

# **Revised Dual Language Street Signs Policy**

## **Equality Impact Assessment – Final Decision Report**

**April 2022**

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# 1. Introduction

On 7 January 2021 Belfast City Council, in line with its statutory obligations under Section 75 and Schedule 9 of the Northern Ireland Act 1998 agreed to carry out a 12-week public consultation as an integral part of its Equality Impact Assessment (EQIA) into proposed changes to the Dual Language Street Signs Policy. The proposed changes to the policy include:

- amending the process for starting an application
- lowering the required threshold for support
- clarifying how responses to the street survey are classified
- conducting an equality assessment on each application; and, explaining the operation of the council's residual discretion.

During the consultation period a draft EQIA consultation report was made available on the council's website together with questionnaires designed to facilitate responses from both council staff and the public in general. The council's Equality Scheme consultees were notified of the availability of the draft EQIA report and invited to comment, and four open public meetings were carried out online.

This EQIA Final Decision Report sets out:

- the initial findings from the draft EQIA report;
- the results of the consultation process;
- conclusions;
- recommendations for monitoring any adverse impacts.

The EQIA Final Decision Report has been prepared in order to provide the council with all available information on which to base a decision on the proposed changes.

## **2. The policy**

### **The current policy**

Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995 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.

Belfast City Council first adopted a policy for the erection of dual language street signs in 1998. The purpose of the policy was to give clear guidance to applicants on the process and assist Elected Representatives in reaching decisions. It allows that any individual can apply for a dual language street sign to be erected provided the application is accompanied by a petition with support from at least one third of the street's residents. The application may then be approved by council if the proposed signage is agreed by two thirds of the street's residents following a further consultation exercise.

In 2009 the policy was incorporated into a new wider Policy on Naming of Streets and Numbering of Buildings, which had been drafted to provide clearer guidance.

In 2012, after considering options that would change how consultation responses are counted and reduce the threshold from two-thirds to a simple majority, the council reaffirmed the existing policy.

The policy applies to all languages although the majority of applications to date under the existing policy have been for signs to include English and Irish.

### **Proposed changes**

This section summarises the proposed key changes to the council's 1998 Dual Language Street Signs Policy.

### **Applying for a dual language street sign**

The new policy proposes that only an occupier or occupiers of the street in question, an elected Belfast City Council Member representing the District Electoral Area in which the street is located or a developer may apply.

### **Threshold for further consideration of the application**

The new policy proposes that the process may be started by an individual or group of individuals (as above) submitting a request to council. This will then trigger a survey consultation with a minimum of 15 per cent of the occupiers of the street required to support the application.

A report will then be brought to Committee for consideration (instead of being accompanied by a recommendation for approval). The council will have residual discretion.

Any decision relating to the erection of a second nameplate in the city centre (the “business core”) will in addition be subject to a wider public consultation to reflect the community of users.

The policy will cover the corporately designated Gaeltacht Quarter until such time as a policy which may contain specific proposals in respect of a bilingual strategy have been adopted.

### **Survey responses**

The proposed policy removes the stipulation that an occupier is deemed not to be in favour of the application if they do not return a survey. (In practice, the Committee will continue to receive a breakdown of the survey results indicating the number of responses in favour, the number of responses not in favour and the number of responses that were not returned.)

### **Impacts on equality of opportunity, good relations and rural needs**

The new policy process will require further Section 75 scrutiny of each application to identify and inform the council of any equality of opportunity, good relations or rural needs implications from the outset. The initial Section 75 assessment and rural needs determination will rely on the information

submitted on the application form, local data and local knowledge as well as the survey results.

### **Residual discretion**

The council has always had residual discretion to erect or not erect a dual language street sign taking into consideration all relevant information (in addition to that contained in the application and petition). However, the current policy does not outline the factors that the council will consider when exercising such residual discretion.

The proposed changes to the policy include a new section that describes what factors are to be considered when the council exercises that residual discretion, namely:

- the views of the occupiers of the street;
- the results of the assessment of each application to identify and inform the council of any equality of opportunity, good relations or rural needs implications;;
- consideration of the local context of the application;
- any other council policies or strategies related to the application; and
- all material considerations relating to the application.

This means that the council can take into account the specific circumstances of each application when determining the outcome and that, according to a report to Belfast City Council's Strategic Policy and Resources Committee in April 2021, "The exercise of the Committee's residual discretion will ensure that second language street signs will not be erected in a manner which could undermine Good Relations at a neighbourhood level."

### **Timescales**

When the council receives an application, there is a process in place for creating and sending the surveys to the residents of the street in question. The survey will include the proposed translation of the street name into the second language, which is arranged by the council from an appropriate, independent and competent institution. The residents have one month to

respond to the survey. The survey results are then collated by council officers, and a report is prepared for each application that will go to Committee.

The council's current resources enable it to process a maximum of five applications per month.

### **Decision making**

The Committee then has to consider the report along with the survey results and any other relevant information to make a decision. The Committee's decision will be based on a simple majority. The vote is then ratified at the next full council meeting.

As with all decisions, the decision may be subject to reconsideration (also known as call-in) if 15 per cent of council Elected Representatives provide a requisition form to the Chief Executive stating that the decision was either:

1. not arrived at after a proper consideration of the relevant facts or issues; or
2. that the decision would disproportionately adversely affect any section of the inhabitants of the district.

If the requisition states wholly or in part that the decision would disproportionately affect adversely any section of the inhabitants of the district, the council is required to obtain the opinion of a practising barrister or solicitor .

If the practising barrister or solicitor is of the opinion that there is merit in reconsidering the decision, the council must vote again and the reconsidered decision will require a qualified majority of at least 80 per cent of Elected Representatives present voting in favour of the original decision.

### **3. Consideration of available data and research**

This section provides an overview of the data and research that was considered in the draft EQIA report.

#### **Research**

The Draft EQIA Report included a range of background information on policies and guidance that might have an influence on the Council's policy.

These are set out in the appendices to this report and include:

- Appendix 1: Relevant Belfast City Council strategies
- Appendix 2: Policies of other councils in Northern Ireland
- Appendix 3: Other relevant strategies
- Appendix 4: Legal advice on the proposed Dual Language Street Signage Policy
- Appendix 5: Legal precedents
- Appendix 6: Equality Commission NI guidance
- Appendix 6: Guidance given by other agencies

#### **Data**

Data on Belfast City Council residents by Section 75 category is set out in Appendix 6. Most of this information is taken from the 2011 Census.

Appendix 7 provides statistical analysis of the use of languages other than English in Belfast. This data is drawn from the Census, School Census and Continuous Household Survey.

#### **Consultation on the council decision to erect bilingual/multilingual signage in four leisure centres**

In October 2019, Belfast City Council agreed to commission a public consultation regarding the installation of bilingual/multilingual signage in four new or recently refurbished leisure centres, namely Andersonstown, Lisnasharragh, Olympia and Templemore.

Consultees were asked to consider options for external and internal signage in English only; English and Irish; English and Ulster-Scots; and English, Irish and Ulster-Scots.



The result of this consultation as relevant to the dual language signage policy is summarised at Appendix 8.

## 4. Assessment of impacts

In accordance with the EQIA process, having gathered information on the policy and those affected by it, the council must then assess whether there is a differential impact related to one or more of the Section 75 grounds, determine the extent of differential impact and whether that impact is adverse.

Differential impact suggests that a particular group has been affected differently by the policy (either favourably or unfavourably), while adverse impact is an indication that the effect is less favourable (i.e. negative) and is potentially unlawful<sup>1</sup>.

In order to determine whether the proposed changes to the policy may have any adverse differential impact, it is necessary to consider the people affected by the policy, their needs and experiences and the equality categories to which they belong.

The following section summarises the assessment of impacts as set out in the draft EQIA consultation report based on the evidence available at that time.

### Equality of opportunity

At first glance, how this policy change may impact on good relations within the city may appear to be of primary concern. However, the EQIA process is also intended to anticipate barriers to participation or failings in service provision (i.e. the promotion of equality of opportunity).

One of the key indicators of adverse impact, as identified by the Equality Commission, is lower participation rates or uptake by one group.

In theory at least, it could be argued that there may be the potential for dual language street signage to create a psychological barrier to access or use of certain streets, such as long streets or in commercial areas. However, to date there is no hard evidence to substantiate this assertion, and the proposal to

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<sup>1</sup> Practical Guidance on Equality Impact Assessment, Equality Commission for NI, 2004 (pp.22-23)

include residual discretion will continue to allow for the consideration of local context.

Further, there may be the potential for use of bilingual street signage to cause a degree of uncertainty or confusion for those with literacy issues, perhaps linked to a disability or ethnicity. This was raised during the consultation on language use at leisure centres and the potential for multilingual internal and external and internal directional signage.

## **Good relations**

The evidence that is available to date, and prior to this period of consultation, does not indicate that the proposed changes are likely to have an adverse impact on good relations on grounds of religious belief, political opinion or race/ethnic origin in the medium to long term.

At the same time, previous consultations on related matters, and including the introduction of bilingual/multilingual signage in leisure centres, have suggested that there may be the potential for those who do not support languages other than English to see dual language signage as potentially challenging to their sense of identity. These concerns are most notable when decisions are seen to impact on local areas or facilities and against the perceived wishes of those communities.

With this in mind, the safeguards that are in place within the council to ensure that each decision takes on board the views of the local community and are fair, reasonable and proportionate within local circumstances are crucial in the roll-out of the revised policy.

## **Conclusions**

The draft EQIA report reached the following conclusions, based on the evidence gathered at that time and prior to consultation.

The available evidence to date, and prior to the period of consultation, did not indicate that the proposed changes would be likely to have an adverse impact on groups within any Section 75 categories in the medium to long term.

Indeed, with the appropriate safeguards in place and including the residual discretion that the council is able to operate in the case of each final decision on street naming, in the longer term it is likely that the policy may have the capacity to enhance and promote good relations by affording respect and due regard to those who choose to promote languages other than English within their locale.

## 5. Consideration of measures

The EQIA process requires that, if it is decided that the policy has an adverse impact on one or more of the nine equality categories, then a series of alternatives should be put forward for consideration and an assessment of the possible impact of these alternatives undertaken. The council must consider measures which may mitigate the adverse impact and alternative ways of delivering policy aims which have a less adverse impact on the relevant equality category or which better promote equality of opportunity and good relations.<sup>2</sup>

At the time of preparing the draft EQIA consultation report, and prior to feedback obtained from the public consultation, it was not felt that any further mitigating measures needed to be introduced to the revised policy.

However, the council remains mindful of the need to continue to accommodate sensitivities around this issue and to ensure that all steps are taken to minimise adverse impacts in the future, whether currently seen or unseen.

With this in mind, it is proposed that, in keeping with the commitment included in the council's Equality Scheme (see p.17, para. 4.30), the revised policy should be subject to review after two years, and that this review should take into account and remedy any identified adverse impacts. This review should also draw on data to indicate whether footfall or use of streets may have been impacted by the introduction of dual language signage.

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<sup>2</sup> Practical Guidance on Equality Impact Assessment, Equality Commission for NI, 2004 (pp.30-31)

## 6. Summary of consultation responses

The Equality Commission's Guide to the Statutory Duties makes it clear that a formal consultation exercise should be included as a critical stage in an EQIA, immediately before decision making. Consultation should focus on the actual impact of the existing policy and the likely impact of proposed and alternative policies. Consultation should be inclusive, afford a fair opportunity to communicate pertinent information and enable consultees to give advice and opinion on the policy so that the public authority may reach a more informed decision<sup>3</sup>. However, the Equality Commission has also made it clear that an EQIA should not be considered as a referendum or plebiscite whereby the views of consultees from a majority are counted as votes to decide the outcome.<sup>4</sup>

The consultation process on this EQIA covered a 14-week period from 22 November 2022 to 28 February 2022. During the consultation period the draft EQIA report was available on the council's website together with a questionnaire designed to facilitate the type of responses referred to above. The council's Equality Scheme consultees were notified of the availability of the report and invited to comment. A press release was issued to various media outlets, and there were four online meetings open to the general public.

Responses were received as follows.

### Responses to the online survey

There were 1,078 responses to the online survey (785 responses to the English language version and 293 responses to the Irish language version). (For the purposes of analysis, whether a respondent chose to complete either the English or Irish version is not considered of relevance over and above the

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<sup>3</sup> Practical Guidance on Equality Impact Assessment, Equality Commission for NI, 2004 (p.36)

demographic variables outlined below, and hence the entire sample (n = 1,078) is set as the standard baseline.)

A summary of key findings is offered below.

It should be noted that there was no method of stopping individual respondents from filling in both the English and Irish language versions of the survey or filling in one or each multiple times. There is evidence that the same or highly similar responses to questions were received multiple times suggesting a degree of coordination of responses to the survey, once more reinforcing the Equality Commission's guidance not to treat consultation as a robust numerical poll of views and opinions.

### **Demographic breakdown of responses**

#### *Gender of respondents*

Of the 854 respondents who responded to this question,

65.4 per cent (550) identified themselves as male;

32.1 per cent (274) as female; and

3.5 per cent (30) preferred not to say.

#### *Community background of respondents*

Respondents were asked to indicate what community background they came from, regardless of whether or not they actively practiced a religion.

Of the 786 respondents who answered this question,

37.8 per cent (297) identified themselves as coming from a Protestant community background;

35.1 per cent (276) from a Catholic community background; and

27.1 per cent (213) as being from neither community.

#### *National identity of respondents*

The survey asked for respondents to describe their national identity, giving them the options of British, Irish, Northern Irish, Other, English, Scottish and Welsh.

Of the 786 respondents who answered this question,

33.4 per cent (265) described themselves as British;

43 per cent (341) described themselves as Irish;

19.9 per cent (158) described themselves as Northern Irish;

3.3 per cent (26) described themselves as “other”; and

0.4 per cent (3) described themselves as English.

### *Age of respondents*

While respondents were spread across all age ranges, there was a higher likelihood of responses coming from those in the 25 to 54 years of age range.

<b>Age range</b>	<b>Percentage</b>	<b>Number</b>
Under 18	6.2%	57
18-24	10.5%	96
25-39	29.4%	268
40-54	27.3%	249
55-64	16.2%	148
65+	10.4%	95

### *Residency of respondents*

85.7 per cent of respondents to this question indicated they were ratepayers or residents in the Belfast City Council area.

### **Responses to survey questions**

Respondents were asked whether they Strongly Agreed, Agreed, Neither Agreed nor Disagreed, Disagreed or Strongly Disagreed with four of the five proposed technical changes to the policy:

- i. Proposed change to the method for applying for a dual language street sign
- ii. Proposed change to the threshold for further consideration of the application
- iii. Proposed change to clarify how responses to the survey are classified
- iv. Proposed change to assess each application for equality, good relations and rural needs implications



Respondents were also given the opportunity to provide a comment or opinion on each of these four proposed changes.<sup>5</sup>

Respondents were then asked to provide comments on the fifth proposed technical change:

- v. Proposed change to explain the operation of the council's residual discretion

Respondents were also given the opportunity to comment on

- any aspect of the proposed policy that had not been addressed by the preceding questions
- the draft EQIA report.

**i. Proposed change to application method**

59.0 per cent agreed or strongly agreed with this proposed change compared to 40.1 per cent who disagreed or strongly disagreed.

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>Combined total</b>	570 (53.2%)	62 (5.8%)	10 (0.9%)	25 (2.3%)	405 (37.8%)

Among the negative comments received, there was a perception that this issue is being pushed by Sinn Féin and that this policy can potentially be used to have Irish language signs erected in areas where the majority would not want this. There are repeated references in the comments to the policy being used against the Protestant or Unionist community.

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<sup>5</sup> It should be noted that the comments underneath each proposed change did not always correspond to that change. Respondents would often leave a generic comment in response to the policy proposal as a whole rather than commenting on the technical point being highlighted in that question. It should also be noted that respondents were less likely to leave a comment the further they went into the survey. There are fewer comments, therefore, against the proposed changes that are outlined later in the survey.

Another issue mentioned repeatedly in commentary was that the policy has the potential to alienate one section of the community and cause division.

Positive comments tended to focus on the promotion of Irish and minority languages and how the proposed policy change was in keeping with international best practice.

Respondents also referenced the current policy. A number of comments noted that it placed an undue burden on residents and that the 66 per cent threshold was an undue barrier to the promotion of minority languages.

**ii. Proposed change threshold for an application**

58.7 per cent agreed or strongly agreed with this proposed change compared to 40.7 per cent who disagreed or strongly disagreed.

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>Combined total</b>	587 (58.2%)	5 (0.5%)	6 (0.6%)	0	410 (40.7.%)

Within the negative commentary around this proposed change there was a strong emphasis on the perception that this amendment may allow the minority to make a decision for the majority of a street. A range of respondents felt that having this lower threshold allowed for “minority rule” and that this had the potential to damage community relations and could become a factor in intimidation.

In the positive comments there were frequent references to support for minority languages, adherence to UN and international guidance around minority languages and how the lower threshold makes it easier for residents to have the language of their choice displayed in a street sign.

This question also elicited a number of what would be described as “pro-forma responses” or variations on pro-forma responses. These frequently referred to the UN Special Rapporteur guidelines on this issue and suggested that a lower threshold, potentially 5 per cent, would be more acceptable and make the process easier still for residents.

**iii. Proposed change to not count non-responses as not being in favour**

62.0 per cent agreed or strongly agreed with this proposed change compared to 35.0 per cent who disagreed or strongly disagreed.

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>Combined total</b>	611 (57.4)	49 (4.6%)	32 (3%)	38 (3.6%)	335 (31.4%)

Many of the comments opposed to this change focused on the perception that this change allows for “minority rule”; such respondents felt that a clear majority should be required to effect any change. Comments frequently focused on the potentially negative effect this would have on good relations. There was also a common misconception in relation to this proposed change with a range of comments indicating that the respondent felt that a non-response would now be counted as being in favour of the erection of a sign.

The most frequent positive responses to this change felt the previous assumption that non-respondents were not in favour was not good practice and not reflective of practice in any other referendum or plebiscite. Pro-forma responses stated that no other council has a similar provision.

**iv. Proposal to carry out an equality screening exercise on each application**

56.0 per cent agreed or strongly agreed with this proposed change compared to 30.7 per cent who disagreed or strongly disagreed.

	<b>Strongly agree</b>	<b>Agree</b>	<b>Neither agree nor disagree</b>	<b>Disagree</b>	<b>Strongly disagree</b>
<b>Combined total</b>	443(41.7%)	152(14.3%)	141(13.3%)	35(3.3%)	292(27.4%)

Negative comments specifically in relation to this proposed change considered that any assessment could be “manipulated” by one section of the community, leading to division.

A number of comments considered that any equality exercise could potentially be used to stop an application for a dual language street sign.

It was also suggested in some comments that as the overall policy change was subject to a Section 75 equality screening and an EQIA, any further screening of individual applications would be excessive.

There was also some consideration that seeing a minority language in a sign cannot create an inequality of opportunity and therefore there is no need for an assessment for each application.

Commentary in favour of this change suggested that the assessment would help build a clear picture of local demographics and opinion which would aid the decision-making process. Some respondents felt that this would add to the transparency of the process and help to potentially avoid division and damage to good relations.

**v. Issues surrounding the exercise of residual discretion in relation to this policy**

Respondents were provided with the opportunity to offer views on this proposed change. Council officers reviewed the comments and assigned a sentiment tag to each. These tags indicate whether the comments are positive, negative, mixed or neutral.

48.7 per cent of the comments made in relation to this change were tagged as negative;

11.2 per cent were tagged as positive; and

36.2 per cent were tagged as neutral.

Many of the negative comments around this again focused on the policy as a whole, rather than this specific technical change. There were, however, a number of comments in relation to how residual discretion may be applied.

Some respondents felt that the residual discretion clause gave the council the power to override the street survey and go against the wishes of residents.

One suggestion that occurred repeatedly was that opinions which could potentially be deemed to be sectarian should not be considered in relation to the application of residual discretion.

Respondents also suggested that residual discretion should only be used at the end of the application process and that potential applications for street signs should not be stopped before residents have had the opportunity to voice an opinion.

Positive comments in relation to the exercise of residual discretion welcomed the clarification as to what potential factors would be considered in relation to the operation of residual discretion and that this added another level of accountability to the process and gave another method for residents to have their say on any application.

### **Other comments on the proposed changes to the policy**

Respondents were given the opportunity to make any other comments on the proposed changes to the policy.

Similar themes in opposition to change came to the fore in this section with respondents mentioning the potential for division.

In favour of the proposed change respondents felt that the new proposals would bring Belfast City Council in line with international guidelines and that any policy change would promote minority languages, and particularly the Irish language, in a positive manner.

### **Written submissions**

A number of written submissions were made during the period of the consultation and Equality Impact Assessment (see Appendix 9 for full versions). In summary:

- Committee for the Administration of Justice. The response broadly welcomed the proposed policy while at the same time seeking the promotion of minority language to be a criterion considered under residual discretion, a clear definition of “good relations” in line with international standards to be applied in the application of the policy and the removal of the requirement to screen each application under the revised policy due to concerns that it “appears to be misinterpreting the

good relations duty as a majoritarian veto, which conflicts with proper interpretation of the duty as well as minority rights in general”.

- Conradh na Gaeilge, An Droichead, Glór na Móna, Ionadh Uibh Eachach and Cumann Cultúrtha Mhic Reachtain. The content of these responses was broadly similar and generally strongly supportive of the policy changes, considering that they reflect UN and international guidance on minority language and best practice across NI, Scotland and Wales. However, the proposed change to carry out an equality assessment on all applications under the revised policy was negatively received on the basis that the policy itself has been subjected to a screening and full EQIA process.
- Two separate sets of survey responses were received in hardcopy. An Dream Dearg delivered 274 copies of the survey and Sinn Féin delivered 1081 copies. Overall, the hard copy submissions were in support of most of the proposal policy changes. It should be noted that in each submission all answers were identical. As the responses were identical it suggests that there was some coordination and cooperation between respondents.
- The hard copy submissions have been considered separately from the completed online survey.

## **Responses in relation to the draft EQIA**

### **Online survey responses**

There were 190 comments in response to the question about the draft EQIA report (98 of which were “no comment” or similar).

These included:

- The draft report and consultation questions are biased towards supporting minority languages
- Concerns that the policy would be divisive on grounds of religious belief, national identity and political belief
- Potential for tri-lingual signs in English, Ulster Scots and Irish

- That the report “presupposes that those in the two main communities are either Catholic or Protestant, and are so defined. This is neither true, nor inclusive, and undermines the value of the methodology, embedding a well-established indicator bias through religious labelling.”
- Need to consider the requirements of disabled people, for example, typographically differentiate between languages to assist people with learning disabilities
- Need to consider the language abilities of different migrant communities and so retain all street signs in English
- Providing fairer access through an online application and petition process

Hard Copy submission

Sinn Fein submission (1081 identical copies)

There were no comments specifically to the draft EQIA, and no comments in relation to equality, good relations or rural needs issues.

An identical prepared statement was included in all submissions stating:

that the adoption of the proposed policy would make Belfast one of the leaders in the protection of minority rights. There is reference to international treaties, and a paragraph in Irish stating that bilingualism enriches, day to day life and the visibility of language is important in their promotion.

An Dream Dearg (274 identical copies)

The council can use their discretion to end an application before it even reaches the stage of the street survey for a number of reasons. This shouldn't be used until residents have an opportunity to indicate their views, and no weight should be given to argument which are rooted in blatant sectarianism.

## **Legal opinion on residual discretion**

Council staff sought advice from a barrister about the parameters for the residual discretion referred to in the policy and in what circumstances this could be used. The barrister advised that residual discretion could not be the subject of any rigid parameters and that elected members should consider

each application on an individual basis and discuss whether the policy needed to be departed from in any way.



## 7. Conclusions

Schedule 9 of the Northern Ireland Act 1998 requires that, in making any decision with respect to a policy, a public authority shall take into account any EQIA and consultation carried out in relation to the policy (para. 9.2).

There is no strict definition of what “taking into account” entails. However, the Equality Commission guidance on how decisions should be recorded makes it clear that a public authority must be able to record the decision-making process (as well as the decision) and that the decision must be justified.<sup>6</sup>

The guidance also advises that all available information should be combined in making the decision. This includes the information gathered during the research phase, the results of the consultation and the analysis as to the need for alternative policy options.<sup>7</sup> This information has been brought together in this report and the appendices (available as a separate document) in order to ensure that the Council is in a position to take account of all issues when making a decision.

The following analysis of the key points arising from the EQIA and the consultation responses is provided to assist the Council, but is not exhaustive and is not meant to be a substitute for the detailed information presented in the appendices.

The draft EQIA consultation report reached the following conclusions, based on the evidence gathered at that time and prior to consultation.

‘The available evidence to date, and prior to the period of consultation, did not indicate that the proposed changes would be likely to have an adverse impact on groups within any Section 75 categories in the medium to long term.

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<sup>6</sup> Practical Guidance on Equality Impact Assessment, ECNI 2004, p.45

<sup>7</sup> Practical Guidance on Equality Impact Assessment, ECNI 2004, p.45

Indeed, with the appropriate safeguards in place and including the residual discretion that the council is able to operate in the case of each final decision on street naming, in the longer term it is likely that the policy may have the capacity to enhance and promote good relations by affording respect and due regard to those who choose to promote languages other than English within their locale.'

This statement positions the proposed changes to the policy in close alignment with the council's Language Strategy and its vision to, 'create a city where linguistic diversity is celebrated and respected, and where those who live, work and visit the city can expect to access what Belfast has to offer, using forms of language with which they are familiar and comfortable.

This is further supported by, the specific policy aim, which is to: 'promote regional and minority language rights, and to benefit and enhance the diverse linguistic communities within the city, through the adoption of dual language street signs as and where appropriate.' 'The promotion of equality of opportunity, good relations and respect are principles underpinning the application of the policy, in addition to supporting the rights promoted by the policy itself.

While the consultation has revealed a lack of consensus with regard to the proposed changes to the policy, and indeed has identified a strong division of opinion, there is nothing inherent in the feedback received to suggest that, at this time, the proposed changes should not now be adopted - but on the understanding that the policy should be subject to rigorous review after a period of two years.

Consultees have raised a number of issues or concerns and including the following:

**Lower threshold to five per cent** – While the council has decided to set a threshold of 15 per cent of residents supporting an application, some argued that this figure was set too high. While five per cent falls within the guidelines established by the UN Special Rapporteur on minority issues in 2017 (5% to 20%), the figure of 15 per cent is felt to represent a more reasonable accommodation of the potentially diverse views of those residing in a particular street, it should also be noted that the application

will only proceed to further consideration if this threshold is reached, but does not act as a guarantee of success.

- **Do not count sectarian responses** – It was argued that survey responses tainted by sectarianism should be deemed ineligible. However, to determine which responses fall with this category would be very difficult in practice. Instead, it is argued that the decision-making process contains sufficient checks and balances to ensure that any campaign based on sectarianism, and at the expense of good community relations, would not prove successful
- **Define good relations and its application in the application process** – At the present time there is no consensus on a working definition of good relations, and while the definition of ‘tackle prejudice and promote understanding, as well as respect and diversity’ enjoys support in certain quarters it would be beyond the scope of this exercise to offer a definitive choice without further consultation with all relevant agencies and including the Equality Commission and the Community Relations Council.
- **Include opportunity to promote minority language as a criterion under residual discretion** – It is argued that the primary purpose of the revised policy will be to promote minority languages, in the context of the council’s Language Strategy, and hence to make this an explicit criterion attached to residual discretion would be unnecessary
- **Remove requirement to screen all applications** – It is duly recognised that the process of Section 75 assessment which is to be attached to each application moves beyond the normal practice of the council in regard to screening (which is typically relating to the process by which decisions are reached rather than each decision). At the same time, in this circumstance it is felt that this is a proportionate safeguard given the sensitivities attaching to this issue, and is a matter that can be subject to review after two years.
- **Include reference to guidance on promotion of minority language in the application process** – At this time, the information made available during each stage of the application process has yet to be decided but inclusion of reference to guidance of this type would seem relevant and useful.
- **Potential to heighten community conflict** – A considerable number of respondents argued that the proposed changes may have the potential to disrupt good relations locally and across the city. At this time the council remains confident that sufficient and proportionate checks and balances have been incorporated within the application process to minimise this

risk. Equally, the council is committed to reviewing the policy periodically and where there is evidence that the proposed changes to the policy have had this effect then appropriate remedial action will be taken.

## 8. Monitoring for adverse impact

Schedule 9 of the Northern Ireland Act 1998 requires that a system be established to monitor the impact of the final policy in order to find out its effect on the relevant groups and subgroups within the equality categories.

The results of ongoing monitoring must be reviewed and published on an annual basis (para. 4 (2) (b)). If the monitoring and analysis of results over a two-year period show that the policy results in greater adverse impact than predicted, or if opportunities arise which would allow for greater equality of opportunity to be promoted, the public authority must ensure that the policy is revised to achieve better outcomes for the relevant equality groups (Annex 1, para. 7.2).

The council therefore commits to the amended policy being formally reviewed after an initial period of **two years**, together with routine monitoring of applications during this time. The formal review may involve the following:

- Quantitative data relating to the number of applications made, including the breakdown of support by community background at relevant stages of the application process;
- Qualitative data regarding comments and feedback received on applications, together with correspondence/media coverage;
- Feedback from staff involved in the application process;
- Analysis of complaints register.

## **Appendix 1: Relevant Belfast City Council strategies**

This section considers a range of Belfast City Council strategies that have bearing on the proposed Dual Language Street Signage Policy.

### **Language Strategy**

Belfast City Council's 2018 Language Strategy aspires to create a place where linguistic diversity is celebrated and respected. It has two key purposes.

1. To protect and promote awareness of our indigenous languages of Irish and Ulster-Scots
2. To promote access to, inclusion of and awareness of other languages including sign languages, the languages of new communities who live in Belfast and languages and communication for disabled people

### **Good Relations Strategy**

Under Section 75 of the Northern Ireland Act 1998, all public bodies, including Belfast City Council must have regard to the desirability of promoting good relations between persons of different religious beliefs, political opinion or racial group.

The council's Good Relations Strategy was adopted in 2019. It states that it "aims to promote sharing over separation and the economic, social and environmental benefits of such. We need to continue to create spaces for communities to interact and make connections with each other, moving from parallel living to meaningful relationships and casual interactions".

It also sets down the five outcomes it seeks to achieve.

- Outcome one: Strong, positive and transformative civic leadership – inclusive governance with community changemakers
- Outcome two: Shared and connected spaces – a smart, connected city driven by inclusive and transformative place making

- Outcome three: Shared Services – focusing on co-design and social innovation
- Outcome four: Structured collaboration and partnerships
- Outcome five: An intercultural city and respectful cultural expression within the rule of law

### **Equality Scheme**

The council's Equality Scheme (approved in 2015) sets out the council's arrangements for complying with the equality duties under Section 75 of the Northern Ireland Act 1998. It includes a commitment to provide information in alternative formats on request where reasonably practicable. The Scheme states that alternative formats may include Easy Read, Braille, audio formats (CD, mp3 or DAISY), large print or minority languages to meet the needs of those for whom English is not their first language.

## **Appendix 2: Policies of other councils in Northern Ireland**

### **Dual language street signage policies**

#### **Antrim and Newtownabbey Borough Council**

In 2018, Antrim and Newtownabbey Borough Council rescinded its English-only street signage policy following a judicial review.

In 2019, a draft policy was approved by the Community Planning and Regeneration Committee. It provided for applications to be made supported by a petition of at least one-third of residents, and an application to be approved if supported by at least two-thirds of residents during a Council-led consultation process whereby “nil responses” would be counted as not in favour of the application.

The draft policy was referred back to the Committee by the full Council following concerns that it did not meet the Council’s legal obligations. Leaders of each of the political parties are to further consider the draft policy and report back to the Committee.

#### **Armagh City, Banbridge and Craigavon Borough Council**

Armagh City, Banbridge and Craigavon Borough Council (ACBCBC) adopted its dual language policy in September 2020 whereby applications must be supported by a petition of support from at least one-third of residents. ACBCBC will then consult to ensure there is approval from at least two-thirds of residents.

#### **Causeway Coast and Glens Borough Council**

If less than two thirds of a street’s residents do not respond in favour of a dual language signage proposal, a report is presented to the Environmental Services Committee recommending that the proposal does not go ahead.

#### **Derry City and Strabane District Council**

In January 2021, following a Notice of Motion “Given the increasing demand for bi-lingual street signs to be installed”, Derry City and Strabane District



Council (DCSDC) agreed to reduce the approval threshold from two-thirds of street residents to 15 per cent.

DCSDC also has a multi-language signage policy that provides for signage in English, Irish and Ulster-Scots “upon scheduled replacement” of internal and external signs on DCSDC-owned buildings, offices and vehicles.

### **Fermanagh and Omagh District Council**

Fermanagh and Omagh District Council (FODC) has a dual language policy that “is not a blanket Policy [...] Each case will be considered on its individual merits”.

On receipt of an application supported by one-third of residents, FODC will seek the opinion of all residents and make a decision based on a majority of at least two thirds. It will then write to all residents who have not yet responded to advise them that it “is minded to proceed/not to proceed with the dual naming”, and residents have a second opportunity to respond.

### **Lisburn and Castlereagh City Council**

Lisburn and Castlereagh City Council approved its dual language policy in 2018. In February 2021, a Notice of Motion to reduce the threshold by which applications could be approved from two thirds to 15 per cent was rejected.

### **Mid and East Antrim Borough Council**

Mid and East Antrim Borough Council determines the name by which a new street or road is to be known. It “must be expressed in English and may, in addition, be expressed in a language other than English”.

### **Mid Ulster District Council**

Mid Ulster District Council will accept applications from individual residents. It will then carry out a consultation and if at least 51 per cent of residents approve, the application will be considered by its Environment Committee.

### **Newry, Mourne and Down District Council**

Newry, Mourne and Down District Council “will promote the inclusion of the Irish language in street nameplates while having regard of any views on the

matter expressed by occupiers of the street”. Applications can be made by an individual resident or Elected Representative.

## **Language policies**

Before local government reform, the majority of the 26 councils had policies relating to either the Irish language or linguistic diversity generally. However, at this time only four of the new councils (excluding Belfast) have formally adopted policies addressing these issues.

### **Fermanagh and Omagh District Council**

Fermanagh and Omagh District Council has adopted a Linguistic Diversity Policy which embraces all language forms but affords particular status to Irish in accord with Part III of the European Charter. To date, the Linguistic Diversity Policy is reflected in its branding strategy: English and Irish are to be included on council stationery, vehicles and external signage with the exception of Strule Arts Centre and Enniskillen’s Ardhowen Theatre, where Ulster Scots is also included.

### **Derry City and Strabane District Council**

Derry City and Strabane District Council adopted a policy for the Irish language and a separate policy for Ulster-Scots in September 2014.

### **Newry, Mourne and Down District Council**

Newry, Mourne and Down District Council agreed its Bilingual Language Policy in 2015, establishing the Council's commitment to facilitate and encourage the promotion and use of both the Irish language and English language in the Council area.

While procedures have been agreed, the Council has not as yet finalised an action plan to implement the commitments.

### **Mid Ulster District Council**

The Mid Ulster District Council Irish Language Policy is based on the requirements of Parts II and III of the European Charter for Regional or Minority Languages, thereby implementing a range of positive actions to

promote, enhance and protect the Irish language while encouraging its use in speech and writing in private and public life.

## Appendix 3: Other relevant strategies and frameworks

### NI strategies

#### New Decade, New Approach 2020

The NI Executive's New Decade, New Approach strategy sets out a number of proposals in relation to rights, language and identity. These include:

- Establishing an Office of Identity and Cultural Expression “to celebrate and support all aspects of Northern Ireland's rich cultural and linguistic heritage”
- Appointing a Commissioner “to recognise, support, protect and enhance the development of the Irish language in Northern Ireland”
- Appointing a Commissioner “to enhance and develop the language, arts and literature associated with the Ulster Scots/Ulster British tradition”
- Officially recognising both Irish and Ulster-Scots languages in Northern Ireland
- Allowing any person to conduct their business in Irish or Ulster-Scots before the Assembly or one of its committees

While the document sets out proposals that are broadly in line with previous advice and guidance, at this time it does not provide specific guidance for local government other than:

The guidance will ask the Commissioner, as a first priority, to focus on developing best practice standards that facilitate interaction between Irish language users and public bodies, including but not limited to making information or forms available in Irish where required, enabling widely used public websites to have an Irish Language translation available, and ensuring that public bodies reply in Irish where practical to correspondence in Irish. **Public bodies will each continue to make their own decisions on other matters to do with the Irish language.**

## **Northern Ireland (St Andrews Agreement) Act 2006**

This Act places a duty on the NI Executive to adopt a strategy for the enhancement and protection of the Irish language.

## **Belfast (Good Friday) Agreement 1998**

Strand three of the Belfast Agreement contains a series of commitments in respect of economic, cultural and social issues, including a general provision relating to minority languages:

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.

## **International strategies and frameworks**

### **European Charter for Regional and Minority Languages**

The European Charter for Regional or Minority Languages is an international convention designed to protect and promote regional and minority languages.

The UK has an obligation not to create barriers regarding the use of a minority language. Article 7(4) of the Charter provides that “In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages.”

In Northern Ireland, Part II of the European Charter applies to Irish and Ulster-Scots and Part III to Irish only.

Part II places a general duty on the state to facilitate and/or encourage the use of regional or minority languages in speech and writing, in public and private life but does not place any obligations directly on district councils.

Part III of the Charter extends to public services under public control. In Article 10, it states that services need to be able to be provided in the specified language and users of the language need to be able to submit requests for services in this language. Article 10 makes it clear that public authorities

should have a capacity for translation and interpretation, allow or encourage the use of traditional forms of placenames and family names, draft documents in the specified language, facilitate oral and written applications in this language, facilitate the use of the language in debates and allow people to submit requests in the language.

The UK ratified the European Charter in March 2001, but it has not been incorporated into domestic law. At present there is no Language Act in place in Northern Ireland (unlike the position in Scotland and Wales) although policies have been formulated by central government.

### **UN Special Rapporteur on minority issues**

Guidance from the UN Special Rapporteur on minority issues issued in 2017<sup>8</sup> was also taken into consideration by the Council when revising this policy. The guidance notes that “Bilingual or multilingual signs used by public authorities demonstrate inclusiveness, and that various population groups share a locality in harmony and mutual respect”. It goes on to advise:

As for street and locality names and topographical indications intended for the public, their importance as markers of social identity, culture and history, a good and practical approach adopted in perhaps most of the world’s countries is for authorities to provide in transparent legislation or procedures for bilingual or even trilingual signs, usually following the proportionality principle where there is sufficient concentration or demand for such signs in minority languages. While national legislation varies, the low threshold where it is considered practicable and reasonable to provide for such signs tends to vary between 5% and 20% of the local population, with the lowest threshold usually associated with the use of a minority language which also has some

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[www.ohchr.org/documents/issues/ieminorities/language/rights/linguistic/minorities/handbook.doc](http://www.ohchr.org/documents/issues/ieminorities/language/rights/linguistic/minorities/handbook.doc)

[x](#)

kind of official status or for traditional, historical reasons. The criteria for the display of signs in minority languages must be given a clear and unambiguous legislative basis to be effectively implemented.

### **Framework Convention for the Protection of National Minorities**

The Framework Convention for the Protection of National Minorities is a multilateral treaty of the Council of Europe aimed at protecting the rights of minorities within Europe. The United Kingdom is a signatory nation to the Framework.

It does not place any directly enforceable obligation on local councils but includes a number of provisions in relation to minority languages.

Article 11 requires the state to facilitate the display of traditional local names, street names and other topographical indications in the minority language where there is a sufficient demand and in areas traditionally inhabited by substantial numbers of persons belonging to a national minority.

## **Appendix 4: Legal precedents**

### **Counsel's opinion**

In January 2013 in relation to the Council's Language Strategy, Belfast City Council sought the opinion of Mr Richard Gordon QC, who is widely recognised as a leading counsel on constitutional, administrative, public and civil liberties law. Mr Gordon was asked to advise

- whether the Council is in any legal conflict with the provisions of the European Charter and whether the current policies in relation to the use of Irish meet with the spirit and requirements of the Charter;
- whether the current language policies are open to legitimate criticism.

Mr Gordon advised that there would be potential for judicial review in relation to allegations of the Council's non-compliance with the European Charter and recommended that the Council should, as a minimum, have in place a clear strategy which can be shown to be implemented for facilitation of the Irish language so as to meet all the requirements of Article 10 of the European Charter. He suggested that the Council should reformulate the Language Policy in a comprehensive and easily accessible form and should attempt to itemise in the clearest terms what is being done to implement the policy.

### **Judicial review of street signage**

In December 2014, the High Court ruled on an application for judicial review by Eileen Reid of a decision taken by Belfast City Council to refuse to erect an additional street nameplate in Irish at Ballymurphy Drive, Belfast. The application was made on five grounds, one of which was that the Council's street naming policy was inconsistent with its commitment to act in accordance with the European Charter.

In summary, Mr Justice Horner found that the Council's decision-making process was lawful; that the Council had a residual discretion within the policy to allow due consideration being given to the particular circumstances of each application; and, as a general proposition, international treaties or agreements which have not been incorporated into national law are not enforceable:



a public authority [...] cannot be obliged to treat itself as bound to act in compliance with international obligation. Even where it does so it is clear from the authorities that the courts will adopt a very light touch review which will not extend to ruling on the meaning or effect of the International Treaty.

## **Appendix 5: Advice and guidance from other agencies**

### **Equality Commission NI**

The Equality Commission has noted that the use of Irish in signage is, in their opinion, a neutral act and that this is in keeping with political agreements.

The Commission considers that the use of minority languages, particularly Irish and Ulster Scots in Northern Ireland for common or official purposes would normally or objectively be considered to be a neutral act that would not be discriminatory.

The Commission also consider that the speaking of any language in Northern Ireland should not be perceived as a threat to any individual or group, nor should it be used in such a manner. We consider that the speaking of Irish or its more general use in the community does not diminish the entitlements of those whose right to their British identity is guaranteed in the Belfast/Good Friday Agreement. Similarly, the Commission considers that the wider use of Ulster Scots does not diminish the entitlements of those whose right to their Irish identity is guaranteed. (Equality Commission, 2015).

### **Committee for the Administration of Justice**

Similar to the Equality Commission, the Committee for the Administration of Justice<sup>9</sup> also cautioned against “miscategorising” statistical or qualitative information as “adverse impacts”: that is, equating the fact that statistically more people from a Catholic background than people from a Protestant background speak Irish and that therefore promoting Irish would constitute an “adverse impact”.

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<sup>9</sup> An independent non-governmental organisation affiliated to the International Federation for Human Rights

there has also been a contention that a council space must remain “neutral” as a justification for refusing to adopt an effective Irish language policy in accordance with the ECRML [European Charter for Regional and Minority Languages]. However, the continued exclusion of the Irish language from civic space is neither neutral nor natural. In short there is no universally agreed “neutral” position to take [...] it is a misinterpretation of the [good relations] duty to find an “adverse impact” on equality of opportunity merely because a policy is politically contentious, or attracts hostility [...]

It has been suggested that exposure to the Irish language itself constitutes an adverse impact on some groups, on the basis that this intrudes on the rights of persons who do not want to see or hear the Irish language. However, having to see Irish used alongside English on a logo or sign, or to hear people speaking Irish, does not breach any recognised right, domestic or international. (CAJ and Conradh na Gaeilge, 2018)

## **Advisory Committee to the Framework Convention for the Protection of National Minorities**

An advisory committee monitors the compliance of signatory nations with the Framework Convention for the Protection of National Minorities. One of the themes commented on throughout their reporting is how the use of the minority language in publicly visible signage can add to a sense of belonging for the minority language community. Comments<sup>10</sup> include:

Multilingual cultural and touristic signage offers considerable potential for the use of topographical names in minority languages as it uses these languages and toponyms in a field (heritage preservation) that is appreciated in all parts of society, raises awareness of the cultural

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<sup>10</sup> The opinions of the Advisory Committee on the FCNM can be found on the HUDOC-FCNM database, <https://hudoc.fcnm.coe.int/eng>

contributions made by national minorities and has a practical function. (Bulgaria, 4th, 2020, para. 141)

The display of bilingual or trilingual signposts as a demonstration of the diverse character of the region, traditionally and at present. (Croatia, 4th, 2015, para. 66)

Such bilingualism carries for persons belonging to national minorities as an affirmation of its presence as an appreciated and welcome part of society. (Latvia, 3rd, 2018, para. 130)

The Advisory Committee recalls the important symbolic value of bilingual topographical indications as affirmation that the presence of linguistic diversity is appreciated and that a given territory is shared in harmony by various linguistic groups. (Netherlands, 3rd, 2019, para. 116)

[S]ignificant symbolic value for integration that bilingual or trilingual signposts, or the re-introduction of historical place names, carry for the population as an affirmation of the long-standing presence of national minorities as appreciated and welcome part of society. (Georgia, 2nd, 2015, para. 85)

This commentary shows the positive impact of the use of minority languages in signage and how this can improve community relations and respect “shared in harmony”.

## **Committee of Experts for the European Charter for Regional or Minority Languages**

The Committee of Experts (COMEX) is the Council of Europe treaty body which monitors compliance with the Charter. COMEX has elaborated that the undertaking to take into consideration needs and wishes of speakers places a duty on councils, government departments and other public authorities to consult with representatives of users of Irish and Ulster Scots when developing policy impacting on them.

COMEX has also made reference to lower thresholds in some of their reports, including, for example, urging Parties to apply the Charter where there is a demand, irrespective of a particular threshold and noting that a 20 per cent threshold is too high as the number of people justifying protection under the Charter is commonly well below that percentage.

The Committee of Experts urges the Czech authorities to adopt a flexible approach ensuring the implementation of the relevant provisions of the Charter to all regional or minority languages and to encourage local authorities to apply the Charter where there is a demand, irrespective of any thresholds.

The Committee of Experts notes that limiting the possibility for users of regional or minority languages to submit oral or written applications in these languages to municipalities where 20% of the population belong to a minority amounts to a territorial reservation which is incompatible with the Charter. Besides, the 20% threshold appears in any case too high, as the number of people justifying protection measures under the Charter is commonly well below this percentage.

COMEX emphasises that the adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population which take due account of their specific conditions are not to be considered an act of discrimination against the users of more widely used languages.

On a number of occasions the Committee of Experts has pointed out that not enough is being done to promote the use of Irish or to make Irish visible in the public space in Northern Ireland.

The committee of Experts has been informed about several instances, especially within local councils, where it was decided not to promote the use of the Irish language as it may contravene Section 75 of the Northern Ireland Act. The Committee of Experts emphasises that the adoption of special measures in favour of regional and minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take account of their

specific conditions is not to be considered an act of discrimination against the users of more widely used language (Committee of Experts, 3<sup>rd</sup> Cycle Monitoring Report, 2010).

## **General approach of the European Charter and Framework Convention**

The general approach of the European Charter for Regional or Minority Languages and the Framework Convention for the Protection of National Minorities is that place names in a regional or minority language form an integral part of the cultural heritage of a municipality. This applies notably to languages that have traditionally been the majority language of a territory (regional languages). In municipalities where such languages are in use, one can assume that the local toponymy is mainly or wholly based on, or influenced by, that language. Place names reflect circumstances or events that have occurred during the local history, or the imagination of the population.

Topographical bilingualism contributes to the preservation and use of this "public memory" and can also quite simply help to understand the original meaning of many names. It also encourages residents to use the regional or minority language in daily life and shows to locals and visitors that the "territory is shared in harmony by different linguistic groups", as the Advisory Committee of the Framework Convention for the Protection of National Minorities has often formulated it (see ACFC Thematic Commentary No. 3, 2012, para. 67, <https://www.coe.int/en/web/minorities/thematic-commentaries>).

In addition, bilingual signage makes a municipality special (from the point of view of marketing) and is of practical use in tourism.

The adoption and use of place names in regional or minority languages is one of the most frequently implemented promotion measures for these languages in Europe. A municipality which implements this seriously can claim to comply with European standards in the field of minority language promotion and national minority protection.

Lastly, it should be recalled that Art. 10 (2) g of the European Charter for Regional or Minority Languages (which applies to Irish in Northern Ireland in accordance with the UK instrument of ratification) does not only deal with "signs" (such as the Framework Convention for the Protection of National Minorities) but also with the adoption of the place name in the minority language as an additional or the sole official name of the place.

## Appendix 6: Belfast's population by Section 75 dimension

### Religious belief

On Census Day 2011, 49 per cent of Belfast City Council's usual residents were from a Catholic community background compared with 42 per cent from a Protestant or other Christian related background.

### Political opinion

In the last local government election held on 2 May 2019, 28.2 per cent of first preference votes were cast for Sinn Féin; 21.6 per cent for the Democratic Unionist Party (DUP); 15.7 per cent for the Alliance Party; 9.1 per cent for the Social, Democratic and Labour Party (SDLP); 6.2 per cent for the Ulster Unionist Party (UUP); 6.0 per cent for the Green Party; 5.2 per cent for the People before Profit Alliance; and 3.1 per cent for the Progressive Unionist Party (PUP). A total of 60 councillors were elected to Belfast City Council. The table below provides an overview of the number of councillors by each political party.

Political Party	Number of councillors elected
<b>Sinn Féin</b>	18
<b>Democratic Unionist Party</b>	15
<b>Alliance Party</b>	9
<b>Social Democratic and Labour Party</b>	6
<b>Green Party</b>	4
<b>People before Profit Alliance</b>	3



<b>Ulster Unionist Party</b>	4
<b>Progressive Unionist Party</b>	1

## **Racial group**

Country of birth statistics taken from the last census in 2011 show that 6.55 per cent of all usual residents were born outside the UK and Ireland. Almost a third of this group (2.1 per cent of all residents) were born in Middle East and Asia.

## **Age**

The age profile of Belfast is similar to that of the wider region. Almost one in five residents (19.23 per cent) are aged under 16, slightly lower than the Northern Ireland average (20.95 per cent). The working age population (aged 16 to 64 years) make up two-thirds (66.32 per cent) of all Belfast residents. Older people (aged 65 and over) currently account for 14.44 per cent of the Belfast population.

## **Marital status**

Just over one third (35.6 per cent) of all usual residents in Belfast (aged 16+) are married – a relatively low proportion when compared with the Northern Ireland average (47.6 per cent). Belfast has a higher percentage (45.3 per cent) of residents who are single when compared with the Northern Ireland average (36.1 per cent). There is also a higher than average proportion of people in Belfast who are separated (5.4 per cent compared to 4 per cent NI average) and divorced (6.2 per cent to 5.5 per cent NI average). Belfast also has 353 residents (0.1 per cent) who are in a registered same-sex civil partnership, almost a third of all such partnerships in Northern Ireland.

## **Sexual orientation**

Several UK- and NI-based studies have attempted to quantify the number of people who identify as LGBTQ+. Estimates for the LGBTQ+ population range from 0.3 to 10 per cent using different sources. A commonly used estimate of

LGBTQ+ people in the UK, accepted by Stonewall UK, is approximately 5 to 7 per cent of the population.

## **Men and women generally**

Belfast has a higher female population (52 per cent of all residents), slightly higher than the Northern Ireland average of 51 per cent. The difference is largest in the over 65 population where 59.3 per cent of all residents are female.

## **Disability**

Census figures show that almost one quarter (23 per cent) of Belfast residents have a long-term health problem or disability which affects their day-to-day activities. This is a higher proportion than the Northern Ireland average (20.1 per cent). Over one-third of Belfast residents reported that they had a long-term condition (defined as a condition which has lasted, or is expected to last, at least 12 months). The most common conditions were mobility or dexterity difficulty (39 per cent of all those affected), pain or discomfort (34 per cent), shortness of breath or difficulty breathing (31 per cent) and emotional, psychological or mental health condition (23 per cent).

2.02 per cent or 6,729 Belfast residents are blind or have partial sight loss.

## **Dependants**

According to the 2011 Census, 30.4 per cent of households in Belfast include dependent children compared with the NI average of 36.5 per cent. 11.0 per cent of households consist of a lone parent and a dependant child or children, compared with the NI average of 8.1 per cent. Over 94 per cent of lone parents in Belfast are female.

11.8 per cent of Belfast residents provide unpaid care for a dependant adult, slightly higher than the NI average of 11.0 per cent.

## Appendix 7: Knowledge and use of languages other than English

### 2011 Census

#### *Irish and Ulster-Scots*

The 2011 Census includes information on the main languages spoken by residents of Belfast and knowledge of Irish and Ulster-Scots. It found that:

- 13.45 per cent of the Belfast population (aged 3+) have some ability in Irish compared to 10.65 per cent of the population of Northern Ireland as a whole
- Over 16,000 people in Belfast speak, read, write and understand Irish
- 5.23 per cent of the Belfast population (aged 3+) have some ability in Ulster-Scots compared to 8.08 per cent of the population of Northern Ireland as a whole
- Just over 2,000 people in Belfast speak, read, write and understand Ulster-Scots

#### *Use of languages other than English or Irish*

The table below shows that 4.94 per cent of Belfast households contain at least one person who does not have English as a main language and in 2.71 per cent of households, no one has English as a main language.

	Belfast		Northern Ireland	
	No.	%	No.	%
All people aged 16+ years in household have English as a main language	134,567	95.06	678,135	96.43
At least one but not all people aged 16+ years in household have English as a main language	2,734	1.93	8,618	1.23

No people aged 16+ years in household but at least one person aged 3-15 years has English as a main language	433	0.31	1,546	0.22
No people in household have English as a main language	3,833	2.71	14,976	2.13

The Census also showed that the most commonly spoken languages in Belfast (excluding English and Irish) are Polish (1.22 per cent), Chinese (0.30 per cent), Tagalog/Filipino (0.24 per cent) and Slovak (0.17 per cent).

High proportions of residents whose main language is Tagalog/Filipino (99 per cent), Irish (98 per cent) or Malayalam (92 per cent) can speak English well or very well. However, the figures are much lower for those who speak mainly Chinese (61 per cent), Lithuanian (62 per cent), Slovak (64 per cent), Polish (66 per cent), Russian (66 per cent), Hungarian (68 per cent), Latvian (71 per cent) or Portuguese (73 per cent).<sup>11</sup>

There are also variations in terms of age group with over 50 per cent of those whose main language is not English aged between 25 and 44 compared with 28 per cent of the whole population whose main language is English.

### **School Census**

The annual School Census provides information on pre-school, nursery, primary and post-primary pupils the Belfast City Council area.

- According to the 2019 school census, at October 2019 there were 3,720 newcomer pupils<sup>12</sup> in Belfast, accounting for 21 per cent of all newcomer pupils across NI.

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<sup>11</sup> [www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-detailed-characteristics-statistics-bulletin-28-june-2013.pdf](http://www.nisra.gov.uk/sites/nisra.gov.uk/files/publications/2011-census-results-detailed-characteristics-statistics-bulletin-28-june-2013.pdf)

<sup>12</sup> A newcomer pupil is one who has enrolled in a school but who does not have the satisfactory language skills to participate fully in the school curriculum, and the wider environment, and does not have a language in common with the teacher, whether that is

- In 2014/15, 2,216 pupils receive education through the medium of Irish in the Belfast City Council area. A further 760 attended Irish-medium youth provision. Sixteen post-primary schools in Belfast also taught Irish.

## **Continuous Household Survey**

### *Knowledge and use of Irish*

According to the 2017/18 Continuous Household Survey (CHS), 13.9 per cent of the population have some knowledge of Irish (that is, they can understand, speak, read or write Irish) including 6 per cent of the population who can read Irish. Of those who have knowledge of Irish, 29.5 per cent use it in the home and 29.8 per cent use it socially.

A higher proportion of people from a Catholic community background have knowledge of Irish than both those with other or no religion or from a Protestant community background.

People aged 45 years and over are less likely to have knowledge of Irish than those aged 16 to 44 years.

### *Knowledge and use of Ulster-Scots*

According to the 2017/18 CHS, 14.5 per cent of the population have some knowledge of Ulster-Scots (that is, they can understand, speak, read or write Ulster-Scots) including 3 per cent who can read Ulster-Scots. Of those who have knowledge of Ulster-Scots, 32.7 per cent use it in the home and 33.9 per cent use it socially.

A higher proportion of people from a Protestant community background and those with other or no religion have knowledge of Ulster-Scots than those from a Catholic community background.

People aged 45 and over are more likely to have knowledge of Ulster-Scots than those aged 16 to 44.

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English or Irish. It does not refer to indigenous pupils who choose to attend an Irish medium school.

Men are also more likely to have knowledge of Ulster-Scots than women.

## **Appendix 8: Consultation on the Council decision to erect bilingual/multilingual signage in four leisure centres**

In October 2019, Belfast City Council agreed to commission a public consultation regarding the installation of bilingual/multilingual signage in four new or recently refurbished leisure centres, namely Andersonstown, Lisnasharragh, Olympia and Templemore.

Consultees were asked to consider options for external and internal signage in English only; English and Irish; English and Ulster-Scots; and English, Irish and Ulster-Scots.

This resulted in 3,822 responses from different communities and stakeholder groups including the general public, Belfast City Council and Greenwich Leisure Limited (GLL)<sup>13</sup> staff, politicians, the Northern Ireland Human Rights Commission and representatives from Irish Language and Ulster Scots communities; the Council's Equality Consultative Forum; the Council's Disability Advisory Panel; and the Council's Migrant Forum.

### **Survey responses**

3,393 completed response forms were received.

The profile of questionnaire respondents tended to be characterised by an over-representation of men (56.3 per cent); those from the west of the city (35.5 per cent), those whose national identity was Irish (47.9 per cent); and those who identified as from a Catholic community background (48.9 per cent).

Across all four leisure centres, a quarter of respondents (25.8 per cent) stated a preference for English-only external signage; 71.4 per cent indicated a preference for bi- or multi-lingual external signage; and 2.8 per cent had no preference.

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<sup>13</sup> GLL manages Belfast City Council's leisure centres

External signage language preference across 4 leisure centres	No. of responses	% of total responses
English Only	3,463	25.8
English and Irish	8,334	62.0
English and Ulster-Scots	178	1.3
English, Irish and Ulster-Scots	1,095	8.1
No preference	375	2.8
<b>TOTAL</b>	<b>13,445</b>	<b>100</b>

Respondents were also asked their preference with regards to signage across all council leisure centres whereby 86 per cent of respondents agreed that there should be bilingual or multilingual signage and 4.8 per cent disagreed.

Bilingual/multilingual signage at all Council leisure centres	No. of responses	% of responses
Strongly agree	2230	65.7
Agree	689	20.3
Neither agree nor disagree	243	7.2
Disagree	42	1.2
Strongly disagree	122	3.6
Not answered	67	2.0
<b>TOTAL</b>	<b>3393</b>	<b>100</b>

However, there were also deep divisions across the sample in terms of preferences by national identity and community background. For example, of those who identified as Catholic, 4 out of 5 respondents (80.1 per cent) advocated external naming signage in English and Irish across the four centres, and this figure rose to 88.7 per cent in the case of Andersonstown



Leisure Centre. In contrast, 85.4 per cent of those who described themselves as Protestant indicated a preference for English only naming and signage for Lisnasharragh, Olympia and Templemore leisure centres, although this figure fell somewhat to 73.7 per cent for Andersonstown.

### *Qualitative survey responses*

In terms of written comments in the surveys, the significant level of emotion revealed in many written responses was noteworthy.

There were those who celebrated linguistic diversity, the promotion of minority languages and the benefits of bilingualism, arguing that naming and signage in languages along with English would enhance the cultural vitality of the city. While many did not couch comments in terms of rights, others saw the promotion of minority languages as a fundamental right that was being ignored.

There were also concerns about how the use of language has been politicised and English was often described as sufficient as it was seen to represent the main language of the UK. A smaller number voiced concern that the imposition of Irish in areas where it may not be welcome had the potential to damage community relations and would be resisted by local communities.

A number of comments focused on practical considerations, including the expense and accessibility. With regards accessibility, signage in English and/or Irish and/or Ulster Scots was seen by some as potentially confusing, for example, for those with different language abilities. Others argued that the focus on these three languages could be to the detriment of considerations such as the communication needs of those with a disability or those with literacy problems. Comments included:

“I think that multi language can be confusing especially to people with learning difficulties.”

“Too much writing can be overwhelming for people who have difficulty with reading.”

“Internal signs should be English and Pictorial. If another language is needed, it should be Polish or a Chinese language.”

“There should be signs for all cultures and nationalities throughout any building”

“Signs should be clear and easy to follow, not cluttered with multiple languages.”

“Too many languages in a small area could cause it to be cluttered and reduce accessibility.”

## **Public meetings**

Twelve public meetings took place in November 2019 across the four leisure centres. Attendance varied from 0 to 82 with an average of 11 people per meeting.

Regarding the series of public meetings, the atmosphere that characterised these events varied dramatically. At many, the level of attendance was disappointing, and the questions that were asked were often no more than seeking information or clarification. These smaller meetings did raise a number of interesting issues however, for example, whether names could be translated into other languages. A further discussion point was why local solutions were being sought for “citywide” leisure centres as this appeared to be a contradiction in terms.

The atmosphere at larger meetings was far more confrontational. There was a considerable level of emotion at these meetings, and a deep suspicion among participants as to the true purpose of the exercise and the Council’s long-term objectives. During these events it was often difficult to maintain order or follow an agenda as many participants’ contributions were fuelled by considerable levels of anger and frustration at the Council, and this was seen as an opportunity to vent that anger. In particular, the consultation exercise was characterised as a conspiracy or plot to impose language forms on local facilities against the will of that community.

## **Responses by Section 75 dimensions**

### *Gender*

Men were more likely than women to express a preference for English only signage across all four centres.

### Community background

Among the 706 respondents who gave their community background, people from a Protestant community background were more likely to prefer English only signage.

Preference for English only external signage	Protestant		Catholic		Neither	
	No.	%	No.	%	No.	%
<b>Andersonstown</b>	571	73.7	20	1.5	162	27.0
<b>Lisnasharragh</b>	671	86.6	24	1.8	178	29.7
<b>Olympia</b>	652	84.1	24	1.8	173	28.9
<b>Templemore</b>	670	86.5	27	2.1	181	30.2

### National identity

Differences between those who identified as either Irish or British were significant and broadly parallel the findings for community background. People who identified as a British national identity were most likely to have a preference for English only across all four centres, while people who identified as Irish were least likely to have a preference for English only.

Preference for English only external signage	British		Irish		NI		Other	
	No.	%	No.	%	No.	%	No.	%
<b>Andersonstown</b>	566	78.0	14	0.9	166	22.7	10	3.2
<b>Lisnasharragh</b>	650	89.5	20	1.2	195	63.3	10	22.7
<b>Olympia</b>	636	87.6	18	1.1	187	60.7	10	22.7
<b>Templemore</b>	651	90.0	25	1.5	195	63.3	10	22.7

### Age

Preference for English only signage increased with age across all four centres.

Preference for English only external signage	<18		18-24		25-44		45-64		>65	
	No	%	No	%	No	%	No	%	No	%
<b>Andersonstown</b>	4	1.3	24	10.2	352	29.2	329	31.3	58	40.3
<b>Lisnasharragh</b>	3	0.9	23	9.8	401	33.2	398	46.1	63	43.8
<b>Olympia</b>	3	0.9	25	10.6	388	32.1	384	44.1	64	44.4
<b>Templemore</b>	3	0.9	25	10.6	400	33.1	402	46.2	64	44.4

A further breakdown of the sample by age and community background (n=706) was carried out. This showed that the younger age groups overwhelmingly identified as Catholic. For example, of those aged under 18 years, nine out of ten (90.3 per cent) were Catholic, while for those aged over 65 years, the figure fell to 34.0 per cent.

#### *Health limitations*

Among those members of the sample with limiting health problems, between 43 and 50 per cent showed a preference for English only signage compared to between 25 and 29 per cent of people without a limiting health condition.

Preference for English only external signage	Limited a lot		Limited a little		No		Pref. not say	
	No.	%	No.	%	No.	%	No.	%
<b>Andersonstown</b>	88	43.4	100	39.5	505	24.9	70	31.3
<b>Lisnasharragh</b>	100	49.3	112	44.3	587	28.9	85	38.0
<b>Olympia</b>	99	48.8	106	41.9	574	28.3	81	36.2
<b>Templemore</b>	101	50.0	111	43.9	595	29.3	83	37.1

#### **Summary of key findings**

There was widespread agreement that, in principle and subject to appropriate consultation, the Council should consider adopting bilingual/multilingual signage at all of its leisure centres in future. However, there were also deep

divisions across the sample and in particular in terms of preferences by national identity and community background.

A number of comments focused on practical considerations including the need to be accessible to all users. In this regard, bilingual signage was seen by some as potentially confusing and that the focus on English, Irish and Ulster-Scots was detrimental of consideration of the communication needs of those with a disability, those with literacy problems or those from new communities.

Overall, the data did suggest, however, was a willingness to accept that bilingual signs would be more acceptable in some centres than others. For example, while there was considerable local opposition to bilingual signage in Templemore and Lisnasharragh Leisure Centres, these same respondents often expressed a view, either verbally or in writing, that what was decided as appropriate for Andersonstown was of little concern to them so long as the decision did not have an impact on their local facility.

While the consultation did not provoke many responses in relation to Section 75 considerations. The adverse impacts that were alluded to by a number of respondents suggested either that good relations generally may be damaged by the imposition of a council decision on a local facility or that a centre may be less welcoming to members of certain communities depending on the languages on display. The report on the consultation on the bilingual/multilingual signage at the four leisure centres considered “At this time these concerns are only conjecture and have yet to be tested but should be borne in mind nevertheless.”

### **Sector representatives**

Meetings took place with sectoral representatives in November 2019. Each meeting was structured around the questions included in the standard response form with the opportunity to explore other issues as necessary.

#### *Irish language community representatives*

- All present were in favour of Irish and English external signage.

- It was noted that there may be a health and safety issue for children educated through the medium of Irish who have not begun reading English yet and that emergency signs should be in Irish.
- It was also argued that it would be hard to predict the distribution of Irish speakers in ten- or twenty-years' time and that this meant putting signs solely where there are larger clusters of speakers now should be avoided.
- The opinion was expressed that the Council is bound by the European Charter for Regional and Minority Languages and that bilingual signage comes under the "resolute action" mentioned in this.
- It was also maintained that the concept of "good relations" should not be used to avoid putting bilingual signage up and the perception that people might be offended by seeing Irish should not be factored into the decision-making process.

#### *Ulster-Scots community representatives*

A meeting of Ulster-Scots community representatives in November 2019 considered:

- There was strong support for retaining English language signs across the four leisure centres, and other centres in Belfast.
- It was noted that the primary purpose of all signage should be communication and that no one 'needs' Irish or Ulster-Scots to communicate.
- There was a widespread view that the implementation of this policy has the potential to impact adversely on good relations across the city.

#### *Disability groups*

A meeting was arranged with representatives from disability groups. The considered:

- Signage should aspire to be as inclusive and diverse as possible to enhance accessibility and encourage engagement.
- Accessible formats, including Braille, should always be included in signage wherever this is possible and sensible.

- Signage should never be an obstacle for people accessing services, and its primary purpose is to move people safely and easily
- It was not felt that the policy would have an adverse impact on any Section 75 groups if it was applied sensibly and reasonably in local circumstances.

#### *Council Migrant Forum*

- It was noted that many schools are now embracing multiculturalism and multilingualism through internal signage within the schools.
- It is also important to consider access for people with dementia.

#### *Council's Equality Consultative Forum*

- Initial discussion concerned whether the policy should adopt a local or holistic approach to signage across all facilities. Some members maintained that having languages only in particular areas to perceptions around tribalisation.
- It was felt that that when issues around one minority language became contentious then it impacted adversely on all minority languages. A holistic approach may minimise disputes and that there should be a broader conversation about how languages in general are brought forward.
- It was argued that anyone seeking to promote the concept of three indigenous traditions in Northern Ireland or who considers themselves to be ethnically Ulster-Scots is disadvantaged by having a solely bilingual approach which can foster a chill factor.
- Others felt that the concept of “good relations” should not be used as a tool to prohibit the promotion of languages and that the Council had a duty to promote both Irish and good relations.

#### **NI Human Rights Commission**

The NI Human Rights Commission broadly supported Belfast City Council's efforts in consulting on signage:

“In human rights terms, such consultation would be viewed as promoting and implementing ‘effective participation’. The principle of effective participation requires that policy makers must engage with

persons directly affected by a particular policy change, as well as with organisations representing such persons. The opportunity to engage should be provided at every stage of the process – design, development, implementation, monitoring and evaluation.”

It also set out additional measures that could be taken to broaden the consultation, particularly disabled people:

“We welcome that Belfast City Council has engaged with the Council’s Disability Advisory Panel and with the Equality Consultative Forum. The Commission recommends that the Council considers how to seek views from persons with disabilities more broadly. This should include representatives from as broad a range of disabilities as possible, including physical and mental disabilities.”



## **Appendix 9: Written responses**

### **Conradh na Gaeilge, An Droichead, Glór na Móna, Ionadh Uibh Eachach and Cumann Cultúrtha Mhic Reachtain:**

The main purpose of the Section 75 statutory equality duty is to better promote the 'adverse impact' on equality and equality alone, as evidenced by nine different characteristics. Political opposition or disputes against a particular policy should not be misunderstood as 'adverse effects.' Similarly, it would be contrary to the very reason for this duty in itself for arguments rooted in prejudice or intolerance (including sectarian bias) against minority languages to influence policy due to the Section 75 process. As well as this, there is no guidance on how the Council would approach such evidence. To that end, I do not think that a policy that promotes and facilitates bilingual signage under Section 75 would have any adverse effect and yet, if it did, restricting linguistic diversity would not solve the problem; the Council should take further action to combat intolerance and promote understanding.

However, at present, the 'good relations' section of the EQIA refers to previous consultations, referring to the 'concerns' from those 'who do not support languages other than English,' and talks about putting local protections in place to deal with these concerns. The need for 'community support', and the reference of bilingual signs without 'significant opposition' would provide a veto which would be contrary to the purpose of the obligations under Section 75 itself and minority rights in general. It would also risk contributing to institutionalisation bias in policy-making. I would call for these sections of the draft EQIA and the policy itself to be reconsidered and removed from these providers to ensure that the policy and outcomes of the EQIA are consistent with the types of action that would make the good relations duties authoritative. Indeed, the Council's own equality scheme defines good relations as seeking to promote respect and 'accept diversity of all kinds' - in contrast, the purpose of the good relations measure mentioned in the draft EQIA is to embed a veto against linguistic diversity for those 'who do not support languages other than English.'

The Council's decision to scrutinise all decisions taken to erect a bilingual street sign would be a significant change for the Council from the normal implementation of the equality scheme. If this is a new approach from the Council, its implementation would have operational implications, for example, in all, or any, other building control applications. I ask why this approach has been applied to something that is primarily concerned with the Irish language, and if the Council has a similar process in place elsewhere, in which all applications are scrutinised?

I welcome the inclusion, in the draft EQIA, of material that refers to international standards, as they relate to minority rights, the ECRML and the FCNM. The references to the Charter could be changed to obligations under Section 7 and the specific reference to the promotion and use of Irish placenames in Section 10 (2) (g), as they relate directly to street signage. I would also urge the Council to outline and incorporate these responsibilities into the circumstances that the Council will consider in reaching a decision.

### **Committee on the Administration of Justice (CAJ)**

: It also appears the Council may have misapplied its equality scheme in taking a decision to conduct a full EQIA and this has further delayed the policy. The criteria for a full EQIA relate to where the Screening exercise identifies possible discriminatory detriment against a protected equality group. The consultation document, however, states that the EQIA has been triggered because the language policy is 'contentious' and 'divisive'.

We foresee a risk that the 'good relations' duty will be misinterpreted in the practical application of the policy in a way which will thwart Irish-English bilingual signage. As has been stressed by the Equality Commission and Council of Europe Experts, a proper application of the good relations duty relates to measures to tackle prejudice and promote understanding, as well as respect and diversity. The good relations duty is not to be misinterpreted as a political veto to block equality and rights measures.

The EQIA states, however, that 'residual discretion' will "will ensure that second language street signs will not be erected in a manner which could undermine Good Relations at a neighbourhood level" and that signs will need to be "supported by the community in that area" and "not opposed by a significant proportion of that community". This appears to be misinterpreting the good relations duty as a majoritarian veto, which conflicts with proper interpretation of the duty as well as minority rights in general.

The draft EQIA is published on the Council Website. It is welcome that it includes considerable material in relation the aforementioned international standards.

The primary purpose of the Section 75 statutory equality duty is to prevent 'adverse impacts' on equality and to better promote equality across nine protected characteristics (in summary: age, disability, sex, ethnicity, religious belief, political opinion, disability ,dependents and sexual orientation) .

The concept of 'adverse impacts' is similar to 'discriminatory detriment' on a protected characteristic and should not be misinterpreted as mere political opposition or contention over a policy.

The Equality Commission has produced the following definition of adverse impact which Belfast City Council itself has incorporated into its Equality Scheme (emphasis added):

***Adverse impact***

Where a Section 75 category has been affected differently by a policy and the effect is less favourable, it is known as adverse impact. If a policy has an adverse impact on a Section 75 category, a public authority must consider whether or not the adverse impact is unlawfully discriminatory. In either case a public authority must take measures to redress the adverse impact, by considering mitigating measures and/or alternative ways of delivering the policy.<sup>18</sup>

It would conflict with the purposes of the statutory duty if objections grounded in prejudice or intolerance (including sectarianism) towards a minoritized

language were institutionalised into policy making as a result of the Section 75 process.

We concur with the findings of the draft EQIA that a policy promoting and providing for bilingual signage does not constitute any adverse impacts on any Section 75 group. We also consider that the policy promotes equality.

One issue in the assessment is whether bilingual signage 'in theory at least' could 'discourage access or use of certain streets'. The EQIA concludes there is no evidence of this, but that it should not be ignored in any future review. However, there is no indication as to how the Council would deal with any such evidence. The appropriate response from an EQIA would not be to curtail linguistic diversity, but to take further action to tackle intolerance and promote understanding, as this is the correct interpretation of the good relations duty. Interpreting the good relations duty:

Whilst there was not a definition of 'good relations' on the face of the Section 75 duty in the Northern Ireland Act 1998, the same concept was subsequently legislated for in Great Britain in the Equality Act 2010, which explicitly frames the focus of the duty as "tackling prejudice and promoting understanding".

Regarding an authoritative interpretation of 'good relations' in international standards, the Council of Europe has set out that that:

Promoting good relations between different groups in society entails fostering mutual respect, understanding and integration while continuing to combat discrimination and intolerance.

The Equality Commission for Northern Ireland, which has a statutory function to advise on the Section 75 duties, has also promoted the 'tackling prejudice, promoting understanding' definition in the Equality Act 2010. In addition, also drawing on legislation in Britain in guidance to NI Councils, the Equality Commission elaborates that: "Good relations can be said to exist where there is a high level of dignity, respect and mutual understanding; an absence of prejudice, hatred, hostility or harassment; a fair level of participation in society."

The Councils' own equality scheme defines good relations as seeking to promote respect and 'embrace diversity in all its forms'.

These definitions provide a sound basis of how 'good relations' at least should be interpreted by public authorities in NI. There has, however, been significant criticism from Council of Europe treaty-bodies about the interpretation in practice of the good relations duty in Northern Ireland. The Advisory Committee on the Framework Convention for National Minorities has referred to interlocutor reports of the 'good relations' duty appearing "on several occasions to take priority over wider equality and minority rights initiatives, which were blocked on grounds that they would lead to 'community tensions'" and elaborated that:

This would be due to the fact that, unlike the rest of the country, Northern Ireland does not interpret the 'good relations' duty as including a duty to tackle racism, including sectarianism. Instead, the lack of proper definition allows this notion to be used rather as a 'tool' to set aside politically contentious issues, such as legislating on the Irish language, and to justify a "do-nothing" attitude, eventually based on 'perceptions' rather than objective criteria. The Advisory Committee reiterates its opinion that the concept of 'good relations' apparently continues to be substituted for the concept of intercultural dialogue and integration of society, which would include other national and ethnic minorities present in the region, and regrets that this is used to prevent access to rights by persons belonging to these minorities. [85] 22

***The Committee recommended that:***

The authorities should begin to implement the 'good relations' duty as provided for under the Northern Ireland Act 1998 in a manner that does not run counter to the equality duty and that does not prevent access to rights by persons belonging to all national and ethnic minorities. [89].23

At present the good relations section of the draft EQIA continues to follow a model of 'adverse impacts' on good relations. Whilst it concludes the bilingual signage policy should not constitute an adverse impact on good relations, the EQIA rather than focusing on measures to 'tackle prejudice and promote understanding' makes reference to previous consultations raising the

'concerns' of those 'who do not support languages other than English'. What follows are proposals for localised 'safeguards' being introduced to accommodate such concerns. It appears from the next section these 'safeguards' would be provisions ensuring that a bilingual sign "is supported by the community in that area and is not opposed by a significant proportion of that community".<sup>24</sup>

This requirement of 'community support' and bilingual signs not having significant 'opposition' would constitute a veto entirely at odds with both the purposes of the Section 75 duties and linguistic minority rights in general. It would also risk institutionalising prejudice in policy making. Far from good relations being interpreted as ensuring that the Council will 'embrace diversity in all its forms', the provision would appear to vest a veto over linguistic diversity in those 'who do not support languages other than English.'

We would urge these sections in the draft EQIA and the policy accordingly are revised to remove these provisions and instead align the policy and EQIA conclusions on good relations with the types of actions that would be consistent with an authoritative interpretation of the good relations duty.

### ***Equality Screening & EQIA: compliance with scheme of present EQIA***

The Councils' Equality Scheme adopts the aforementioned Equality Commission methodology of a two stage process to assess the impacts of a policy.

This is first the equality screening process, which is to take place on Council 'policies'. If this screening process identifies 'major adverse impacts' the Council is then to conduct a full EQIA on the policy.

The present policy has been (appropriately) subject to equality screening. The screening was not published with the consultation documents and therefore the grounds within same that triggered the EQIA are not entirely clear.

It is concerning, however, that the draft EQIA alludes to the reasons for triggering the EQIA as being "In light of the contentious and often divisive nature" of language policy.<sup>25</sup> This itself does not constitute an 'adverse

impact' that would trigger an EQIA under the terms of the Councils own Equality Scheme.

***Equality Screening each and every bilingual signage application***

As alluded to above the proposal that each and every decision to put up a bilingual sign may be subject to its own Equality Screening would appear to be a major departure from the Councils application to date of its equality scheme. Generally screening is conducted on the Councils policies, but not necessarily each application under the terms of an existing overarching policy.

It also appears, from the residual discretion criteria, that the purpose of screening is to focus on 'good relations' 'adverse impacts'. Again, it should be noted that this concept in the legislation relates only to the equality limb of the duty and not duties on good relations. The good relations duty is also expressly subordinate to the duty to promote equality.