
LANGUAGE RIGHTS: THE ROAD AHEAD

**CEARTA TEANGA:
AN BÓTHAR AMACH ROMHAINN**

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ENGLISH

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GETTING TO GRIPS WITH THE BASICS

MINORITY LANGUAGE: A language spoken by groups which are numerically smaller than the rest of the population.

LANGUAGE COMMUNITY: A group of people who speak, are learning or have an affiliation to a particular language within an area.

LANGUAGE DISCRIMINATION: Treating someone differently, usually less favourably, as a result of the language that they speak.

LEGISLATION: A law or set of laws that have been passed by the Assembly. Under the NI Act (1998) the NI Assembly can legislate (make laws) on devolved matters such as health, education, finance, economy, justice, infrastructure, agriculture, environment and rural affairs.

BILL VS ACT: A bill is a proposal for legislation, which later becomes an act if it is passed by the Assembly. A bill must receive Royal Assent before it becomes an act. Essentially, a bill is an act before it becomes an act.

THE GOOD FRIDAY AGREEMENT (1998): An agreement signed by the British and Irish governments, as well as most political parties here, with the aim of establishing a new devolved government, where nationalists and unionists would share power. The GFA was to enshrine legal protections to promote equality and human rights, and eradicate institutional discrimination.

NI ASSEMBLY: Where political representatives debate, pass laws and scrutinise Executive Ministers on devolved matters which affect people here.

NI EXECUTIVE: Responsible for the running of the devolved government here on behalf of the Assembly. The Executive is made up of a First and Deputy First Minister, along with 8 other Ministers.

THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES: A European treaty (a binding, formal agreement) which sets out very practical guidelines and policies regarding the protection and promotion of regional or minority languages. The ECRML is under the auspices of the Council of Europe, an institution which is totally separate from the European Union. The UK's withdrawal from the European Union does not impact their obligations under the ECRML.

THE ST. ANDREW'S AGREEMENT (2006): An agreement reached as a result of cross-party talks with the British & Irish Governments, along with all major political parties in the north in relation to the devolution of power. The main outcome of this agreement was the restoration of the Assembly in the north following the Assembly's suspension in 2002.

NEW DECADE NEW APPROACH (2020): A cross-party deal, negotiated by the British and Irish governments, in an attempt to restore the NI Assembly following a three year hiatus. This agreement was the first to officially recognise the Irish language in the north.

IRISH LANGUAGE COMMISSIONER: An official body with legal powers to support and hold public authorities to account for providing more opportunities for people to use Irish, particularly in public life.

PUBLIC AUTHORITIES: Organisations which are publicly funded to deliver a public or government service.

LANGUAGE STANDARDS: A set of powers and obligations which are placed on public bodies by the Irish Language Commissioner regarding service provision. Language standards lay out how public authorities should treat and use languages in different scenarios. Under the NDNA Agreement, public authorities are to have 'due regard' for the language standards placed on them. This is much weaker than the Welsh language model's duty to comply.

DICTIONARY (ENGLISH-IRISH)

DUE REGARD: The principle of authorities paying proper consideration to the duties in question, particularly equality obligations, before taking a decision or discharging their responsibilities. Because the 'due regard' principle does not require a particular outcome, it can be difficult to present clear evidence of discrimination and inequality during the decision-making process; a public authority can ignore their duty, or accept it and then demonstrate that they have taken steps to consider it. The Section 75 duty to have 'due regard' for the need to promote equality of opportunity has demonstrated that the promotion of equality has not been well served.

BEST-PRACTICE MODEL: Drawing on expertise and approaches from those countries and languages that have had similar experiences in their linguistic journey. This enables the incorporation of elements which have worked well, and the omission of those which have not.

OFFICIAL STATUS: Provides a language with a degree of protection and facilitates further opportunities for language use with state authorities; in cases where this right is denied, it is legally actionable.

ACTIVE OFFER: The practice of a public authority providing a service in Irish without the Irish speaker having to ask for it. This removes the responsibility of the Irish speaker having to ask for the service.

ENGLISH	IRISH
Legislation	<i>Reachtaíocht</i>
Irish Language Commissioner	<i>An Coimisinéir Gaeilge</i>
Opt-out	<i>Rogha an diúltaithe</i>
Road map	<i>Treochlár (chun sprioc a bhaint amach)</i>
Time bound	<i>Faoi cheangal ama</i>
Decision maker	<i>Cinnteoir</i>
Duty bearer	<i>Iompróir dualgas</i>
Rights holder	<i>Sealbhóir na gceart</i>
Arm's length body	<i>Comhlacht páirtspiléach</i>
Standing orders	<i>Na Buan-Orduithe</i>
Simultaneous translation	<i>Aistriúchán comhuaineach</i>
Passive service (translation)	<i>Seirbhís éighníomhach (aistriúchán)</i>
Enforceable by law	<i>Infhorfheidhmithe le dlí</i>
To pay due regard to	<i>Aird mar is cúí a thabhairt ar...</i>
Language standard(s)	<i>Caighdeán teanga (na caighdeáin teanga)</i>
The Assembly	<i>An Tionól</i>
The Executive	<i>An Feidhmeannas</i>
Government Minister	<i>Aire Rialtais</i>
Government Department(s)	<i>Roinn Rialtais (Ranna Rialtais)</i>

MAJOR MILESTONES IN OUR CAMPAIGN FOR LANGUAGE RIGHTS

1969:
Foundation of the Shaw's Road Gaeltacht



1971:
Foundation of Bunscoil Phobal Feirste

1991:
Foundation of Meánscoil Feirste



1998:
The Good Friday Agreement



2001:
ECRML ratified by the British Government for the Irish language

2006:
St. Andrew's Agreement



2014:
The First 'Lá Dearg'

2014:
Feachtas #BusAnois

2015:
Foundation of Gaelcholáiste Dhoire

2015:
DCAL public consultation on legislative protections for Irish receives 94.7% support

2016:
Assembly election

2016:
Funding withdrawn from the Líofa bursary scheme



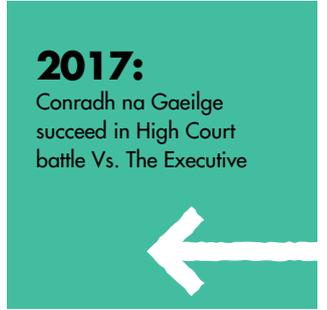
2017:

An Dream Dearg launched online



2017:

An Dream Dearg protest at DFC Headquarters in Belfast



2017:

Conradh na Gaeilge succeed in High Court battle Vs. The Executive



2017-2019:

An Lá Dearg & #AchtAnois



JANUARY 2020:

New Decade New Approach



MARCH-JUNE 2021:

An Dream Dearg refocus and launch #SeasAnFód campaign



JUNE 2021:

British Government to enact language legislation in Westminster in October 2021



WHAT'S NEXT?



In recent years, official recognition of the Irish language has dominated political developments at Stormont. The failure to deliver *Acht na Gaeilge*, as promised under consecutive international agreements, was instrumental in the collapse of the devolved institutions in 2017. Indeed, delivering legislative provisions for *Acht na Gaeilge* became a central component in the restoration of power-sharing in January 2020 and the New Decade New Approach (NDNA) Agreement. NDNA secured, for the first time in the state's history, a commitment to enshrine the right of Irish speakers into law. Whilst these provisions fall well short of what was promised in the 2006 St. Andrew's Agreement, this is an historic advancement for the Irish language community and represents a good starting point for further progress.

Commitments aside, decades of campaigning for the implementation of previously unfulfilled political commitments on the Irish language have set the precedent for the current NDNA legislation. There is concern among the Irish language community that once again, commitments will be ignored and their rights will again be placed on the back-burner of the political agenda.

These apprehensions are well founded.

In June 2021, over 600 days since the publication of NDNA, no progress being made on the Irish language commitments. In the face of resurging demands for equality by the Irish language community, the British Government publicly committed to introducing legislation in Westminster in October 2021, with the appointment of

the Irish Language Commissioner by March 2022 if the NI Executive failed to do so by September 2021. Stormont's deadline has since passed. No legislation has been introduced in Westminster as of yet.

An *Dream Dearg's* campaign has demonstrated that ordinary people can drive issues to the top of the political agenda and we will continue to fight for the full implementation of this language legislation. We will not be mere spectators. We will continue to organise and set our own agenda.

This handbook seeks to inform the Irish language community about language rights and to facilitate a broader understanding of what can be expected from the state in relation to the provision of their language rights. We will scrutinise the commitments made to the Irish language under various political and international agreements, as well as the most recent commitments as outlined in NDNA. We aim to provide clarity around the role and remit of the incoming Irish language commissioner, as well as exploring the concept of language standards and international best practices.

We have a vibrant grassroots Irish language community here and we hope that this handbook will equip all members of our community with the skills and tools not only to understand and access the language legislation, but also to hold politicians to account in delivering on commitments and actively promoting and defending cultural and language rights for all.

WHAT ARE LANGUAGE RIGHTS?

Article 1 of the Universal Declaration of Human Rights denotes that all human beings are born free and equal in dignity and rights; all human beings are therefore assumed to have certain rights. In their most basic form, rights are protections which should not be breached, typically referring to what people are allowed to do, or to have. Language rights are no different; language rights are derived from general human rights standards and are there to ensure that language users have the right to use and see their language in public and private life, education, media and in the judicial system.

Human rights involving language are a combination of legal requirements and core human rights laws and treaties (see The UN Declaration of Human Rights 1948, the Human Rights Act 1998, The International Covenant on Economic, Social and Cultural Rights 1966, Convention on the Rights of the Child 1989). Each set out that rights should be enjoyed by all, without distinction of any kind, including on grounds of language; therefore, a person's right to be free from discrimination, to obtain an education, to a private life, or to freedom of expression should not be hindered in any way by their linguistic choice. Language rights exist to solidify your right to use your language in public and private contexts, without being treated any differently for doing so; language rights operate with four main focuses:

- 1. Dignity;**
- 2. Liberty;**
- 3. Equality**
- and non-discrimination;**
- 4. Identity**

Whilst there is no 'one-size-fits-all' approach to implementing language rights in all the world's hugely diverse national contexts, the history of the peace process here has been the history of successive attempts to assert language rights and have them legally recognised and protected in the face of resistance which has refused

to comply with international obligations. A series of UN Declarations and Agreements (The Framework Convention for the Protection of National Minorities, The Declaration on the Rights of Persons Belonging to National Minorities under the Framework Convention, The OSCE Oslo Recommendations Regarding the Linguistic Rights of National Minorities) have expanded on the basic approaches which state authorities must take, or indeed, possible extra provisions which they may take, in order to realise and fully fulfill language rights.



1. Respect language rights as human rights

Without clearly defined laws, people here cannot expect the state to respect the ideals of language rights. Put simply, language rights come from the ability for local people to live their lives through their chosen language. The state should have a legal obligation to facilitate that choice. Without legislation, policy makers and decision makers both in government and in the civil service, have no overarching legal framework to inform service provision through Irish. Basically, without laws instructing authorities to provide language services (and regular services through Irish) policy makers simply won't do it. That means for the everyday Irish speaker, or for the family raising their children through Irish, the neverending quest for basic services through Irish impedes on their ability to live their lives through their language of choice. All across the world, language rights are codified through the lens of human rights. Here is no different.



2. Recognise & promote tolerance, cultural & linguistic diversity and mutual respect, understanding and cooperation among all segments of society

Language rights should be considered in any activity that involves state authorities and language preferences. An absence of clearly defined language guidelines and laws means that for many, how we interpret language provision comes from political interpretation rather than legal definition. What we know is that we are living in an increasingly multicultural and diverse society. The Irish language is another element of increasing diversity here. Increased exposure to diversity and multiculturalism undoubtedly leads to increased normalisation of languages and cultures, leading, in turn, to a greater understanding of our shared society and a path to further tolerance and respect. Learning about each other, our cultures and our languages all begins with recognising and respecting each other's communities, be those linguistic, cultural, religious or political. Language transcends all of those.



3. Give legislative force and policy frameworks to enable effective implementation

It is important to note that language rights exist independent of the actions of states. Policies and legislation can and should be enacted which respect, protect & fulfill rights – e.g. creating legal protections and enforcement mechanisms. However the relationship is not always clear and there is confusion between rights and the legal protections for those rights. Therefore, whilst it is important that states do protect and fulfill language rights, it is equally as important that these rights are recognised and exist in law so that they have legal protection. This means that any breaches of rights would have appropriate enforcement mechanisms; failure to do this virtually renders language rights ineffective because if breaches cannot be legally challenged, it enables discrimination without consequence.



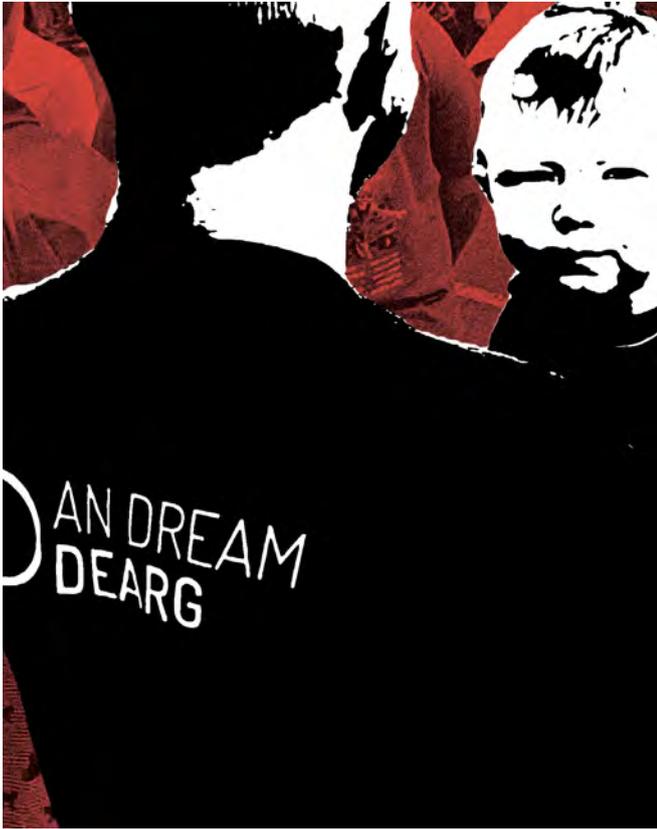
4. Support linguistic freedom for private parties and the proportionate use of minority languages by state authorities

Problems often arise when the use of a minority language is extended to local and state government level. It goes without saying that restricting language use to private settings alone is not practical, or indeed, ethical, but as is the case with Irish, because there was no law which officially recognised the language, there was no recognition of non-discrimination on the grounds of language. For this reason, engagement with state and local governments has been restricted to situations which those bodies have deemed to be 'appropriate' or 'necessary.' These terms are often difficult to quantify; what constitutes 'appropriate?' Is the use of minority languages ever to be considered at any time to be 'unnecessary?' This has created a clear distinction between the language rights of the minority language community (Irish) and that of the majority language community (English).



5. Integrate concept of active offer into public services

It is not simply enough to enact a piece of legislation and leave the rest to chance. The Irish language is a minoritised language here, after decades and centuries of marginalisation. For the language to thrive, people need to know it exists and speakers of the language need to know when and where they can engage with the state through their language. State authorities must not assume that all correspondents are aware of what services they do or do not provide in Irish. They must, however, proactively offer those services at the beginning of transactions and interactions. The choice, therefore, will be left with the person, but at least they will be aware that they have a choice to make. The responsibility for providing that choice falls with the service provider.



WHO ENFORCES LANGUAGE RIGHTS?

Duty-bearers are typically state actors; simply put, state actors are those who represent the government. They have a responsibility to protect, respect and fulfill the rights of rights-holders; for speakers of a minority language, the most fundamental language rights are those which enable them to receive an education or public services in their language. Duty bearers should facilitate these rights by putting in place laws or policies which enable the Irish language community to fully exercise their right, or by simply refraining from interfering with the enjoyment of a right.

WHO POSSESSES LANGUAGE RIGHTS?

It is important to note that there is a difference between those who possess language rights (rights-holders) and those who enforce them (duty-bearers). The Irish language community are rights-holders; they must be capable of claiming their rights and holding duty-bearers to account in fulfilling their language rights. The Irish language community is made up of individuals with varying levels of ability. There are;

- those who use Irish on a daily basis, be it in their workplace, educational institution, social life or their family home;
- those who haven't quite achieved fluency but are learning the language;
- those who don't necessarily speak Irish, but are sympathetic to the language. This includes individuals who have made the decision to have their children educated through the medium of Irish, for example.

When devolution came into effect, power was transferred from the British Government to the NI Assembly; essentially, they passed their responsibility as primary duty-bearers to the NI Assembly. However, when the NI Executive was established, the British Government were still under an obligation to ensure that all commitments, including those relating to the Irish language, were sustained. Furthermore, the British Government have since made bespoke commitments to the Irish language, being party to several international treaties, ratified into UK law, that deal directly with minority language protection and promotion, including for Irish. Despite all of the above, they have failed to satisfactorily provide adequate protection or recognition to the Irish language. Fundamentally, the British Government, alongside the Irish Government are co-guarantors of our key peace agreements over the last 2 decades. They are not neutral moderators, but active participants in ensuring full implementation of agreements and rights. Despite this, since 1998, the language rights of Irish speakers in the north have consistently been obstructed or blocked whilst communities continue to demand equality and recognition, as is afforded to minority language users across these islands.

GOOD FRIDAY AGREEMENT (1998)

The Good Friday Agreement (GFA) was to herald a new era of equality regarding the Irish language in the north. The commitments to the Irish language contained within the GFA were largely circulated around a statutory obligation to promote equality of opportunity; the Agreement itself included a commitment to linguistic diversity. The GFA went on to list 8 specific commitments from the British Government in relation to the Irish language, which were to be implemented “where appropriate and desired.” Compliance with these commitments over the last 23 years have fallen shamefully short of any attempt to bring Irish ‘in from the cold’; the below examples indicate only some cases where the state has failed to uphold their commitments to the Irish language under the GFA.

COMMITMENT WITHIN THE GFA

TAKE RESOLUTE ACTION TO PROMOTE THE LANGUAGE

HAS THIS BEEN SATISFACTORILY IMPLEMENTED?

According to the Council of Europe’s Committee of Experts (COMEX), ‘resolute action’ may be constituted by;

1. *The creation of legal framework for the promotion of minority languages*
2. *The establishment of bodies which are responsible for the promotion of these languages; and*
3. *The provision of financial resources.*

The absence of legal framework or official status for Irish has been compounded by insults and attacks on

the language, not from the margins, but from mainstream political parties. Without formal legal protection, Irish speakers do not enjoy equal rights with Welsh, Scottish and other Gaeilgeoirí on these islands. The foundation of a statutory body (Foras na Gaeilge) in 1999 had brought a genuine hope of increased funding and support for the Irish language and it’s community. Foras na Gaeilge were tasked with promoting Irish on an all-island basis. Serious concerns remain around the north-south funding mechanisms associated with Foras na Gaeilge, alongside the continuous disinvestment from both government departments in the cross-border language body, which has had profound impact on groups on the ground.

EXAMPLES OF HOW THIS COMMITMENT HAS BEEN IGNORED/ FAILED

2008: Foras na Gaeilge has had its core budget reduced consistently since the financial collapse in 2008 and despite similar bodies having their funding returned to this level (and more) in the following decade, Foras na Gaeilge still operates with a funding pot which has not addressed the long-term damage caused by those cuts.

2014: Gregory Campbell, MP “On behalf of our party, let me say clearly, we will never agree to an Irish Language Act at Stormont and we will treat their entire wish list as no more than toilet paper. They better get used to it.”

2017: Jim Allister MLA “Irish language is essentially a hobby language. It is of no practical value to anyone.”

2017: Arlene Foster, First Minister “If you feed a crocodile it will keep coming back and looking for more.”

2021: #CothromNaFéinne campaign was launched by the 22 groups who received funding under Foras na Gaeilge’s Irish Language in the Community Scheme (SPG) following some of the harshest cutbacks to programme costs and salaries, including reducing Irish language development officers to a 4 day week.

COMMITMENT
WITHIN THE GFA

FACILITATE AND ENCOURAGE THE USE OF IRISH IN SPEECH AND WRITING IN PUBLIC AND PRIVATE LIFE...

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?

Correspondence and communication with public authorities in Irish is rarely a straightforward process for the Irish language community. The absence of a legal framework has

long facilitated the denial of public authorities providing basic services to Irish speakers in Irish. Even after the signing of the GFA, many of the issues which prevented members of the Irish language community from playing a fair and equal part in society remain unresolved.

EXAMPLES OF HOW
THIS COMMITMENT
HAS BEEN IGNORED/
FAILED

1984: An Irish language schoolteacher was stopped at an RUC checkpoint in Belfast and spoke only in Irish when questioned. He was then summoned to court and fined.



2007: An Irish language school teacher was arrested in Belfast for speaking Irish when stopped by a PSNI officer. She was charged and fined.

COMMITMENT
WITHIN THE GFA

SEEK TO REMOVE, WHERE POSSIBLE, RESTRICTIONS WHICH WOULD DISCOURAGE OR WORK AGAINST THE MAINTENANCE OR DEVELOPMENT OF IRISH

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?



Instead of removing barriers, additional obstacles have been implemented to frustrate the development of the language and schemes with the aim of promoting Irish have been withdrawn.



EXAMPLES OF HOW
THIS COMMITMENT
HAS BEEN IGNORED/
FAILED

2016: Former Communities Minister, Paul Givan, decided to withdraw £50,000 of funding for the Líofo bursary scheme, a scheme which enabled children from the most disadvantaged areas on both sides of the community to attend Irish language summer colleges.

COMMITMENT
WITHIN THE GFA

MAKE PROVISION FOR LIAISING WITH THE IRISH LANGUAGE COMMUNITY

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?



Instead of removing barriers, additional obstacles have been implemented to frustrate the development of the language and schemes with the aim of promoting Irish have been withdrawn.

EXAMPLES OF HOW
THIS COMMITMENT
HAS BEEN IGNORED/
FAILED

2006/7: 93% of 668 responses were in favour of the implementation of an Irish Language Act. No Act has since been implemented.

2007: 65% of 11,000 responses were in support of Irish language legislation. No legislation was enacted.

2015: 94.7% of 13,000 responses were in favour of legislative protections for Irish. No legislation was enacted.

COMMITMENT
WITHIN THE GFA

PLACE A STATUTORY DUTY ON THE DEPARTMENT OF EDUCATION TO ENCOURAGE AND FACILITATE IRISH MEDIUM EDUCATION

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?

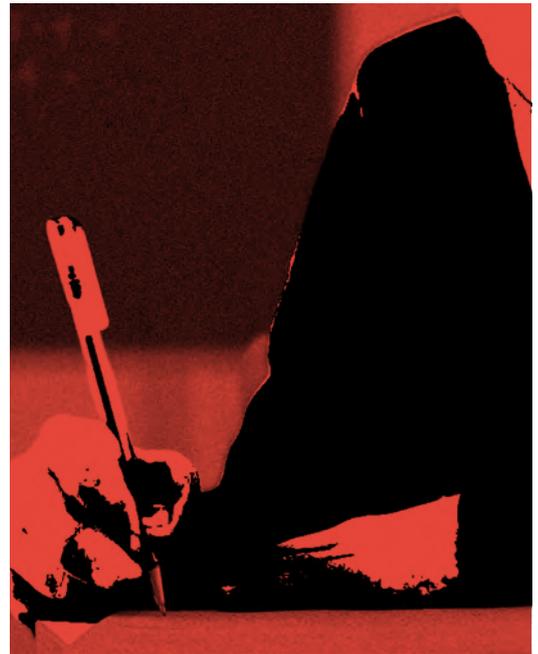


education since it was placed under a statutory duty to do so under the GFA. This has been manifested through;

THE Department of Education has consistently failed to satisfactorily encourage and facilitate Irish-medium

OPPOSITION to development proposals; in 2016, during his first 10 months as Minister for Education,

Peter Weir rejected 8 out of 25 development proposals across all education sectors. 6 of those 8 rejected proposals were for the Irish-medium sector. This came shortly after a DUP election manifesto where they vowed to "tackle the preferential treatment" of Irish medium schools.



FAILURE to provide children with access to Irish-medium schools; in 2011, a High Court judge ruled that the Department of Education failed to consider its statutory duty to encourage the development of IME when they refused to provide transport for 11 students travelling from Downpatrick to Coláiste Feirste, the only Irish-medium secondary school in the north at the time. The Department's defence was that their duty was merely 'aspirational.'

WITHDRAWALS in funding; in 2020, three of Belfast's leading Irish-medium play-groups, all of which are based in areas of high social deprivation, were unsuccessful in their applications to the Department of Education's Pathways Programme despite meeting the threshold for the funding.

FAILURE to provide adequate resources to Irish-medium schools; in 2021 of the 7,000 children currently being educated through the medium of Irish, there is only one SEN centre (Ionad Choláiste Feirste) which specialises in providing specialised, tailored support for children with special educational needs.

FAILURE to provide basic support to pupils and families attending Irish-medium schools; parents of children with special educational needs often encounter difficulties in receiving diagnoses because all diagnostic assessments are based on monolingual students (English-speaking students only).



EXAMPLES OF HOW THIS COMMITMENT HAS BEEN IGNORED/ FAILED

2010: The Department of Education refused to back a pilot transport scheme which would provide funding for a bus for 11 pupils travelling from Downpatrick to Coláiste Feirste, the only post-primary Irish-medium school at the time. They claimed that their commitments under the GFA were merely of 'aspirational' value.

2014: #BusAnois campaign was launched. The Department of Education refused to provide a bespoke bus service for children travelling to Coláiste Feirste from North Belfast. Children and parents incurred the cost of transport to school.

2014: Despite the growing demand, there was a lengthy campaign for the foundation of a second

post-primary Irish-medium school, Gaelcholáiste Dhoire. Progress was delayed significantly by former Education Minister, Peter Weir.

2016: Funding was withdrawn by the Department of Education for vital nurture units in 2 Irish-medium schools (Bunscoil Bheann Mhadagáin and Scoil an Droichid). At the time, the funding was allocated to 30 schools, none of which were Irish-medium schools.

2021: The Education Authority produced additional resources in 11 languages during the Covid-19 pandemic to help with learning during the period of school closures. Irish was not included in any of the learning material.

2021: 60% of Irish-medium schools are still located in temporary, unsatisfactory accommodation.

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES (2001)

The European Charter for Regional or Minority Languages (ECRML) was ratified by the British government for the Irish language in 2001; it is a European treaty, designed by the Council of Europe, that was adopted as a convention in 1992 in order to protect and promote traditional, historical, regional or minority languages. It sets out very practical guidelines and policies regarding the protection and promotion of minority languages, and is essentially a key tool in identifying the level of services that should be delivered by local councils and state bodies. The Irish language is registered by the British Government under Part III of the ECRML; part III contains specific undertakings in culture, economic and social life, administrative authorities, media, education, public authorities and transfrontier services. However, because there is no domestic legislation which affords Irish legal protection here, instruments like the ECRML are not legally enforceable; this means that the guidance and recommendations under the ECRML can only be of interpretative value.

COMMITMENT WITHIN THE ECRML

PROVIDE FOR SPEAKERS TO SUBMIT ORAL OR WRITTEN APPLICATIONS IN IRISH;

ALLOW PUBLIC AUTHORITIES TO DRAFT DOCUMENTS IN IRISH;

TO PROMOTE MEASURES TO ENSURE SUCH BODIES HAVE STAFF WHO HAVE A FULL COMMAND OF IRISH AS WELL AS ENGLISH;

HAS THIS BEEN SATISFACTORILY IMPLEMENT

A large majority of public authorities have no Irish language policy; because of this, there are no provisions made for Irish and thus no service is available through Irish. Prior to the publication of the NDNA legislation, public authorities were under no obligation outside ECRML to do so. Even upon individual request, service would be disjointed, slow or unavailable.

EXAMPLES OF HOW THIS COMMITMENT HAS BEEN IGNORED/ FAILED

2009: An Irish musician applied for an occasional drinks license through the medium of Irish for an upcoming concert in West Belfast's Cultúrlann Mac Adam Ó Fiaich. He was told that his application could not be considered. This was in line with the 1737 Administration of Justice Act which rendered it illegal to incorporate Irish in court documents.

2019: A report conducted by Conradh na Gaeilge, CAJ and Ulster University found that 9 out of the 11 (81.81%) council areas in the north had not undertaken any audit to assess the level of Irish language among their staff at the time.

2019: Mid-Ulster District Council published an Irish language version of its recycling guide as part of their Seachtain na Gaeilge celebrations. It was regarded as a 'waste of paper' by DUP Councillor Clement Cuthberston.



COMMITMENT
WITHIN THE ECRML

PERMIT/ENCOURAGE THE USE OF IRISH AS WELL AS ENGLISH IN DEBATES IN COUNCIL CHAMBERS/THE NORTHERN IRELAND ASSEMBLY;

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?



The use of Irish in Council chambers and on the Assembly, whilst it is permitted, is not facilitated. It. Prior to the NDNA legislation, those who spoke Irish in the NI Assembly had to provide their own translation for others. They have consistently been subject to mockery from unionist voices without formal legal recourse.

EXAMPLES OF HOW
THIS COMMITMENT
HAS BEEN IGNORED/
FAILED

2014: When addressing the Assembly, DUP MP Gregory Campbell opened with “Curry my yoghurt can coca-coalyer”, in mockery of the Irish “Go raibh maith agat, a Cheann Comhairle.”

2021: Local councils have consistently ignored their duties under the ECRML with 0/11 council areas providing a bespoke translation or interpretation service for Councillors or members of the public who wish to use Irish in the council chamber.

COMMITMENT
WITHIN THE ECRML

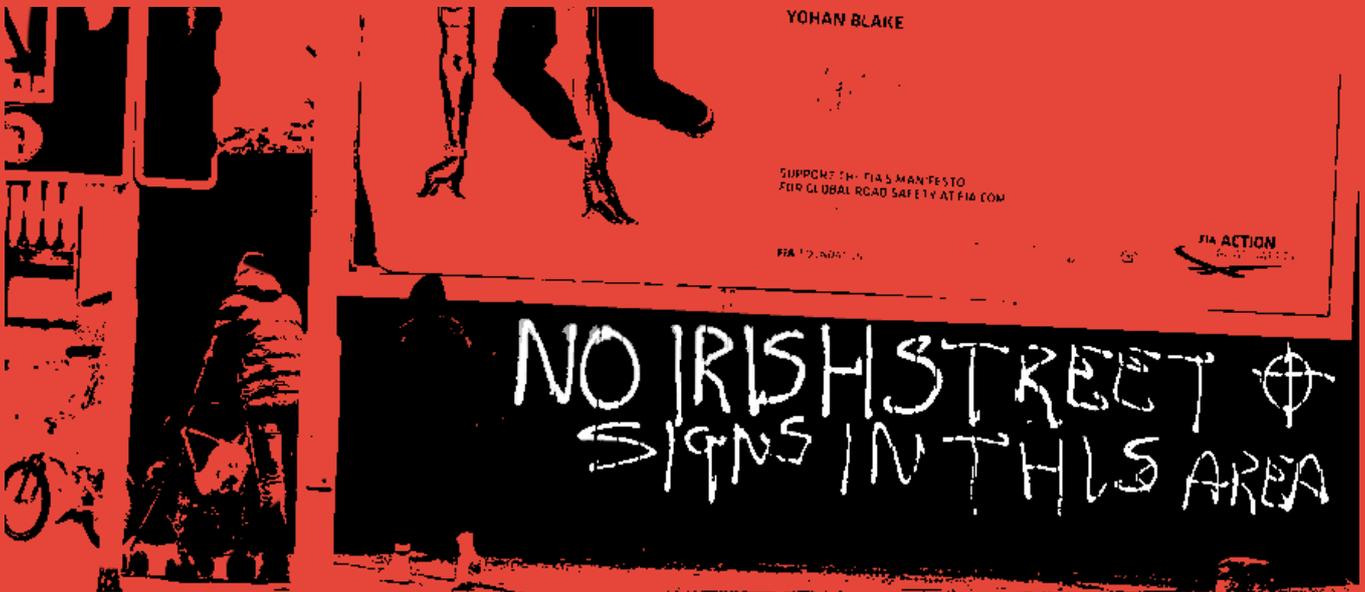
PERMIT/ENCOURAGE THE USE OF TRADITIONAL AND CORRECT FORMS OF PLACE NAMES IN IRISH

(IN CONJUNCTION WITH ENGLISH IF NEEDED)

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?



95%+ of place names in the north have an Irish origin. Displaying the original forms of place names on signage encourages engagement with the language in a neutral manner. Bilingual signage at local level should be available where there is a demand for it; instead, policies for bilingual signage have required support from unattainable, unrealistic majorities.



EXAMPLES OF HOW THIS COMMITMENT HAS BEEN IGNORED/ FAILED

2014: Belfast City Council faced a High-Court challenge over their former dual language street sign policy. 52/92 (56.5%) residents in the Ballymurphy Drive area of West Belfast confirmed their support for a bilingual street sign. However, 39 residents did not respond to the survey. Despite the majority, the non-responses were counted as 'no' votes and thus support for the survey did

not meet the minimum threshold of $\frac{2}{3}$ (66%) required.

Lisburn and Castlereagh District Council Street Naming and Numbering Policy - During applications for dual language street signs, the translation of the Irish street name must be a direct translation of the name in English. The direct translation will then be checked with university language service and the applicant is to bear the cost.

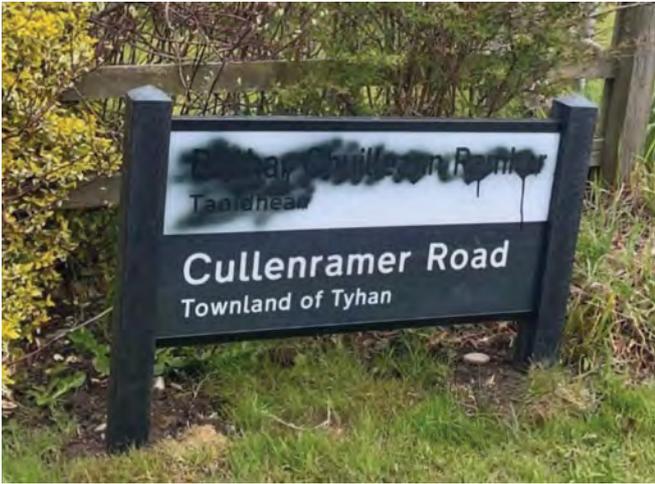
2018: Antrim and Newtownabbey Council attempted to introduce an

English-only street sign policy. This decision was set aside following a High Court challenge by a resident on grounds of discrimination.

2019: Antrim and Newtownabbey Council threatened to prosecute an 85-year-old woman for having a self-made Irish language street sign on her property.

2015-2021 - Frequent hate crimes on bilingual signs across the north.

See opposite



COMMITMENT
WITHIN THE ECRML

TO ENCOURAGE INITIATIVES SPECIFIC TO IRISH, AND FOSTER ACCESS TO WORKS PRODUCED IN IRISH;

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?



Regionally, initiatives specific to Irish are limited to council areas with an Irish language policy. Irish language promotion is largely absent in all other districts/bodies, with few exceptions.

EXAMPLES OF HOW
THIS COMMITMENT
HAS BEEN IGNORED/
FAILED

2018: Following a spend of £335 on Irish language events across 4 years, Mid and East Antrim Borough Council were requested by Conradh na Gaeilge to consider allocating a portion of their funding to the organisation of events as part of Seachtain na Gaeilge. This was rejected and groups were told to apply via the council's grant scheme.

COMMITMENT
WITHIN THE ECRML

TO ENSURE BODIES RESPONSIBLE FOR ORGANISING OR SUPPORTING CULTURAL ACTIVITIES MAKE APPROPRIATE ALLOWANCE FOR INCORPORATING KNOWLEDGE AND USE OF IRISH IN THEIR ACTIVITIES;

HAS THIS BEEN
SATISFACTORILY
IMPLEMENTED?



The absence of legal framework has frequently been cited by public services as an excuse to make no allowance for the incorporation of Irish in the provision of services. Even in cases where there has been demand for such services in Irish, it has been denied.

EXAMPLES OF HOW
THIS COMMITMENT
HAS BEEN IGNORED/
FAILED

2018: The National Trust refused to provide translated audio service in Irish at the Giant's Causeway. The service was offered in 11 different languages, of which Irish was not one. They claimed that they would reexamine their decision "should changes to legislation come into effect in this area."

2019: During their campaign for bilingual signage on campus, An Cumann Gaelach QUB's received a letter from University Vice Chancellor James McElnay, cited the university's equality and diversity policy, indicating that the university would not display "language likely to be provocative, offensive or intimidatory."



ST. ANDREW'S AGREEMENT (2006)

An 8 year delay in the fulfillment of the obligations outlined in the Good Friday Agreement preceded The St. Andrew's Agreement of 2006. This Agreement built on the above promises and gave rise to a new commitment to legal provision for Irish; the British government promised to,

"...introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish language."

There were early warning signs of the delay that was to follow as the St. Andrew's Agreement Act (2007) did not allude to the commitment made regarding an Irish Language Act. Rather, it gave rise to legal provision through a newly added Section 28(d) to the 1998 Northern Ireland Act, which outlined that,

"(1) The Executive Committee shall adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language..."

The main outcome of the St. Andrew's Agreement was the restoration of the Assembly in the north. Despite this restoration being based on the full implementation of all commitments under the St. Andrew's Agreement, 16 years later, still the Irish language community are denied an Irish Language Act which reflects the experience of Wales and in the south. Not only this, but the adoption of an Irish language strategy has been subject to significant delays. The 15-year delay left Conradh na Gaeilg

THE IRISH LANGUAGE STRATEGY TIMELINE (2006-2017)

2006/7:

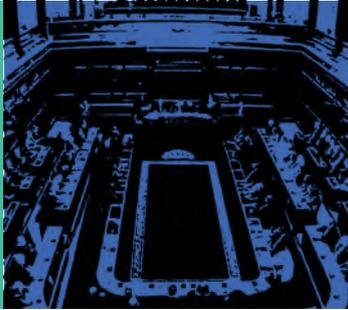
Commitment to an Irish language Strategy under the St Andrew's Agreement Act, which made amendments inserting a new Section 28(d) into the NI Act 1998.

2007:

The Department for Culture, Arts and Leisure (DCAL) held a public consultation on proposed Irish language legislation. 7,500 out of the 11,000 (65%) responses received indicated support for some form of legislation. Despite this, former DCAL Minister Edwin Poots remained unconvinced of the need for Irish language legislation.

2011:

Irish language strategy is included in the Executive's Programme for Government 2011-2015.



2015:

A public consultation was held by DCAL regarding proposals for an Irish language bill. 12,233 (94.7%) of 12,911 responses indicated support for Irish language legislation.

2015:

Former DCAL Minister, Carál Ní Chuilín published the draft in January 2015. Adaption of the strategy was brought to a vote within the Executive and was subsequently blocked by the DUP

2017:

Conradh na Gaeilge commenced legal proceedings to challenge the ongoing failure of the NI Executive to implement an Irish language strategy. It was ruled that the Stormont Executive was in breach of Section 28(d) of the Northern Ireland Act (1998) and had thus failed in its legal duty to adopt the Irish language strategy.



JANUARY 2020

A clear timeframe of 3 months was given for the publication of a comprehensive timetable for the development and delivery of the strategy, and a 6 month timeline for a draft strategy to be brought for consultation. As well as this, work on a timetable for the strategy's completion and the co-design process was due to be underway within 100 days of the agreement. More than 500 days on, neither a strategy nor the timetable for developing the strategy have been progressed by the Executive.

JULY 2020

The Committee of Experts published its fifth report in respect of the United Kingdom's compliance with the European Charter for Regional

or Minority Languages. Among the recommendations, they called for the adoption of

"...a comprehensive law and a strategy on the promotion of Irish in Northern Ireland."

OCTOBER-NOVEMBER 2020

The timetable for the development and delivery of 4 social inclusion strategies was published by the Minister for Communities. Their expert advisory panels were appointed and work commenced on the strategies.

APRIL 2021

The High Court granted leave for Conradh na Gaeilge to apply for a Judicial Review regarding the Executive's continued failure to implement an Irish language Strategy, leaving them once again in breach of Section 28(d) of the 1998 NI Act.

AUGUST 2021

The Minister for Communities publicly announced the appointment of the Expert Advisory Panel for the Irish language strategy.





DESPITE the aspirational commitments of each of these agreements to the Irish language, they have failed to live up to even the most modest of expectations and in challenging these shortcomings, our calls for equality have been branded ‘excessive.’ The absence of bespoke legislation for Irish has meant that important decisions have been based on Ministerial preference, rather than a clear, legal framework. Because of this, Executive Ministers who oppose our rights have long been provided with a veto to do so, and have consistently used this to frustrate any form of progress being made in the affordation of our rights. The results of public consultations have been ignored, despite being overwhelmingly in favour of Irish language legislation. Despite demand, public authorities have denied us basic service provision in Irish because they are under no legal obligation to do so. Without formal legal protection, there is no legal recourse if/when Irish falls victim to vitriolic attacks, or when commitments and promises to the language remain unfulfilled. This is why we need #AchtAnois.

Whilst an Irish language act won’t be a panacea for all of the struggles that the language, and indeed it’s community, face, it would set a clear, legal framework which the

language’s protection and promotion would be based upon; this framework would be drawn from international best practice, looking at and learning from what has and hasn’t worked in other jurisdictions on their respective language revitalisation journeys. An Irish language act would remove the Irish language from the political arena and from the hands of a given minister/party, preventing politically motivated attacks on the language. It would provide clarity to the Irish language community and to public services; an Irish language act would set out the parameters by which our community can engage with the state, and would enable the state to understand their obligations in playing an active facilitation role with regard to service provision in Irish, rather than placing barriers in the way.

An Irish language act is not, as some have claimed, an attempt to promote an overtly political agenda. It is not a means to erode the identity of others. The demand for a language act comes from the understanding, based on international experience and expertise, that it can assist in the revival and can play a transformational role in normalising attitudes towards the language.



NEW DECADE NEW APPROACH

WHAT ARE THE NEW LEGAL PROTECTIONS FOR MY RIGHTS?

The historic provisions made for Irish in the New Decade New Approach agreement in January 2020 demonstrated a significant advancement in An Dream Dearg's #AchtAnois campaign and provided a starting point for change. The provisions made for the Irish language in the New Decade New Approach agreement did fall far short of what was promised in the internationally binding St. Andrew's agreement of 2006. However, for the first time in a state which has historically discriminated against and excluded the Irish language community, the Irish language was officially recognised and now exists in law.

The delay in the implementation of the Irish language legislation has been hugely frustrating for the Irish

language community, whose long-standing campaign for language rights, recognition and respect underpinned the very content of that legislation. However, the latest public commitment from the British government to enact the legislation by October 2021, with the appointment of Commissioners by March 2022, is a huge staging post in our journey. 'Once again, the British Government have failed to honour this commitment and no such legislation has been enacted as of yet.

Whilst obtaining this commitment is testament to the outstanding display of grass-roots activism from the Irish language community, it is important to remember why we have been brought to this point. All political parties signed up to the NDNA agreement, and returned to the Executive on the basis of the full implementation of all commitments contained within the agreement. However, as we have consistently seen over the last 15 years, it is the obstructionism of the DUP that has stood in the way of forming a progressive, rights-based society. Once again, their total inability to accept long outstanding human rights commitments have brought us to the edge. With regard to the content of the draft NDNA legislation and what it means for Irish speakers, the key elements are summarised opposite.



APPOINTMENT OF AN IRISH LANGUAGE COMMISSIONER

To compose standards for public services and investigate complaints of non-compliance.



OFFICIAL RECOGNITION OF THE STATUS OF IRISH

Gives legal effect to the functions of the Irish Language Commissioner and best practice standards.



BEST PRACTICE STANDARDS ON PUBLIC AUTHORITIES

Sets clear guidelines and ensures Irish speakers receive certain services in Irish from public authorities.



CENTRAL TRANSLATION HUB

Provides a translation service to the 9 Executive Departments, Arm's Lengths Bodies, Public Bodies and Local Government.



AN IRISH LANGUAGE STRATEGY

Provides realistic objectives, actions and measurable outcomes for the development and revival of the Irish language



REPEAL OF THE 1737 ADMINISTRATION OF JUSTICE ACT

No longer renders it illegal to speak Irish in court or to include Irish in court documents (birth, marriage & death certificates).



IRISH IN THE ASSEMBLY

Standing Orders are to be amended to allow for simultaneous translation for speakers of Irish or Ulster Scots.



THE APPOINTMENT OF AN IRISH LANGUAGE COMMISSIONER

An Irish Language Commissioner is someone who works to provide more opportunities for people to use Irish, particularly in public life. The appointment of an Irish Language Commissioner draws on the best practice model; both Wales and the south of Ireland have language commissioners. Their main job is to implement best practices regarding language protection and promotion outside of political interference

RESPONSIBILITIES OF THE IRISH LANGUAGE COMMISSIONER



DRAFTING BEST-PRACTICE LANGUAGE STANDARDS FOR USE BY PUBLIC AUTHORITIES

The Irish Language Commissioner is responsible for drafting these language standards (Covered in the next section).



RANKING THESE PUBLIC AUTHORITIES AS PER THEIR LEVEL OF ENGAGEMENT WITH THE IRISH LANGUAGE COMMUNITY

The Irish Language Commissioner will rank public authorities on a 'sliding scale'. Their rank determines the number of language standards they will have to meet.



MONITORING COMPLIANCE WITH LANGUAGE STANDARDS

Under the NDNA Agreement, public authorities are to have 'due regard' for the language standards placed on them. The Irish Language Commissioner is responsible for monitoring compliance.



INVESTIGATING COMPLAINTS ACCORDINGLY

If someone feels that a public body is failing in their duty to adhere to the language standards and is thus failing to provide an adequate service in Irish, they have a right to make a complaint to the Irish Language Commissioner. The Commissioner must then investigate this complaint.

The appointment of an Irish Language Commissioner is hugely important in relation to the language rights of Irish speakers because;



An Irish Language Commissioner solidifies the right of Irish speakers to receive certain services from public bodies through the medium of Irish.

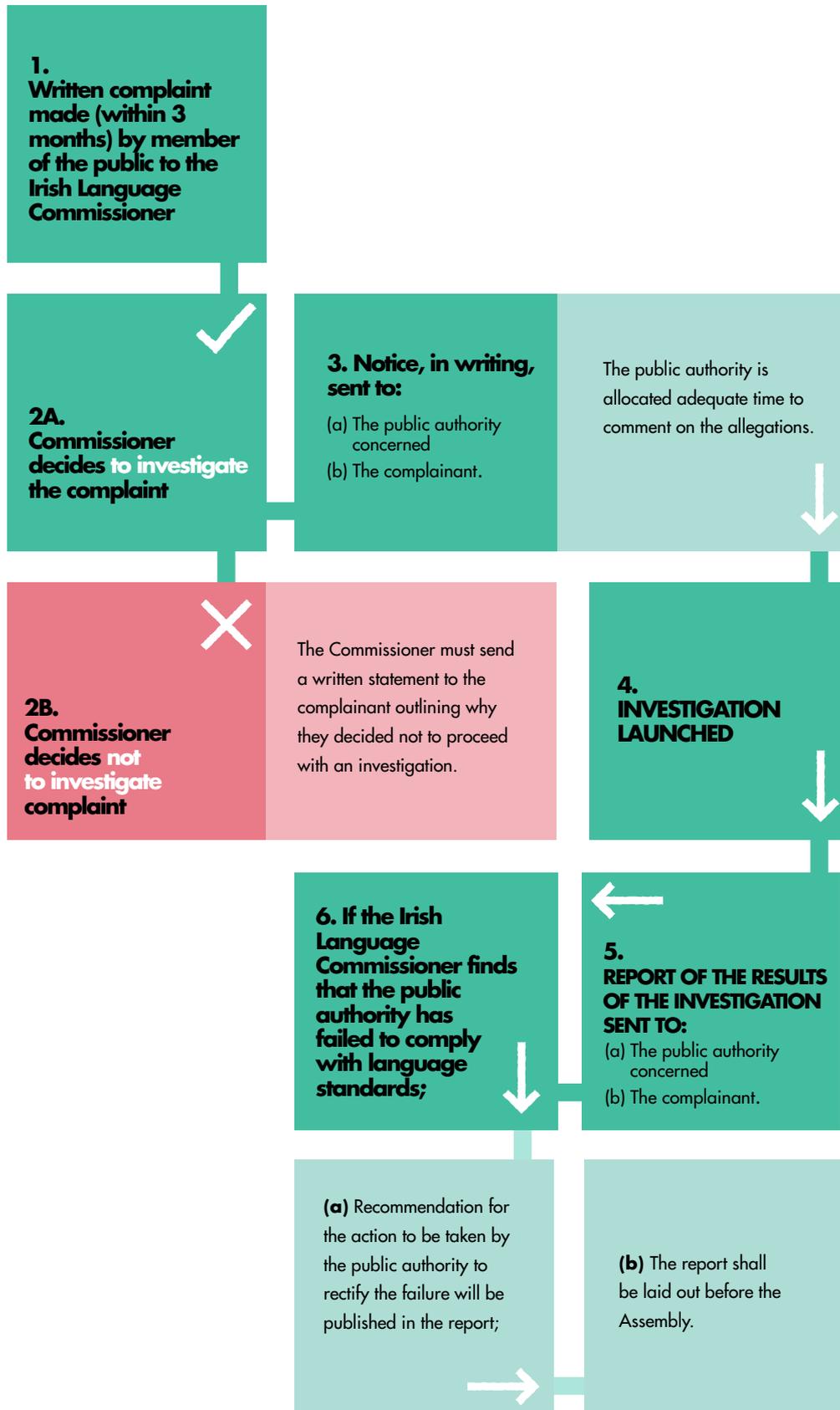


The Irish Language Commissioner removes decision making from the political domain, and thus depoliticises the language, acting as a bridge between the community and public authorities.



The Irish language community now have the right to raise concerns with the Irish Language Commissioner if they feel that a public authority is failing to have 'due regard' for the language standards set by the Irish Language Commissioner.

THE COMPLAINTS PROCEDURE FOR THE IRISH LANGUAGE COMMISSIONER AS OUTLINED IN NDNA





BEST PRACTISE STANDARDS ON PUBLIC AUTHORITIES

The setting of language standards draws on the Welsh language model; the language standards outlined in the NDNA agreement will be done on a 'sliding scale' whereby the Irish Language Commissioner will be tasked with creating categories for public authorities, which will be based solely on level of engagement with the Irish language community. The level of categorisation will determine the number of standards that the public bodies are expected to consider. For example, those with the most daily, face-to-face contact with the Irish language community should be in the highest possible category. However, public authorities with the least interaction with the Irish language community would have considerably lower standards to meet.

	CATEGORY
<p>The higher the category, the more language standards the Irish Language Commissioner will assign to that public authority.</p>	<p>A</p> <p>Public authorities in this category have the highest level of interaction with the Irish language community</p>
	<p>B</p> <p>Public authorities in this category have less daily contact with the Irish language community, however are still expected to provide a suite of front-facing community services through Irish.</p>
	<p>C</p> <p>Public authorities in this category have limited interaction with the Irish language community. They will, however, be expected to provide basic Irish language service provision.</p>



Language standards increase the opportunity to use Irish in public services, and set clear guidelines as to what the Irish language community can expect.



Language standards are proportional to level of engagement, meaning that Irish isn't 'forced' upon people who do not wish to engage with it. It simply provides those who wish to engage with public authorities in Irish with an opportunity to do so.



Public authorities are expected to have 'due regard' for the language standards, which is much weaker than a duty to comply, as is the case with the Welsh language model.



POSSIBLE GRADINGS FOR PUBLIC AUTHORITIES AND WHAT TO EXPECT

Public bodies in Category A would be expected to provide the highest standard of service in Irish, given their high level of interaction with the Irish language community. This means that they will have a higher number of standards to consider, compared to public authorities in categories B and C. Below are several examples of what some best-practice language standards may look like. This is not a definitive list and in practice, the suite of language standards will be more extensive and comprehensive.

	STANDARD 1	STANDARD 2	STANDARD 3	STANDARD 4	STANDARD 5	STANDARD 6	STANDARD 7
CATEGORY	CORRESPONDENCE If the public authority receives correspondence from a member of the public in Irish, they must reply in Irish (if an answer is required)	VISIBILITY Any notice must be published and displayed bilingually (in Irish and English), without treating the Irish language version less favourably than the English language version	PUBLICATIONS Any document that is produced for public use must also be produced in Irish	TRAINING AND CAPACITY The public authority must provide training on using Irish effectively in: <ul style="list-style-type: none"> (a) <i>Dealing with the public;</i> (b) <i>Meetings;</i> (c) <i>Interviews and;</i> (d) <i>Complaints and disciplinary procedures.</i> 	ACTIVE OFFER Upon requesting a service or document, members of the public are to be immediately informed if the service/document is available in Irish.	PUBLIC ANNOUNCEMENTS When the public authority announces a message over a public address system, the message must also be made in Irish.	PUBLIC COURSES If an education, awareness or information course is to be offered to the public, the need for that course to be offered in Irish is to be assessed.
A	✓	✓	✓	✓	✓	✓	✓
B	✓	✓	✓	✓	✓		
C	✓	✓	✓	✓			

WHAT IS A PUBLIC AUTHORITY?

Public authorities are organisations which are publicly funded to deliver a public or government service. According to the NDNA legislation, only public authorities listed in Schedule 3 of the Public Services Ombudsman Act NI (2016) are to be issued with, and have 'due regard' for the language standards set by the Irish Language Commissioner. We estimate there to be in and around 120 public authorities for categorisation by the Irish Language Commissioner; the Public Services Ombudsman Act (2016), for example, lists 'a district council' as a public service, of which there are a total of 11 throughout the north.

In comparison with the Welsh language standards, the scope of the language standards listed in the NDNA legislation is much narrower. There are a number of front-facing services which are not listed under Schedule 3 of the Public Services Ombudsman Act (2016). Information regarding Covid-19 and testing, for example, is operated by Gov.uk and is thus not covered by the language standards set by the Irish Language Commissioner. This means

that this service, which the Irish language community frequently avail of, will not be available through Irish, but will be available to them in Welsh. Whilst it is possible for a public authority which is not listed on Schedule 3 to be considered, this requires consent from both the First and Deputy First Minister, once again providing for a potential veto mechanism.

THE IMPORTANCE OF PUBLIC AUTHORITIES INCORPORATING ACTIVE OFFER

Active offer is the practice by which public authorities offer a service in Irish, without the Irish speaker having to ask for it. Employing an active offer approach is hugely beneficial to Irish language service provision; it ensures that Irish speakers know of their option to avail of that service through Irish and removes the assumption that all Irish speakers speak English.



PUBLIC AUTHORITY DOES NOT 'ACTIVELY OFFER' THEIR IRISH LANGUAGE SERVICES.



IRISH SPEAKERS ARE UNAWARE THAT THE SERVICE IS AVAILABLE IN IRISH, OR PERHAPS DON'T FEEL COMFORTABLE ASKING FOR THIS SERVICE.



IRISH LANGUAGE SERVICES ARE NOT USED AND THE NEEDS OF IRISH SPEAKERS ARE NOT MET.



PUBLIC AUTHORITY 'ACTIVELY OFFERS' THEIR IRISH LANGUAGE SERVICES.



THE RESPONSIBILITY FOR AVAILING OF THE IRISH LANGUAGE SERVICE IS REMOVED FROM THE IRISH SPEAKER.



IRISH LANGUAGE SERVICES ARE MORE WIDELY USED AND THE NEEDS OF IRISH SPEAKERS ARE MET.

HOW OUR PUBLIC AUTHORITIES MAY BE CATEGORISED

THE legislation directs the language commissioner to devise the categories of language standards. Following this, the Irish language commissioner is then tasked with categorising each public authority as per their interaction with the community on a sliding scale, for example, A-C. The scale could be broader depending on the Irish Language Commissioner's method of categorisation for standards and public authorities. Below is an early attempt to begin the discussion around that categorisation. This is not a definitive list, but may represent the levels of interaction between public authorities and people.

CATEGORY A

- Department of Agriculture, Environment and Rural Affairs
- Department for Communities
- Department of Economy
- Department of Education
- The Executive Office
- Department of Finance
- Department of Health
- Department of Infrastructure
- Department of Justice
- Antrim and Newtownabbey Borough Council
- Ards and North Down Borough Council
- Armagh City, Banbridge and Craigavon Borough Council
- Belfast City Council
- Causeway Coast and Glens Borough Council
- Derry City and Strabane District Council
- Fermanagh and Omagh District Council
- Lisburn and Castlereagh Council
- Mid and East Antrim Borough Council
- Mid Ulster District Council
- Newry, Mourne and Down District Council
- University of Ulster
- The Queen's University of Belfast
- The Youth Council for Northern Ireland
- The Council for Catholic Maintained Schools
- The Education Authority
- The Northern Ireland Tourist Board
- The General Teaching Council for Northern Ireland
- The Northern Ireland Council for the Curriculum, Examinations and Assessment
- The Arts Council of Northern Ireland
- The Northern Ireland Library Authority
- The Northern Ireland Museums Council
- The Sports Council for Northern Ireland
- Belfast Health and Social Care Trust
- South Eastern Health and Social Care Trust
- Northern Health and Social Care Trust
- Southern Health and Social Care Trust
- Western Health and Social Care Trust
- Northern Ireland Ambulance Service Trust
- The Patient and Client Council
- The Regional Agency for Public Health and Social Well-being
- A general health care provider
- An independent provider of health and social care
- The Northern Ireland Housing Executive

- A registered housing association within the meaning of Article 3 of the Housing (Northern Ireland) Order 1992
- The Safeguarding Board for Northern Ireland
- The Equality Commission for Northern Ireland
- The Northern Ireland Community Relations Council
- The Northern Ireland Fire and Rescue Service Board
- The Office of the Commissioner for Older People for Northern Ireland
- Commissioner for Survivors of Institutional Childhood Abuse
- An Institution of Further Education
- The board of governors of a grant-aided school
- A policing and community safety partnership or a district policing and community safety partnership
- A special health and social care agency

CATEGORY B

- The General Consumer Council for Northern Ireland
- Ulster Sheltered Employment Limited
- The Independent Financial Review Panel
- The Local Government Staff Commission for Northern Ireland
- The Northern Ireland Local Government Officers' Superannuation Committee
- The Charity Commission for Northern Ireland
- Invest Northern Ireland
- The Chief Inspector of Criminal Justice in Northern Ireland
- The Commission for Victims and Survivors for Northern Ireland
- The Probation Board for Northern Ireland
- The Health and Social Care Regulation and Quality Improvement Authority
- The Northern Ireland Social Care Council
- Office of the Certification Officer for Northern Ireland
- The Labour Relations Agency
- Regulator of Community Interest Companies
- The Health and Safety Executive for Northern Ireland
- Civil Service Commissioners for Northern Ireland
- The Historical Institutional Abuse Redress Board established under section 1 of the Historical Institutional Abuse (Northern Ireland) Act 2019
- The Northern Ireland Policing Board
- The Northern Ireland Practice and Education Council for Nursing and Midwifery
- The Regional Health and Social Care Board

CATEGORY C

- The Northern Ireland Fishery Harbour Authority
- The Royal Ulster Constabulary George Cross Foundation
- The Police Rehabilitation and Retraining Trust
- The Northern Ireland Police Fund
- The Northern Ireland Council for Postgraduate Medical and Dental Education
- The Board of Trustees of the National Museums and Galleries of Northern Ireland
- The Regional Business Services Organisation
- A harbour authority within the meaning of the Harbours Act (Northern Ireland) 1970
- The Livestock and Meat Commission for Northern Ireland
- The Northern Ireland Authority for Utility Regulation
- The Northern Ireland Audit Office
- The Comptroller and Auditor General



OFFICIAL RECOGNITION OF THE STATUS OF THE IRISH LANGUAGE

Another key component of the Irish language legislation is the 'official recognition of the status of the Irish language.' There was a degree of confusion as to whether the above provision meant that Irish had official status here; technically, official status has two strands, both of which must be met if a language is to be considered as having 'official status':

DECLARATION

There is a statement contained within the legal framework of a country that the language has official status.

NDNA makes no direct reference to official status, as per the Welsh legislation; what exists is an official recognition of the status of Irish, which is in addition to what is provided by the statutory provisions already in place.

To some, this has been interpreted as Irish being granted official status because there is some form of recognition for Irish in the legal framework.

In summary, only the provision bespoke referenced in the legislation is covered under the "official status" for Irish. Any "rights" not referenced in the NDNA bill aren't afforded to Irish language speakers, meaning that there is still potential for Irish

LEGAL EFFECT

The manner in which the 'declaration' is enforced by law.

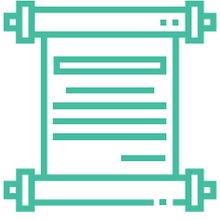
Legal effect is given to this declaration, however it only references two specific areas;

1. *The appointment and functions of the Irish Language Commissioner and;*
2. *The best practice standards on public authorities.*

In addition to the existing provisions under;

- *Section 28(d) of the Northern Ireland Act (1998)*
- *Article 89 of the Education Order (2000)*

to be treated less favourably in law. This is clearly much weaker than the legal status which is afforded to Welsh in Wales, where it is specifically stated that "The Welsh language has official status in Wales."



REPEAL OF THE 1737 ADMINISTRATION OF JUSTICE ACT

This is the last remaining Penal Law. This Act had rendered it illegal to speak Irish in court, and prevented the use of Irish in any court documents; this meant that Irish was totally eradicated from the court system, employing a very much English-only process. Equivalent acts in England and Wales were repealed in 1863. This repeal is contained within the draft legislation for the Office of Identity and Cultural Expression.



This would provide interpretation during court proceedings for those who don't speak English, and could be extended to facilitate the use of Irish.



It would also mean statutory provision being made to facilitate the registration of births, deaths and marriages through Irish, and would allow for wills to be validly made in Irish.



It would be up to the court to determine whether the use of Irish is necessary; this may prove particularly difficult if all parties have the ability to understand and speak English. This essentially provides the courts with an "opt-out", an excuse not to use Irish if they decide they don't want to, rather than leaving this to the discretion of the speaker.

Therefore this strand of the legislation essentially means that it is no longer illegal to speak Irish in court, or to include Irish in court documents. Permission to use Irish and the facilitation of interpretation services for Irish would be at the court's discretion. If the court accepts

your request, it would mean that you can give evidence in Irish, and that family court hearings and civil actions would be conducted through Irish. It is likely that you will be provided with an interpreter, who will translate your speech for all others present in the courtroom.



AN IRISH LANGUAGE STRATEGY

An Irish language strategy sets out a long term plan for the language, and aims to protect and enhance the development of Irish across all areas of society. A strategy provides realistic objectives, actions and measurable outcomes for the development and revival of the Irish language.

Where the Irish language legislation (the “Act”) is the legal framework for protecting the language in law, the

Strategy should be viewed as a time-bound road-map, mostly for communities, usually planning language interventions and actions over a period of 20 years.

The most recent commitment to an Irish language strategy contained in the NDNA Agreement falls under the remit of the Department for Communities.

According to the agreement, the strategy is to undergo a process of community engagement and co-design; an Expert Advisory panel will be appointed to advise the Department as to the direction of the new Irish language strategy. The Irish language co-design groups will be afforded civic spaces to assess the recommendations by the Expert Panel, to oversee the implementation of the strategy and to provide feedback on the content of the draft strategy.



The Irish language strategy provides the Irish language community with strategic, long-term planning and action; they will no longer have to rely on ad-hoc and short-term initiatives, without indicators or measurable outcomes as would be contained in a language revival and development plan.

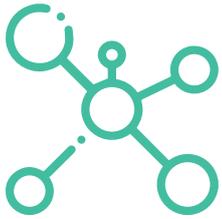


The co-design process of the Irish language strategy creates new spaces for input from the Irish language community as to the very content of the strategy. It will be an opportunity for them to influence and engage with decision makers in making meaningful change and to have their voices heard.



All phases of strategy’s development have been subject to considerable delays; of course the pandemic has partly contributed to this, but other social inclusion strategies, which were to have the same timeframe for development and implementation as the Irish language strategy,

have been progressed. It seems unreasonable that the development of an Irish language strategy, which is to incorporate elements of a previous existing strategy and which was committed to in St. Andrew’s Agreement Act of 2007, is subject to further delays.



CENTRAL TRANSLATION HUB

The NDNA agreement also commits to the establishment of a Central Translation Hub in the Department of Finance within 3 months of the agreement. The purpose of a Central Translation Hub is to provide a language translation service to the 9 Executive Departments, Arm's Lengths Bodies, Public Bodies and Local Government. This translation service will provide these departments and bodies with written translation, proof reading or transcription.

What this means is that we should expect to see more Irish in:

- Bills and other important publications;
- Correspondence between members of the public and state bodies;
- Forms;
- Stationary and;
- Websites.

Since the publication of the NDNA agreement, responsibility for the Central Translation Hub has subsequently been passed to the Department for Communities. The service was launched in April 2021.



Every person should have the right to communicate with state departments and bodies through the medium of Irish and receive a reply in Irish. The Central Translation Hub facilitates such correspondence.



This is based on the best-practice model as it is the most financially prudent way to deal with translation on demand. The Central Translation Hub will also be crucial upon the Irish Language Commissioner's publication of language standards as bills and other important publications, which will potentially have to be translated individually by more than 100 public companies, can be translated by the Central Translation Hub.



IRISH IN THE ASSEMBLY

According to the NDNA agreement, the Assembly's standing orders are to be amended to allow for simultaneous translation service for speakers of Irish and Ulster Scots. What this means is that any MLA or member of the public will have the right to use Irish in the assembly chamber and their speech will be translated into English for those members who do not speak Irish.

A motion passed in June 2021 saw agreement on the introduction of a simultaneous and passive translation system in Stormont, for review within 6 months based on level of demand.

Simultaneous interpretation: An interpreter translates the message from Irish to English in real-time, as the speaker speaks.

Passive translation: The interpreter translates from Irish to English, but not from English to Irish. This is because everyone is assumed to understand English.



Prior to this motion being passed, if a member wished to speak Irish, it was their responsibility to provide translation themselves. This system means that those who wish to use Irish are not disadvantaged in any way.



Currently, the interpretation is only offered in plenary sessions (meetings which are attended by all members of the assembly). It has not yet been extended to include the work of the committees or subcommittees. This means that if a member of the public is invited to address a committee and wishes to speak Irish, there will be no interpretation provided.



Irish language services should not be solely based on uptake particularly given that it is a minority language. The 6-month review period upon introduction of the interpretation system does place unnecessary conditions on what is an extremely positive thing for the Irish language community.

WHAT CAN I DO RIGHT NOW?

Over the last number of decades, Irish language activists have demonstrated an unwillingness to sit and wait patiently for those in power to do the right thing by them; they know better than to wait for the 'go ahead' from those same people and parties who have played an active and deliberate role in their marginalisation. Irish language activism nowadays builds upon the humble seeds planted by the pioneers of the Shaw's Road Gaeltacht, whose 'ná habair é, déan é' [don't say it, do it] attitude has proven transformational in the modern-day Irish language revival. Anything that the Irish language community has achieved has been achieved in spite of the state, not because of it; they have taken matters into their own hands and shown that when people come together in an organised manner and with a common goal, there is no question that cannot be asked, no demand that cannot be made and no inequality that cannot be challenged. As a community, we have the skillset, knowledge and agency to go in search of our rights. We don't need permission.

Therefore, whilst the delay in the implementation of the NDNA language legislation is hugely frustrating, we can still play our part. We don't have to sit around and wait for those in power; we have the agency to ask the uncomfortable questions, to participate in the discussion and to get involved in the debate. Here are some things you can do to make a difference right now:



1. Apply for a bilingual street sign in your area



Each of the 11 district councils have their own rules for requesting bilingual street signs; council policies range from those with more progressive policies, to those with no policy at all. This means that residents in one council may submit a request for a bilingual street sign, whilst residents in other council areas are not afforded that same opportunity. Some councils have also placed unnecessary barriers in the way of applications for bilingual street signs being successful. The importance of language visibility should not be overlooked; it helps in normalising attitudes towards the language and promotes a better understanding across all sections of the community. You can see what steps you need to take in applying for a bilingual street sign and use our interactive tool to assist you in your application by scanning the barcode above.



2. Challenge your local council



Local councils have a pivotal role to play in fulfilling the state's obligations to the Irish language community; their roles range from matters of community development to promoting good relations, something which should involve tackling prejudice and promoting a better understanding across all communities. Some councils have taken steps to support the language and provide basic services to Irish speakers, but again,

there is a great level of disparity between what is available in some council areas compared to others. Foras na Gaeilge compiled a guidance document in 2015 which sought to provide local councils with some clarity around how they should fulfill their obligations under the European Charter for Regional or Minority Languages. You can access the document by scanning the barcode above.

In 2019, Conradh na Gaeilge, CAJ and Ulster University also compiled a Framework for compliance which measures local councils' compliance with their obligations under the European Charter for Regional or Minority Languages. You can see what, if any, provisions are in place for Irish in your local council area by scanning the following barcode:



3. Use the power of social media



Social media has proven to be a very useful tool in modern-day activism. It enables us to engage directly with decision-makers, to reach a widespread audience, to use our voice to challenge

inequalities or to commend positive changes that we see. Particularly with the onset of the Covid-19 pandemic, online activism has skyrocketed, with more and more campaigns turning to social media to disseminate their message. Something as simple as a 'like', 'share' or 'retweet' could go a long way in helping the various campaigns to spread the word.



4. Support language campaigns

Irish language activism has certainly gained momentum in recent years; everywhere across the north, communities

and people are challenging the status-quo, organising themselves and setting their own respective agendas. The Irish language community are no longer willing to accept their treatment as second-class citizens and when committed, like-minded individuals come together in pursuit of a common goal, there is no doubt that they can make meaningful change. So get involved; whether it be in An Dream Dearg's #AchtAnois campaign, or in smaller, local language campaigns, something as simple as attending a meeting, or reaching out to see what part you can play will go a long way. Any form of activism is extremely time-consuming and the more people involved, the better. Ní neart go cur le chéile.



5. Don't sit around and wait. Act now!

Think of Emma Watson's iconic 2014 speech: 'If not me, who? If not now, when?' If we sit and wait for those in power, we'll be waiting forever and a day. If we want meaningful change, we need to make it happen ourselves. We often are guilty of thinking 'if I don't do it, someone else will', but we all have a part to play in this. If you're already involved, get writing. Give your own account of what's going on. Write the history as it's happening. If you want to get involved, reach out. Do your research. Ask questions. You won't regret it.

We must recognise that even the provisions afforded to Irish in the NDNA agreement are not comprehensive enough; the Council of Europe noted in their most recent monitoring report on the UK Government's compliance with their obligations under the European Charter that; *"Even once the measures contained in the January 2020 agreement are enacted, there remains a need for a comprehensive Irish language act."*

This means that even once the NDNA legislation is enacted, we still have a long road ahead of us and that our journey towards comprehensive language rights will continue. This isn't the end; it's only the beginning.

10 POSITIVE CHANGES IN THE NEW DECADE NEW APPROACH ERA



01

THE RIGHT TO REGISTER BIRTHS, DEATHS AND MARRIAGES IN IRISH

PRACTICALLY, WHAT DOES THIS MEAN?

Before the publication of the NDNA Agreement, it was illegal for Irish even to be contained in court documents. This meant that birth, death and marriage certificates, as well as wills were only available and registerable in English. This was a denial of our language rights because we did not have access to court documents in our own language.

- The Repeal of the 1737 Administration of Justice Act means that birth, death and marriage certificates will now be available to the public in Irish; if someone you know has a child, gets married or passes away, they can register and fill in these certificates in Irish.
- The NDNA Agreement also notes that the repeal of the penal law could be extended to allow wills to be validly made in Irish if they so choose. This means that during the court-supervised authentication of a will, the will would be accepted if it were written in Irish.

ACCESS PUBLIC SERVICES THROUGH IRISH AND BE ABLE TO CORRESPOND IN IRISH ONLINE, BY POST AND BY PHONE

PRACTICALLY, WHAT DOES THIS MEAN?

- The Irish Language Commissioner will place a duty on public authorities to pay 'due regard' to their language standards, which will enable them to provide a level of service in Irish to the Irish language community. The level of service will depend totally on how much engagement the public authority has with the Irish language community. This will be a matter for the Irish Language Commissioner to decide.
- This does not mean that the Irish language community receive preferential treatment; it simply ensures the level of service they receive in Irish is on par with the service that those who speak English receive. A bilingual service ensures that service providers can provide services in English and Irish.
- Therefore, public authorities that have frequent engagement with the Irish language community, but had previously denied a service in Irish to them, will no longer have the right to do so. For example;



1. You can expect to have access to the websites of public authorities in Irish.
2. You can expect to see more Irish in the corporate identity of public authorities (eg on their logo, merchandise & branding).
3. You should see more Irish included in social media posts by public authorities.
4. You should see more Irish on signage within Universities.
5. You should have the right to request an application form from public authorities to fill out in Irish (for example, your provisional license, driving license, rates bill).
6. You should have the right to write to or email public authorities in Irish and expect to receive a reply in Irish without any delay.
7. If you are dealing with high-ranking public authorities by phone, you should have the right to request that service in Irish.
8. Irish should be included in the audio translations of major tourist attractions.
9. You should have the right to see more Irish in advertising campaigns, publications and notices by high-ranking public authorities.
10. You can expect to hear more Irish on the floor during the Executive's plenary sessions.

03

ENGAGE WITH YOUR LOCAL COUNCIL THROUGH IRISH

PRACTICALLY, WHAT DOES THIS MEAN?

Under the ECRML, Irish speakers should be able to engage with their local councils in Irish.

Pre-NDNA, this had proven extremely difficult for the Irish language community; a person may have written to their council in Irish and received a response in English, or their query would have been subject to considerable delays. The language standards which are to be set by the Irish Language Commissioner for local councils are expected to be in the highest ranking category, given their high level of engagement with the Irish language community.

This means that members of the Irish language community can expect to be able to;

1. Correspond with their local council and make requests in Irish by email, by letter, on websites or social media and expect to receive a response in Irish without any delay.
2. Request the service in Irish if dealing with local councils by phone.
3. See more Irish on council advertisements, publications and notifications.
4. Have access to all public forms and documents in Irish as well as English.
5. See increased council participation in cultural events such as Seachtain na Gaeilge le Energia.
6. Address the council chamber in Irish during debates.
7. Have an Irish language policy and strategy and action plan, specific to that council area.
8. Engage with a bespoke Irish language officer within the council.



04

THE RIGHT TO RAISE CONCERNS WITH THE IRISH LANGUAGE COMMISSIONER



PRACTICALLY, WHAT DOES THIS MEAN?

- It will be the responsibility of the Irish Language Commissioner to ensure that public authorities are having 'due regard' for the language standards that he/she sets. These language standards are legally recognised, meaning they are enforceable by law. Therefore, if you are dissatisfied with the level of service you receive from a public authority, you have a period of 3 months to raise an official complaint with the Irish Language Commissioner. This is something that the Irish language community have never had.

- Your complaint will then be reviewed by the Irish Language Commissioner.
- If the Irish Language Commissioner finds that there are no grounds for investigation, they must write to you, outlining their reasons for not doing so.
- If, after the investigation, it is found that the public authority have failed to have 'due regard' for the language standards, a report will be published by the Commissioner and an action plan put in place to remedy the issue (for example, further training may be provided for the staff of that public authority).

05

THE RIGHT TO REQUEST COURT PROCEEDINGS THROUGH IRISH

PRACTICALLY, WHAT DOES THIS MEAN?

- If, for any reason, you are summoned to court, you have the right to request that proceedings be conducted through Irish.
- If your request is successful, it would mean that you can give evidence in Irish, and that family court hearings and civil actions would be conducted through Irish.
- In the event that all parties wish for the court proceedings to be done through Irish, but no Irish-

speaking judge is readily available, they could be 'borrowed' from the south (this practice is already in place). The court may allow for monthly 'Irish days' for proceedings which have been requested through Irish.

- If you are permitted to give evidence in Irish, but the language of the court proceedings up until that point had been English, it is likely that you will be provided with an interpreter, who will translate your speech for all others present in the courtroom. It is likely that the interpretation service will be simultaneous and passive, as with the system in the Assembly (see page 33).



06

EXPECT TO SEE MORE IRISH IN PUBLIC AND SHARED SPACES

PRACTICALLY, WHAT DOES THIS MEAN?

Increased visibility leads to increased normalisation of indigenous languages, which in turn contributes to increased tolerance and understanding; the more we see something, the more normal it becomes.

Bilingual signage does not infringe upon anyone’s rights; there exists no right not to see a language. Bilingual signs simply provide opportunities for the Irish language community to see their language, in the same way as English speakers do.

In the spirit of the NDNA agreement, you can expect to see more Irish in public and shared spaces. For example, you should see an increase in bilingual signage;



1. Within the Stormont estate.
2. In play parks and playing fields (for example Cranmore Park or Woodlands Playing Fields).
3. On beaches (for example Helen’s Bay, Tyrella Beach or Portstewart Strand).
4. On cycle and walking trails (for example Cuilcagh Board Walk, the Mourne Mountains or the Lagan Towpath).
5. On public transport (for example on Translink gliders, busses and trains).
6. In nature reserves (for example the Bog Meadows Nature or Straidkilly Nature Reserve).
7. In areas of outstanding natural beauty (for example Causeway Coast or the Ring of Gullion).
8. In council-owned buildings and attractions (eg Belfast City Hall, Olympia Leisure Centre).

07

INCREASED SUPPORT FOR IRISH MEDIUM SCHOOLS AND FAMILIES FROM THE DEPARTMENT OF EDUCATION AND EDUCATION AUTHORITY

PRACTICALLY, WHAT DOES THIS MEAN?

There is a statutory duty on the Department of Education to encourage and facilitate Irish-medium education, the fastest-growing education sector here. Despite this, the IME sector has been historically underfunded and excluded.

The Education Authority is sponsored by the Department of Education and is responsible for the distribution and funding of education and youth services throughout the north. Given their high level of engagement with the Irish language community, they should be placed in the highest ranking category in the Irish Language Commissioner's categorisation of public authorities for language standards.

Among the changes that will arise as a result of the NDNA legislation, the Irish language community can expect to see;



1. Development proposals regarding accommodation to be based solely on need and demand, rather than Ministerial preference.
2. Increased support, resources and funding for Irish medium schools.
3. Increased support for children in Irish-medium schools with special educational needs.
4. Increased support, resources and funding for Irish language youth providers.
5. Decisions regarding Irish medium education to be subject to consultation with the Irish language community.
6. Appropriate support for parents of children in the Irish medium sector, and for this support to be available in Irish.
7. Appropriate support and resources for parents of children with special educational needs in the Irish medium sector.

08

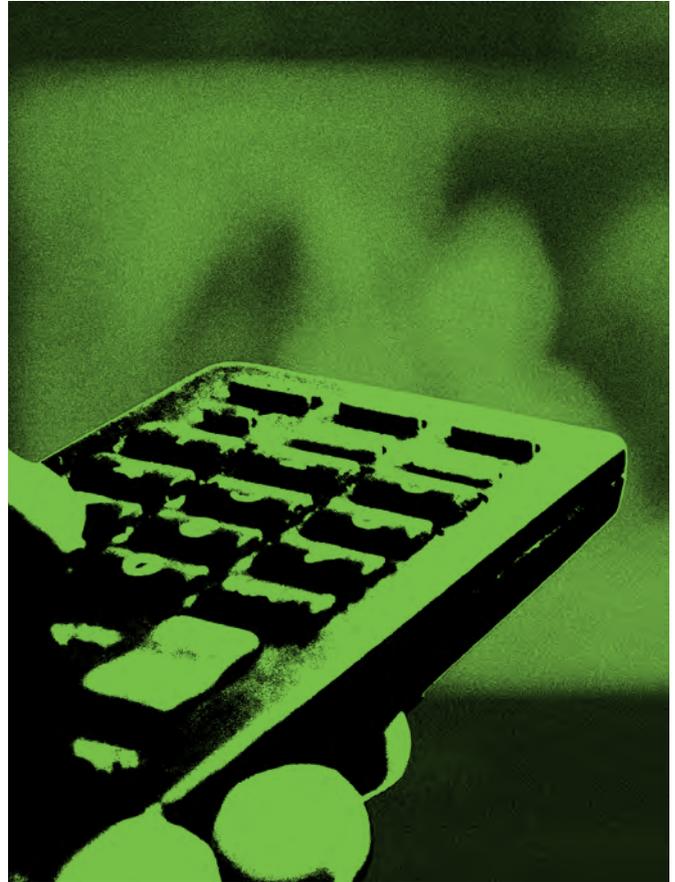
MORE IRISH LANGUAGE TV, RADIO AND ONLINE CONTENT

PRACTICALLY, WHAT DOES THIS MEAN?

The Irish Language Broadcast Fund (ILBF) was set up in 2004 to provide high-quality Irish language content in film, television and other moving image formats in the north. It funds a minimum of 70 hours of Irish language content each year across BBC, TG4, RTÉ.

The NDNA agreement means that the Irish language community should expect to see;

1. Increased funding for the ILBF scheme.
2. Increased training initiatives for Irish language radio and television stations.
3. Irish language programmes advertised on BBC.
4. Increase in hours of Irish language TV, radio shows and online content across all channels.
5. A wider range of content covered by Irish language channels.
6. Increased cover on stories which are relevant to the Irish language community across news channels.
7. Increase in educational content online, on radio and television.





ISLANDBAWN STREET
SRÁID AN OILEÁIN
BHÁIN

09

PROGRESS ON STREET SIGNAGE POLICIES IN LOCAL COUNCIL AREAS, ESPECIALLY IN THOSE WHERE NO POLICY CURRENTLY EXISTS

PRACTICALLY, WHAT DOES THIS MEAN?

Street signage is something which falls under the remit of Local Councils; there remains considerable disparity between the street signage policies of the 11 council areas. The lack of uniformity is completely at odds with international best practice, with the majority of councils falling well short of their obligations relating to Irish under the ECRML.

Currently, there are 3 councils which have no policy to facilitate the erection of bilingual street signs (Mid and East Antrim, Antrim and Newtownabbey and Ards and North Down).

There are also 3 councils whose threshold for bilingual signs requires an unrealistic weighted majority of support from $\frac{2}{3}$ of residents and if a resident doesn't respond, they are regarded as 'no' votes (Lisburn and Castlereagh

Council, Causeway Coast and Glens and Armagh, Banbridge and Craigavon).

Irish speakers living in these council areas can expect to see developments in their street signage policies; the process should be able to be initiated by a single resident or councillor, and should seek support from;

(i) simple majority of respondents (50+1%). This means that the decision to erect a bilingual street sign is based on responses received from a postal vote. If only 3 people respond, but 2 are in support, this means that a bilingual street sign can be erected. This policy is already in place in Mid Ulster and Newry, Mourne and Down.

(ii) 15% of residents. This figure is in line with UN Guidance (between 5-20% in the context of minority languages). This policy is already in place in Derry and Strabane, Fermanagh and Omagh and is expected to be implemented in Belfast City Council.

10

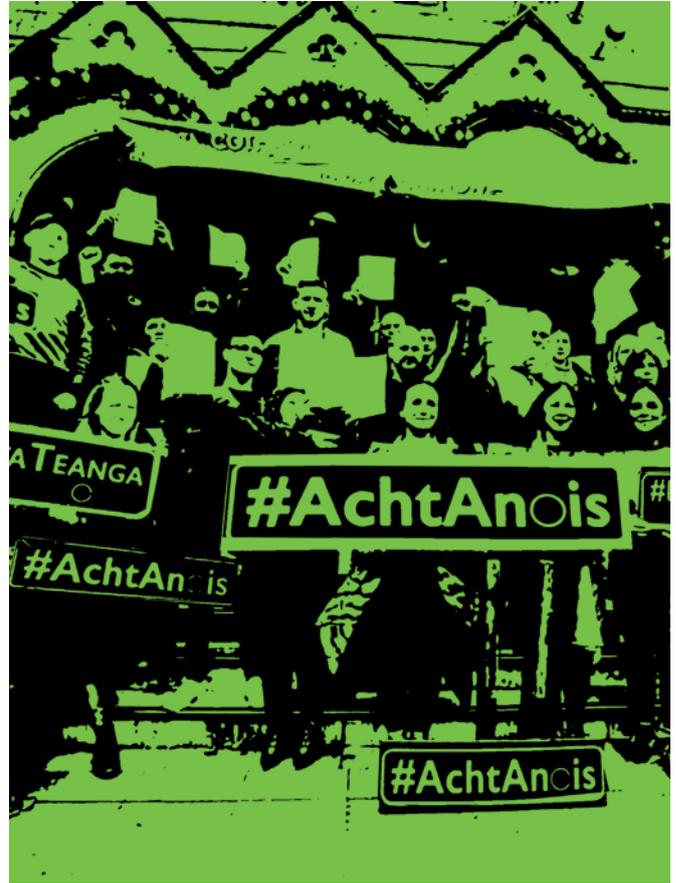
A MORE COORDINATED APPROACH FROM THE GOVERNMENT THROUGH A STRATEGY TO PROMOTE AND DEVELOP THE IRISH LANGUAGE

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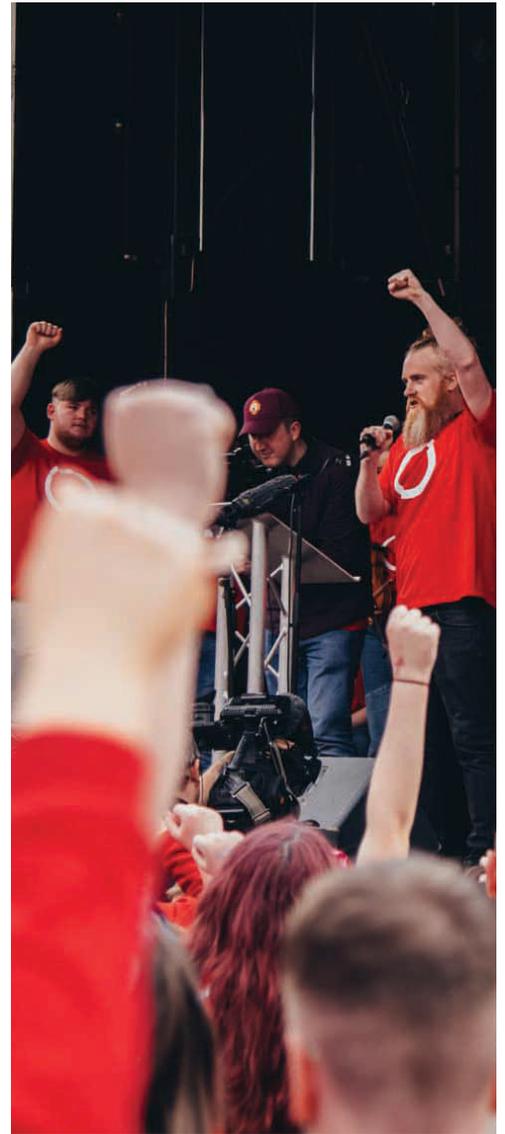
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