



NORTHERN  
IRELAND  
HUMAN  
RIGHTS  
COMMISSION

**Submission to the Council of Europe Committee  
of Experts of the European Charter for Regional  
or Minority Languages**

**Parallel Report for the Sixth Periodic Report of  
the UK and NI**

**February 2024**

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## Summary of Recommendations

- 3.4** The Committee of Experts may wish to request information from the NI Office, the NI Executive and Treasury to satisfy itself that necessary resources are allocated and implementation achieved in accordance with the commitments in the Identity and Language (NI) Act 2022.
- 3.8** The Committee of Experts may wish to ask the NI Executive what steps are being taken to support all relevant public authorities in NI to ensure compliance with the Identity and Language (NI) Act 2022 when discharging their functions.
- 3.10** The Committee of Experts may wish to ask the NI Executive what steps are being taken to ensure the independence of the Commissioners created by the Identity and Language (NI) Act 2022. This may be achieved by an express policy statement or by imposing conditions on Ministerial directions.
- 3.12** The Committee of Experts may wish to ask the NI Executive what steps are being taken to ensure that:
- public authorities take seriously the findings and recommendations of the Commissioners created by the Identity and Language (NI) Act 2022. This may be achieved by ensuring that failure to co-operate could lead to specific penalties.
  - individuals have access to specific remedial action in relation to the Identity and Language (NI) Act 2022.
- 3.16** The Committee of Experts may wish to ask the NI Executive what specific steps are being taken to ensure that the new statutory bodies created by the Identity and Language (NI) Act 2022 do not conflate Ulster Scots language and culture with a distinct political identity.
- 3.20** The Committee of Experts may wish to ask the NI Executive what steps are being taken to ensure that the rights of Ulster Scots speakers under the ECRML are fully and consistently protected across all NI Council areas.

- 3.23 The Committee of Experts may wish to seek assurances from the NI Executive that the necessary steps are taken to promptly introduce and implement an Irish Language Strategy in NI. This should include meaningful engagement with the Irish Language Commissioner, Irish language speakers and their representative organisations.**
- 3.26 The Committee of Experts may wish to seek assurance from the NI Executive that the necessary steps are taken to promptly introduce and implement an Ulster Scots Language, Heritage and Culture Strategy in NI. This should include meaningful engagement with the Ulster Scots Commissioner, individuals that identify as Ulster Scots and their representative organisations.**
- 3.30 The Committee of Experts may wish to ask the NI Office what specific steps have been taken to repeal the Administration of Justice (Language) Act (Ireland) 1737, as required by the Identity and Language (NI) Act 2022.**
- 4.10 The Committee of Experts may wish to seek assurance from the NI Executive that the necessary steps will be taken and resources provided to implement the findings of recent reviews regarding the provision of Irish medium education.**
- 4.12 The Committee of Experts may wish to seek further information from the NI Executive as to which national statutory texts will be made available in Irish.**
- 4.18 The Committee of Experts may wish to ask the NI Executive what is being done to ensure that the rights of Irish language users are fully and consistently protected across Northern Ireland.**
- 4.25 The Committee of Experts may wish to ask the NI Executive:**
- what measures are being taken to overcome the politicisation of language issues in NI; and**
  - how it will fulfil its obligations to promote the use of regional and minority languages in street names and other topographical indicators in the absence of political consensus in NI.**

**4.31 The Committee of Experts may wish to ask the NI Office and the NI Executive what specific measures are being taken to strengthen the provision of Irish language broadcasting in NI. This should include steps to secure sustainable funding that is proportionate to the increase in the use of Irish across NI.**

## 1.0 Introduction

- 1.1 In accordance with the Paris Principles and section 69(1) of the Northern Ireland Act 1998, the Northern Ireland Human Rights Commission (NIHRC) reviews the adequacy and effectiveness of measures undertaken by the UK Government and NI Executive to promote and protect human rights, specifically within NI. In accordance with section 78A(1) of the NI Act 1998, the NIHRC also monitors the implementation of Article 2(1) of the Windsor Framework (Windsor Framework Article 2) to ensure there is no diminution of rights protected in the 'Rights, Safeguards and Equality of Opportunity' chapter of the Belfast (Good Friday) Agreement 1998 as a result of the UK withdrawal from the European Union (EU).<sup>1</sup>
- 1.2 The NIHRC welcomes the opportunity to provide evidence on the UK Government and NI Executive's compliance with its obligations under the European Charter for Regional or Minority Languages (ECRML).

## 2.0 Context

- 2.1 The NIHRC notes that the UK State Report does not contain any reference to NI or matters that have been devolved to the NI Assembly. The NIHRC has therefore included additional context in the absence of any official information provided to the Committee of Experts about devolved issues in NI.
- 2.2 The responsibility for the relevant languages under the Charter falls to the Department for Communities (DfC); although there may be some overlap with other departments on specific issues, for example the Departments of Justice or Education. The lack of NI input was also a feature of the fourth and fifth periodic reporting cycles.<sup>2</sup> This issue is not unique to the ECRML, with the NI Executive also having limited involvement in other treaty reporting processes, most recently the Framework Convention for the Protection of National Minorities (FCNM) and the Convention on

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<sup>1</sup> The Windsor Framework was formerly known as the Protocol on Ireland/Northern Ireland to the UK-EU Withdrawal Agreement and all references to the Protocol in this document have been updated to reflect this change. (See Decision No 1/2023 of the Joint Committee established by the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community of 24 March 2023 laying down arrangements relating to the Windsor Framework).

<sup>2</sup> NI Human Rights Commission, 'Parallel Report to the Fifth Periodic Report submitted by the UK Government under the European Charter for Regional or Minority Languages' (NIHRC, 2018); NI Human Rights Commission, 'Submission to the Committee of Experts on the European Charter for Regional and Minority Languages on the Interim Report of the UK of Great Britain and NI' (NIHRC, 2021).

Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention).<sup>3</sup>

## **NI Executive and Assembly**

- 2.3 Between February 2022 and February 2024, NI was without a fully functioning NI Executive and Assembly. In the absence of elected ministers,<sup>4</sup> government departments were run by civil servants who were unable to make major policy decisions or introduce legislation.
- 2.4 In April 2023, the Secretary of State for NI announced the 2023-2024 Budget for NI, which resulted in significant reductions across all NI Departments.<sup>5</sup> In the absence of a functioning NI Executive, civil servants were required to implement a range of cuts to public services and programmes. The NIHRC notes there is likely to be a significant impact across several areas examined in this submission.
- 2.5 In February 2024, the NI Executive and NI Assembly were reinstated. As part of restoration of the NI devolved institutions, the UK Government has provided a further £1 billion to NI to stabilise public services.<sup>6</sup> The NIHRC welcomes this development, however it does not guarantee that the required ECRML-related actions will be implemented expeditiously.

## **NI Census 2021**

- 2.6 The relevant languages in NI, designated under the Charter, are Irish and Ulster Scots. Irish is registered under Parts II and III, with the UK accepting 36 specific commitments. Ulster Scots is registered under Part II only.

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<sup>3</sup> NI Human Rights Commission, 'Submission to the Advisory Committee on the Framework Convention for the protection of National Minorities: Parallel Report to the Advisory Committee on the Fifth Monitoring Report of the United Kingdom' (NIHRC, 2022); Correspondence to the Committee of the Parties to the Lanzarote Convention from the NI Human Rights Commission, 6 December 2023.

<sup>4</sup> Between February and October 2022, the NI Ministers continued in a caretaking capacity. However, in October 2022, responsibility for managing devolved issues moved to the Head of the Civil Service and Departmental Permanent Secretaries.

<sup>5</sup> Department of Finance, 'Press Release: NI Secretary announces 2023-2024 Budget and contingency plans for governance', 27 April 2023.

<sup>6</sup> The UK Government has pledged an additional £3 billion to NI. This is to be used on developing a new method of deciding how much money NI receives from the UK Government, assistance for public sector pay and to stabilise NI's public services. See NI Office, 'Press Release: Secretary of State – Returning Executive can unleash NI's potential', 29 December 2023.

- 2.7 The most recent official statistics on speakers of Irish and Ulster Scots were gathered via the 2021 Census. English was recorded as the main language of NI residents aged three and over (93.4 per cent).<sup>7</sup> Irish was recorded as the main language of around 0.3 per cent of the population (6,000 people).<sup>8</sup> For the first time, people were able to respond online using an Irish language or an Ulster Scots form. 0.2 per cent of online household forms were submitted in Irish (around 1,300 households).<sup>9</sup> 0.1 per cent of online household forms were submitted in Ulster Scots (around 800 households).<sup>10</sup>
- 2.8 Census respondents were also asked about their knowledge of Irish and Ulster Scots – whether they could understand, speak, read, or write either language. On Census Day 2021, 12.4 per cent of respondents reported some level of ability in Irish (228,600 people), 4.9 per cent (90,800) could understand but not read, write, or speak Irish and 3.9 per cent (71,900) could speak, read, write and understand Irish.<sup>11</sup> While 10.4 per cent of respondents (190,600 people) reported some ability in Ulster Scots, 6.3 per cent (115,100) could understand but not read, write or speak Ulster Scots and 1.1 per cent (20,900) could speak, read, write and understand Ulster Scots.<sup>12</sup>
- 2.9 There has been recorded, in the 2021 Census, an increase in ability in both languages compared with the 2011 Census. The proportion of people reporting some ability in Irish rose from 10.4 per cent (184,900 people) in 2011 to 12.4 per cent (229,000 people) in 2021.<sup>13</sup> The proportion of people reporting some ability in Ulster Scots rose from 8.1 per cent (140,200 people) in 2011 to 10.4 per cent (190,600 people) in 2021.<sup>14</sup>

## **NI domestic framework**

- 2.10 There has been a number of domestic commitments made to the Irish language and Ulster Scots since the Belfast (Good Friday) Agreement 1998, which recognised the “importance of respect, understanding and tolerance in relation to linguistic diversity, including in NI, the Irish

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<sup>7</sup> NI Statistics and Research Agency, ‘Census 2021: Main Statistics for NI – Language’ (NISRA, 2022), at 2.

<sup>8</sup> This compares to the 4,200 people recorded in the 2011 Census. See NI Statistics and Research Agency, ‘Census 2011: Key Statistics for NI’ (NISRA, 2012), at 16.

<sup>9</sup> NI Statistics and Research Agency, ‘Census 2021: Main Statistics for NI – Language’ (NISRA, 2022), at 7.

<sup>10</sup> Ibid, at 10.

<sup>11</sup> Ibid, at 7.

<sup>12</sup> Ibid at 9.

<sup>13</sup> Ibid, at 7.

<sup>14</sup> Ibid, at 9.



language, Ulster Scots and the languages of the various ethnic communities, all of which are part of the cultural wealth of the island of Ireland”.<sup>15</sup>

- 2.11 The St Andrews Agreement 2006 included a commitment for the UK Government to introduce an Irish Language Act. This was intended to reflect on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish language.<sup>16</sup> The Northern Ireland (St Andrews Agreement) Act 2006 inserted into the Northern Ireland Act the statutory duty, borne by the NI Executive Committee, to adopt strategies relating to the Irish language and Ulster Scots language.<sup>17</sup>
- 2.12 Both the Stormont House Agreement of 2014 and the Fresh Start Agreement of 2015 recalled outstanding commitments from previous Agreements, reiterating “the importance of understanding, tolerance and respect in relation to linguistic diversity, [and] the need for respect for and recognition of the Irish language in NI, consistent with the Council of Europe Charter on Regional or Minority Languages”.<sup>18</sup>
- 2.13 Most recently, the New Decade, New Approach agreement of 2020 included the commitment of the NI Executive to “sponsor and oversee a new framework both recognising and celebrating NI’s diversity of identities and accommodating cultural differences”.<sup>19</sup> The three Bills that were intended to provide for this legislative framework were published with the New Decade, New Approach agreement, however the deadline for consideration by the NI Assembly was not met.
- 2.14 In 2022, in the absence of a functioning NI Assembly and Executive, the UK government introduced the (then) Identity and Language (NI) Bill to the House of Lords. It brought together and refined the provisions set out in the three Bills attached to the New Decade, New Approach agreement. The Identity and Language (NI) Act 2022 received Royal Assent on 6 December 2022, marking a significant milestone.

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<sup>15</sup> Belfast (Good Friday) Agreement 1998, Chapter 6 ‘Rights, Safeguards and Equality of Opportunity’, para 3.

<sup>16</sup> St. Andrews Agreement (2006), Annex B.

<sup>17</sup> The Northern Ireland (St Andrew’s Agreement) Act 2006, Section 15.

<sup>18</sup> Stormont House Agreement, 23 December 2014, at para 68; NI Office, ‘A Fresh Start: The Stormont House Agreement and Implementation Plan’ (NIO, 2015), at para 68.

<sup>19</sup> NI Office, ‘New Decade, New Approach’ (NIO, 2020), at Annex E.

## 3.0 Part II Observations: Irish and Ulster Scots

### Article 7(1)(a) – Legislative framework

#### The Identity and Language (NI) Act 2022

- 3.1 The Identity and Language (NI) Act 2022 amends the Northern Ireland Act 1998 to establish three new public authorities in NI, including an Office of Identity and Cultural Expression, and Commissioners on the Irish language and the Ulster Scots/Ulster British tradition.<sup>20</sup> The Identity and Language (NI) Act also includes official recognition of the status of the Irish language in NI.<sup>21</sup>
- 3.2 In 2023, the UK government made commencement regulations for the new office and Commissioners, which also brought into force powers of direction for Secretary of State in relation to the 2022 Act in the continuing absence of a functioning NI Assembly and Executive.<sup>22</sup> Despite this measure, as of February 2024, the Office of Identity and Cultural Expression has not been established and the two Commissioners have not been appointed. The Northern Ireland Office has stated,
- The UK Government believes that it is for the Executive to lead on the implementation of the Act. In the absence of NI Ministers, Northern Ireland Office officials have worked with the NI Civil Service to support the necessary preparations for the Act’s implementation, including the appointment of Commissioners to the Office of Identity and Cultural Expression. The Government will keep its options under review in the event that the implementation of these New Decade, New Approach commitments is stalled.<sup>23</sup>
- 3.3 In the previous monitoring cycle, the Committee of Ministers and the Committee of Experts reiterated the importance of legislation to implement the UK’s obligations under the ECRML, noting “the fact that for many

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<sup>20</sup> Section 2, Identity and Language (Northern Ireland) Act 2022.

<sup>21</sup> Section 2, Identity and Language (Northern Ireland) Act 2022.

<sup>22</sup> The Identity and Language (Northern Ireland) Act 2022 (Commencement) Regulations 2023. See UK Parliament Hansard, ‘Written Statement – Minister of State, NI Office - Identity and Language (Northern Ireland) Act 2022: HCWS823’ 6 June 2023.

<sup>23</sup> Correspondence from the NI Office to the NI Human Rights Commission, 1 February 2024.

undertakings the power is devolved does not take away the responsibility of the UK to fulfil its treaty obligations".<sup>24</sup>

**3.4 The Committee of Experts may wish to request information from the NI Office, the NI Executive and Treasury to satisfy itself that necessary resources are allocated and implementation achieved in accordance with the commitments in the Identity and Language (NI) Act 2022.**

3.5 The NIHRC welcomes the enactment of the Identity and Language (NI) Act 2022. During its passage, however, the NIHRC raised concern with a number of provisions. No further amendments were made.<sup>25</sup> For ease of reference the concerns can be summarised as follows.

3.6 First, the Act confers obligations on specified public authorities in NI to ensure compliance with certain principles when carrying out their functions<sup>26</sup> and to promote adherence to advice from the new Commissioners.<sup>27</sup> However, it defines narrowly a public authority as any authority listed in Schedule 3 to the Public Services Ombudsman Act (Northern Ireland) 2016. Whereas section 6 of the Human Rights Acts 1998 takes a wider interpretation of public authority to include a court or tribunal, or anyone performing a public function, even where a private organisation is providing a public service. The wider interpretation is preferred.

3.7 In terms of practical impact, there is a range of authorities with key roles in public life that are not subject to its provisions. This includes, the NI Office and its Arm's Length Bodies, the Electoral Office, the Parades Commission and the NIHRC. While it is reasonable to expect that such public authorities will act in good faith and comply with the Act to the best of their ability, if they are not sufficiently supported to do so it is likely that their actions will be significantly limited.

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<sup>24</sup> CM/RecChL(2020)1, 'Recommendation of the CoE Committee of Ministers to Member States on the Application of the European Charter for Regional or Minority Languages by the UK', 1 July 2020, at para 13.

<sup>25</sup> NI Human Rights Commission, 'Briefing on the Identity and Language (NI) Bill' (NIHRC, 2022); NI Human Rights Commission, 'Office for Identity and Cultural Expression Provisions of the Draft Northern Ireland Act 1998 (Amendment No 1)' (NIHRC, 2020); NI Human Rights Commission, 'Irish Language Provisions of the Northern Ireland Act 1998 (Amendment No 2)' (NIHRC, 2020); NI Human Rights Commission, 'Ulster Scots/Ulster British Provisions of the Northern Ireland Act 1998 (Amendment No 3)' (NIHRC, 2020).

<sup>26</sup> Section 78F(1), Northern Ireland Act 1998 (as amended)

<sup>27</sup> Section 78N, Northern Ireland Act 1998 (as amended); see also Section 78S(4), Northern Ireland Act 1998 (as amended).

**3.8 The Committee of Experts may wish to ask the NI Executive what steps are being taken to support all relevant public authorities in NI to ensure compliance with the Identity and Language (NI) Act 2022 when discharging their functions.**

3.9 Second, the First Minister and deputy First Minister acting jointly may direct the exercise of the Commissioners' functions under the 2022 Act. These provisions subject the Commissioners to more government control than the respective language commissioners in Wales and Ireland.<sup>28</sup> The NIHRC highlight the importance of ensuring that decisions by government bodies are not unduly interfering with the independence of the two Commissioners. Independence is of particular importance with regards to the Commissioner's investigatory functions.

**3.10 The Committee of Experts may wish to ask the NI Executive what steps are being taken to ensure the independence of the Commissioners created by the Identity and Language (NI) Act 2022. This may be achieved by an express policy statement or by imposing conditions on Ministerial directions.**

3.11 Third, the NIHRC welcomes the fact that the two new Commissioners are able to investigate complaints and provide recommendations to public authorities to promote compliance. However, the 2022 Act does not require public authorities to amend their policies and practices in line with the findings of an investigation conducted by the Commissioners.<sup>29</sup> Unlike legislation in Ireland and Wales, the Commissioners are unable to issue

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<sup>28</sup> Section 16 of the Welsh Language (Wales) Measure 2011 states that Welsh Ministers "may give directions" to the *Comisiynydd y Gymraeg* except in the context of compliance notices, enforcement of standards and freedom to use Welsh. It is clear that the *Comisiynydd y Gymraeg* "must comply" with these directions. However, it is balanced by section 4(1), which states that "the Commissioner may do anything that he or she thinks appropriate", and section 4(3) which requires Welsh Ministers to have "due regard" for written correspondence from the Commissioner. Section 20(2) of the Official Languages Act 2003 expressly states that the *An Coimisinéir Te anga* (Irish language) Commissioner "shall be independent in the performance of his or her functions". There is no express requirement on the *An Coimisinéir Te anga* to comply with Ministerial directions.

<sup>29</sup> In Wales, if the public authority does not action the recommendations following an investigation, the *Comisiynydd y Gymraeg*'s recommendations may refer the matter to the Secretary of State, who can then make enforceable directions to the public authority concerned. See Section 20, Welsh Language Act.

penalties to public authorities who fail to co-operate and there are no specific remedial provisions for individuals.<sup>30</sup>

### **3.12 The Committee of Experts may wish to ask the NI Executive what steps are being taken to ensure that:**

- **public authorities take seriously the findings and recommendations of the Commissioners created by the Identity and Language (NI) Act 2022. This may be achieved by ensuring that failure to co-operate could lead to specific penalties.**
- **individuals have access to specific remedial action in relation to the Identity and Language (NI) Act 2022.**

3.13 Finally, the NIHRC repeats its concern that the term ‘Ulster British’ continues to be used and continues to fall within the remit of the Ulster Scots/Ulster British Commissioner. Ulster British is not recognised by any human rights treaty bodies. Its use risks the incorrect conflation of Ulster Scots culture with a particular political identity.

3.14 While the use of the Ulster Scots language may be commonly associated with the Unionist/Protestant community, the Boord o Ulstér-Scotch (Ulster Scots Agency) emphasises that the “Ulster-Scots language is spoken in different areas of Ireland by both Protestants and Roman Catholics alike”.<sup>31</sup> The Ulster-Scots Language Society highlights that its constitution stipulates that it is “non-political and non-sectarian”.<sup>32</sup>

3.15 In 2023, the CoE Committee of Ministers, following a report from the CoE Advisory Committee on the Framework Convention for the Protection of National Minorities,<sup>33</sup> recommended that UK authorities “consider revising the [2022] Act in consultation with the Ulster Scots minority

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<sup>30</sup> Both Commissioners in Wales and Ireland have extensive enforcement powers, including powers to issue penalties for public authorities who refuse or fail to co-operate with any statutory investigations. Under sections 27 and 28 of the Official Languages Act 2003, an individual has the ability to apply for compensation or appeal to the High Court on the basis of the *An Coimisinéir Teanga’s* findings. In Wales, under section 8 of the Welsh Language (Wales) Measure 2011, the *Comisiynydd y Gymraeg* can institute or intervene in a legal case linked to its functions. See Sections 21(b), 27 and 28 of the Official Languages Act 2003; Section 8 and Schedule 10 of the Welsh Language (Wales) Measure 2011.

<sup>31</sup> Boord o Ulstér-Scotch (Ulster Scots Agency), ‘An Introduction to the Ulster Scots language’. Available at: <https://www.ulsterscotsagency.com/what-is-ulster-scots/language/>.

<sup>32</sup> Ulster-Scots Language Society, ‘Home Page’. Available at: <http://www.ulsterscotslanguage.com/>

<sup>33</sup> ACFC/OP/V(2022)3, ‘Advisory Committee on the Framework Convention for the Protection of National Minorities Fifth Opinion on the UK’, 8 December 2022.

representatives to address the conflation of Ulster Scots and Ulster British identities.<sup>34</sup>

**3.16 The Committee of Experts may wish to ask the NI Executive what specific steps are being taken to ensure that the new statutory bodies created by the Identity and Language (NI) Act 2022 do not conflate Ulster Scots language and culture with a distinct political identity.**

## **Article 7(1)(b) – Administrative divisions**

3.17 Currently, only five of the 11 councils have policies on minority languages. Belfast City Council has a language policy which covers all minority languages;<sup>35</sup> Derry & Strabane District Council and Fermanagh & Omagh District Council have distinct policies for both Irish and Ulster Scots;<sup>36</sup> and Mid Ulster District Council and Newry, Mourne and Down District Council have distinct policies for Irish only.<sup>37</sup>

3.18 The three councils with policies on Ulster Scots commit to supporting and promoting the language. They each make provision for individuals to communicate with them in writing through the medium of Ulster Scots and for their replies to be in Ulster Scots where possible. Belfast City Council makes provision for members to use their language of choice, with the caveat that it is immediately followed by a translation in English.<sup>38</sup> Derry

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<sup>34</sup> CM/ResCMN(2023)7, 'Resolution Adopted by the Committee of Ministers on the implementation of the Framework Convention for the Protection of National Minorities by the UK', 12 July 2023.

<sup>35</sup> Belfast City Council, 'Language Strategy'. Available at: <https://www.belfastcity.gov.uk/documents/language-strategy-action-plan>

<sup>36</sup> Fermanagh & Omagh District Council, 'Ulster Scots Policy'. Available at: <https://www.fermanaghomagh.com/app/uploads/2015/08/Draft-Ulster-Scots-Policy.pdf/>; Fermanagh & Omagh District Council, 'Irish Language Policy'. Available at: <https://www.fermanaghomagh.com/app/uploads/2021/04/Bilingual-copy-draft-IL-policy-dreacht-Beartas-Gaeilge-2020-2.pdf/>; Derry & Strabane District Council, 'Ulster Scots Policy'. Available at: [https://www.derrystrabane.com/getmedia/ddd3afcf-bf25-4a3d-b457-8ffc3f276f47/Ulster-Scots-Policy\\_1.pdf](https://www.derrystrabane.com/getmedia/ddd3afcf-bf25-4a3d-b457-8ffc3f276f47/Ulster-Scots-Policy_1.pdf); Derry & Strabane District Council, 'Irish Language Policy'. Available at: <https://www.derrystrabane.com/getmedia/831635d9-0029-42cb-8a55-ee4f3ae5314b/Irish-Language-Policy-At-a-Glance.pdf>

<sup>37</sup> Newry, Mourne and Down District Council, 'Irish Language Strategy 2023-2027'. Available at: [https://www.newrymournedown.org/media/uploads/draft\\_irish\\_language\\_strategy\\_2023-2027.pdf/](https://www.newrymournedown.org/media/uploads/draft_irish_language_strategy_2023-2027.pdf/); Mid Ulster District Council, 'Irish Language Policy'. Available at: <https://www.midulstercouncil.org/resident/gaeilge-irish-language/beartas-gaeilge-irish-language-policy/>

<sup>38</sup> Belfast City Council, 'Language Strategy'. Available at: <https://www.belfastcity.gov.uk/documents/language-strategy-action-plan>.

City & Strabane District is the only one to operate a trilingual identity, with English, Irish and Ulster Scots.<sup>39</sup>

3.19 Further information about the Irish language policies of local councils will be provided in the commentary under Article 10.

**3.20 The Committee of Experts may wish to ask the NI Executive what steps are being taken to ensure that the rights of Ulster Scots speakers under the ECRML are fully and consistently protected across all NI Council areas.**

## **Article 7(1)(c) – Promotion**

### **Irish language strategy**

3.21 In 2017, the High Court of Justice in NI held that “the Executive Committee has failed in its statutory duty, under section 28D(1) of the NI Act 1998, to adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language”.<sup>40</sup> In 2020, the New Decade, New Approach agreement committed to the introduction of an Irish Language Strategy in NI.<sup>41</sup> The agreement identified that a draft strategy would be produced for consultation within six months. Despite some progress, this remains outstanding.

3.22 In 2021, the NI Department for Communities established a Co-Design Group to support the development of the Irish Language Strategy.<sup>42</sup> An Expert Advisory Panel was appointed to produce a report with recommendations that outline what the strategy should address. That report was published in February 2022.<sup>43</sup> The draft Irish Language Strategy requires approval from the NI Executive before it can be published for consultation.

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<sup>39</sup> Derry & Strabane District Council, ‘Ulster Scots Policy’. Available at:

[https://www.derrystrabane.com/getmedia/ddd3afcf-bf25-4a3d-b457-8ffc3f276f47/Ulster-Scots-Policy\\_1.pdf](https://www.derrystrabane.com/getmedia/ddd3afcf-bf25-4a3d-b457-8ffc3f276f47/Ulster-Scots-Policy_1.pdf)

<sup>40</sup> In the Matter of an Application by Conradh Na Gaeilge (2017) NIQB 27, at para 17.

<sup>41</sup> NI Office, ‘New Decade, New Approach’ (NIO, 2020), at para 5.21.3.

<sup>42</sup> Department for Communities, ‘Development of an Irish Language Strategy and an Ulster-Scots Language, Heritage and Culture Strategy’. Available at: <https://www.communities-ni.gov.uk/articles/development-irish-language-strategy-and-ulster-scots-language-heritage-and-culture-strategy/>

<sup>43</sup> Department for Communities, ‘Report of the Expert Advisory Panel: Recommendations for an Irish Language Strategy’ (DfC, 2022).

**3.23 The Committee of Experts may wish to seek assurances from the NI Executive that the necessary steps are taken to promptly introduce and implement an Irish Language Strategy in NI. This should include meaningful engagement with the Irish Language Commissioner, Irish language speakers and their representative organisations.**

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

3.24 In 2020, the New Decade, New Approach agreement promised to introduce a new Ulster Scots Language, Heritage and Culture Strategy in NI. As with the Irish Language Strategy, there was to be a consultation within six months. This remains outstanding.

3.25 In 2021, the NI Department for Communities established a Co-Design Group to support the development of the Ulster Scots Language, Heritage and Culture Strategy.<sup>44</sup> An Expert Advisory Panel was appointed to produce a report with recommendations that outline what the strategy should address. That report was published in February 2022.<sup>45</sup> The draft Ulster Scots Language, Heritage and Culture Strategy requires approval from the NI Executive before it can be published for consultation. It is hoped that report will go out to consultation shortly.

**3.26 The Committee of Experts may wish to seek assurance from the NI Executive that the necessary steps are taken to promptly introduce and implement an Ulster Scots Language, Heritage and Culture Strategy in NI. This should include meaningful engagement with the Ulster Scots Commissioner, individuals that identify as Ulster Scots and their representative organisations.**

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<sup>44</sup> Department for Communities, 'Development of an Irish Language Strategy and an Ulster-Scots Language, Heritage and Culture Strategy'. Available at: <https://www.communities-ni.gov.uk/articles/development-irish-language-strategy-and-ulster-scots-language-heritage-and-culture-strategy/>

<sup>45</sup> Department for Communities, 'Report of the Expert Advisory Panel: Recommendations for an Ulster-Scots Language, Heritage & Culture Strategy' (DfC, 2022).



## Article 7(2) - Restrictions

### Administration of Justice Act 1737

- 3.27 The operation of the Administration of Justice (Language) Act (Ireland) 1737 precludes the use of Irish in the Courts in NI, requiring that proceedings are conducted in English only. The legislation was challenged on the bases that it was incompatible with both the ECHR and the Charter. The existing law was upheld by the NI Court of Appeal in 2010.<sup>46</sup>
- 3.28 The UK has not yet changed the law to permit proceedings in court to be conducted in Irish. That is despite the finding of the Committee of Experts considered under Article 7(2) that it is discriminatory.<sup>47</sup>
- 3.29 While the Identity and Language Act (NI) 2022 provides for the repeal of the Administration of Justice (Language) Act (Ireland) 1737 there has been no commencement of the repeal.<sup>48</sup> The NI Office has advised that “The [UK] Government is carefully considering its next steps on implementation, including the remaining commencement orders and will provide an update to Parliament in due course”.<sup>49</sup>
- 3.30 The Committee of Experts may wish to ask the NI Office what specific steps have been taken to repeal the Administration of Justice (Language) Act (Ireland) 1737, as required by the Identity and Language (NI) Act 2022.**

## 4.0 Part III Observations: Irish

### Article 8 – Education

#### Irish medium education

- 4.1 Under the Education (NI) Order 1998, the Department of Education has a duty to encourage and facilitate the development of Irish medium

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<sup>46</sup> Mac Giolla Cathain’s Application [2010] NICA 24.

<sup>47</sup> CM/RecChL(2020)1, ‘Recommendation of the CoE Committee of Ministers to Member States on the Application of the European Charter for Regional or Minority Languages by the UK’, 1 July 2020, at para 13.

<sup>48</sup> Christopher Woodhouse, ‘Anger over delay in lifting 300-year-old ban on Irish and Ulster-Scots in court’, *Belfast Telegraph*, 15 January 2024.

<sup>49</sup> Correspondence from the NI Office to the NI Human Rights Commission, 1 February 2024

education. In 2000, Comhairle Na Gaelscolaíochta was established to support the Department in the provision.

- 4.2 In NI, there are 30 stand-alone Irish medium schools and a further 10 Irish medium units attached to English medium host schools.<sup>50</sup> Of those 30 schools, 28 are primary schools and two are post primary schools. Of the 10 Irish medium units attached to English medium host schools, 7 are primary and 3 are post-primary.
- 4.3 In 2022/2023, there were 7,310 pupils enrolled for Irish medium education in NI.<sup>51</sup> This includes 892 enrolments in the preschool sector, 4,672 enrolments in primary schools and 1,746 enrolments in post primary schools. Of the 7,310 pupils, 5,718 (78 per cent) were enrolled in an Irish medium school and 1,592 (22 per cent) were enrolled in an Irish medium unit.<sup>52</sup> The Education Authority indicate there are currently around 450 teachers in Irish medium education in NI.<sup>53</sup>
- 4.4 In Comhairle Na Gaelscolaíochta's Annual Report 2022/2023 an overall increase in the number of pupils entering Irish medium education, an increase of 1.7 per cent across the last year and an increase of around 58 per cent seen across the last decade.<sup>54</sup> Despite the recent increase in number, there has been a decrease in the number of pupils enrolled for early years education. That has been attributed to the impact of the COVID-19 pandemic and concern felt by some parents regarding home learning in an immersion context.<sup>55</sup>
- 4.5 Recent statistics indicate that the Irish medium sector has a disproportionately high number of pupils facing social or economic challenges. In 2022/2023, 22 per cent of pupils in Irish medium education have special educational needs. That is compared to 19 per cent of pupils in English medium education who have special educational needs.<sup>56</sup> Free school meal entitlement is higher in Irish medium schools than in English

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<sup>50</sup> Department of Education, 'Irish-medium schools'. Available at: <https://www.education-ni.gov.uk/articles/irish-medium-schools/>

<sup>51</sup> NI Statistics and Research Agency, 'Education Data Infographics 2022/23: Irish Medium Education' (DE, 2023);

<sup>52</sup> Ibid.

<sup>53</sup> Education Authority, 'Irish Medium Education'. Available at: <https://www.eani.org.uk/parents/irish-medium-education/>

<sup>54</sup> Comhairle Na Gaelscolaíochta, 'Annual Report and Accounts for the year ended 31 March 2023' (CnaG, 2023), at 23.

<sup>55</sup> Comhairle Na Gaelscolaíochta, 'The Impact of Covid-19 on Irish-medium Education' (CnaG, 2021).

<sup>56</sup> Ibid. See also, NI Statistics and Research Agency, 'Education Data Infographics 2022/23: Special Educational Needs' (DE, 2023).

medium schools at both primary (33 per cent vs 28 per cent) and post primary (37 per cent vs 25 per cent) level.<sup>57</sup>

- 4.6 In 2021, an Expert Panel on Educational Underachievement in NI noted that Irish medium education is a fast-growing sector but that it requires investment.<sup>58</sup> The Panel recommended that additional educational resources were devoted to the sector including an increase in the places in Initial Teacher Education, investment in the number of subject specialists and a greater focus on Teacher Professional Learning. The NI Executive endorsed the findings and began work on an action plan.<sup>59</sup>
- 4.7 In 2023, Comhairle Na Gaelscolaíochta received additional resources to help to implement the findings of the Expert Panel.<sup>60</sup> At the same time however it reported its concern that its budget had been reduced<sup>61</sup> In December 2023, the Chief Executives of the main education bodies in NI wrote to the Secretary of State to highlight the increasing challenges on the school system from “over a decade of chronic underfunding”.<sup>62</sup>
- 4.8 In 2023, following a commitment in New Decade, New Approach, the Independent Review of Education in NI published its final report.<sup>63</sup> It reiterates its concern that there are an insufficient number of qualified Irish-medium teachers across all stages of education and across all post-primary specialist subjects.<sup>64</sup> It also highlights the need to strengthen early years qualifications, including in-house expertise of special educational needs in Irish-medium settings.<sup>65</sup> The Department of Education advise that implementation of the report will “require Ministerial direction, Executive agreement and, importantly, immediate additional resources which the Panel has estimated at c£300m”.<sup>66</sup>

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<sup>57</sup> Ibid.

<sup>58</sup> Expert Panel on Educational Underachievement in NI, ‘A Fair Start: Final Report and Action Plan’ (DE, 2021).

<sup>59</sup> NI Assembly Hansard, ‘Written Ministerial Statement: “A Fair Start” Final Report and Action Plan – Progress Report June 2022’, 29 July 2022.

<sup>60</sup> Comhairle Na Gaelscolaíochta, ‘Annual Report and Accounts for the year ended 31 March 2023’ (CnaG, 2023), at 23.

<sup>61</sup> Comhairle Na Gaelscolaíochta, ‘Annual Report and Accounts for the year ended 31 March 2023’ (CnaG, 2023), at 64.

<sup>62</sup> Comhairle Na Gaelscolaíochta, ‘Press Release: Education Chief Executives issue joint letter to Northern Ireland Secretary of State’, 6 December 2023.

<sup>63</sup> The review examined barriers within the education system which inhibit positive outcomes for children, as well as structural issues which lead to inefficiencies or ineffectiveness. See Independent Review of Education, ‘Investing in a Better Future: the Independent Review of Education in NI – Volume 2’ (Independent Review of Education, 2023).

<sup>64</sup> Ibid, at 7.54 – 7.55.

<sup>65</sup> Ibid, at 3.130.

<sup>66</sup> Department of Education, ‘Press Release: Departments comment on the publication of the Independent Review of Education’, 13 December 2023.

4.9 There are plans for NI's first integrated<sup>67</sup> Irish medium primary school to open in east Belfast in 2024.<sup>68</sup> Naíscoil na Seolta has been running as an integrated Irish language preschool since 2021 and is hoping to take primary school applications for September 2024. It should be noted that the preschool was planned to open in 2021, on the premises of Braniel Primary School in east Belfast. An online social media campaign of intimidation caused concern and a decision was made to relocate.<sup>69</sup> Such a campaign is unwelcome and creates unnecessary tension. The NIHRC encourages all concerned to focus on the positive attributes of education irrespective of whether it is taught in Irish or English.

4.10 **The Committee of Experts may wish to seek assurance from the NI Executive that the necessary steps will be taken and resources provided to implement the findings of recent reviews regarding the provision of Irish medium education.**

## Article 9 – Judicial authorities

4.11 Article 9 of the Charter contains a range of safeguards relating to the use of regional or minority languages within the judicial system.<sup>70</sup> The UK government has only accepted Article 9(3) in respect of Irish, requiring the production of the most important national statutory texts to be made available in the Irish language.<sup>71</sup> In 2022, the Expert Advisory Panel recommended that "the number of legal texts at national and local level provided in the Irish language be increased with the aim of providing all significant legal texts in Irish".<sup>72</sup> Despite that and despite the UK government's acceptance of Article 9, the Irish language in NI, the Identity

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<sup>67</sup> In NI, integrated schools intentionally support, protect and advance an ethos of diversity, respect and understanding between those of different cultures and religious beliefs and of none, between those of different socio-economic backgrounds and between those of different abilities. See Department of Education, 'Integrated Schools'. Available at: [Integrated schools | Department of Education \(education-ni.gov.uk\)](https://www.education-ni.gov.uk/integrated-schools)

<sup>68</sup> Ita Dungan, 'Irish language integrated school planned for east Belfast', BBC News NI, 7 January 2024.

<sup>69</sup> 'Braniel Primary: 'Rumours and poison' spread about Irish language school', BBC News NI, 29 July 2021.

<sup>70</sup> Paragraph (1) concerns the use of regional or minority languages in criminal, civil and administrative proceedings, including the provision of translation or interpretation which may be rendered necessary by the application of Article 9. Paragraph (2) concerns the validity of legal documents drawn up in a regional or minority language. See Article 9, ECRML.

<sup>71</sup> Article 9(3), ECRML.

<sup>72</sup> Department for Communities, 'Report of the Expert Advisory Panel: Recommendations for an Irish Language Strategy' (DfC, 2022), at para 1.22.

and Language (NI) Act 2022 does not make provision for the production and publication of important statutory texts in Irish.

**4.12 The Committee of Experts may wish to seek further information from the NI Executive as to which national statutory texts will be made available in Irish.**

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

### **Public bodies**

4.13 In the previous monitoring cycle, the Committee of Ministers deemed the undertakings under Article 10 as only partly fulfilled;<sup>73</sup> recommending that users of Irish must be able to submit oral or written applications to administrative authorities<sup>74</sup> or local and regional authorities<sup>75</sup> in Irish, and that administrative authorities should provide documentation in Irish.<sup>76</sup> It also recommended introducing simultaneous translation to facilitate the full use of Irish in the NI Assembly and in local councils.<sup>77</sup>

4.14 In 2021, the Department for Communities established a Central Translation Hub to provide language translation services for the nine Executive Departments, Arm's Length Bodies, Local Government and Public Bodies.<sup>78</sup> It offers services on request, including written translation, proof reading and transcription. Members of the Legislative Assembly also passed a motion to introduce simultaneous interpretation of NI Assembly business in Irish and Ulster Scots, as set out in New Decade, New Approach.<sup>79</sup>

4.15 In 2022, the NI Assembly heard its first speech delivered entirely in Irish.<sup>80</sup> A live translation was provided through headphones available in the chamber, as well as online.

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<sup>73</sup> CM/RecChL(2020)1, 'Recommendation of the CoE Committee of Ministers to Member States on the Application of the European Charter for Regional or Minority Languages by the UK', 1 July 2020, at 2.2.2.

<sup>74</sup> ECRML, Article 10(1)(a)(iv).

<sup>75</sup> ECRML, Article 10 (2)(b).

<sup>76</sup> ECRML, Article 10(1)(c).

<sup>77</sup> ECRML, Article 10(4)(a).

<sup>78</sup> Department for Communities, 'Irish and Ulster-Scots central translation hub for the public sector'. Available at: [Irish and Ulster-Scots central translation hub for the public sector | Department for Communities \(communities-ni.gov.uk\)](https://communities-ni.gov.uk)

<sup>79</sup> Jayne McCormack, 'NI Assembly approves Irish/Ulster-Scots translation plans', BBC News NI, 15 June 2021.

<sup>80</sup> Gráinne Ní Aodha, 'Full speech in Irish given to Stormont Assembly for the first time', *Belfast Telegraph*, 13 May 2022.

- 4.16 In local council areas, the existence of an Irish language policy remains inconsistent, with only five of the 11 local councils publishing a policy or guidance on the use of Irish.<sup>81</sup> Each of these five councils provide for receipt of written correspondence and oral communications in Irish. Publications are available in Irish across five council areas, with three councils providing key corporate documents in Irish and two providing translation on request.<sup>82</sup> Four council areas provide access to Irish language versions of application forms and permit representatives to present in Irish, while providing simultaneous translation on request.<sup>83</sup>
- 4.17 Currently, Belfast City Council is conducting a consultation on its Language Strategy Action Plan 2023 -2026, which includes a number of actions relevant to the ECRML.<sup>84</sup> This consultation document includes commitments to “develop a list of key strategic Council documents and publications to proactively be made available in Irish” and to explore the provision of “simultaneous interpretation for Members who wish to address the Council through the medium of Irish”.<sup>85</sup>

**4.18 The Committee of Experts may wish to ask the NI Executive what is being done to ensure that the rights of Irish language users are fully and consistently protected across Northern Ireland.**

**Place names**

- 4.19 The issue of using traditional local names and street signs in a minority language remains contentious in some quarters. Although there are examples of street signs in both Irish and Ulster Scots, there is not a consistent approach to dealing with requests for bilingual signage.

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<sup>81</sup> Belfast City Council, Derry & Strabane District Council, Fermanagh & Omagh District Council, Mid Ulster District Council and Newry, Mourne and Down District Council.

<sup>82</sup> Belfast City Council and Derry & Strabane District Council will provide translated documents on request. Fermanagh & Omagh District Council, Mid Ulster District Council and Newry, Mourne and Down District Council commit to the publication of key corporate documents in Irish.

<sup>83</sup> Derry & Strabane District Council, Fermanagh & Omagh District Council, Mid Ulster District Council and Newry, Mourne and Down District Council.

<sup>84</sup> Belfast City Council, 'Language Strategy – Draft Action Plan 2023-2026'. Available at: [Language Strategy – Draft Action Plan 2018 to 2023 - Language Strategy – Draft Action Plan 2018 to 2023 \(belfastcity.gov.uk\)](https://www.belfastcity.gov.uk/language-strategy-draft-action-plan-2023-2026)

<sup>85</sup> Belfast City Council, 'Language Strategy – Draft Action Plan 2023-2026'. Available at: [Language Strategy – Draft Action Plan 2018 to 2023 - Language Strategy – Draft Action Plan 2018 to 2023 \(belfastcity.gov.uk\)](https://www.belfastcity.gov.uk/language-strategy-draft-action-plan-2023-2026)

- 4.20 In NI, the Local Government (Miscellaneous) Order 1995 gives local councils discretion to erect bilingual street signs.<sup>86</sup> The 1995 Order also creates the offence of obscuring, pulling down or defacing a name plate.<sup>87</sup> Examples of bilingual street and road signs being defaced and vandalised continue to be commonplace and often reported in the local press.<sup>88</sup>
- 4.21 The Local Government (Northern Ireland) Act 2014 also permits a NI government department to direct a council to take, or not take, any action, which would be incompatible with international obligations.
- 4.22 There is significant disparity across local council areas in their approach to bilingual street signage. The NIHRC notes that three council areas require 15 per cent of residents to support an application for it to be successful.<sup>89</sup> However, nine council areas continue to adopt high thresholds; two require support from at least 50 per cent of residents;<sup>90</sup> while seven areas specify that at least 66 per cent of residents must support an application for it to be successful.<sup>91</sup> Mid and East Antrim Borough Council remains the only area without a bespoke policy for the erection of dual language street signs.
- 4.23 In terms of best practice, the UN Special Rapporteur on minority issues has provided guidelines for implementing the rights of linguistic minorities.<sup>92</sup> It is advised that,

A good, practical approach adopted in most countries is for the authorities to provide transparent legislation or procedures to allow bilingual or even trilingual signs, usually following the proportionality principle where there is a sufficient concentration or demand for such signs in minority languages. While national legislation varies, the low

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<sup>86</sup> The Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995, Article 11 provides for street naming, street numbering and the provision of street signs. It also gives Councils the discretionary power to erect dual language street signs or secondary nameplates in a language other than English.

<sup>87</sup> Local Government (Miscellaneous) Order 1995, Article 11(10).

<sup>88</sup> 'Council repair Irish language street signs across Belfast following vandalism', Irish News, 3 January 2024; Kurtis Reid, 'Lack of respect': Belfast city councillor hits out after Irish language street sign vandalised', Belfast Telegraph, 29 December 2023; Lauren Harte, 'Anger after bigots target Irish language signs in Enniskillen', Belfast Telegraph, 20 April 2021.

<sup>89</sup> Belfast City Council, Derry City and Strabane District Council, Fermanagh and Omagh District Council.

<sup>90</sup> Mid Ulster District Council and Newry, Mourne and Down District Council.

<sup>91</sup> Antrim and Newtownabbey Borough Council and Armagh, Banbridge and Craigavon Borough Council, Lisburn and Castlereagh City Council, Causeway Coast and Glens Borough Council and Ards and North Down Borough Council.

<sup>92</sup> UN Special Rapporteur on Minority Issues, 'Language Rights of Linguistic Minorities: A Practical Guide for Implementation' (OHCHR, 2017).

threshold where it is considered practicable and reasonable to provide such signs tends to vary between 5 per cent and 20 per cent of the local population, with the lowest threshold usually associated with the use of a minority language that also has some kind of official status or for traditional, historical reasons.<sup>93</sup>

4.24 In 2023, an application for dual language street signage was refused by Armagh, Banbridge and Craigavon Borough Council despite the fact that its procedural thresholds had been satisfied.<sup>94</sup> A judicial review challenge has been initiated against the Council, alleging irrationality and procedural error including a failure in transparency and a failure to provide adequate reasons.<sup>95</sup>

#### **4.25 The Committee of Experts may wish to ask the NI Executive:**

- **what measures are being taken to overcome the politicisation of language issues in NI; and**
- **how it will fulfil its obligations to promote the use of regional and minority languages in street names and other topographical indicators in the absence of political consensus in NI.**

## **Article 11 – Media**

4.26 Irish language broadcasting is delivered by Northern Ireland Screen with the Irish Language Broadcast Fund.<sup>96</sup> The Fund spends around £3.5m annually to finance a minimum of 60 hours of Irish language content per year, which is primarily broadcast on BBC NI, TG4 and RTÉ.<sup>97</sup> Radio

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<sup>93</sup> Ibid at 28.

<sup>94</sup> Committee for the Administration of Justice, 'Press Release: ABC Council blocks first ever bilingual street sign, despite 'draconian' criteria in own policy being met', 24 October 2024.

<sup>95</sup> Alan Erwin, 'Bid to have Irish and English bilingual street signs in Portadown 'rejected in secret', High Court hears', Belfast Telegraph, 29 January 2024.

<sup>96</sup> Of the current funding, £3.15m comes from the UK Government's Department of Digital, Culture, Media and Sport, through the British Film Institute, and €1m from the Irish Government's Department of Tourism, Culture, Gaeltacht, Arts, Sports and Media via Northern Ireland Screen, which manages the fund. See Ofcom, 'Media Nations: Northern Ireland 2023' (Ofcom, 2023).

<sup>97</sup> NI Screen, 'Irish Language Broadcast Fund'. Available at: [Maoiniú | Funding - Northern Ireland Screen](#); NI Screen Commission, 'Annual Report and Financial Statements for the year ended 31st March 2023' (NI Screen Commission, 2023).



production is also supported through a training and broadcast scheme with Raidió Fáilte.

- 4.27 In 2021, the Secretary of State for NI announced a one-off £2m funding uplift to support the NI Screen’s Irish Language and Ulster Scots Broadcast Funds.<sup>98</sup> However, NI Screen advises that “a one-year increase in production funding is challenging to manage as it increases demand for the funding from the production companies which cannot be met in future years”.<sup>99</sup>
- 4.28 In 2023, NI Screen continue to advise that only multi-year funding commitments will provide financial security and ensure that the fund is managed most efficiently.<sup>100</sup>
- 4.29 Despite a number of commitments to Irish language broadcasting,<sup>101</sup> it has less statutory protection than Welsh or Scottish Gaelic. The UK-wide Communications Act 2003 makes specific provision for the development of Welsh and Scottish Gaelic television broadcasting.<sup>102</sup> In addition, the BBC Charter and subsequent Agreement contain more specific commitment for Welsh and Gaelic broadcasting when compared to those for Irish.<sup>103</sup> The Identity and Language (NI) Act 2022 did not make further provision for Irish language broadcasting.
- 4.30 The Expert Advisory Panel appointed to assist the development of the Irish Language Strategy in NI recommends that the NI Executive engage with the UK Government to amend the Communications Act 2003, strengthen commitments in the BBC Charter, and improve funding arrangements for the Irish Language Broadcasting Fund, among a range of other recommendations.<sup>104</sup>

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<sup>98</sup> NI Office, ‘Press Release: UK Government announces £2 million for NI Screen’s Irish Language and Ulster Scots Broadcast Funds’, 28 May 2021.

<sup>99</sup> NI Screen, ‘Business Plan 2022-23’ (NI Screen, 2022), at 4.

<sup>100</sup> NI Screen Commission, ‘Annual Report and Financial Statements for the year ended 31st March 2023’ (NI Screen Commission, 2023), at 29.

<sup>101</sup> Belfast (Good Friday) Agreement 1998; Joint Declaration by the British and Irish Governments 2003; NI Office, ‘New Decade, New Approach’ (NIO, 2020).

<sup>102</sup> Section 203-210, Communications Act 2003.

<sup>103</sup> BBC, ‘Royal Charter for the continuance of the British Broadcasting Corporation’ (BBC, 2016); BBC, ‘An Agreement Between Her Majesty’s Secretary of State for Culture, Media and Sport and the British Broadcasting Corporation’ (BBC, 2016).

<sup>104</sup> Department for Communities, ‘Report of the Expert Advisory Panel: Recommendations for an Irish Language Strategy’ (DfC, 2022), at 7.1-7.27.

**4.31 The Committee of Experts may wish to ask the NI Office and the NI Executive what specific measures are being taken to strengthen the provision of Irish language broadcasting in NI. This should include steps to secure sustainable funding that is proportionate to the increase in the use of Irish across NI.**

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