



Northern Ireland Council for Voluntary Action

Response to DCAL Consultation Paper on Proposed Irish Language Legislation for Northern Ireland

1 March 2007

CONS 733

Irish Language Legislation

The Northern Ireland Council for Voluntary Action (NICVA) welcomes the opportunity to respond to the consultation paper from the Department of Culture, Arts and Leisure (DCAL) on Proposed Irish Language Legislation for Northern Ireland. Our comments are informed by NICVA's role as the representative body for the voluntary and community sector and by a vision of society where all people are treated fairly, where sectarianism and discrimination are not tolerated and where respect for human rights and equality is regarded as the norm.

NICVA welcomes the introduction of Irish Language legislation which we have recommended for many years as an inclusive development which is accessible for all. We understand the policy and legal environment, including the Good Friday/Belfast Agreement, the Joint Declaration 2003, the Human Rights Act, the Education Order 1998, the North-South Language Body, the St Andrews Agreement and the Northern Ireland Act 2006, which places a duty on a restored Executive to adopt a strategy to enhance and protect the development of the Irish language. We also note that the government has ratified the European Charter for Regional or Minority Languages and that the EU has made Irish an official language of the EU.

We understand Pobal's call for a rights-based approach and endorse its consultation process and attention to best practice in law and language. We recognise Pobal's reasons for favouring the passage of the legislation at Westminster in order to ensure coverage of excepted matters such as broadcasting, income tax and benefits and a number of cross-border institutions. We also recognise the imperative of a comprehensive rights based approach in light of the decision to make Irish an official language of the EU.

NICVA is aware of work from the Language Rights working group which produced guidance to inform the NIHRC's advice to the Secretary of State on a Bill of Rights. The document outlines state duties including the need to ensure availability of administrative texts, forms and documents and relevant communication 'modes' in the provision of public services, which would also involve media and broadcasting services in keeping with the Council of Europe Charter for Regional or Minority Languages. According to the Council of Europe Framework Convention for the Protection of National Minorities, the state is also obliged to provide for the adoption of the traditional and correct forms of placenames and/or street names in indigenous or minority ethnic community languages. In order to ensure the right to a fair trial, courts need to provide free interpretation and translation of legal documents. Because education is fundamental to the development of a language and its community, the education rights in the COE Charter for Regional or Minority Languages and Framework Convention for the Protection of National Minorities are strong and include inter alia the state provision of appropriate forms and means for the teaching and study of minority languages at all levels and the provision of history and cultural teaching. The working group also discussed limitations and recommended the appointment of an ombudsman.

NICVA is hopeful that a future Northern Ireland will be mature and confident enough to recognise and celebrate diversity and that the promotion of the Irish language will be welcomed by all sectors of the community. To this end we suggest that the

enactment of this draft legislation should be choreographed to tie in with the Bill of Rights which will be enacted at Westminster. This would solve the problem of whether the Irish Language legislation should be enacted at Stormont or Westminster, ensure a rights-based approach and provide consensus across the political parties and social partners. We therefore recommend that the results of this consultation be forwarded to the Bill of Rights Forum in order to inform its deliberations and contribute towards consistency and coherence.