

Culture Committee - CC-16-01(p.1)

Date: 7th November 2001
Time: 9.00am-12.15pm
Venue: Committee Room 1, National Assembly

CULTURE COMMITTEE'S REVIEW OF THE WELSH LANGUAGE

PRESENTATION BY

THE COMMISSION FOR RACIAL EQUALITY IN WALES (CRE WALES)

Background

There remains a great deal of confusion surrounding the work, powers and duties of the CRE; this section attempts to elucidate the remit of the **Commission for Racial Equality (CRE), which was set up under the 1976 Race Relations Act. Though it receives a grant from the Home Office, it works independently of Government.** The CRE is run by 15 commissioners, including the Chairman, Gurbux Singh), who are appointed by the Home Secretary. The Commissioners are the public face of the CRE and take an overview of the strategic and policy work of around 200 staff based at offices in London, Birmingham, Leeds, Manchester, Edinburgh and Cardiff. The CRE also helps to fund, and works closely with, a network of Racial Equality Councils (RECs) including the North Wales Race Equality Network. These organisations work in local areas and among local communities to tackle racial discrimination and promote racial equality.

The CRE has three main duties:

- to work towards the elimination of racial discrimination and promote equality of opportunity;
- to encourage good relations between people from different racial and ethnic backgrounds; and
- to monitor the way the Race Relations Act is working and recommend ways in which it can be improved.

The Race Relations Act applies in England, Wales and Scotland (there is a separate organisation for Northern Ireland). The CRE's work covers all the areas where people are protected against discrimination under the Race Relations Act. The CRE is a regulatory body with enforcement powers. The CRE has statutory powers under the **2000 Race Relations Amendment Act** to:

- advise or assist people with complaints about racial discrimination, harassment or abuse;
- conduct formal investigations of companies and organisations where there is evidence of possible discrimination (if the investigation does find discrimination, the CRE can then oblige the organisation to change the way it operates);
- take legal action against racially discriminatory advertisements, and against organisations that attempt to pressurise or instruct others to discriminate - such as employers instructing employment agencies not to send them applicants from ethnic minorities, or companies instructing their workers to discriminate in the way they provide goods or services; and
- assist individuals to take judicial review action to challenge the decisions of public bodies, including their compliance to the general duty.

In addition to exercising its statutory powers, the CRE also works to reduce discrimination and promote equality by seeking to educate and inform the public and to influence policy and practice in all institutions. The CRE, by itself, cannot achieve racial equality, but by working with government bodies, public and private organisations, and the general public, it hopes to influence attitudes, promote good practice, and so encourage good race relations. To this end, the CRE:

- issues codes of practice and racial equality standards to help organisations develop fair policies, procedures and practices;
- advises employers, local authorities, housing, health and education authorities, the police, training bodies and other agencies on how to avoid discrimination and promote equality;
- advises and makes representations to government on race issues, and on the racial equality implications of legislation, policies and practices;
- keeps policy makers, national bodies and the media informed of developments, and promotes good practice;

- runs public education campaigns to raise awareness of race issues, and to encourage others to play their part in creating a just society; and
- supports research into the impact and extent of racial discrimination, and into race issues generally.

CRE Wales was established in July 1995; it has two commissioners, Cherry Short and Ray Singh CBE, and a staff of 15 of which three are Welsh speakers. CRE Wales has a crucial role to play in contributing to the vision and the future political, economic and cultural development of a rapidly changing nation – by working in close partnership with institutions in the public, private and voluntary sectors. CRE Wales has been working with the Assembly, through the Equality Policy Unit (EPU), to assess the impact of policies and practices in the areas of regeneration, social inclusion, and monitoring the achievement of racial equality. Consequently, CRE Wales has responded to several consultation documents, across the spectrum of devolved subject areas. For example, the CRE contributed to the assessment of the EPU in auditing how each of the 57 divisions of the Assembly was taking account of equality in their policies and practices.

The CRE and the Welsh Language

CRE Wales is committed to the Welsh Language as a surviving, living, community language and language of official discourse. CRE Wales is acutely aware that if the language were to die out in Wales, it would be lost forever and this would dramatically effect the future of Welsh culture, as language and culture are inextricably related to each other. Welsh is the only language in the United Kingdom to have its own legislation, therefore the CRE endeavours to treat it as an official language of Wales.

Welsh Language Scheme

The CRE, in partnership with the Welsh Language Board, agreed to its Welsh Language Scheme, prepared under the 1993 Welsh Language Act, on 5 December 1997. Currently, CRE Wales is striving to meet the recommendations and targets of the scheme, but recognises that it has much to do again. Consequently, CRE Wales has recently established a Welsh Language Monitoring Group to highlight and evaluate the work and procedures of the organisation and to secure a fully bilingual service for its customers, in its attempt to move closer to implementing the principle of equality. CRE Wales is confident that this will be achieved in due course. Currently, CRE Wales is recruiting new staff, following increased funding received from the 2000 Amendment Act, and we are recruiting another Welsh speaker to join our bilingual Office Manager and Media and Campaigns Officer. All temporary staff are bilingual and the organisation offers Welsh Language training for all its employees.

Welsh Language Issues facing the CRE

CRE Wales works within the confines of the law, in order to create a just society in Wales, which gives everyone an equal chance to learn, work and live free from discrimination and prejudice, and from the fear of racial harassment and violence. Though the CRE is known for its work with ethnic minorities in Wales (which comprises 1.5% of the 2.8 million people living in Wales), a large part of its work, on a day-to-day basis, involves enquiries from the general public in relation to the Welsh Language. A majority of these enquiries are handled by the Cardiff-based Legal Department, though a number of cases continue to be handled by the London-based Customer Services Department and Legal Department.

There are two main issues, directly related to the Welsh Language, which are handled by the Legal Department at CRE Wales, on nearly a daily basis:

- mandatory Welsh lessons up until the age of 16; and
- Welsh as an essential or desirable skill in the workplace.

CRE Wales receives a number of complaints from non-Welsh speaking parents, particularly those who have moved to Wales, aggrieved that their children are "forced" to learn Welsh because it is a statutory requirement of the National Curriculum. This, of course, does not constitute discrimination. However, on occasion, certain circumstances do constitute indirect discrimination, for example, if schools with two streams of teaching (one English and one Welsh) were to place more emphasis and quality in the teaching of children in the Welsh medium in comparison to the English medium or, indeed, vice versa. CRE Wales strongly believes that the Assembly is failing to promote Wales as a distinct, bilingual country, which has a living traditional language, spoken by 18.5% of the population. As a result, some people who move to Wales from other parts of the United Kingdom, Europe, and indeed the world, are uninformed about its education system, leading to unfounded accusations of discrimination for the non-Welsh speaking child. Others, however, who move to Wales, embrace the language and understand the advantages of a bilingual education – this is the ideal for CRE Wales.

CRE Wales also deals with specific Welsh language issues in relation to employment. Contrary to popular belief, the Welsh language can be listed in job advertisements as an essential requirement if the employer proves this to be the case – if an employer is unable to do so, indirect discrimination can then, possibly, be alleged. The CRE works within the confines of the law, and advises employers accordingly. It must be remembered that the CRE is a statutory body not only for ethnic minorities, but an organisation for all, be they English, Welsh, black or white. If a *human being* falls victim to discrimination or racism, the CRE will endeavour to support them.

During the Summer months of 2001, CRE Wales dealt with the issues of inward migration and its effect on Welsh Language heartlands, such as Gwynedd and Ceredigion. Though, admittedly, there is a lack of statistical evidence, anecdotal evidence suggests that non-Welsh

speaking people moving into these areas, with no intention of learning Welsh, erode the language. That said, the language used by those concerned about this trend, this Summer, was both inflammatory and unhelpful. Moreover, some of the media coverage and comments made by some politicians inflamed the situation. Time and again, the CRE was drawn into party political point-scoring which failed to recognise the existence of a very real problem in rural Wales surrounding the protection of the Welsh Language and a confusion as to what is defined as racism. Defending a language and culture is not synonymous with xenophobia or racism, but more often than not, the language used by some Welsh language supporters recently has contributed to this myth.

The Assembly must conduct an urgent enquiry into the effects of inward migration on the Welsh Language and to develop policies with a dual purpose of sustaining, protecting and furthering the development of the Welsh Language as a living language, but also to allow those people living in the British Isles and Europe the right to freedom of movement. The CRE, in principle, would be in favour of any policy which would not contravene the Human Rights Act or the Race Relations Act, in solving this problem

We must not forget that the traditional Welsh language heartlands are also losing first language Welsh speakers due to lack of work opportunities. Social and economic regeneration is essential, therefore, but also a clear need for an improved infrastructure, such as a more efficient and comprehensive transportation system.

Other initiatives could include subsidised Welsh lessons for non-Welsh speakers (adults). Also, without sacrificing the requirement for all public bodies to publish bilingual material, there should be an incentive to encourage public bodies to translate, especially those which are currently failing to meet the full needs of the 1993 Welsh Language Act.

In conclusion, CRE Wales is very committed to a bilingual society in Wales. Its contribution in strengthening the Welsh language and Welsh culture also enriches the valuable diversity which we witness in our nation.

Dr Mashuq Ally

Head of CRE Wales