

Dr Gearóidín McEvoy Bio

Dr Gearóidín McEvoy is a Marie Skłodowska-Curie Research Fellow with Birmingham Law School at the University of Birmingham. Her current research looks at legal recognition of sign languages in Ireland, the United Kingdom and Finland, with the aim of developing a roadmap for future sign language legislation around the world.

Gearóidín completed her PhD at Dublin City University's School of Law and Government in 2021 on the right to a fair trial for minority language users. Her research looked at the lived experiences of Irish-speakers and Deaf people who used Irish Sign Language in Ireland when interacting with the criminal justice system.

Gearóidín has a background in translation and legal translation and has worked as an Irish language teacher for the University of Montana and the Law Society of Ireland. From 2017-2021 she co-hosted the popular podcast *Motherfoclóir*, focusing on words, Irish, Irish words and words from Ireland.

See [here](#) for further details.

Abstract: The Créatúr and the Slíbhín: Tropes about Irish speakers and Deaf people in the Criminal Justice System

The Research

This presentation shall focus on the right to a fair trial for Irish-speakers and Deaf Irish Sign Language (ISL) users in Ireland. The research is socio-legal in nature. Twenty three semi-structured interviews were conducted with Irish-speakers, Deaf ISL users, lawyers, academic experts and members of the Irish police (An Garda Síochána) about how language usage impacts an individual's experiences in the criminal justice system. these experiences were compared against the right to a fair trial as it is found under the United Nations International Covenant on Civil and Political Rights and the Council of Europe's European Convention on Human Rights. Additionally, the lived experiences of interviewees were also contextualised using Goffman's concept of identity, where the internal and external perceptions of identity

posed conflict where police and judges had a harmful, stereotyped view of a person based on their language which did not match the internal identity.

Contextualising Irish and ISL in Ireland

In Ireland, Irish is the first official language, as per Article 8 of the Constitution of Ireland, wherein English is a secondary official language. There is a right to use Irish in all interactions with the state as per this constitutional status, and as per the Official Language Act 2003. This includes a right to use Irish with Gardaí, lawyers and courts. Irish language training is mandatory for training solicitors, barristers and police. Nevertheless, English remains the *de facto* official language and problems in accessing Irish language services remain constant. It should be noted that Irish speakers constitute approximately 5% of the population and are always also English-speakers with native level fluency. There are no monoglot Irish-speaking adults left in Ireland.

ISL is the natural language of Irish Deaf people.¹ ISL was given legal recognition via the Irish Sign Language Act, 2017, which came into force in December 2020.² In respect of ISL usage in the criminal justice system, an individual has a right to be provided with an interpreter where they do not speak or understand the language of the court under the right to a fair trial and that right is enshrined in the Irish Sign Language Act. There is no requirement for those in the criminal justice system to be trained in ISL akin to that of Irish. Deaf people experience many barriers to accessing services.

Findings

Exercising of the right to use a language within the criminal justice system can come at a cost. Often, it represents that expense of other rights. Fairness of procedure, access to justice or impartiality can be put in jeopardy when a person attempts to use their language and is met with bias in the system, whereby they are perceived in light of a harmful, stereotyped external identity, rather than an understanding of their true identity. In describing such instances, two tropes arose in the data, which I have called a ‘créatúr’ and a ‘slíbhín’. Both words are Irish, but exist in Hiberno-English. The former describes a poor, unfortunate wretch who is pitied

¹ Note that British Sign Language (BSL) is also used in Northern Ireland and in some border regions of the Republic of Ireland.

² As such, no participant to this research had experienced the effect of the Irish Sign Language Act 2017.

and pitiful, and therefore they are not seen as an autonomous individual in the eyes of the criminal justice system. The latter depicts a sly, devious troublemaker who is seen to use their language as a way to obstruct and frustrate the legal process.

Interviewees to this research reported negative reaction when they used Irish and ISL within the criminal justice system, being treated as either a *créatúr* or a *slíbhín* by police and judges. These reactions varied from being ignored or pitied by law enforcement, being fined, arrested or prosecuted. In all cases, interviewees connected negative reactions to their use of their language. Often, it was perceived that they were being punished for their use of the language, or for perceptions about users of Irish or ISL.