

PRESS RELEASE

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Margaret Keane Gravestone: Court's Written Judgment Finds Direct Discrimination On Basis Of Irish Race

The Arches Court Of Canterbury Has Now Handed Down Its Judgment Dated 16 June 2021 Following The Successful Appeal Hearing

A Coventry family who won a landmark appeal to have “Inár gcroí go Deo” (“In Our Heart Forever”) in Irish-only on their mother’s gravestone, has welcomed the findings of the Judgment.

The family of Margaret Keane was told by the Arches Court of Canterbury at the end of the appeal hearing at St Mary-le-Bow in London earlier this year that they had succeeded and the original decision would be overturned, but that the full details of the court’s reasoning and findings would be handed down later in its written Judgment.

In the written Judgment dated 16 June 2021, the Arches Court of Canterbury confirmed that the decision of the Chancellor not to permit the family’s inscription in Irish-only (without an English translation) was unreasonable under the common law, and in breach of the family’s right not to be discriminated against under the Human Rights Act and Article 14 of the European Convention on Human Rights.

The Judgment also directs all Diocesan Chancellors to review their Churchyard Regulations to ensure that they are not discriminatory, particularly in relation to non-English inscriptions.

The Judgment states: “..we find that the effect of the Chancellor’s decision was to discriminate directly against the Appellant on the basis of her race” and that “...an assumption seems to have been made that viewers of the inscription, realising that it was in Irish, would conclude that it was a political slogan, which we have found not to be based upon evidence or any other rational footing. The requirement for translation was, therefore, based upon Irishness, a racial characteristic”.

The Judgment by the three appeal judges has been handed down almost a year to the day since the family launched an appeal to overturn a lower court Judgment dated 6 May 2020 made by

Chancellor Stephen Eyre QC which refused the Irish-only inscription on the basis it could be regarded as a “slogan” or “political statement” in “English-speaking Coventry”.

Legal action was taken on the family’s behalf free of charge by Irwin Mitchell solicitor, Caroline Brogan, and barristers Caoilfhionn Gallagher QC and Mary-Rachel McCabe, of Doughty Street Chambers.

The appeal was supported by Conradh na Gaeilge i Londain, who intervened in the proceedings and were represented by Raj Chada of Hodge Jones & Allen and barristers, Tim Moloney QC of Doughty Street Chambers and Blinne Ní Ghrálaigh of Matrix Chambers.

Margaret Keane was originally from Athboy, County Meath and the family wanted to reflect her Irish heritage in their tributes to her when she died, never expecting it would take three years and a long court battle to do so.

Margaret’s daughter, Bez Martin, said: *“It’s quite overwhelming, but mum always taught us the difference between right and wrong and so we always knew in our own hearts that we were doing the right thing by challenging discrimination and asking to be treated the same as the other parishioners.*

“There are other headstones in the same churchyard with inscriptions in Hebrew-, Latin and Welsh, without any English translation. There is even a headstone which includes “In our hearts forever” in Welsh; the same message we had asked for in Irish-only, but had been refused and so it was very painful knowing that we were being treated differently just because the inscription was to be in Irish.

“We feel vindicated that the appeal judges have recognised this and that we, just like the other parishioners, now have a loving memorial message in our mother language. We also always knew that our case went beyond our own family and we hope that we have given a voice to the otherwise unheard”.

Margaret’s daughter, Caroline Newey, who brought the appeal said: *“As soon as we received the Judgment, the first person I had to tell was my mum and I went straight to her beautiful resting place at the Meadow.*

“I was able to sit beside her gravestone and tell her that she is in our hearts forever and that we hope that our long battle all the way to the highest appeal court in the ecclesiastical system will mean that no other family has to go through this. The appeal court not only allowed us to have “In our hearts forever” in Irish-only on our mum’s grave, but they also sent a very clear message about respect for identity and inclusivity”.

Caroline Brogan of Irwin Mitchell, the family’s solicitor, said: *“This is a landmark appeal court ruling on equality and the recognition of Irish language rights. The Irish language is not political; it is used by ordinary people every day. A person’s own language goes to the very heart of their own identity.*

“Coventry is a vibrant, diverse and inclusive City; it is the City of Culture 2021. It produced Mo Mowlam; she grew up in Coventry and went to school here. Mo was one of the key architects of The Good Friday Agreement. At the heart of The Good Friday Agreement are principles of mutual respect for identity, linguistic diversity, and parity of esteem. The Good Friday Agreement must be respected and implemented in all of its parts.”

The Keane family and their legal team wish to thank all those who have supported them throughout this process, including members of the Irish community in Britain.

ENDS

Notes to Editors

For further information, pictures and interview requests please contact the Irwin Mitchell press office on + 44 (0)114 274 4666.

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