

IRISH-LANGUAGE RIGHTS IN IRELAND, THE UNITED KINGDOM, AND THE EUROPEAN UNION: A COMMENTARY

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Abstract

This commentary examines the legal framework governing Irish-language rights in Ireland (Éire), the United Kingdom (particularly Northern Ireland), and the European Union, highlighting the persistent tension between symbolic constitutional commitments and practical enforcement. Despite Irish's status as the first official language under Article 8 of the 1937 Irish Constitution, judicial interpretations – seen in cases like *O'Monacháin v An Taoiseach* [1982] IESC 10 and *Peadar Ó Maicín v Ireland* [2014] IESC 12 – treat it as participatory rather than structural, emphasising "reasonable efforts" (*Ó Cadhla v Minister for Justice & Equality* [2019] IEHC 503) amid resource constraints. Statutory measures, such as the Official Languages Act 2003 and its 2021 Amendment (fully commenced December 2024), offer incremental progress but leave court proceedings largely unaffected.

In Northern Ireland, the archaic Administration of Justice (Language) Act 1737 was repealed by the Identity and Language (Northern Ireland) Act 2022, introducing an Irish Language Commissioner and promoting bilingualism, though implementation remains uneven. Supra-nationally, the European Convention on Human Rights (Articles 6 and 14) and the European Charter for Regional or Minority Languages influence domestic standards, while EU law – post-2022 derogation lift via Council Regulation (EU, Euratom) 2015/2264 – ensures Irish's full official status, despite ongoing linguist recruitment challenges.

Comparatively, Irish lags behind Welsh and Scottish Gaelic frameworks. Recommendations include enacting a specialised Irish Language in the Courts Act, enhancing training, and leveraging discrimination arguments under the ECHR. Ultimately, bridging symbolism and reality demands legislative clarity and investment to affirm cultural identity and democratic integrity.

1. Introduction

The legal status of the Irish language has been a point of constitutional, political, and cultural contention for more than a century. Although Irish (Gaeilge) holds the symbolic position of first official language in the Constitution of Ireland, its practical legal enforcement remains fragmented across statutory, administrative, and judicial domains. Meanwhile, the language's position in Northern Ireland has historically vacillated between neglect,

politicisation, and guarded recognition, constrained most notoriously by the 1737 Administration of Justice (Language) Act. Recent reforms – especially the Identity and Language (Northern Ireland) Act 2022 – suggest a new trajectory towards structural accommodation, though the implementation horizon remains uncertain. At the supranational level, both the European Union and the Council of Europe influence domestic legal landscapes

through fair-trial norms, non-discrimination principles, and minority-language protections.

This article argues that the state of Irish-language rights across Éire (Ireland), the UK, and the EU reflects a tension between symbolic commitment and operational reality. The jurisprudence reveals a consistent judicial reluctance to impose structural linguistic duties on institutions without explicit legislative backing. Yet, courts have not left Irish-language litigants without remedy: where fairness, equality, or participation is jeopardised, judges have imposed reasonableness obligations on the executive and judiciary themselves.

The commentary proceeds in four parts. First, it evaluates the legal and constitutional framework in Éire and the key domestic jurisprudence shaping language rights in courts. Second, it turns to the UK and Northern Ireland, examining the historical restrictions of the 1737 Act and the transformative aspirations of the 2022 Act. Third, it considers the influence of the EU and the Council of Europe, focusing on how fair-trial rights, administrative law, and minority-language instruments shape domestic standards. Finally, it offers a comparative analysis and proposes reform strategies aimed at securing genuinely functional Irish-language rights across jurisdictions.

2. Irish-Language Rights in Éire

2.1 Constitutional and Statutory Context

Article 8 of the Constitution designates Irish as the “first official language” and English as the “second official language”³⁹. Despite this apparently hierarchical arrangement, the courts have consistently treated the constitutional provision as symbolic rather than determinative of absolute linguistic rights in judicial or administrative contexts. The constitutional text affirms the national language but does not create an explicit, enforceable right to conduct legal proceedings exclusively in

Irish or to have cases adjudicated by Irish-speaking judges.

Statutory intervention has provided more operational clarity. The Official Languages Act 2003 introduced obligations concerning public administration, translation of official materials, and signage. Yet its provisions employ broad terms such as “where practicable” and “within available resources”, allowing substantial administrative discretion⁴⁰. As a result, the courts remain the central arena for testing the practical limits of the State’s obligations. Further modernisation was attempted through the Official Languages (Amendment) Act 2021, which strengthens public-service obligations by introducing statutory language-specific targets, enhanced monitoring, and the gradual requirement that 20 per cent of new public-service recruits be competent in Irish; however, the amendments maintain the original Act’s limited reach in relation to court proceedings, leaving judicial practice effectively untouched.⁴¹

The central doctrinal question that emerges repeatedly is whether Article 8, read together with fair-trial guarantees, implies a right to an Irish-medium legal process. However, the jurisprudence remains uneven nonetheless.

2.2 O’Monacháin v An Taoiseach: Early Judicial Engagement

The Supreme Court’s decision in *O’Monacháin v An Taoiseach*⁴² represents one of the earlier judicial engagements with Irish-language rights. The applicant sought recognition of his right to engage with the courts in Irish without the mediation of interpretation, arguing that judges should be fluent in Irish when presiding over cases involving Irish-speaking parties. The Court rejected the proposition that the Constitution compels an Irish-medium court system or requires every judge to possess fluency in both official languages.

40 Official Languages Act 2003 (Éire).

41 Official Languages (Amendment) Act 2021 (No 49 of 2021).

42 *O’Monacháin v An Taoiseach* [1982] IESC 10.

39 Constitution of Ireland 1937, Art 8.

The judgment emphasised a principle that appears consistently in later case law: the right to use Irish does not equate to a right to an Irish-speaking judge. The Court acknowledged that litigants may use Irish freely, but it found no constitutional obligation preventing courts from relying on competent interpreters. This pragmatic, resource-sensitive approach laid the groundwork for subsequent jurisprudence, though it left unresolved the deeper tension between linguistic equality and the State's duty to ensure full participation.

2.3 Ó Maicín v Ireland: The Jury as Linguistic Arbiter

The *Ó Maicín* litigation⁴³ crystallised the central dilemma of Irish-language rights in criminal trials: can a defendant demand that the jury – the triers of fact – possess Irish-language competence sufficient to evaluate Irish-language testimony and submissions without translation?

The applicant, a native speaker from a Gaeltacht region, argued that interpretation could distort nuance and impede his ability to communicate authentically with the court. He contended that the State's constitutional recognition of Irish and his fair-trial rights required the provision of an Irish-speaking jury. The High Court and Supreme Court rejected this argument. The courts held:

1. There is no absolute constitutional right to a bilingual or Irish-speaking jury.
2. Interpretation – when competent – is generally sufficient to secure the accused's participatory rights.
3. Mandating Irish-speaking juries would impose substantial structural burdens on the administration of justice, exceeding what the Constitution requires.

Notably, the Supreme Court acknowledged the cultural significance of the applicant's claim but refused to constitutionalise a general

entitlement that would effectively require linguistic vetting of jurors nationwide. The Court's implicit concern with feasibility and administrative coherence repeated the caution first articulated in *O'Monacháin*. The decisions indicate a judicial preference for reasonable accommodation, not structural linguistic redesign.

2.4 Ó Cadhla v Minister for Justice: The Reasonable Efforts Standard

In *Ó Cadhla v Minister for Justice & Equality*⁴⁴, the High Court addressed arguments concerning the assignment of Irish-speaking judges to cases involving Irish-speaking defendants. The applicant alleged that the State's failure to provide a District Court judge competent in Irish violated his constitutional and statutory rights. The Court held that:

- the State is obliged to make reasonable efforts to provide Irish-speaking judges where an Irish-speaking litigant requests proceedings in Irish;
- however, this obligation is not absolute and depends on the availability of suitably qualified judges and pragmatic considerations.

The reasonable efforts test – neither rigid nor toothless – has since become the default standard for assessing the State's linguistic obligations in the courts. It is notable for its blend of principled recognition of linguistic rights and pragmatic assessment of resource constraints.

2.5 Jury Competency and Administrative Feasibility

Court decisions and commentary⁴⁵ have continued the inquiry into juror competence, with applicants again arguing that justice requires jurors capable of understanding

⁴³ Peadar Ó Maicín v Ireland [2014] IESC 12

⁴⁴ *Ó Cadhla v Minister for Justice & Equality* [2019] IEHC 503.

⁴⁵ Daithí Mac Cárthaigh and Seán Ó Conaill, 'Aguisíní le Breithiúnas Hardiman Brmh in Ó Maicín v Éire [2014] 4 IR 477, Aguisíní atá Fágtha ar Lár ón Tuairisc Oifigiúil' [2020] 4(2) Irish Judicial Studies Journal 149.

evidence in Irish. While sympathetic to the cultural and constitutional arguments, the courts reaffirmed that there is no general entitlement to Irish-speaking juries.

What is particularly noteworthy in this line of cases is judicial commentary suggesting that the State could, with moderate administrative adjustments, facilitate Irish-language juries more often, especially in Gaeltacht areas. Nevertheless, the courts refrained from converting this observation into a binding legal requirement.

Thus, the jurisprudence across these four major cases reflects a clear but cautious trend: Irish-language rights are rights of participation, not structural entitlements, and the State must balance linguistic accommodation with practical constraints.

3. Irish-Language Rights in the United Kingdom

3.1 Historical Constraints: The 1737 Administration of Justice (Language) Act

The Administration of Justice (Language) Act 1737⁴⁶ represented one of the most overt statutory barriers to Irish-language use in courts. Enacted by the Irish Parliament in a different political era, the Act mandated English as the only permissible language in judicial proceedings. Its application in Northern Ireland persisted long after partition, often serving as a justification for courts to reject the use of Irish in documents, oral submissions, and signage.

The Act was widely criticised for being archaic, discriminatory in effect, and contrary to modern human-rights principles. Its repeal was long advocated by rights groups and formed part of political negotiations under the Good Friday Agreement framework.

3.2 Caoimhín Mac Giolla Catháin v Northern Ireland Court Service (2010)

In *Mac Giolla Catháin* ⁴⁷, the Northern Ireland Court of Appeal confronted the compatibility of the 1737 Act with contemporary human-rights norms. The applicant challenged restrictions on using Irish in court filings, arguing that the Act violated Article 14 ECHR (non-discrimination) in tandem with Article 6 (fair trial) and Article 10 (freedom of expression).

The Court found that the rigid prohibition embedded in the 1737 Act was difficult to reconcile with modern equality obligations. Although the Court's powers to set aside the Act were constitutionally limited, its reasoning helped lay the groundwork for eventual legislative reform. The decision marked a clear judicial recognition that linguistic exclusion can amount to unequal treatment, especially where a language constitutes a core element of personal and cultural identity.

3.3 Identity and Language (Northern Ireland) Act 2022

The Identity and Language (Northern Ireland) Act 2022⁴⁸ represents a watershed moment. The Act:

- repeals the 1737 Act in Northern Ireland;
- creates an Irish Language Commissioner;
- places duties on public authorities to promote and use Irish in appropriate contexts;
- authorises bilingual signage;
- establishes the Office of Identity and Cultural Expression.

Its enactment signals a shift from linguistic prohibition to institutional recognition. However, the Act's impact depends heavily on implementation. Many provisions require secondary legislation, administrative guidance,

⁴⁶ Administration of Justice (Language) Act 1737.

⁴⁷ Caoimhín Mac Giolla Catháin v Northern Ireland Court Service [2010] NICA 24.

⁴⁸ Identity and Language (Northern Ireland) Act 2022.

or political consensus to become operational. Early indications suggest uneven practical uptake across public bodies, though this is unsurprising in a jurisdiction where language remains politically contested.

3.4 The Position in Great Britain

While less directly relevant to Irish, the contrasting statutory frameworks for Welsh (Welsh Language Act 1993) and Scottish Gaelic (Gaelic Language (Scotland) Act 2005) provide helpful comparators. These regimes embed commissioners, statutory standards, and detailed obligations. Compared to them, Irish in Northern Ireland remains underdeveloped institutionally, though the 2022 Act represents significant progress.

4. European Union and Council of Europe Influences

4.1 EU Law: Participation, Administration, and Linguistic Equality

EU law does not compel Member States to restructure domestic linguistic arrangements. However, EU administrative law and directives often require communications to be accessible in a Member State's official languages, influencing domestic practice indirectly.

In *Peadar Mac Fhlannchadha v Minister for Agriculture, Food & the Marine*⁴⁹, Irish-language arguments were raised in relation to obligations under Directive 2001/82/EC. The case illustrates a broader phenomenon: EU law can serve as a procedural hook for contesting administrative decisions where Irish-language accessibility affects rights, transparency, or effective participation.

Nevertheless, EU law does not create a general right to Irish-language judicial proceedings. Its influence lies primarily in administrative law, regulatory compliance, and principles of non-discrimination.

4.2 The European Convention on Human Rights

The ECHR exerts a more significant influence on the jurisprudence in both Éire and Northern Ireland. Article 6 (fair trial) requires that a defendant understand proceedings, mandating interpretation where necessary. Article 14 (non-discrimination), although not free-standing, reinforces the prohibition of differential treatment on linguistic grounds where language intersects with cultural identity⁵⁰.

Courts in both jurisdictions have deployed these principles to critique excessive linguistic rigidity or failures to accommodate Irish speakers. The reasoning in *Mac Giolla Catháin* shows how Convention norms can delegitimise archaic statutory barriers, even when domestic courts cannot directly dis-apply them.

4.3 The European Charter for Regional or Minority Languages

The European Charter for Regional or Minority Languages (ECRML) imposes a suite of obligations on States to facilitate the use of minority languages in courts, administration, education, and public life. The UK has ratified the Charter in respect of Irish in Northern Ireland; Ireland has ratified it for Irish across the State.

The Charter encourages, but does not mandate, the provision of judicial personnel able to use minority languages. It also emphasises proportionality, resource considerations, and contextual factors. As such, it fits well with the "reasonable efforts" standard articulated in *Ó Cadhla*.

Although not directly enforceable in domestic courts, the Charter has been repeatedly invoked in litigation and political debate. It also shapes Council of Europe monitoring reports, which put indirect pressure on States to remedy persistent deficiencies.

⁴⁹ *Peadar Mac Fhlannchadha v Minister for Agriculture, Food & the Marine* [2021] IEHC 647

⁵⁰ European Convention on Human Rights, Arts 6 and 14.

5. Comparative Analysis

5.1 A Common Judicial Pattern: Symbolism vs Practicality

Across Éire and Northern Ireland, courts exhibit a similar pattern:

1. Recognition of the cultural and constitutional significance of Irish;
2. Protection of individual participation rights, especially where failure to accommodate would impair fairness;
3. Refusal to mandate structural linguistic reforms absent statutory clarity.

This pattern reflects judicial deference to the political branches in matters requiring institutional redesign. Yet it also risks leaving Irish-language rights contingent on administrative disposition.

5.2 Divergent Legislative Architectures

A striking contrast emerges when comparing Irish to Welsh and Scots Gaelic. Wales and Scotland have developed robust statutory frameworks supported by commissioners, enforceable standards, and sustained funding. Ireland, despite constitutional commitments, has not created an equivalent judicial-institutional infrastructure for Irish. Northern Ireland is only beginning to establish such mechanisms through the 2022 Act.

5.3 Rights Framed as Participation Rather Than Equality

The dominant judicial framing treats Irish-language rights primarily as fair-trial participation rights, not equality rights. This framing prioritises procedural fairness over linguistic parity and limits the potential for systemic transformation.

However, the reasoning in *Mac Giolla Catháin* suggests that linguistic exclusion may, under certain conditions, constitute discrimination. This angle remains underdeveloped in Irish case law and offers fertile ground for future litigation and scholarship.

5.4 Administrative Capacity as the Limiting Factor

Courts frequently invoke the State's limited resources as a barrier to imposing stronger language rights. Yet, as several judges have noted, modest administrative adjustments – especially in Gaeltacht regions – could significantly strengthen linguistic access.

6. Recommendations for Reform

6.1 Legislative Reform in Éire

Ireland should consider enacting a specialised Irish Language in the Courts Act that:

- establishes clear statutory rights to Irish-language proceedings where requested;
- mandates the appointment or availability of bilingual judges in designated districts;
- creates protocols for jury selection in Gaeltacht regions;
- sets out timelines and resource commitments enforceable by courts.

Such a statute would align practice with constitutional symbolism and reduce litigation driven by administrative uncertainty.

6.2 Expanding the Official Languages Act Framework

Reform of the Official Languages Act could address chronic resourcing gaps, expand compliance obligations, and create stronger enforcement mechanisms through the Office of An Coimisinéir Teanga. At present, the statutory architecture relies heavily on broad, discretionary language such as “as soon as practicable” or “within available resources”, which affords government departments and public bodies considerable latitude in determining the level of service they provide. This flexibility has had the practical effect of limiting the enforceability of rights, producing a patchwork of compliance rather than a coherent national standard. Strengthening the Act by imposing more specific, time-bound

obligations would reduce the systemic ambiguity that has repeatedly surfaced in case law. In addition, the powers of An Coimisinéir Teanga could be expanded beyond investigation and reporting functions to include the ability to issue binding compliance notices or seek court orders in cases of persistent breach. Such reforms would align the Irish framework more closely with regimes in Wales and Scotland, where commissioners possess stronger regulatory authority. Ultimately, enhancing the Act would shift the burden from individual litigants – who currently rely on judicial review – to statutory bodies themselves, ensuring Irish-language rights are realised through routine administrative practice rather than sporadic litigation.

6.3 Embedding Administrative Protocols

Court Services should adopt standard operating procedures allowing litigants to request Irish-medium hearings with defined timelines for judicial assignment and interpreter provision. In the current system, much depends on ad hoc decisions by court administrators or judges, resulting in uncertainty for Irish-speaking litigants and legal practitioners. Clear administrative protocols would help operationalise the “reasonable efforts” duty recognised in cases such as *Ó Cadhla*, giving practical effect to constitutional and statutory commitments. A structured process might include a formal application mechanism; published criteria for assessing linguistic requests; timelines for determining availability of Irish-speaking judges or competent interpreters; and a dedicated liaison officer within the Courts Service to coordinate such requests. Pre-action protocols could also reduce unnecessary litigation by setting out expectations for early engagement between parties and the administration before disputes reach the High Court. Similar administrative instruments have proven effective in specialist courts such as family law and asylum law, where predictable procedures significantly enhance access to justice. Institutionalising

such mechanisms would normalise Irish-medium hearings, reduce delays, and create a more transparent and rights-respecting environment. Ultimately, the goal is to shift Irish-language accommodation from an exceptional practice to an integrated feature of court administration.

6.4 Strengthening Language Training and Recruitment

Investment in judicial and administrative language training remains essential. Long-term bilingual recruitment strategies should prioritise Irish-speaking candidates for judicial appointments in Gaeltacht districts. While the judiciary has demonstrated goodwill in accommodating Irish-language litigants, the structural deficit in Irish-speaking personnel continues to impede consistent delivery of rights. A multi-layered strategy is therefore necessary. At entry level, recruitment campaigns for court clerks, registrars, and administrative officers could include Irish-language competency as a desirable or mandatory skill in certain locations. For serving judges and staff, professional development programmes – including funded language courses, immersion training, and incentives such as language allowances – would help build institutional capacity. The Judicial Studies Institute could integrate Irish-language modules into continuing judicial education, focusing not only on fluency but also on the legal terminology necessary for courtroom use. In the medium term, the Judicial Appointments Advisory Board could be empowered to consider Irish-language proficiency as a significant factor when recommending judges for circuits where Irish-speaking populations are concentrated. These measures would gradually create a judiciary better aligned with constitutional commitments and would reduce the reliance on interpretation, enhancing authenticity and fairness in Irish-medium proceedings.

6.5 Leveraging Human-Rights Arguments

Litigants should frame linguistic exclusion not only as a participation deficit but also as potential indirect discrimination under the ECHR and the Charter. This approach may prompt stronger judicial scrutiny of systemic obstacles. While Irish courts have typically conceptualised language claims through the prism of fair-trial rights, the reasoning in *Mac Giolla Catháin* demonstrates the potential of equality-based arguments to challenge deep-rooted structural barriers. By positioning language as an aspect of cultural identity – rather than a mere technical medium of communication – litigants can invoke Article 14 ECHR in tandem with Article 6, compelling courts to consider whether institutional practices disproportionately disadvantage Irish speakers. Similar reasoning can draw upon the European Charter for Regional or Minority Languages, which emphasises positive obligations of facilitation rather than passive tolerance. Framing cases in this way encourages courts to interrogate structural patterns rather than isolated incidents, shifting analytical focus from resource constraints to substantive equality. It also strengthens the normative basis for systemic remedies, as equality violations often warrant more robust judicial response than procedural deficiencies alone. This strategy could therefore serve as a catalyst for broader institutional reform, enabling litigants to leverage international human-rights standards to complement domestic constitutional arguments.

7. The Irish Language in the European Union: A Protracted Struggle for Recognition

In further reference to the European Union, it ought to be noted that the position of the Irish language within the European Union has undergone a complex evolution, reflecting both Ireland's domestic linguistic politics and the EU's broader approach to multilingualism. When Ireland acceded to the European Communities in 1973, Irish was granted only the status of a *treaty language* – the Treaties were

authenticated in Irish, but the language was excluded from the wider body of legislative and administrative activities⁵¹. This produced a stark inconsistency: although Irish was constitutionally the “first official language” of the State, it did not enjoy the same institutional standing within the Union as the official languages of other Member States.

Throughout the 1990s and early 2000s, sustained advocacy by Irish-language organisations, parliamentarians, and civil society actors highlighted this disparity. Their arguments emphasised the democratic deficit created when EU citizens could not access binding legislation in their national language, and the inconsistency this posed for the EU's constitutional commitment to multilingualism⁵². These campaigns culminated in the adoption of Council Regulation (EC) No 920/2005, which recognised Irish as an official and working language of the European Union⁵³. However, the same Regulation introduced broad derogations, allowing the EU institutions to defer translation of most legislative acts on the grounds of limited translation capacity⁵⁴.

The full realisation of linguistic equality required a further seventeen years. On 1 January 2022, the final derogations were lifted by Council Decision (EU) 2015/2264, granting Irish complete parity with the other official EU languages across legislation, interpretation, and institutional communication⁵⁵. Since then, the Union has been obliged to translate legal acts into Irish, provide interpretation services in parliamentary plenaries, and recruit Irish-speaking legal linguists, translators, and administrative staff.

51 See Act concerning the Conditions of Accession of Ireland, Denmark and the United Kingdom [1972] OJ L73/14 (authentication of the Treaties in Irish).

52 For discussion, see Niamh Nic Shuibhne, *EU Law and Minority Language Rights* (2002) 27 *ELRev* 579.

53 Council Regulation (EC) No 920/2005 of 13 June 2005 amending Regulation No 1 determining the languages to be used by the European Economic Community [2005] OJ L156/1.

54 *ibid* art 2 (derogation mechanism).

55 Council Regulation (EU, Euratom) 2015/2264 of 3 December 2015 amending Regulation No 1 and gradually removing derogations for Irish [2015] OJ L322/1.

Although the expiry of derogations in 2022 requires the institutions to produce legislation in Irish, in practice the EU continues to apply proportionality mechanisms and internal prioritisation lists for certain categories of documents, meaning that while all Regulations must be published in Irish, other acts – such as some Commission communications and preparatory documents – may be translated according to institutional priority rather than automatically.⁵⁶

Despite this milestone, challenges persist. The European Commission, Parliament, and Council continue to face difficulties in recruiting sufficient numbers of qualified Irish-language linguists⁵⁷. Furthermore, although the EU's language regime formally ensures equality, its long-term implementation depends partly on Ireland's own educational and linguistic policies. Nevertheless, the elevation of Irish to full working-language status represents one of the most significant institutional advances in the language's modern history. It embeds Irish within a major supranational legal system, strengthens linguistic accessibility for Irish-speaking citizens, and symbolically reinforces Europe's commitment to cultural and linguistic diversity.

8. Conclusion

Irish-language rights remain at an inflection point across Éire, the United Kingdom, and the wider European legal order. The case law surveyed in this commentary illustrates a judiciary that is keenly aware of the cultural and constitutional significance of Irish, yet cautious in translating that significance into enforceable structural rights without explicit legislative direction. This judicial posture – respectful but restrained – reflects a deeper tension between symbolic constitutional commitments and the practical architecture needed to give those commitments meaningful effect. The

enactment of the Identity and Language (Northern Ireland) Act 2022 marks a decisive institutional shift in one part of the island, replacing an 18th-century prohibition with a contemporary framework grounded in recognition, accommodation, and administrative oversight. By contrast, the courts in Éire continue to navigate language rights through a participation-centred lens, focusing on reasonable efforts and case-specific fairness rather than imposing systemic linguistic duties.

The next phase of development demands legislative clarity, administrative investment, and sustained political will. Without these, Irish-language rights are at risk of remaining largely symbolic – a reflection of historical aspiration rather than a lived, enforceable reality. Yet the jurisprudence also demonstrates the central role that litigants and advocates have played in advancing rights incrementally. From *O'Monacháin* to *Ó Cadhla*, and from *Ó Maicín* to *Mac Giolla Catháin*, individuals have successfully used litigation to expose deficiencies, test boundaries, and prompt institutional reflection.

A coherent statutory framework, adequately resourced and aligned with international human-rights standards, would significantly narrow the gap between constitutional idealism and administrative practice. It would foster consistency in judicial and administrative treatment of language rights, reduce reliance on ad hoc litigation, and create a stable foundation for Irish-language use in courts and public services across the island. Ultimately, strengthening Irish-language rights is not simply a matter of legal architecture but of democratic integrity: it affirms cultural identity, supports linguistic diversity, and ensures that the constitutional promise of Irish as the national language is realised in practice rather than merely proclaimed in principle.

⁵⁶ See Consolidated Version of Council Regulation No 1 determining the languages to be used by the European Economic Community [1958] OJ 17/385, as amended by Council Decision (EU) 2015/2264

⁵⁷ Robbie Meredith, 'EU Action Needed to Treat Irish Language Equally' - MEP 'BBC News (12 July 2024)

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