

COMMITTEE ON EQUALITY OF OPPORTUNITY

Date: Wednesday, 25 October 2000
Time: 2.00pm
Venue: Committee Room 2, National Assembly Building

Title: LANGUAGE IN EQUAL OPPORTUNITIES

The attached paper has been submitted to the Committee by the Welsh Language Board.

LANGUAGE IN EQUAL OPPORTUNITIES

This paper forms part of the Welsh Language Board's presentation to the National Assembly of Wales' Equality of Opportunity Committee on 25th October 2000.

Purpose of the paper

1. This paper is submitted to the Assembly's Equality of Opportunity Committee in order:
 - i. to remind the Assembly, and the Committee, of the need to include the linguistic dimension to equal opportunities in its work side-by-side with race, gender, age and other equality dimensions; and
 - ii. to advise the Assembly and the Committee on the steps which could be taken to put this into effect, both by the Assembly itself and by others.

It is not primarily about the Assembly's declared role of supporting the future well-being of the Welsh language, but rather about its role in supporting the rights and equality of opportunity for its users.

Context

2. It is widely and professionally recognised by psychologists and socio-analysts all over the World, that the significance of language in our lives goes far beyond mere communication. Language is an integral part of what makes our psyche or identity, both individually and as a society. Thus, when a language is accorded low status, so are its speakers, and history is full of peoples exerting their dominance by denying linguistic rights and opportunities to others. Put simply, linguistic equality lies at the heart of being equal.

3. This has certainly been true in Wales over the centuries. The denial of linguistic rights in Court and the 'Welsh Not' are perhaps the best known examples of discrimination. However, the denial of information and services in Welsh over the years, in effect, has been a form of widespread institutional discrimination against Welsh-speakers, which we are only now gradually addressing.

4. In enacting the Welsh Language Act 1993, the State has recognised past inequality and is taking clear, practical steps to address it. The Act belongs to the growing family of equal opportunities legislation in Britain, and is very much part of the equal opportunities agenda. It places a responsibility on government and public bodies (through Welsh language schemes) to provide services to the public in Welsh on an equal basis to English. Its equality mechanism is therefore geared to prevent discrimination by promoting practical equality. However, there is a great deal of work yet to be done before equality is achieved in practice.

5. This is also very much part of an European and international equal opportunities agenda. For instance, in its 1998 report on compliance with EC equal opportunity law on behalf of the Government¹, the Home Office made numerous references to progress under the Welsh Language Act as well as the Race Relations Act and other legislation. The Human Rights Act gives further effect in British law to the rights and freedoms set out in the European Convention on Human Rights. Article 14 of the Convention has been inserted, which includes 'language' side by side with other equality dimensions.

6. The Government is now also a signatory to the European Charter for Regional or Minority Languages. The inter-action between linguistic rights and equality of opportunity provides the foundation upon which the various Articles are constructed and bonded together to make up this Charter. For instance, the Charter is signed by member States –

"considering that the right to use a regional or minority language in private and public life, is an inalienable right conforming to the principles embodied in the United Nations International Covenant on civil and political rights, and according to the spirit of the Council of Europe Convention for the protection of human rights and fundamental freedoms",

and has as one of its Objectives and Principles

"the parties undertake to eliminate, if they have not yet done so, 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 a regional or minority language. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely used languages."

The Assembly will have a leading role in monitoring compliance with the Charter.

7. As can be seen therefore, linguistic equality is inextricably linked to protecting and promoting human rights and equality of opportunity. From the perspectives of both the speakers of a language and international law, as we have said, linguistic equality lies at the heart of being equal.

Inequality in practice

8. But our view is based on more than a question of principle or of law. More importantly perhaps, it is based on our knowledge that lack of respect for linguistic needs continues to place Welsh-speakers at a real disadvantage in accessing services, in protecting their interests, and in receiving advice or care which meets their needs. In some cases, the problem stems from lack of awareness or understanding, but in others it stems from discriminatory practices.

9. Most commonly, it is the direct result of organisations simply ignoring linguistic needs when planning and delivering their services, and training their staff. Their equal opportunities policy makes no reference to language, and neither does it feature in any meaningful way in the management and culture of the organisation, and its service vision. The Board could provide the Committee with a list of typical examples if it so wished. They would include such matters as Welsh-speakers being prevented from speaking Welsh in work, incorrect medical diagnosis and advice, and elderly Welsh-speakers not being able to communicate their needs in stressful and degrading circumstances.

Steps for the National Assembly to take

10. It is against this background that the Board believes the National Assembly's guardianship of equal opportunities must include the linguistic dimension side-by-side with race, gender,

disability, age and other equality dimensions.

11. That could be given effect in many ways, including the following:

- (i) by including the linguistic dimension formally in the Assembly's equal opportunities agenda;
 - ii. by making it standard practice for 'language' to be listed and discussed with race, gender, disability, age and other equality dimensions in Assembly policy papers, circulars, guidance, funding frameworks, and other material;
 - iii. by expecting the equal opportunity policies of organisations to address 'language' with other equality dimensions, and equal opportunity monitoring forms to include standard questions on languages;
 - iv. by including 'language' in any programmes or processes which scrutinize or promote or protect equal opportunities, whether undertaken by the Assembly, or by others with Assembly sponsorship;
 - v. through including linguistic equality in any research work on equality in Wales, or undertaking specific research into this;
 - vi. by requiring Inspectorates, Commissions, Service Review Teams and other quality and compliance agencies to investigate linguistic aspects with other equality themes as part of their monitoring or evaluating work;
 - vii. by seeking the agreement of Home Office and other Government Departments to adopt steps (i) to (v) above in respect of their remit in Wales;
 - viii. through placing linguistic equality regularly on the Agenda of the Assembly's Committee on Equality of Opportunity, and –
 - a. inviting Assembly Cabinet Members and their Policy Directorates to report on progress;
 - b. similarly inviting bodies sponsored by the Assembly, and others, to do the same.

12. By taking these steps, we believe the Assembly will make an important, leading contribution which will not only influence equality practice but also assist the Assembly in its duty to comply with and report on progress in implementing the Charter for Regional or Minority Languages. Furthermore, it will contribute in a practical way to implementing the guiding themes in www.betterwales.com.

13. The Committee should note that while the Board has a statutory duty to act in the interests of the Welsh language, and this paper stems from that duty, we are not confining our thoughts here to Welsh. Wales can do more in providing information in the languages of its ethnic groups, and the steps we outline above could also be applied to assist them. The Board works with the other equal opportunities agencies, and we attach a copy of our Accord with the Commission for Racial Equality, which captures the spirit within which equality of opportunity is being tackled between us.

14. The Board respectfully requests the National Assembly to accept this paper and adopt the recommendations made in it.

¹ "UK Report on the Council of Europe Framework Convention for the protection of National Minorities" Home Office Race Equality Unit.

Welsh Language Board

18 October 2000