**EXPLANATORY MEMORANDUM TO**

**The Attorney General's Human Rights Guidance (The Use of the Irish Language) Order (Northern Ireland) 2019**
**An tOrdú um an Treoir ón Phríomh-Atúrnae ar Chearta an Duine (Úsáid na Gaeilge) (Tuaisceart Éireann) 2019**

**SR 2019 No.138**

## 1. Introduction

1.1. This Explanatory Memorandum has been prepared by the the Attorney General for Northern Ireland to accompany the Statutory Rule (details above) which is laid before the Northern Ireland Assembly.

1.2. The Statutory Rule is made under the powers conferred by section 8(3)(c) of the Justice (Northern Ireland) Act 2004 and is subject to the negative resolution procedure.

## 2. Purpose

2.1. The Statutory Rule brings into operation human rights guidance for the Police Service of Northern Ireland and the Public Prosecutions Service for Northern Ireland in relation to the use of the Irish language.

## 3. Background

3.1. Section 8(1) of the Justice (Northern Ireland) Act 2004 obliges the Attorney General for Northern Ireland to issue guidance for criminal justice organisations on the exercise of their functions in a manner consistent with international human rights standards. This Statutory Rule brings into operation guidance for the Police Service of Northern Ireland and the Public Prosecution Service for Northern Ireland as required by section 8(3)(c) of the 2004 Act.

## 4. Consultation

4.1. The Attorney General has consulted with the Advocate General pursuant to section 8(5A) of the Justice (Northern Ireland) Act 2004.

## 5. Equality Impact

5.1. The Attorney General for Northern Ireland is not listed as a public authority for the purposes of section 75 of the Northern Ireland Act 1998.

## 6. Regulatory Impact

6.1. A Regulatory Impact Assessment is not required.

## 7. Financial Implications

7.1. Not applicable.

## 8. Section 24 of the Northern Ireland Act 1998

8.1. It is the view of the Attorney General that this Statutory Rule is compliant with section 24 of the Northern Ireland Act 1998.

## 9. EU Implications

9.1. Not applicable.

## 10. Parity or Replicatory Measure

10.1. The Statutory Rule applies to Northern Ireland only. There is no corresponding Great Britain Statutory Instrument.

## 11. Additional Information

11.1. The text of the guidance is attached to this Explanatory Memorandum at Annex A.

**ANNEX A**

**HUMAN RIGHTS GUIDANCE BY THE ATTORNEY GENERAL FOR NORTHERN IRELAND ON THE USE OF THE IRISH LANGUAGE**

**TREOIR AR CHEARTA AN DUINE Ó PHRÍOMH-ATÚRNAE THUAISCEART ÉIREANN MAIDIR LE hÚSÁID NA GAEILGE**

## PART 1

### *Introduction*

1. The Irish language is an expression of the cultural wealth of Northern Ireland. This Guidance about the use of the Irish language is addressed to the Police Service of Northern Ireland and the Public Prosecution Service and can be referred to using either its English or Irish title.

2. This Guidance is based on the European Charter for Regional or Minority Languages, the Framework Convention for the Protection of National Minorities, Article 10 of the European Convention on Human Rights and Articles 19 and 27 of the International Covenant on Civil and Political Rights.

3. This Guidance does not affect the obligation of the organisations to which it is addressed to comply with any legal obligation already imposed on them, including those obligations arising from the Human Rights Act 1998. Both the Police Service of Northern Ireland and the Public Prosecution Service are required to have regard to this Guidance in the exercise of their functions.

4. This Guidance is in three parts. The above organisations should apply part 1 of this Guidance and consider the provisions of part 3 of this Guidance.

***Review and monitoring***

5. Difficulties encountered in the application of this guidance should be notified to the Attorney General as soon as possible.

6. The Attorney General will formally seek the views of the organisations to whom it is addressed on the revision or amendment of this guidance after 2 years. It is open to the organisations to suggest revision or amendment of this guidance at any time.

***The original decision and the decision making process***

7. A decision should be made by the Chief Constable of the Police Service of Northern Ireland and the Director of Public Prosecutions in the light of the provisions of part 2 of this Guidance whether to apply some or all of the provisions of part 3 of this Guidance to the Police Service of Northern Ireland or the Public Prosecution Service respectively for a period of two years following that decision.

***Further decisions***

8. Within three months following the end of the period of two years following the decision required by paragraph 7 the process prescribed by paragraph 7 should recommence. Within three months following the end of two further years from the decision taken under this paragraph the process prescribed by paragraph 7 should recommence.

***Revisiting a decision***

9. The decision required by paragraphs 7 and 8 may be retaken at any time during the two year period referred to in paragraphs 7 and 8.

10. Where an organisation has retaken a decision in accordance with paragraph 9, the obligation in paragraph 8 shall apply as if a decision taken under paragraph 9 were substituted for the decision taken under paragraph 7 or paragraph 8, as the case may be.

***Duration***

11. This guidance ceases to apply to an organisation when that organisation has made three decisions under paragraphs 7 and 8.

**PART 2**

12. The obligations in Part 3 recognise the Irish language as an expression of the cultural wealth of Northern Ireland.

13. No obligation in part 3 need be assumed by an organisation if to do so would give rise to a threat to national security, or to the safety of the public or the safety or health of any person.

14. No obligation in part 3 need be assumed by an organisation if to do so would, by reason of budgetary or human resource implications, risk impairing the effectiveness or quality of its service to the public, other than as respects the part 3 obligations.

**PART 3**

***Codes of conduct and organisational culture***

15. Each organisation shall ensure their organisational codes of conduct include a commitment to respect the Irish language.

16. Each employee shall be permitted to use his or her name in its Irish form. This use shall be facilitated by ensuring that the requested Irish name is used in all official databases controlled by the relevant organisation.

***Communication***

17. Where an organisation receives correspondence written in Irish that organisation, so far as reasonably practicable, having regard to, among other factors, the type and volume of correspondence, should reply to that correspondence in Irish.

18. Where a person uses the Irish form of his or her name, this should be used in any communication with that person.

19. Each organisation shall ensure that its IT software is able to accommodate the relevant diacritic marks of the Irish language.

20. Each organisation shall display signage in both English and Irish in areas where the Irish language is widely used.

21. Each organisation shall use the Irish language in its written communications to the public, including, but not limited to, its website, its public education campaigns and its social media output, where it is appropriate and proportionate to do so

***Training and development***

22. Each organisation should prepare and circulate a document, 'the Bi-lingual Vocabulary', containing up to 1000 of the most commonly used official words and expressions used by that organisation in both English and Irish. Each organisation will support its staff in acquiring a familiarity with the bi-lingual vocabulary.

23. Each organisation shall develop its Irish language capacity by offering training, including incentivised training, in that language to its employees.

24. Each organisation shall consider recruitment and training, where necessary, of employees in order to implement any other obligation in Part 3 of this guidance.

***Publications***

25. Each organisation shall produce and make available accurate Irish translations of the principal documents which it publishes and makes available to the general public in the English language.

26. Each organisation shall produce the most commonly used official forms for which it alone has responsibility in both English and Irish. It shall make the Irish version of such a form available on request to anyone who wishes to use it.

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