealg
22. Colmcille
23. Comhairle na Gaelscolaíochta
24. Comhairle Uladh CLG
25. Comhaltas Ceoltóirí Éireann
26. Comhdháil Náisiúnta na Gaeilge
27. Comhluadar
28. Committee on the Administration of Justice (CAJ)
29. Community Relations Council
30. Comunn na Gáidhlig
31. Conradh na Gaeilge
32. County Antrim Board of the GAA
33. County Armagh Grand Orange Lodge
34. Craigavon Borough Council
35. Creggan Neighbourhood Partnership
36. Cultúrlann Cholm Cille
37. Cultúrlann McAdam Ó Fiaich
38. Cumann Cultúrtha Mhic Reachtain
39. Cumann Gaelach Leath Chathail
40. Cumann Luthchleas Gael
41. Democratic Unionist Party
42. Democratic Unionist Party - Armagh City and District Council
43. Equality Commission
44. Forbairt Feirste

45. Erne Gaels GAC
46. Fáilte Feirste Thiar
47. Falls Community Council
48. Farming and Wildlife Advisory Group
49. Fas (Dun Eideann)
50. Foras na Gaeilge
51. Forbairt Feirste
52. Gael Linn
53. Gaeleagras um Shainriachtanais Oideachais
54. Gaelscoil Éanna
55. Gaelscoil na Móna
56. Gaelscoileanna Teo
57. Gallaigh Community Development Group
58. Ghaeolscoil an Chaistil
59. Glen Development Initiative
60. Glen Greater Women's Group
61. Glór Dhoire
62. Glór na Móna
63. Glór na nGael
64. Grand Orange Lodge of Ireland
65. Greater Chantallow Community Arts
66. Hartford Community Development and Cultural Organisation
67. HM revenue and Customs
68. Hollywood Irish Society
69. Irish Language Broadcast Fund
70. John Mitchel GFC
71. Kildarton LOL 540
72. Kilkeel True Blues LOL 1034
73. Killeen Star of Freedom LOL 1249
74. Killycoppie L.O.L.
75. Lisburn City Council
76. Magherafelt District Council
77. Markethill Loyal Orange Lodge
78. Naíscoil & Gaelscoil Ghleann Darach
79. Naíscoil an Traonaigh
80. Naíscoil an tSeanchaí
81. Naíscoil an tSratha Báin
82. Naíscoil Charn Tóchair
83. Naíscoil Mhachaire Rátha
84. Newry and Mourne District Council
85. Newtownabbey Borough Council
86. NICVA
87. North Down Borough Council
88. Northern Ireland Place-Name Project
89. Northern Ireland Prison Service
90. Nova Scotia Highland Village
91. Ofcom NI
92. Ógras don Ghaeilge
93. POBAL
94. Pobal Doire

95. Pobal Mhuileann an tSiáin
96. Gaelscoil Eadain Mhoir
97. Radió Fáilte
98. Richill District LoL No. 2
99. RNID
100. Roden L.O.L. 1943
101. SDLP
102. SDLP Councillors on Fermanagh District Council
103. Sinn Fein
104. Springhill Community House Ltd
105. Sruth na hÉirne
106. St Columbkille's Primary School
107. St. Brigid's Primary School
108. St. Francis Primary School
109. St. Louis Grammar School
110. Stádas
111. Strabane District Council
112. TACA
113. Tannaghmore Rural Development Group
114. Teachers, St. Francis Primary School
115. The Ulster-Scots Language Society
116. Tobar Productions
117. Ulster Television plc
118. Ulster Unionist Party
119. ULTACH Trust
120. Welsh Language Board