

**Aighneacht maidir le comhairliúchán sráidainmneacha Chomhairle
Ceantair Aontroma agus Bhaile Nua na Mainistreach
Conradh na Gaeilge & An Coiste um Riar an Chirt (CAJ)
Márta 2022**

Is aighneacht í seo atá á cur isteach mar chuid de chomhairliúchán leanúnach Chomhairle Ceantair Aontroma agus Bhaile Nua na Mainistreach maidir leis na hathruithe molta ar a bpolasaí sráidainmneacha. Tá an aighneacht seo á déanamh i gcomhpháirt leis an dá eagraíocht thuasluaite.

Achoimre ar na Príomh-phointí:

- Glacadh le polasaí sráidainmneacha ‘Béarla amháin’ ag iar-rialtas Aontachtach Stormont (1921-1972, agus údaráis na Breataine roimhe sin). Sa bhliain 1995, i gcomhthéacs an phróisis síochána, rinne Rialtas na Breataine aisghairm ar shean-reachtaíocht Stormont, a chur cosc ar an Ghaeilge ar chomharthaíocht shráide. Ina háit, tugadh cumhacht do chomhairlí áitiúla comharthaí dátheangacha a chur in airde, ag brath ar chúinsí áirithe, barúlacha na gcónaitheoirí sa tsráid atá i gceist ina measc.
- Thug Comhaontú Aoine an Chéasta (CAAC) 1998 creatlach dlíthiúil chun deireadh a chur le polasaithe ‘Béarla-amháin’ agus iad a athrú go polasaithe a chur éagsúlacht theangeolaíoch agus cur chun cinn gníomhach na Gaeilge chun cinn trí ghlacadh le hoibleagáidí atá bunaithe ar chonarthaí. Cuimsíonn seo dualgais ar leith ar údaráis áitiúla chun logainmneacha Gaeilge a chur chun cinn agus dualgais eile ábhartha maidir le héascú agus gríosú na Gaeilge trí shólathar gníomhach de chomharthaí dátheangacha.
- D’ainneoin seo, ar an 26ú lá de mhí Feabhra 2018, mar fhreagra ar chúig iarratas ar son chomharthaí sráide dátheangacha (Béarla-Gaeilge), ghlac an Chomhairle cinneadh an polasaí sráidainmneacha ‘Béarla-amháin’ a thabhairt ar ais.
- Mhol CAJ agus Conradh na Gaeilge don Chomhairle go raibh an polasaí seo mídhleathach. Chloígh an Chomhairle leis an dearcadh go raibh a mbeart dleathach go dtí mí an athbhreithnithe breithiúnach i mí Mheán Fómhair 2018, nuair a chur siad an polasaí ar ceal, d’aontaigh siad costais an iarratasóra a íoc agus dúirt siad “go ndéanfar polasaí úr, níos mionsonraithe a dhréachtú do mhachnamh na Comhairle.”
- I mí an Mheithimh 2019, d’úsáid an Chomhairle reachtaíocht le haghaidh rialaithe ar fhógraí brabúsacha chun ionchúiseamh a bhagairt ar bhean 85 bliain d’aois mar go raibh comhartha Gaeilge beag ar a réadmhaoin. Ag an pointe seo, chuir muid brú ar an Chomhairle maidir leis an pholasaí úr a gheall siad go ndéanfadh siad a dhréachtú agus cuireadh dréacht-pholasaí os comhair choiste de chuid na Comhairle i mí Mheán Fómhair 2019.
- Chuir muid ár mbuarthaí in iúl ag an am, “go ndéanfadh an polasaí molta sárú ar dhualgais na Comhairle atá daingnithe de réir dlí, agus gur dearadh an polasaí chun cosc a chur ar chomharthaí sráide dátheangacha i nGaeilge, seachas iad a éascú agus a cheadú.” Mar achoimre, bheadh gá le 50%+ de chónaitheoirí achainí a shíniú chun go ndéanfadh an Chomhairle suirbhé, a raibh gá le tromlach tacaíochta de 2/3 de dhíth chun go mbeadh rath air. Glacadh leis go raibh daoine nár fhreagair an suirbhé i gcoinne an iarratais ar son chomhartha dátheangach. Fiú nuair a baineadh na tairseacha sin amach, bheadh an Chomhairle fós in ann an t-iarratas a chros, agus más rud é gur éirigh le hiarratas, bhí an téacs Gaeilge le bheith níos lú ná an téacs Béarla.
- I bhfianaise na mbuarthaí, ní dheachaigh an Chomhairle ar aghaidh leis an pholasaí.

- I mí Eanáir 2022, i bhfianaise go ndearnadh níos mó iarratais le haghaidh chomharthaí dátheangacha, chuir an Chomhairle tús leis an phróiseas comhairliúcháin reatha ar an pholasaí molta. Sin ráite, déanann na moltaí reatha cóip ar roinnt mhaith de na fadhbanna comhlíonta agus buarthaí a chur muid in iúl faoin i bpolasaí 2019, go háirithe mar go bhfuil gá fós ann le tairseach tacaíochta de 2/3, d’ainneoin go molann na caighdeán idirnáisiúnta gur gá tairsí níos ísle (idir 5%-20%) a chur i bhfeidhm nuair atá muid ag tagairt do mhionteangacha. Mar sin, éilimid athruithe suntasacha ar an pholasaí molta, mar atá le sonrú thíos.

Faoi na freagróirí:

Conradh na Gaeilge

Ó bunaíodh é ar 31 Iúil 1893 tá baill an Chonartha gníomhach ag cur chun cinn na Gaeilge i ngach gné de shaol na tíre, ó chúrsaí dlí agus oideachais go forbairt mean cumarsáide agus seirbhísí Gaeilge.

Tá Conradh na Gaeilge roghnaithe ag Foras na Gaeilge, an foras uile oileánda ag feidhmiú ar son an dá Rialtas thuaidh agus theas leis an nGaeilge a chur chun cinn, mar cheann de na sé cheanneagraíocht atá maoinithe acu leis an nGaeilge a fhorbairt ar oileán na hÉireann. Go príomha, tá Conradh na Gaeilge roghnaithe le tabhairt faoi chosaint teanga, ionadaíocht agus ardú feasachta ar an Ghaeilge.

Tá 180 craobh agus iomaí ball aonair ag Conradh na Gaeilge, agus bíonn baill uile an Chonartha ag saothrú go dian díograiseach chun úsáid na Gaeilge a chur chun cinn ina gceantair féin. Tá breis eolais faoi obair an Chonartha le fáil ag www.cnag.ie

Coiste um Riar an Chirt (CAJ)

Is eagraíocht neamhspleách chearta daonna í Coiste um Riar an Chirt (CAJ) le ballraíocht trasphobail, a bunaíodh sa bhliain 1981 agus a oibríonn chun comhlíonadh oibligeáidí dlí idirnáisiúnta chearta daonna a mheas. Bíonn CAJ i dteagmháil rialta le Comhairle na hEorpa agus le comhlachtaí conartha na Náisiún Aontaithe.

Sa bhliain 20169, i gcomhpháirt le hOllscoil Uladh, chuir Conradh na Gaeilge agus CAJ tuairisc le chéile dar teideal *Comhairlí Áitiúla, Dualgais agus an Ghaeilge: Creatlach Comhlíonta / Local Councils, Obligations and the Irish Language: A Framework for Compliance*. Rinne an tuairisc seo measúnú ar chomhlíonadh na gcomhairlí áitiúla sa tuaisceart leis na caighdeáin conartha i dtaobh na Gaeilge, an chomharthaíocht dhátheangach san áireamh.

**Submission to Antrim and Newtownabbey Street Signage Consultation
Conradh na Gaeilge & Committee on the Administration of Justice (CAJ)
March 2022**

This submission is to Antrim and Newtownabbey Borough Council's ongoing consultation into the proposed changes of their dual language street sign policy. It is made jointly from the above organisations.

Summary of Key Points:

- An 'English-only' street naming policy was rigorously adopted by the past unionist Stormont government (1921-1972, and British authorities before that). In 1995, in the context of the peace process the UK Government repealed Stormont era legislation banning Irish on street signage and replaced it with a power for local councils to provide bilingual street signage subject to considerations including the views of residents in the street in question.
- The Good Friday Agreement (GFA) 1998 provided a legal framework for a definitive break with 'English-only' policies to policies of linguistic diversity and active promotion of the Irish language through the adoption of treaty-based obligations. These included specific duties by local authorities to promote Irish language placenames and other duties to facilitate and encourage Irish directly relevant to the active provision of bilingual signage.
- Regardless of this the Council on the 26 February 2018, in response to a request received for five English-Irish bilingual street signs, voted to reinstate an 'English only' street signage policy.
- CAJ and Conradh na Gaeilge advised the Council that this policy was unlawful. The Council maintained its actions were lawful until the mouth of Judicial Review proceedings in September 2018 when the Council rescinded the policy, agreed to pay the applicants costs, and stated that a "new, more detailed policy would be drafted for the council to consider".
- In June 2019 the Council used legislation designed to regulate commercial advertisements to threaten to prosecute an 85 year old woman for the presence of a small Irish sign on her property. At this stage we pressed the Council regarding the new policy it had committed to develop and a draft policy was presented to a Council committee in September 2019.
- We raised concerns "that the [then] proposed policy would breach legally binding duties on the Council and [that it was] designed to obstruct, not facilitate duties to encourage and allow bilingual signage in the Irish language." In summary the policy would have required 50% plus of all residents to sign a petition to trigger a process of a council survey requiring a two thirds majority with all persons not responding automatically assumed to be opposed to bilingual signage. Even when these thresholds were met the Council could still veto the request, and if any bilingual sign was produced the Irish text must be smaller than the English text.
- In light of the concerns the Council did not proceed with this policy.
- In January 2022, in light of further applications for bilingual street signs, the Council commenced consultation on the current proposed policy. The current proposals however replicate many of the compliance issues and concerns regarding the 2019 policy, in particular a two thirds threshold is still required despite international standards, when referring to minoritized languages, providing for much lower thresholds of between 5%-20%. We therefore seek significant changes to the proposed policy as set out below.

About the respondents:

Conradh na Gaeilge

From its establishment on the 31st July 1893, members of Conradh na Gaeilge have been active in promoting the Irish language in every aspect of this country's life, from legal matters, to education, to developments in the media and Irish language services.

Conradh na Gaeilge has been appointed by Foras na Gaeilge, the all-island body responsible for the promotion of the Irish language, as one of the six lead organisations funded to develop the Irish language across the island. Primarily, the role of Conradh na Gaeilge is to protect the language, to act as representatives and to raise awareness of the language.

There are 180 branches and many individual members of Conradh na Gaeilge. All members of Conradh na Gaeilge work hard to develop the use of Irish in their own areas. More information about the work of Conradh na Gaeilge is available at www.cnag.ie

Committee on the Administration of Justice (CAJ)

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.

In 2019, in collaboration with the Ulster University, Conradh na Gaeilge and CAJ produced the report *Comhairlí Áitiúla, Dualgais agus an Ghaeilge: Creatlach Comhlíonta / Local Councils, Obligations and the Irish Language: A Framework for Compliance*. 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.

Background chronology to submission: Council Policy

At the meeting of the Council on the 26 February 2018 (item 10.10 CE/GEN/083) the Council adopted “a policy to provide street signs in English only.” The policy was adopted, bypassing the procedural duties in the Council’s Equality Scheme and in a debate noted for pejorative remarks about the language. CAJ and Conradh na Gaeilge advised the Council that this policy was clearly unlawful. The Council nevertheless maintained its actions were lawful until the mouth of Judicial Review proceedings in September 2018 when it rescinded the policy, agreed to pay the applicants costs, and stated that a “new, more detailed policy would be drafted for the council to consider”.¹

In June 2019 the Council used legislation designed to regulate commercial advertisements to threaten to prosecute an 85 year old woman for the presence of a small Irish sign on her property. In this context, we sought clarity as to what the Council had done to develop the new policy for official bilingual street signage. We could not find any reference to the development of the policy in any Council minutes at all since the judicial review at this point. A draft policy was then considered at the 4 September 2019 meeting of the Community Planning and Regeneration Meeting (item 4.9)

In summary, the criteria of the proposed policy for bilingual signage were as follows:

- First, Bilingual signs will only be considered if a petition is received signed by at least 50% of all of the residents on a street who are on the electoral register; even if received the approval of full Council will be required to move to stage 2;
- The Council will then canvass by post all the residents of the same street for their views, over a six week period – but anyone not responding will automatically be considered as opposing the provision of a bilingual sign;
- The Council may also seek the views of certain statutory bodies “the PSNI, Royal Mail, NI Fire and Rescue Service, Northern Ireland Ambulance Service.”
- Only where two thirds or more of all those canvassed state they are in favour of a bilingual sign will the matter be put to full Council (who can still veto the request);
- Any sign in Irish (or any other language) that is erected must have the “size of the lettering” smaller than English “to avoid any risk of confusion to the emergency services”

We raised concerns that “the proposed policy would breach legally binding duties on the Council and is designed to obstruct, not facilitate duties to encourage and allow bilingual signage in the Irish language.” We also articulated our concerns that “the proposed policy, far from discharging the Council’s obligations to take resolute action to promote Irish, instead seeks to frustrate the provision of bilingual street signage. We were concerned that the proposed policy would simply replace the Councils previous unlawful *de jure* ban on Irish language signage with a *de facto* ban, insofar as the policy drew on the worst possible practice from elsewhere with the effect of precluding the provision of Irish language signage in almost all circumstances.”²

The Council then did not proceed with this policy. Following further applications from residents for bilingual English-Irish street signs the present policy was opened for consultation in January 2022.

¹ <https://www.newtownabbeytoday.co.uk/news/council-u-turn-on-english-only-street-signs-policy-1-8627693>

² CAJ & CnG correspondence to CEO Antrim and Newtonabbey Council, 19 September 2019

The Current Proposed Policy

The consultation document sets out the proposed criteria and process as follows:³

3) Criteria – general

The Council in making arrangements and providing opportunities for dual language signage within street naming shall have regard to the following:

(i) Whilst the Council must have regard to any views on the matter expressed by the occupiers of premises in that street it is also entitled to take into account other lawful considerations affecting its decision.

(ii) The terms of this policy are not absolute and can be departed from in appropriate circumstances on the facts of an individual case.

(iii) None of the requirements stipulated at any given stage in the process as outlined in this policy are absolute and the Council retains a discretion, having regard to all the relevant circumstances of the case, to advance any petition onto the next stage of consideration, notwithstanding failure to meet the stipulated criteria, if it appears to the Council that there are good reasons to do so.

(iv) The naming of the street in a language other than English does not authorise or require its use as, or part of, the address of any person or the description of the land for the purpose of any statutory provision.

(v) For the purposes of this policy occupiers shall be taken to be any person whose name appears in the current Electoral Register plus the owners or tenants in actual possession of commercial premises, but not employees in such premises.

(vi) Decisions under this policy will be made by the full Council only.

4) Procedure

The process for seeking and assessing the views of occupiers and the criteria to be applied in deciding whether to erect a street sign in a language other than English are as follows:

i) Applications supported by a petition representing not less than one third of the people appearing on the current Electoral Register of the street for which the application is made will be progressed to the next stage. The petition will be brought to the Council to seek approval to move to the next stage of the process.

ii) If approval to progress is granted by the Council, the Council will canvass by post all people appearing on the current Electoral Register of that street and seek their views on the request to erect a street sign in a second specified language. Those canvassed will be given 4 weeks to respond in writing from the date of the letter being issued by the Council.

iii) Where two thirds or more of all those canvassed have indicated that they are in favour of the erection of a second language street sign, the matter will be brought before the Council for decision.

³ <https://consultations.antrimandnewtownabbey.gov.uk/finance-and-governance/dual-language-street-sign-policy-consultation-1/>

iv) When a decision has been taken by the Council to erect a street sign in a second language the translation from English to that second language will be carried out by an independent, competent Body approved by the Council.

v) The second language sign shall be located immediately below the English sign and the size of lettering shall be of the same size as the English version. In instances where the translation to a second language would require the need for the nameplate dimensions to increase in size, the lettering shall be reduced in size to maintain standard nameplate dimensions.

vi) If the request is refused by the Council, further requests for that street will not be considered until the expiry of *36 months* from the date at which the Council refuses it as it is thought unlikely that the opinion of occupants of any street would change to an extent where this result would be overturned in any less a period.

vii) Should occupiers wish to invoke a revocation of the Council's decision to provide street signs in a language other than English, the Council will follow the same process as set out above.

viii) Council will process a maximum of 3 applications per month on a first come basis.

In summary therefore the Council process would be to:

- Process can only be triggered by a Petition from one third of streets residents.
- Council can then canvass views of resident by post. A two thirds majority is required, with persons who don't return the forms automatically considered to be opposed.⁴
- The full Council will then take a decision on the application at its apparent discretion.
- Beyond the legal requirements on the views of residents, no further criteria are set out for a Council decision.
- There is no reference in the policy criteria to consideration of relevant treaty-based obligations relevant to bilingual signage.
- The Council retains power to unilaterally depart from and change its criteria at any point including after an application has been submitted.
- There is a limit of three applications to Council per month and residents who are refused a bilingual sign are banned from then re applying for three years.
- Any bilingual signs erected with have lettering the same size as the English.

⁴ This is set out in criteria 4(iii) which provides that only when two thirds or more "of all those canvassed" (rather than those responding) have indicated that they are in favour will the application be able to move to the next phase. During the course of this consultation we contacted the Council for clarification this was their intention, but no response was received at the time of submission.

Response to current consultation:

We welcome the fact that Antrim and Newtownabbey Borough Council are considering the introduction of a dual language street sign policy. In 2018, the Council rescinded their decision to employ an “English-only” street-naming policy, given that this approach was in clear contravention with international obligations and domestic legislation. This included the European Charter for Regional or Minority Languages (ratified by the UK in 2001) and the Good Friday Agreement (1998), and the provisions of Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995. We hope that the potential introduction of a dual language street signage policy can be a step in the right direction.

As is recognised in international standards, language visibility is crucially important, particularly in the context of minority languages. Progressive, comprehensive street signage policies assist in normalising languages, and demonstrate to the Irish language community that they are welcome to use their language. As well as this, research has consistently shown increased visibility leads to increased tolerance and understanding towards those languages. What is more, the traditional use of placenames here are of paramount importance; 95+% of placenames here originally come from Irish. Therefore, signage provides an opportunity for people to engage with the language in a neutral environment; this is something which should be welcomed and celebrated through a comprehensive, rights-based street signage policy.

Despite this, much of the proposed elements of Antrim and Newtownabbey Borough Council’s dual language street signage policy are built upon regressive criteria, that conflict with treaty-based obligations, and that we have long campaigned against in other council areas, as is outlined in Conradh na Gaeilge and CAJ’s compliance framework for local councils in 2019.⁵ At present our view is that the proposals are too restrictive and would place the Council in continued breach of their obligations under the European Charter for Regional and Minority Languages (ECRML) and other instruments.

However, the consultation is ongoing regarding the possible introduction of a dual-language street sign policy, and we would therefore seek changes including the following:

- The removal of the 1/3 petition required to initiate the process for applying for a dual language street sign. Demand for the erection of a dual language street sign is assessed through the street survey. This step is excessive and places an extra responsibility on the resident applying for a dual language street sign.
- That the threshold of support required for an application for a dual language street sign to be successful be reduced from 66% to a much more minority compliant figure (between 5-20% of residents as recommended in international standards).
- Only those street surveys that are returned by the specified date and time are considered in the decision-making process. It should not be assumed that a resident is against the erection of a dual language street sign if they do not respond to the street survey. There are a number of reasons why residents do not/cannot/do not get round to responding to street surveys.
- That the Council exercise any discretion in a manner which is based on clear criteria and evidence; no weight should be given to arguments which are rooted in intolerance and prejudice (including sectarianism). Instead criteria should set out the legal framework provided by the UK’s treaty-based obligations towards the Irish language and Ulster Scots.
- The provisions for the Council to unilaterally amend the policy and its thresholds at any point, including after an application has been submitted, should be removed. The

⁵ Available at: https://peig.ie/wp-content/uploads/2019/09/2019_Tuairisc_Creatlach-Comhairli%CC%81_Deireadh.pdf

rights of speakers of minoritized languages are engaged by the policy and this provision offends the key principle of legal certainty.

- That the council remove the restriction of three applications per month, and the ban on resubmitting unsuccessful applications for three years, and instead, respond appropriately and proportionately to demand for dual language street signs in the council area.

Our proposed changes are to address some of the challenges that it poses for residents who wish to apply for a dual language street sign. Firstly, the initial petition required from $\frac{1}{3}$ of residents on the electoral register that is required to initiate the process is excessive. Not only does this step place additional responsibility on the resident who wishes to apply for a dual language street sign, but it isn't necessary. Assessing demand for the erection of the bilingual street sign is sought by the Council via a street survey, where residents indicate their support or opposition to the erection of the street sign. We therefore strongly recommend that Antrim and Newtownabbey introduce a policy which is in line with best practice in other Councils across the north, whereby the application may be initiated by a single resident or elected representative within the Council area.

What is more, the threshold of support that is being proposed by the council is totally at odds with the recommendations of the Committee of Experts on the European Charter for Regional or Minority Languages (COMEX) and broader international standards. COMEX have 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.⁶

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.

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

⁶ "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 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].)

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.⁷

Given international standards point to a threshold of support between 5-20% in the context of minoritized languages, the 66% being proposed by Antrim and Newtownabbey Borough Council is extremely high and indeed, excessive, for the erection of a bilingual street sign.

We recommend the erection of a bilingual street sign rely on support from a threshold of residents that is in line with international standards. These thresholds would be in coming with the changes currently being proposed by Belfast City Council, or those which are already in place in Derry and Strabane, Fermanagh and Omagh, Mid-Ulster and Newry, Mourne and Down. These policies are included in an appendix to this submission.

We would also stress the importance of the Council only considering those surveys which are returned, rather than assuming that forms not returned represent opposition to signage.

Any such approach has no legitimate basis and is assumptive to the views of those residents who do not/cannot respond, and would consequently constitute an undue restriction to discourage provision in the Irish language, in conflict with Article 7 of the Charter.⁸ The proposed ability of the Council to alter its policy and thresholds at any point, including in response to an application or after a petition has been submitted, including to heighten the threshold, would also conflict with Article 7 of the Charter, as well as removing legal certainty over the application of the policy.

We too note that the Council retains unfettered discretion as to the erection of a dual language street sign, regardless of whether thresholds in the policy are met. Any discretion of the Council should not override international obligations regarding language rights or the protection of minorities.

As alluded to above 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." This has clear relevance to street signs containing placenames that are derived from Irish.

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.⁹

⁷ 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>

⁸ . The duty to remove undue restrictions is found under Article 7(2) whereby there are undertakings for public authorities 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."

⁹ 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

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 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.*”¹⁰

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).

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.

There are also related duties concerning 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)).

Any opposition to the application for bilingual signage or indeed, to the minority language itself, which are rooted in sectarianism, intolerance or bias should be disregarded and not institutionalised into policy. The Council has a duty under the Charter and GFA¹¹ to tackle prejudice and promote tolerance and understanding. These duties are also reflected under the Councils ‘good relations’ duties.

Language visibility has consistently been identified as a key tool in increasing normalisation, tolerance and understanding of languages, particularly minority languages. 95+% of placenames in the north originally come from Irish; signage provides a neutral environment for people to engage with languages. Comprehensive, progressive street signage policies assist in breaking down pre-existing barriers by showing that seeing Irish alongside English on signage is not something that should be feared; rather, that it should be welcomed and celebrated.

The Council also proposes a ban of three years on re-application of a dual language street sign, which is unjustifiable and unreasonable. Moreover, the policy proposes that the council will only process a maximum of three applications per month, equating to a maximum of 36 applications per annum. There are a total of 1,152 streets in Antrim and Newtownabbey Borough Council. If accepted, this policy will only be able to facilitate the erection of bilingual street signs in a maximum of 3.1% of the Council’s streets per annum. This means that residents who wish to apply for a bilingual street sign may experience significant delays if their application is received after the quota of three per month is met. No basis at all is provided for such a restrictive policy. Policies which facilitate the erection of bilingual street signs should not place unreasonable restrictions on the number of applications they will

¹⁰ 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

¹¹ 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.” There are similar provisions under the Charter.

process; rather, they should reflect upon the demand and process applications accordingly. We consider these proposals also conflict with Article 7 of the Charter.

Equality, Good Relations and Section 75

We very much welcome the Equality section of the policy proposal which recognises that specified Section 75 categories have potential direct benefit from dual language signage.

The policy document also rightly cites standards under the Charter and COMEX that the adoption of special measures for a minority language is not to be considered an act of discrimination against majority language speakers. The consultation document also rightly states that:

In terms of equality of opportunity, any potential positive impact of dual signage for people of any specific political opinion does not automatically create an adverse negative impact on people with other political opinions.

Given that statistically there are higher numbers of Irish language users among people from a Catholic or nationalist background or among younger people, providing for the Irish language is likely to have a clearer positive impact on equality of opportunity for these groups. However, there is also potential for such policies to have positive impacts on equality of opportunity for Protestants, unionists, older persons and ethnic minorities, all of whom are less likely to have had other opportunities to engage with the Irish language.¹²

Irish being provided for in politically neutral environments like on street signage will contribute to this and will assist in normalising attitudes towards the language. This is something which is recognised in the proposed policy's equality assessment itself.

It is also very welcome that the consultation document does not misconstrue the 'good relations' duty, which at times is misrepresented as veto over any politically contentious issue. 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*".¹³

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.¹⁴

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.*"¹⁵

What follows is that pursuant to the good relations duty, and the Charter, the Antrim and Newtownabbey Council should engage in actions which tackle discrimination and intolerance, and promotes respect towards the Irish language. The provision of signage

¹² Census 2011 – available at <https://www.ninis2.nisra.gov.uk/public/Home.aspx>

¹³ s149 of the Equality Act 2010

¹⁴ [ECRI General Recommendation no 2 \(revised\), explanatory memorandum](#), para graph 21

¹⁵ Equality Commission advice on Good Relations in local Councils' 2015

which increases visibility of the language and which will lead to normalisation, contributes to these goals.

There have been previous instances, criticised by international experts, whereby the 'good relations' duty has been misused to thwart equality and rights based initiatives, including specifically the provision of bilingual English-Irish signage.¹⁶ It is welcome the duty is not used in this way in the consultation document.

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¹⁶ The supervisory body for the Council of Europe's Framework Convention for National Minorities (FCNM) directly addressed the use of the 'good relations' duty in preventing positive action on the Irish language, singling out bilingual signage, given the specific cultural patrimony duties under the FCNM to promote place-names in their original languages. In 2011, the Advisory Committee on the Framework Convention for National Minorities: "The Advisory Committee has been informed that, in some instances, the need for keeping good relations has been used as justification for not implementing provisions in favour of persons belonging to minorities, such as the erection of bilingual signs... Additionally, it finds it problematic that the official policy is to limit the erection of such signs to certain areas where the issue would not raise controversies. The Advisory Committee is concerned that this approach is not in line with the spirit of the Framework Convention... the aim of which is to value the use of minority languages... with a view to promoting more tolerance and intercultural dialogue in society."

Appendix: Best-practice in the street signage policies of other council areas

Belfast City Council consultation into proposed changes to street signage policy

Belfast City Council conducted a 14-week public consultation into the proposed changes to their bilingual street signage policy from November 2021-February 2022. The proposed changes were to see the removal of the regressive clauses which stand in the way of applications for bilingual street signs, and a move towards a more progressive, minority-compliant policy. Among the changes proposed under Belfast City Council's new policy, the council have recommended:

1. The removal of the 1/3 petition required to initiate the process for a bilingual street sign.
2. The lowering of the threshold of support from 66% to 15% (in line with COMEX recommendations).
3. The removal of the classification of non-responses.

Mid Ulster¹⁷

- *A valid petition or letter, signed by occupiers of the street must be made to Council to enable this matter to be considered.*
- *The Environment Committee will receive notification of submitted requests by way of valid petition as referenced at 1, above. A petition will be deemed to be valid where it is completed by a minimum of one householder on that street. Approval will be sought from the Environment Committee to undertake the survey requested by the valid petition/ letter.*
- *Upon agreement, the Council will canvass, by post, all occupiers listed on the Electoral Register and the Pointer addressing system of that street; seeking their views on the request to erect a dual-language street nameplate. Each letter will contain survey forms for the number of occupiers registered on the Electoral Register for that property at that time.*
- *The occupiers will be advised of the date by which completed surveys must be returned. Incomplete or illegible survey returns will not be counted. Completed surveys must be returned in the self-addressed envelopes provided for that purpose. Only replies received by the specified date shall be considered.*
- *For purposes of assessment where 51 % (rounded to nearest whole number) of the occupiers that respond indicate that they are in favour of the erection of a dual language street nameplate, then this shall be presented to the Environment Committee for decision recommending that the dual language street nameplate be approved and erected. The Environment Committee having considered the request and the result of the survey may agree to permit or not permit the erection of the dual language nameplate.*

¹⁷ <https://www.midulstercouncil.org/resident/building-control/street-naming/street-naming-and-dual-language-signage-policy>

Newry, Mourne and Down

- *In line with the Council's Bilingualism Policy, the 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.*
- *A resident of any street may request in writing a dual language nameplate for that street. Any request must be submitted to the Council's Licensing Section.*
- *An elected member can submit a request for a dual language nameplate on behalf of residents in their electoral area. Elected members shall provide the name and address of the resident(s) who they are submitting the request on behalf of.¹⁸*

6.4.4 *Where a dual-language street nameplate is to be erected, only the traditional and correct forms of the place-name shall be used.*

6.4.5 *Where a simple majority of responding residents have indicated that they are in favour of the erection of a dual -language street nameplate, then the proposal will be presented to the Director of the Regulatory and Technical Services Department for consideration recommending that the dual-language street nameplate is erected. The Director having considered the request may agree to permit or not permit the erection of the nameplate.*

6.4.6 *The local townland name shall be placed at the bottom of all new nameplates. Single language townland names shall be provided on single language nameplates and dual-language townland names shall be placed on all new dual language nameplates.¹⁹*

Derry and Strabane District Council

Last January, Councillors in Derry and Strabane District Council voted in favour of lowering the threshold of support for bilingual signage in the council area from 66% to a much more minority-compliant 15%.²⁰

Fermanagh and Omagh

2.3 *An application for the erection of a street sign in a language other than English may be made by an 'Applicant' which for purposes of this policy means: (a) an Occupier or Occupiers of the street for which the application is made, or (b) an Elected Member of Fermanagh and Omagh District Council who represents the District Electoral Area in which the street is located.*

2.4 *When an application is received, the Council will canvass by post all Occupiers of that street and seek their views on the request to erect a street sign in a second specified language. Replies must be returned by the date specified in the correspondence. Only those replies received from the occupiers by that date will be considered.*

2.6 *Where fifteen percent or more of the Occupiers of that street have indicated that they are in favour of the erection of a second language street sign, then such a sign*

¹⁸ <https://www.newrymouredown.org/postal-numbering-and-street-nameplates>

¹⁹

https://www.newrymouredown.org/media/uploads/development_naming_postal_numbering_and_erection_of_nameplates_policy_and_procedures.pdf

²⁰ <https://www.derryjournal.com/news/environment/bilingual-street-signs-threshold-reduced-15-residents-3118707>

may be erected, subject to the residual discretion and protections/mitigations as specified in 2.8.²¹

Guidance from Wales

Bilingual Wales (2017-2022)²²

Increase the visibility of the Welsh language within the city to reflect a 'Bilingual Cardiff' through existing planning mechanisms. (pg 9)

Investigate and where appropriate identify planning mechanisms to ensure that planning applications for large developments such as chain stores, supermarkets and retail consider the need to display bilingual signage and notices. (pg 16)

Investigate and where appropriate identify planning mechanisms to ensure that planning applications for new housing developments consider the need to adopt Welsh or bilingual names, displaying bilingual signage and notices. (pg 16)

Guidance from Scotland

The Scottish Government Gaelic Language Plan (2016-2021)²³

We will continue to work to increase the public profile of Gaelic through bilingual signage policies on a new or replacement basis following the principle of equal respect for Gaelic and English. (pg 36)

²¹

<https://www.fermanaghomagh.com/app/uploads/2021/07/210709RevisedStreetNamingAndNumberingPolicy.pdf>

²² <https://www.cardiff.gov.uk/ENG/Your-Council/Strategies-plans-and-policies/Bilingual-Cardiff/Documents/Bilingual%20Cardiff%20Strategy.pdf>

²³ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2017/05/scottish-government-gaelic-language-plan-2016-2021/documents/00517453-pdf/00517453-pdf/govscot%3Adocument/00517453.pdf>