

What can a decolonial and legal perspective tell us about Northern Irish children's access to the Irish language?

Language: English

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BSc Global Responsibility and Leadership

CFBGR03610: Capstone

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6 June 2025

Abstract This paper examines what a decolonial and legal perspective can tell us about the access children in Northern Ireland have to the Irish language. It analyses the non-hegemonic settler colonial context of Northern Ireland and the subsequent importance of Irish language survival and maintenance. It then looks at three primary legal instruments that provide children in Northern Ireland with rights to the Irish language, and obligations for the Northern Irish government. It examines four key examples of the kind of access to the Irish language that children in Northern Ireland are experiencing: education access, bilingual signage, funding for Irish-language arts, and community-based initiatives like in Gaeltacht regions. It then provides an overview of some recommendations to the government in Northern Ireland based on these four examples, which are developed with a decolonial and legal perspective. It argues that a lack of access to the Irish language is both perpetuating settler colonial assimilation and preventing children from accessing their legal rights to the Irish language. It further argues that the government has an obligation to provide language access and can do this through improved education access and funding, efforts to increase bilingual signage, funding the arts, and providing assistance for community-based initiatives.

Introduction

Indigenous language use is a key weapon for decoloniality in settler colonial contexts (Veracini, 2011). States also have obligations under several key legal instruments worldwide, including the United Nations Convention on the Rights of the Child and the European Charter for Regional or Minority Languages, to ensure access to indigenous languages (Arkadas-Thibert & Ruggerio). The United Kingdom (UK), and thus Northern Ireland (NI), have ratified both of these legal instruments, and therefore are obliged to follow suit on their commitments to its indigenous languages. Children also have a particular interest in keeping their indigenous language, as not only is the continued use and learning of a language pivotal to keeping it alive (European Parliament Policy Department for Citizens' Rights and Constitutional Affairs, 2023), but loss of the language has social, emotional, cognitive, and development effects on children (Wong Fillmore, 1991). Recently, a new legal instrument – the Identity and Language Act 2022 – was implemented in NI which aims to enhance the cultural and linguistic identity of Irish and Ulster-Scots (Á Costello, 2024; Edwards, 2024).

This thesis aims to examine the access that children in NI have to the Irish language from both a decolonial and legal perspective, and what changes need to be made in order to effectively fulfil their rights and enhance their decolonial interest. It aims to answer:

What can a decolonial and legal perspective tell us about Northern Irish children's access to the Irish language?

From a settler-colonial perspective, the indigenous Irish language is important to examine, as not only do Northern Irish children have a legal right to the language, but they also have a decolonial interest in keeping the language alive. It is interesting to look at NI, as the

recent Identity and Language Act, and commitments under the New Decade, New Approach deal mean there are new legal rights provided to languages in the area. I have further elected to focus on the Irish language, rather than examining both Irish and Ulster-Scots, as in the past the treatment and examination of both languages together has been to their detriment (Department for Communities, 2016). There have been calls in the past for Ulster-Scots to be brought to the same position as Irish prior to the improvement and promotion of Irish, and as a result policies for both languages have stagnated (Department for Communities, 2016). While I acknowledge the importance of children to have access to Ulster-Scots, there are not only legal and development motivations behind the promotion of the Irish language, but also decolonial motivations. There is yet to be a cross-legal-and-decolonial analysis of access to the Irish language in NI, and thus this thesis will be the first to do so. I will be focusing solely on the rights awarded to the indigenous language of Irish, as it has become a minority language as a result of settler colonialism and as it will allow me to examine the policy implications from a decolonial perspective.

Throughout this paper, ‘Ireland’ will be used to refer to the entire island of Ireland, which consists of both the Republic of Ireland (ROI) and NI. When discussing NI, it’s important to acknowledge the political divide within the area. This has been described in various ways, most notably as Unionist¹ vs Republican², and Protestant³ vs Catholic⁴. Though there is a difference between these two term pairings, and implications of using religious

¹ Those who wish to remain part of the UK.

² Those who wish to be part of ROI.

³ Aligned with Unionists.

⁴ Aligned with Republicans.

terminology for a political division, I will nevertheless use primarily the term Protestant and Catholic. These are the most common terms used in the literature, and I wish to respect and acknowledge the role of religion in Northern Irish history. Policy surrounding the Irish language is deeply contested due to this political divide and the association of the Irish language with the Catholic and Republican community (Edwards, 2024; Humphries and Ayres-Bennet, 2023), and thus the explanation of this terminology is necessary.

This paper will argue that a lack of access to the Irish language is both perpetuating settler colonial assimilation and preventing children from accessing their legal rights to the Irish language. It will further argue that the NI government has an obligation to provide language access and can do this through education access, bilingual signage, funding the arts, and assistance for community initiatives. In order to argue this, I will first examine why access to language matters. Though this paper mostly focuses on decolonial and legal importance, I will also briefly touch upon developmental importance, so as to showcase the importance of focusing on children. In the second section, I will explain the concept of settler colonialism, and what that means in the context of NI. In order to effectively explain this, I will briefly describe the history of NI, and explain some of the controversy in calling NI a settler colonial context. In section three, I will examine the primary legal instruments that provide obligations to the government in the provision of Irish language access to children. I will explain and examine children's rights to the Irish language in NI, under the United Nations Convention on the Rights of the Child (UNCRC), the European Charter for Regional or Minority Languages (ECRML), and the Identity and Language (Northern Ireland) Act 2022 (ILA). In section four, I will examine some examples of access – or lack thereof – that children in NI have to the Irish language, focusing on educational access, bilingual signage in NI, funding for the arts, and

community initiatives and Gaeltachts⁵. In section five, I will provide some brief recommendations to the NI government, based on these examples, through a decolonial and legal lens, explaining the governments obligations. I will, therefore, ultimately show that a lack of access to the Irish language is perpetuating settler-colonial assimilation and preventing children from accessing their legal rights to the Irish language, and that the government has an obligation to provide language access, which it can do through education access, bilingual signage, funding for the arts, and assistance for community initiatives.

Section 1: Why Language Access Matters

In this section, I will outline the importance behind access to language by children. Children need access to their indigenous language from decolonial, developmental, and legal perspectives, and I will briefly touch on each of those in turn.

In (settler) colonial contexts, the introduction of the new socially dominant language is tool used to perpetuate increased control and assimilation (May, 2006). By ensuring all official communication was through the new socially dominant language, the now-minority indigenous language would be seen as useless outside of particular circles, and thus use of it was discourage (May, 2006). Use of the indigenous language is a tool for the colonised in a settler colonial context – such as NI – to prevent total assimilation and find against the settler colonial hierarchy (Veracini, 2011). Attempted eradication of the Irish language helped the settler coloniser to control the population (Kearns, 1974), thus perpetuating settler colonialism – but I will discuss this in more detail in the next section. Access to one’s language is an international

⁵ Irish-speaking areas, which will be discussed in greater detail later.

right (Arkadas-Thibert & Ruggerio, 2022), but it is also a tool for decolonisation (Veracini, 2011).

Furthermore, in a recent study from the European Parliament analysing minority and minoritised languages, it was assessed and recommended that children's access and ability to live and be raised through these languages was pivotal to ensure the continued survival of minority languages (European Parliament Policy Department for Citizens' Rights and Constitutional Affairs, 2023). However, this is not the only benefit that comes from children having access to their cultural and heritage tongue. Wong Fillmore (1991), in her analysis of the cost of children losing their primary (minority) language, ascertained that loss of language has social, emotional, cognitive, and educational developmental effects on children, as well as effects on the society within which they live. It has also been found that nurturing a child's home language helps to develop positive senses of self and cultural identity – and of their heritage – and builds resilience, while helping to maintain family and community ties, and to support social, behavioural, and emotional regulation (Fierro et al., 2023; National Clearinghouse for Bilingual Education, 2000). Loss of the language can also interrupt intellectual development, resulting in children's intellectual level being stunted when they switch to the majority language – while those who maintain bilingualism tend to have higher academic achievements in later years (National Clearinghouse for Bilingual Education, 2000). There are positive associations with continued development of bilingualism, such as language awareness and analysis, academic language skills, conceptual development, creativity, and recognition of others' community needs (Cummins, 1981).

Access to language, and particularly children's access to language, has been enshrined in multiple international and domestic legal instruments, such as the United Nations

Convention on the Rights of the Child (UNCRC), the European Charter for Regional or Minority Languages (ECRML), and the Identity and Language (Northern Ireland) Act 2022 (ILA). States that ratify such legal instruments have an obligation to provide language access to its citizens and children. I will examine these three primary legal instruments in section three, as they provide the NI government with legal obligations towards the provision of Irish language access to children in NI.

Section 2: Settler Colonialism

As discussed in the previous section, access to language is important from a decolonial perspective, as well as from a development and legal perspective. In this section, I will argue that Northern Ireland is a settler-colonial state. Understanding NI in this way will have implications in the way we understand the importance of access to the Irish language, which I will map out. Here I outline what settler-colonialism is, the history of NI, and how the concept of ‘non-hegemonic’ settler-colonialism applies.

Settler colonialism, as described by Wolfe (2006), invades as a structure, attempting to replace the indigenous peoples with the settler colonisers, through physical displacement or elimination, cultural erasure or absorption, or assimilation and amalgamation of the indigenous peoples to the settler colonisers culture and people, so that they can take their land (Veracini, 2011). Though the term was only coined in the 1920s⁶, and has only existed as its own form of study in the last two decades, the concept of settler colonialism has existed far longer. Karl

⁶ Settler colonialism was originally termed in order to establish a distinction between the various types of colonialism occurring on the Australian continent (Veracini, 2019).

Marx defined what we now refer to as ‘settler colonies’ as the only ‘real colonies’ (Veracini, 2019). The settler coloniser wishes to erase the knowledge of there ever being an independent state, while continuously perpetuating hierarchy and unequal relations, thus making traditional methods of decolonisation less successful, as the structures of settler colonialism continue to reaffirm its existence (Veracini, 2011). Resistance and survival of the colonised and their culture are the primary weapons with which the settler colonisation can be fought (Veracini, 2011). As a result, I would argue that the discussion of indigenous children’s rights to their language is particularly important in this context, as the children become minorities on their own land and thus need to fight for continued access to their language. However, the continued use of that language is also a primary tool for decolonisation and a preventative measure for settler colonial assimilation. Settler colonial assimilation refers, here, to the assimilation of the settler colonised culture to the settler colonisers culture, thus – as Veracini (2011) argues – assimilating and amalgamating the indigenous peoples to the settler coloniser peoples.

The concept of NI as a settler colony, or even as a colony, is quite contested internationally, as I will discuss below. Should it be considered a settler colony, then the concept of indigenous language rights applies even more strongly to the minority language children of NI. Therefore, while the concept of minority language rights would apply regardless of the acceptance of a settler colonial context of NI, use of the concept assists us in providing further protection to children’s access to the language. In this section, I will briefly argue that NI is a settler colony – or more specifically a ‘non-hegemonic settler colony’ – which impacts the methods of justice that would be effective for the indigenous population, as the remedies for a post-colonial state often result in neo-colonial arrangements that disproportionately affect the colonised in a settler-colonial context (Veracini, 2011). I will first give a brief overview of the history of NI, before linking that history to settler colonial theory.

A Brief History of Northern Ireland

Ireland has dealt with a long history of colonialism, having first been invaded in 1169 by the Normans – causing it to be referred to by some as the first English colony (Ohlmeyer, 2023). The Plantations⁷ began in 1556 and were justified under the guise of bringing civilisation to an inferior, savage, and pagan people (Clayton, 1998). In particular, landowners in the fertile Leinster and Munster⁸ areas were forced to the infertile Connacht area, and saw their lands seized for the benefit of the English crown (Roth, 2019; Gregory et al., 2013). The Penal Laws were introduced under King William III's reign (1689 – 1702), which blocked the indigenous Irish from land, wealth, and political power, and the state as a colony became a fully-fledged concept (Rolston and Ní Aoláin, 2018). Throughout the colonial period, there were various uprisings, but following the Easter Rising in 1916, the Irish nationalist party Sinn Féin declared the island of Ireland to be a republic in 1919, which prompted Great Britain⁹ (GB) to partition the island into the Catholic south- and north-west, and the Protestant north-east in 1920, in what became known as the Partition¹⁰ (Knipsel, 2021), under the Government of Ireland Act 1920 (Tudor, 2020). The Act established two devolved Parliaments in Ireland, one based in Belfast for Northern Ireland – which consisted of 6 of Ulster's 9 counties – and one based in Dublin for Southern Ireland (Government of Ireland Act, 1920). In 1921, however, the Irish Free State was established by the Constitution of the Irish Free State (*Saorstát Éireann*) Act (Knipsel, 2021; Roth, 2019), eventually becoming the Republic of Ireland

⁷ Brutal takeovers of land by Protestant settlers who removed the Irish inhabitants (Clayton, 1998)

⁸ For a geographic overview of the provinces, see Figure 1 in the appendix.

⁹ Great Britain refers to England, Scotland, and Wales, but not NI. The UK includes NI.

¹⁰ For a geographic overview of the North-South Partition, see Figure 2 in the appendix.

(ROI)¹¹. From this point on, the Catholic minority were subject to discrimination within NI, and treated as second-class citizens (Munck, 1992). Electoral gerrymandering ensured that the electoral boundaries of the 6 Ulster counties were manipulated to guarantee a constant Protestant majority in each of those counties (O’Leary, 2019; The Campaign for Social Justice in Northern Ireland, 1964). Violent resistance grew in NI, with the Irish Republican Army (IRA)¹² launching guerrilla campaigns, for example by cutting communications and attempting to overtake police barracks (O’Leary, 2019). British soldiers used lethal methods in attempts to regain control and combat the IRA, killing civilians – both Catholic and Protestant alike (O’Leary, 2019).

By October 1968, the period known as The Troubles¹³ had begun in NI (Blakemore, 2022). This escalated after ‘Bloody Sunday’, in which the British army shot and killed 14 civilians, and wounded 14 more, during a peaceful Civil Rights protest in 1972 (Carroll & Minihan, 2022). Violence against both Catholic and Protestant civilians reached unprecedented levels, with British soldiers being sent to intervene, and eventually direct rule being established from GB (Muldoon, 2004). However, by this time, a faction of the IRA, known as the Provisional IRA, and the Protestant paramilitary groups, the Ulster Volunteer Force (UVF) and Ulster Defence Association (UDA), had emerged (Muldoon, 2004). This violence finally ended in 1998, when the Good Friday (Belfast) Agreement was successfully negotiated (Aveyard, 2023), which established a power-sharing government (Bosi and de Fazio, 2017). The established government aimed to represent both Protestants and Catholics and set up a new

¹¹ The Irish Free State was acknowledged as the Republic of Ireland by the UK in 1949 (Ireland Act, 1949)

¹² A paramilitary group that aimed to end British rule in NI (Arthur & Meyers, nd)

¹³ Violence did spill over to GB and ROI, however, was mostly centred in NI (Muldoon, 2004).

parliament – the Northern Ireland Assembly – in Stormont (Department of Foreign Affairs and Trade, nd). This agreement acknowledges the right of people in NI to identify as “Irish, British, or both” (Good Friday Agreement, Art. 1. vi). Despite these intentions, The Northern Ireland Assembly has not had a functioning government for 35% of its lifespan, with resignations, suspensions, and standoffs contributing to this (Flanagan, 2022). One major issue has been the place of the Irish language in NI, with the language traditionally being associated with the Catholic community and thus being used as a proxy for power sharing struggles with the Protestant politicians (Edwards, 2024). The most recent government entered into a deal to resolve this, resulting in the development of the Identity and Language (Northern Ireland) Act 2022 (Edwards, 2024), which will be discussed in more detail later.

Northern Ireland and Settler Colonialism

Whether NI is a settler colonial context is debated among scholars. Arguments against the thesis, as explained by Clayton (1998), mainly relate to how *long ago* the colonisation occurred, Ireland not being considered a true colony since the establishment of Home Rule in 1800, NI being a core part of the UK since the 1970s, and NI being majority Protestant for most of its history¹⁴. However, this legacy of modern NI being majority protestant, and being integral to the UK, would – I argue later – lend itself to the argument of settler colonialism as understood in the above section.

As Veracini (2011) stated, the aim of the settler coloniser is to erase that the colonised region was ever independent, and, thus, I would argue that the fact that NI is now integral to

¹⁴ Though this was true at the time of Clayton writing this, I will discuss later how it is no longer the case.

the UK supports the settler-colonial thesis. Veracini (2019) also counters the idea that since a modern NI was majority Protestant, it was thus not a settler colonial context, by arguing that settler colonialism aims to eliminate or displace the indigenous population, and so I would counter that the attempted replacement of the Catholic population with the Protestant population was an attempt at elimination. Wolfe (2006) argues that settler colonialism is a structure and not an event, and, in my opinion, the Plantations occurring so long ago, and Ireland not being considered a colony since 1800 does not counter this. Clayton (1998) argues that there are key elements within NI that strengthen the argument of it being a settler colonial society, such as the continued disparity between Protestants and Catholics as distinct groups. Though the unemployment gap has mostly closed since Clayton's 1998 argument, it still exists on a smaller scale (Rowland et al, 2021) – a clear indicator of the hierarchy between the settler and the colonies (Clayton, 1998).

It seems that one reason people fail to recognise NI as a settler colony is due to the continued divide between the settler and the native (Aveyard, 2023). Veracini (2011) theorised that resistance and survival of people, culture, and language are the key weapons of the colonised against the settler colonial structure. This survival is something that has prevented NI from completely assimilating to British culture¹⁵. McGrath (2012) thus argues that the correct explanation of the Northern Irish context is 'non hegemonic settler colonialism'. Hegemonic settler colonies, such as Australia and the USA, dominated the indigenous peoples to such a degree that there has been a nearly successful erasure of the pre-colonial history (McGrath, 2012). This is not the case in NI, which has not fully integrated into Britain, resulting

¹⁵ Indeed, it is separated even through name: the United Kingdom of Great Britain and Northern Ireland.

in the Northern Unionists never truly being accepted as full members of the UK State (Aveyard, 2023; McGrath, 2012). However, due to settler colonisation, the Northern Republicans are also not viewed as full members of the Irish State (McGrath, 2012). When McGrath proposed this argument of the non-hegemonic settler colonial context of NI, Protestants still outnumbered Catholics¹⁶. However, recent census data shows that Catholics, for the first time ever, now outnumber Protestants at around 0.95:1 (Carroll, 2022). Elements of postcolonialism are still evident through the construction of historical narratives, hybridity of culture, and resistance to cultural elimination. While Ireland was originally considered an occupation colony, the lack of assimilation or overwhelming of the indigenous peoples solidify it as a non-hegemonic settler colony (McGrath, 2012).

Specifically looking at the Irish language; attempted eradication of Irish was a tool used to control the Irish population (Kearns, 1974). Irish people could not learn their own language, were forbidden from speaking it, and all legal proceedings had to be held through the new socially dominant and colonial language – English (Sardina, 2024). In 1800, when Ireland was first declared a part of Britain, Irish was still the dominant language on 66% - 75% of the island (Ó Ghadhra, 2001). Less than 200 years later, this had fallen to 6%, with only 3% of the population living within those areas (Kearns, 1974). I would argue that this perpetuated the settler colonialism taking place on the island, as this practice attempted to assimilate the Irish to English culture and is the results of which are now being felt to this day in the continued settler colonial context of Northern Ireland. Providing children with access to the Irish language

¹⁶ Though it had fallen greatly from the comfortable 2:1 Protestant lead when Partition occurred in 1921, to around 1.2:1 in 2001 (McGrath, 2012).

can combat the perpetuation of the settler colonial assimilation and thus offers decolonial importance to the children of NI.

In sum, I have argued that Ireland's history from "the first British colony" to the Partition has resulted in the formation of the non-hegemonic settler colonial context of NI. This type of settler colonialism has specific difficulties and opportunities, with the history, culture, and language of the land never being fully assimilated. The settler-colonial assimilation could be effectively combatted through the provision of Irish language access to children, especially now that the Catholic minority has become a majority. Children should have access to the Irish language in such a way that would create such a combat, as is enshrined in several legal instruments, which I will now discuss.

Section 3: Legal Rights to Language

In this section, I will go over the primary legal instruments available to children in NI to have access to the Irish language: The United Nations Convention on the Rights of the Child (UNCRC), and the European Charter for Regional or Minority Languages (ECRML), and the Identity and Language (Northern Ireland) Act 2022 (ILA). Understanding these legal instruments will allow me to show how the lack of access to the Irish language in NI in preventing children from accessing legal rights, and that the NI government has an obligation to provide language access.

The United Nations Convention on the Rights of the Child

The United Nations Convention on the Rights of the Child (UNCRC or 'the Convention') is the primary legal instrument for child rights protection internationally (Committee on the Rights of the Child, nd). It is the latest in a long history of legal protections

to children's rights, and – as of 2015 – is the most widely ratified international instrument in the world, with the United States being the only UN State to have not ratified the Convention (UNICEF, n.d.; Committee on the Rights of the Child, n.d.). Though children are protected by general human rights, in 1959 the United Nations General Assembly felt the need to acknowledge specific rights to children (UNICEF, n.d.). These rights, such as education, play, and a supportive environment, were specified through the adoption of the Declaration of the Rights of the Child (UNICEF, n.d.; Committee on the Rights of the Child, n.d.). In 1989, the UNCRC was adopted and opened for signature unanimously by the UN General Assembly (UNICEF, n.d.). The UK ratified the UNCRC in 1991, which means that all public bodies must consider the Convention when making decisions and forming policies (CRAE, n.d.; Together Scotland, n.d.). The UNCRC is connected to the UN Committee on the Rights of the Child (the Committee), which is responsible for monitoring the implementation and upholding of the rights under the Convention (OHCHR, n.d.). In the Committee's General Comment no. 11 (2009), it urged all States to adopt special measures and positive action to ensure access of indigenous children to culturally appropriate services, including in education, health, and recreation (General Comment 11, ¶25). It further affirmed that the right to language access, as outlined in UNCRC Article 30 (Art. 30), should be implemented through education (General Comment 11, ¶62) and reminds States that the ratification of the UNCRC obliges them to take action to ensure the rights of children in their jurisdiction are recognised and realised (General Comment 11, ¶78) and that this should be done through the adoption of domestic legislation (General Comment 11, ¶80). The Committee also reiterates the connection between UNCRC Art. 30 and the International Covenant on Civil and Political Rights (ICCPR) Art. 27, as both provide for the right of community members – in both individual and collective capacity – to use their own language (General Comment 11, ¶16). The ICCPR was ratified by the UK in

1976, and thus is obliged to ensure the enjoyment of the rights under its jurisdiction (Equality and Human Rights Commission, n.d.).

While the UNCRC is applicable to all children, specific reference and protection were put into place for indigenous children, due to their heightened risk of discrimination (Arkadas-Thibert & Ruggiero, 2022). Therefore, multiple articles explicitly mention indigenous and minority rights, such as Art. 8, which expresses the right of children to preserve indigenous and minority identity; Art. 12, which ensures the child's right to be heard and services provided in their indigenous language – for example, through the provision of interpretative services, education, and cultural awareness; Art. 17, which prompts mass media to provide services in indigenous languages; Art. 29, which reiterates the aim for education to be provided in indigenous child's language; and Art 30, which provides for specific linguistic, religious, and cultural protection for linguistic, religious, and cultural minorities, and indigenous children (Arkadas-Thibert & Ruggiero, 2022; UNCRC).

Following the ratification of the UNCRC by the UK in December 1991, the Westminster (UK) government is responsible for its implementation throughout the UK – though it has not yet been incorporated into domestic law (McMurray, 2021). While, therefore, children cannot claim their UNCRC rights in court, it is still the duty of all public bodies to consider the UNCRC when making decision and policies that affect children (McMurray, 2021; Children's Rights Alliance for England, n.d.). Primary enforcement of states' duties under the UNCRC is, through monitoring by the Committee, conducted through reports submitted by the states' governments, for which Westminster is also responsible (McMurray, 2021). Thus, while obligations under the UNCRC may not be upheld in court, pressure is still placed on states and public bodies to fulfil them. Indeed, in 2015, a Joint Committee on Human Rights

recommended that the UNCRC be incorporated into domestic law and the aims of it be realised through more legislation and policy (Joint Committee on Human Rights, 2015). Regardless of this incorporation, however, the rights outlined in the UNCRC should be available to children. There are two further legal instruments, however, available to children in NI that – while not child specific – deal with the access to languages such as Irish: The European Charter for Regional or Minority Languages, and the Identity and Language Act, 2022.

The European Charter for Regional or Minority Languages

The European Charter for Regional or Minority Languages (ECRML or ‘the Charter’), was signed by the UK on the 2nd of March 2000 and ratified on the 27th of March 2001, as part of commitments made in the Good Friday (Belfast) Agreement (Department for Communities, 2016). The aim of this charter was “to achieve greater unity between its members” and it stressed “the value of interculturalism and multilingualism” (ECRML, Preamble). It does not have a set list of languages considered regional or minority, rather each State – upon ratification, acceptance, or approval of the Charter – must specify which languages it considers to be regional or minority (ECRML, Art. 3). The identified languages must be traditionally used within the State by a group smaller than the rest of the State’s population and be different from the official language(s) of that State (ECRML, Art. 1). The UK, upon ratification of the ECRML, identified Cornish, Irish, Scots, Scottish Gaelic, Ulster Scots, Welsh, and Manx Gaelic as regional and/or minority languages (Committee of Experts of the European Charter for Regional or Minority Languages, 2024). The rights to the Irish languages are thus applicable to UK law, even though the UNCRC has not been (yet) incorporated (Willis, 2020).

Rights outlined in the Charter do provide further linguistic access protection for children in NI, even though it does not focus on children. The ECRML requires states to make

pre-school, primary, secondary, and technical and vocational education available in Irish (ECRML, Art. 8.1.a-d). Currently in NI, there are 30 Irish-medium schools, 28 of which are primary, and 2 of which are post-primary (Department of Education, 2023). It further requires for the history and culture of Irish to be taught (Art. 8.1.g) and for training to be provided for teachers for them to be able to do so (Art. 8.1.h). The UK is also obliged to encourage the expression and fostering of the Irish language through, for example, cultural centres, film production, festivals, and cultural industries (Art. 12.1). The ECRML obliges the UK government to provides access to the language through education access and funding the arts.

The Identity and Language (Northern Ireland) Act 2022

In a policy analysis from Humphries and Ayres-Bennett (2023), it was found that 92.8% of language policy is ‘hidden’ in legislation that deals with other topics, such as education or public health. They further found that almost 50% of this legislation deals with indigenous languages, however, it is substantially imbalanced by legislation relating to Welsh and Scottish Gaelic. They also noted that Irish language policy is highly contested due to the political associations of the language with the Catholic, nationalist, and republican community. This is further confirmed by Edwards (2024), who agrees that the Irish language tends to be associated with the nationalist and Catholic community, and as such has become a political proxy for power-sharing agreement struggles in the Northern Ireland Assembly, as, while legislation existed to prevent discrimination on the basis of religious or political beliefs, no such legislation existed to protect the Irish-speaking community until very recently. In January 2020, the New Decade, New Approach (NDNA) deal was signed to bring back power-sharing in NI and restore the Executive in the Northern Ireland Assembly (Edwards 2024; McCormack, 2021). One of the key areas debated over during deal talks was about the implementation of a standalone Irish language act (McCormack, 2021). Commitment to Irish and Ulster-Scots language, heritage

and culture strategies were agreed upon as part of the deal (Meredith, 2021b). Draft legislation was published alongside the deal, which ultimately lent the basis for the implemented Identity and Language Act (Á Costello, 2024).

The Identity and Languages (Northern Ireland) Act 2022 (ILA) was enacted to protect the minority native languages in NI and was the first provision to recognise minority languages in NI and to reflect the commitments of the ECRML and proposed legislation under the NDNA Deal (Á Costello, 2024; Edwards, 2024). The ILA is the first provision made in NI to uphold the commitments to the Irish language¹⁷ in line with the ECRML (Á Costello, 2024), after identifying Irish as needing additional protection (Edwards, 2024). Becoming law on the 6th of December 2022, the ILA has resulted in the Irish language receiving official recognition in NI for the first time (Irish Central, 2022). It's two primary principles are:

- A. The principle that everybody in Northern Ireland is free to
 - (i) choose, affirm, maintain and develop their national and cultural identity, and
 - (ii) express and celebrate that identity in a manner that takes account of the sensitivities of those with different national and cultural identities and respects the rule of law, and
- B. The principle that public authorities should encourage and promote reconciliation, tolerance, and meaningful dialogue between those with different national and cultural identities with a view to promoting parity of esteem, mutual respect and understanding, and cooperation. (ILA, 78F.2)

¹⁷ And Ulster-Scots

Identifying the language as official allows for stronger rights for the use of the preferred minority language, even when one can speak the majority language (Edwards, 2024). These two principles affirm that those in NI, including children, can choose to speak in and develop Irish, and that public authorities have and promote that access. The introduction of the ILA was expected, therefore, to create notable and significant change, however this was initially delayed by the lack of a commencement order (Meredith, 2022c). Since its official commencement and implementation in February 2025 (Meredith, 2025c), there have been quite a few criticisms of the Act and its effectiveness in upholding minority language access.

Complaints about failures to uphold obligations under the Act can only be made by those directly affected (ILA, 78P.1.a). This is a cause for concern as, while a parent could theoretically make a complaint on behalf of their child, it prevents organisations seeking to improve access for children to the Irish language from utilising the ILA. Though an Irish Language Commissioner was established within the ILA (Edwards, 2024; Meredith, 2022c), their powers are limited and the delay in their appointment has been criticised by the UN Committee on Economic, Social and Cultural Rights (Meredith & McCormack, 2025), and there are concerns about the function of the role not being politically neutral (Meredith, 2022c). The ILA has also failed to prevent cuts to three of Irish language agency *Foras na Gaeilge*'s (FnG) Irish language schemes that were being funded by both the ROI and NI governments (Conradh na Gaeilge, 2025a), amounting to €820,000 and coming at the same time as attempted blocking of funding structures to the Language Body in NI (Conradh na Gaeilge, 2025b). This resulted in an organised strike by Irish-speaking community forum and organisation *Conradh na Gaeilge* (Conradh na Gaeilge, 2025a; Meredith, 2025d), and legal action against the NI Government for failure to deliver an Irish language strategy (Manley, 2025). The outcome of the case is yet to be decided, however in April 2025, the Minister for Rural and Community

Development and the Gaeltacht (in ROI), Dara Calleary, announced that his department would be making an additional, once off payment of €630,000 to FnG to reverse the impact of the cuts made in January (Department for Rural and Community Development, 2025)

In sum, the UNCRC outlines the obligations States have to children, and Arts. 12, 17, 29 and 30 outline their rights in relations to indigenous and minority languages. As outlined in UNCRC General Comment 11, ¶79, States need to provide positive access to these rights through active implementation, and not just passive freedom and allowance of use. The education system, in particular, should be utilised to ensure the survival and continued right to use the language. Despite the NDNA Deal, the Irish language remains highly contested due to political associations of the language. However, the ECRML enshrines that children should have access to Irish through education and in their social and cultural lives, and the ILA sets out specific strategies for the implementation of the Irish language in NI. Despite current shortcomings, the ILA, in conjunction with the UNCRC and ECRML, provides a solid legal basis for why children should have access to the Irish language, and shows that the government has obligations to provide this access.

Section 4: Children's Current Access to Irish Language in NI

In this section I will outline what access – or lack thereof – children currently have to the Irish language in NI. I will examine their access to the Irish language, focusing on the education system, through bilingual signposting, the arts, and community initiatives.

Access to education is a pivotal aspect of the UNCRC, featured in both Art. 28 and Art. 29. Art. 29 emphasises respect for a child's roots – including cultural identity and language – to assist a child to develop their abilities to their fullest potential. The current failure to provide

children from minority groups with accessible education is preventing NI from living up to its obligations (McMurray, 2021). While the most recent census tells us that only around 12% of the Northern Irish population have ability in the Irish language, this has increased substantially since 2011, when it was at 2%, and we can expect the figure to continue to rise (Edwards, 2024). An expert panel within the Department of Communities has stated an aim for 10%¹⁸ of children to be in Irish-medium education by 2042 (Meredith, 2022a). Current figures show that only 2% of the entire school population¹⁹ are (Meredith, 2022a). The panel believes, in line with both the UNCRC and the ECRML, that children should have the right to receive education through the medium of Irish (Meredith, 2022a). In 2022, it was announced that the Education Authority planned to increase the number of Irish-medium post-primary schools from two to four (Meredith, 2022b). This would greatly benefit the Northern Irish community, as one of those two schools is currently experiencing an overwhelming increase in enrolment in recent years (Meredith, 2022b), and NI currently ranks last in Europe for second-language uptake in school, despite the rest of the UK (and ROI) prioritising second-language learning (Meredith, 2023).

Despite this, as touched on earlier in this paper, FnG has been forced to cut funding for certain schemes and groups, including *Gael Linn* (Meredith, 2025b). *Gael Linn* organises the *Scoil Spreagtha* scheme in NI – an initiative which encourages English-medium schools to use Irish (Meredith, 2025a). Currently, 82 English-medium primary schools with around 15,000 pupils are involved in this scheme, with more than 80 schools on the waiting list (Meredith, 2025a). Anecdotal accounts of this scheme reveal that children, especially those who do not

¹⁸ Around 35,000 pupils

¹⁹ Around 7,000 pupils

have either Irish or English as a first language ('newcomers'), are benefiting greatly from this scheme. Their concentration and motivation in school improves, as well as their listening skills. Those newcomers are then teaching their parents the phrases they are learning, improving overall understanding of the language across their communities (Meredith, 2025a). Research shows that young people in NI are enthusiastic to learn languages, however if the value of learning is not apparent to them, their enthusiasm wanes over time (Meredith, 2023). I would thus argue that by failing to provide funding for schemes and community initiatives such as *Scoil Spreagtha*, the government is blocking children's right to access the Irish language and failing to fulfil their obligations.

Children should not only have access to the language through the education system, however, but also in their day-to-day lives, for example through bilingual signage. Under the ECRML Art. 11, the government should be aiming to bring value to the use of minority languages, for example through the setting up of bilingual signage. The Advisory Committee to the ECRML noted in 2016 that in 2011 the erection of bilingual²⁰ signage in Belfast was proposed, however was rejected by Belfast City Council (Department for Communities, 2016). However, in March 2025, Belfast City Council voted to erect bilingual signage on four city streets (Kenwood, 2025), following a policy adoption on bilingual street signs by the council in 2021 (BBC, 2021). In 2024, the Committee of Experts to the ECRML recommended for local authorities to remove barriers and prohibitive thresholds for the erection of bilingual signs, and for Irish traditional place names to be used (Committee of Experts of the European Charter for Regional or Minority Languages, 2024). Bilingual signs would help children, both who do and do not speak Irish, to access the language and become more familiar and

²⁰ In either English and Irish, or English and Ulster-Scots

comfortable with it (Department for Communities, 2016), fulfilling part of the governments obligations to provide language access.

The arts are a great informal method for people to access the Irish language. Though not a group that would be associated with children, the Irish language rap-group Kneecap are a great example of Irish language promotion and access in NI. Forming in 2017 and rising to fame rapidly with songs like ‘*C.E.A.R.T.A*’ and ‘Get Your Brits Out’ (Quinn McCullough, 2024), the group has been lauded by some as kicking off an Irish Language Renaissance in NI, ROI and beyond (Crummy, 2024). They are known for using Republican imagery and language, in both English and Irish, and Troubles iconography throughout their music and performances (Carroll, 2024) and in 2023 applied for the Music Export Growth Scheme, a government-backed scheme to provide funding to promote artists beyond the UK (Snapes & O’Carroll, 2024). Their application was initially approved by the British Phonographic Industry for £14,250 (Snapes & O’Carroll, 2024), however was then blocked by Business and Trade Secretary Kemi Badenoch, who did not want to provide tax-payer money “to people that oppose the United Kingdom itself” (Ferguson, 2024). Kneecap launched an ultimately successful discrimination case against the ruling (Sky News, 2024; Walfisz, 2024), but I would argue that – given the history of NI – a government official saying that Kneecap opposes British values shows that NI has not fully assimilated to British culture, and that the blocking arts access to the Irish language by refusing funding to such groups perpetuates settler colonial assimilation. The government has a legal obligation to encourage and foster the Irish language, through, for example, arts schemes under the ECRML, and thus similar funding discrimination would both prevent children from access their legal rights to the Irish language and perpetuate settler colonial assimilation.

The government can, alongside assisting with education initiatives, bilingual signage, and arts funding, provide assistance for community initiatives as well, such as through the neo-Gaeltacht regions in NI. Gaeltachts are areas of Ireland where Irish continues to be the primary spoken language (Carden, 2011a). When the Irish Free State was first established, two of the now-NI counties (Antrim and Tyrone) still had Gaeltacht areas, however they faded into extinction in the 1940s (Ó Ghadhra, 2001). However, since then, two neo-Gaeltachts have been developed in NI – *An Ceathrú Gaeltacht (Ceathrú)* in Belfast, and the *Carn Tóchair* area in west Derry (Department for Communities, 2024; Gaelphobal, 2022). *Ceathrú* in Belfast is argued to be used more as a touristic tool than one of language preservation, put on display and distinguished from its surroundings through the use of Irish culture, in order to act as a competitive tourist product (Carden, 2011b). The Department for Communities has identified the creation of *Ceathrú* as one to maximise economic and touristic opportunity (Department for Communities, 2024). Nevertheless, *Ceathrú* is an important place of Irish identity in Belfast (Carden, 2011b). *Carn Tóchair* seems to have developed independently to help promote Irish as a community language in 1992 (An Carn, 2021). One of its primary initiatives is to develop “a bilingual community, playing an important part in turning the tide of language decline to reinstate its indigenous language” (An Carn, 2021). In particular, the local community centre established *Óige Charn Tóchair* in 2010 to facilitate the informal use of Irish language education, providing weekly youth and after-school services and an annual bilingual summer scheme for all children (An Carn, 2023). Community-led Irish language initiatives, like the development of *Carn Tóchair* help the language to remain modern and living. While neo-Gaeltachts like *Ceathrú* certainly help to preserve the language, it further perpetuates the idea of the language being a spectacle, and thus settler colonial assimilation. Neo-Gaeltachts like *Carn Tóchair* treats Irish like a living, modern tongue, and develops specific initiatives to help children learn and live through the language. Government support and funding would allow for

community-led initiatives like this to develop and be maintained, thus combating settler colonial assimilation.

In sum, there are currently issues with the access that children have to the Irish language, as displayed by the examples of education, bilingual signage, Irish-language arts, and community-led initiatives. While there certainly seems to be positive progress being made in these areas, there are nevertheless further improvements that would support children's access to the Irish language in these areas. Despite the number of Irish-speaking children growing and promises for an increase in Irish-medium post-primary schools, budget cuts have had an impact on the integration of the Irish-language in English-medium schools, there have been pushbacks to the erection of bilingual signage, discrimination has been experienced by Irish-language arts initiatives, and neo-Gaeltachts require support. Improvements in these areas would prevent further settler colonial assimilation and allow children to access their legal rights to the Irish language. In the following section, I will further delve into these issues and provide some recommendations for the improvement of access to the Irish language.

Section 5: Recommendations

Despite legal obligations under UNCRC Art. 30, ECRML, and ILA, children are faced with barriers in accessing the Irish language in NI, which is both perpetuating settler colonial assimilation and preventing children from accessing their legal rights to the Irish language. I argue that the government has an obligation to provide language access, and in this section will put forward some recommendations on how they can do so through the education system, bilingual signage, funding the arts, and assistance for community initiatives.

The *Scoil Spreagtha* scheme shows that children of all backgrounds can integrate themselves with the Irish language, ultimately promoting tolerance and acceptance, and creating a modern perception of the Irish language. However, budgetary cuts to FnG means that this initiative will no longer be rolled out to the schools on the waiting list. This will impact the ability of Irish-speaking children to speak the language outside of their immediate circle and will create further division between the Irish- and English-language speakers. Educational reform to provide an Irish-language education to all those interested is pivotal for the survival, growth, and liveability of the language – which ultimately acts as a barrier to settler colonial assimilation. ROI has made additional funding available to FnG to assist with schemes such as *Scoil Spreagtha*. I would recommend that NI also reinstate funding to FnG, and perhaps even provide additional funding, so schemes such as this – which promote the Irish language and ensure that legal obligations under UNCRC Art. 29 are being fulfilled – can continue to provide much needed services.

The current positive movement towards bilingual signage is another method of ensuring a modern perception of the Irish-language, and thus acting as a barrier to settler colonial assimilation. It is furthermore fulfilling government obligations under ECRML. While current signage erection methods rely on input from the community itself, however, I would recommend that the government take a more proactive approach towards implementation, in order to ensure children's access to their legal rights to the language and prevent settler colonial assimilation.

Funding for the arts is also legally promoted through ECRML, and strongly in line with ILA. Discrimination in the provision of arts funding to Kneecap demonstrates the continued divide between those in NI who utilise Irish, and Britain, and is also legally prohibited. The

government should encourage and support efforts at promoting the Irish language through the arts, as not only is it their legal obligation, but it again allows for the language to be viewed as modern, and thus liveable, which acts as a barrier to settler colonial assimilation.

Community initiatives, such as the ones seen in the *Caran Tóchair* neo-Gaeltacht, can be used to promote Irish to all levels. *Óige Caran Tóchair* even focuses on promotion and use of Irish for children. This, again, aligns with governmental legal obligations under UNCRC, while simultaneously ensuring a more modern approach to the Irish language, and thus minimising settler colonial assimilation risks. But support is needed to ensure the continued survival and improvement of such initiatives. While the government did indeed play a pivotal role in the development of the *Ceathrú* neo-Gaeltacht, I would argue that the focus was on cultural display and tourism, rather than local integration and use of the language. Investments need to be made in bottom-up community initiatives, assisting in creation and development, rather than the focus being on the economic gain of a Gaeltacht region.

In sum, budgetary cuts are having a negative impact on children's access to the Irish language, thus preventing children from accessing their legal right to the language, and perpetuating settler colonial assimilation. I would recommend that the NI government go beyond the scope of ILA and provide additional funding to areas that would improve access to the Irish language, such as through the education system, bilingual signage, funding for the arts, and assistance for community initiatives.

Conclusion

In this paper, I have examined what a decolonial and legal perspective can tell us about Northern Irish children's access to the Irish language. I have examined the decolonial,

developmental, and legal importance behind children having access to their indigenous language in general. I have argued why Northern Ireland is a settler colonial context, and more specifically a non-hegemonic settler colonial context. I explained why access to the Irish language was important from a decolonial perspective, as the language was used as a tool for control and to assimilate Irish culture to English culture, further perpetuating settler colonialism. I then examined the legal obligations the government has under three primary legal instruments – the United Nations Convention on the Rights of the Child, the European Charter for Regional or Minority Languages, and the Identity and Language (Northern Ireland) Act 2022. I provided concrete examples to analyse the actual access children have to the Irish language in Northern Ireland, looking at the education system, bilingual signage, funding for the arts, and community initiatives. I then briefly outlined some recommendations for the NI government in light of the actual access, from a decolonial and legal perspective. I ultimately argue that a lack of access to the Irish language is both perpetuating settler colonial assimilation and preventing children from accessing their legal rights to the Irish language. The government has an obligation to provide language access and it can (and ought to) do this through education access, bilingual signage, funding for the arts, and assistance for community initiatives.

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Appendix

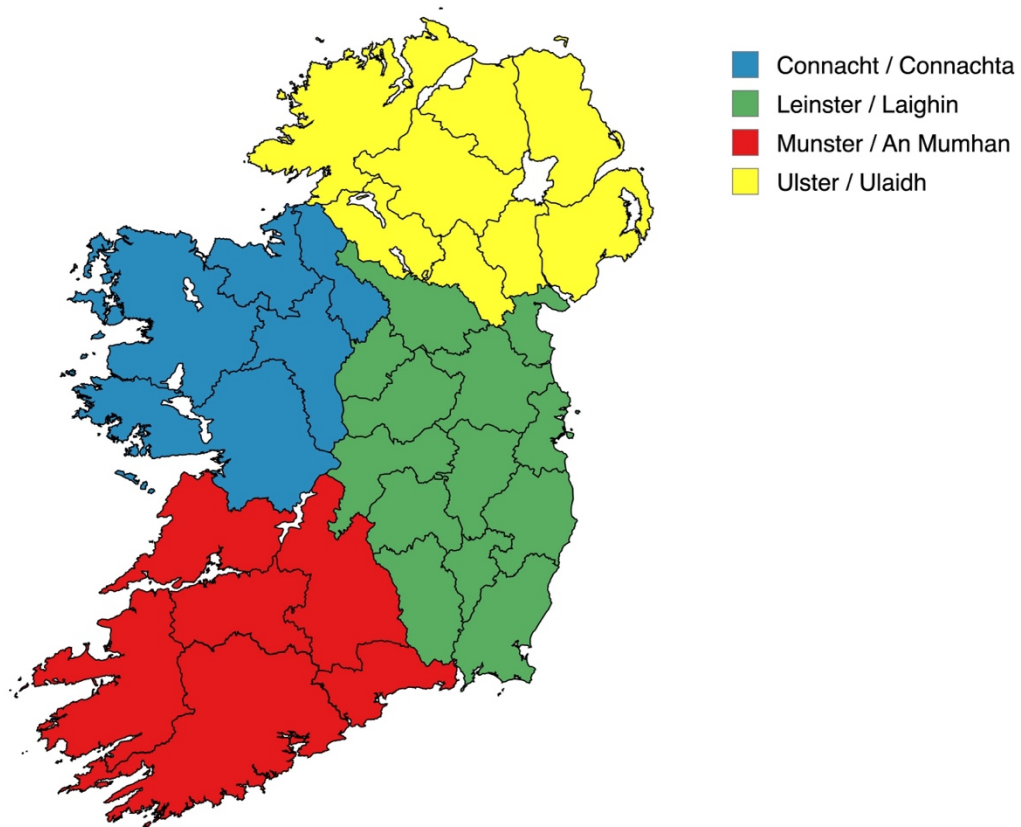


Figure 1: The Four Provinces of Ireland. Created with MapChart.

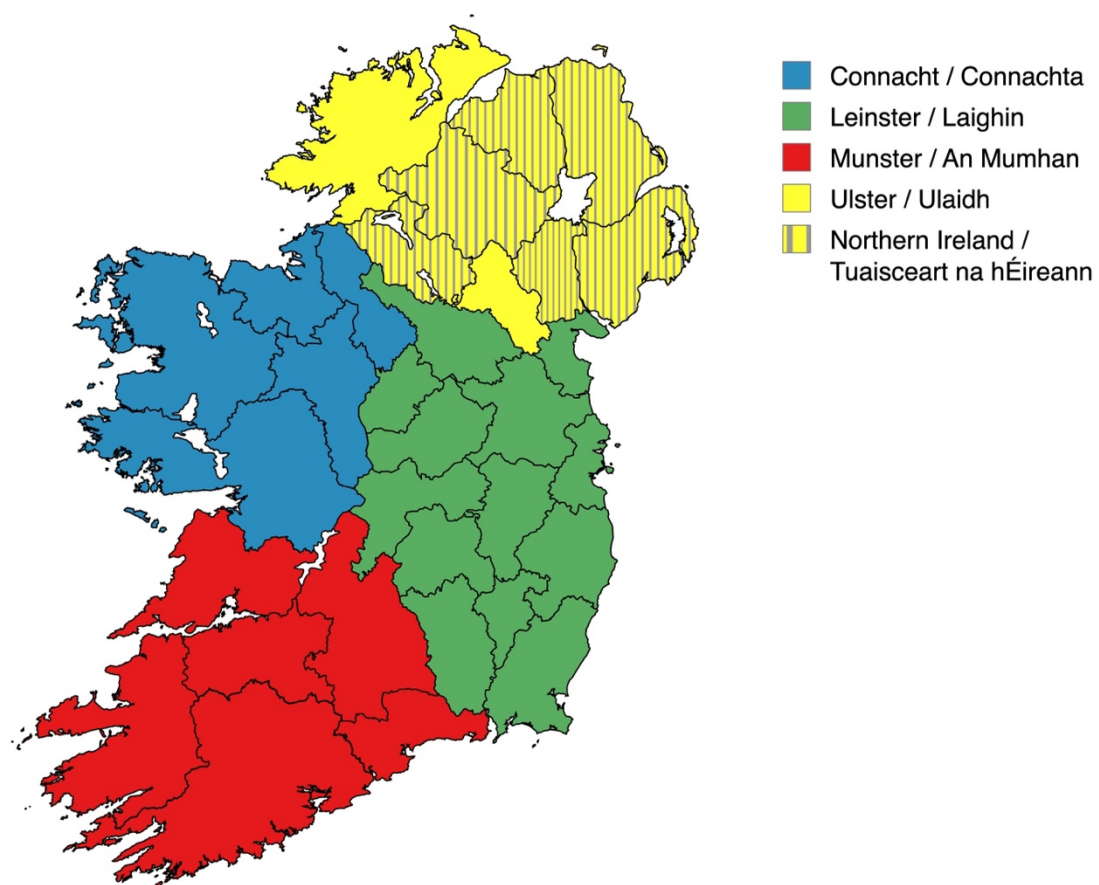


Figure 2: The Northern Irish border. Created with MapChart.