



Aighneacht Chonradh na Gaeilge maidir le Scéim Chónaithe Phíolótach QUB Mí Iúil 2022

Conradh na Gaeilge

Conradh na Gaeilge is a democratic forum for the Irish language community. The organisation works on behalf of the Irish language throughout the island of Ireland and around the world. The main aim of the organisation is to see Irish used as the ordinary language in Ireland. 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.

Consultation details

This submission is related to Queen's University Belfast equality screening consultation on a potential Irish language residential scheme. Details of the consultation can be found here: <https://www.qub.ac.uk/directorates/HumanResources/diversity-and-inclusion/policies-procedures-and-guidance/consultation-exercises/>

Initial comments

Below we will outline Conradh na Gaeilge's position concerning the questions raised and how we see best to move forward with urgency on the need for the Irish language residential scheme this coming September. Above all else and given the time pressures, we hope to work with Queen's University and others to ensure this promise is fulfilled. We are more than happy to engage and meet with the University at any given time on matters related to the Irish language.

Conradh na Gaeilge supports and works with An Cumann Gaelach at Queen's University. They are one of Conradh na Gaeilge's most active branches. We are deeply proud of their pioneering work and do not doubt their significant role in raising awareness of the Irish language at Queen's and indeed across the island. The language community has never been stronger at QUB. They have also inspired thousands of students and societies across many universities in Ireland, Scotland, England, and Wales by learning the language and increasing participation in Irish language activities. They have attracted cross-party and cross-community support at events, protests, classes, and much more.

We have been more than encouraged by the university's engagement with the Cumann Gaelach in recent months on the Irish language and hope this continues in the months and years ahead.

Whilst we have several concerns which are explained in the below submission, we believe that many of these issues can be resolved through dialogue, engagement and by actively listening to Irish speakers. We have no doubt that the significant milestones and commitments made around the residential scheme will demonstrate this.

As an organisation with wide-ranging membership across the student population, within community and youth groups, schools and adult educational groups, we emphasise that our approach to the language is rooted in listening to our members and organisations across the island to ensure that those who speak Irish can live a life through Irish and no better place for that, than your university.

Below we outline Conradh na Gaeilge position via this official submission. A summary of our main points and recommendations are listed below. Go raibh maith agat.

Summary of main points

Conradh na Gaeilge propose that Queen's University Belfast;

- Change the name of the 'Pilot Linguistic Residential Scheme' to '*An Irish language residential scheme*', reflecting directly the Irish language provision that is being proposed in the scheme, rather than generalising its actuality to encompass other languages.
- Immediately remove the restriction that the scheme only be open to students studying the Irish language at Queen's University. This is not reflective of best-practice residential schemes in place at other Universities across these islands, nor does it reflect what was initially proposed in the Dearcán report on the feasibility of an Irish language residential scheme.
- Ensure the principle of 'active offer' is applied during the application process, thereby removing the responsibility on students to be aware that such a scheme exists and placing the responsibility to provide a choice on the University. Queen's University should also endeavour to develop and implement a comprehensive publicity and promotional campaign on the Irish language residential scheme to ensure that incoming and existing students are made aware of its existence.
- Ensure the erection of bilingual signage within the Irish language residential scheme, thus assisting in language normalisation which will be of particular importance for those students who are not studying Irish, or who do not have elsewhere opportunities to engage with the Irish language outside of the Irish language residential scheme.
- Do not proceed with an equality impact assessment (EQIA), particularly given that the reasons listed for doing so are based on concerns of perceived negative impact, rather than clear, adverse impact.

Response to the current consultation

We wish to relay a number of concerns regarding the equality screening exercise and indeed the conclusions reached, some of which will be addressed in the later questions covered by the screening exercise. Firstly, the naming of the residential scheme is quite ambiguous; the potential of a residential scheme was first suggested by An Cumann Gaelach along with staff and students of Queen's University in response to demand from the Irish language community on campus. In essence, it is an Irish language residential scheme. However, the branding of a pilot 'linguistic residential scheme' attempts to generalise the actuality of the pilot scheme, which has been designed and tailored in response to demand from Irish-speaking students.

Whilst we welcome the fact that the University sets out that it will respond appropriately to future demand for such a scheme for students studying other languages, this statement seems to reflect the optics of a counterweight to the Irish language residential scheme, rather than something tailored to the needs of the various other languages studied at Queen's. We would query whether this stipulation is contained within any other Queen's University policies, or simply this one because it relates to the Irish language?

One of the reasons that this scheme was developed was because Queen's University were out-of-step with the other Irish language residential scheme provisions on this island; it is a matter of frustration, therefore, that the scheme being proposed in this consultation document still does not reflect such provisions. There are no other Irish language residential schemes on this island that restrict access only to students who are studying Irish, and this is hugely concerning. Through correspondence with various Queen's University staff members, we were made aware that the current scheme in University of Ulster is being used as a baseline for the scheme; when we reached out to Ulster University, we were made aware that whilst no official policy yet existed, they confirmed that admission to their scheme is not restricted solely to those who study Irish. Therefore, the proposal contained within the equality screening document deviates significantly from the initial proposals which were drawn up and agreed by Queen's University and An Cumann Gaelach in January 2022. These proposals explicitly noted that priority would be given to Irish-speaking students studying Irish, but that the remainder of spaces would be made available for Irish-speaking students. It is unclear to us why these proposals, which were explicitly agreed by the University and An Cumann Gaelach, were not used in this consultation process.

Furthermore, given that Queen's University's accommodation criteria means that students from Belfast (home to the largest Irish-medium secondary school in Ireland) are ineligible to avail of the scheme, there will only be 2 students eligible to apply for a space on the Irish language residential scheme. This is not reflective of demand for such the residential scheme, but rather is reflective of a change in goal-posts which renders the proposed scheme inoperable. Under what is currently being proposed in this consultation, students from the Gaeltacht, for example, would be denied a space on the Irish language residential scheme if Irish were not their chosen subject of study. This is absolutely absurd. We would encourage the University to remove this restriction and to abide by best-practice currently in place in all other universities on this island.

What is more, the link that the equality screening document draws between language and political opinion is hugely concerning; it essentially feeds into the erroneous narrative that the Irish language belongs only to one section of the community. On the contrary, the residential scheme was designed to give Irish-speaking students from **all backgrounds** the opportunity to engage with other Irish speakers; this will prove particularly important for those students who may not be afforded the same opportunities to engage with and use Irish in their daily lives. There is a potential for such a scheme to have positive impacts on equality of opportunity for Protestants, unionists, older persons and ethnic minorities, all of Whom, according to the 2011 census¹, are less likely to have had other opportunities to engage with the Irish language. Irish being provided for in politically neutral environments like within halls of residence or on signage can contribute to this and will assist in normalising attitudes towards the language.

It is also a matter of concern that the equality screening exercise affords a degree of weight to baseless arguments which oppose the development of the Irish language residential scheme. It would be a clear dereliction of the university's duty to promote good relations as well as their own equality, diversity and inclusion policy if the same weight is given to oppositional arguments, which are rooted in sectarianism, and those arguments in favour of the Irish language residential scheme, which are based on best-practice and are supported by international minority language experts. The classification of the Irish language to be "*a cause for political and public debate*"², or indeed, politically controversial, should not be used as an excuse not to proceed with the Irish language residential scheme, or indeed to delay the process in any way. Perceived negative impact should not be a sufficient mechanism to trigger an equality impact assessment (EQIA); 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.

The concept of 'adverse impacts' should not be misinterpreted as mere political opposition or contention over a policy. Equally it would conflict with the purposes of the duty if objections grounded in prejudice or intolerance (including sectarian prejudice) towards a minority language were institutionalised into policy making as a result of the Section 75 process. It should be noted that there is no indication as to how the University aims to deal with such prejudice. Moreover, the equality screening document has made the decision to 'screen in' the pilot Linguistic Residential Scheme, despite all listed impacts being categorised as minor. We are unclear as to how a policy promoting and providing for Irish speakers occupying Irish-speaking accommodation constitutes any adverse impacts on any Section 75 Group. The appropriate response from such findings would not be to curtail linguistic diversity, but to take further action to tackle intolerance and promote understanding. We recommend the immediate reversal of the decision to conduct an Equality Impact Assessment on the Pilot Irish Language (Linguistic) Residential Scheme.

Indeed, references to the potential of the Irish language residential scheme to be perceived by some as 'exclusionary' demonstrates how arguments which are rooted in sectarianism, intolerance or bias have not been disregarded and as such, have been institutionalised into policy decision-making at Queen's. The University has a duty under the European Charter

¹ Census 2011 – available at <https://www.ninis2.nisra.gov.uk/public/Home.aspx>

² <https://www.qub.ac.uk/directorates/HumanResources/hr-filestore/Filetoupload.1378389.en.pdf>

for Regional and Minority Languages and the Good Friday Agreement to tackle prejudice and promote tolerance and understanding. These duties are also reflected under the University's own Equality, Diversity and Inclusion Policy (2020). To date, they have not been fulfilled. It should also be noted that affording rights to a minority language community does not infringe or indeed impact upon the rights of the majority. Indeed, the supervisory body for the Council of Europe's Framework Convention for National Minorities (FCNM) reaffirmed this when evaluating made observations as to how good relations has been previously misconstrued to prevent measures being taken to protect Irish. In 2011, their Third Opinion on the UK stated that:

“The Advisory Committee was disconcerted to hear that some representatives of the authorities consider that promoting the use of the Irish language is discriminating against persons belonging to the majority population. Such statements are not in line with the principles of the Framework Convention... It also reiterates that... implementation of minority rights protected under the Framework Convention [is] not be considered as discriminating against other persons.”³(Paragraph 28)

As the above statement demonstrates, the adoption of special measures for a minority language is not to be considered an act of discrimination against majority language speakers; thus, providing for Irish-speaking halls of residence does not infringe upon the rights of those who do not speak Irish and to suggest otherwise is erroneous.

Response to the process

Moreover, as external consultees of Queen's University Belfast with expertise in this area, we were not made aware of, or indeed contacted by the university regarding this consultation. Upon discovery that this consultation existed, we searched across all Queen's social media platforms, but found that the consultation was not publicised. We would firstly query what level of discretion Queen's University exercised when deciding who to consult with on the equality screening exercise? It would make sense to open the consultation to the public, particularly given the likelihood of responses from potential incoming students who will be directly affected by the Irish language residential scheme, many of whom played an integral role in the development of the Irish language residential scheme's proposal. Evidence presented by Dearcán in their report on the feasibility of an Irish language residential scheme at Queen's University has already demonstrated that the provision of such a scheme is a defining factor in potential students' decision to attend the University. For the University to conduct the consultation without tapping into this audience presents clear flaws in the process.

Regarding the application process itself, we would also like to express our concerns as to the way in which students must apply for a place on the Irish language residential scheme. It is not simply enough to have an open-ended question regarding the provision of language-specific accommodation on the application for accommodation and leave the rest to chance. We have previously addressed our grave concerns surrounding the optics of such a question presenting a clear attempt to counterweight the Irish language residential scheme. The proposal for an Irish language residential scheme is reflective of direct demand

³ COMEX, Application of the Charter in the UK, 3rd monitoring round ECRML (2010).

from the Irish language community; this process should not be used as an opportunity for other language residential schemes to piggyback by default on to the provision of the Irish language residential scheme.

An Irish language residential scheme is hugely positive for the University; it should be welcomed and celebrated by all. In order for applications to the Irish language residential scheme to be truly reflective of demand, students must know that the Irish language residential scheme exists. Queen's should therefore not assume that all applicants are aware that they have such a scheme; rather they should integrate the concept of active offer whereby they proactively offer a place on the scheme to applicants during the application process. The choice, therefore, will be left with the applicant, but at least they will be aware that they have a choice to make. The responsibility for providing that choice falls with the University. Employing an active offer approach is hugely beneficial to Irish language service provision.

We also have concerns as to the timing of this consultation; holding consultations in the summer months presents clear obstacles in securing good response rates. It is unclear why this consultation was delayed until May 2022 when the proposals for the pilot residential scheme were drawn up and agreed in January 2022 and when Queen's accommodation deadline is listed as the 30th June. Given the fact that Queen's have consistently alluded to the fact that no decision has been made on the Irish language residential scheme yet, partnered with the uncertainty concerning the very design of the scheme, this essentially means that students who applied for a place on the scheme this year are uncertain

- a) whether the scheme will even be going ahead and;
- b) whether they are even eligible for a place on the scheme.

This is hugely problematic. Furthermore, we have a number of concerns regarding the decision by the University to conduct a 63 day (9 week long) consultation on the Equality Screening Exercise, which has already drawn a conclusion to 'screen-in' the pilot Irish language (linguistic) residential scheme for an Equality Impact Assessment (EQIA). We firstly wish to query what impact responses to the consultation Equality Screening document will have, given that a conclusion has already been drawn (insufficiently, in our opinion) to proceed with an EQIA. **If it is the case that responses have the potential to reverse this decision, as we have stated previously, we are actively encouraging a reversal of the decision to proceed with an EQIA given that the threshold for doing so is insufficient.**

In conducting the EQIA, the University must allow a mandatory 12 week consultation period; presumably, this would take place after allowing sufficient time for analysing the responses received to the equality screening exercise. Following the 12 week consultation period, time would also need to be allocated to analyse, review and consider responses to the EQIA before the adoption of the pilot Irish language (linguistic) residential scheme. This reaffirms our concerns that the residential scheme will be in place for the academic year 2022-2023, as is referenced in the Equality Screening document;

"It is anticipated that this proposal would be implemented in 2022-23 (subject to approvals in line with accommodation allocation timelines)."⁴ (pg 8)

⁴ <https://www.qub.ac.uk/directorates/HumanResources/hr-filestore/Fileupload,1378389,en.pdf>

There are also flaws in the screening document itself; under the heading of *timetabling and prioritising* on page 46, the priority criterion have been left blank. Had these fields been completed, they would have provided essential information to consultees as to the highest prioritised reasons for conducting an EQIA. This entire section has clearly been overlooked and is thus flawed in providing a deeper understanding to respondents as to the main reasons for proceeding with an EQIA. All pages between 46-48 have been left blank on the consultation document; most concerning is headed under Part 6, whereby the names of those responsible for signing off and approving the decision to 'screen in' the policy, along with the dates of those decisions have been left blank. These omissions draw concerns as to the credibility of the decision to proceed with an EQIA, given that it hasn't technically been signed off in the consultation document.

What is more, it is a matter of concern that the equality screening document, along with the other consultation document were initially not available in Irish, despite the fact that their very contents concern views on an Irish language residential scheme. It was only after a request from ourselves that the University agreed to have the documents translated by the Central Translation Hub, even though they were eligible to do so since the beginning of the consultation. When we made the request, we were informed that the documents wouldn't be available in Irish until the 8th July, which was the date that the consultation was due to close. Because of the obvious disadvantage faced by those who wished to access and respond to the consultation documents in Irish, the consultation was extended by a week, until the 15th July. The Irish version of the documents were made available to the public on the 5th July, affording 10 days to those wishing to access and respond to the consultation in Irish compared to the 63 days that the consultation was open.

Despite this, we welcomed the extension, but were extremely disappointed at a request from the university that anyone wishing to provide a response in Irish also provide a simultaneous English translation to avoid delays in the process. Those wishing to access and respond to the consultation in Irish are already disadvantaged, with the amount of time allocated for them to respond being significantly less than those who choose to respond in English. This, partnered with a request to provide an English translation would involve double the work in this reduced timeframe. Had these documents been available in Irish from the beginning of the consultation period, and had the consultation been conducted at an earlier date, this wouldn't be an issue. It is not the responsibility of respondents to minimise delays in the process; that onus is on the university and it is totally unreasonable to suggest a consultation on the needs of the Irish language community at the University will be delayed if that very community responds to the consultation in Irish.

Furthermore, the policy decision should be informed by the commitments to Irish in the 1998 Good Friday Agreement, which saw a promise to take 'resolute action' to promote Irish, a principle which is also reflected in the Charter. The Charter also cites that public authorities are under an obligation, under Article 7(2) of the Charter, to remove and 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.”⁵

Article 7(4) of the Charter provides a framework whereby public authorities are to “take into consideration the needs and wishes expressed”⁶ by the groups representing Irish speakers in determining policy with regards to language provision. Given that the proposal for an Irish language residential scheme was made by the Irish language community at the university themselves, this is something which clearly needs to be considered in the decision to proceed with an Irish language residential scheme.

Equality, Good Relations and Section 75

It is concerning that the equality screening exercise seems to misconstrue the ‘good relations’ duty in an attempt to veto over an issue which they deem to be ‘politically contentious.’ Such actions have previously been criticised by international experts, whereby the ‘good relations’ duty has been misused to thwart equality and rights based initiatives, including specifically Irish language provision. 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. 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... 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.”⁷

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.”⁸

⁵ Council of Europe, European Charter for Regional or Minority Languages, 1998 (available at: <https://rm.coe.int/1680695175> pg 4)

⁶ Council of Europe, European Charter for Regional or Minority Languages, 1998 (available at: <https://rm.coe.int/1680695175> pg 4)

⁷ (available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=090000168008c6c2> pg 29)

⁸ ECRI General Recommendation no 2 (revised), explanatory memorandum, paragraph 21

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 public authorities, 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.”⁹

What follows is that pursuant to the good relations duty, and the Charter, Queen’s University should engage in actions which tackle discrimination and intolerance, and promotes respect towards the Irish language. The provision of an Irish language residential scheme, which will welcome students from all backgrounds, will lead to normalisation, and thus contribute to these goals. Moreover, there has been no reference to the provision of bilingual signage within the Irish language residential scheme, something which is hugely important and beneficial for Irish-speaking students. The provision of bilingual (Irish-English) signage would prove to be particularly important for those students who aren’t studying Irish; language visibility has consistently been identified as a key tool in increasing normalisation, tolerance and understanding of languages, particularly minority languages. It would give them an opportunity to see their language of choice on signage, proving that despite the omissions elsewhere on the University campus, they and their language are valued at the University. Another potential benefit has been consistently demonstrated throughout the duration of An Cumann Gaelach’s ongoing campaign for bilingual signage on campus, whereby language visibility can 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. For these reasons, we would fully expect the provision of bilingual signage within the Irish language residential scheme.

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, as the screening exercise itself recognises, there is also potential for the Irish language residential scheme 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 (Census 2011) given that the scheme welcomes students from all backgrounds. Irish being provided for in a politically neutral, informal environment like that of this scheme will assist in normalising attitudes towards the use of Irish, as well as increasing awareness and understanding of the importance of such residential schemes.

The screening exercise suggests that,

“...issues of linguistic diversity can be a cause for political and public debate in Northern Ireland and can be linked to an individual’s political opinion.”¹⁰

⁹ Equality Commission advice on Good Relations in local Councils, 2015.

¹⁰ <https://www.qub.ac.uk/directorates/HumanResources/hr-filestore/Filetoupload.1378389.en.pdf>

It is worth noting that the Equality Commission has updated its definition of good relations, citing that;

“Promoting good relations between different groups in society entails fostering mutual respect, understanding and integration while continuing to combat discrimination and intolerance.”¹¹

As addressed in the previous question, this new definition clearly demonstrates that the University’s good relations duty should not be misinterpreted as a veto to halt or deny progression on issues which are deemed to be ‘politically controversial.’ Likewise, it should not be used to block equality and rights measures; arguments in opposition to Irish language initiatives are often rooted in sectarianism and prejudice, but this is rarely, if at all, alluded to in equality assessments of Irish language policies or initiatives.

We are therefore confident that this policy will not significantly impact on the University’s obligation to have due regard to the need to promote equality of opportunity. Rather, it will prove transformational in broadening access to Irish language provision on campus for those students who have had little opportunity to do so thus far. The screening exercise itself recognises the potential of the Irish language residential scheme to better promote good relations across a range of Section 75 categories.

“Further opportunities to better promote good relations between people of different religious belief may also be identified through consultation of the pilot Linguistic Residential Scheme.”¹² (pg 41)

“Further opportunities to better promote good relations between people of different political opinion may also be identified through consultation of the pilot Linguistic Residential Scheme.”¹³ (pg 42)

These conclusions should be taken into consideration during the decision-making process; any oppositional arguments which are rooted in intolerance, misinformation or sectarianism should be disregarded.

¹¹ ECRI General Recommendation no 2 (revised), explanatory memorandum, paragraph 21

¹² <https://www.qub.ac.uk/directorates/HumanResources/hr-filestore/Filetoupload.1378389.en.pdf>

¹³ <https://www.qub.ac.uk/directorates/HumanResources/hr-filestore/Filetoupload.1378389.en.pdf>