

Submission to Belfast City Council Equality Impact Assessment (EQIA) of proposed policy on Dual Language Street Signs Consultation 22 November to 28 February 2022

About the Respondent

1. This is a response from the Committee on the Administration of Justice (CAJ) which is an independent human rights organisation with cross community membership, established in 1981, that works to ensure compliance with obligations under international human rights law. CAJ engages regularly with the Council of Europe and United Nations treaty bodies.
2. In 2019, in collaboration with the Ulster University and Conradh na Gaeilge, CAJ produced the report *Comhairlí Áitiúla, Dualgais agus an Ghaeilge: Creatlach Comhlíonta / Local Councils, Obligations and the Irish Language: A Framework for Compliance*.¹ This report assessed the extent to which NI Councils complied with treaty-based standards towards the Irish language, including in relation to bilingual street signage.
3. Summary of key issues in this submission:
 - This submission to the City Council’s EQIA sets out the background context to the policy in terms of the treaty-based and international standards towards the Irish language. It is welcome that many of these standards are referenced and reflected in the EQIA.
 - This includes the specific duties towards Irish language placenames, as well as broader promotional duties on the Council for minority languages. We reflect on how the GFA and subsequent treaties entered into by the UK were to provide a ‘reset’ for the relationship between the Irish speaking community and public authorities, moving away from past ‘English-only’ approaches to those embracing linguistic diversity and safeguarding minoritized languages.
 - The previous policy of the Council contained very high thresholds and other unjustifiable provisions (including counting all non responses as opposing bilingual street signs) which conflicted with human rights standards relating to the Irish language.
 - We very much welcome the proposed changes to the policy that align thresholds for bilingual signage with international standards for minoritized languages with a focus on a 15% level of demand. It is also very welcome that the aim of the policy is expressly tied to promoting minority language rights and linguistic diversity.
 - There has been delay in progressing the new policy. Over two years have passed since the original notice of motion was approved for a revised policy.
 - 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

¹ <https://pure.ulster.ac.uk/en/publications/local-councils-obligations-and-the-irish-language-a-framework-for>

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 comment on the criteria for exercising 'residual discretion' on whether or not to proceed with bilingual sign following a successful application. The criteria do not include promoting minority language rights or linguistic diversity as a factor. There is, however, provision to take into account 'good relations' 'adverse impacts' in relation to each signage application.
- 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.
- Of most concern procedurally in the present EQIA is the proposal that each and every application for a bilingual street sign be subject to a separate screening type-assessment, possibly with a focus on 'good relations' 'impacts'. It is unclear if this procedure will routinely involve equality screening on every application.
- This would be a significant departure for the Council as we are unaware of any other application process within the Council which requires an equality type-screening on each and every application where an (equality-screened) policy has already been adopted (e.g. funding, planning, building control applications). It is unclear what differentiates this policy, considering that the EQIA itself rightly finds no adverse impacts resulting from the signage policy. We consider that applying an exceptionalist approach to this policy solely because it relates to the Irish language, is an unjustifiable distinction incompatible with the Charter.
- To conclude, we urge the policy be amended as follows: the amendment of residual criteria, 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 apparent requirement to screen each application for a bilingual sign.

Background Context

4. It is well known that the overwhelming majority of *placenames* in NI, including within the Council area, are derived from the Irish language, with a number of placenames also being derived from Scots. Many English language placenames are transliteration of the original name in Irish. This is reflected in the many street names that have adopted such placenames.
5. The policy of monolingual 'English-only' signage introduced first as part of the colonial process was continued under the old Stormont administration from 1922-1972 which legislated to ensure Irish was banned from street signage. At an early stage of the peace process the UK Government repealed this legislation and replaced it in 1995 with the current statutory basis for street signage that provides a level of discretion for Councils to provide a street sign in a second language, including Irish, taking into account the views of residents in the street.²
6. Subsequent to this the UK entered into treaty-based obligations towards the Irish language that were to 'reset' the relationship between the state and the Irish speaking community and mark a departure from 'English-only' approaches.
7. This included the provisions of the Belfast/Good Friday Agreement 1998 (GFA) to move away from an 'English-only' approach to one that embraced linguistic diversity.
8. The GFA affirmed 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 [sic], all of which are part of the cultural wealth of the island of Ireland."*
9. The GFA also contained specific commitments upon public authorities towards the Irish language including to 'take resolute action' to promote the Irish language, to 'facilitate and encourage' the use of written Irish in public life where there is demand, to *'seek to remove, where possible, restrictions which would discourage or work against the maintenance or development of the language'*.
10. The GFA led to the UK entering into specific treaty-based obligations under the European Charter for Regional and Minority languages (ECRML - Council of Europe Treaty no. 148), including specific duties on public authorities to use and adopt the traditional and correct forms of place-names in Irish (alongside English). The main provision is found under Article 10(2)(g) ECRML (as applied to Irish in the UK) which provides for *"...the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in Irish."*
11. The recent assessment by the Council of Europe Committee of Experts (COMEX- who monitor compliance with duties under the ECRML) has found that the Article 10(2)g duties to adopt and use Irish language placenames are yet to be fully complied with.³
12. *Partial fulfilment* of this undertaking has been found in the context of some provision by Councils for street signage. In their most recent assessment the Council of Europe

² Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995, Section 11 of which provided for Councils to erect bilingual street signage with subsection 11(12) repealing a series of previous provisions, including the Public Health and Local Government (Miscellaneous Provisions) Act (Northern Ireland) 1949, which bound Councils to an 'English only' street signage policy.

³ Fifth report of the Committee of Experts in respect of the United Kingdom, CM(2019)84-final, paragraphs 2.2; 2.2.1. & 2.2.2 https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680948544

Committee of Ministers called on public authorities in NI to: *“Facilitate the adoption and use, by local and regional authorities as well as public service providers, of place names in Irish.”*⁴

13. GFA duties including that of taking ‘resolute action’ to promote Irish are also reflected in the Charter. The duty to remove restrictions is found under Article 7(2) whereby there are undertakings to eliminate *“any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it.”* This provision also applies to Ulster Scots in NI (the UK has only entered into above Article 10(2)(g) placenames duty in respect of the Irish language).
14. Article 7(4) of the Charter provides a framework whereby public authorities are to “take into consideration the needs and wishes expressed” by the groups representing Irish and Ulster Scots *speakers* in determining policy with regards to language provision.
15. There are also related duties relating to linguistic minorities under the Framework Convention for National Minorities (Council of Europe Treaty no. 157), to which the UK is a state party. In particular, there is a duty under Article 11(3) *“to endeavour, within the framework of legal systems, to display traditional local names, street names and other topographical indications intended for the public also in the minority language”* in areas where there are speakers of minority languages and when taking into account the specific conditions of the language (Article 11(3)).
16. The Council of Europe at its highest level has extolled the use of bilingual official signage as a key measure to promote minority languages.⁵ The Committee of Ministers has linked signage with duties to promote awareness and tolerance in relation to minority languages.⁶ The Council of Europe has expressed concerns when municipal authorities take regressive steps in relation to bilingual signage.⁷ The

⁴ Fifth report of the Committee of Experts in respect of the United Kingdom, CM(2019)84-final, para 2.2.2. Recommendation K https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680948544

⁵ “...Council of Europe reiterates that the use of minority languages in official signage is a promotional measure with a considerable positive effect for the prestige and public awareness of a minority language. This position is supported by the Committee of Ministers of the Council of Europe, which in recent years adopted several recommendations calling on states to use minority languages on public signs” in ‘Council of Europe supports use of minority languages in official signage’ Press Release <http://www.coe.int/en/web/portal/-/council-of-europe-supports-use-of-minority-languages-in-public-signs> also citing: CM/RecChL2013(1) concerning the Czech Republic, CM/RecChL2013(3) concerning Serbia, CM/RecChL2013(6) concerning Bosnia and Herzegovina, CM/RecChL2014(1) concerning Ukraine.

⁶ For example, in April 2015 the Committee of Ministers recommended *“that the Croatian authorities continue their efforts to promote awareness and tolerance vis-à-vis the minority languages, in all aspects, including usage of signs and traditional local names with inscriptions in Cyrillic script, based on the conclusions of the Committee of Experts [...], and the cultures they represent as an integral part of the cultural heritage of Croatia”* Recommendation CM/RecChL(2015)2 on the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by Croatia (adopted by the Committee of Ministers on 15 April 2015 at the 1225th meeting of the Ministers’ Deputies).

⁷ See concerns regarding a City Council (Vukovar / Вуковар) who had amended its policy and would no longer provide bilingual signs at Council buildings, institutions, city squares and streets. The Council of Europe stated that it ‘strongly regrets’ the removal of such minority language signs, whether through vandalism or official policy, instead calling on “all relevant public authorities” to fully implement the Charter ‘Council of Europe supports use of minority languages in official signage’ Press Release <http://www.coe.int/en/web/portal/-/council-of-europe-supports-use-of-minority-languages-in-public-signs>

Committee of Experts has also urged authorities to remove legal and practical obstacles to bilingual signage, including in contexts where there is hostility to such signage in some local government areas.⁸ This framework provides that hostility or ‘tensions’ should not be regarded as a sufficient rationale for not providing signs, indeed there are other provisions under the Charter and Framework Convention whereby public authorities are duty bound to proactively promote tolerance. The international framework therefore implies that when a Council decides to provide bilingual signs, it should not simply seek to ‘balance’ a demand for signage with opposition to minority language promotion, as such a position may not be consistent with the concepts of minority rights or pluralism in a democratic society. Unless there is some rationale and objective basis for opposing bilingual signage, a ‘balancing’ approach risks institutionalising prejudice and intolerance into decision-making.

17. In relation to thresholds, the Charter treaty body (The Committee of Experts - COMEX) has raised concern about approaches relating to ‘quotas’ for the number of speakers (or communities with which the language is otherwise identified). Commenting on a proposal regarding a threshold whereby 50% of a population would have to belong to a national minority, put forward against the background of ‘controversies’ relating to signage, the treaty body indicated that such a threshold would be incompatible with the Charter – drawing attention to an interpretation that a threshold of 20% which, when taken alone, in other states has been considered too high.⁹

⁸ “185. The Committee of Experts has been informed by the representatives of the Polish speakers that there are still problems with respect to the bilingual signs and these often create tensions. The situation differs in each municipality and in some cases no steps have been taken to set up bilingual signs. Furthermore, bilingual signs are often destroyed and are not always replaced, partly due to funding problems. Moreover, funds from the state budget are provided with delays, causing problems in the municipal budget and further hesitation from the authorities in approving the bilingual signs. As to the railway stations, no further bilingual signs have been installed on the new corridor, in stations such as Třinec-Konska and Ropice. Where Polish signboards have been installed, these remain switched off. Problems have been indicated as well at the railway stations in Třinec and Vendryně. 186. The authorities are aware that bilingual signs have been destroyed and the former Minister for Human Rights and Government Commissioner for Human Rights has publicly protested against such actions. Furthermore, the authorities explain that bilingual signs are a sensitive issue and the majority population is reserved in this respect. 187. As to the legislation, the authorities have informed the Committee of Experts that an amendment to the relevant legislation has been prepared, which is expected to enter into force in the near future. The amendment maintains the 10% threshold and foresees that an application for bilingual signs can also be submitted by a civic association which represents the interests of the minority in question and has been present on the territory of the municipality for at least five years. The authorities explain that the request of the representatives of the national minorities through the committee for national minorities would remain the main method, while the application submitted by an association would be an exceptional solution in cases where the committee does not properly fulfil its role. The amendment has been prepared by the Committee for Co-operation with Local Authorities of the Government Council for National Minorities, the Secretariat of this Council and the Ministry of the Interior. **The Committee of Experts urges the Czech authorities to remove the legal and practical obstacles to the use of Polish place names and topographical signs in accordance with the Charter.**” (Application of the Charter in the Czech Republic 2nd monitoring cycle, paragraphs 185-7 [ECRML (2013) 2], emphasis in original).

⁹ “During the on-the-spot visit, the Committee of Experts was informed of a civic initiative to hold a referendum with a view to replacing the current threshold of over one third with a 50% threshold. Representatives of the Serbian and Hungarian speakers voiced strong concern with regard to this initiative, which had been taken against the background of controversies relating to the presence of Serbian (Cyrillic) signage in Vukovar. At the request of the Croatian Parliament, the Constitutional Court examined the question of holding a referendum and concluded in August 2014 that a referendum would violate the constitution. As

18. In relation to the number of users (speakers) of Irish it should be recalled that Irish is a minority (or strictly speaking minoritized) indigenous language. Criteria are therefore to be tailored to the circumstances of speakers of a minority language – that by definition will be in the minority – rather than seeking majority support as a prerequisite for the use of a place name in Irish. When dealing with issues of minority rights, any thresholds that are set should be set low in order to facilitate both speakers and the objectives of safeguarding and promoting the language.
19. *UN Guidance on Language Rights of Linguistic Minorities* in reference to locality names (as well as street names and topographical indicators) stresses their importance and also sets out that the threshold should be as low as 5% where indigenous languages are concerned. The Guidance states:

While national legislation varies, the low threshold where it is considered practicable and reasonable to provide such signs tends to vary between 5 per cent and 20 per cent of the local population, with the lowest threshold usually associated with the use of a minority language that also has some kind of official status or for traditional, historical reasons.¹⁰
20. The framework for compliance with international standards relevant to Councils was elaborated on in our 2019 report. The report set out the policies of the new NI Councils (following the merger of their predecessor bodies). Some Councils have changed policies since then with examples of both best and poor practice. The current policies of NI Councils are helpfully set out as background in the current EQIA.
21. Our 2019 report summarised the then policy of Belfast City Council as follows: Policy adopted by predecessor council in 1998, reviewed on a number of occasions. Council retains overriding discretion on particular circumstances of each application, but
 - Initial petition needed with one-third of persons on electoral register in street;
 - Postal survey will then be conducted requiring a two thirds majority, any forms not returned will be categorised as a ‘no’¹¹
22. We were critical of such approaches as falling well below what was required by the aforementioned treaty-based obligations and broader international standards in respect of the Irish language. In particular, the thresholds were set extremely high, with a two-thirds majority required and persons not returning a form being counted as opposing signage. We considered such provisions unjustifiable and also as having the purpose and effect of unduly stifling provision for Irish-English bilingual signage.

the matter does not seem to have been resolved politically, the Committee of Experts would like to underline that limiting the application of Charter provisions to local self-government units where more than 50% of the population belong to a national minority would lead to a legal set-up incompatible with the obligations under the Charter and deprive minority languages of protection accorded to them. With this in mind, however, the Committee of Experts would like to point to its standing interpretation of the Charter with regard to 20% thresholds in other States Parties, which, taken alone, has always been perceived as being too high. A 50% threshold is, in any case, too high as it would deprive minority languages of full protection under the Charter in any place where a 50% threshold is not reached. (Application of the Charter in Croatia, fifth monitoring cycle, paragraph 25, [ECRML (2015) 2].)

¹⁰ OHCHR Language Rights of Linguistic Minorities: A Practical Guide for Implementation, 2017, page 28.

<https://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/SRminorityissuesIndex.aspx>

¹¹ Section 2 of the present EQIA provides more detail on the development of policy from 1998 to 2019.

23. We subsequently engaged extensively in processes with the Council with a view to the adoption of a street signage policy reflecting international human rights standards, and the 'reset' of relationships that was to be marked by the GFA.
24. The EQIA records that under the current policy, from 1998 to March 2019 there were 265 applications for English-Irish signs; and four for English-Ulster Scots street signs. In both cases, three quarters of requests were granted. Whilst this means three for Ulster Scots, the EQIA also cites the Ulster Scots Agency as stating that there are 200 streets in Belfast that already have signs in Ulster Scots. It is possible this may be indicative of the Ulster Scots and 'English' versions of names being the same on some occasions, which provides broader promotional opportunities (provided this is promoted through broader work). It should be noted that the human rights framework, including that of the ECRML, does not support a 'parity' approach for Irish and Ulster Scots, but rather that each must be treated in accordance with its own situation.

About the proposed policy

25. The EQIA records that the present proposed policy resulted from a Notice of Motion raised in February 2020 to adopt a revised policy. A decision was then taken on the revised policy by Belfast City Council's Strategic Policy and Resources Committee on 23 October 2020 and was ratified by the full council on 7 January 2021.¹²
26. We very much welcome the revised proposed 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."*
27. The main provisions of the revised proposed policy¹³ are:
 - An initial application for bilingual signage can be made by any resident in the street, or councillor representing the area or a developer. There is no requirement for a petition of one third support.
 - This application will trigger a survey consultation, a threshold is set at a minimum of 15% of residents in a street supporting the application (with a separate broader consultation for the city centre). Survey responses not returned will no longer be deemed as opposing bilingual signage.
 - A council Committee will then consider the request but will continue to have *residual discretion*.
28. We broadly welcome the revised policy from the Council and in particular the removal of the unjustifiable high thresholds both for an application and for an application to be approved. We consider this approach to be in line with international standards.

Application of 'residual discretion'

29. 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*

¹² As above.

¹³ <https://www.belfastcity.gov.uk/Documents/Appendix-A-Proposed-policy-Dual-Language-Street-Si>

ensure that second language street signs will not be erected in a manner which could undermine Good Relations at a neighbourhood level.”¹⁴

30. The draft policy states factors that may be considered when discretion is exercised, and they include:
 - (a) the views of the Occupiers of the street;
 - (b) the results of the equality screening for the application, which will include the results of any adverse impact on good relations and rural needs;
 - (c) consideration of the local context of the application;
 - (d) any other council policies or strategies related to the application; and
 - (e) all material considerations relating to the application.¹⁵
31. It is preferable for decisions to be taken by Council committees *following*, rather than prior to, an application process (as had previously been proposed). We note that there will often be a majority in the Council in favour of promotion of minoritized languages and hence such decision making should not constitute an insurmountable obstacle to bilingual signage. However, given the process and criteria used, we retain concerns about the potential for ‘residual discretion’ to be misused in a manner in conflict with both such obligations and the stated policy aim to promote minority language rights.
32. In particular we note that there is no express criterion to take into account the extent to which the signage would promote “*minority language rights, and to benefit and enhance the diverse linguistic communities within the city*” despite this being the stated aim of the policy.
33. We are concerned that the reference to assessing ‘good relations’ ‘adverse impacts’ (a concept not provided for at all in the Section 75 legislation, where *adverse impacts* relate only to equality) represents a misinterpretation of the ‘good relations’ duties. Such duties are to focus on tackling prejudice and promoting understanding but have often been misinterpreted in NI as a political veto over contentious issues. This is further elaborated on below.

The Equality Scheme, present EQIA and proposal to screen each signage application

34. We strongly support due process in the development of policy including the proper application of duties in the Equality Scheme.
35. Such schemes, including that of the Council, adopt a two-stage methodology of equality screening, and where there is evidence of a possible discriminatory impact of a policy on a protected equality group, a full Equality Impact Assessment (EQIA) including a three month consultation.
36. In relation to the present policy, we are concerned at the delay in its development. By the time the EQIA consultation has been concluded over two years will have passed since the original notice of motion for the revised policy.

¹⁴ Cited in draft EQIA section 3 (v) Residual discretion <https://www.belfastcity.gov.uk/documents/equality-impact-assessment-of-proposed-policy-on-d#grstrategy>

¹⁵ <https://www.belfastcity.gov.uk/Documents/Appendix-A-Proposed-policy-Dual-Language-Street-Si> section 3.0 (xi)

37. It is unclear how the threshold was reached in the screening exercise to trigger a full EQIA. It appears the Council has not properly applied its equality scheme. This is further elaborated on below.
38. We are concerned at the proposal that each and every application for a bilingual sign may be subject to a screening exercise, with a focus on identifying “any adverse impact on good relations” to inform a ‘residual discretion’ decision.
39. This seems to be a significant departure for the Council as we are unaware of any other application process within the Council subject to such a stipulation that there may be equality screening on *each and every application* where an equality screened policy has already been adopted.
40. The EQIA is somewhat unclear to this end referring to ‘Section 75 scrutiny’ of each application. It seems this may be a novel process out with the processes set out in the equality scheme. It states that this may then lead to a screening and EQIA.¹⁶
41. Elsewhere the EQIA rightly concludes that bilingual signage does not constitute an adverse impact on any Section 75 category. Given this it is particularly unclear why any additional process would then be required to assess the impacts of the sign.
42. We are not aware of any other Council application process (e.g. funding, planning, building control applications) where this is the case. We are concerned that an exceptionalist approach has been applied to this particular policy precisely because it relates to the Irish language. If so, this would constitute an ‘unjustified distinction’ that risks thwarting the promotion of Irish and is incompatible with the non-discrimination provision in Article 7 ECRML.

Response to the EQIA the purpose of the Equality Scheme duty:

43. The draft EQIA is published on the Council Website.¹⁷ It is welcome that it includes considerable material in relation to the aforementioned international standards.
44. 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) .
45. 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.
46. 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

¹⁶ (iv) Impacts on equality of opportunity, good relations and rural needs “The proposed policy process will require Section 75 scrutiny of each application to identify and inform the council of any equality of opportunity, good relations or rural needs implications. The initial assessment (which will include Section 75 and rural needs determinations) will rely on the information submitted on the application form, local data and local knowledge as well as the survey results. Further assessment, which may include a screening/EQIA will be applied where necessary.”

¹⁷ <https://www.belfastcity.gov.uk/Documents/Equality-impact-assessment-of-proposed-policy-on-D>

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.¹⁸

47. 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.
48. 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.
49. 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:

50. 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*”.¹⁹
51. 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.²⁰
52. 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.*”²¹
53. The Councils’ own equality scheme defines good relations as seeking to promote respect and ‘*embrace diversity in all its forms*’.

¹⁸ <https://www.belfastcity.gov.uk/Documents/Equality-Scheme-for-Belfast-City-Council#appendix5>

¹⁹ s149 of the Equality Act 2010

²⁰ [ECRI General Recommendation no 2 \(revised\), explanatory memorandum](#), para graph 21

²¹ Equality Commission advice on Good Relations in local Councils’ 2015

54. 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

55. 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

56. 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”.²⁴
57. 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

²² <https://www.coe.int/en/web/minorities/-/united-kingdom-publication-of-the-4th-advisory-committee-opinion>

²³ <https://www.coe.int/en/web/minorities/-/united-kingdom-publication-of-the-4th-advisory-committee-opinion>

²⁴ EQIA section 6 assessment of impacts, and section 6 conclusions on assessment of impacts.

provision would appear to vest a veto over linguistic diversity in those ‘who do not support languages other than English.’

58. 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

59. The Councils’ Equality Scheme adopts the aforementioned Equality Commission methodology of a two stage process to assess the impacts of a policy.
60. 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.
61. 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.
62. 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.²⁵ 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

63. 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.
64. 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.²⁶

References to international standards in the document

65. We welcome the inclusion in the draft EQIA of significant material relating to international standards relevant to minority language rights including the ECRML and FCNM. We urge that these duties are listed and included in the factors the Council will take into consideration when making a decision on signage.
66. International standards concerning the linguistic rights of speakers of minoritized languages have also been carefully crafted to ensure the rights of others are protected. This includes the rights of persons with disabilities and the rights of speakers of migrant languages.

²⁵ EQIA, section 6 ‘assessment of impacts’.

²⁶ Section 75 and Schedule 9 of the Northern Ireland Act 1998.

67. In relation to the latter, human rights standards make a distinction between measures for minoritized languages like Irish and Scots, where measures are designed to safeguard and preserve the language itself, and measures for migrant languages which tend to concern equality of access to services and broader issues.
68. The draft EQIA raises issues of the potential for bilingual signage to cause 'uncertainty and confusion' on grounds linked to disability and ethnicity, albeit stating there has been 'no indication' of 'significant concerns' to this end but urging council to commit to keeping this under review into the future.
69. We would support broader work by the Council that addresses such issues, including those relating to linguistic diversity and related issues equality access for speakers of migrant languages and persons with a disability. Such work would clearly not be restricted to or focused on the limited issue of street signage and we would urge the Council to ensure such work is taken forward regardless. Such work is mutually complimentary towards all rights-holders, many of whom also have multiple identities, and we would urge caution that such issues are not presented as being in competition with each other.

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