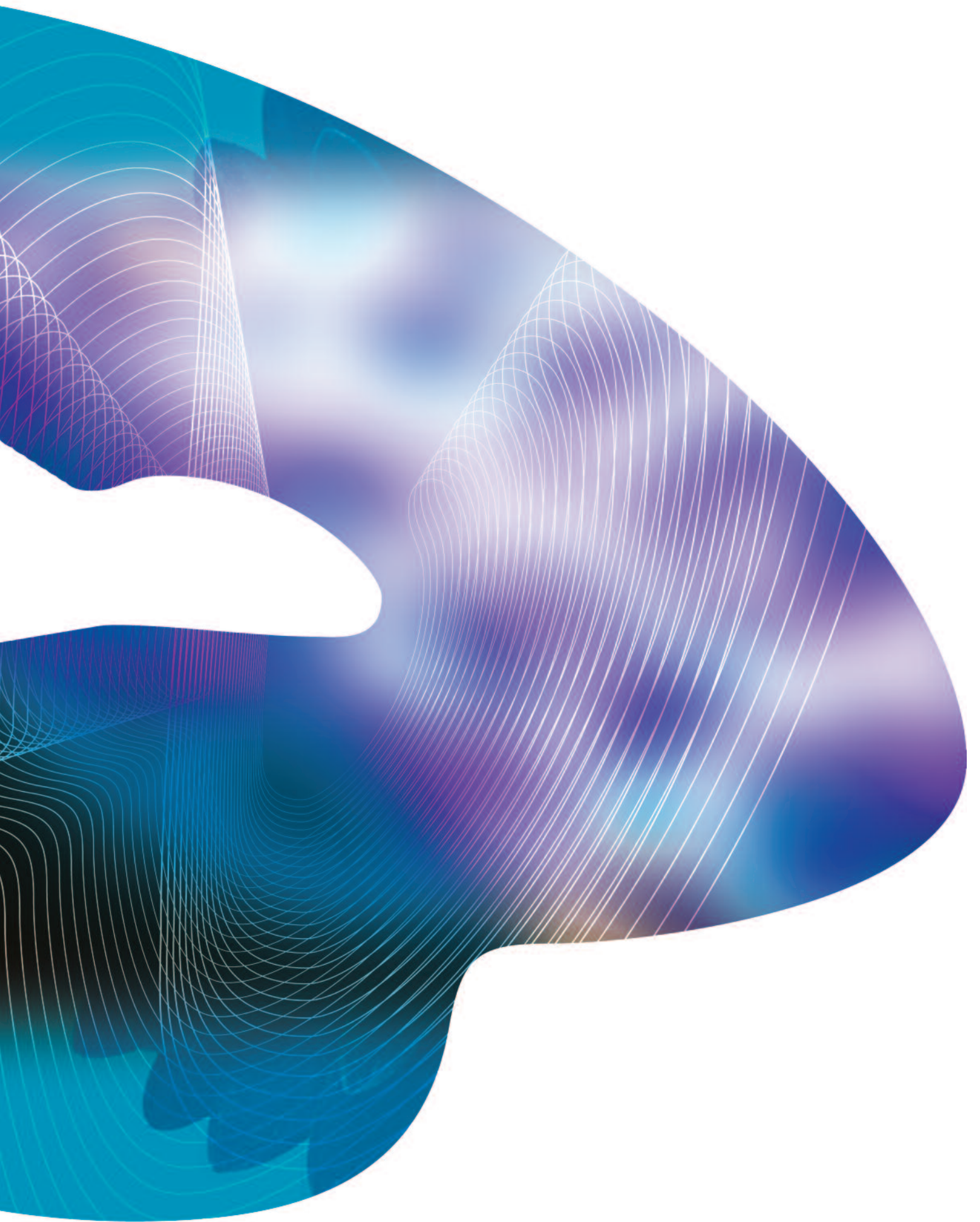


acht

na Gaeilge do TÉ

THE IRISH
LANGUAGE
ACT NI

EISIÚINT 2
2ND ISSUE



Maurice Hayes, CARÉ

Bhí Maurice Hayes le blianta fada ina Ombudsman i dTuaisceart na hÉireann, agus bhí lámh ar leith aige sa tsaol phoiblí ansin agus sa Deisceart. Bhí sé ina Chléireach Baile i nDún Pádraig agus ina Rúnaí Buan sa Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí (TÉ) agus chaith sé tamall ina Chathaoirleach ar an Chomhairle um Chaidreamh Pobail agus ar Choimisiún Patten ar an Phóilíneacht i dTuaisceart na hÉireann. Ó 1997 go 2007 bhí sé ina Sheanadóir i Seanad Éireann.



Maurice Hayes, MRIA

Maurice Hayes was for many years Northern Ireland Ombudsman, and has played a prominent part in public life there and in the South. His public roles include Town Clerk of Downpatrick, and Permanent Secretary of the Department of Health and Social Services (Northern Ireland); he has also served as Chair of the Community Relations Council and served on the Patten Commission on Policing in Northern Ireland. From 1997 to 2007 he sat as a Senator in Dáil Éireann.

An tOllamh Colin Williams

Is le tríocha bliain anuas atá an tOllamh Colin Williams (Comhalta de Chumann Ríoga na nEalaíon) gníomhach i gcur chun cinn chearta an mhionlaigh. Tá sé ina Ollamh Taighde i Scoil na Breatnaise, Ollscoil Chaerdydd, ina Ollamh Taca sa Roinn Tíreolaíochta, Ollscoil Iarthar Ontario agus ina Ollamh Oinigh sa Léann Cheilteach, Ollscoil Obar Dheathainn agus Ollscoil na nGarbhchríoch agus na nOileán.



Professor Colin Williams

Professor Colin Williams, Fellow of the Royal Society of Arts, has been active in the promotion of minority rights for over thirty years. He is Research Professor in the School of Welsh at Cardiff University, Adjunct Professor in the Department of Geography, the University of Western Ontario and Hon. Professor, Celtic Studies, University of Aberdeen and the University of Highlands and Islands.

An tOllamh Robert Dunbar

Ollamh Taighde é Robert Dunbar ag Sabhal Mòr Ostaig / Ollscoil na nGarbhchríoch agus na nOileán (OGO) agus is stiúrthóir é le Soillse, tionscadal taighde £5.29 milliún 7 mbliana a bhaineann le OGO, agus ollscoileanna Obar Dheathainn, Dhún Éideann agus Ghlaschú a dhíreoidh ar bheartas poiblí maidir le cothabháil agus athneartú chultúr agus teanga na Gàidhlig. Tá an tOllamh Dunbar ar na príomh-shaineolaithe dlí sa domhan agus i gcothabháil agus athneartú teangacha mionlaigh, i bpleanáil teanga do mhionteangacha agus i mbeartas agus i bpleanáil teanga don Ghàidhlig. Saineolaí de chuid Chomhairle na hEorpa é agus oibríonn sé go rialta le Rúnaíocht Chairt na hEorpa do Theangacha Réigiúnacha nó Mionlaigh. Lena chois sin, is Comhlach Taighde Sinsearach neamhchónaitheach é don Aonad Eorpach do Cheisteanna Mionlaigh. Cuireann sé comhairle ar eagraíochtaí idirnáisiúnta, rialtais agus ENR ar reachtaíocht ar bheartas agus ar phleanáil mionteangacha.



Professor Robert Dunbar

Professor Dunbar is a Research Professor at Sabhal Mòr Ostaig / University of the Highlands and Islands (UHI) and is Director of Soillse, a 7-year £5.29 million research project involving UHI, and the Universities of Aberdeen, Edinburgh and Glasgow whose focus will be public policy toward the maintenance and revitalisation of Gaelic language and culture. Professor Dunbar is one of the world's foremost experts on law and minority language maintenance and revitalisation, language planning for minority languages, and language policy and planning for Gaelic. He is an expert of the Council of Europe and works regularly with the Secretariat for the European Charter for Regional or Minority Languages. He is also a Senior Non-resident Research Associate of the European Centre for Minority Issues. He has advised international organisations, governments and NGOs on legislation, policy and planning for minority languages.

An Dr Wilson McLeod

Tá Wilson McLeod ina Léachtóir Sinsearach sa Léann Cheilteach ag Ollscoil Dhún Éideann. Tá BA aige ó Choláiste Haverford, JD ó Scoil Dlí Harvard, MSc agus PhD aige ó Ollscoil Dhún Éideann. D'fhoilsigh sé go forleathan ar réimse ábhar a bhaineann le beartas teanga agus le ceisteanna i dtaca le polaitíocht chultúrtha Ghàidhlig na hAlban agus litríocht na hÉireann.



Dr Wilson McLeod

Wilson McLeod is a Senior Lecturer in Celtic at the University of Edinburgh. He holds a BA from Haverford College, a JD from Harvard Law School and an MSc and PhD from the University of Edinburgh. He has published widely on a range of language policy issues and on topics relating to the cultural politics of Scottish Gaelic and Irish literature.

An Dr Fernand de Varennes

Tá an Dr. de Varennes ina Chraobhchuradh Linguapax 2004, ina Chomhairleoir Eolaíochta ag an Fhaireachlann Idirnáisiúnta ar Chearta Teanga, Université de Moncton (Ceanada) agus ina aoi-Ollamh ag an Dámh Shari'ah agus Dlí, Ollscoil Náisiúnta Maldives (Maldives), agus ag Dámh an Dlí ag Ollscoil Beijinn (an tSín). Tá sé ar mhór-shaineolaithe an domhain ar chearta teanga agus ina údar ar bhreis agus 100 foilseachán i dtuairim is ar 25 teanga.



Dr Fernand de Varennes

Dr. de Varennes is Linguapax Award Laureate 2004, Scientific Adviser at the International Observatory on Language Rights, Université de Moncton (Canada) and a Guest Professor at the Faculty of Shari'ah and Law, Maldives National University (Maldives), and the Faculty of Law at Peking University (China). He is one of the world's leading legal experts on language rights and the author of more than 100 publications in some 25 languages.

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Ráitis Tosaigh

Le cúig bliana déag anuas, tá athruithe móra tagtha ar shocháil an tuaiscirt. Is láidre an Ghaeilge anois agus is mó an t-aitheantas stáit atá aici, go háirithe faoi Chomhaontú Aoine an Chéasta agus faoin Chomhaontú ag Cill Rimhinn, a raibh páirt ag rialtais na Breataine agus na hÉireann beirt iontu, agus faoi ionstraimí idirnáisiúnta, mar shampla, Cairt na hEorpa do Theangacha Réigiúnacha nó Mionlaigh and an Creachoinbhinsiún um Chosaint Mionlach Náisiúnta de chuid Chomhairle na hEorpa, ar páirtí díobh an Bhreatain. Go fóill, áfach, is í an Ghaeilge an t-aon phríomhtheanga dhúchais ar na hoileáin seo nach bhfuil faoi chosaint ar leith na reachtaíochta intíre. Tá an Bhreatnais faoi chosaint *Acht na Breatnaise* ó 1993, agus le déanaí, forbraíodh réim dlíthiúil na Breatnaise tuilleadh ag *Beart na Breatnaise 2011*. Tá an Gàidhlig faoi chosaint *Acht na Gàidhlig (Albain) 2005*. Tá an Ghaeilge, ar ndóigh, faoi chosaint bhunreachtúil agus faoi *Acht na dTeangacha Oifigiúla 2003* ó dheas agus glacadh léi mar theanga oifigiúil de chuid an Aontais Eorpaigh.

Le blianta fada, tá sé soiléir dár bpobal go bhfuil géarghá le reachtaíocht chuí áitiúil don Ghaeilge i dtuaisceart na hÉireann. Tá pobal na Gaeilge ag éileamh a leithéide le tríocha bliain anuas. Is ceist í seo a tháinig chun tosaigh, arís is arís eile, bealach amháin nó bealach eile, agus muid ag obair mar scátheagras neamhstáit phobal na Gaeilge ó thuaidh. Ó chéadbhunaíodh POBAL, thóg muid ceist na reachtaíochta go leanúnach ag gach leibhéal rialtais agus saoránachta. Tá an cheist seo ag croílár obair abhcóideachta agus forbairt pobail a dhéantar ar son ár mballraíochta; obair a dhéantar de ghnáth ar an bheagán, agus a chuimsíonn taighde ar riachtanais agus tosaíochtaí phobal na Gaeilge, oiliúint do na hearnálacha rialtais, poiblí agus pobail ar fheasacht teanga agus ar dhea-chleachtas, agus faireachán leanúnach ar chur i gcrích chosaint reachtaíochta idirnáisiúnta don Ghaeilge san am i láthair. Tuigeann muid go maith, mar sin, gur ceist chasta í ceist na reachtaíochta. Is mian le POBAL tógáil ar an díospóireacht agus fócas a thabhairt di sa dóigh is go dtig le pobal na Gaeilge bogadh chun tosaigh ar bhonn moltaí soiléire, láidre, aontaithe maidir lena bhfuil a dhith orainn. Leis an chuspóir seo a bhaint amach, dhirigh foireann bheag POBAL ar phróiseas comhairliúcháin a sheoladh chun tosaigh ón Fhómhar 2004. Le tacaíocht ó phobal na Gaeilge fud fad an tuaiscirt, reáchtáil muid comhdhálacha idirnáisiúnta agus díospóireachtaí poiblí, chomh maith leis na dréachtmholtaí s'againne a dhréachtú is a scaipeadh. Reáchtáil muid cruinnithe poiblí áitiúla le pobal na Gaeilge ó thuaidh, cruinnithe comhairliúcháin le heagraíochtaí Gaeilge,

Foreword

Over the last fifteen years, society in the north of Ireland has changed a great deal. The Irish language now is stronger and subject to greater recognition than ever before, notably under the Good Friday Agreement and the Agreement at St. Andrews, both of which were entered into by the British and Irish governments, and international instruments, such as the Council of Europe's European Charter for Regional or Minority Languages and its Framework Convention on the Protection of National Minorities, to which Britain is a party. The Irish language remains, however, the only primary indigenous language in these islands that is not subject to specific domestic legislative protection. Welsh has been protected by the *Welsh Language Act* since 1993, and more recently, the legal regime for Welsh has been further developed by the *Welsh Language Measure 2011*. Gàidhlig is now subject to the *Gaelic Language (Scotland) Act 2005*. The Irish language is of course the subject of constitutional protections and the *Official Languages Act 2003* in the south of Ireland, and has been adopted as an official language of the European Union.

The need for appropriate domestic legislation for the Irish language in the north is one that has been clear to our community for many years. It has been a consistent demand from Irish speakers for over thirty years. It is an issue that POBAL, as the non-governmental umbrella organisation for the Irish speaking community in the north, has encountered again and again in different forms in the course of our work. Since our inception, it has been a question that we have consistently raised at all levels of government and in the broader society. It is part of the central core of our advocacy and community development work on behalf of our membership; work, usually carried out on a shoestring budget, that has also included research into the needs and priorities of our community, training in language awareness and best practice for government, public and community sectors, and the ongoing monitoring of the implementation of current international legislative protections for Irish. We are well aware therefore, that legislation is a complex area, and POBAL has sought to build and focus the debate so that the Irish speaking community can move forward with clear, strong and agreed proposals on what is needed. To this end, POBAL's small team of workers has driven forward a consultative process that began in the autumn of 2004. Working with support from Irish speakers throughout the north, we have organised international conferences and public discussions and the production and distribution of our draft legislative proposals. We have held local public meetings with the Irish speaking community throughout the north, as well as consultations with Irish language organisations north and south, with representatives of

thuaidh agus theas, le hionadaithe na bpáirtithe polaitiúla, na gceardchumann agus na n-eagras ceart daonna agus dlí. As an ghníomhaíocht seo a tháinig foilsíú Acht na Gaeilge TÉ i mí Feabhra 2006, sraith moltaí i dtreo Acht Gaeilge don Tuaisceart. I rith an ama, is le comhairle agus tacaíocht luachmhar roinnt saineolaithe ardoirce sa dlí idirnáisiúnta agus i gcearta daonna a rinne muid ár gcuid oibre. Táimid buíoch go háirithe don Ollamh Robert Dunbar (ón Scoil Dlí, Oilthigh Obar Dheathain roimhe seo agus anois i Sabhal Mòr Ostaig / Oilthigh na Gàidhealtachd is nan Eilean) agus don Dr Wilson McLeod (Oilthigh Dhùn Éideann) a thug go fial flaithiúil a gcuid ama agus saineolais le dea-mhéin agus le haoibh mhaith gan teip. Gan a dtacaíocht, ní thiocfadh an cháipéis seo a chur le chéile. Gabhaimid buíochas leis an Dr. Maurice Hayes, iar-Cheannasaí Státseirbhís TÉ, ar chineálta leis réamhrá leis an cháipéis seo a scríobh agus leis an Ollamh Colin H. Williams (Ollscoil Chaerdydd) agus an Dr Fernand de Varennes (Ollscoil Murdoch, An Astráil) a chuir thar na bearta le cáipéis Feabhra 2006 agus leis an cheann athbhreithnithe seo. Ba ar thorthaí na gcomhairliúcháin le pobal na Gaeilge agus leo siúd uilig a ghlac páirt iontu, agus ar an chleachtas idirnáisiúnta is fearr ar chearta teanga ar a raibh leagan 2006 an doiciméid 'Acht na Gaeilge do TÉ' bunaithe. Chuimsigh an doiciméad seo ceithre chuid, iad uilig idirnasctha: caibidil de chuid an Ollaimh Colin Williams ag díriú ar thábhacht chearta na dteangacha dúchais; tráchtairacht ar riachtanais an phobail agus ar chúlra na reachtaíochta atá á cur chun cinn againn; agus ansin, moltaí Acht na Gaeilge do TÉ féin. Ag an deireadh, bhí eolas ar na dualgais idirnáisiúnta agus intíre i dtaca le hAcht na Gaeilge TÉ de, scríofa ag an Dr. Fernand de Varennes.

Ba mhór amach tionchar na cáipéise seo, a d'éascaigh agus a thug léargas ar dhíospóireacht chuimsitheach, chasta taobh istigh de phobal na Gaeilge agus sa mhórphobal faoi ionnús chearta teanga agus riachtanais Ghaeilgeoirí. B'eochairghléas oideachasúil í, a chuir ar chumas an phobail an díospóireacht a mhúnlú agus a shainiú faoin mhéid a thiocfadh le agus ba chóir d'Acht Gaeilge a dhéanamh. B'ionstraim chumhachtach, chomhaontaithe abhcóideachta fosta í a d'áitigh ar roinnt polaiteoirí, agus leoga roinnt rialtas, gur chóir go mbeadh Acht Gaeilge ina chuid den dispeansáid úr a bhí faoi chaibidil ag na cainteanna i gCill Rìmhinn. In Aguisín B Chomhaontú Chill Rìmhinn (Deireadh Fómhair 2006), thug rialtas na Breataine an ghealltanais a leanas:

"Tabharfaidh an Rialtas seo isteach Acht Teanga Gaeilge a léireoidh eispéireas na Breataine Bige agus na hÉireann agus oibreoidh sé i gcomhar leis an Fheidhmeannas atá le teacht le forbairt na Gaeilge a mhéadú agus a chosaint."

political parties, trade unions and with human rights and legal organisations. This activity led to the publication by POBAL in February 2006 of The Irish Language Act NI, a set of proposals for an Irish Language Act for Northern Ireland. Our work has been carried out at all times with the invaluable advice and support of a number of highly distinguished experts in international law and human rights. We are particularly grateful to Prof. Robert Dunbar (formerly of the School of Law, the University of Aberdeen and now of Sabhal Mòr Ostaig / University of the Highlands and Islands) and to Dr Wilson McLeod (University of Edinburgh) who have given their time and expertise with great generosity, good will and unfailing good humour. This document would not have been possible without their support. We offer our thanks to Dr. Maurice Hayes, former Head of the NI Civil Service, who has kindly written an introduction to this document and to Prof. Colin H. Williams (University of Cardiff) and Dr Fernand de Varennes (Murdoch University, Australia) who have contributed immeasurably to the February 2006 and to this revised document. The Irish Language Act NI document of February 2006 sought to reflect the views and needs of the Irish speaking community and others who have taken part in the consultative processes and the best international practice on language rights. The document consisted of four interconnected sections: Prof. Colin Williams' chapter focussing on the importance of indigenous language rights; a section of commentary on the needs of the Irish speaking community and the background to the legislation being put forward, followed by the Irish Language Act proposals themselves. Finally, there was a section on the international and domestic commitments in relation to an Irish Language Act in the north, by Dr Fernand De Varennes.

The document has had a huge impact, facilitating and illuminating an in-depth, complex discussion within the Irish speaking community and in society more generally about the nature of language rights and the needs of Irish speakers. A key educational tool, it empowered the community in shaping and concretising the debate about what an Irish Language Act could and should do. It was also a powerful, agreed advocacy instrument which persuaded some politicians, and indeed governments, that the Irish Language Act should be part of the new dispensation under discussion at talks in St Andrews. In Appendix B of the St Andrews' Agreement (October 2006), the British government makes the following commitment:

"The Government will 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."

Le roinnt míonna anuas, táimid tagtha ar an tuairim gur mithid do POBAL agus do mhórfhobal na Gaeilge i dtuaisceart na hÉireann moltaí Feabhra 2006 a athbhreithniú, nó tharla roinnt forbairtí ó 2006 i gcomhthéacs an tuaiscirt ach fosta, ar an drochuair, nach ndearnadh aon dul chun cinn den chineál céanna i dtaca le reachtaíocht don teanga Ghaeilge. Ar na forbairtí tábhachtacha seo ar ndóigh tá Comhaontú Chill Rímhinn Dheireadh Fómhair 2006 thuasluaite, chomh maith le hAcht Tuisceart Éireann (Comhaontú ag Cill Rímhinn) 2006, a fuair aontú ríoga i mí na Samhna 2006. Thairis sin, i 2007 rinne an rialtas dhá chomhairliúchán phoiblí ar an éileamh ar reachtaíocht Ghaeilge sa tuaisceart agus léirigh an dá cheann go raibh tacaíocht fhorleathan thar na bearta don chineál sin reachtaíochta. Ar na forbairtí eile a cuireadh i bhfeidhm bhí Acht na dTeangacha Oifigiúla sa deisceart i mí Iúil 2006 a d'fhorlón agus a leathnaigh na cosaintí reachtúla a bhí cheana féin ag an Ghaeilge. Sa tuaisceart, tharla fosta dhá chás shuntasacha. Ceann acu, *Mac Giolla Chatháin v Seirbhís Chúirte Thuaisceart na hÉireann*, a shocraigh Cúirt Achomhairc Thuaisceart na hÉireann i 2010, tharraing sé aird ar an ghá atá le reachtaíocht chuimsitheach le háit na Gaeilge i sochaí thuaisceart na hÉireann a shoiléiriú, ar oibleagáidí an stáit don Ghaeilge agus do lucht a labhartha agus, go háirithe, ar chearta an lucht labhartha sin. An ceann eile, *McKee et al v Roinn Oideachais Thuaisceart na hÉireann*, a shocraigh Ard-Chúirt Bhreithiúnais Thuaisceart na hÉireann, i 2011, léirigh sé a rithábhachtaí a dtig le fiú na bearta teoranta reachtacha atá ann lena chinntiú go gcaitear ar dhóigh chuí thacúil leis an Ghaeilge, lena lucht labhartha agus lena lucht foghlama. Ar deireadh, b'fhorbairt thábhachtach eile é, tacaíocht chomhlachtaí idirnáisiúnta ar son reachtaíocht Ghaeilge a thabhairt isteach. Ar na comhlachtaí seo bhí an Coiste Comhairleach ar an *Chreatchoinbhinsiún um Chosaint Mionlach Náisiúnta* (2007), *Coiste na Náisiún Aontaithe ar Chearta Sóisialta, Eacnamaíochta agus Cultúrtha* (2009), *Coiste na Saineolaithe ar an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh* (2010) agus níos moille, i mí na Nollag 2011, liostaigh tuarascáil eile ón Choiste Comhairleach ar an *Chreatchoinbhinsiún um Chosaint Mionlach Náisiúnta*, as measc na n-ábhar a d'éiligh aird láithreach údaráis RA, forbairt 'reachtaíocht chuimsitheach don teanga Ghaeilge i dtuaisceart na hÉireann' agus d'éiligh ar na húdaráis 'bearta diongbháilte a dhéanamh láithreach le cearta daoine den phobal labhartha Gaeilge a chosaint agus a fheidhmiú ar dhóigh níos éifeachtaí'.

Ag cuimhneamh ar na forbairtí seo, d'iarr POBAL ar dhaoine aonair agus ar eagrais éagsúla atá bainte le forbairt na Gaeilge na moltaí a athbhreithniú. Le tacaíocht an Aire Cultúir, Ealaíon agus Fóillíochta, Carál Ní Chuilín agus Basil McCrea CTR, thionóil muid imeacht ar a raibh breis agus 100 ionadaí ar an Áiléar Fhada, Stormont, ar 16 Samhain 2011 áit

Over the last several months, we have come to the view that it was time for POBAL and the wider Irish Language community in the north of Ireland to review the February 2006 proposals, as there have been some important developments since 2006 in the northern context but also, unfortunately, no similar progress in terms of legislation for the Irish language. The important developments include, of course, the abovementioned Agreement at St Andrews of October 2006, and the Northern Ireland (Agreement at St. Andrews) Act 2006, which received royal assent in November 2006. In addition, there were two public consultations by government in 2007 on the need for Irish language legislation in the north, both of which showed overwhelming and widespread support for such legislation. Other developments include the coming into force of the Official Languages Act in the south in July 2006 which supplemented and extended already existing constitutional protections for Irish there. In the North, there have also been two significant cases. One, *Mac Giolla Catháin v Northern Ireland Court Service*, decided by the Northern Ireland Court of Appeal in 2010, brought home the need for comprehensive legislation to clarify the place of Irish in society in the north of Ireland, the obligations of the state to the language and its speakers, and, not least, the rights of those speakers. The other, *McKee et al v The Department of Education Northern Ireland*, decided by the High Court of Justice in Northern Ireland, in 2011, showed how crucial even the existing limited legislative measures can be in ensuring the Irish language, its speakers and its learners, are dealt with in an appropriately supportive way. Finally, another important development has been the support of international bodies for the introduction of Irish language legislation. These have included the Advisory Committee on the *Framework Convention for the Protection of National Minorities* (2007), the *United Nations Committee for Social, Economic and Cultural Rights* (2009), the *Committee of Experts on the European Charter for Regional or Minority Languages* (2010) and most recently, in December 2011, a further report of the Advisory Committee of the *Framework Convention for the Protection of National Minorities* listed, amongst the issues for immediate attention of the UK authorities, the development of 'comprehensive legislation on the Irish language in Northern Ireland' and called for the authorities to 'take resolute measures to protect and implement more effectively the language rights of persons belonging to the Irish-speaking community'.

In the light of these developments, POBAL has asked a variety of individuals and organisations involved in Irish language development to review the proposals. With support from the Minister for Culture, Arts and Leisure, Carál Ní Chuilín and MLA Basil McCrea, we held an event attended by over 100 delegates at the Long Gallery, Stormont, on 16

ar iniúchadh na bunmholtaí, i gcomhthéacs an dul chun cinn a rinneadh le blianta beaga anuas. Glacadh arís leis na moltaí ag an imeacht, agus moladh go nuashonrófaí earnálacha na meán agus an oideachais le dul chun cinn na teicneolaíochta agus fás an phobail a thabhairt san áireamh. D'iarr muid mar sin ar roinnt ball den mheitheal a bhí ag baint le hullmhú na buncháipéise, *Acht na Gaeilge TÉ*, trácht uirthi agus í a nuashonrú, bunaithe ar an athbhreithniú roimhe sin agus ar an phlé le linn imeacht na Samhna. De bharr an phróisis seo, cuireadh na dréachtmholtaí féin amach ar fud an phobail agus chuig réimse comhlachtaí ar a raibh scoileanna agus eagraíochtaí eile oideachais, Ranna Stáit, eagraíochtaí poiblí agus eagraíochtaí um chearta an duine, comhairlí áitiúla agus comhlachtaí eile nach iad. Chomh maith, reáchtáil POBAL sraith de chruinnithe comhairliúcháin i gceantair éagsúla. Tar éis tarraingt ar thorthaí an phróisis sin, táimid anois ag foilsiú an tsraith úr seo moltaí nuashonraithe.

Go fóill, tá POBAL go láidir den tuairim gurb é Acht na Gaeilge do TÉ an chéad chéim loighciúil eile i dtaca leis an Ghaeilge de. I rith an ama, tá pobal na Gaeilge, a lucht tacaíochta agus an dream ar suim leo sochaí chothrom a chruthú, ag tacú go láidir lenár moltaí reachtacha. Cé gur ceapadh gurbh inmholta iad a nuashonrú fad áirithe ag cuimhneamh ar na forbairtí a tharla le sé bliana anuas, tá na moltaí a bheag nó a mhór mar a bhí siad an chéad lá riamh. Dhaingnigh eispéireas na sé mbliana a d'imigh ár ndearcadh agus dearcadh an dream a chuidigh le cruthú na moltaí bunaidh agus athbhreithnithe a leagadh amach sa cháipéis seo, go bhfuil fíor-riachtanas le reachtaíocht den chineál atá molta anseo, i dtaca le sásamh riachtanas agus ionchas phobal na Gaeilge sa tuaisceart, ach le freastal, rud is ríthábhachtach, ar oibleagáidí dlíthiúla na RA. Dhéanfadh achtú Acht na Gaeilge soiléiriú ar chearta lucht labhartha Gaeilge agus ar dhualgais an stáit agus na gcomhlachtaí poiblí. Dhéanfadh sé é níos fusa don duine aonair a chuid ceart a thuiscint agus a chosaint, agus i gcás na n-earnálacha poiblí agus rialtais, dhéanfadh sé é níos fusa dóibh a gcuid freagrachtaí a chomhlíonadh. Chuirfeadh sé reachtaíocht teanga i dtiúin ar na hoileáin seo agus chuideodh sé le reachtaíocht um chomhionannas agus um chearta an duine a chónascadh i dtuaisceart na hÉireann.

I gcomhar le pobal na Gaeilge, agus le tacaíocht fhlaithiúil ó shaineolaithe idirnáisiúnta dlí, cuireann POBAL na moltaí soiléire, comhsheasmhacha, réadúla faoi bhur mbráid, go fonnmar faoina gcruth nuashonraithe. Creideann muid go fóill go cuirfidh siad le hachtú Acht na Gaeilge cuimsitheach don tuaisceart, taobh istigh d'amscála réasúnta. Faraor, tá go fóill neart le déanamh, agus mar is gnách, tá muid ag dúil le bheith ag obair leis na páirtithe leasmhara uilig leis an fhís seo a fhíorú.

**Janet Muller, Príomhfheidhmeannach POBAL
Meitheamh 2012**

November 2011 at which the original proposals were scrutinised, in the context of local, national and international advances in recent years. The proposals were endorsed once more at the event, with the suggestion that the media and education sections be updated to take account of technological advances and the growth of the community. We therefore asked several members of the team which was involved in the preparation of the original document, *The Irish Language Act NI* to comment and update it, based on the discussion at the November event. As a result of that process, the draft proposals themselves were circulated throughout the community and to a variety of bodies, including schools and other educational bodies, government departments, public bodies and human rights organisations, local councils and other bodies. In addition, POBAL organised a series of public consultation meetings in various areas. Having drawn on the findings of this process, we are now publishing this updated set of proposals.

POBAL remains strongly of the view that the Irish Language Act for the north is the next logical step in relation to the Irish Language. Our legislative proposals continue to have the strong support of the Irish language community, its supporters and those with an interest in building an equal society. While some updating has been deemed advisable in light of developments over the past six years, the proposals remain to a very great extent unchanged. The experience of the last six years has only confirmed our view and that of those who have contributed to the creation of the original and revised proposals set out in this document, that legislation in the form recommended here is essential, both in terms of satisfying the needs and aspirations of the Irish language community in the north and, also crucially, the legal obligations of the UK. The introduction of the Irish Language Act is an enabling action that will clarify the rights of Irish speakers and the responsibilities of public and government bodies. It will make it easier for individuals to understand and protect their rights and it will enable those working in the government and public sectors to fulfil their duties. It will assist in harmonising indigenous language protections throughout these islands and will help unify equality and rights legislation in the north.

In conjunction with the Irish speaking community, and with the generous support of international legal experts, POBAL is pleased to present these clear, consistent and realistic proposals in their updated form. We continue to believe that they will contribute to the enacting, within the near future, of a comprehensive Irish Language Act for the north. There is, unfortunately, still much work to be done and, as before and as always, we look forward to working with all parties to realise this challenge.

**Janet Muller, Chief Executive POBAL
June 2012**

Buíochas

Pobal na Gaeilge i dtuaisceart na hÉireann, iad uilig a chuidigh linn cruinnithe a réachtáil, moltaí a phoibliú, tuairimí a bhailiú agus a thug spreagadh agus tacaíocht leanúnach dúinn.

Robert Dunbar, Sabhal Mòr Ostaig / Oilthigh na Gàidhealtachd is nan Eilean
Colin Williams, Ollscoil Chaerydd
Wilson McLeod, Ollscoil Dhún Éideann
Fernand de Varennes, Ollscoil Murdoch
Maurice Hayes

An tAire Cultúir, Ealaíon agus Fóillíochta, Carál Ní Chuilín
Arthur Scott, RCEF
Paul Gamble, RCEF

Basil McCrea, CTR

Dominic Hannigan, TD, Iar-chathaoirleach, Comhchoiste um Fhorfheidhmiú Chomhaontú Aoine an Chéasta
Hywel Hughes, Ceannasaí, Seirbhís Breatnaise na Cúirteanna
Alasdair Mac Caluim, Oifigeach Gàidhlig, Parlaimint na hAlban
Dòmhnall Mac Nèill, PF Comunn na Gàidhlig
Donald John Mac Innes, MGAlba
Helen Ó Murchú

Réamonn Ó Ciaráin, Gael-Linn
Seán Ó Maoilisté, Cairde Teo
Pól Ó Frighil, Oifigeach Gaeilge, Comhairle Doire
Déaglán Ó Doibhlinn, Oifigeach Gaeilge, Comhairlí Léim An Mhadaidh agus Mhachaire Fíolta
Ursula Uí Dhonnaile, Oifigeach Gaeilge, Comhairlí Dhún Geanainn agus na Coirre Críocháí
Ursula Mhic An tSaoir, Mici Walsh, Oifigigh Gaeilge, Comhairle Iúr is Muirne
Seán Ó Coinn, Foras na Gaeilge
Micheál Ó Duibh, Comhairle na Gaelscolaíochta
Dónall Ó Baoill, Ollscoil na Ríona
Fionntán de Brún, Ollscoil Uladh
Gabrielle Nig Uidhir, Coláiste na hOllscoile Naomh Muire
Padaí De Bléine, Coláiste na hOllscoile Naomh Muire
Eoghan Mac Éinrí, Ollscoil na Bannríona
Ciarán Ó Pronntaigh, An tÁisaonad
Áine Walsh, NI Screen
Póilín Ní Chiaráin
Cathal Goan
Eoghan Ó Néill
Fergus Ó hÍr
Daniel Holder, CAJ
Micheál Ó Flannagáin

Acknowledgements

To the Irish speaking community in the north, and all those who helped us to organise meetings, to publicise proposals, to collect feedback, and who gave us continuing encouragement and support.

Robert Dunbar, Sabhal Mòr Ostaig / University of the Highlands and Islands
Colin Williams, University of Cardiff
Wilson McLeod, University of Edinburgh
Fernand de Varennes, Murdoch University
Maurice Hayes

The Minister for Culture, Arts and Leisure, Carál Ní Chuilín
Arthur Scott, DCAL
Paul Gamble, DCAL

Basil McCrea, MLA

Dominic Hannigan, TD, Former-Chair, Committee on the Implementation of the Good Friday Agreement
Hywel Hughes, Head of Welsh Language Courts Service
Alasdair Mac Caluim, Gàidhlig Officer, Scottish Parliament
Dòmhnall Mac Nèill, PF Comunn na Gàidhlig
Donald John Mac Innes, MGAlba
Helen Ó Murchú

Réamonn Ó Ciaráin, Gael-Linn
Seán Ó Maoilisté, Cairde Teo
Pól Ó Frighil, Irish Language Officer, Derry City Council
Déaglán Ó Doibhlinn, Irish Language Officer, Limavady and Magherafelt Councils
Ursula Uí Dhonnaile, Irish Language Officer, Dungannon and Cookstown Councils
Ursula Mhic An tSaoir, Mici Walsh, Irish Language Officers, Newry and Mourne Council
Seán Ó Coinn, Foras na Gaeilge
Micheál Ó Duibh, Comhairle na Gaelscolaíochta
Dónall Ó Baoill, Queen's University Belfast
Fionntán de Brún, University of Ulster
Gabrielle Nig Uidhir, St Mary's University College
Padaí De Bléine, St Mary's University College
Eoghan Mac Éinrí, Queen's University Belfast
Ciarán Ó Pronntaigh, An tÁisaonad
Áine Walsh, NI Screen
Póilín Ní Chiaráin
Cathal Goan
Eoghan Ó Néill
Fergus Ó hÍr
Daniel Holder, CAJ
Micheál Ó Flannagáin

Foireann agus Coiste POBAL

Foras na Gaeilge

BRO

COGG

Colmcille

An Chomhairle Ealaíon

POBAL's staff and committee

Foras na Gaeilge

BRO

COGG

Colmcille

The Arts Council

Réamhrá

In 2006, thacaigh mé le céadeagrán na Tuarascála seo mar chion tráthúil agus riachtanach do dhíospóireacht a thiocthadh, dar liom san am sin, a thabhairt chun críche go measartha luath. Ba chosúil an méid sin a bheith intuigthe sna gealltanais a tugadh i gComhaontú Chill Rímhinn níos moille sa bhliain chéanna 'leis an Acht a chur chun cinn le forbairt na Gaeilge a chosaint'.

Ní mar sin a tharla, agus, cé go ndearnadh dul chun cinn i dtreonna eile, caithfidh mé mo dhíomá, agus díomá a lán daoine eile, a chur in iúl i dtaca le laghad an dul chun cinn i réimse na reachtaíochta.

Tá na hargóintí a cuireadh chun tosaigh i bhfabhar na reachtaíochta sin (a dtig a scóip agus a mionsonraí a phlé) go fóill fóna. Go háirithe, le blianta anuas, is léir go bhfuil borradh suaithinseach suime sa Gaeilge, idir a húsáid mar ghnáth-theanga teallaigh, mar mheán cumarsáide, agus mar chomhartha den fhéiniúlacht chultúrtha do ghrúpaí agus don duine aonair araon. As seo a d'eascair na pobail labhartha Gaeilge – Gaeltachtaí beaga i lár na mbailte móra – agus na scoileanna lán-Ghaeilge, idir náiscoilleana, bhunscoilleana agus mheánscoilleana.

Glactar leis anois go forleathan, i measc na náisiún, go bhfuil cearta ag daoine, ní amháin i dtaobh saoirse cainte, ach i dtaobh saoirse labhartha i dteanga an chliabháin nó na haicme cultúrtha lena mbaineann siad, agus go bhfuil, freisin, dualgas ar an stát, go réasúnta, na cearta sin a chosaint is a dhaingniú.

Glactar leis freisin, go bhfuil luach agus saibhreas faoi leith san éagsúlacht féin i sochaithe nua-aimseartha, agus go bhfuil sé chun sochair an phobail i gcoitinne é a chur ar chumas mionchultúr is mionaicmí bheith beo agus cur, dá réir, le leas an phobail mhóir as tobar a gcultúir féin.

Chonaic mé sa Fhrainc spéis athnuaithe den chineál céanna i dteangacha réigiúnacha ar bhuail córas oideachais na Fraince smacht agus cos ar bolg orthu a thug beagnach a fhad lena mbás iad; agus éileamh ar scolaíocht dhátheangach, mar fhoinshe shaibhriú cultúir, i leithéidí Francacha Albainis Uladh agus Albainise (chomh maith le Briotáinis, atá inchompráide le Gaeilge agus Breatnais.)

Is léir domsa go gcuireann moltaí seo POBAL go mór leis an díospóireacht sa mhéid is bhfuil siad bunaithe ar an dea-chleachtas is fearr idirnáisiúnta, agus toisc go bhfuil siad réasúnta agus go n-aithníonn siad an gá atá leis an chothromaíocht agus lena bheith ag lorg réiteach praiticiúil i gcásanna áirithe. Is léir freisin go n-aithnítear go bhfuil sé

Introduction

In 2006, I endorsed the first edition of this Report as a timely and necessary contribution to a debate which, I thought then, could be brought to a fairly early conclusion. That this would be the case seemed implicit in the undertakings given in the St Andrews Agreement later in the same year 'to progress an Act to protect the development of the Irish language'.

This has not happened, and, although there has been progress in other directions, I have to record my disappointment, and that of many other people at the lack of progress on the legislative front.

The arguments advanced in favour of such legislation (the scope and detail of which is open to discussion) remain sound. In particular there is the remarkable renewal of interest in the Irish language over recent years which has seen the growth of its use as a medium of conversation and as an expression of cultural identity both for groups and for the individual. This has led to the establishment of Irish speaking communities, mini – Gaeltachta in an urban setting, and to the establishment and growth of all-Irish schools: nursery, primary and secondary.

There has been acceptance too, internationally, that people have rights not only to freedom of speech, but to speak in the language of their upbringing or cultural group, and that states have an obligation, within reason, to protect and facilitate these rights.

There has also been an increasing recognition of the value and richness of diversity in modern societies, and the benefit to the wider society of enabling minorities to exist and to contribute from their culture to the general good.

I have seen in France a comparable renewed interest in regional languages which had been suppressed and oppressed by the French educational system almost to the point of extinction, and a demand for bi-lingual schooling, as a source of cultural enrichment, in the French equivalents of Ulster-Scots and Lallans (as well as Breton, which is comparable to Irish and Welsh.)

These proposals from POBAL seem to me a valuable contribution to the wider debate because they recognise both these principles and because they are founded in international best practice, and because they are reasonably put and recognise the need for a sense of proportion and the limits of practicality in many situations.

riachtanach tacaíocht a fháil ón ghnáthphobal nach Gaeilgeoirí iad, ón stát is ó na húdarais phoiblí. Is breá liom an tslí réasúnta ina gcuirtear na moltaí, an machnamh is an taighde a rinneadh, go n-aithnítear go bhféadfadh na moltaí seo deacrachtaí a chruthú do dhaoine eile agus an dóigh a soláthraítear meicníocht chun déileáil lena leithéid.

Cuirtear na moltaí i dteanga is i gcomhthéacs na gceart is na ndualgas ar ghlac an Ríocht Aontaithe leo faoi chonarthaí is Cairteanna éagsúla idirnáisiúnta. Ina measc siúd atá cosaint chearta an duine faoin Choinbhinsiún Eorpach (atá anois fáiscthe sa chóras dlí intíre) is na dualgais dhlíthiúla na mionteangacha a chosaint is a chaomhnú faoin Chairt Eorpach.

Is é Tuaisceart na hÉireann an t-aon limistéar réigiúnach den Ríocht Aontaithe (taobh amuigh de Shasana féin) nach bhfuil an chosaint seo le fáil ann i bhfoirm acht sonracha teanga – ritheadh a leithéid don Bhreatnais i 1993 is do Ghàidhlig na hAlban i 2005. Ar an choigríoch, tá eiseamláir Cheanada, na Fionlainne, na Spáinne is na hEilvéise ann, a chuireann bunraith faoi na moltaí atá leagtha amach anseo. Dá bhrí sin, tá sé le ciall a mholadh gur chóir an tAcht a rith i bParlaimint Westminster seachas an Tionól. Ba in Westminster a ritheadh Acht Thuaisceart Éireann mar shaghas bunreachta don Tuaisceart, agus sin an áit inar chóir cosaint na gceart seo a dhaingniú is dualgais an stáit a chur i bhfeidhm.

San alt cumhachtach áititheach a scríobh an tOllamh Williams ag tús an doiciméid seo, leagann sé amach argóintí láidre ar son Acht na Gaeilge, argóintí a eascraíonn as a chuid taighde is a chuid staidéir féin, agus as a thaithí ar oibriú reachtaíochta den saghas céanna sa Bhreatain Bheag. Aontaím go mór leis an chlár díospóireachta is plé phoiblí a mholann sé don phobal tuaisceartach. Chuir mé spéis ar leith san aiste léannta a scríobh an Dochtúir de Varennes, chomh maith. Leagann sé amach tréanargóint ar son Acht Gaeilge do Thuaisceart na hÉireann ina mbeadh cearta is dualgais leagtha amach go soiléir is go deimhin, a mbeadh meas aige ar an chomhréireacht, a chuirfeadh le héifeacht na n-údarás poiblí, is a thabharfadh leigheas is cúiteamh don duine nó don dream a mbeadh gearán acu.

Molaim iarrachtaí POBAL leis an cheist a choinneáil os comhair an phobail, agus an dul chun cinn a rinneadh trí na gaelscoileanna agus úsáid mhéadaithe na Gaeilge sna meáin. I ngéarchor caiteachais phoiblí, agus áisíneachta ag tabhairt aghaidh ar chiorruithe ar gach taobh, is tábhachtach, agus seo ar intinn againn, gan ligean do dheacrachtaí geilleagair a bheith á n-úsáid mar argóint in éadan aon athrú. Ina áit sin ba chóir an cás a fheiceáil mar dhúshlán le modhanna

The document recognises too the need to secure the support of people who are not Irish speakers, and of state and public authorities. I welcome the reasonable way the proposals are made and the thought and research that have gone into them, the recognition of the problems they might cause for other people and the provision of a mechanism to deal with these.

The issue is dealt with in the language and context of rights and obligations that the United Kingdom has accepted through international treaties and Charters. These are the individual rights guaranteed by the European Convention (now part of domestic law) and the legal obligations to protect minority languages under the European Charter.

Northern Ireland is the only part of the United Kingdom (apart from England itself) which does not have the benefit of a specific language act – the Welsh language has had protection since 1993 and Scots Gaelic in 2005. More widely there are the examples of Canada, Finland, Spain and Switzerland. For this reason it makes sense to argue for legislation at Westminster rather than in the Assembly. The Northern Ireland Act provides a sort of Constitution, and that is where constitutional protection for language rights should be entrenched.

In a powerfully persuasive article at the start of this document, Professor Colin Williams makes a strong argument for an Irish Language Act, both from his own research and study and from experience of the working of comparable legislation in Wales. I fully support the programme of debate and public discussion that he proposes for Northern Ireland. I was particularly struck also by the scholarly contribution of Dr de Varennes who makes a compelling case for the introduction of an Irish Language Act for Northern Ireland which would provide clarity in relation to rights and responsibilities, would respect proportionality, would contribute to efficacy on the part of public authorities, and would provide for effective remedies.

I commend the efforts of POBAL to keep the issue before the public, and the progress which has been affected through the gaelscoileanna and the increased use of Irish in the media. In a difficult time for public expenditure, with agencies facing cuts on all sides, it is important, while bearing this in mind, not to allow economic difficulties to be used as an argument against any change. Rather should it be seen as a challenge to find new and more efficient ways of doing

déanta gnó agus teagmhála leis an saoránach sa teanga oiriúnach atá níos éifeachtaí agus níos éifeachtúla a aimsiú.

Is mithid anois bogadh go leibhéal eile, agus is mithid do rialtais agus pholaiteoirí seasamh leis na gealltanais a tugadh i gCill Rímhinn. Tugann an cháipéis seo, ar mhodh úsáideach, achoimre Acht Teanga mar bhun luachmhar praiticiúil díospóireachta. Beidh éagsúlacht tuairimí ar na sonraí – ní aontaím féin le gach rud a mholtar, ach ní chuige sin atáimid. Sé rud is mithid anois ná díospóireacht chinntitheach ina mbeadh na haisteoirí uilig páirteach, as a dtiocfadh Acht a chuirfeadh ar chumas Rialtas na Breataine cloí lena dhualgais faoi chonarthaí áirithe idirnáisiúnta, agus fúthu sin ar glacadh leo i gComhaontú Chill Rímhinn, Acht a thabharfadh cabhair is cosaint do Ghaeilgeoirí sa Tuaisceart agus iad ag déileáil le forais phoiblí, Acht a chaomhnódh is a neartódh an Ghaeilge is na pobail labhartha Gaeilge mar aicme faoi leith i mórphobal ilchultúrtha.

Maurice Hayes
Meitheamh 2012

business and communicating with the citizen in whatever language is appropriate.

It is now time to move to another plane, and for governments and politicians to honour the undertakings given at St Andrews. This document usefully provides an outline of a Language Act as a valuable and practical basis for discussion. Opinions will differ on details – I do not agree with everything proposed myself – but that is not the point. The point is that there should now be a conclusive debate involving all the actors, leading to an Act which enables the Government of the United Kingdom to meet its treaty obligations, and those assumed in the St Andrews Agreement, which protects the rights of Irish speakers in their dealings with public bodies and officials, and preserves and strengthens the language and Irish speaking communities as a distinct part of a multicultural society.

Maurice Hayes
June 2012

Cuid I Cearta Teanga Dúchais agus Reachtaíocht

Colin H. Williams
An tAonad Taighde Teanga, Beartais agus
Pleanála
Scoil na Breatnaise, Ollscoil Chaerdydd

An fáth a bhfuil cearta teanga tábhachtach

Mairimid in aois inar éirigh cearta agus cosaint ceart ina cheist leanúnach iomaíoch sa stát daonlathach. Tá cleachtadh roinnt deichniúr de bhlianta againn ar bhunú ceart i limistéir chaidreamh ciníoch, inscne agus ceisteanna míchumais. Is fada áit sa dioscúrsa maidir le forbairt pobail agus cearta leasa ag argóintí ar son feacht teanga, ar son saoirse cainte an duine aonair, ar son ceart chun cosanta mar phobal teanga agus bheith in ann an teanga is rogha leis an duine féin a chur chun cinn sa déileáil le, mar shampla, rialtas áitiúil nó leis an chóras dlíthiúil. Ach ní go dtí le déanaí a d'éirigh cearta teanga iontu féin, maraon le creat reachtaíochta d'fheidhmiú beartas teanga, ina mír shuntasach ar chlár oibre an chomhionannais i gcuid mhaith stát de chuid an iarthair.

Roimh lár an fhichiú haois tuigeadh gur léirigh cearta teanga mionlaigh bheith i dtír ciall lag den chomhtháthú náisiúnta agus comhartha mallintinne. Ach inniu, meastar gabháil chearta teanga mionlaigh mar fhianaise ar aibíocht pholaitiúil tíre agus a hoscailteacht don ilghnéitheacht. Stáit a chloíonn le samhail "aon náisiún-aon teanga-aon stát", feictear iad bheith seanaimseartha, faoi ghlas i samhail phobail pholaitiúil an 19ú haois, gan chumas teacht chun réitigh le castachtaí dhomhan an lae inniu. (Kymlicka, 2006). Ach de ghnáth, is iad na teangacha dúchais seachas na teangacha inimirceacha a aithnítear agus a mhisnítear. Ní le teangacha amháin a bhaineann an dealú seo idir cearta dúchais agus inimirceacha ach tá sé leitheadach i gcineálacha eile cearta mionlach, agus san áireamh, ceisteanna rialtais dhiláraithe, iolrachais dhlíthiúil, ionadaíochta polaitiúla, agus (i gcás pobal dúchais) éileamh talaimh. Ar gach ceann de na ceisteanna seo, is léir dúinn difríochtaí córasacha idir inimircigh agus mionlaigh stairiúla, ar leibhéal beartas intíre agus dlí idirnáisiúnta araon (Kymlicka, 2006).

I gcás na dtíortha Ceilteacha ní hé príomhchuspóir bheartas teanga dhá shochaí taobh le chéile agus aonteangach den chuid is mó a chruthú – sochaí scartha Bhreatnaise nó

Part 1 Indigenous Language Rights and Legislation

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Why language rights are important

We live in an age when rights and the defence of rights have become an increasingly contested issue in the democratic state. We have the experience of several decades of establishing rights in the fields of race relations, gender and disability issues. Arguments for language awareness, for freedom of individual expression, for the right to be protected as a language group and to be able to promote one's preferred language in dealing with, for example, local government or the legal system, have long figured in the discourse pertaining to community development and welfare rights. But it is only recently that language rights per se, together with a legislative framework for the implementation of language policies, have become a significant item within the equality agenda of many western states.

Prior to the mid-twentieth century the presence of minority language rights in a country was interpreted as a reflection of a weak sense of national integration and a sign of backwardness. Today, however, acceptance of minority language rights is seen as evidence of a country's political maturity and openness to difference. States that cling to the model of "one nation-one language-one state" are seen as outmoded, trapped in a 19th-century model of political community, unable to adapt to the complexities of the modern world (Kymlicka, 2007). Yet in general it is the autochthonous rather than the immigrant languages that are recognised and encouraged. Such differentiation between indigenous and immigrant rights is not confined to language but is prevalent in other forms of minority rights, including issues of devolved government, legal pluralism, political representation, and (in the case of indigenous peoples) land claims. On all of these issues, we find systematic differences between immigrants and historic minorities, both at the level of domestic policies and international law (Kymlicka, 2006).

In the Celtic cases the main aim of language policy is not to create two parallel and largely monolingual societies – a separate Welsh-speaking or Irish-speaking society alongside

Ghaeilge taobh le sochaí Bhéarla. Is é an sprioc, tuilleadh dátheangachais a spreagadh trí shaol an lae, le go mothódh a lán saoránach ar a suaimhneas ag oibrú i gceachtar den dá theanga ar réimse leathan imeachtaí. Tuigtear do Kymlicka go bhfuil i gcás na dteangacha Ceilteacha deis chun fíorshamhail úr aonphobail dhátheangaigh pholaitiúil, ní hionann agus an cónascadh dénáisiúnach dhá shainphobal aonteangacha polaitiúla a fheicimid ag feidhmiú i gCeanada nó sa Bheilg. Sa chás deiridh, is droichead riachtanach é an dátheangachas idir dhá phobal teanga stairiúla dothuigthe ceachtartha, ach sa lá inniu is dátheangaigh líofa iad cainteoirí Gáidhlig, Gaeilge agus Breatnaise. Mar sin, is iad atá riachtanach sa chomhthéacs Ceilteach, aitheantas, déileáil chomhionann agus rogha.

Ábharthacht don chainteoir

Don chainteoir féin is gnách gurb iad an dá cheart teanga is bunúsaí an ceart le cuid dá (h)oidreachas reachtúil a fháil sa teanga mháthartha nó sa rogha-theanga, agus an ceart le seirbhísí áirithe poiblí a fháil i dteanga ainmnithe. Is iad trí chuaille chaomhnú teanga, an teaghlach agus an pobal, an córas oideachais agus an stát áitiúil. Nuair a ghníomhaíonn siad triúr i gcomhar leis an teanga is ísle úsáid a dhaingniú, is cinnte gur mó i bhfad a thig an teanga sin a neartú san fhadtréimhse agus páirt phoiblí áisiúil sa tsochaí a fháil don teanga. Nuair is lag é ceann amháin nó níos mó de na cuailí taca seo is baol do bheocht fhadtréimhseach na teanga. I sochaithe forbartha, glactar anois leis go bhfuil reachtaíocht teanga ina nasc riachtanach leis na cuailí seo lena chinntiú, nó lena éascú cibé, go n-úsáidfear an teanga ar a ndéantaí leatrom, i limistéir úra. Féadann creat dlí báúil cás socheacnamaíoch cainteoirí teangacha neamhfhorleathana a fheabhsú trína chinntiú go mbíonn deiseanna méadaithe acu leis an teanga is rogha acu a chleachtadh i sainchomhthéacsanna. Maidir leis sin, tig an dlí a fheiceáil ina uirlis chumasaithe. Agus iad ceangailte le beartas sóisialta forásach, tig le cearta teanga agus pleananna reachtúla teanga difear suntasach a dhéanamh do dhearbhusáid agus mar sin, d'ábharthacht chothú an dátheangachais sa phobal.

Do na cainteoirí féin is é an dóigh is tairbhí le cumas sa sprioctheanga a mhéadú, go bhfaigheadh duine méid suntasach dá oideachas foirmiúil i dtimpeallacht dhátheangach nó ilteangach. Ach, tá claonadh coiteann ann glacadh leis gurb é an t-oidreachas aonteangach an gnás tríd an domhan. Ina lán cásanna, d'úsáid rialtais oideachas aonteangach nó ilteangach le líofacht i dteanga cheannasach an stáit a chur chun cinn, seachas úsáid na mionteanga a chothú. Is fíor seo go háirithe nuair a thagann páistí isteach sa chóras foirmiúil oideachais agus gan ach beagán den teanga cheannasach ar a dtail acu. Sa chomhthéacs seo, úsáidtear an mháthairtheanga nó an mhionteanga mar uirlis

the English-speaking society. Rather, the goal is to encourage greater bilingualism in everyday life, so that many citizens will feel comfortable operating in either language in a wide range of functions. Kymlicka interprets the Celtic cases as offering the promise of a genuinely new model of a single bilingual political community, in contrast to the sort of binational federation of two distinct monolingual political communities that we see operating in Canada or Belgium. In the latter cases bilingualism is a necessary bridge between two historically mutually unintelligible language communities, whereas Gaelic, Irish and Welsh speakers today function as fluent bilinguals. Thus the imperatives for Celtic contexts are recognition, equality of treatment and choice.

Relevance for the speaker

For individual speakers the two most fundamental language rights tend to be the right to receive a proportion of one's statutory education through one's mother tongue or language of choice, and the right to receive certain public services through a designated language. The three pillars of language maintenance are the family and community, the educational system and the local state. When all three act in concert to reinforce the lesser used language there is obviously a much greater chance of strengthening that language over the long term and of securing a very useful public role for the language in society. When one or more of these supporting pillars is weak it can threaten the long-term vitality of the language. In advanced societies, language legislation has come to be seen as an essential adjunct to these pillars so as to guarantee, or at least facilitate, the use of the former discriminated language within new domains. A sympathetic legal framework can improve the socio-economic situation of lesser used language speakers by ensuring that they have increased opportunities to exercise their language of choice in specific contexts. The law, thus regarded, can be seen as an empowering instrument. When allied with progressive social policy, language rights and statutory language plans can make a significant difference to the actual use and hence relevance of promoting bilingualism within the community.

For individual speakers the most fruitful way of increasing competence in the target language is to experience a significant amount of one's formal education within a bilingual or multilingual milieu. However, there is a general tendency to assume that unilingual or monolingual education is the norm in the world. In many circumstances, bilingual or multilingual education has been used by government as a means of promoting fluency in the state's dominant language, rather than promoting greater usage of the minority language. This is particularly true where children come into the formal school system with little command of the dominant language. In this context,

leis an teanga cheannasach a thabhairt i láthair go héifeachtach, agus sa deireadh, le lánchumas sa teanga sin a chothú. Sa chás sin is riachtanas éigeantach oideachas sa mháthairtheanga nó sa teanga mhionlaigh chun lánchumas a bhaint amach i dteanga cheannasach an stáit. Is minic a ghéilleann luathoideachas sa mháthairtheanga d'oideachas i dteanga an stáit agus an páiste ag gabháil trí chóras na scoile. 'Dátheangachas laghdaithe' a thugann teangeolaithe ar an chlaonadh seo nó is beagnach dosheachanta go mbeidh an chéad teanga ina droichead a fhad le lánchumas sa dara teanga nó sa sprioctheanga. Ach, is rogha bheartas eile é 'dátheangachas breisithe', mar a gcothaítear dhá theanga agus a gcaitear leo mar eilimintí gaolmhara i bhforbairt chognaíoch, shóisialta agus oideachasúil an pháiste. Is é an dara cineál dátheangachais seo an rogha i dTuaisceart na hÉireann, in Albain, sa Bhreatain Bheag agus i bPoblacht na hÉireann.

Áitíonn cosantóirí an dátheangachais sa tsochaí agus san oideachas fhoirmiúil go bhfuil roinnt buntáistí ar de thréithe bhunús na gcásanna iad. Orthu sin bheadh:-

- Buntáistí cognaíocha – bíonn claonadh i bpáistí dátheangacha smaoinemh níos cruthaithí agus solúbtha cionn is go mbíonn níos mó ná focal amháin acu ar gach rud agus coincheap
- Buntáistí oideachasúla – léiríonn fianaise taighde ó thíortha éagsúla (Ceanada, SAM, Tír na mBascach, an Chatalóin agus an Bhreatain Bheag) gur nós le páistí dátheangacha déanamh níos fearr sa churaclam agus go n-éiríonn leo beagán níos fearr i scrúduithe
- Buntáistí eacnamaíocha – tairgeann dhá theanga réimse níos leithne deiseanna fostaíochta; tá a lán post anois ann a éilíonn scileanna dátheangacha
- Buntáistí sóisialta agus cultúrtha – tagann labhairt an dá theanga a fhad le réimse níos leithne gníomhaíochtaí sóisialta agus le rochtain dhá chultúr
- Níos fusa an tríú teanga a fhoghlaim – tá an fhianaise ag fás ó thaighde Eorpach gurbh fhusa go minic le páistí dátheangacha teangacha eile a fhoghlaim

Ábharthacht don tsochaí ina hiomláine

Glactar leis i gcoitinne anois gur sochar do shochaithe éagsúlacht agus ilghnéitheacht – gur tairbheach an ilghnéitheacht don chultúr, don chumas iomaíochta agus d'idirfheidhmeanna sóisialta. Ach is í an eochaircheist, cé a shocraíonn réimse na hilghnéitheachta agus na torthaí don chuimsiú agus don eisiámh sóisialta? Le deich mbliana anuas tháinig sraith úr prionsabal a chruthaíonn bainistíocht chúrsaí poiblí againn. Orthu tá na coincheapa páirtíocht, oscailteacht, rannpháirtíocht agus cumasú. I mbainistíocht ilghnéitheachta teangaí nó cultúrtha mar chuid de chlár oifigiúil polaitiúil, is léir go bhfaightear na torthaí is fearr nuair a mhothaíonn an pobal go bhfuil siad lánpháirteach sa

education in the mother tongue or in the minority language is used as a mechanism through which the dominant language can be more effectively introduced, and, ultimately, full competence in that language can be promoted. Thus, early mother tongue education tends to give way to education in the state language as the child progresses through the school system. Specialists describe this tendency as 'subtractive bilingualism' because the first language will almost inevitably provide a bridge to full competence in the second or target language and because instruction in the mother tongue ceases once such competence is achieved, maintenance of the mother tongue is actually discouraged. However, a second policy option is 'additive bilingualism', where two languages are promoted throughout the child's education and are treated as related elements in the child's cognitive, social and educational development. It is this second type of bilingualism that is favoured in Northern Ireland, Scotland, Wales and Ireland.

Advocates of bilingualism in society and in formal education argue that there are several advantages that tend to characterise most cases. These would include:-

- Cognitive advantages – bilingual children tend to think more creatively and flexibly because they have more than one word for every object and concept
- Educational advantages – research evidence from several countries (Canada, the US, the Basque country, Catalonia, Wales and Scotland) show that bilingual children tend to do better in the curriculum and to show slightly higher performance in examinations
- Economic advantages – two languages offer a wider range of employment opportunities; many jobs now require bilingual skills
- Social and cultural advantages – speaking two languages leads to a wider range of social activities and gives access to two cultures
- Easier to learn a third language – there is growing evidence from European research that bilingual children tend to find it easier to learn other languages.

Relevance for society as a whole

It is commonly accepted now that societies benefit from variety and diversity that culture, economic competitiveness, and social interactions all benefit from diversity. But the key question is who determines the range of diversity and with what consequences for social inclusion and exclusion. Over the past decade a new set of principles have come to shape our management of public affairs. They include concepts such as partnership, openness, participation and empowerment. When managing linguistic or cultural diversity as part of an official political programme it is evident that the best results are obtained when the community feels fully involved in the decision making

mhodh cinnteoireachta. Agus mar sin, éilíonn feidhmiú phrionsabail leathana an dea-rialaithe i gcleachtas, oscailteacht agus rannpháirtíocht go háirithe, forbairt agus feidhmiú na mbeartas taobh leis na pobail atá i gceist. Méadaíonn an lánaitheantas cumasú pobail den chineál sin, agus sainiú an mhéid a dtiocfadh le baill an phobail a bheith ag dúil go réasúnta lena fháil i dtéarmaí seirbhísí poiblí agus ceart daonna.

Cad chuige a bhfuil saintábhacht ag baint le cearta teangacha dúchais?

Ní hé an dlí a dhearbhaíonn go mairfidh teanga; seachadadh ó ghlúin go glúin tríd an teaghlach, an phobal agus an chóras oideachais amháin a chuideoidh sa phróiseas sin. Ach, méadaíonn cruthú cearta agus oibleagáidí dlíthiúla áirithe dóchúlacht an mharthanais agus an fháis. D'fhéadfaí cearta teangacha dúchais a mheas i dtéarmaí na saoirse le teanga áirithe a chothú i sainlimistéir, agus i dtéarmaí bheith saor ar neamart, shéanadh agus leatrom.

Tugann na saineolaithe rabhadh gur fíorbheag faoi láthair líon na ndaoine a labhraíonn bunús teangacha daonna agus go mbeidh bunús teangacha imithe in éag taobh istigh d'am measartha gairid. An fhoinsé is údarásaí ar theangacha an domhain (Ethnologue, Grimes 1996; Lewis 2009), aithníonn sí tuairim is ar 6,900 teanga bheo. Tá uimhreacha daonra ar fáil ar bhreis agus 6,630 acu (nó 96%). De na 6,630 seo, maítear:

- go labhraíonn níos lú ná 10,000 duine 49% acu
- go labhraíonn níos lú ná 1,000 duine 21.8% acu agus
- gur i dtíortha aonair a labhraítear 83% acu, agus mar sin de, tá siad gan chosaint ar bheartais rialtais aonair.

Ag ceann eile an scála, tá 9 mórtheanga, a labhraíonn breis agus 100 milliún duine gach ceann acu, ina máthairtheangacha ag beagnach leathchuid (49%) de dhaonra an domhain (tháinig Gearmáinis ar uimhir 10, le beagán níos lú ná 100 milliún cainteoir).

Labhraíonn milliún duine ar a laghad 389 (beagnach 6%) de theangacha an domhain, líon daoine a chlúdaíonn 94% de dhaonra an domhain. Os a choinne sin, ní labhraíonn ach 6% de mhuintir an domhain an 94% eile de theangacha (Lewis, 2009). Léiríonn an difreálach déimeagrafaigh, cumhachta agus stádaís an streachailt éagothrom idir cainteoirí agus a gcuid foras faoi seach agus is féidir go dtiocfadh tréimhsí fais agus meatha dá bharr seo.

Tuigtear go maith na cúiseanna a meathann teangacha. Éiríonn sé níos deacra in aghaidh an lae ag pobail bheaga teanga cur suas do nó fiú déileáil le héilimh chumarsáide idirghrúpa nó idirnáisiúnta: uirbiú, iartharú, domhandú agus

process. Thus implementing the broad principles of good governance in practice, especially openness and participation, necessitates developing and implementing the policies in tandem with the communities in question. Such community empowerment is enhanced by full recognition and by specifying what members of the community might reasonably expect to receive in terms of public services and human rights.

Why is there a specific importance attached to indigenous language rights?

The law does not guarantee language survival; only inter-generational transmission through the family, reinforced through use in the community and in the education system can assist in that process. However, the creation of certain legal rights and obligations enhances the probability of survival and growth. Indigenous language rights might be considered both in terms of freedom to promote a particular language within specific domains and in terms of freedom from neglect, denial and discrimination.

Specialists warn that currently, most human languages are spoken by exceedingly few people and that the majority of languages will become extinct in a relatively short time. The most authoritative source on the languages of the world (Ethnologue, Grimes 1996; Lewis 2009) identifies around 6,900 living languages. Population figures are available for over 6,630 of them (or 96%). Of these 6,630, it is suggested that:

- 49% are spoken by fewer than 10,000 people
- 21.8% by fewer than 1,000 and
- 83% are restricted to single countries, and so are particularly exposed to the policies of a single government.

At the other end of the scale, 9 major languages, each spoken by over 100 million people, (German came in at number 10, but with slightly less than 100 million speakers) are the mother tongues of almost half (49%) of the world's population.

389 (or nearly 6%) of the world's languages have at least one million speakers and account for 94% of the world's population. By contrast, the remaining 94% of languages are spoken by only 6% of the world's people (Lewis, 2009). This demographic, power and status differential reflect the uneven struggle between speakers and their respective institutions and can lead to prolonged periods of growth or decline.

The reasons why languages decline are well understood. Small language communities find it increasingly difficult to withstand or even to cope with the demands of inter-group or international communication urbanization, westernization,

na gluaiseachtaí daonra agus beartais leatromacha ghrúpaí ceannasacha sa tsochaí.

Áitíonn teangeolaithe fosta, gach uair a éagann teanga uathúil go n-éagann fosta ceann eile de na dóigheanna ilghnéitheacha agus uathúla a gcuireann intinn an duine í féin in iúl trí chreat agus fhoclóir teanga. Aithnímid anois, mar sin, gur iompróir cultúir í gach teanga, iompróir eolais uathúil, nó dearcaí domhanda agus acmhainní suntasacha féideartha do mharthanas an chine dhaonna. D'fhéadfadh duine a rá go gcódaíonn gach teanga dóigh ar leith le déileáil le agus le machnamh ar an domhan. Seo a thug ar scoláirí, éiceolaithe agus ar ghníomhaithe bheith ina gcrann cosanta ag an ilghnéitheacht dhomhanda, tuiscint don timpeallacht agus cosaint speiceas, míreanna aithnidiúla sna ceannlínte teilifíse againn le glúin anuas. Cuidíonn ceangal teanga le héiceolaíocht linn a thuiscint go mbíonn na fórsaí a imríonn ar mharthanas teanga casta agus iomadúil. Ach ar an ábhar gurb acmhainn shóisialta í teanga dhaonna ní thig linn a mhaíomh gur feiniméan nádúrtha é gach a dtarlaíonn do theangacha, a bhfás, a marbhántacht nó a meath. Is iad a shocraíonn ruthag teanga cinní polaitiúla agus socheacnamaíocha a dhéantar mar gheall ar bhrúna taobh istigh agus taobh amuigh den ghrúpa teanga. Ach cad chuige a bhfuil grúpaí áirithe in ann na brúnna seo a thuiscint agus nach bhfuil grúpaí eile? Cad chuige ar cosúil, san Eoraip cibé, go bhfuil grúpaí dúchasacha ag fáil níos mó aitheantais ná, cuirtear i gcás, grúpaí inimirceacha? Mura mbeadh i gceist ach cúrsaí líon daonra nó cumhacht ceannaigh eacnamaíoch, nár chóir go mbeadh sliocht inimirceach san fhichiú aois go dtí an Ghearmáin, an Fhrainc, an RA agus an Spáinn i dteideal níos mó aitheantais ná Laidinigh na hEilbhéise, cainteoirí Gáidhlig na hAlban nó na Slóivéanaigh san Iodáil?

Áitíonn Kymlicka (2006) go mbaineann fáth amháin a mbíonn pobail stairiúla teanga á roghnú do chosaint dhlíthiúil, le marthanas teangach. Fiú dá n-éagfadh teangacha inimirceacha sa diaspora, is cosúil go mairfidh siad sna tíortha bunaidh. Mairfidh an teanga Bheangáilis sa Bhanglaidéis, fiú má imíonn sí ón phobal inimirceach Beangálach sa Bhreatain. I gcodarsnacht, má imíonn an Gháidhlig as Albain, nó an Ghaeilge as Éirinn thuaidh agus theas, imeoidh sí ar fad; seo an tír dhúchais aici. Mar sin fosta ag teangacha dúchasacha i gCeanada, san Astráil, sa Nua-Shéalainn, i gCríoch Lochlann agus sa Rúis. Sa mhéid gur mian linn ilghnéitheacht theanga a chaomhnú ar fud an domhain, caithfidh cosaint ar leith a dhéanamh ar theangacha ina dtíortha stairiúla dúchais.

Baineann toisc eile le páirt na héagóra stairiúla. Maíonn mionlaigh theangacha stairiúla gur fhulaing siad éagóir shuntasach faoi ansmacht stáit ba mhó, agus go mbeadh dóigh eile ar an teanga acu murab é an éagóir sin (.i. bheadh

globalization and the population movements and discriminatory policies of dominant groups in society.

Linguists also argue that as each unique language dies one more of the diverse and unique ways that the human mind can express itself through a language's structure and vocabulary, also dies. We have come to recognise that each language is thus a carrier of culture, of unique knowledge, or world views and of potentially significant resources for the survival of human-kind. One might say that each language encodes particular ways of coping and thinking about the world. This has lead scholars, ecologists and activists to champion global diversity, environmental appreciation and species protection, all familiar items in our television news headlines during this past generation. Linking language and ecology also helps us to understand that the forces which play on language survival are complex and numerous. But because human language is a social resource we cannot claim that what happens to languages, their growth, stasis or decline, is a natural phenomenon. A language's trajectory is rather determined by political and socio-economic decisions made as a result of pressures both from within and outwith the language group. But why are some groups able to withstand such pressures and others not? Why do indigenous groups, in Europe at least, appear to be receiving more recognition than say immigrant groups? If it were merely a matter of population numbers or of economic purchasing power, then surely the descendants of twentieth century immigrants to Germany, France, the UK and Spain would be deserving of more recognition than the Ladins of Switzerland, the Gaelic speakers of Scotland or the Slovenes in Italy?

Kymlicka (2006) argues that one reason why historic language communities are being singled out for legal protection relates to linguistic survival. Even if immigrant languages disappear in the diaspora, they presumably will survive in the country of origin. The Bengali language will survive in Bangladesh, even if it disappears from the Bengali immigrant community in Britain. By contrast, if Gaelic disappears from Scotland or Irish from Ireland north and south, it will disappear entirely: this is its homeland. So too with indigenous languages in Canada, Australia, New Zealand, Scandinavia and Russia. Insofar as we wish to maintain linguistic diversity around the world, we have to give special protection to languages in their historic homelands.

A second factor concerns the role of historic injustice. Historic linguistic minorities make the claim that they have suffered considerable injustice at the hands of the larger state, and that their language would be in a stronger

ní ba mhó cainteoirí na teanga ann, go minic thar talamh ní ba leithne, agus is dócha ní ba mhó táirgí cultúrtha, saothair chruthaitheacha agus foilseachán sa teanga). D'fhéadfaí a rá go bhfuil dualgas áirithe ar an stát an éagóir sin a admháil, agus b'fhéidir cuid dá toradh a chur ina cheart. I gcodarsnacht, ní mhothaíonn bunús saoránach thíortha daonlathacha an larthair go bhfuil fiach stairiúil den chineál sin orthu i dtaca le teanga lucht nuathagtha (Kymlicka, 2006).

Luach breise teanga agus ceart teanga

Tá a fhios againn go nglacann sé cuid mhór ama le hiompar saoránaigh é féin a chló le deiseanna rogha teanga. Ar an ábhar sin, a luaithe atá leasú ar siúl tá géarghá le seasmhacht a dhearbhu trí chearta teanga agus trí sholáthar seirbhíse dá/ilteangaí a fheidhmiú. Seo an fáth a mbíonn cearta teanga chomh tábhachtach in eochairmisteir, nó gan an dualgas reachtúil, tá a lán eagrás ann nach gcuirfidh an rogha sin ar fáil ar bhonn dea-mhéine amháin.

Is minic a luaitear ilghnéitheacht agus caoinfhuilint mar dhá shainchomhartha sochaí aibi. Ach maíonn a lán, má aithníonn stát grúpaí dúchasacha saineúla nó idirdhealaithe go ndearbhóidh sé buanteannas agus coimhlint agus gurb í an rogha is sábháilte gan aon aitheantas sóisialta a thabhairt ar chor ar bith. Is dócha gur fíor sin i mbarraíocht sochaithe ar fud an domhain mar a bhfuil easpa muiníne ceachtartha agus easpa sochaí sibhialta. Ach san Eoraip chomhaimseartha d'fhéadfaí a rá gurb é a ghlanmhalairt atá fíor, is é sin, gurb é easpa an cheartaitheantais is cúis leis an choimhlint. A luaithe a bhunaítear méid áirithe aitheantais agus ceart nó dualgas is dócha go leanfaidh sochaí shíochánta. Cibé teannas agus coimhlint a fhanann is gnách go mbaineann siad le feidhmiú beartas ná leis an cheart is bunúsaí chun maireachtáil mar shainchuid sa tsochaí. Lena rá níos deimhniúig le méid áirithe aitheantais agus le forbairt bhonneagair thacúil a dhearbhóidh lánúsáid ceart nuafhaighte agus ionchas, méid ollmhór fuinnimh a scaoileadh agus gníomhú deimhneach ag tacú leis an oideachas dátheangach, turasóireacht chultúrtha, rath méadaithe eacnamaíoch agus tógáil muiníne. Tá an smaoineamh go gcuireann cearta mionlach, mionlaigh teanga san áireamh, go suntasach le síocháin agus seasmhacht i sochaithe nua-aimseartha, ilghnéitheacha, á léiriú i gcroílár chaighdeán ábhartha idirnáisiúnta, mar an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh agus an Creatchoinbhinsiún um Chosaint Mionlach Náisiúnta, caighdeán a bhaineann leis an RA, go háirithe i dtaca leis an Ghaeilge i dTÉ.

position today were it not for that injustice (i.e. there would be more speakers of the language, often over a wider territory, and presumably more cultural products, creative works and publications in the language). The state arguably has some obligation to acknowledge that injustice, and perhaps to redress some of its effects. By contrast, most citizens of Western democracies do not feel they have any comparable historic debt regarding the language of newcomers (Kymlicka, 2006).

The added value of language and language rights

We know that it takes a great deal of time for citizen behaviour to adapt to new language choice opportunities. Consequently once reform is under way there is an acute need to guarantee stability through the implementation of language rights and bi/ multilingual service provision. This is why language rights are so important within key domains, for without the statutory obligation, many organizations will not provide such choice on the basis of good will only.

Diversity and tolerance are often cited as the twin hallmarks of a mature society. But many claim that if a state gives recognition to distinctive or differentiated indigenous groups it is guaranteeing permanent tension and conflict and thus the safest option is not to grant any social recognition at all. Now this may very well be true in too many societies worldwide where there is little mutual trust and a lack of a civil society. Yet in contemporary Europe the very opposite may be asserted, namely that it is the absence of due recognition which gives rise to conflict. Once a certain degree of recognition and rights or duties are established a more peaceful society is likely to ensue. What tension and conflict remains tends to revolve around the implementation of policies rather than the more fundamental right to exist as a distinct component in society. Put more positively a certain degree of recognition and the development of a supportive infra-structure to guarantee the full use of newly acquired rights and expectations, can release a tremendous amount of energy and positive action in support of bilingual education, cultural tourism, increased economic success and confidence building. The notion that the protection of the rights of minorities, including linguistic minorities, makes a crucial contribution to peace and stability in modern, diverse societies is reflected in, and is central to, relevant international standards, such as the *European Charter for Regional or Minority Languages* and the *Framework Convention for the Protection of National Minorities*, standards which apply to the UK, particularly in respect of Irish in the north of Ireland!

I dtéarmaí síceolaíochas sóisialta maítear fosta go spreagann foghlaim teanga, nó leoga teagmháil shimplí le teangacha eile, daoine lena aithint nach ionann an dóigh a smaoiníonn nó a gcuireann gach duine iad féin in iúl agus go gcaithfear seo a admháil i ngach dioscúrsa sóisialta. Léiríonn comhtháthú níos dlúithe pobal san Aontas Eorpach mar thoradh ar thurasóireacht, leas gnó, chuairteanna scoileanna, imeachtaí spóirt agus na hilmeáin an fhirinne seo. Más fíor í ar leibhéal tras-Eorpach nach dócha gurbh fhíre arís í taobh istigh de chodanna sainiúla na hEorpa? Is cinnte go mbraithfidh leibhéal na caoinfhulaingthe agus na tuisceana ceachtartha ar na cúinsí. Ach i gcoitinne méadaítear caoinfhulaingt shóisialta mar thoradh ar theagmháil dhá theanga nó níos mó taobh istigh den chóras scolaíochta agus níos coitinne sa tsochaí.

Maíonn cosantóirí an dátheangachais roinnt pointí maidir leis na buntáistí atá mar dhlúthchuid d'fhoghlaim dhá theanga nó níos mó in éineacht. Orthu sin tá:

- Go bhfoghlaimíonn daltaí níos gaiste agus go méadaítear a bhforbairt chognaíoch
- Go mbíonn a gcumas sa teanga cheannasach ar aon chéim le, agus go minic níos fearr ná, páistí a theagasctar tríd an teanga cheannasach amháin
- Gur cosúil go mbíonn páistí níos tógtha, réamhghníomhaí, féinmhuiníní, agus níos fiosraí faoin fhoghlaim, dearbhaíonn siad an nasc idir smaointeoireacht agus dátheangachas
- Go mbíonn rátaí cúl le scoil níos ísle
- A luaithe a bhíonn an clár dátheangach ar siúl, go gcosnaíonn sé i bhfad níos lú ná a mhaíonn naimhde an chórais go minic
- Is gnách go mbíonn rogha níos mó féidearthachtaí fostaíochta ag saoránaigh a fuair oideachas dátheangach. (Baker agus Jones, 1998; Skutnabb-Kangas et al, 2003, p.45)

Is amhlaidh go ndearbhaítear go gcuireann an dátheangachas go háirithe, mar is amhlaidh le hilteangachas i gcoitinne, luach le cáilíocht thaithí, roghanna agus bheatha duine. Tá go maith ar leibhéal teoiriciúil, ach cé a dhearbhaíodh agus a mhaíneoidh soláthar an chineál na deiseanna oideachasúla dátheangacha? Sa ghéarchor geilleagair seo, is ró-fhollasach gur ghnóthaigh naimhde na hilghnéitheachta teanga agus chórais dhifreáilte nó dhátheangach scoile sraith úr argóintí le gan airgead 'breise' a chaitheamh ar thacú le córas teanga atá scartha ach cothrom. B'fhéidir go n-éireodh leis an soláthar dátheangach, ach gan réimse chearta oideachasúla a shainiú agus an t-íoschaighdeán chumais ghairmiúil a fhaireachán is beag barántas atá ann go dtarlóidh na hacmhainní, na téacsleabhair, an dearadh curaclaim agus an oiliúint

In social psychological terms also it is claimed that the learning of any language, or indeed the simple exposure to other languages, encourages people to realize that not everyone thinks and expresses themselves in the same way and that this needs to be acknowledged in all social discourse. The closer integration of peoples within the European Union as a result of tourism, business interests, school visits, sporting events and the mass media demonstrates this maxim. If it is true at the all-Europe level how much more is it likely to be true within specific parts of Europe? Clearly the actual levels of mutual tolerance and appreciation will depend very much on the circumstances. But in general social tolerance is increased as a result of exposure to two or more languages within the school system and within society more generally.

Advocates of bilingual education make a variety of claims as to the advantages inherent in learning two or more languages simultaneously. Among these is that:

- Pupils learn more quickly and their cognitive development is enhanced
- Their competence in the dominant language is equal to, and often better, than children who are taught solely through the dominant language
- Children appear to be more excited, proactive, self-confident, and inquisitive about learning, they affirm the link between creative thinking and bilingualism
- School drop-out rates are lower
- Once the bilingual programme is running, it costs far less than is often claimed by opponents of the system
- Bilingually educated citizens tend to have a greater choice of employment possibilities. (Baker and Jones, 1988; Baker 2011; Skutnabb-Kangas et al, 2003, p.45)

Thus it is asserted that bilingualism in particular, as with multilingualism generally, adds value to the quality of one's experiences, choices and life. This is all very well at a theoretical level, but who guarantees and finances the provision of such bilingual educational opportunities? In these strained economic times, it is very evident that opponents of language diversity and of a differentiated or bilingual school system, have gained a new set of arguments as to why not to spend 'additional' finances on supporting a separate but equal language system. Bilingual provision may prevail, but without specifying a range of educational rights and monitoring the minimum standards of professional competence, there is little guarantee that the necessary resources, text books, curriculum design and training of

múinteoirí atá riachtanach. Tá argóintí morálta anois á sárú acu siúd a thagraíonn don sprioctheanga mar mhaith choiteann, a thig a phríomhshruthú isteach sa ghnáthord sóisialta. Mar sin, corpráidí in Acht Teanga an cheart chun oideachas dátheangach a fháil, is mórchéim chun tosaigh é in aimsiú bhreis mhaoinithe agus i bpríomhshruthú cheisteanna dátheangachais taobh istigh den chóras oideachasúil i gcoitinne.

Acht Teanga Gaeilge do thuaisceart na hÉireann

Aontaím leis an tuairim gur chóir an Ghaeilge a ainmniú ina teanga oifigiúil i dTuaisceart na hÉireann. Seo gníomh a chinnteodh stádas oifigiúil ar dtús agus ansin a spreagfadh méadú úsáide. B'an-tábhachtach an ráiteas siombalach é thar ceann na teanga Gaeilge agus gléas le béim a leagan ar ghealltanais, agus ar chuspóirí, Thionól Thuaisceart na hÉireann agus Rialtas an RA araon don Ghaeilge. An dioscúrsa agus an fasach a leag *Comhaontú Aoine an Chéasta*, *Comhaontú Chill Rimhinn* agus an *Chairt Eorpach*, nuair a ghlactar le chéile iad, tá éifeacht chomhluadar acu ar an díospóireacht, agus ar an aitheantas atá á thabhairt cheana féin don teanga Ghaeilge. Tá an Ghaeilge ar ndóigh cosanta cheana féin sa dlí. Tá an dualgas le hoideachas trí mheán na Gaeilge a éascú agus a spreagadh leagtha amach in *Ordú Oideachais TÉ 2000*, agus thairis sin, tá tagairtí suntasacha don Ghaeilge i *gComhaontú Aoine an Chéasta 1998* agus i *gComhaontú Chill Rimhinn 2006*, agus aithnítear an Ghaeilge i bhforálacha *Chairt na hEorpa do Theangacha Réigiúnacha nó Mionlaigh* agus faoin *Chreatchoinbhinsiún um Chosaint Mionlach Náisiúnta*. Is é an fhíor-cheist, cén suntas atá sa chineál agus sa leibhéal seo aitheantais leis an díospóireacht a thabhairt ar aghaidh agus cén tionchar praiticiúil ar shaol daoine aonair agus pobal iomlán i gcúrsaí gach lá?

Faoin Chairt Eorpach, tá teangacha uilig dúchasacha réigiúnacha nó mionlaigh na RA (an Ghaeilge agus Albainis Uladh san áireamh) thuas le gealltanais leathana, bheartaithe faoi Chuid II. Gabh an RA féin breis oibleagáidí, níos mionsonraithe i dtaca leis an Ghaeilge i dTuaisceart na hÉireann, le Breatnais sa Bhreatain Bheag agus leis an Ghàidhlig in Albain (ach ní i dtaca leis na teangacha eile réigiúnacha nó mionlaigh); san iomlán, baineann 36 de na 65 paragraf agus foparagraf i gCuid III leis an Ghaeilge.

I gComhaontú Aoine an Chéasta, d'aithin rialtais na RA agus na hÉireann 'an tábhacht atá le meas, tuiscint agus caoinfhuilg maidir le héagsúlacht teangacha' agus lean rialtas na RA le líon mór gealltanais a bhain leis an Ghaeilge amháin, ag tarraingt fad suntasach as foclaíocht Airteagail 7 (Cuid II) Chairt na hEorpa.

teachers will take place. Moral arguments are now being trumped by those which relate to the target language as a public good, capable of being mainstreamed into the normal social order. Thus incorporating a right to receive bilingual education within a Language Act is major step forward in accessing additional finances and in mainstreaming bilingual issues within the educational system in general.

The Irish Language Act for the north of Ireland

I share the conviction that Irish should be designated an official language in Northern Ireland. This would be an action to ensure official status first and then consequently to stimulate increased use. This would be a very important symbolic statement on behalf of the Irish language and a means of emphasising both the Northern Ireland Assembly and UK Government's commitment to, and objectives for, Irish. The discourse and precedent set by the *Good Friday Agreement*, the *St Andrew's Agreement* and the *European Charter*, when taken together have a cumulative impact on the debate, and on the recognition already accorded to the Irish language. The Irish language is, of course already afforded protection in law. The duty to facilitate and encourage Irish-medium education is laid out in the *NI Education Order 2000*, and in addition to this, there are significant references to Irish in the *Good Friday Agreement 1998* and in the *St Andrews' Agreement 2006*, and Irish is recognised in the provisions of the *European Charter for Regional or Minority Languages* and under the *Framework Convention for the Protection of National Minorities*. The real question is what salience does this type and level of recognition have for moving the debate forward and with what practical application for the lives of individuals and whole communities in day to day situations?

Under the European Charter, all of the UK's indigenous regional or minority languages (including Irish and Ulster Scots in Northern Ireland) benefit from a range of broad, programmatic commitments under Part II. The UK itself undertook additional, more detailed obligations in respect of Irish in Northern Ireland, Welsh in Wales and Scottish Gaelic in Scotland (but not in respect of any of the other regional or minority languages); fully, 36 of the 65 paragraphs and subparagraphs in Part III apply in relation to Irish.

In the Good Friday Agreement Agreement, the UK and Irish governments recognised 'recognise the importance of respect, understanding and tolerance in relation to linguistic diversity' and the UK government goes on to make a large number of commitments in respect of Irish alone, drawing to a significant degree on the wording of Article 7 (Part II) of the European Charter.

I gComhaontú Chill Rímhinn, d'aontaigh rialtas na RA 'go dtabharfaidh an Rialtas isteach Acht Teanga Gaeilge a léireoidh eispéireas na Breataine Bige agus na hÉireann agus oibreoidh sé le Feidhmeannas TÉ le forbairt na Gaeilge a mhéadú agus a chosaint'. Tá dul chun cinn ar an leibhéal siombalach agus dlí idirnáisiúnta araon ríthábhachtach, ach is amhlaidh fosta do ghnáthfheidhmiú agus d'fhaireachán rialta na n-ionstraimí seo.

Mar sin, chomh maith le tacú le mír shiombalach tá ann fosta sraith eile cúrsaí is praiticiúla agus cosaint fhoriomlán chun tacú le 'hAcht Teanga Gaeilge do Thuaisceart na hÉireann'. Cuirim romhaibh sé chúis leis an dearbhú sin:

1. Sa chéad dul síos tá gá leis – is mithid go gcuirfí eilimintí ábhartha de chearta teangacha Gaeilge ar bhonn reachtúil
2. Is í an Ghaeilge teanga stairiúil náisiúnta na hÉireann agus mar sin, maíonn an loighic lom gur chóir go n-aithneofaí í taobh istigh dá fairsinge uathúil féin
3. Is cuid anois í an teanga Ghaeilge den 'Chlár Oibre Comhionannais,' agus mar sin, caithfear cearta teanga a fhorbairt de réir ceart a bunaíodh cheana i limistéir bheartas mar shampla Frithchíniúchais, Comhionannas Gnéasach, Míchumas agus dá réir sin
4. Tá roinnt claontaí Eorpacha ag dul i dtreo sainmhínte níos cuimsithe faoi chearta sibhialta, sóisialta agus eacnamaíocha. Freagairt atá anseo ar roinnt forbairtí éagsúla m.s. domhandú agus éabhlóid an náisiúntáit infhreachartha, insilte is mar atá sé ag snáithí de theagasc sóisialta margáiochta
5. I meachtaí sa Bhreatain Bheag, in Albain agus i bPoblacht na hÉireann, léiríonn siad uile feasacht mhéadaithe d'ábharthacht réimeas reachtúil teanga. Fuair Coimisinéir Teanga na Gaeilge comrádaí le déanaí sa Bhreatain Bheag nuair a bunaíodh Coimisinéir Breatnaise leis an Bhreatnaise a chur chun cinn tuilleadh agus chun déileáil le gearáin ón phobal trí fhiosú faoin dóigh a gcloíonn ranna Rialtais agus eagrais ainmnithe lena n-oibleagáidí reachtúla le scéimeanna aontaithe a riar agus le caighdeán náisiúnta sholáthar seirbhíse dátheangáil a fheidhmiú.
6. An fhógairt go bhfuil an Ghaeilge ina teanga oifigiúil san Aontas Eorpach, cruthaíonn sí deiseanna úra lena húsáid i réimse méadaithe limistéar foirmiúil, páirtíochtaí idir stát, mar shampla, agus conarthaí idirnáisiúnta

Eochaircheisteanna

1. Cén cineál reachtaíochta a theastaíonn?
2. An mbeidh aon acht cuimsitheach Gaeilge ann agus / nó roinnt beart straitéiseach de réir mar a fhorbraíonn an dlárú?
3. Cén gaol a bheidh sa deireadh idir Reachtaíocht

In the St. Andrews Agreement, the UK government agreed that 'the Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the NI Executive to enhance and protect the development of the Irish language'. Advances at both the symbolic and international law level are crucial, but so also is the routine application and regular monitoring and evaluation of these instruments.

Thus in addition to supporting the symbolic element there is also a far more practical set of considerations and overall justification for supporting 'The Irish Language Act for the north of Ireland'. Let me present six reasons for this assertion:

1. First it is needed – it is time that relevant elements of Irish linguistic rights be put on a statutory footing
2. Irish is the historical national language of Ireland and thus cold logic suggests that it should be recognised within its own unique spaces
3. The Irish language has become part of the 'Equality Agenda,' consequently language rights need to be developed in line with more established rights in such policy areas as Antiracism, Sexual Equality, Disability and so on
4. A number of European trends are leading towards a more comprehensive definition of civil, social and economic rights. This is in reaction to a number of various developments e.g. globalisation and the evolution of the responsive nation-state infused as it is with strands of a social market doctrine
5. Developments in Wales, Scotland and in the Irish republic all point to a greater awareness of the relevance of statutory language regimes. The current Irish Language Commissioner has recently been joined in Wales by a Welsh Language Commissioner established to further promote the Welsh language and to deal with complaints from the public by investigating how Government departments and named organizations are adhering to their statutory obligations to administer agreed language schemes and implement national standards of bilingual service delivery.
6. The declaration that Irish is an official language of the European Union opens up new opportunities for its employment in an increased range of formal domains, including inter-state partnerships and international contacts

Key Questions

1. What kind of legislation is needed?
2. Is there to be one comprehensive Irish language act and / or a number of strategic measures as devolution develops?
3. What will be the relationship between Westminster

Westminster agus Reachtaíocht Thionól Thuaisceart na hÉireann ar an teanga Ghaeilge agus ceangal méadaithe an Tionóil sa limistéar uathúil beartas seo?

4. Conas a spreagfaidh an reachtaíocht agus patrúin úra chomhoibrithe athrú in iompraíocht theanga saoránach, custaiméirí agus fostaithe? Is cinnte go bhfuil deis, nós agus rogha comhdhlúite le chéile sa limistéar seo.
5. Conas a rachaidh deonú stádais oifigiúil i bhfeidhm ar ghníomhaíochtaí roinnt comhlacht uile-Éireann, mar atá CATT, agus An Foras Teanga / Tha Boord o Leid, an Comhlacht Teanga Thuaidh Theas?

Ceartha Teangacha

Tá cúiseanna láidre polaitiúla ann chun tacú le dátheangachas agus ilteangachas san Eoraip. Ach na coinníollacha beachta faoina bhfaigheann teangacha áirithe tacaíocht stáit ar leibhéal áirithe agus ní ar leibhéal eile, den chuid is mó is feidhmeanna iad a bhaineann le seiftiúlacht pholaitiúil agus le státaireacht. Gan cheist, mhéadaigh feasacht teanga thar barr ar gach cineál dóigh le leithchéad bliain anuas. Is amhlaidh gur fhógair Aontas na hEorpa a cheangaltas ar chothú na hilghnéitheachta teangaí. In *An Conradh ag bunú an Phobail Eorpaigh*, Airteagal 151.1 léimid, "Cuirfidh an pobal le bláthú chultúr na mBallstát, meas aige ar a n-ilghnéitheacht náisiúnta agus réigiúnach agus san am chéanna ag tabhairt na comhoidhreacht cultúrtha chun tosaigh."¹

Ach, go dtí le fiordhéanaí, is beag den cheangaltas seo a diríodh ar shainiú méadaithe chearta teanga chainteoirí teangacha neamhfhorleathana per se. Ach tá ionstraimí ann a ghríosaíonn feasacht teanga agus gníomh beartais i gcomhthéacs na dteangacha neamhleathana. Is é is suntasaí orthu, *An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh*.² Is stát sínithe é rialtas na RA agus beidh an próiseas faireacháin ar ball sa cheathrú babhta comhairliúcháin. Chuir rialtas na RA fianaise isteach chuig Coimisiún na hEorpa sna babhtáí roimhe seo ar fheidhmiú na Cairte aige, agus bíonn deiseanna sách rialta ag grúpaí agus comhlachtaí éagsúla le fianaise a chur isteach chuig Coimisiún na hEorpa agus chuig a Choiste cuairte Saineolaithe. Díospóireacht thábhachtach atá anseo ar leibhéal na hEorpa faoi bheartas teanga i dTuaisceart na hÉireann, sa Bhreatain Bheag, in Albain agus i gCorn na Breataine. Ar na hoibleagáidí dlíthiúla idirnáisiúnta infheidhmithe atá ábhartha go díreach do mholtaí láithreacha POBAL tá an *Cúnant Idirnáisiúnta ar Chearta Sibhialta agus Polaitiúla, an Coinbhinsiún Eorpach ar Chearta Daonna agus an Creatchoinbhinsiún um Chosaint Mionlach Náisiúnta*.

Legislation and the eventual Northern Ireland Assembly Legislation on the Irish language and the Assembly's consequent greater involvement in this unique policy area?

4. How will legislation and new patterns of co-operative working stimulate a change in the linguistic behaviour of citizens, customers and employees? Clearly opportunity, habit and choice are intimately interconnected in this sphere.
5. How will the granting of official status influence the activities of a number of all-Ireland bodies, specifically the NSMC and the An Foras Teanga / Tha Boord o Leid, the North South Language Body?

Linguistic Rights

There are strong political reasons for supporting bilingualism and multilingualism in Europe. But the precise conditions under which particular languages receive state support at some level and not at others remain largely a function of political expedience and statecraft. Undoubtedly language awareness has increased tremendously in all sorts of ways in the past five decades. Thus the European Union has declared itself committed to the promotion of linguistic diversity. In the *Treaty establishing the European Community* Article 151.1 we read that, "The Community shall contribute to the flowering of the cultures of the Member States, while respecting their national and regional diversity and at the same time bringing the common cultural heritage to the fore."¹

However, until very recently, little of this commitment was channelled into a greater specification of the language rights of lesser used language speakers per se. Yet there are instruments that encourage language awareness and policy action within the context of lesser used languages. The most significant is the *European Charter for Regional or Minority Languages*.² The UK government is a signatory state and the Charter monitoring process is soon to enter its fourth round of consultation. The UK Government has submitted evidence in the previous rounds to the Council of Europe on its implementation of the Charter, and various groups and bodies have relatively regular opportunities to submit evidence to the Council of Europe and its visiting Committee of Experts. This is an important discussion at the European level regarding language policy within Northern Ireland, Wales, Scotland and Cornwall. Other applicable international legal obligations of direct relevance to the current POBAL proposals include the *International Covenant on Civil and Political Rights, the European Convention on Human Rights and the Framework Convention of the Protection of National Minorities*.

¹ An Conradh ag Bunú an Chomhphobail Eorpaigh, An Róimh, 25 Márta 1957.

² Le léirmhíniú cuimsitheach agus meastóireacht na Cairte a fháil, feic Grín (2003)

¹ The Treaty Establishing the European Community, Rome, 25 March 1957.

² For a comprehensive interpretation of the Charter and of its evaluation see Grín (2003).

Fosta, d'fhorbair *An tAcht Ceart Daonna (1998)* ár dtuiscint do choincheap bhunchearta an duine aonair. Tá an teanga Ghaeilge ina cuid cheana féin den chlár oibre comhionannais i dTuaisceart na hÉireann ach caithfidimid go fóill bheith chomh haidhmeannach i gcás na Gaeilge agus atá i gcás comhionannas eile. I ndiaidh dheich mbliana de bheith ag fógairt an riachtanais atá le reachtaíocht teanga, tá an t-ardán anois réitithe leis na chéad chéimeanna eile a ghlacadh i mbunú sainchearta teanga do dhaoine aonair agus le bunchuid den chlár reachtach frithleatroidim a dhéanamh den Ghaeilge. Tá gá leis an chéim seo lena thaispeáint go bhfuilimid dáiríre faoi chosaint na Gaeilge. Bheadh Tuaisceart na hÉireann mar sin ag cloí le codanna eile den RA, Albain mar shampla agus go háirithe an Bhreatain Bheag áit ar leag *Acht na Breatnaise (1993)* dualgas ar chomhlachtaí poiblí caitheamh leis an Bhreatain agus leis an Bhéarla ar bhonn comhionannais le linn seirbhísí poiblí a sholáthar.³ Ba é an príomhghléas leis seo a bhaint amach, ábhar na 552 scéim teanga a d'ullmhaigh comhlachtaí poiblí agus a d'aontaigh Bord na Breatnaise.⁴ Tríd agus tríd b'an-éifeachtach an modh é seo leis an Bhreatain a chur chun cinn agus le seirbhísí dátheangacha a chur ar fáil don ghnáthphobal. Ach baineadh an méid seo amach sa Bhreatain Bheag agus gan sonraíocht mhionsonraithe sainchearta teanga a bheith ann. Bhí sé seo indéanta mar gheall ar líon coibhneasta mór na gcainteoirí Breatnaise, ar mhéadú dea-mhéine rialtais lárnaí agus áitiúil agus ar scil agus shofaistiúlacht na láráisíneachta pleanála teanga, Bord na Breatnaise (1993-2012), agus iad oile ar shraith dhúshlánach leasúchán san earnáil phoiblí a láimhseáil.

I 2011, ritheadh beart úr Breatnaise ag Tionól Náisiúnta na Breataine Bige. Ag seoladh Bheart mholta na *Breatnaise (an Bhreatain Bheag)* ar 4 Márta 2010, rinneadh na ráitis seo a leanas. Ag cuimhneamh ar an anailís mhionsonraithe agus ar an abhcóideacht áit eile sa cháipéis seo, is fiú aird a tharraingt ar úsáid eochairfhrásaí agus coincheap, leithéidí 'stádas oifigiúil don Bhreatain', 'an ceart le seirbhísí a fháil sa Bhreatain', agus ról 'Choimisinéir na Breatnaise i bhfeidhmiú na gceart seo'.

An tAire Oidhreachta, Spóirt agus Cultúir, Alun Ffred Jones, d'inis sé do Chomhaltaí an Tionóil go gcomhlíonfadh an Beart molta ar an Bhreatain ceangaltais na hAon Bhreataine Bige a chomhaontaigh Páirt an Lucht Oibre agus Plaid Cymru nuair a chruthaigh siad a gcomhrialtas; ba iad na trí chuspóir, stádas oifigiúil na Breatnaise a dhearbhu, cearta i soláthar seirbhíse a fhógairt agus post an Choimisinéara Breatnaise a bhunú.

³ Léiríonn forbairt reachtúil na teanga Breatnaise an dóigh ar foghlaimíodh ceachtanna le ciall cheannaithe chun cúiseanna le héagothroime teangach sa mistéar phoiblí a chealú agus le stádas na Breatnaise a neartú le himeacht ama. Cheadaigh Acht Cúirte na Breataine Bige 1942 go gceachtadh daoine, a bheadh faoi mhíbhuntáiste dá labhródh siad i mBéarla, an Bhreatain i gcúirteanna dlí. Chuir Acht na Breatnaise 1967 le stádas na Breatnaise sna cúirteanna, agus thug an chumhacht d'Airí le leaganacha dátheangacha d'fhoirmeacha oifigiúla a ordú. Ach, níor caitheadh go comhionann sa tsaoil phoiblí leis an teanga Breatnaise, agus ba é príomhaidhm Acht Breatnaise 1993 an éagothroime sin a chur i gceart. (Feic Williams, 1989).

⁴ I ndiaidh a rá nach bhfuil feidhmiú scéimeanna den chineál sin den chuid is mó, ag cur lena chéile, agus nach léir don phobal cá leis a mbeadh siad ag dúil maidir le seirbhísí Breatnaise. (Le sonraí na scéimeanna a fháil tabhair cuairt ar "<http://www.welsh-language-board.org.uk>" www.welsh-language-board.org.uk)

The Human Rights Act (1998) has also developed our understanding of the concept of individual basic rights. The Irish language is already part of the equality agenda in Northern Ireland but we have yet to be as ambitious in the case of Irish as in the case of other equalities. After a decade of promoting the need for language legislation, the stage is now set to take the next steps in establishing specific linguistic rights for individuals and making the Irish language an integral part of the anti-discrimination legislative agenda. Such a step is necessary to show that we are serious about safeguarding the Irish language. Northern Ireland would thus be in conformity with other parts of the UK such as Scotland and more particularly Wales where the *Welsh Language Act (1993)* placed a duty on public bodies to treat Welsh and English on the basis of equality when providing public services.³ The prime instrument for achieving this are the contents of the 552 language schemes prepared by public bodies and agreed by the Welsh Language Board.⁴ By and large this has been a very effective method of promoting Welsh and of making bilingual services available to the general public. But all this has been achieved in Wales in the absence of a detailed specification of particular language rights. That this has been possible is due to the relatively large number of Welsh speakers, an increased good will on the part of the central and local government and the skill and sophistication of the central language planning agency, the Welsh Language Board (1993-2012), in knowing how to handle a challenging set of reforms within the public sector.

In 2011 a new Welsh Language Measure was passed by the National Assembly for Wales. At the launch of the proposed *Welsh Language (Wales) Measure* on the 4 March 2010, the following statements were made. In the light of the detailed analysis and advocacy contained elsewhere within this document, it is worth drawing attention to the use of key phrases and concepts, such as 'official status for Welsh', 'the right to receive services in Welsh', and the role of the 'Welsh Language Commissioner to enforce these rights'.

The Minister of Heritage, Sport and Culture, Alun Ffred Jones, told Assembly Members that the proposed Measure on the Welsh language would fulfil the One Wales commitments agreed by the Labour Party and Plaid when they formed their coalition government, the three aims were to confirm official status for Welsh, to enunciate a rights in the provision of services and establish the post of Welsh Language Commissioner.

³ The history of the legislative development of the Welsh language shows how lessons were learnt through experience in order to eradicate cases of linguistic inequality in the public sphere and to strengthen the status of the Welsh language over a period of time. The Welsh Courts Act 1942 permitted the use of the Welsh language in courts of law by individuals who would be at a disadvantage if they used the English language. The Welsh Language Act of 1967 increased the status of the Welsh language in the courts, and gave Ministers the power to prescribe bilingual versions of official forms. However, the Welsh language did not receive equal treatment in public life – and the chief aim of the 1993 Welsh Language Act was to rectify this inequality. (See Williams, 1989).

⁴ Having said that the implementation of such language schemes was largely inconsistent, and it is not clear to the public what they can expect to receive in terms of Welsh language services. (For details of the schemes and a great deal of very useful information visit www.welsh-language-board.org.uk)

"Freagróidh an Beart molta seo glao chainteoirí na Breatnaise leis an cheart ar sheirbhísí a fáil sa Bhreatnais – agus bunóidh sé Coimisinéir Breatnaise leis na cearta seo a fhorfheidhmiú. Beidh ról fosta ag an Choimisinéir i gcur chun cinn agus in éascú úsáid na Breatnaise agus i gcur chun cinn comhionannais idir teangacha na Breatnaise agus an Bhéarla," ar seisean.

"Cuirfidh foilsíú an lae inniu tús ar phróiseas iniúchta agus táimid ag dúil le díospóireacht ar an dóigh is fearr a dtig leis an Bheart mholta na cuspóirí seo a sholáthar."

Dúirt an Chéad-Aire, Carwyn Jones, gur chéim thábhachtach agus stairiúil é an Beart molta i neartú na Breatnaise. "Tá sé beagnach fiche bliain ó thug aon rialtas isteach reachtaíocht a dhírigh ar an teanga Bhreatnaise amháin."

"Le linn na tréimhse sin d'fheabhsaigh cás na teanga ar mhórán bealaí ach d'fhás na dúshláin fosta atá roimpi. Tugann an Beart molta cuid na huirlisí dúinn a theastaíonn lena chinntiú go mbeidh rath feasta ar an Bhreatnais isteach san aonú haois is fiche taobh le teanga an Bhéarla."

Mhaigh fógra an rialtais go ndéanfadh an Beart molta soláthar i gceithre eochair-réimse:

- stádas oifigiúil na Breatnaise a dhearbhu;
- post an Choimisinéara Breatnaise a bhunú. Beidh feidhmeanna leathana ag an Choimisinéir, lena n-áirítear cur chun cinn agus éascú úsáid na Breatnaise agus cur chun cinn comhionannais idir teangacha na Breatnaise agus an Bhéarla;⁵
- an creat d'úsáid na Breatnaise i soláthar seirbhísí poiblí a nua-aoisiú. Le himeacht ama, cuirfear caighdeán teanga Breatnaise in áit scéimeanna teanga Breatnaise. Laghdóidh sé seo an t-ualach maorlathais ar eagrais agus cruthóidh sé comhsheasmhacht níos mó don tomhaltóir. Beidh cumhachtaí níos láidre forfheidhmithe ag an Choimisinéir ná a bhí ar fáil ag Bord na Breatnaise le soláthar seirbhísí Breatnaise a chinntiú;
- an chumhacht a thabhairt don Choimisinéir le gearáin a fhiosrú ó Bhreatnaiseoirí a chreideann gur cuireadh isteach ar a saoirse chun Breatnais a úsáid lena chéile.⁶

⁵ Glacaim leis nach mbeadh gníomhaíochtaí chur chun cinn an Bhéarla san áireamh i sonrú den chineál sin agus go n-aithneofaí an aisiméadracht atá de dhúchas sa ghaol idir an Bhreatnais agus an Béarla. I bhfirinne, is fíric bhunúsach bheatha sa Bhreatain Bheag é.

⁶ Nuair a rinneadh an fógra níorbh fhios go beacht an raibh an fhoráil seo gaolta le réimse ar bith nó leis na cinn sin amháin a bhí faoi rialú agus á rialú ag an tsraith nua caighdeán a bhí le tabhairt isteach. Go neamhbhalbh, an bhfiosrófaí gearáin den tsórt sin dá dtarlóidh siad i dtábhairne, i dteach príobháideach cúraim nó siopa, nó sa chás amháin go dtarlóidh siad i gcomhlacht poiblí. Glacadh leis i gcoitinne gur bhain sé leis an chéad sraith comhthéacsanna agus bhí sé mar sin de, cuimsitheach.

"This proposed Measure will answer the call for Welsh speakers to have the right to receive services in Welsh – and will establish a Welsh Language Commissioner to enforce these rights. The Commissioner will also play a role in promoting and facilitating the use of Welsh and promoting equality between the Welsh and English languages," he said.

"Today's publication will be the beginning of a detailed scrutiny process and we look forward to discussing how the proposed Measure can best deliver these objectives."

First Minister, Carwyn Jones, said the proposed Measure was an important and historic step in strengthening the Welsh language. "It has been nearly two decades since any Government has introduced legislation solely focused on the Welsh language."

"During that period the position of the language has improved in many ways but the challenges facing it have also grown. The proposed Measure provides us with some of the tools we need to ensure that the Welsh language can continue to prosper into the twenty first century alongside the English language."

The government announcement suggested that the proposed Measure would make provision in four key areas:

- to confirm the official status of the Welsh language in Wales;
- to establish the post of Welsh Language Commissioner. The Commissioner will have wide ranging functions, including promoting and facilitating the use of the Welsh and promoting equality between the Welsh and English languages;⁵
- to modernise the framework for the use of the Welsh language in the delivery of public services. Over time, Welsh language schemes will be replaced by Welsh language standards. This will reduce the bureaucratic burden on organisations and create greater consistency for the consumer. The Commissioner will have more powerful enforcement powers than have been available to the Welsh Language Board to ensure that Welsh language services are delivered;
- to give the Commissioner the power to investigate complaints from Welsh speakers who believe that their freedom to use Welsh with one another has been interfered with.⁶

⁵ I take it that such an arrangement would not include English-promoting activities and that the asymmetry inherent in the relationship between Welsh and English would be recognised. In effect it is an inherent fact of life in Wales.

⁶ At the time of the announcement it was not entirely clear whether this provision related to any domain or only to those governed and regulated by the new set of standards which were to be introduced. In plain terms were such complaints to be investigated if they occurred within a pub, a private care home or a shop, or only within a public body. It was widely assumed as applying to the former set of contexts and thus inclusive.

Léirigh rith an *Bheart Breatnaise (2011)* tús ré úire reachtaíochta déabhlóide lena dtiocfadh leis an Tionól Náisiúnta tabhairt faoi thúsreachtaíocht i bhfiche réimse déabhlóidithe cumais.

Ó Aibreán 2012 tá an chumhacht ag Coimisinéir na Breatnaise, Meri Huws, le moltaí a dhéanamh, le huirill a dhéanamh, agus le comhairle a chur ar Airí Breatnacha ar ábhair a bhaineann le feidhmeanna an Choimisinéara (féach alt 4 Bheart na Breatnaise: <http://www.legislation.gov.uk/mwa/2011/1/section/4/enacted> Caithfidh an Coimisinéir tuarascálacha 5 bliana a ullmhú ar chás na Breatnaise (féach alt 5: <http://www.legislation.gov.uk/mwa/2011/1/section/5/enacted>) Tógfaidh sé seo ar thaighde agus ar chumas staidrimh Bhord na Breatnaise agus tugann sé méid áirithe leanúnachais sa bhonn fianaise le faireachán agus meastóireacht na straitéise teanga agus a fo-réimsí beartais a dhéanamh. Fá láthair, tá réimse agus cineál chaighdeáin na seirbhísí Breatnaise leagtha amach ag an Choimisinéir ba mhaith leis an oifig a fheiceáil á gcur i bhfeidhm agus tá na forálacha sin anois amuigh ar chomhairliúchán. Le himeacht ama cuirfear caighdeáin náisiúnta in áit na scéimeanna teanga, ach glactar leis go nglacfaidh sé seo tuilleadh ama le teacht i méadaíocht.

In Albain, rith an Pharlaimint Albanach Bille na Teanga Gàidhlig 21ú Aibreán 2005.⁷ Aithníonn *Acht na Teanga Gàidhlig (2005)* an Ghàidhlig bheith ina teanga oifigiúil de chuid na hAlban, a éilíonn comhurráim leis an Bhéarla. Bunaíonn an tAcht Bòrd na Gàidhlig mar chuid den chreat rialtais in Albain agus éilíonn go gcruthófaí plean náisiúnta don Ghàidhlig le treoir straitéiseach a sholáthar d'fhorbairt na Gàidhlig. Tugann sé eochairpháirt do Bhòrd na Gàidhlig i gcothú na Gàidhlig in Albain, ag comhairliú Airí Albanacha ar cheisteanna Gàidhlig, ag seoladh phleanáil na Gàidhlig chun tosaigh agus ag ullmhú treorach ar oideachas Gàidhlig. Cuireann an tAcht ar fáil fosta creat i gcomhair chruthú pleananna teanga Gàidhlig ag údaráis phoiblí na hAlban. Is é misean Bhòrd na Gàidhlig todhchaí inbhuanaithe a chinntiú do theanga is do chultúr na Gàidhlig ba mhaith leo a chinntiú trí na haidhmeanna a leanas:

- Líon chainteoirí agus úsáideoirí na Gàidhlig a mhéadú
- An Ghàidhlig a neartú mar theanga teaghlaigh agus pobail
- Aimsiú teanga agus chultúr na Gàidhlig a éascú ar fud na hAlban

The passage of the *Welsh Language Measure (2011)* reflected the start of a new period of legislative devolution whereby primary legislation in twenty devolved areas of competence could be undertaken by the National Assembly.

Since April 2012 the Welsh Language Commissioner, Meri Huws, has had the power to make recommendations, to make representations and give advice to the Welsh Ministers on matters relating to the Commissioner's functions (see section 4 of Welsh Language Measure: <http://www.legislation.gov.uk/mwa/2011/1/section/4/enacted>). The Commissioner is required to prepare 5-year reports on the position of the Welsh language (see section 5: <http://www.legislation.gov.uk/mwa/2011/1/section/5/enacted>) This will build on the research and statistical capacity of the Welsh Language Board and offer a degree of continuity in the evidence base for monitoring and evaluation of the language strategy and its distinct policy sub-fields. Currently the Commissioner has set forth the range and type of national standards of Welsh language services which the office would wish to see applied and such provisions are currently out for consultation. In time the Welsh Language Schemes will be replaced by national standards, but this new system is expected to take some years to come to full fruition.

In Scotland, the Scottish Parliament passed the Gaelic Language Bill on 21 April 2005.⁷ The *Gaelic Language Act (2005)* recognises Gaelic as an official language of Scotland, commanding equal respect with English. The Act establishes Bòrd na Gàidhlig as part of the framework of government in Scotland and requires the creation of a national plan for Gaelic to provide strategic direction for the development of the Gaelic language. It gives Bòrd na Gàidhlig a key role in promoting Gaelic in Scotland, advising Scottish Ministers on Gaelic issues, driving forward Gaelic planning and preparing guidance on Gaelic education. The Act also provides a framework for the creation of Gaelic language plans by Scottish public authorities. Bòrd na Gàidhlig's mission is to ensure a sustainable future for the Gaelic language and culture in Scotland which is to be ensured through the following aims:

- Increase the number of speakers and users of Gaelic
- Strengthen Gaelic as a family and community language
- Facilitate access to Gaelic language and culture throughout Scotland

⁷ Is é a dúirt an tAire Oideachais Peter Peacock, ar a bhfuil freagracht aireach as an Ghàidhlig: "Lá cinniúnach é seo don Ghàidhlig agus caibidil úr i stair na teanga á hoscailt againn. Is fada a tháinig muid ó ghearróga dubha 1616 nuair a rialaigh Acht Parlaiminte go ndéanfaí an Ghàidhlig a dhíobhú agus a ruaigeadh amach ('abolishit and removit') as Albain. Cuid luachmhar dár stair agus dár geultúr í an Ghàidhlig agus cuideoidh Acht na Gàidhlig lena chinntiú go mbeidh sí faoi bhláth sa tír s'againn feasta. Cruthóidh an tAcht seo an comhthéacs agus an mhúinín le chéile le go seolfai an Ghàidhlig i dteaghlaigh, go gcuirfi chun cinn i scoileanna i agus go geachtfaí go forleathan i bpobail agus in ionaid oibre í. Tá líon na gcainteoirí Gàidhlig againn ag fás cheana féin – a bhui, den chuid is mó, le rath agus tarraingt mhéadaithe an Gháidhealoideachais. Is é an dúshlán anois romhainn na hógánaigh seo agus na glúine feasta a chothú ag cinntiú go mbeidh deiseanna leanúnacha acu lena scileanna teanga a fhorbairt agus, rud is tábhachtaí fós, a chleachtadh. Sin a dhéanfaidh Acht na Gàidhlig." Arna lua ar shuíomh gréasáin Fheidhmeannas na hAlban: <http://www.scotland.gov.uk/News/Releases/2005/04/21162614>.

⁷ Education Minister Peter Peacock, who has ministerial responsibility for Gaelic, said: "This is a momentous day for Gaelic as we open a new chapter in the language's history. We have come a long way since the dark days of 1616 when an Act of Parliament ruled that Gaelic should be 'abolishit and removit' from Scotland. Gaelic is a precious part of our history and our culture and the Gaelic Language Act will help to ensure it can also be a flourishing part of our country's future. This Act will create both the context and the confidence for Gaelic to be passed on in families, promoted in schools and widely used in communities and workplaces." We already have growing numbers of young Gaelic speakers – thanks, largely, to the success and growing popularity of Gaelic medium education. Our challenge now is to nurture these youngsters and future generations ensuring they have continued opportunities to develop their language skills and, more importantly, to use them. That is what the Gaelic Language Act will do." Cited on the Scottish Executive's website: <http://www.scotland.gov.uk/News/Releases/2005/04/21162614>.

- Cion na Gàidhlig do shaol cultúrtha Alban a chothú agus a cheiliúradh
- Úsáid na Gàidhlig a leathnú agus a mhéadú i ngach gné den saol in Albain (Bòrd na Gàidhlig, 2005. leath. 4).

Seoladh dréacht phlean náisiúnta na Gàidhlig ar 4 Deireadh Fómhair 2011 agus is plean é go nglacfaidh Parlaimint na hAlban le leagan leasaithe iar-chomhairliúcháin i 2012. Tá trí aidhm uileghabhálacha sa phlean:

- an meath i líon foriomlán chainteoirí Gàidhlig na hAlban a stad trí líon an dream atá ag sealbhú na teanga a mhéadú
- réimse na gcásanna ina n-úsáidtear an Ghàidhlig a leathnú, ar aon dul le heochairphrionsabal comhurraime don Ghàidhlig agus don Bhéarla in Acht na Gàidhlig
- cuidiú le cainteoirí Gàidhlig, idir fhoghlaimoirí agus chainteoirí dúchais, a gcumas sa teanga a fhorbairt agus a muinín ina húsáid, agus a chinntiú go maireann an teanga féin folláin bríomhar. (Bòrd na Gàidhlig, An Plean Náisiúnta don Ghàidhlig 2012-17, Comhairliúchán Poiblí 4ú Deireadh Fómhair go 21ú Nollaig 2011 (Inbhir Nis, 2011))

Comhaltai Bòird, mar aon leis an Phríomhfheidhmeannach agus a fhoireann, d'aithin siad mórán de na tosaíochtaí céanna a bhí ina gcuid de shamhail na Breataine agus ina ábhair arbh éigean dóibh féin déileáil leo, mar a bhí, tionscnamh fiontar páirtíochta, fáil tacaíochta ó Údarás Áitiúla, forbairt oideachais trí mheán na Gàidhlig agus leathnú na craoltóireachta. Is é an tosaíocht láithreach feidhmiú Acht na Gàidhlig, an dara Plean Náisiúnta don Ghàidhlig faoina dtig Scéimeanna eile reachtúla Teanga a chur i bhfeidhm, agus samhail náisiúnta sain-Ghàidhlig a fhabhrú don phleanáil teanga. Is tosaíocht ar leith é sealbhú na Gàidhlig ag an Bhòrd agus ag Airí Albanacha i Rialtas cineachta na hAlban. Is suimiúil le háireamh é, ina bhforógra feachtais i dtoghcháin Pharlaimint na hAlban 2011, gur thiomnaigh Páirtí Náisiúnta na hAlban, atá anois ina dtromlach i bParlaimint na hAlban, iad féin do thacú le leathnú an oideachais trí mheán na Gàidhlig agus do mhodhanna a scrúdú trína dtig leo teidlíocht ar an oideachas trí mheán na Gàidhlig a thabhairt isteach san áit a bhfuil éileamh réasúnta; agus sa dara dréachtphlean náisiúnta Gàidhlig, tá ráite ag an Bhòrd go bhfiosróidh siad, mar aon le hAirí Albanacha, an féidir teidlíocht dhlíthiúil ar oideachas trí mheán na Gàidhlig a chruthú. Is léir go bhfuil cruthú cheart dlíthiúil ar an Ghàidhealoideachas anois ar an chlár oibre in Albain.

- Promote and celebrate Gaelic's contribution to Scottish cultural life
- Extend and enhance the use of Gaelic in all aspects of life in Scotland (Bòrd na Gàidhlig, 2005. p. 4).

The draft of the national Gaelic language plan, was launched on 4 October 2011 and the plan is for a revised post-consultative version to be accepted by the Scottish Parliament in 2012. The plan has these three overarching aims:

- arresting the decline in the overall number of Gaelic speakers in Scotland by increasing the number acquiring the language
- expanding the range of situations in which Gaelic is used, in line with the Gaelic Language Act's key principle of equal respect for Gaelic and English
- helping speakers of Gaelic, both learners and native speakers, to develop their competence in the language and their confidence in using it, and ensuring that the language itself continues to be healthy and vibrant. (Bòrd na Gàidhlig, National Plan for Gaelic 2012-17, Public Consultation 4th October to 21st December 2011 (Inverness, 2011))

Board members, together with the Chief Executive and his staff have identified many of the same priorities as, and have engaged in a very similar discourse to, that which has become a part of the Welsh model, namely initiating partnership ventures, gaining support from Local Authorities, developing Gaelic-medium education and extending broadcasting. The current priority is to implement the Gaelic Language Act, a second National Plan for Gaelic under which further statutory Language Schemes will be rolled out, and evolve a distinctly Scottish national model for language planning. Gaelic language acquisition is a particular priority for both the Bòrd and Scottish Ministers in the devolved Scottish Government. It is interesting to note that, in their campaign manifesto for the 2011 Scottish Parliamentary elections, the Scottish National Party, who now form a majority Scottish Government, committed themselves to continuing to support the expansion of Gaelic medium education and to examining how they can introduce an entitlement to Gaelic medium education where reasonable demand exists, and in the draft second national Gaelic language plan, the Bòrd has stated that it will investigate with Scottish Ministers the possibility of creating a legal entitlement to Gaelic-medium education. Clearly, the creation of a legal right to Gaelic medium education is now on the agenda in Scotland.

Is mithid tógáil ar an dúshraith chomparáideach seo agus cearta reachtacha fóna a bhunú do Ghaeilgeoirí, ar bhonn sainghnéithe sholáthar seirbhíse poiblí. Ós rud é nach dtig le Tuaisceart na hÉireann go fóill bheith ag brath ar na fachtóirí atá anois faoi réim sa Bhreatain Bheag agus ar shlí in Albain, caithfidh an dúiche dul i muinín shainithe is foirmiúla ar chearta teanga faoi Acht Teanga agus cumas feidhmithe Coimisinéir Teanga. Ach seo bheith amhlaidh ba thráthúil go mbunófaí ar bhonn reachtúil ceart daoine ar Ghaeilgeoirí, an ceart chun Gaeilge a úsáid i gcásanna áirithe ag plé leis an Chóras Sláinte, nó san ionad oibre, an ceart le comhfhreagras i nGaeilge a dhéanamh le comhlachtaí a thiocfadh faoi réimse an Acht Teanga Gaeilge atá á mholadh, agus comhfhreagras nó faisnéis a fháil uathu trí mheán na Gaeilge. Conas a chuirfí seo i ngníomh agus dá gcaithfí tosaíocht a thabhairt i riar acmhainní easpacha daonna agus airgeadais, cad iad na limistéir ar chóir díriú orthu? Maíonn an cleachtadh comparáideach idirnáisiúnta gur chóir i dtaca leis seo, tús áite a thabhairt don oideachas reachtúil, riarachán poiblí agus d'fhorbairt pobail. Dhá chúis a thugaim as an tuairim agam. Ar dtús, is é an 'stát áitiúil' a stiúran an t-oideachas éigeantach agus an riarachán poiblí agus mar sin, ba chéim measartha dhíreach (murar furasta) glacadh le heilimintí beartais dhátheangaigh. Sa dara cás, is san oideachas foirmiúil agus sa phobal a tharlaíonn forbairt acmhainne agus sóisialú, mar sin, is den loighic bheith ag dúil, ach na leibhéil chearta acmhainní, réamhphleanála agus tacaíochta polaitiúla bheith ar fáil, go bhfeicfí fáiltas éigin ar infheistíocht in iarrachtaí ar athbheochan teanga in oibríocht laethúil an dá chuaille seo.

Is é a chreidim fosta gur tábhachtach é an dualgas chun seirbhís a sholáthar a chur taobh leis an cheart le í a fháil. Seo príonsabal bunaidh na pleanála teangaí i roinnt tíortha – ach is ar éigean gurb ann dó sa Bhreatain Bheag, fiú anois agus *Beart na Breatnaise 2011* i bhfeidhm. Is é an eisceacht sa chás seo ceart éisteachta trí mheán na Breatnaise i gcúirt dlí. Is tráthúil mar a bheartaigh na comhlachtaí sin atá freagrach as an tseirbhís áirithe seo gníomh a chomhlíonadh éilimh an Achta. Is léir ar an reachtaíocht go bhfuil dualgas orthu an tseirbhís a sholáthar – agus ceart ag daoine ar í a fháil.

I dtéarmaí praiticiúla, cad é an feabhas is léire a d'fheicfeadh Gaeilgeoirí de thoradh ar fheidhmiú na reachtaíochta seo? Ba limistéar tábhachtach é soláthar Gaeilge sa chóras reachtúil oideachais. D'éileodh an tAcht Teanga:-

"(a) oideachas réamhscoile, bunscoile agus meánscoile trí mheán na Gaeilge a fhorbairt ar dhóigh a éascóidh teacht forleathan ar oideachas trí mheán na Gaeilge ar gach leibhéal agus leanúnachas soláthair a chinntiú, go háirithe idir oideachas réamhscoile agus bunscoile, bunscoile agus meánscoile agus meánscoile agus tríú leibhéal,"

It is time to build on these comparative foundations and establish worthwhile legislative rights for Irish speakers, based on specific aspects of public service provision. Because Northern Ireland cannot yet rely on several of the factors that obtain in Wales and to a lesser extent in Scotland, it must resort to a more formal specification of language rights under a Language Act together with the enforcement capacity of a Language Commissioner. Given this it would be timely to establish statutorily that individuals have the right to receive Irish-medium education, the right to use Irish in a number of cases in dealing with the Health System, or in the workplace, the right to correspond in Irish with bodies which come within the scope of the proposed Irish Language Act, and to receive correspondence or information from them through the medium of Irish. How would this work out in practice and if there were a need to prioritise scarce human and financial resources, which areas should receive attention? Comparative international experience suggests that statutory education, public administration and community development deserve priority in this respect. I offer two reasons for my opinion. First the 'local state' controls compulsory education and public administration thus it is a relatively straightforward (if not easy) step to adopt elements of a bilingual policy. Secondly, capacity building and socialisation take place in formal education and within the community, thus it is logical to expect that given the correct levels of resourcing, forward planning and political support that some return on investment in language revitalization efforts will be witnessed in the daily operation of these twin pillars.

I also believe that it is important to mirror the duty to provide a service with the right to receive it. This principle is the basis of linguistic planning in a number of countries – but is still almost completely absent in Wales, even after the passage of the *Welsh Language Measure 2011*. The exception to this situation is the right to a hearing through the medium of Welsh in a court of law. Those bodies responsible for providing this particular service have planned action in a timely way to meet the requirements of the Act. The legislation makes it clear that they have a duty to provide the service – and that individuals have the right to receive it.

In practical terms what would be the most obvious improvement Irish speakers would see as a result of the implementation of the accompanying legislation? A key area would be in the provision of Irish within the statutory educational system. The proposed Language Act would call for:-

"(a) the development of Irish-medium preschool, primary and secondary education in such a manner as to maximise access to Irish-medium education at each level and to ensure continuity of provision, particularly between pre-school and primary, primary and secondary and secondary and tertiary education,"

- (b) teagasc na Gaeilge mar ábhar i mbunscoileanna agus meánscoileanna Béarla a chur chun cinn bunaithe ar an chleachtas idirnáisiúnta is fearr i bhfoghlaim teanga dúchais, ó thús bunscoile go deireadh meánscoile; agus bearta cuí a dhéanamh chun an Ghaeilge a chur ar fáil mar ábhar staidéir do dhaltáí meánscoile a bhfuil a gcuid bunscolaíochta uile, nó páirt di, faighte acu trí mheán na Gaeilge, agus leanúnachas soláthair a chinntiú, go háirithe idir oideachas bunscoile agus meánscoile, agus meánscoile agus tríú leibhéal,
- (c) leormhéid téacsleabhar, bogearraí, earraí cuí closamhairc agus idirlín, oiriúnach don oideachas trí Ghaeilge agus thairis sin, gach ábhar cosúil atá oiriúnach do riachtanais pháistí ag foghlaim Gaeilge in oideachas trí Bhéarla a fhorbairt agus a chur ar fáil; agus
- (d) forbairt agus soláthar a dhéanamh ar réimse iomlán seirbhísí tacaíochta trí Ghaeilge, lena n-áirítear ach nach teoranta di seirbhís chúraim agus faisnéise sláinte do ghaelscoileanna agus do dhaltáí a bheidh ag fáil oideachais trí Ghaeilge
- (e) forbairt agus soláthar a dhéanamh ar réimse iomlán seirbhísí tacaíochta curaclaim agus oideachasúla, lena n-áirítear ach nach teoranta díobh uirlisí agus ar thaca i gcomhair scrúduithe agus measúnachtaí, agus iad seo a bheith ag freagairt do riachtanais shonracha na ndaltáí Gaelscoile
- (f) forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltáí Gaelscoile agus a léireoidh an cleachtas idirnáisiúnta is fearr sa tumoideachas,
- (g) forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltáí a bheidh ag foghlaim Gaeilge i scoileanna Béarla
- (h) soláthar a dhéanamh, trí mheán chomhairliúcháin agus chomhordaithe le comhlachtaí cuí eile, ar sheirbhís seachchuraclaim agus ógsheirbhíse do earnáil na nGaelscoileanna, agus
- (i) soláthar a dhéanamh, i gcomhairle agus i gcomhordú lena leithéid de chomhlachtaí eile a bheadh oiriúnach, i gcomhair leorsheirbhíse seach-churaclaim agus ógra do agus oiriúnach do riachtanais dhaltáí nach bhfuil cláraithe in oideachas trí Ghaeilge a bhfuil an Ghaeilge á teagasc dóibh, agus
- (b) the teaching of Irish as a subject in English-medium primary and secondary schools, based on best international practice in indigenous language learning, from the beginning of primary to the end of secondary school, including adequate measures for the teaching of Irish as a subject to secondary pupils who received some or all of their primary education through the medium of Irish, and to ensure continuity of provision, particularly between primary and secondary, and secondary and tertiary education,
- (c) the development and adequate provision of Irish-language educational books, software, and audio-visual and web-based teaching material appropriate to Irish-medium education and in addition, the development of all such similar materials appropriate to the needs of pupils learning Irish in English-medium education
- (d) the development and provision of the full range of Irish-medium support services, including but not limited to an Irish-medium health care and health information service for Irish-medium schools and pupils receiving Irish-medium education
- (e) the development and provision of a full range of curricular and educational support services, including but not limited to examinations and assessment tools and support appropriate to the specific needs of pupils in Irish-medium education
- (f) the development and provision of a curriculum appropriate to specific needs of pupils in Irish-medium education that reflects international best practice in immersion education,
- (g) the development and provision of a curriculum appropriate to the needs of pupils learning Irish in English-medium schools,
- (h) the provision, in consultation and coordination with such other bodies as may be appropriate, for an adequate extra-curricular and youth service for the Irish-language schools sector,
- (i) the provision, in consultation and coordination with such other bodies as may be appropriate, for an adequate extra-curricular and youth service for and appropriate to the needs of students not enrolled in Irish-medium education who are being taught the Irish language, and

(j) taighde agus oiliúint a dhéanamh, oiliúint do mhúinteoirí agus do phearsanra eile san áireamh, maidir le hoideachas Gaeilge a sholáthar a dhéanfaidh lánfhreastal ar riachtanais na ndaltaí a bheith ag fáil oideachais trí Ghaeilge."

Ba mhórchéim chun tosaigh é sin i soláthar deiseanna riachtanacha do bhonn scileanna agus cognaíoch na Gaeilge a leathnú agus ba é gan amhras an rud ba thábhachtaí in iarrachtaí athbheochana na Breatnaise.

B'fheabhas straitéiseach eile é soláthar cáipéisí tábhachtacha do shaoránaigh, mar shampla:- (a) gach cineál ceadúnas tiomána; (b) pasanna agus víosaí; (c) teastais bheireatais; (d) teastais bháis; agus (e) teastais phósta; agus ba chóir go mbeadh oibleagáid ar an Phríomhoifig Chláirúcháin seirbhísí pósta sibhialta agus páirtíochtaí sibhialta a sholáthar ar iarratas trí mheán na Gaeilge.

Mholfaínn fosta an Ghaeilge a cheangal isteach mar chuid éigeantach de chlár oibre na reachtaíochta frithleatrom. Dá gcaithfí léi ar an dóigh sin ba lú an seans go bhfeicfí an Ghaeilge mar 'cause célèbre' nó 'ortha'. Dar liom, seo dóigh réasúnta le slacht a chur ar thírdhreach reachtúil a chaithfidh plé le héagthroimí stairiúla agus neamhghníomh san am a d'imigh. Ghlacfaínn leis gur seo cuid de choincheap normalú na teanga Gaeilge.

Is é an bunlaige é nach bhfuil fógra soiléir oifigiúil déanta i dtaca leis an pháirt a bhfuiltear ag dúil le bheith ag an Ghaeilge sa tsochaí i dtuaisceart na hÉireann. Claonadh amháin in áiteanna eile is ea cearta forásacha a chur chun tosaigh i dtéarmaí soláthar seirbhísí don phobal. Ach is é an claonadh is rogha i gcáipéis seo POBAL moladh agus tacú le cur chuige bunaithe go daingean ar chearta is cosúla le Ceanaid ná le hAlbain nó leis an Bhreatain Bheag.

Taithí láithreach na Breataine agus na hÉireann i bpleanáil teanga, maíonn sí go bhfuil socrúithe sa Bhreatain Bheag agus le déanaí in Éirinn go breá chun cothú an chumais le Scéimeanna Teanga a cheapadh, ach nach bhfuil na scéimeanna reatha chomh héifeachtach maidir le feidhmiú na scéimeanna a stiúradh agus a chinntiú.⁸ Mar shampla, ba sampla é de laige na reachtaíochta le déanaí an greim a bhí ag *Acht na Breatnaise 1993* ar Chomhlachtaí Corónach, mar ranna Rialtais RA (Rialtas Thionól na Breataine Bige san áireamh). Níor baineadh cumhachtaí Acht na Teanga Breatnaise chun éileamh ar chomhlachtaí Scéimeanna Teanga a ullmhú agus ansin a aontú, le Comhlachtaí Corónach. Chonaic muid lochtanna den chineál céanna maidir le míchumas an Bhoird a bhfuil sna scéimeanna a

(j) research and training, including training of teachers and other personnel, relating to the provision of Irish-medium education that is sufficient to meet the needs of pupils receiving Irish-medium education."

This would be a major step forward in the provision of essential opportunities to widen the skills and cognitive base of the Irish language and was without doubt the single most important development in Welsh language revitalization efforts.

A second strategic improvement would be in the provision of key documentation for citizens such as :- (a) all classifications of driving licence; (b) passports and visas; (c) birth certificates; (d) death certificates; and (e) marriage certificates; and the General Register Office should have the obligation to provide civil marriage and civil partnership services through the medium of the Irish language upon request.

I also commend the concept of integrating the Irish language and its affairs as an integral part of the anti-discrimination legislative agenda. Dealt with in this manner the Irish language would be less likely to be considered as a 'cause célèbre' or a 'fetish'. To my mind this is a rational way of tidying up a legislative landscape that has to deal with historical inequalities and a lack of action in the past. This, I assume, is part of the concept of the normalization of the Irish language.

The fundamental weakness is that there is no clear official declaration as to what role Irish is expected to play within the society of the north of Ireland. One trend elsewhere is to promote institutional rights in terms of the delivery of services to the public. Yet the trend favoured within this POBAL document is to argue for a strongly rights-based approach more akin to Canada than Scotland or to Wales.

Current British and Irish experience in language planning suggests that arrangements in Wales and more recently in Ireland were particularly good at fostering the capacity to prepare Language Schemes, but that the present systems are not as effective in terms of supervising and ensuring implementation of the schemes.⁸ For example, the *1993 Welsh Language Act's* hold on Crown Bodies, such as UK Government departments (including the Assembly for Wales Government) and a number of its agencies, is a clear example of the weakness of recent legislation. The Welsh Language Board's powers to require bodies to prepare, and then to approve Language Schemes did not apply to Crown Bodies. We saw similar failings in respect of the Board's ability to review the content of schemes and, in the case of

⁸ Limistéar amháin a dtiocfadh an reachtaíocht a neartú, dualgas a leagan ar chomhlachtaí faisnéis a sholáthar mar a d'éiligh *Acht na Breatnaise* mar chuid d'aon fhiosrú reachtúil faoi alt 17 den Acht sa chás nach bhfeidhmeofaí scéim teanga. Bhain comhlachtaí leas as seo agus dhiúltaigh comhoibriú leis an Bhoird agus faisnéis bhunúsach a sholáthar. Ba chóir na cumhachtaí reachtúla a neartú faoina choinne seo.

⁸ One area where the legislation could have been strengthened is by placing a duty on bodies to provide information as requested by the Welsh Language Board as part of any statutory investigation under section 17 of the Act into the lack of implementation of a language scheme. Bodies have exploited this and have refused to cooperate and provide the Board with basic information.

athbhreithniú agus, i gcás an Rialtais, an chumhacht le comhlíonadh Scéimeanna a fheidhmiú. Ina áit sin, b'éigean bheith ag brath ar dhea-mhéin na gComhlachtaí Corónach. Léiriú é den dea-mhéin seo gur bhain sé, ar an mheán, a dhá oiread ama as Comhlachtaí Corónach scéimeanna teanga a ullmhú agus a bhain as comhlachtaí eile. Ar ócáidí eile, dhiúltaigh Comhlachtaí Corónach a raibh ina gcuid Scéimeanna Teanga féin a fheidhmiú – agus gur theastaigh idirghabháil pholaitiúil ar an leibhéal ab airde leis an scéal a chur ina cheart. Dá bharr seo, ba dhá laige de shamhail na Breatnaise iad, feidhmiú neamh-chomhsheasmhach na Scéimeanna Teanga agus míchumas Bhord na Breatnaise lena dtoil a chur i bhfeidhm i rith an ama.

Ní raibh sé seo inghlactha ná réasúnta. Tá leanúnachas agus soiléiriú de dhíth, agus ba chóir na hionchais agus na caighdeáin chéanna a leagtar ar chomhlachtaí poiblí eile a leagan ar Chomhlachtaí Corónach. Cheana féin, thug an Rialtas Tionóil fianaise do Choimisiún Richard ag leagan amach conas ab fhéidir Comhlachtaí Corónach a thabhairt go hiomlán isteach i scóip Acht 1993. Faoi Alt 10 Acht 1993, b'éigean don Tionól aontú a fháil ó Westminster faoi aon leasú ar threoir reachtúil an Bhoird ar ullmhú Scéimeanna Teanga. I ndiaidh an chineachta, agus ag cuimhneamh go bhfuil an Tionól Náisiúnta chun tosaigh sa limistéar beartais seo, d'áitigh mé roimhe seo gur chuí agus gur thráthúil go mbeadh an chumhacht ag an Tionól aon athrú ar threoir reachtúil ar ullmhú Scéimeanna Teanga a aontú.

Ceann de na laigí is mó i reachtaíocht 1993, nach gcuimsíonn sí úsáid inmheánach na Breatnaise. Moillíonn easpa bheart den chineál seo fás úsáid na Breatnaise i gcomhlachtaí poiblí agus is minic a bhacann sí forbairt sholáthar seirbhíse trí mheán na Breatnaise. Bheadh feidhmiú praiticiúil beart den chineál sin ina chuid de Scéimeanna Teanga aontaithe, a dhíreodh ar mhéadú i gcumas teagach líon saothair comhlachta thar tréimhse a chinntiú. Ar an dóigh seo thiocfadh leis an phobal coiteann bheith ag dúil le réimse seirbhísí Breatnaise a bheadh ar fáil mar a luafaí i Scéimeanna Teanga aontaithe iad. Creidim go bhfuil bearta a thacódh leis an Bhreatnais san ionad oibre barrthábhachtach i bhforbairt sheirbhísí poiblí den chéad scoth sa Bhreatain Bheag. Agus gan chearta teanga ann, ní thig na laigí seo a leigheas ach le brú leanúnach agus le caibidlíocht pholaitiúil. Dá saineodh *Acht Breatnaise 1993* cearta áirithe teanga, b'fhéidir ansin go seachnófaí a lán den éiginnteacht agus den débhríocht. Is ar an ábhar seo ba chóir cur chuige bunaithe ar chearta a chothú i dtuaisceart an hÉireann.

Feasach ar na laigí seo, déanann an réim nua teanga a tháinig isteach le rith *Bheart na Breatnaise (2011)* scéal mór de cheart gan cheangal gan bhac chainteoirí Breatnaise a

the Government, the power to enforce the implementation of Schemes. Instead, the goodwill of Crown Bodies had to be relied upon. This goodwill manifests itself in the fact that Crown Bodies, on average, took twice as long as other bodies to prepare language schemes. On other occasions Crown Bodies had refused to implement the content of their Language Schemes – and political intervention at the highest level was necessary to rectify the situation. Consequently two of the principal failings of the Welsh model were the inconsistent implementation of the Language Schemes and the inability of the Welsh Language Board to enforce its will at all times.

This was neither acceptable nor reasonable. Consistency and clarity are needed, and the same expectations and standards should be placed on Crown Bodies as on other public bodies. The Assembly Government provided evidence to the Richard Commission setting out how it would be possible to bring Crown Bodies entirely within the scope of the 1993 Act. Under Section 10 of the 1993 Act, the Assembly was required to obtain Westminster's approval for any amendments to the Board's statutory guidance on the preparation of Language Schemes. In the wake of devolution, and considering that the National Assembly leads in this policy area, I argued previously that it would be appropriate and timely for the Assembly to have the power to approve any change to statutory guidance on the preparation of Language Schemes.

One of the greatest weaknesses of the 1993 legislation was that it does not encompass the internal use of Welsh. The absence of such measures slows the growth in the use of Welsh in public bodies and often hinders the development of Welsh-medium service provision. Practical implementation of such measures could be part of agreed Language Schemes, aimed at ensuring an increase in the linguistic capacity of a body's workforce over a period of time. In this way the general public could anticipate the range of Welsh-medium services available as they would have been documented in agreed Language Schemes. I have long argued that measures to support Welsh in the workplace are critical to the development of first-class public services in Wales. In the absence of language rights all of these weaknesses can only be remedied by persistent pressure and political negotiation. Had the *Welsh Language Act of 1993* specified certain fundamental language rights then much of the uncertainty and ambiguity might have been avoided. It is for this reason that a rights-based approach in the north of Ireland is to be encouraged.

Conscious of some of these failings the new language regime ushered in by the passage of the *Welsh Language Wales Measure (2011)* makes great play of the unfettered and

dteanga a úsáid cibé dóigh agus cibé áit ar mian leo. Tá stádas teanga oifigiúla anois ag an Bhreatnais taobh istigh dá críoch náisiúnta féin. Agus ceadaíonn an córas casta srianta agus ceartúcháin, achomharc agus binsí a aithnítear sa Bheart feidhmiú láidir an chóras úr caighdeán i soláthar seirbhísí. Mar sin ba chóir go laghdófaí roinnt de na neamhréireanna a bhí ann roimhe nuair a bheas an nua-réim faoi lánseol. Ach, níl sé go fóill soiléir cé chomh fada agus a nascaidh agus a chuimseoidh Acht 1993 agus Beart 2011 Comhlachtaí Corónach agus Státranna níos láidre na RA i lánfheidhmiú na gcaighdeán teanga agus ar an dóigh sin, na deiseanna a shuibhriú atá ar fáil Breatnaiseoirí le bheith páirteach le húdarás, le maorlathas agus le riarachán poiblí ar bhonn lánchothrom. Is eagal liom go dtógfaidh sé tamall sách fada as an nua-réim teanga agus as an Choimisinéir Teanga socrú isteach, tionchar a oibriú ar chórais sholáthair agus sa deireadh, ar ndóigh, ar iompar an tsaoránaigh agus ar leibhéal shástachta. Ach, más comhartha iad an chéad chúpla mí ar dhiongbháilteacht agus ar aibíocht pholaitiúil na hOifige, caithfear ansin a admháil go dtarlóidh roinnt athruithe forleathana agus an Coimisinéir ag leanúint dá líne neamhspleách fiosrúcháin agus ag coinne ar mhodh tohmaiste lena lán de na céimeanna a theastaíonn.

Mar is léir ó cháipéis seo POBAL, tá géarghá le sainiú fhíornádúr ceart teanga sna seirbhísí a chuireann na hearnálacha poiblí agus príobháideacha araon ar fáil. Ach mholfainn fuireachas anseo nó ba dheacair cearta a shainmhíniú agus a fheidhmiú mar gheall ar chastacht an chomhthéacs láithreach socheacnamaíoch. Fágann idircheangal eárnálacha éagsúla gur deacair teorainneacha seirbhíse áirithe a shainiú, seachas cúrsaí measartha simplí mar idirghníomhartha aghaidh ar aghaidh tráchtála i siopa nó i dteach tábhairne. Ag dul i ndeacair a bhíonn sé iompar a bhaineann le teanga a thuar leis an mhéadú sa mheascadh margáiochta agus sa teileachumarsáid, agus de réir mar is coitianta iompar a dhíríonn ar an duine aonair seachas ar iompar an phobail. Mar sin is oiriúnach dearcadh ar chúrsaí ó thaobh téama seachas eárnáil, agus machnamh ar nádúr na seirbhísí a fhaigheann an pobal. Is sampla ar dóigh den chur chuige téamach seo páirt na gcomhlachtaí uisce a príobháidíodh le déanaí. Cuireann siad ar fáil seirbhís phoiblí tríd an eárnáil phríobháideach. Tá an prionsabal seo glactha i bpáirt ag Rialtas na Breataine Bige nuair a shocraigh siad comhlachtaí uisce a thabhairt faoi scóip Acht Teanga 1993. Tá an dioscúrsa timpeall ar rith Bheart Teanga 2011 lán de ráitis a mhaíonn go mbreathnaíonn an Rialtas é mar chlár rollach agus oibleagáidí á leathnú a fhad le réimsí eile gníomhaíochta, baine agus cuideachtaí árachais, mar shampla. Tá sé seo measta ag an Tionól Náisiúnta mar theist rithabhachtach ar a chumas le déabhlóid reachtach a chur chun tosaigh agus tá sé mar sin ag féachaint go gníomhach le grúpaí comhlachtaí éagsúla a cheapadh i ndáil le

unhindered right of Welsh speakers to use their language as and when they so desire. Welsh now has the status of an official language within its own national territory. Further the fairly complex checks and balances, appeals and tribunals identified within the Measure allow for a robust application of the new system of language standards in the delivery of services. Thus several of the previous inconsistencies should be reduced as and when the new regime is fully operative. However, it is still unclear to what extent the 1993 Act and the 2011 Measure will bind and involve Crown Bodies and the larger UK Departments of State in the full implementation of language standards and thus enrich the opportunities available for Welsh speakers to engage with authority, bureaucracy and public administration on a fully equitable basis. I suspect it will take a considerable amount of time for both the new language regime and the Welsh Language Commissioner to bed in, to influence systems of delivery and ultimately, of course, citizen behaviour and levels of satisfaction. However, if the first few months are any indication of the determination and political maturity of the Office, then it must be admitted that some far reaching changes will ensue as the Commissioner pursues an independent line of enquiry and anticipates many of the required steps in a calculated manner.

As this POBAL document makes clear there is an urgent need to specify the exact nature of language rights in the services provided by both the public and private sectors. But I would urge caution here because precision in the interpretation and application of rights will be difficult given the complexity of the current socio-economic context. The interpenetration of different sectors now makes it very difficult to define the boundaries of a particular service, apart perhaps from fairly simple things like face-to-face commercial interactions in a shop or a public house. Anticipating language-related behaviour becomes increasingly complex with the increase in the mixed market and telecommunications, and as individually-orientated behaviour rather than mass or community behaviour increasingly becomes the norm. So it is appropriate to take a more thematic rather than a sectoral view, and to consider the nature of the services provided to the public. A classic example of this thematic approach would be the role of recently privatised water companies. They provide a public service through the private sector. The Government of Wales has accepted this principle in part when it decided to bring water companies under the ambit of the existing 1993 Language Act. The discourse surrounding the passage of the 2011 Language Measure is full of statements to the effect that the government see it as a rolling programme with statutory obligations being extended to other spheres of activity, such as banks and insurance companies. The National Assembly has seen this as a vital test of its ability to progress legislative devolution and thus is actively seeking to designate groups of particular

reachtaíocht teanga, mar a rinneadh i gcás na gcuideachtaí fónaimh uisce. Is é an freagra ar an chineál sin céimseachais reachtaíochta gur chóir go mbeadh na hachomhairc agus na gnéithe leasúcháin sa Bheart láidir go leor le mí-úsáid a sheachaint. Ach go dtí go raibh tréimhse sách iontaofa oibríochta agus fianaise imscrúdaithe againn níor chríonna an mhaise dúinn tuairimíú chun tosaigh ar chomh maith agus a n-oibreodh na cosaintí seo.

Ba chúis amháin intuartha í le cur in éadan chur chuige chuimsitheach ceart i dTuaisceart na hÉireann nach dtig leis an chóras faoi láthair cainteoirí cumasacha Gaeilge a chur ar fáil a mbeadh na scileanna Gaeilge agus an creidiúnú gairmiúil is gá acu. Aithníonn moltaí POBAL gurbh fhéidir nárbh indéanta sa chomhthéacs láithreach lánfheidhmiú réimse ceart glan ar sheirbhísí trí mheán na Gaeilge, ach mar sin féin, mura dtig oibleagáidí soiléire a leagan anuas ar fhorais oiliúna agus chreidiúnaithe aghaidh a thabhairt ar na riachtanais ghairmiúla forbartha seo, nach réiteofar go deo ceisteanna inniúlacht, soláthar agus oiliúna gairmiúla teanga.

I soláthar seirbhísí trí mheán na Gaeilge éiríonn cumas oiliúna agus gairmiúil fosta trína bhfeidhmeodh Údarás Áitiúla agus Comhlachtaí Poiblí Scéimeanna Teanga a aontáidh. Bunphrionsabal dúshraithe é, bunaithe ar an iarshamhail Bhreatnach, go gcuirfeadh an reachtaíocht ceanglas ar údarás áitiúla Oifigeach Teanga Gaeilge a cheapadh a bheadh freagrach as comhairliú agus comhoibriú le pobal na Gaeilge. Éiríonn an deacracht nuair nach gcuireann an tÚdarás Áitiúil ar fáil leoracmhainní a ligfeadh don Oifigeach Teanga, ní hea amháin cuidiú le feidhmiú na Scéime Teanga, ach fosta an Ghaeilge a chur chun cinn taobh istigh den údarás. In imeacht ama dá mbeadh Oifigeach Teanga i ngach Údarás Áitiúil agus ina lán Comhlachtaí Poiblí, d'fhéadfadh an líonra sin de chothaitheoirí riachtanacha agus tábhachtacha na Gaeilge an chúis ar son seirbhísí ardchaighdeán Gaeilge a chur chun cinn. Ach tógfaidh sé seo am lena chur i gcrích, agus is é a mhaíonn an taithí idirnáisiúnta go dtógfaidh sé i bhfad níos faide, glúin eile b'fhéidir, sula mbainfidh an pobal coiteann lánúsáid as seirbhísí den chineál sin. Conas a thig Scéimeanna Teanga den tsórt sin a aontú, a dhearbhu, a fheidhmiú agus a fhaireachán? Arís, tarraingíonn cáipéis POBAL ar an dea-chleachtas ón taobh amuigh nuair a mholann sí comhlacht úr, Bord um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann, a thuarfadh fás feasta agus a phleanálfadh leathnú seirbhísí trí mheán na Gaeilge. Ar an dóigh sin d'fhéadfadh an Bord a chomhairliú do chomhlachtaí go gcaithfeadh siad plean a ullmhú agus cumhacht aige plean a aontú nó a dhiúltú, rud a chinnteodh méid áirithe maoirseachta i bpróiseas na pleanála gníomhaí teanga.

bodies in relation to linguistic legislation, as was done in the case of the water utility companies. The counter to such legislative gradualism is that the appeals and remedial elements contained within the Measure should be sufficiently strong so as to avoid abuse. But until we have a fairly reliable period of operation and investigative evidence it would be unwise to speculate in advance as to how well these new safeguards will work.

One predictable ground of opposition to a comprehensive rights-approach in Northern Ireland would be the current inability of the system to produce competent Irish speakers with the requisite Irish language skills and professional accreditation. The POBAL proposals recognise that the full implementation of a wide range of absolute rights to Irish-medium services may not be practicable in the current context, nevertheless unless clear obligations can be imposed on training and accreditation institutions to address these professional development requirements, the issues of language capacity, supply and professional training will never be resolved.

Training and professional competence also arises in the delivery of Irish-medium services whereby agreed Language Schemes will be implemented by Local Authorities and Public Bodies. The requirement that the legislation oblige local authorities to appoint an Irish Language Officer, who shall have the responsibility of consulting and liaising with the Irish language community, is a well founded principle based upon the former Welsh model. The difficulty arises when the Local Authority does not provide adequate resources to allow the Language Officer, not only to assist in the implementation of the Language Scheme, but also to promote Irish within the authority. In time if every Local Authority and many Public Bodies possess a Language Officer then that network of essential and influential promoters of Irish can advance the cause of high quality Irish medium services. But that will take some time to do, and international experience suggests that it will take even longer, perhaps another generation for the general public to make full use of such services. How are such Language Schemes to be agreed, guaranteed, implemented and monitored? Again POBAL's document draws on good practice from elsewhere by advocating a new body, Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann, to anticipate future growth and plan the extension of Irish medium services. The Bord would thus advise bodies of their need to prepare a plan and would have the power to approve or reject the plan, thereby ensuring some significant oversight in the process of active language planning.

Bheadh na Feidhmeanna seo a leanas ar Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann –

- “(a) cothú agus éascú a dhéanamh ar úsáid agus ar thuiscint na Gaeilge;
- (b) comhlachtaí poiblí a chomhairliú maidir le comhlíonadh a gcuid oibleagáidí faoi Alt 31 den Acht seo, agus faoi Alt 32, más cuí, den Acht seo;
- (c) comhlíonadh na bhfeidhmeanna agus cleachtadh na gcumhachtaí a bhronntar air faoi Alt 35 den Acht seo;
- (d) teagmháil agus comhairliúchán rialta a dhéanamh le Coimisinéir na Gaeilge Thuaisceart na Éireann agus leis an Choimisinéir Teanga i bPoblacht na hÉireann;
- (e) comhairle a thabhairt do dhuine ar bith eile faoi ábhar ar bith a bhaineann leis an Ghaeilge i dTuaisceart na hÉireann; agus
- (f) comhairle agus moltaí a thabhairt don Pharlaimint faoi chosaint na teanga Gaeilge in áiteanna sa Ríocht Aontaithe taobh amuigh de Thuaisceart na hÉireann.”

Tá fasach soiléir sa Bhreatain Bheag agus in Albain den chur chuige seo atá in éineacht éifeachtach agus pragmatach. Nochtadh dhá dheacracht sna samhlacha seo a luadh. Baineann an chéad cheann le húdaráis na mBord i bhfeidhmiú a gcinntí ar chomhlachtaí easumhla nó orthu sin a shéanann go bhfuil aon údaráis ar chor ar bith ag Boird den chineál sin. Baineann an dara ceann le cumas gairmiúil i limistéar na pleanála teanga agus an riaracháin phoiblí. Sa Bhreatain Bheag agus in Albain fuair pleanálaithe agus feidhmitheoirí teanga oiliúint 'san obair'. Is beag cúrsaí réamhdhéanta atá ann i mbeartas agus i bpleanáil teanga agus is lú arís na deiseanna gairme sa limistéar sin. Is breá a mhothú mar sin, gur aimsigh cáipéis POBAL an riachtanas sin agus gur shonraigh sí go mbeadh cumhacht ag an Bhord um Chearta agus Phleanáil na Gaeilge éileamh ar ollscoileanna, ar choláistí breisoideachais agus ar chomhlachtaí oiliúna agus creidiúnaithe pleananna teanga a fhorbairt, i gcomhar leis an Bhord agus le haontú an Bhoird, pleananna faoina leagfadh na forais sin amach a gceangaltas ní hea amháin maidir le húsáid na Gaeilge i soláthar a gcuid seirbhísí agus ina n-oibríochtaí, ach fosta maidir le hoiliúint phearsanra Ghaeilge. Gné bharrthábhachtach é seo nó mura mbíonn pearsanra sciliúil, oilte ann ar gach leibhéal i gcomhlacht poiblí leis na seirbhísí trí mheán an Gaeilge a fheidhmiú, níl i ndeónú ceart Gaeilge ach seafóid. Mar sin, i gcomhar le chéile, ba pháirt éigeantach den phróiseas leasaithe an reachtaíocht, an fheasacht agus an oiliúint. Má dhéantar neamart i gceann amháin acu laghdófar go mór ar chumas an dá cheann eile seirbhísí a bheadh inchreidte, úsáideach a sholáthar.

Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann would have the functions of –

- “(a) promoting and facilitating the promotion of the use and understanding of the Irish language;
- (b) advising public bodies on the discharge of their obligations under section 31 and, if applicable, section 32, of this Act;
- (c) discharging the duties and powers conferred upon it under section 35 of this Act;
- (d) consulting and meeting, on a regular basis, with the Irish Language Commissioner for Northern Ireland and An Coimisinéir Teanga in the Republic of Ireland;
- (e) advising any other person on any matter relating to the Irish language in Northern Ireland; and
- (f) advising, and making recommendations to Parliament in relation to the protection of the Irish language in parts of the United Kingdom other than Northern Ireland.”

There is a clear precedent in Wales and Scotland for this approach and it is both effective and pragmatic. Two difficulties have presented themselves in these earlier models. The first relates to how much authority the Boards have in enforcing their decisions on recalcitrant bodies or those who refuse to recognise that such Boards have any statutory authority at all. The second relates to professional competence in the field of language planning and public administration. In Wales and Scotland, language planners and enforcers have been trained 'in post'. There are few tailor-made courses in language policy and planning and even fewer guaranteed career opportunities in the field. It is refreshing therefore to note that the POBAL document has anticipated this need and has specified that the Bord Um Chearta agus Phleanáil na Gaeilge will have the power to require Universities, further education colleges and training and accreditation bodies to develop, in conjunction with and subject to the approval of the Bord, language plans under which such institutions would set out their commitments not only with respect to the use of Irish in the provision of services and in their operations, but also with respect to training of Irish-language personnel. This is a vital feature for unless there are skilled, trained personnel to implement the Irish medium services at all levels within a public body, the granting of language rights is a sham. Thus together with legislation, awareness and training form an integral part of the reform process. The neglect of any one severely damages the ability of the other two to deliver credible and useful services

Mar sin, is iad pleananna teanga an phríomhuirlis trína gcuirfear scéimeanna aontaithe i bhfeidhm i gcomhlachtaí poiblí. Agus iad curtha ar an eolas ag an Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann le plean teanga a ullmhú, caithfidh gach comhlacht poiblí ainmnithe faoi rialacha alt 35 tagairt dá leanas:

- "(a) mionsonraí faoin dóigh a ndéanfaidh an comhlacht poiblí freastal ar dhaoine a rachaidh i dteagmháil leis i nGaeilge, ina measc siúd mionsonraí faoi na socruithe chun freagraí i nGaeilge a thabhairt ar cheisteanna ó na meáin chumarsáide
- (b) mionsonraí faoi cháipéisí agus ábhar eile a chuirfidh an comhlacht poiblí ar fáil i nGaeilge don úsáid inmheánach agus eachtrach, agus eolas faoi cén chuid díobh seo a chruthófar i nGaeilge agus cén chuid a aistreofar ó bhunábhar Bhéarla
- (c) mionsonraí faoi na seirbhísí aistriúcháin a chuirfidh an comhlacht poiblí ar fáil, má iarrtar iad, maidir le hábhar nach rún dó a chur ar fáil i nGaeilge de ghnáth
- (d) mionsonraí faoi sheirbhísí a chuirfear ar fáil go heisiach do chainteoirí Gaeilge, foghlaimeoirí san áireamh
- (e) mionsonraí faoi dhuine amháin ar a laghad a bhfuil post sinsearach bainisteoireachta nó foirne aige/aici agus a bheidh ainmnithe mar theagmhálaí do dhaoine ón taobh istigh agus ón taobh amuigh ar mian leo ceisteanna a chur i nGaeilge nó faoi chúrsaí Gaeilge;
- (f) mionsonraí faoi
 - (i) cé acu de na baill foirne a gcuirfidh an comhlacht poiblí oiliúint Ghaeilge ar fáil dóibh agus cén sort traenála a bheidh i gceist;
 - (ii) agus deiseanna a chuirfidh an comhlacht poiblí ar fáil dá fhoireann leis an Ghaeilge a fhoghlaim agus a úsáid;
- (g) mionsonraí faoi na poist a sonródh an comhlacht poiblí cumas cumarsáide i nGaeilge mar cháilíocht lánriachtanach dóibh;
- (h) mionsonraí faoin dóigh ar rún don chomhlacht poiblí feidhm nó dualgas ar bith i leith na Gaeilge a chomhlíonadh má eascraíonn sin ó achtán ar bith seachas an t-achtán atá san Acht seo; agus

Language plans are thus to be the principal instrument by which agreed schemes are put into effect within public bodies. Having been notified by Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann to prepare a language plan, every public body named under section 35 rules must make reference to the following:

- "(a) details of the way in which the public body will respond to persons who communicate with it in the Irish language, including details of arrangements to be made for the issue in the Irish language of responses to media inquiries;
- (b) details of the documents and other materials for internal and external use which the public body will make available in the Irish language, and an indication of the extent to which these will be created in the Irish language or translated from English originals;
- (c) details of the translation services which the public body will, on request, make available for materials which it does not propose ordinarily to make available in the Irish language;
- (d) details of services which will be provided exclusively for users (including learners) of the Irish language;
- (e) details of one or more senior post-holders or staff to be designated contacts for internal or external enquiries in or about the Irish language;
- (f) details of—
 - (i) training in the Irish language which the public body will provide for its staff (including an indication of which staff are to receive training); and
 - (ii) opportunities which the public body will provide for its staff to learn and use the Irish language;
- (g) details of the posts for which the public body will treat the holder's ability to communicate in the Irish language as an essential requirement;
- (h) details of the way in which the public body proposes to carry out any function or duty relating to the use of the Irish language arising under any enactment other than one contained in this Act; and

- (i) mionsonraí faoi
- (i) amscála atá socraithe ag an chomhlacht phoiblí d'fheidhmiú gach beart a shonraítear sa phlean;
 - (ii) an t-amscála agus na socruithe atá ar intinn ag an chomhlacht phoiblí d'athbhreithniú an phlean;
 - (iii) thairngreacht ar an leibhéal d'úsáid na Gaeilge a bheidh an comhlacht poiblí a chleachtadh i gcomhlíonadh a chuid feidhmeanna, agus léargas ar an dóigh ar rún don chomhlacht phoiblí tomhas agus taifead a dhéanamh ar an úsáid sin."

Rialtóir nó Coimisinéir Teanga?

Is smaoinemh é ceapadh Choimisinéir Teanga do theangacha roghnaithe Ceilteacha ar thacaigh mé leis ó 1973 nuair a rinne mé an chéad obair taighde i gCeanada ar phleanáil teangach agus ar shracadh teanga Quebec. Ach cé acu a theastaíonn i dTuaisceart na hÉireann, Coimisinéir na Gaeilge nó Coimisinéir Teanga? Thiocfadh gur leithne agus gur chuimsithe i bhfad páirt an dara ceann ná an chéad cheann. Dá gceapfaí Coimisinéir na Gaeilge, an bhfeidhmeodh an duine sin mar abhcóide poiblí a chuirfeadh chun cinn nó a thabharfadh dúshlán, nó an fiosrú agus tuairisciú lochtanna sa chóras amháin a dhéanfadh oifig an Choimisinéara?

Tá tionscnamh láithreach reachtúil POBAL i bhfách le ceapadh Choimisinéir Teanga do Thuaisceart na hÉireann.⁹ Thacóinn leis an ról dírithe seo, agus dá mbeifí lena bhaint amach ba mhórchéim chun tosaigh ann féin é. Ba é an Státrúnaí a cheapadh sealbhóir na hoifige ar na cúiseanna thíosluaite. Samhlaítear go mbeadh feidhm éigin dhéanta beartais ag an Choimisinéir, agus go ndéanfadh sé moltaí ar réimse leathan ábhar a bhainfeadh leis an teanga Ghaeilge i dTuaisceart na hÉireann. Ach ba é lár-ról an Choimisinéara fiosrú gearán ar lochtanna sa chóras, de ghnáth mar fhreagairt ar cheangal saoránach nó in amanna ar thionscnamh an Choimisinéara. B'ábhar eile é ceart achomhairc sna cúirteanna¹⁰ agus go gcaithfeadh an Coimisinéir comhairliú agus comhoibriú leis An Choimisinéir Teanga sa Phoblacht agus le Foras na Gaeilge, leis an chomhoibriú is iomláine a chinntiú.

Ach is féidir, má bhunaíonn rialtas RA réim rialaitheach leis an Acht Gaeilge atá á mholadh a fheidhmiú agus a

- (i) details of—
- (i) the timescale over which the public body proposes to implement each measure specified in the plan;
 - (ii) the anticipated arrangements and timetable for undertaking a review of the plan; and
 - (iii) the forecast level of use of the Irish language in connection with the public body's performance of its functions, including an indication of the way in which the public body proposes to measure and record its use."

Language Regulator or Commissioner?

The idea of establishing a Language Commissioner for selected Celtic languages is something I have supported since 1973 when I did my initial research work in Canada on linguistic planning and the language struggle in Quebec. But does Northern Ireland need a Commissioner for the Irish Language or a Language Commissioner? The latter could conceivably have a far wider and inclusive role than the former. If a Commissioner for the Irish Language is established, will this person act as a public advocate who promotes and challenges, or will the Commissioner's office be restricted solely to investigating and reporting on the failings of the system?

POBAL's current legislative initiative favours the creation of an Irish Language Commissioner for Northern Ireland.⁹ I would support this focussed role, and if it were to be achieved, that in itself would be major step forward. The office holder is to be appointed by the Secretary of State for the reasons given below. It is envisaged that the Commissioner would also have some policy-making functions, and could make recommendations on a wide range of matters relating to the Irish language in Northern Ireland. The Commissioner's central role, however, will be the investigation of complaints normally as a response to citizen involvement and occasionally on the Commissioner's own initiative into failings of the system. An additional element is the further right of appeal to the courts¹⁰ and the requirement that the Commissioner consult and liaise with Bord Um Chearta agus Pleanáil na Gaeilge TÉ, with An Coimisinéir Teanga in the Republic and with Foras na Gaeilge to ensure maximum cooperation.

Now it is possible that if the UK government establishes a regulatory regime to monitor and implement the proposed

⁹ Leanann na moltaí san alt seo go dlúth samhail Choimisinéir Ceanadach do Theangacha Oifigiúla, ceann de na samhlaí is righne d'fheidhmiú agus do chearta teanga atá ann, agus an tsamhail a spreag fada go leor forálacha Acht Teangacha Oifigiúla 2003 Oifig Choimisinéir na dTeangacha Oifigiúla faoinar cruthaíodh.

¹⁰ Is leis an té a dhéanann an gearán an ceart achomhairc sna cúirteanna, ach moltar go dtiocfadh leis an Choimisinéir bheith páirteach sa chineál sin caingean dlí agus, le haontú an ghearánaí, go bhféadfadh sé fiú gníomhú thar ceann an ghearánaí.

⁹ The proposals in this section follow closely the model of the Canadian Commissioner for Official Languages, one of the most rigorous models for the enforcement of language rights and duties that is available, and the model that inspired to a significant degree the provisions of the Official Languages Act 2003 and the Oifig Choimisinéir na dTeangacha Oifigiúla created thereunder.

¹⁰ While the right of appeal to the courts is that of the person making the complaint, it is proposed that the Commissioner can participate in such a court action and, with the approval of the complainant, may even act on the complainant's behalf.

fháireachán, nach éigean go mbeadh an rialtas i bhfách le hoifig Choimisinéir Gaeilge a bhunú. B'fhéidir gurbh fhearr leis 'rialtóir' a cheapadh a dhéanadh idirghabháil nuair a éiríonn, má éiríonn, conspóid shuntasach. Tá an chontúirt ann nach ndíreodh an 'rialtóir' ach ar ábhair bhunriachtanach faoin reachtaíocht le teacht, agus go gcaillfí gnéithe eile de ghríosú agus de chur chun cinn na Gaeilge in oifig Ombudsman Riaracháin an Tionóil.

Ar an ábhar sin, is rithábhachtach gur glór neamhspleách é aon 'rialtóir' a cheapfaí leis an Acht agus aon reachtaíocht leasaithe a fheidhmiú. Ba chóir go mairfeadh an ceapachán seo ar feadh tréimhse seasta, agus go ndéanadh an Státrúnai i dtús báire é, ach le himeacht aimsire dhéanadh Tionól Thuaisceart na hÉireann é. Leanadh sé seo níos an RA i dtaca leis an Ombudsman Seirbhísí Poiblí agus an Iniúchóir Ginearálta. Ba chóir a chinntiú go mbeadh na cumhachtaí agus na hacmhainní oiriúnacha ag an 'rialtóir' atáthar a mholadh le tabhairt faoina d(h)ualgais ar bhealach tráthúil éifeachtach.

Creidim gur rí thábhachtach go mbeadh fosta ag an 'rialtóir' ról sainithe stiúrtha agus feidhmithe na Reachtaíochta Teangaí, ar an dóigh cheannann chéanna leis na freagrachtaí eile foráilte, ciníoch agus míchumais, mar shampla. Le himeacht ama, ar ndóigh, shamhlódh duine líonra Coimisinéirí Teanga ó Cheanada, ó Phoblacht na hÉireann, ón Bhreatain Bheag, ó Thuaisceart na hÉireann ag comhoibriú agus ansin ag comhroinnt a gcomhthaithí le Coimisinéirí i limistéir eile bheartais, Riarachán, Páistí, Seandaoine, Sláinte agus Leas agus mar sin de.

Dá ndiúltófaí don smaoineamh faoi Choimisinéir Teanga Gaeilge do Thuaisceart na hÉireann as é a bheith anabái nó do-oibrithe, sa chás sin ba loighciúil bunú Choimisinéara Teanga don RA a éileamh, a bheadh freagrach as feidhmiú cearta agus dualgais teanga maidir leis na teangacha uile a thagann faoi oibleagáidí conarthaí idirnáisiúnta. Orthu sin bheadh *Cairt na hEorpa do Theangacha Réigiúnacha nó Mionlaigh, an Creatchoinbhinsiún um Chosaint Mionlach Náisiúnta*, conarthaí éagsúla Ceart Daonna agus an *Cúnant Idirnáisiúnta ar Chearta Sibhialta agus Polaitiúla* mar a phléitear thíos sa cháipéis seo.

Cairt agus Fóram don Teanga Ghaeilge

Chomh maith le hAcht úr Teanga, ba ráiteas suntasach é táirgeadh Cairte Gaeilge maidir le cearta san oideachas, sa gheilleagar, sna seirbhísí poiblí, agus sna meáin agus mar sin de. Seo áit oiriúnach, dar liom, do ráitis pholaitiúla agus

Irish language Act, it would not necessarily favour establishing the office of Irish Language Commissioner. It may favour the appointment of a 'regulator' who will intervene as and when a significant dispute arises. There is a risk that the 'regulator' would concentrate only on the essential matters under the ensuing legislation, and that other parts of the work of actuating and promoting Irish would be lost within the office of the Assembly's Administrative Ombudsman.

For this reason it is vital that any proposed 'regulator' be an independent voice for the implementation of the Act or any revised legislation. This appointment should be for a fixed term, and should be made by the Secretary of State initially, but in time by the Northern Ireland Assembly. This would follow the pattern in the UK as regards the Public Services Ombudsman and the Auditor General. It should be ensured that the proposed 'regulator' has the appropriate powers and resources to undertake his/her duties in a timely and effective fashion.

I believe it is vital that the 'regulator' also has the defined role of supervising and implementing the Linguistic Legislation, in the exact same way as the other responsibilities provided, such as race and disability. In time, of course, one could envisage a network of Language Commissioners from Canada, Ireland, Wales, Northern Ireland and other parts of the world working together and then sharing their common experience with Commissioners in other policy spheres, such as Administration, Children, the Elderly, Health and Welfare and so on.

Should the idea of an Irish Language Commissioner for Northern Ireland be turned down as being premature or inoperable then it is quite logical to call for the establishment of a UK-wide Language Commissioner who would be responsible for the enforcement of language rights and duties in respect of all the languages which fall under international treaty obligations. These would include the *European Charter for Regional or Minority Languages*, the *Framework Convention on the Protection of National Minorities*, various Human Rights treaties and the *International Covenant on Civil and Political Rights* as discussed below in this document.

A Charter and Forum for the Irish Language

As well as a new Language Act, the production of an Irish Language Charter would be a significant statement in respect of rights in education, the economy, public services, and the media and so on. This I believe is the appropriate

shóisialta faoi nádúr agus ról na teanga Gaeilge i dTuaisceart na hÉireann.

Is é a leanann de sin, má tá páirt ghníomhach le bheith ag an tsochaí shibhialta i ngnéithe beartais agus pleanála chur chun cinn na Gaeilge, ba chóir go mbunófaí fóram daonlathach agus cuimsitheach a phléifeadh an teanga Ghaeilge. Ar a laghad, ba chóir go mbeadh príomhpháirt ag Comhairle nó Fóram Gaeilge (a thiofadh le chéile ar bhonn rialta ar feadh na bliana) i dtairiscint fianaise, agus cead cainte do chách, go háirithe dóibh siúd nach gcluinfí a dtuairimí ar bhealaí foirmiúla sochaí polaitiúla nó sóisialta. Ach cérbh é nádúr beacht fheidhm agus fhreagrachtaí na Comhairle? Cá héifeachtach a bheadh sí? Conas a n-aistreofaí cinntí an Fhórait isteach i mbeartas rialtais? Ábhair dhíospóireachta agus mhachnaimh iad seo, ach dar liom, má tá an reachtaíocht atá á moladh le bheith inoibrithe agus éifeachtach araon, caithfidh talamh coiteann bheith ann taobh amuigh go hiomlán de Thionól Thuaisceart na hÉireann, áit a dtiofadh ceisteanna a bhainfeadh le dea-bhail agus cur chun cinn na Gaeilge a láimhseáil. Cibé samhail chomhairliúcháin a roghnófaí, molaimse gur chóir go mbeadh coiste beag saineolaithe ann a bhaileodh le chéile na moltaí ab fhéarr, iad sin ón Fhóram/Chomhairle san áireamh, agus moltaí praiticiúla a dhéanamh díobh a thiofadh le polaiteoirí a ghlacadh ar bord agus ansin iad a fheidhmiú le linn forbartha sochaí ba dhátheangaí. Is léir fosta gné eile de na moltaí seo go gcaithfeadh sleachta reachtaíochta bheith dátheangach; chomhlánódh sé sin nádúr uathúil an bhunreachta neamhfhoirmiúil agus tionscnaimh éagsúla d'úsáid na Gaeilge i limistéir úra don chéad uair.

Ar ndóigh, ardaíonn sé seo uile ceisteanna bunúsacha maidir leis an socrú déabhlóide agus aistriú leanúnach cumhachtaí agus freagrachtaí taobh istigh den RA. Ó 2011, bhog an Bhreatain Bheag ó Dhéabhlóid Riaracháin go Déabhlóid Reachtaíochta, ba theist é *Beart Breatnais (An Bhreatain Bheag) 2011* ar chumas an chórais pholaitiúil agus reachtaigh réim úr uathúil teanga, a dearadh agus a tógadh sa Bhreatain Bheag, a tháirgeadh agus a oibriú. Tá teanga na Breatnais anois ar cheann de na fiche réimse ina dtig le Tionól Náisiúnta na Breataine Bige dlíthe a rithe, ar a dtugtar 'Achtanna Tionóil', i gceantair ina bhfuil cumhascht acu le sin a dhéanamh. Tá na cumhachtaí seo sainithe sna 20 Ábhar Sceidil 7 *Acht Rialtas na Breataine Bige 2006* agus athraíonn siad go bunúsach an gaol idir Westminster agus Cuan Chaerdydd (NAfW, 2011).

In imeacht ama chaithfí impleachtaí dhéabhlóid iomlán chumhachtaí chun reachtaíochta ar an Bhreatnais, ar chomhlachtaí de chuid na Ríochta Aontaithe a chuireann seirbhísí ar fáil sa Bhreatain Bheag, a bhreithniú. Bheadh baint fosta ag breithniú Bhille na hAlban le forbairtí feasta. B'amhlaidh fosta maidir le húsáid na Gaeilge ag ranna

place for political and social statements about the nature and role of the Irish language in Northern Ireland.

It follows that if civil society is to be actively involved in the policy and planning aspects of Irish language promotion then there should also be established a democratic and inclusive forum to discuss the Irish language. At the very least, a proposed Irish Council or Forum (which should meet regularly throughout the year) should have an essential role in offering evidence and in giving a voice to all, particularly those whose views are not otherwise expressed through formal political or civil society channels. But what would be the exact nature of the Council's function and responsibilities? How effective would it be? How would key decisions of the Forum be transferred into government policy? These are matters for debate and reflection, but in my view if the proposed legislation is to be both workable and effective, there has to be a permanent common ground above and beyond the Northern Ireland Assembly where issues germane to the well being and promotion of Irish are handled. Regardless of which consultative model is adopted I propose that there should be a small committee of specialists who would garner the better suggestions, including those from the Forum/Council, and convert them into practical proposals which politicians could absorb and then implement in their development of a more bilingual society. Another obvious element of these proposals, of course, is that pieces of legislation would have to be bilingual; this would complement the unique nature of the informal constitution and various initiatives in using the Irish language in new areas for the first time.

Naturally, all this raises fundamental questions regarding the devolution settlement and the ongoing transfer of powers and responsibilities within the UK. Since 2011 Wales has moved from experiencing Administrative Devolution to Legislative Devolution, the *Welsh Language (Wales) Measure 2011* was a test of the capacity of the political and legislative system both to produce and to operate a new unique language regime, designed and built in Wales. The Welsh language is one of twenty fields within which the National Assembly for Wales can now pass laws, known as 'Assembly Acts', in areas where it has powers so to do. These powers are specified in the 20 Subjects of Schedule 7 to the *Government of Wales Act 2006* and fundamentally alter the relationship between Westminster and Cardiff Bay. (NAfW, 2011).

In time the implications of the full devolution of powers to legislate on the Welsh language for United Kingdom bodies which provide services in Wales would also have to be considered. Consideration of the implications of the Scotland Bill would also have a bearing on future developments. The same would hold true with respect for the use of Irish by

Thuaisceart na hÉireann agus i ndáil le ranna eile RA a sholáthraíonn seirbhísí do shaoránaigh sa tuaisceart. Mar bhonn ag na gnéithe seo uilig, ar ndóigh, tá an dóigh a bhfreagróidh an stát Éireannach do phríomhthéamaí na Straitéise Teanga 20 Bliain, do choincheap na Gaeilge éigeantaí sa churaclam náisiúnta agus don dóigh a gcomhtháthófaí feacht agus fíor-scileanna Gaeilge isteach san áit oibre. Beidh suntas fadtréimhseach fosta ag forbairtí ar leibhéal an AE agus Chomhairle na hEorpa san ábhar seo. Tá impleachtaí forleathana ag gach ceist acu seo i dtreo chóras níos solúbtha, hibrid, b'fhéidir, amach anseo.

Táta

Is é an bhuncheist é an leor na moltaí seo le cleachtadh na Gaeilge a mhéadú i ngnáthshaol an lae. Gné thábhachtach é go n-aithneofaí an teanga mar shiombail, agus go n-ardófaí feacht teanga, sa dóigh a dtiocfadh le saoránach tarraingt ar na deiseanna úra a thiocfadh ón oideachas dátheangach agus ó sheirbhísí poiblí dátheangacha. Ach is é eochair chothú teanga aistriú agus úsáid. Ní leor reachtaíocht léi féin le húsáid mhéadaithe nó aistriú a chinntiú taobh istigh den teaghlach. Ach cuirfidh sí ar fáil creat cumasúcháin agus cumhachtaithe ina n-oibreoidh beartais eile. Mholfainn moltaí POBAL agus ghríosóinn na húdaráis chuí lena gcróimholtaí a chur i bhfeidhm. Agus tá mé ag dúil fosta le teacht an ama a mbeidh fíor-rogha teanga ar fáil ach fosta, a mbeidh líon suntasach saoránach toilteanach an rogha sin a ghabháil agus ar an dóigh sin, cur le cáilíocht a saoil laethúil agus le hilghnéitheacht shaibhir na sochaí acu.

Northern Irish departments and in relation to other UK departments providing services to citizens in the north. Under girding all these considerations, of course, is the manner in which the Irish state reacts to the main themes of the 20 Year Language Strategy, to the notion of compulsory Irish within the national curriculum and to the manner in which Irish language awareness and real skills are integrated into the workplace. Developments at the level of the EU and the Council of Europe also have lasting significance in this matter. Each of these issues has far reaching implications for a more flexible, possibly hybrid system in the future.

Conclusion

The acid test of the adequacy of these proposals is how they will lead to an increased use of the Irish language in everyday life. The symbolic nature of language recognition is an important factor, so too is raising language awareness, so that any citizen may avail themselves of the new opportunities afforded by bilingual education and bilingual public services. But the key to language promotion is transmission and usage. Legislation by itself will not guarantee increased usage or transmission within the family. But it will provide an enabling and empowering framework within which other policies can operate. I commend POBAL's proposals and urge the appropriate authorities to enact its core recommendations. I also look forward to a time when not only genuine language choice will be available, but that significant numbers of citizens will actually make determined use of that choice, and thereby add to the quality of their daily life and to the rich diversity of their society.

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CUID II: FIOS FÁTHA NA MOLTAÍ

Tugann an rannóg seo achoimre ar na moltaí sonracha atá leagtha amach i gCuid III agus míníonn sé cuid de na ceisteanna cuí i gcúrsaí beartais, ina measc siúd an réasúnaíocht atá taobh thiar de chuid de na roghanna agus na treonna sonracha atá molta.

A. RÉAMHÁBHAIR

Tosóidh an reachtaíocht le forálacha ginearálta a fhógróidh go mbeidh stádas oifigiúil ag an Ghaeilge i dTuaisceart na hÉireann agus go mbeidh tosaíocht feidhme ag an Acht Gaeilge ar aon reachtaíocht nó rialachán dlíthiúil, más ann dá leithéid, a thiocfadh salach ar phrionsabail an Achta.

B'éigean a chinneadh, i dtús báire, cé acu faoi Pharlaimint na Ríochta Aontaithe i Westminster nó faoi Thionól Thuaisceart na hÉireann ba cheart rith na reachtaíochta a fhágáil. Sa cháipéis *Acht na Gaeilge TÉ 2006*, d'oibrigh muid ar an bhonn gur cheart an gnó a fhágáil faoi Westminster. Gan trácht ar Thionól Thuaisceart na hÉireann a bheith ar fionraí ón bhliain 2002, bhí cúiseanna eile leis an chinneadh sin san am. An ceann ba thábhachtaí díobh seo, go bhfuil sé ar chumas Westminster forálacha a dhéanamh i ndáil le forais atá faoi aon-réir bhunreachtúil aige féin. Mar atá luaite againn sna céadmholtaí, tá cuid mhór den chineál seo foras ann i dTuaisceart na hÉireann, an Roinn Oibre agus Pinsean agus Roinn na Cánach, mar shampla. Ní léir go mbeadh sé ar chumas Thionól Thuaisceart na hÉireann oibleagáidí ar bith i ndáil le húsáid na Gaeilge a leagan ar na forais sin. Is ionann an cás i dtaca le cúrsaí craolacháin, faoi láthair, réimse atá an-tábhachtach ag Gaeilgeoirí sa tuaisceart; nó níl aon chumhacht ag an Tionól déileáil leis an ábhar seo agus bheadh air an cúram seo a fhágáil faoi Pharlaimint Westminster.

Ar ndóigh, an gealltanas a thug rialtas na Breataine i gComhaontú Chill Rímhinn le reachtaíocht Ghaeilge a thabhairt isteach, is ceist eile an-tábhachtach é. Ar an dóigh chéanna, ó 2006 tharla athrú rialtais ag Westminster, agus ní fios cá fhad atá an rialtas láithreach ag tacú leis na príomhgealltanais a tugadh i dtaca leis as Ghaeilge de, a leithéidí siúd i *gComhaontú Aoine an Chéasta*, i *gComhaontú Chill Rímhinn* agus sa *Chairt Eorpach do Theangacha Réigiúnacha agus Mionlaigh* (a shínigh agus a dhaingnigh an rialtas roimhe seo). Caithfidh rialtais, áfach, a n-oibleagáidí conartha idirnáisiúnta a chomhlíonadh.

PART II: COMMENTARY ON PROPOSALS

This section gives a summary of the specific proposals set out in Part III and explains some of the relevant policy issues, including the basis for some of the specific choices or directions recommended.

A. PRELIMINARY MATTERS

The legislation will open with general provisions declaring that Irish will have official status in Northern Ireland and that the Irish language act will override any existing legislation or other legal regulation that is in conflict with its principles.

A preliminary question that had to be addressed is whether the proposed legislation should be passed by the UK Government in Westminster or the Northern Ireland Assembly. In the document *The Irish Language Act NI 2006*, we proceeded on the basis that the legislation would be passed by the UK Government. One reason for this was that the Northern Ireland Assembly had, at the time of those proposals, been suspended since 2002. There were, however, other reasons for that choice. The most important was that the UK Government could impose obligations in respect of institutions which are under the sole constitutional jurisdiction of Westminster. As we had noted in the initial proposals, there are many such institutions which operate in Northern Ireland, for example, the Department for Work and Pensions and the Inland Revenue. It would not appear that legislation passed by the Northern Ireland Assembly could impose obligations on such institutions in respect of the use of the Irish language. Similarly, the Northern Ireland Assembly has no competence at present to deal with broadcasting, which is an area of great importance to Irish speakers in the north; any legislation relating to Irish language broadcasting could only come from Westminster.

Of course, the commitment to introduce Irish language legislation given by the British government in the St Andrews' Agreement is a second, crucial consideration. By the same token, since 2006 there has been a change of government at Westminster, and it is unclear the extent to which the present government is supportive of key commitments made in respect of Irish, such as those in the *Good Friday Agreement*, the *Agreement at St. Andrews*, and in the *European Charter for Regional or Minority Languages* (which the previous UK government signed and ratified). Governments however, must implement their international treaty obligations.

Baineann an tríú ceist le feidhmiú na reachtaíochta. Is de nádúr an scéil é nach féidir le píosa reachtaíochta ar bith den chineál seo freastal ar achán chor agus chasadh scéil a bhaineann leis na cúrsaí atá sé á rialú. Ós mar sin atá, is faoin Fheidhmeannas a fhágtar cuid mhór rudaí a bhaineann le feidhmiú forálacha, nó a éilíonn breithiúnas agus discreíd ar leith a oireann don ócáid. Is cinnte gur mar seo a bheidh an scéal faoi aon Acht Gaeilge do Thuaisceart na hÉireann, fiú an t-acht is mó sonraí agus fororduithe. Cé gur athbhunaíodh forais pholaitiúla Thuaisceart na hÉireann, is ard ar fad í contúirt na sáinne taobh istigh d'Fheidhmeannas Thuaisceart na hÉireann, i dtaca go háirithe le cúrsaí a bhaineas leis an Ghaeilge.

Nuair a rinneadh na céadmholtaí, agus bunaithe ar an chomhairliúchán a rinne POBAL ar na moltaí sin, ba é an rogha go rithfí an reachtaíocht ag Westminster, agus go bhfágfaí cúrsaí forfheidhmithe faoi fheidhmeannas bunaithe i Westminster, agus go háirithe, faoi Státrúnaí Thuaisceart na hÉireann, an rogha ba dhóiche a dhéanfaí, ar na cúiseanna atáthar i ndiaidh a lua. Tríd is tríd, seo go fóill an rogha ab fhearr, agus dréachtaíodh na moltaí bunaithe ar na hoibleagáidí conartha idirnáisiúnta reachtaithe atá ar Westminster faoi Chomhaontú Chill Rímhinn: féach, mar shampla, paragraf 3 na moltaí, a fhorálann go nglacfaidh an t-acht tosaíocht thar aon reachtaíocht neamhréireach de chuid Pharlaimint Westminster nó de chuid Thionól Thuaisceart na hÉireann, rud nárbh fhéidir ach sa chás go rithfí an reachtaíocht ag Westminster. Ach, le hathbhunú na bhforas polaitiúil i dThuaisceart na hÉireann, aithnímid go bhfuil údarás ag na forais chineachta reachtú ina lán réimsí atá leagtha amach sa cháipéis seo, agus dá mbeadh na forais seo toilteanach agus ábalta reachtú, bunaithe ar na moltaí seo, d'fháilteois roimh thionscnamh dá shórt sin, agus bheimis ag beartú dá réir sin go nglacfaidh an tAire/na hAiri ábhartha i bhFeidhmeannas Thuaisceart na hÉireann leis na gnóthaí a sannadh do Státrúnaí Thuaisceart na hÉireann. Thairis sin, thig le hAiri san Fheidhmeannas chineachta moladh do Westminster reachtaíocht a rith ar chúrsaí áirithe 'forchoimeádtha' nó a bhaineann le háisíneachtaí faoina rialú. Ach ní fios cé acu dhéanfadh nó nach ndéanfadh Westminster dá réir sin.

Mar thoradh ar na comhairliúcháin atá déanta go dtí seo ag POBAL, agus aiseolas san áireamh a fuarthas le déanaí ag imeacht a tionóladh faoi na moltaí i mí na Samhna 2011, ag Tionól Thuaisceart na hÉireann ag Stormont, is léir go bhfuil lucht na Gaeilge i dThuaisceart na hÉireann go mór i bhfách le cur chuige bunaithe ar chearta, agus gur mian leo go mbeadh an reachtaíocht sin chomh láidir agus is féidir. Is ar an bhonn sin a ullmháíodh na moltaí seo, ach caithfear a chuimhneamh, fiú má chuirtear i gcrích na córais is

A third consideration relates to implementation of the legislation. By their very nature, pieces of legislation such as this cannot provide for every possible situation and circumstance in respect of the matters they are regulating. In these circumstances, many matters which affect the implementation of legislation, or which require some measure of judgment or some exercise of discretion, are left to the Executive. This will necessarily be the case under any Irish Language Act for Northern Ireland, even the most detailed and prescriptive one possible. Although Northern Irish political institutions have been re-established, the danger of gridlock within the Northern Irish Executive, particularly in relation to matters relating to the Irish language, continues to be high.

When the initial proposals were made, and based on the consultation on those proposals that POBAL had held, the option of having legislation passed at Westminster, and of leaving matters of implementation to the Westminster-based executive, and in particular, to the Secretary of State for Northern Ireland, was the preferred option, for the considerations just outlined. On balance, this continues to be the preferred option, and the proposals have been drafted based on the international treaty obligation that Westminster has under the St Andrews' Agreement to legislate: see, for example, paragraph 3 of the proposals, which provides for the act taking precedence over any inconsistent legislation of the Westminster Parliament or of the Northern Ireland Assembly, something that would be possible only if the legislation were enacted at Westminster. However, with the re-establishment of political institutions in Northern Ireland, we recognise that the devolved institutions have authority to legislate in many areas set out in this document, and if those institutions were willing and able to legislate based on these proposals, we would welcome such an initiative, and would accordingly anticipate that matters assigned to the Secretary of State for Northern Ireland in these proposals would be assumed by the relevant Minister or Ministers in the Northern Ireland Executive. In addition, the possibility exists for Ministers in the devolved Executive to approach Westminster with a recommendation that it legislate on given 'reserved' matters or in relation to agencies under its control. However, whether or not Westminster would agree to act accordingly is unknown.

As a result of POBAL's consultations, including feedback recently received at an event held on the proposals in November 2011, at the Northern Ireland Assembly at Stormont, members of the Irish language community in Northern Ireland have consistently favoured a strongly rights-based approach, and have sought legislation that is as strong as possible. These proposals have been prepared on this basis to the greatest extent possible, but it should be borne in mind that, even under the strongest rights-based

cumhachtaí atá le fáil i ndlínsí eile, gurb éigean cúrsaí áirithe a fhágáil faoi fhorais an Stáit mar a rinneadh sna tíortha sin, agus gur sin mar atá an scéal i gcás na reachtaíochta seo. Ní féidir le cearta ar bith, cearta teanga san áireamh, a bheith neamhspleách ar fad le forais pholaitiúla, le córas an dlí, leis na polaiteoirí agus le meon an phobail, agus ní eisceacht ar bith iad na cearta agus na dualgais atá á moladh anseo. Is de nádúr na reachtaíochta teanga go mbíonn sí ag feidmiú ar leibhéal measartha ginearálta, sa dóigh nach féidir léi déileáil le gach cás agus gach teagmhas a thiocthadh chun solais. Tá samhail POBAL don reachtaíocht bunaithe go daingean i gcearta nó insíonn staidéar domhain agus taithí áitiúil, náisiúnta agus idirnáisiúnta dúinn gur seo an cineál reachtaíochta a theastaíonn faoi dhálaí na teanga sa tuaisceart, agus mar gur seo an tsamhail is mó a mhol agus ar thug Gaeilgeoirí tacaíocht di sna comhairliúcháin againn, agus leoga, iontu siúd a rinne an rialtas i 2007. Tá difear suntasach idir an tsamhail agus cuir chuige bunaithe ar scéimeanna agus Acht na dTeangacha Oifigiúla 2003 sa deisceart mar gheall ar chás na teanga ansin, áit chomh maith le cosaint Bhunreachtúil, a dtagraítear don Ghaeilge san iomad achtanna agus cáipéisí reachtacha i réimsí oideachais, craoltóireachta, pleanála agus na nGaeltachtaí srl agus ait á léiríonn dearcaí sochaíocha ar an teanga sraith eile fachtóirí stairiúla, polaitiúla agus teanga. Tá comhspricanna áfach, ag samhail POBAL le reachtaíocht an deiscirt mar shampla, bunú agus feidmiú na mbeart is éifeachtaí agus is oiriúnaí le húsáid na Gaeilge a chosaint, a chur chun cinn agus a spreagadh.

Tuigeadh go forleathan fosta le linn na gcomhairliúchán, go mbíonn deacrachtaí ag baint le feidmiú an chur chuige cheartbhunaithe in áiteacha ar nós Thuaisceart na hÉireann mar a bhfuil teorainn leis an mhéid daoine a bhfuil Gaeilge acu agus a mbeadh na scileanna agus na cáilíochtaí acu le gach post seirbhíse poiblí a líonadh a bheadh de dhíth chun cearta iomlána teanga gan choinníoll a sholáthar do lucht na Gaeilge. Tá an cheist seo scrúdaithe ar dhóigh níos míne againn i gcomhthéacs na seirbhísí poiblí níos faide anonn sa cháipéis seo. Bíodh nach bhfuil sé praiticiúil réimse iomlán de sheirbhísí Gaeilge a chur ar fáil i láthair imthosca na huairse seo, tá iarracht déanta againn oibleagáidí oiliúna agus creidiúnaithe a leagan amach do na forais chúil chun déileáil leis na deacrachtaí seo i margadh na hoibre. Lena chois sin tá muid dóchasach go n-éireoidh leis an mheicníocht fhorfheidhmithe atá molta anseo againn (go háirithe Coimisinéir Gaeilge do Thuaisceart na hÉireann) modhanna a aimsiú chun déileáil le réimse leathan d'fhadhbanna praiticiúla a bhaineann le húsáid na Gaeilge sa tsaol poiblí i dTuaisceart na hÉireann.

models for language legislation that are available from other jurisdictions, some matters must still be left to institutions of the State, and this is the case with this legislation as well. All rights, including language rights, do not exist in isolation from political institutions, the judiciary, politics and public opinion, and the rights and duties that are being proposed here are no different. By its very nature, language legislation operates a fairly high level of generality and cannot deal with every specific situation or contingency that might arise. POBAL's model for legislation is strongly rights-based because in-depth study and local, national and international experience suggests to us that this is the most effective type of legislation for the circumstances of the language in the north, and because this is also the model advocated and supported by Irish speakers in all of our consultations, and indeed in those undertaken by government in 2007. The model differs therefore to a considerable extent from schemes-based approaches and from the Official Languages Act of 2003 in the south because of the different situation of the language there, where in addition to Constitutional protection, Irish is referenced in numerous acts and legislative documents in the fields of education, broadcasting, planning and the Gaeltachts etc and where societal views on the language reflect a different set of historical, political and linguistic factors. The POBAL model shares common goals with southern legislation however, such as the establishment and implementation of the most effective and appropriate measures possible to protect, promote and encourage the use of Irish.

There is also a recognition by many participants in the consultation process that the implementation of a strongly rights-based approach can be difficult where, as in Northern Ireland, there is a relatively limited pool of people who both speak Irish and have the requisite skills and accreditation necessary to fill the various public sector positions that would need to be filled in order to deliver absolute rights to the Irish-speaking population of Northern Ireland. We have addressed this issue more fully in the context of Public Sector services, below. While full implementation of a wide range of absolute rights to Irish-medium services may not be practicable in the current context, we have also sought to ensure that obligations can be imposed on training and accreditation institutions to address these labour market issues. Furthermore, it is anticipated that the enforcement machinery proposed here (especially the Irish Language Commissioner for Northern Ireland) will provide a mechanism for dealing with a very wide range of practical problems relating to the use of Irish in public life in the north of Ireland.

B. FORAIS PHOLAITIÚLA

(1) Tionól Thuaisceart na hÉireann

Cinnteoídh na forálacha go mbeidh an Ghaeilge ina teanga oifigiúil i dTionól Thuaisceart na hÉireann. Sonrófar impleachtaí an stádais seo i moltaí na reachtaíochta. Beidh sé de cheart ag aon chomhalta den Tionól, mar shampla, an Ghaeilge a úsáid in aon díospóireacht nó in aon imeachtaí eile. Beidh an cead céanna, cead úsáide na Gaeilge ag aon duine a bheas páirteach in obair na gcoistí nó in obair chomhlachtaí eile de chuid an Tionóil.

Nuair a úsáidfean an Ghaeilge in aon díospóireacht nó in aon imeachtaí eile de chuid an Tionóil féin nó de chuid a choistí nó a chomhlachtaí eile, caithfean ateangaireacht chomhuaineach a chur ar fáil do gach duine a bheas páirteach sna himeachtaí agus don lucht éisteachta, ar a n-áirítear baill den ghnáthphobal, iriseoirí agus araile. I rith an chomhairliúcháin pléadh féidearthacht eile, is é sin go gcaithfí ateangaireacht chomhuaineach a dhéanamh ar na himeachtaí ar fad, rud a d'fhágfadh go n-aistreofaí go Gaeilge aon rud a déarfaí i mBéarla (nó i dteanga ar bith eile ar ndóigh). Ach i bhfianaise na n-impleachtaí pearsanra a bheadh i gceist, agus go háirithe tearclíon na n-ateangairí oilte a bheadh ar fáil faoi láthair, agus i bhfianaise na ráchairte móire ar chainteoirí líofa Gaeilge a eascróidh as an reachtaíocht atá á moladh againn agus as forbairtí eile, measadh go mbeadh an fhoráil seo ródheacair a fheidhmiú, sa chéad bhabhta reachtaíochta ar scor ar bith.

Nuair a úsáidfean an Ghaeilge, tabharfaidh tuarascáil oifigiúil an Tionóil an bhunchaint i nGaeilge, agus aistriúchán go Béarla ina cuideachta. Arís eile, d'fhéadfaí formáid dhá-theangach a shocrú don Tuarascáil uile, ach ghinfeadh sin na deacrachtaí céanna a bhain leis an aistriúchán chomhuaineach ar imeachtaí uile an Tionóil, agus measaimid nach mar sin is fearr na hacmhainní teoranta atá againn faoi láthair a chaitheamh. Ós a choinne sin, áfach, tá foráil curtha sa dréacht-reachtaíocht chun a chinntiú go ndéanfar athmheas, taobh istigh de chúig bliana ó theacht i bhfeidhm don reachtaíocht, ar a indéanta agus a bheadh sé seirbhís iomlán dhátheangach a sholáthar maidir le haistriúchán comhuaineach ar na himeachtaí agus maidir le haistriúchán ar na tuarascálacha oifigiúla a dhéanfar ar na himeachtaí sin.

Maidir le gach píosa reachtaíochta de chuid an Tionóil a achtú, a chló agus a fhoilsiú i nGaeilge chomh maith leis an Bhéarla, d'fhágfadh sin roinnt cruacheisteanna le socrú roimh ré. Sa chéad dul síos, b'éigean stádas an dá leagan a phlé. Dá mbeadh an fheidhm agus an éifeacht chéanna le bheith ag an dá leagan, b'éigean dul i gcomhairle le dlíodóirí agus breithiúna chun aon débriochtaí i gceachtar den dá leagan a

B. POLITICAL INSTITUTIONS

(1) The Northern Ireland Assembly

Provisions will ensure that Irish is an official language of the Northern Ireland Assembly. The implications of this status will be spelled out in detail in the proposals for legislation. For example, any member of the Northern Ireland Assembly will have the right to use Irish in its debates and other proceedings. Any person participating in the work of committees and other Assembly bodies will also have the right to use Irish.

Where Irish is used in any debate or other proceeding of the Assembly, its committees or its other bodies, simultaneous interpretation must be made available to all participants in the proceedings, as well as observers, including members of the public, journalists, and so forth. Another option that was considered was a requirement to provide simultaneous interpretation of all proceedings, such that when English (or, indeed, any other language) is used, simultaneous interpretation would be made into Irish. Given the human resource implications, and in particular, the limited number of trained interpreters who will be available at present, together with the various other pressing needs that the proposed legislation and other developments will create in terms of persons with Irish language fluency, this option was considered to be too difficult to implement, at least in the first legislation.

Where Irish is used, the official report of the Assembly should provide the original contribution in Irish, followed by the English translation. Again, it would be possible to ensure that the official report is produced in a fully bilingual format, but this raises the same difficult human resource issues that apply in respect of simultaneous translation of all of the Assembly's proceedings, and at this point, the production of the official report in full in a bilingual format may not be the best use of scarce resources. However, the draft legislation provides that the feasibility of offering a full bilingual service, both with regard to the simultaneous interpretation of proceedings and to official reports of such proceedings, should be reviewed within five years of the legislation coming into force.

The question of whether all legislation of the Assembly should be enacted, printed and published in Irish as well as English raises a number of difficult issues. First, the status of such translations would have to be considered: if both versions were of equal legal force and effect, both would have to be consulted by lawyers and judges in resolving any ambiguities in either the Irish or English language version.

réiteach. Sa dara háit, níorbh fhéidir lánaistriúchán a dhéanamh gan foireann aistritheoirí a bheadh measartha líonmhar agus a mbeadh scileanna ar leith sa dréachtú dlíthiúil acu. Más rún dúinn an fheidhm dhlíthiúil chéanna a bheith ag an dá leagan, ní féidir teacht gan dréachtóirí dátheangacha dlí, agus is iondúil gan mórán daoine den chineál seo a bheith le fáil.

Maidir le ceisteanna amhail aitheantas corparáideach, comharthaíocht, cumarsáid leis an phobal srl, tá forálacha sonracha soiléire leagtha amach faoi na cúrsaí seo sa chaibidil den cháipéis seo a dhéileáil le comhlachtaí poiblí, agus tá feidhm iomlán acu i ndáil le Tionól Thuaisceart na hÉireann. Ach i bprionsabal, is féidir a rá gur cheart don Tionól iomhá dhátheangach a bheith aige ar achan dóigh, gur cheart comharthaíocht dhátheangach a úsáid, agus gur cheart dó glacadh le comhfhreagrás i nGaeilge agus freagraí Gaeilge a thabhairt ar an chomhfhreagrás sin ar aon bhonn leis an chóras a bhaineann le comhfhreagrás Béarla, agus gur cheart pearsanra cuí a earcú agus/nó a oiliúint ionas go mbeidh sé in ann na hoibleagáidí seo a chur i bhfeidhm go hiomlán.

(2) Údarás Áitiúla

Is ionann a bheag nó a mhór na forálacha a bhaineann le hábhar sa réimse seo agus iad siúd a sonraíodh do Thionól Thuaisceart na hÉireann. De barr *Acht Rialtais Áitiúil (Forálacha Ilghnéitheacha) (Tuaisceart na hÉireann) 2010*, is cosúil go mbeidh líon suntasach níos lú údarás áitiúil i dTuaisceart na hÉireann ná a bhí nuair a rinneadh na bunmholtaí i gcomhair Acht Gaeilge, agus go mbeidh líon níos mó cainteoirí Gaeilge i gcuid de na húdarás áitiúla seo. Bunaíodh na bunmholtaí ar an toimhde go dtarlódh a leithéid d'athruithe, agus mar ab amhlaidh an t-am sin, is é ár ndearcadh go fóill nach mbeadh aon chúis le ceangail níos troime a chur ar údarás áirithe seachas údarás eile. Tá sé socraithe againn, mar sin, na hoibleagáidí céanna a leagan ar achan cheann acu gan eisceacht. Beidh dualgas ar na húdarás phoiblí agus ar chomhlachtaí áirithe eile a shonraítear i Sceideal de chuid na cáipéise seo, mar a mhínítear thíos anseo, réimse sonraithe de sheirbhísí Gaeilge a sholáthar.

Tugaimid dár n-aire fosta paragraf 7 1 b den *Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh*, foráil de chuid Pháirt II den chonradh sin a chuireann ceangal ar an Ríocht Aontaithe i ndáil lena cuid teangacha réigiúnacha nó mionlaigh uile, an Ghaeilge san áireamh. Éilíonn sé go gcaithfidh páirtithe an Chonartha a gcuid beartas, a gcuid reachtaíochta agus a gcuid cleachtas a bhunú ar chothrom a imirt i leith pé limistéir tíre atá ag gach teanga réigiúnach nó mionlaigh chun a chinntiú nach mbeidh na ceantair riaracháin atá ann nó a bheidh ann feasta ina mbac ar

Secondly, full translation implies the need for a fairly sizeable translation service, and one with particular skills in legal drafting. If it is intended that both language versions are to have the same legal force, the need for bilingual legal draftspersons is essential, and the pool of people with such skills may be very limited.

With regard to issues such as the corporate identity, signage, communications with the public and so forth, the provisions set out in the chapter of these proposals with respect to public bodies generally should apply with equal force to the Northern Ireland Assembly, and this is made clear in the recommendations set out below. In principle, however, the Northern Ireland Assembly should present a fully bilingual image, should use bilingual signage, should accept communications in Irish and respond to such communications in Irish, on the same basis as would apply in respect of communications in English, and should take steps to train and/or recruit staff with the requisite language skills to allow for the full implementation of these commitments.

(2) Local Authorities

These provisions effectively mirror those proposed for the Northern Ireland Assembly. As a result of the *Local Government (Miscellaneous Provisions) Act (Northern Ireland) 2010*, it appears that there will be a considerably smaller number of local authorities in Northern Ireland than there were at the time the original proposals for an Irish Language Act, and some of these local authorities will have larger numbers of Irish speakers. The original proposals were based on the assumption that such changes would take place, and as at that time, we remain of the view that there would be no basis for imposing obligations in respect of Irish on some local authorities and not on others, and we have therefore designed these proposals to apply without differentiation to all local authorities. Local authorities (and certain other public bodies specified in a Schedule to this document, as described below), would also have an obligation to provide a designated range of Irish-medium services.

We also note paragraph 7 1 b of the *European Charter for Regional or Minority Languages*, a provision in Part II of that treaty which is binding on the UK in respect of all of its regional or minority languages, including Irish. It provides that parties to the treaty shall base their policies, legislation and practice on the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question, in this case Irish. In paragraph 59 of the

chothú na teanga réigiúnaí nó mionlaigh lena mbaineann, an Ghaeilge sa chás seo. I bparagraf 59 den Tuarascáil Mhínteach a théann leis an Chairt, admhaíonn Comhairle na hEorpa nach féidir a chinntiú i gcónaí gurb ionann limistéar riaracháin agus limistéar teanga réigiúnaí nó mionlaigh; ach cáineann paragraf 60 den tuarascáil aon cleachtais trína gcruthaítear ceantair riaracháin d'aon turas chun cothú teanga áirithe a dhéanamh níos deacra nó chun pobal teanga a scoilteadh idir roinnt riarcheantar nó críochcheantar. Deir an paragraf fosta gur chóir go bhfanadh na riarcheantair neodrach ar a laghad, gan aon dochar díreach a dhéanamh do theanga ar bith. D'fhonn an Conradhcheangal idirnáisiúnta seo a bheith á chomhlíonadh ag an Ríocht Aontaithe, mar sin, tá foráil curtha isteach againn, i gcás aon athrú ar riarcheantar, nach laghdóidh an t-athrú sin na cearta a bhronnfar ar na Gaeilgeoirí ag an reachtaíocht seo atá á moladh anois agus go gcuirfear leasuithe iarmhartacha in aon reachtaíocht nua, más ann di, chun leasuithe cuí a dhéanamh ar an reachtaíocht seo atá anois á moladh againn.

Forálfaidh an reachtaíocht fosta go bhfostóidh gach údarás áitiúil Oifigeach Forbartha Gaeilge amháin ar a laghad, ar bhonn lánaimseartha nó a chomhionann sin, agus é a bheith freagrach as teagmháil agus comhairliúchán a dhéanamh le pobal na nGaeilgeoirí taobh istigh de riarcheantar an údaráis áitiúil ábhartha agus as cothú na Gaeilge sa cheantar chéanna sin go ginearálta.

C. RIAR NA CÓRA

Tá roinnt castachtaí ag baint le húsáid na Gaeilge i gcóras an dlí. Sa chéad áit, tá feidhmiú leanúnach Acht Riar na Córa 1737 a dhearbhaíonn gurb é an Béarla teanga na gcúirteanna sa tuaisceart. Chom maith leis an cheist achrannach seo, tá an cheist cé hiad na cineálacha de próisis bhreithiúnais a mbainfeadh an ceart teanga seo leo? Is iomaí próiseas breithiúnais éagsúil atá ann: le cois na dtrialacha coiriúla agus sibhialta a réachtáiltear sna cúirteanna tá réimse mór próiseas garbhreithiúnach a tharlaíonn os comhair comhlachtaí breithiúnais (m.s. Binsí Fostaíochta, Boird Cheadúnaithe, Boird Phleanála, Coimisiún na Mórshíúlta). Ar an ábhar sin, tá an chaibidil a bhaineann le riar na córa arna dréachtú ar dhóigh chomh cuimsitheach agus is féidir.

Baineann an dara ceist leis an chineál úsáid teanga a bheadh i gceist os comhair cúirte, binse nó comhlachta bhreithiúnais. Tá an chaibidil seo againne bunaithe ar Acht na dTeangacha Oifigiúla 2003 de chuid Phoblacht na hÉireann, ach tá leaganacha níos teoranta le fáil in áiteanna eile. Tóg, mar shampla, Acht na Breatnaise 1993. Ceadaíonn sé seo do dhuine an Bhreatnaise a úsáid sna cúirteanna, le cuidiú

explanatory report to the Charter, the Council of Europe recognises that is not always possible to ensure that territorial administrative coincide with the territory of regional or minority languages, but paragraph 60 of the report does 'condemn practices which devise territorial divisions so as to render the use or survival of a language more difficult or to fragment a language community among a number of administrative or territorial units'. This paragraph goes on to note that administrative units 'must at least remain neutral and not have a negative effect on the language'. In order to satisfy this international treaty commitment of the UK, a provision has therefore been included to ensure that in any alterations to local authority areas, such alterations cannot result in a reduction of the rights of Irish speakers and the benefits which they enjoy under this proposed legislation and that, in any future legislation which creates new boundaries for local authorities or other administrative entities of the state, consequential amendments must be included in that legislation to make appropriate amendments to this proposed legislation.

The legislation will also provide that every local authority shall employ at least one full-time equivalent Irish Language Officer, who shall have the responsibility of consulting and liaising with the Irish language community within the local authority area in question and of promoting the Irish language generally within that area.

C. ADMINISTRATION OF JUSTICE

There are a number of complexities with respect to the use of Irish in the Justice system. First, there is the continued application of the 1737 Administration of Justice Act which states that the language of the courts in the north will be English. In addition to this vexed issue, there is the question as to which sorts of adjudicative process the right should extend. There are many different types of adjudicative processes; in addition to criminal and civil trials before the courts, there are a wide range of quasi-judicial processes before decision-making bodies (e.g. Employment Tribunals, Licensing Boards, Planning Boards, Parades Commissions). The chapter on the administration of justice has been drafted to be as broad as possible.

A second issue relates to the nature of language use before the court, tribunal or decision-making body. The chapter here has been modelled on the Irish Official Languages Act 2003, but it is important to bear in mind that there are more limited formulations. Take, for example, the Welsh Language Act 1993, which provided a right to use Welsh in the courts, with the assistance of an interpreter, but not to have other

ateangaire, ach gan aon cheangal ar na páirtithe eile, nó ar an duine a thugann breithiúnas (breitheamh nó oifigeach breithiúnais eile) an Bhreatnais a úsáid. Thioctadh an riail a dhéanamh níos láidre trína fhoráileamh, i gcás duine a labhraíonn Gaeilge, go mbeadh Gaeilge ag an bhreitheamh nó ag an bhinse. Ceanglaíonn Acht na dTeangacha Oifigiúla ar an Stát, agus ar chomhlachtaí poiblí, an Ghaeilge a úsáid in imthosca áirithe ach ní thagraíonn sé do chumas Gaeilge na mbreithiúna. Fágann sé seo go mbeidh an breitheamh i muinín ateangaire má tharlaíonn gan Gaeilge a bheith aige féin. Léiríonn an fhoráil go sonrach go mbeidh seirbhísí ateangaire ar fáil in aisce d'aonduine a roghnaíonn an Ghaeilge a úsáid ach é a bheith páirteach in imeachtaí na cúirte. Ach ní luaitear ar chor ar bith aon cheart ag Gaeilgeoir ar sheirbhísí ateangaire i ndáil le húsáid an Bhéarla ag páirtithe eile sa chúirt, cé gur rud é seo a thioctadh le hateangaire a dhéanamh dá mbeadh sé i láthair cheana.

Baineann an tríú ceist le húsáid na Gaeilge, ní amháin i seomra na cúirte nó in áit na héisteachta ach san obair riaracháin a bhíonn ag na binsí. Is comhlachtaí poiblí iad na cúirteanna agus na comhlachtaí breithiúnacha agus garbhreithiúnacha eile. Cuireann siad seirbhísí ar fáil don phobal amhail cumarsáid, fógraí, comhadú cáipéisí, ceisteanna ón ghnáthphobal a fhreagairt srl. Sa chaibidil seo féachtar leis na prionsabail a bhfuil feidhm acu i ndáil le comhlachtaí poiblí go ginearálta a chur i bhfeidhm ar chúirteanna, bhinsí agus chomhlachtaí eile den chineál chéanna. Mar sin, maidir le rudaí amhail aitheantas corparáideach, comharthaíocht, cumarsáid leis an phobal agus araile, baineann na forálacha atá leagtha amach sa chaibidil faoi chomhlachtaí poiblí, baineann siad chomh dlúth ceangailteach céanna le cúirteanna, binsí agus comhlachtaí breithiúnais eile i dTuaisceart na hÉireann. Sonraítear sin go soiléir sna moltaí a thaispeántar thíos faoi seo. I bprionsabal, áfach, ba chóir do gach cúirt, gach binse agus gach comhlacht breithiúnais eile íomhá lán-dátheangach a chur i láthair, comharthaíocht dhátheangach a úsáid, glacadh le comhfhreagras Gaeilge agus freagraí a thabhairt air sa teanga chéanna sin, díreach mar a dhéantar i gcás an Bhéarla, agus pearsanra a bhfuil na scileanna teanga cuí acu a earcú agus/nó a thraenáil d'fhonn lánfheidhmiú na ndualgas seo uile a cheadú.

D. SEIRBHÍSÍ POIBLÍ

Ceanglóidh na forálacha ar gach comhlacht poiblí a bheidh ag gníomhú i dTuaisceart na hÉireann, idir an chuid acu a oibríonn go heisiach i dTuaisceart na hÉireann agus sa bharr air sin na comhlachtaí atá lánaithe i Westminster (m.s. ranna Whitehall amhail An Roinn Oideachais (RA) agus An Roinn Cultúir, Meán agus Spóirt (RA) beart diongbháilte a

parties or participants use Welsh, or to have a Welsh-speaking judge/decision-maker. A stronger form of the rule would be to provide that, in cases in which a person speaks Irish, the judge/tribunal should be Irish-speaking. The Irish Official Languages Act 2003 imposes a duty on the State or public bodies to use Irish in certain circumstances, but does not say anything about the linguistic competence of judges; even where all the proceedings are through Irish, the judge may not necessarily be an Irish-speaker, and will therefore be relying on translation. The provision makes clear that where a person chooses to participate through the medium of Irish, he or she will be entitled to a translator, free of charge. The proposals are silent on whether a person who chooses to use Irish may avail him- or herself of the use of an interpreter in respect of the use by other participants of English, although if an interpreter is present, then the interpreter could certainly be used to provide translation of other participants.

A third issue is the use of Irish not only within the courtroom or place of the hearing, but in the administrative work of tribunals. Courts and other judicial and quasi-judicial bodies are also public bodies, providing services to the public, such as communications, notices, filing of documents, public inquiries, etc. The chapter seeks to apply the principles which apply generally, to all public bodies, as set out in the chapter of the proposals on public bodies, to courts, tribunals and other similar bodies. Therefore, with regard to issues such as the corporate identity, signage, communications with the public and so forth, the provisions set out in the chapter of these proposals with respect to public bodies generally should apply with equal force to courts, tribunals and other decision-making bodies in Northern Ireland, and this is made clear in the recommendations set out below. In principle, however, all courts, tribunals and decision-making bodies should present a fully bilingual image, should use bilingual signage, should accept communications in Irish and respond to such communications in Irish, on the same basis as would apply in respect of communications in English, and should take steps to train and/or recruit staff with the requisite language skills to allow for the full implementation of these commitments.

D. PUBLIC SERVICES

Provisions will ensure that every public body operating in Northern Ireland, including both bodies operating only within Northern Ireland and Westminster-based bodies (e.g. Whitehall departments such as the Department for Education and the Department for Culture, Media and Sport), shall take resolute action to promote the Irish language in its

dhéanamh chun an Ghaeilge a chothú ina gcuid oibríochtaí. Tóghtar an abairt "beart diongbháilte" as an *Cairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh* a bhfuil rialtas na Ríochta Aontaithe, ar gach leibhéal, faoi cheangal aici.

Chinntedh an ceangal seo ar chomhlachtaí poiblí go mbeadh orthu (1) bearta cuí a dhéanamh chun an Ghaeilge a úsáid (agus an úsáid sin a spreagadh agus a chothú) taobh istigh dá gcuid oibríochtaí féin, agus (2) seirbhísí a sholáthar don phobal trí mheán na Gaeilge chomh fada agus a bheadh indéanta. Chun go mbeadh an cuspóir seo insroichte, bheadh oibleagáid orthu leormhaoiniú a chur ar fáil agus féachaint chuige go dtabharfar oiliúint chuí do leorchuid den fhoireann ionas go mbeidh siad in ann a gcuid dualgas oibre a dhéanamh trí Ghaeilge agus seirbhísí a chur a fáil don phobal trí Ghaeilge.

I dtaca le forfheidhmiú na reachtaíochta, is dúshlán mór praiticiúil é córas éifeachtach a cheapadh chun an Ghaeilge a lonnú go lárnach sna heagraíochtaí poiblí agus réimse leathan seirbhísí a sholáthar. Ar an ábhar sin tá cur chuige dúbailte socraithe againn: Sceideal a chur sa reachtaíocht i leith na gcomhlachtaí poiblí sin ar a mbeadh oibleagáid níos cuimsithí agus níos sonraí maidir le seirbhísí dátheangacha a sholáthar; agus comhlacht nua a chumadh, an Bord um Chearta agus Phleanáil na Gaeilge, Tuaisceart na hÉireann, a mbeadh de chumhacht aige tabhairt ar chomhlachtaí poiblí eile nach raibh ar an liosta plean teanga a ullmhú agus a fheidhmiú d'fhonn cruth sonrath soiléir, i bhfoirm seirbhísí agus oibríochtaí áirithe, a chur ar an phrionsabal ghinearálta a leagtar ar na comhlachtaí poiblí uile, mar a léiríodh sa pharagraf roimhe seo. Bheadh sé de chumhacht ag an Bhord seo ní amháin comhlachtaí poiblí áirithe a roghnú agus iachall a chur orthu plean a ullmhú, ach bheadh sé de chumhacht aige fosta an plean sin a fhaomhadh nó a dhiúltú. Ar an dóigh sin, bheadh an sainfhoras pleanála seo don Ghaeilge ábalta measúnú suntasach a dhéanamh ar an phróiseas. Tá foráil curtha isteach sa reachtaíocht againn fosta a shonraíonn na cúrsaí uile ba chóir a ionsaí sa plean sin. Is fíor go raibh cuid den mhuintir a bhí rannpháirteach sa chomhairliúchán rud beag amhrasach faoi bhord den chineál sin a bhunú (bord a bheadh ar aon dul, mar shampla, le Bord na Breatnaise sa Bhreatain Bheag, nó Bord na Gàidhlig in Albain nó an córas atá ann faoi *Acht na dTeangacha Oifigiúla 2003* i bPoblacht na hÉireann) ach d'aithin cuid mhór acu nach féidir seirbhísí poiblí lán-dátheangacha a chur ar fáil mar cheart gan choinníoll do gach saoránach go fóill, mar gheall ar an líon sách teoranta daoine atá ar fáil leis na scileanna Gaeilge a theastódh le réimse seirbhísí den chineál sin a sholáthar. Aithnímid chomh maith, áfach, gurb éigean aghaidh a thabhairt ar an chonstaic seo agus go gcaithfear meicníocht a chruthú a cheadóidh do na comhlachtaí poiblí, taobh istigh de chreatlach reachtaíochta, freagracht éigin a ghlacadh orthu féin as réimse leathan iomlán de sheirbhísí dátheangacha a fhorbairt.

operations. The phrase 'resolute action' reflects the wording of the *European Charter for Regional or Minority Languages*, to which the UK Government (at all levels) is bound.

This obligation of public bodies to promote Irish would include both (1) taking appropriate measures to use (and encourage and promote the use of) Irish in its internal operations and (2) providing services to the public through the medium of Irish, to the maximum extent practicable. In order to make this achievable, there would be an obligation to provide appropriate funding and to ensure that sufficient numbers of staff are given appropriate training to ensure that they can carry out their work duties through Irish or provide Irish-medium services.

In terms of implementing the legislation, the practical challenge here involves the operational feasibility of mainstreaming Irish into public organisations and developing a wide range of services. The approach taken here is therefore two-fold: to provide for the designation in a Schedule to the legislation of those public bodies which would have more comprehensive and specific obligations with regard to the delivery of bilingual services; and, to create a new body, Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann, which would be empowered to require other public bodies not on the list to prepare and implement a language plan that would embody in a more concrete way in terms of actual services and operations the general principle imposed on all public bodies in Northern Ireland, as described in the preceding paragraph. The Bord would not only have the power to require to select the public bodies which would be placed under an obligation to prepare a plan, but would have the power to approve or reject the plan, thereby ensuring some significant oversight in the process by this specialist Irish language planning institution. We have also included in the legislation a provision which sets out all of the matters which any such plan would be required to address. While some participants in the consultation process were unsure about the advisability of such a board (based, for example, on the Welsh Language Board model in Wales or the Gaelic Language Board model in Scotland or the model under the *Official Languages Act 2003* in the Republic of Ireland), many also recognised that in the present circumstances, full societal bilingualism based on absolute rights in respect of every imaginable public service is simply not achievable immediately, due to the relatively limited numbers of people with sufficient Irish language skills available to provide such a range of services. We also recognise, however, that this constraint is itself something which must be addressed, and that a mechanism is needed to enable public bodies to take a degree of ownership, within a clear legislative framework, in the development of a full range of bilingual services.

Tá foráil curtha isteach againn mar sin a chumhachtóidh An Bord um Chearta agus Phleanáil na Gaeilge chun iachall a chur ar ollscoileanna, choláistí breisoideachais agus chomhlachtaí oiliúna agus creidiúnaithe, pleananna teanga a fhorbairt, faoi réir chomhairle agus fhaomhadh an Bhoird, a shonróidh na hoibleagáidí a bheidh orthu féin maidir le seirbhísí Gaeilge a sholáthar don phobal, maidir le húsáid na Gaeilge ina gcuid oibríochtaí féin, agus maidir le hoiliúint phearsanra a bheidh líofa sa Ghaeilge. Tá ceisteanna deacra ann i dtaca le ceapadh an Bhoird seo, díreach mar a bhí i gcás cheapadh Choimisinéir na Gaeilge do Thuaisceart na hÉireann agus tá an cur chuige céanna tógtha againn ar na cúiseanna céanna uile atá leagtha amach thíos faoi seo sa phlé faoi chúrsaí an Choimisinéara. Dar linn áfach gur chóir foras eile, seachas foras an Choimisinéara, a chruthú chun na feidhmeanna sin thuas a chomhlíonadh. An fáth is tábhachtaí a bhí againn, ná gur neamhionann ar fad feidhmeanna an dá fhoras seo. Caithfidh an Bord bheith ag obair i gcomhar leis na comhlachtaí poiblí chun pleananna cuí a fhorbairt. Os a choinne sin, faireachán agus forfheidhmiú a bhíonn ar siúl ag an Choimisinéir. Is iondúil go mbeadh sé deacair ag foras ar chúram dó cuidiú le plean a fhorbairt, faireachán a dhéanamh ar an phlean sin ina dhiaidh. Agus pointe scoir, maidir le roghnú na gcomhlachtaí a chuirfear sa Sceideal a éileoidh lán-oibleagáidí dátheangachais, shocraigh an próiseas comhairliúcháin cur chuige spriocdhírthe a fhreagraíonn do riachtanais agus do thosaíochta phobal na Gaeilge. Is ar bhonn comhairliúcháin, mar sin, a oibríodh amach cé hiad na comhlachtaí a ainmneofar don Sceideal.

Seo thíos na céimeanna sonracha a bheadh le tógáil ag na comhlachtaí poiblí is cuimsithí dualgas ag an tús, is é sin na comhlachtaí a ainmneofar sa Sceideal. Cuimhnigh go bhfuil an téarma "chomh fada agus is indéanta" luaite i gcuid mhór acu: forordú tréan atá i gceist sa fhriotal seo, d'fhonn iarrachtaí comharthacha a eisiáimh, ach ní théann sé chomh fada leis an phrionsabal 50-50 dátheangachais a chleachtar i ndlínsí áirithe (ag Rialtas Cónascach Ceanada, mar shampla). Tabhair faoi deara go bhfuil sé dosheachanta friotal ar nós "chomh fada agus is indéanta" a úsáid anseo ó tharla nádúr na reachtaíocht teanga bheith mar is dual dó a bheith. Ní féidir gach cás ar leith agus gach teagmhas ar leith a shamhlú roimh ré agus rialacha daingne dolúbtha a leagan amach. Iarrfar ar na comhlachtaí poiblí a dtuiscint féin den fhriotal "chomh fada agus is indéanta" a chur i láthair, agus beidh sé de chumhacht ag Coimisinéir na Gaeilge do Thuaisceart na hÉireann an forléiriú seo a athmheas agus moltaí dlícheanglacha a leagan amach, más cuí leis/léi a leithéid, as a stuaim féin, nó de bhonn gearáin a bheadh faighte aige/aici ó bhall den ghnáthphobal. Ach, chaithfeadh gach comhlacht poiblí, i bhfirinne, na bearta a leanas a dhéanamh:

We have therefore also included a provision under which Bord Um Chearta agus Phleanáil na Gaeilge will have the power to require Universities, further education colleges and training and accreditation bodies to develop, in conjunction with and subject to the approval of the Bord, language plans under which such institutions would set out their commitments not only with respect to the use of Irish in the provision of services and in their operations, but also with respect to training of Irish-language personnel. With regard to the appointment of Bord Um Chearta agus Phleanáil na Gaeilge, this raises many of the same difficult considerations as in regards to the Irish Language Commissioner for Northern Ireland, and a similar approach is taken to appointment for all of the reasons that are set out below in our discussion of the commissioner. We felt that it was desirable, however, to create a separate institution from the Commissioner to perform the functions described above. This is primarily because the Bord and the Commissioner have very different functions. The Bord will have to work co-operatively with public bodies in designing appropriate language plans. The Commissioner, by contrast, is intended to be an enforcement body playing a watchdog function. It might be difficult for the institution which is charged with helping to create a plan also to act as the watchdog of that plan. Finally, with regard to the bodies designated in the Schedule on which the full bilingual obligation would be imposed, the consultation process adopted a targeted approach that reflects the needs and priorities of the Irish language community. The specific bodies designated have been worked out on the basis of this consultation.

The public bodies designated under the Schedule and upon which the more comprehensive obligations will be imposed in the first instance would be required to take the specific measures set out below. Note that many of these are phrased in terms of 'the maximum extent practicable': this is intended to be a strong and stringent formulation, precluding token efforts, but stopping short of the full 50-50 bilingualism principle observed in some jurisdictions (e.g. the Canadian federal government). Note that it is inevitable, given the inherent nature of language legislation, as explained above, that a phrase along the lines of 'the maximum extent practicable' be used here; it is not possible to predict every specific issue and contingency in advance, and lay down iron-clad, entirely inflexible rules. The public bodies in question would be required to specify the manner in which they interpret "maximum extent practicable", and the Irish Language Commissioner for Northern Ireland, described below, would be empowered to review this interpretation and impose binding recommendations, if he or she chooses, either on the receipt of a complaint from a member of the public or on its own account. However, all such public bodies would, in effect, be required to taking the following measures:

- (a) glacadh le comhfhreagras litreach agus ríomhphoist agus aighneachtaí eile atá scríofa i nGaeilge, agus freagra a thabhairt orthu taobh istigh den spriocam chéanna a bheadh i gceist do chomhfhreagras i mBéarla;
- (b) glacadh le teachtaireachtaí labhartha i nGaeilge, trí mheán Ghaeilgeoirí oilte ina chuid oifigí agus ranna nó trí mheán glaolainne lárnai ina mbeadh Gaeilgeoirí ag feidhmiú, agus freagra a chur ar fáil taobh istigh d'achar réasúnta ama;
- (c) liosta a chur le chéile de dhaoine aonair, de ghrúpaí agus d'eagraíochtaí arb eol gur fearr leo an Ghaeilge a úsáid, agus a chinntiú gur i nGaeilge a chuirfí tús le haon chomhfhreagras leis na daoine sin;
- (d) cead agus spreagadh a thabhairt d'achan ball den fhoireann riar a chuid oibre féin de Ghaeilge a fhoghlaim, oiliúint sa Ghaeilge a chur ar fáil go leanúnach mar chuid d'fhorbairt ghairmiúil na foirne, agus dóthain airgid a chur ar fáil chun na rudaí seo a chur i gcrích;
- (e) bearta cuí a dhéanamh chun Gaeilgeoirí a earcú don fhoireann, bearta a chuimsíonn, i measc rudaí eile, na poist uilig a fhógairt go dátheangach sna meáin chumarsáide, réimse réasúnta d'fhoilseacháin Ghaeilge san áireamh, agus a chinntiú go luaitear gur buntáiste fostaíochta an Ghaeilge i gcás post ar bith ina dtiocfadh í a úsáid chun déileáil go héifeachtach leis an phobal;
- (f) a chinntiú go nglacfar le cáilíocht Ghaeilge ar chomhchéim le cáilíocht Bhéarla d'aon phost a mbeidh a leithéid riachtanach dó;
- (g) aon fhoirmeacha a úsáidtear go forleathan ag an phobal a chur ar fáil go dátheangach (nó i leagan Gaeilge agus i leagan Béarla, más cuí sin) agus a chinntiú go ndéileálfar leis na foirmeacha a bhíonn comhlánaithe i nGaeilge chomh gasta céanna agus a dhéanfaí lena leithéid i mBéarla;
- (h) a chinntiú go nochtfar íomhá chorparáideach an chomhlachta phoiblí go dátheangach i gcónaí, sa dóigh go mbeidh ainm an chomhlachta, maille le gach faisnéis eile faoin chomhlacht, le feiceáil ar pháipéarachas, ar chártaí gnó nó ar fheithiclí, agus go mbeidh sin scríofa i nGaeilge agus i mBéarla araon agus litreacha na bhfocal a bheith ar aon mhéid sa dá theanga;
- (a) accepting written and electronic correspondence and other submissions in Irish, and providing any response in Irish within the same period of time as would be allowed for a response in English;
- (b) accepting oral messages in Irish, either by use of Irish-speaking specialist staff in particular offices or departments or by use of a centralised call centre at which Irish-speaking staff will be available, and providing a response in Irish within a reasonable period of time;
- (c) establishing a register of individuals and organisations that are known to prefer to use Irish, and ensuring that all communications with such individuals and organisations that are initiated by the public body are made in Irish;
- (d) authorising and encouraging staff to learn Irish to a sufficient level to carry out their work duties through the medium of Irish, providing ongoing Irish language training as part of professional development, and providing sufficient financial resources to make this practicable;
- (e) taking appropriate measures to recruit Irish-speaking staff, including advertising all posts bilingually (including in a comprehensive range of Irish language media) and ensuring that Irish is designated as an advantage for posts when this would be appropriate;
- (f) ensuring that whenever an English-language examination qualification is deemed necessary for a post, a qualification in Irish will be deemed equivalent and sufficient;
- (g) making available in bilingual Irish-English format (or, in appropriate circumstances, separate Irish and English format) any forms widely used by members of the public, and ensuring that completed Irish versions of forms are processed in the same period of time as would be allowed for the processing of the equivalent form completed in English;
- (h) ensuring that the corporate identity of the public body is presented bilingually, so that all information (including but not limited to the name of the public body itself) that is given on stationery, business cards and vehicles is given in both Irish and English (using lettering of the same size in the two languages);

- (i) a chinntiú, maidir le haon chomhartha a úsáidtear ar an taobh amuigh d'fhoirgnimh a úsáideann an comhlacht poiblí, gur i nGaeilge agus i mBéarla, ag úsáid i litreacha den mhéid chéanna, a bheidh ainm an chomhlachta agus aon fhaisnéis eile;
- (j) a chinntiú, chomh fada agus is féidir, gur i nGaeilge agus i mBéarla araon a bheidh aon chomhartha a úsáideann an comhlacht poiblí taobh istigh den fhoirgneamh, agus na litreacha a bheith ar chóimhéid sa dá theanga;
- (k) a chinntiú go mbaineann suíomh idirlín an chomhlachta phoiblí a oiread úsáide agus is féidir as an nGaeilge agus go gcuireann sé gach eolas tábhachtach faoina chuid imeachtaí ar fáil i nGaeilge;
- (l) a chinntiú go bhfoilseofar na cáipéisí seo go comhuaineach, i bhformáid chlóite agus i bhformáid leictreonach, i nGaeilge agus i mBéarla;
- (i) aon cháipéis a leagann amach moltaí i dtaca le polasaithe poiblí, go háirithe cáipéisí comhairliúcháin faoi reachtaíocht agus rialacháin;
- (ii) aon tuarascáil bhliantúil;
- (iii) aon phreasráiteas nó ráiteas foirmiúil eile a eisítear do lucht na nuachtán, lucht raidió nó lucht teilifíse.
- (m) a chinntiú, chomh fada agus a bheidh indéanta, go mbeidh leagan Gaeilge ar fáil den uile cháipéis eile a ullmhaíonn an comhlacht poiblí;
- (n) bearta cuí a dhéanamh, ateangaireacht chomhuaineach san áireamh, chun a chinntiú gur féidir an nGaeilge a úsáid ag aon chruinnithe poiblí de chuid an chomhlachta phoiblí, agus nach mbeidh míbhuntáiste ar nGaeilgeoirí ar bith a thograíonn Gaeilge a labhairt ag a leithéid de chruinniú poiblí.
- (i) ensuring that all signs on the exterior of buildings used by the public body give the name of the public body and all other information contained on the sign is in both Irish and English (using lettering of the same size in the two languages);
- (j) ensuring that to the maximum extent practicable any signs in the interior of buildings used by the public body are in both Irish and English (using lettering of the same size in the two languages);
- (k) ensuring that the public body's website uses Irish to the maximum extent practicable and provides all essential information concerning the body's operations in Irish;
- (l) ensuring that the following documents are published, both in printed and electronic form, simultaneously in both Irish and English:
- (i) any document setting out public policy proposals, including consultations relating to legislation or regulations;
- (ii) any annual report;
- (iii) any press release or other formal statement to the media.
- (m) ensuring that all other public documents prepared by the public body are, to the maximum extent practicable, made available in Irish as well as English.
- (n) ensuring that appropriate steps, including the provision of simultaneous interpretation services, are taken to ensure that Irish may be used at any public meetings held by the public body and that speakers of Irish are in no way disadvantaged if they choose to use Irish at such a public meeting.

Ba chóir go mbeadh ceangal ar gach comhlacht poiblí a chinntiú go gclóifidh a chuid gníomhaithe agus conraitheoirí leis na dualgais seo. Tá tábhacht ar leith leis anois i bhfianaise go bhfuil fás buan ar an mhéid seirbhísí poiblí atá á gcur amach ar conradh, an Tionscnamh Priobháideach Airgeadais san áireamh.

Sonrófar bearta cuí chun a chinntiú go ndéanfar faireachán rialta taobh istigh den chomhlacht phoiblí féin ar chomhlíonadh na ndualgas seo uilig agus go gcuirfear faoi scrúdú rialta iad ag comhlacht údarásach eachtrach, amhail Coimisinéir na Gaeilge. Lena chois seo, beidh sé de cheart ag duine ar bith gearán a dhéanamh le Coimisinéir na Gaeilge, agus leis na cúirteanna dlí, más gá sin, má shileann sé/sí go bhfuil aon chomhlacht poiblí ag déanamh faillí sna dualgais seo.

Every public body should be required to ensure that its agents and contractors comply with these obligations. This is especially important given the increasing contracting-out of public services (including the Private Finance Initiative).

Appropriate measures will be specified to ensure that implementation of all these obligations are regularly monitored within the public body itself and regularly scrutinised by an authoritative outside agency, such as the Irish Language Commissioner. Further, anyone who feels that a public body has not fulfilled its obligations in this area would be entitled to bring a complaint to the Irish Language Commissioner and ultimately to the courts.

E. FOSTAÍOCHT

Ba chóir go mbeadh sé de cheart ag gach fostaí an Ghaeilge a labhairt san áit oibre nó le linn a chuid oibre. Chuirfeadh seo, i measc rudaí eile, caidreamh labhartha agus scríofa lena chéilí oibre a bhfuil Gaeilge acu, nó le custaiméirí nó cliaint nó baill eile den phobal a bhfuil Gaeilge acu.

Míneoidh an reachtaíocht go soiléir nach sárú dlí nó sárú ar chearta daoine eile lomlabhairt na Gaeilge. (Ba ábhar caingne aon caint mhaslach, ar ndóigh, ach caithfeadh a thuiscint gur rud dlíseanach ann féin labhairt na Gaeilge). Díbreoidh an reachtaíocht aon amhras gan bhonn a bhí ann san am a chuaigh thart faoi cheart na nGaeilgeoirí an teanga sin a úsáid san áit oibre.

San am chéanna ba cheart go mbeadh cead ag an fhostóir an Béarla a roghnú mar ghnáththeanga oibre don ghnó. (Ní hionann an socrú seo agus an socrú atá i réim i ndlínsí áirithe eile, amhail Quebec, áit a gcaithfidh gnólachtaí ag a bhfuil níos mó ná líon áirithe fostaithe an Fhraincis a úsáid mar theanga oibre). I bhfocail eile, ní bheadh sé de cheart ag na fostaithe a bheith teann ar a gcuid bundualgas oibre a dhéanamh trí Ghaeilge (ceart atá i réim i ndlínsí eile). Os a choinne sin, ní cóir aon chosc míreasúnta a chur ar an cheart ag fostaithe an Ghaeilge a úsáid san áit oibre (i gcomhráit lena gcéilí oibre, le custaiméirí, le cliaint, nó leis an ghnáthphobal).

F. OIDEACHAS

Bronnfaidh an reachtaíocht an ceart sonrath ar gach tuismitheoir i dtuaisceart na hÉireann oideachas réamhscoile, bunscoile agus iar-bhunscoile a fháil dá chuid páistí nuair a bhíonn leoréileamh ar a leithéid d'oideachas. Aithníonn an reachtaíocht go dtig oideachas den tsórt sin a sholáthar ar dhá dhóigh: I ranganna ina bhfuil an Ghaeilge ina meán teagaisc, ach san áit a bhfuil na ranganna sin lonnaithe i scoileanna ina bhfuil ranganna ina ndéantar an teagasc trí mheán an Bhéarla; agus i ranganna lonnaithe i scoileanna ina déantar an teagasc trí mheán na Gaeilge amháin agus, mar sin, gurb í an Ghaeilge teanga na scoile iontu. Sna comhairliúcháin a rinne POBAL le pobal na Gaeilge, ba é an dara sórt teagaisc trí mheán na Gaeilge ab fhearr le tromlach na ndaoine, bunaithe ar na sochair oideachasúla agus chultúrtha, lena n-áirítear meon agus aitheantas níos láidre Gaeilge, a thig le Gaelscoileanna a sholáthar, dar le daoine. Is é sainmhíniú 'Gaeloideachais' sa reachtaíocht, oideachas ina bhfuil an Ghaeilge ina meán aonair teagaisc in oideachas réamhscoile agus bunscoile, ach i ndiaidh rang a trí agus i leith teagasc an Bhéarla amháin mar ábhar, agus ina meán

E. EMPLOYMENT

All employees should have the right to use the Irish language in their workplace or in the course of their employment, including but not limited to, in oral and written interactions with other Irish-speaking employees or with Irish-speaking customers, clients or members of the public.

The legislation will make clear that an employee's use of Irish in his or her workplace will not of itself be deemed to constitute a violation of law or of the rights of any other person. (Abusive or insulting language in Irish could of course still be actionable; the point is that the use of the Irish language per se cannot be considered unlawful). Any past unfounded confusion over the right of Irish speakers to use the language in the workplace would be clarified by the legislation.

At the same time, employers should be permitted to establish English as the ordinary means by which the employer's business operations are to be carried out. (This is in contrast to some other jurisdictions, such as Quebec, where employers over a certain size must operate through the medium of French). In other words, employees would not have the legal right to insist on carrying out their basic job duties in Irish (a right available in some other jurisdictions). However, in no case should unreasonable restrictions be placed on the employee's basic right to use the Irish language in the workplace (e.g. in interactions with fellow employees, customers, clients or members of the public).

F. EDUCATION

The legislation will give all parents in Northern Ireland an explicit right to have their children receive Irish-medium preschool, primary and post-primary school education, wherever there is sufficient demand for such education. The legislation recognises that such education can be delivered in two ways: in classes in which Irish is the medium of instruction, but where classes are based in schools in which there are classes in which teaching is through the medium of English; and in classes based in schools in which instruction takes place only through the medium of Irish and in which, therefore, the language of the school is Irish. In the consultations which POBAL has conducted with the Irish-speaking community, there was generally a strong preference for the latter form of Irish-medium instruction, based on the educational and the cultural benefits, including a stronger Irish-language ethos and identity, which, it was felt, Irish-language schools can deliver. The legislation defines 'Irish-medium' education as education in which the Irish language is the sole medium of instruction in pre-school and primary school education, except after primary three and in respect

teagasc sa chuid is mó den churaclam ina dhiaidh sin; agus is é sainmhíniú 'Gael scoile', scoil ina bhfuil na daltaí uilig cláraithe sa Ghaeloideachas agus ina bhfuil an Ghaeilge ina teanga oibre gníomhaíochtaí sa scoil. Ar deireadh, cruthaíonn an reachtaíocht fosta ceart do thuismitheoirí go dteagascfaí Gaeilge dá gcuid páistí mar ábhar i scoileanna Béarla ar leibhéal bunscoile agus iar-bhunscoile.

Is fadhb mhór í ceist seo an leoréilimh, maidir leis an líon uimhreach a shocrú agus ó thaobh na meicníochta a úsáidfear chun an chinneadh a dhéanamh. Feictear dúinn gur fearr cur chuige ginearálta a thógáil, is é sin ceart soiléir cuimsitheach ar oideachas trí Ghaeilge a leagan amach sa reachtaíocht, agus foráil a dhéanamh go ndéanfaidh an Roinn Oideachais na cinntí sonracha faoi ghrúpaí áirithe páistí agus faoi scoileanna áirithe de réir beartais fhoirmiúil fhoilsithe a oibreofar amach i gcomhairle le pobal na Gaeilge. Is den tábhacht é áfach, nach bhfágfaí an focal scoir ag an Roinn Oideachais. Féadfaidh duine ar bith a shíleann go bhfuil sárú déanta ar a chuid cearta gearán a dhéanamh leis an Choimisinéir Gaeilge sa chéad áit, agus leis na cúirteanna más gá sin.

Sa bhreis air sin, leagfaidh an reachtaíocht dualgas ar Roinn Oideachais Thuaisceart na hÉireann, Roinn Oideachais Westminster, ar an Údarás Scileanna agus Oideachais (TÉ) agus ar aon údarás eile a chruthófaí ina ndiaidh, beart díongbháilte a dhéanamh le leorchistiú a spreagadh, a éascú agus a sholáthar –

- (a) oideachas réamhscoile, bunscoile agus meánscoile trí mheán na Gaeilge a fhorbairt ar dhóigh a éascóidh teacht forleathan ar oideachas trí mheán na Gaeilge ar gach leibhéal agus leanúnachas soláthair a chinntiú, go háirithe idir oideachas réamhscoile agus bunscoile, bunscoile agus meánscoile agus meánscoile agus tríú leibhéal,
- (b) teagasc na Gaeilge mar ábhar i mbunscoileanna agus meánscoileanna Béarla a chur chun cinn bunaithe ar an chleachtas idirnáisiúnta is fearr i bhfoghlaim teanga dúchais, ó thús bunscoile go deireadh meánscoile; agus bearta cuí a dhéanamh chun an Ghaeilge a chur ar fáil mar ábhar staidéir do dhaltaí meánscoile a bhfuil a gcuid bunscolaíochta uile, nó páirt di, faighte acu trí mheán na Gaeilge, agus leanúnachas soláthair a chinntiú, go háirithe idir oideachas bunscoile agus meánscoile, agus meánscoile agus tríú leibhéal,

only of teaching of the English language as a subject, and the medium of instruction for the majority of the curriculum thereafter, and it defines 'Irish-medium school' as one in which all students are enrolled in Irish-medium education and in which Irish is the working language of activities within the school. Finally, the legislation also creates a right for parents to have their children taught Irish as a subject in English-medium schools at the primary and post-primary levels.

The question of determining sufficiency of demand is a difficult problem, both in terms of agreeing an appropriate numerical level and in terms of the mechanism by which the decision is to be made. The best approach seems to be to set out a clear and comprehensive general right to Irish-medium education in the legislation itself, and to provide that specific decisions concerning particular groups of children and particular schools should be determined by the Department of Education in accordance with a formal published policy developed on the basis of full consultation with the Irish-language community. However, it is essential that the final word is not left in the hands of the Department of Education but that anyone who feels that the right to Irish-medium education has been infringed may bring a complaint to the Irish Language Commissioner and ultimately to the courts.

In addition, the legislation will impose a duty on the (Northern Ireland) Department of Education, the (Westminster) Department for Education, the Education and Skills Authority (NI) and any other authority subsequently formed, to take resolute action to encourage, facilitate and provide adequate funding for –

- (a) the development of Irish-medium preschool, primary and secondary education in such a manner as to maximise access to Irish-medium education at each level and to ensure continuity of provision, particularly between pre-school and primary, primary and secondary and secondary and tertiary education;
- (b) the teaching of Irish as a subject in English-medium primary and secondary schools, based on best international practice in indigenous language learning, from the beginning of primary to the end of secondary school, including adequate measures for the teaching of Irish as a subject to secondary pupils who received some or all of their primary education through the medium of Irish, and to ensure continuity of provision, particularly between primary and secondary, and secondary and tertiary education;

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| <p>(c) leormhéid téacsleabhar, bogearraí, earraí cuí closamhairc agus idirlín, oiriúnach don oideachas trí Ghaeilge agus thairis sin, gach ábhar cosúil atá oiriúnach do riachtanais pháistí ag foghlaim Gaeilge in oideachas trí Bhéarla a fhorbairt agus a chur ar fáil; agus</p> <p>(d) forbairt agus soláthar a dhéanamh ar réimse iomlán seirbhísí tacaíochta trí Ghaeilge, lena n-áirítear ach nach teoranta di seirbhís chúraim agus faisnéise sláinte do ghaelscoileanna agus do dhaltaí a bheidh ag fáil oideachais trí Ghaeilge</p> <p>(e) forbairt agus soláthar a dhéanamh ar réimse iomlán seirbhísí tacaíochta curaclaim agus oideachasúla, lena n-áirítear ach nach teoranta díobh uirlisí agus ar thaca i gcomhair scrúduithe agus measúnachtaí, agus iad seo a bheith ag freagairt do riachtanais shonracha na ndaltaí Gaelscoile</p> <p>(f) forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltaí Gaelscoile agus a léireoidh an cleachtas idirnáisiúnta is fearr sa tumoideachas,</p> <p>(g) forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltaí a bheidh ag foghlaim Gaeilge i scoileanna Béarla</p> <p>(h) soláthar a dhéanamh, trí mheán chomhairliúcháin agus chomhordaithe le comhlachtaí cuí eile, ar sheirbhís seachchuraclaim agus ógsheirbhíse do earnáil na nGaelscoileanna, agus</p> <p>(i) soláthar a dhéanamh, i gcomhairle agus i gcomhordú lena leithéid de chomhlachtaí eile a bheadh oiriúnach, i gcomhair leorsheirbhíse seach-churaclaim agus ógra do agus oiriúnach do riachtanais dhaltaí nach bhfuil cláraithe in oideachas trí Ghaeilge a bhfuil an Ghaeilge á teagasc dóibh, agus</p> <p>(j) taighde agus oiliúint a dhéanamh, oiliúint do mhúinteoirí agus do phearsanra eile san áireamh, maidir le hoideachas Gaeilge a sholáthar a dhéanfaidh lánfhreastal ar riachtanais na ndaltaí a bheidh ag fáil oideachais trí Ghaeilge.</p> | <p>(c) the development and adequate provision of Irish-language educational books, software, and audio-visual and web-based teaching material appropriate to Irish-medium education and in addition, the development of all such similar materials appropriate to the needs of pupils learning Irish in English-medium education;</p> <p>(d) the development and provision of the full range of Irish-medium support services, including but not limited to an Irish-medium health care and health information service for Irish-medium schools and pupils receiving Irish-medium education;</p> <p>(e) the development and provision of a full range of curricular and educational support services, including but not limited to examinations and assessment tools and support appropriate to the specific needs of pupils in Irish-medium education;</p> <p>(f) the development and provision of a curriculum appropriate to specific needs of pupils in Irish-medium education that reflects international best practice in immersion education;</p> <p>(g) the development and provision of a curriculum appropriate to the needs of pupils learning Irish in English-medium schools;</p> <p>(h) the provision, in consultation and coordination with such other bodies as may be appropriate, for an adequate extra-curricular and youth service for the Irish-language schools sector;</p> <p>(i) the provision, in consultation and coordination with such other bodies as may be appropriate, for an adequate extra-curricular and youth service for and appropriate to the needs of students not enrolled in Irish-medium education who are being taught the Irish language; and</p> <p>(j) research and training, including training of teachers and other personnel, relating to the provision of Irish-medium education that is sufficient to meet the needs of pupils receiving Irish-medium education.</p> |
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Cuirfear ceangal ar na húdaráis seo beartas mionsonrach a fhoilsiú faoin dóigh a gcomhlíonfaidh siad na dualgais seo, agus le linn dóibh an beartas a ullmhú beidh sé d'fhiacha orthu dul i gcomhairle le haon eagraíocht is cosúil a bheidh leaspháirteach.

These authorities will be required to publish a detailed policy concerning the manner in which they will fulfil these duties, and in preparing this policy they will be required to consult any interested organisations.

Beidh dualgas sonracha ar na húdaráis seo leorfheastal a dhéanamh ar pháistí Gaeilge a bhfuil sainriachtanais oideachais acu (agus ar pháistí ar bith eile a bhfuil sainriachtanais oideachais acu agus atá ag fáil oideachais trí Ghaeilge, ag féachaint go cuí chuig sainriachtanais teanga na bpáistí seo.

Ar mhaithe le forbairt leanúnach eanáil an Gaeloideachais mar eanáil a éascú agus fás leanúnach i dteagasc na Gaeilge, éilíonn an reachtaíocht ar Roinn Oideachais Thuaisceart na hÉireann Ciste Forbartha a bhunú don Ghaeloideachas. Mar an gcéanna, lena chinntiú gurbh fhearr a thuigfí sochair an Ghaeloideachais, éilíonn an reachtaíocht fosta ar an Roinn Oideachais Ciste Eolais agus Margaíochta a bhunú don Ghaeloideachas. Agus, éilíonn an reachtaíocht ar an Roinn Oideachais soláthar sásúil túsoiliúint múinteoirí agus foirne breise i nGaeilge a chinntiú le freastal ar riachtanais eanáil an Ghaeloideachais, ar leibhéil fhorbartha an churaclaim agus thacaíochta seirbhíse san áireamh.

Sa bhreis air sin, éilíonn an reachtaíocht ar an Roinn Oideachais teagasc na Gaeilge a leoracmhainniú agus a cur chun cinn mar ábhar i scoileanna Béarla trí chistiú breise agus obair eolais a sholáthar agus trí sholáthar leorfhoirne breise a bhaineann le teagasc Gaeilge a chinntiú.

Tabharfaidh an reachtaíocht aghaidh chomh maith ar oideachas réamhscoile, ar bhreisoideachas agus ar ardoideachas. Béidh oibleagáid ar an Roinn Oideachais agus/nó ar an Údarás Scileanna agus Oideachais nó ar aon údarás a bhunófaí ina ndiaidh, beart diongbháilte a dhéanamh chun cothú, éascú agus leorchistiú a chur ar fáil d'fhorbairt na réamhscolaíochta Gaeilge, ag féachaint go cuí chuig riachtanais teanga na bpáistí atá ag foghlaim Gaeilge mar dara teanga. Beidh sé de dhualgas ar an Roinn Fostaíochta agus Foghlama (nó ar aon Roinn nó Ranna a bheas freagrach amach anseo as comhlíonadh na ndualgas atá anois ar RFF) beart diongbháilte a dhéanamh chun cothú, éascú agus leorchistiú a chur ar fáil don bhreisoideachas, don ardoideachas agus don ghairmoideachas a dhéantar trí mheán na Gaeilge agus do theagasc na Gaeilge mar ábhar staidéir sna forais bhreisoideachais agus ardoideachais. Beidh dualgas den chineál céanna leagtha ar Ollscoil na Banríona, Béal Feirste (agus ar a coláistí gaolmhara) agus ar Ollscoil Uladh i ndáil leis an ardoideachas.

Mar a socraíodh i dtaca leis an cheart ghinearálta ar scolaíocht trí Ghaeilge a fháil, bheidh cead ag duine ar bith a bheidh thíos de dheasca neamhchomhall ar cheann ar bith de na dualgais seo gearán a dhéanamh leis an Choimisinéir Gaeilge agus, más gá a leithéid, leis na cúirteanna.

These authorities will also have a specific obligation to make adequate provision for the education of Irish-speaking children having special educational needs (and any other children having special educational needs who are receiving Irish-medium education), having due regard to the particular linguistic needs of such children.

In order to facilitate the continued development of the Irish-medium sector as a sector and the continued growth in the teaching of Irish, the legislation also requires the Northern Ireland Department of Education to establish a Development Fund for Irish-medium education. Similarly, in order to ensure that the benefits of Irish-medium education are better appreciated, the legislation also requires the Department of Education to establish an Information and Marketing Fund for Irish-medium education. Also, the legislation requires the Department of Education to ensure the provision of sufficient initial teacher training through Irish and additional staff adequate to meet the needs of the Irish-medium sector, including at the curriculum development and support service levels.

In addition to this, the legislation requires the Department of Education to adequately resource and promote the teaching of Irish as a subject in English-medium schools through provision of additional funding and information work and to ensure the provision of sufficient additional staff relating to the teaching of Irish.

The legislation will also address preschool, further and higher education. The Department of Education and / or the Education and Skills Authority and any authority subsequently established, will have an obligation to take resolute action to encourage and facilitate, and to provide adequate funding for, the development of Irish-medium preschool education, having due regard for the specific linguistic needs of children who are learning Irish as a second language. The Department for Employment and Learning (or any Department or Departments charged in future with fulfilling the duties currently under DEL) will have a duty to take resolute action to encourage and facilitate, and to provide adequate funding for, the development of Irish-medium further and higher education and vocational training and the teaching of Irish as a subject at institutions of further and higher education. Queen's University Belfast (including its associate colleges) and the University of Ulster would have a similar obligation with regard to higher education.

As with the general right to obtain Irish-medium school education, anyone who has been adversely affected by any failure to fulfil any of these duties would have the right to bring a complaint to the Irish Language Commissioner and ultimately to the courts.

Mar fhocal clabhsúir faoin scéal, dearbhóidh an reachtaíocht go soiléir go mbainfidh na dualgais seo uile le comhlacht ar bith a chruthófar tar éis achtú na reachtaíochta seo más rud é go gcleachtann an comhlacht nua na feidhmeanna a bhíodh á gcomhlíonadh ag comhlacht atá ainmnithe sa reachtaíocht. Tá an fhoráil seo riachtanach chun a chinntiú go bhfanfaidh na hoibleagáidí uile a shonraítear anseo i bhfeidhm d'ainneoin aon athrú struchtúrtha a d'eascródh as an Athbheithniú ar Riarachán Poiblí atá ar siúl faoi láthair.

G. NA MEÁIN

Éileoidh an reachtaíocht ar rialtas RA beart diongbháilte a dhéanamh lena chinntiú go bhfaighidh craoltóireacht teilifíse agus raidió Gaeilge cothromaíocht le craoltóireacht teilifíse agus raidió Breatnaise sa Bhreatain Bheag agus le craoltóireacht teilifíse agus raidió Gàidhlig in Albain. Aithnímid go bhfuil deacrachtaí áirithe sa mholadh seo, nó tá samhlacha chraoltóireacht teilifíse agus raidió Breatnaise sa Bhreatain Bheag agus samhlacha chraoltóireacht teilifíse agus raidió Gàidhlig in Albain difriúil i ngnéithe tábhachtacha, mar shampla, bonn reachtúil, struchtúr, cistiú, uaireanta tarchuir agus dá réir sin. Ach, táimid inbharúla go bhfuil croí- agus bunchosúlachtaí atá tábhachtach sna samhlacha seo agus, rud is rithábhachtach, nach bhfuil cuid ar bith de na cosúlachtaí ann i dtaca le craoltóireacht Ghaeilge i dTuaisceart na hÉireann. Ag tagairt do chothromaíocht, is é atáimid a mhaíomh go gcruthódh rialtas RA samhail cheart don chraoltóireacht Ghaeilge teilifíse agus raidió, agus ceann a bheadh bunaithe ar na croí-chomóntachtaí atá sna samhlacha Breatnaise agus Gàidhlig.

Mar seo a leanas, dar linn, na comóntachtaí ar chóir an tsamhail don Ghaeilge i dTuaisceart na hÉireann a bhunú orthu: Ar dtús, sa Bhreatain Bheag agus in Albain araon, tá seirbhís thiomnaithe ann cheana féin: i dtaca le teilifís de, sa Bhreatain Bheag tá S4C, agus in Albain tá BBC Alba; i dtaca le raidió de, tá seirbhís Breatnaise raidió an BBC Radio Cymru sa Bhreatain Bheag agus seirbhís Ghàidhlig raidió Radio nan Gàidheal in Albain. Craolann na seirbhísí seo uilig ar feadh líon suntasach uaireanta gach lá, agus le linn bhuaic-uaireanta féachana agus éisteachta. Chuige seo, ba chóir do rialtas RA a chinntiú go gcruthófaí seirbhísí tiomnaithe teilifíse agus raidió den chineál chéanna i dTuaisceart na hÉireann. Sa dara háit, sa Bhreatain Bheag agus in Albain araon, tá na Seirbhísí teilifíse Breatnaise agus Gàidhlig bunaithe fad áirithe sa reachtaíocht, go háirithe in *Acht Cumarsáide 2003*. Chuige seo, caithfear foráil a dhéanamh do sheirbhís teilifíse Ghaeilge sa reachtaíocht, agus tá molta againn *Acht Cumarsáide 2003* a leasú dá réir sin. Sa tríú háit, sa Bhreatain Bheag agus in Albain araon, cuireann rialtas RA cistiú suntasach poiblí ar fáil (go díreach

Finally, the legislation will make clear that any education-related duty imposed shall apply equally to any body created subsequent to the enactment of the legislation that carries out functions formerly carried out by a body named in the legislation. This is intended to make sure that the obligations specified here will remain in effect notwithstanding any structural changes that result from the ongoing Review of Public Administration.

G. MEDIA

The legislation will require the UK government to take resolute action to ensure that Irish-medium television and radio broadcasting enjoys parity with Welsh-language television and radio broadcasting in Wales and with Scottish Gaelic-language television and radio broadcasting in Scotland. We recognise that this proposal contains some difficulties, as the models for Welsh-language television and radio broadcasting in Wales and those for Scottish Gaelic-language television and radio broadcasting in Scotland differ in important respects, in terms of their statutory basis, structure, funding, hours of transmission and so forth. However, we are of the view that there are important and fundamental core commonalities in these models and, crucially, that none of those commonalities exist with respect to Irish-language broadcasting in Northern Ireland. When making reference to parity, we therefore mean that a proper model for Irish-language television and radio broadcasting be created by the UK government, and one that is based on the core commonalities that are present in the Welsh and Scottish Gaelic models.

We believe that these commonalities on which the model for Irish in Northern Ireland should be based are as follows. First, in both Wales and Scotland, there exists a dedicated service: in respect of television, in Wales this is S4C, and in Scotland this is BBC Alba; in respect of radio, this is the BBC Welsh-language service Radio Cymru in Wales the BBC Scottish Gaelic-language service Radio nan Gàidheal in Scotland. All of these services broadcast for significant numbers of hours on a daily basis, and broadcast in peak viewing and listening hours. To this end, the UK government should ensure the creation of similar dedicated Irish-language television and radio services in Northern Ireland. Second, in both Wales and Scotland, the Welsh- and Scottish Gaelic-medium television services have some basis in legislation, notably in the *Communications Act 2003*. To this end, provision must be made for an Irish-medium television service in legislation, and we have suggested that the *Communications Act 2003* be amended accordingly. Third, in both Wales and Scotland, significant public funding is provided by the UK government (directly in Wales and indirectly, through the Scottish

sa Bhreatain Bheag agus go hindíreach, tríd an Rialtas Albanach, in Albain) ar bhonn bliantúil chun tacú leis an tseirbhís teilifíse Bhreatnach agus Ghàidhlig. Caithfidh rialtas RA cistiú chomh suntasach céanna a sholáthar do sheirbhís teilifíse Ghaeilge i dTuaisceart na hÉireann. Sa cheathrú háit, trí bhearta reachtaíochta agus eile, tá soláthraithe clár teilifíse agus raidió Breatnaise sa Bhreatain Bheag agus clár teilifíse agus raidió Gàidhlig in Albain faoi chuing chaighdeán i dtaca le héagsúlacht agus cáilíocht na gclár. Caithfidh rialtas RA a chinntiú go leagfar caighdeán éagsúlachta agus cháilíochta chlár den chineál, trí bhearta reachtaíochta agus eile, ar sholáthraithe clár teilifíse agus raidió aron i dTuaisceart na hÉireann. Sa chúigiú háit, sa Bhreatain Bheag agus in Albain, tá na seirbhísí teilifíse agus raidió faoi seach ar fáil ar bhonn saor-rochtana ag lucht éisteachta thar réimse ardán. Caithfidh rialtas RA a chinntiú go mbeidh na seirbhísí teilifíse agus raidió Gaeilge ar fáil ag lucht éisteachta ar an dóigh chéanna. Ag cuimhneamh ar an pháirt thábhachtach atá ag an BBC sa Bhreatain Bheag agus in Albain, i dtaca le seirbhísí raidió Breatnaise agus Gàidhlig go háirithe, agus ag cuimhneamh fosta ar an tearcsholáthar seirbhísí teilifíse agus raidió Gaeilge faoi láthair i seirbhísí BBC i dTuaisceart na hÉireann, is é a chreidimid gurbh é an dóigh ab fhearr lena chinntiú go gcaithfidh an BBC le craoltóireacht teilifíse agus raidió Gaeilge ar bhonn cothromaíochta i dTuaisceart na hÉireann, a chinntiú go ndéanfar saintagairt i *gCairt Ríoga an BBC*. Caithfidh rialtas RA a chinntiú go mbeidh Raidió Teilifís Éireann TG4 agus Raidió na Gaeltachta ar fáil don phobal i gcoitinne, le comhartha le dóthain láidreachta agus cáilíochta, i ngach cuid de Thuaisceart na hÉireann, saor in aisce, agus gach iarracht a dhéanamh lena chinntiú leis an rialtas Éireannach go léireofar méid suntasach clár ar an dá sheirbhís i dTuaisceart na hÉireann. Thairis sin, tá sainmholtaí déanta againn faoi nádúr seirbhíse raidió Gaeilge, lena chinntiú, gan aird ar leibhéal an tsoláthair a dhéanann an BBC, go mbeidh seirbhís cheart raidió ar fáil; thiocthadh, áfach, gur seirbhís de chuid an BBC a bheadh anseo.

Fá láthair, tugann rialtas RA cistiú don Chiste Craoltóireachta Gaeilge. Dar linn, ní leor an méid sin leis an leathnú suntasach sa chraoltóireacht Ghaeilge atá intuigthe sna moltaí seo a cheadú, agus ar aon-nós, tá luach an chiste seo faoi bhagairt a chreimthe ar an ábhar nach mbíonn na híocaíochtaí bliantúla ó Stáitchiste RA innéacsáilte le héifeachtaí boillsíu praghsanna a thabhairt san áireamh. Éilíonn na moltaí, mar sin de, méadú suntasach i gcistiú bliantúil an Chiste, agus go mbeadh an cistiú sin díonta ar bhoillsíu.

Aithnímid gur an-bheag an tacaíocht atá ar fáil ar líne ag úsáideoirí Gaeilge agus go háirithe d'earnáil na meán, agus chuide seo, iarrann na moltaí forbairt foiclóra ar líne agus

Government in Scotland) on annual basis to support the Welsh-medium and Gaelic-medium television service. The UK government must provide similarly significant funding on an annual basis to an Irish-language television service in Northern Ireland. Fourth, through both legislation and other measures, providers of Welsh-medium television and radio programming in Wales and of Scottish Gaelic-medium television and radio programming in Scotland are bound by standards regarding both the diversity and quality of programming. The UK government must ensure that similar standards of diversity and quality of programming are imposed, through legislation and other measures, on providers of Irish-medium television and radio programming in Northern Ireland. Fifth, in both Wales and Scotland, the respective television and radio services are available on a free access basis for audiences across a range of platforms. The UK government must ensure that the Irish-language television and radio services are similarly available to audiences. Given the important role of the BBC in both Wales and Scotland, especially in respect of Welsh-language and Scottish Gaelic-language radio services, and given the extremely limited provision that presently exists on BBC services in Northern Ireland for Irish-language television and radio services, we are of the view that the best way to ensure that the BBC treats Irish-language television and radio broadcasting in Northern Ireland on a basis of parity is by ensuring that specific reference is made in the *BBC's Royal Charter*. The UK government must ensure that Raidió Teilifís Éireann TG4 and Raidió na Gaeltachta are generally available, with a signal of adequate strength and quality, in all parts of Northern Ireland, free of charge, and make every effort to ensure with the Irish government that a sufficient proportion of programming on both services is produced in Northern Ireland. Additionally, we have made specific proposals about the nature of an Irish-language radio service, to ensure that, regardless of the level of provision made by the BBC, a proper radio service will be available; this service could, however, be a BBC service.

At present, the UK government provides funding to the Irish Language Broadcasting Fund. In our view, that sum is presently insufficient to permit the significant expansion of Irish-language broadcasting that is implicit in these proposals, and in any case, the value of that fund is subject to erosion by the fact that annual contributions from the UK Treasury are not indexed to take account of the effects of price inflation. The proposals therefore require a significant increase in annual funding to the Fund, and that such funding be inflation-proofed.

We recognise that there is very little online support for users of the Irish language and in particular for the media sector, and to this end, the proposals require the development of an

uirilísí eile foclóra do na meáin uilig, a bheadh ar fáil saor in aisce. Is léir dúinn buntáiste i bhforbairt an chineál sin tacaíochta i gcomhar le craoltóirí Gaeilge i bPoblacht na hÉireann, agus éilíonn na moltaí, mar sin de, go rachadh rialtas RA i gcomhairle leis na comhlachtaí cuí i bPoblacht na hÉireann i dtaca le forbairt seirbhíse den tsórt.

Ag cuimhneamh ar a laghad Gaeilge atá ar theilifís agus ar raidió tráchtála i dTuaisceart na hÉireann, éilíonn na moltaí go gcinnteoidh rialtas RA go dtabharfar aghaidh ar an easnamh seo trí na coinníollacha ceadúnais a leagtar ar chraoltóirí den chineál sin. Thairis sin, tá sainmholtaí déanta i dtaca le Raidió Fáilte.

Is ag fás anois atá tábhacht na meán ag tacú le hoideachas go ginearálta agus i sealbhú teanga go háirithe, agus is tábhachtach go ndéanfadh na meáin amhlaidh i dtaca le sealbhú teanga i dTuaisceart na hÉireann. Chuige seo, éilíonn an reachtaíocht ar ranna Oideachais agus Cultúir, Meán agus Spóirt san RA forbairt shaor-rochtana soláthar oideachais agus tacaíocht curaclaim a chinntiú, ar teilifís, ar raidió agus ar líne, i dtaca le foghlaim Gaeilge agus le foghlaim trí mheán na Gaeilge.

Maidir le meáin eile, éilíonn an reachtaíocht go gcuirfidh Státrúnaí Thuaisceart na hÉireann leorthacaíocht airgeadais agus eile ar fáil le foilsiú nuachtáin amháin i nGaeilge ar a laghad i dTuaisceart na hÉireann a chinntiú. Aithnímid, áfach, tábhacht mhéadaitheach nuachta téacsbhunaithe agus eolais eile ar líne, agus, mar sin, éilíonn an reachtaíocht fosta go gcuirfeadh Státrúnaí Thuaisceart na hÉireann ar fáil leormhaoiniú chun tacú le seirbhís nuachta agus anailíse Ghaeilge ar líne, iris Ghaeilge ar líne le hábhar físe agus fuaime, a dhíreodh go háirithe ar lucht éisteachta óg, agus dualgas le forbairt tairseach chuimsitheach ar líne a scrúdú i gcomhar leis na húdaráis ábhartha i bPoblacht na hÉireann, a chruthódh rochtain cibé ábhair théacsbhunaithe ar líne atá ar fáil ag cách.

Ar deireadh, éilíonn an reachtaíocht go méadódh Státrúnaí Thuaisceart na hÉireann rochtain dheiseanna fostaíochta do Ghaeilgeoirí i réimse iomlán na meán. Ar ndóigh, chuideodh feidhmiú éilimh eile na reachtaíochta leis seo a thabhairt i gcrích, ach is ríthábhachtach go bhfaigheadh Gaeilgeoirí an oiliúint chuí le buntáiste iomlán a bhaint as na deiseanna úra, agus lena chinntiú go sásófar éilimh na reachtaíochta, agus chuige sin, éilíonn an reachtaíocht go gcinnteodh an Státrúnaí leorchistiú do chur chun cinn agus do sholáthar chúrsaí Staidéir ar na Meáin i nGaeilge ar leibhéal uilig

integrated online dictionary and other vocabulary tools for all media, which would be available free of charge. We see merit in such support being developed in conjunction with Irish-language broadcasters in the Republic of Ireland, and the proposals therefore also require the UK government to consult with appropriate bodies in the Republic of Ireland with respect to the development of such a service.

Given the limited presence of Irish in commercial television and radio in Northern Ireland, the proposals require that the UK government ensure that this shortcoming be addressed through the license conditions which are imposed on such broadcasters. Furthermore, specific proposals are made in respect of Raidió Fáilte.

Media now plays an increasingly important role in providing support to education in general and language acquisition in particular, and it is important that media do so with respect to Irish language acquisition in Northern Ireland. To this end, the legislation includes a requirement on the UK Departments of Education and of Culture, Media and Sport to ensure the development of free-of-charge access to educational provision and curriculum support, on television, radio and on-line, in relation to both the learning of Irish as well as learning through the medium of Irish.

With regard to other media, the legislation includes the requirement that the Secretary of State for Northern Ireland provide sufficient financial and other support to ensure the publication in Northern Ireland of at least one daily newspaper in the Irish language. We recognise, however, the increasing importance of text-based news and other information on-line, and so the legislation also requires the Secretary of State for Northern Ireland to provide adequate funding to support an on-line Irish language news and analysis service, an on-line Irish language magazine with video and audio content, aimed particularly at a youth audience, and a duty to examine, in conjunction with the relevant authorities in the Republic of Ireland, the development of a comprehensive on-line portal creating access to such on-line text-based material that is available to all.

Finally, the legislation requires the Secretary of State for Northern Ireland to improve access for Irish speakers to employment opportunities in the full range of media. Obviously, implementation of the other requirements of the legislation will help to do so, but it is crucial that Irish speakers are appropriately trained to take full advantage of the new opportunities, and to ensure that the requirements of the legislation are satisfied, and to this end, the legislation requires the Secretary of State to ensure adequate funding for the promotion and delivery of Irish language Media

chóras an oideachais, agus le leorchistiú a chinntiú do chlár oiliúna i réimse deiseanna fostaíochta, lena n-áirítear oiliúint d'iriseoirí, d'fhoireann meán teicniúil, d'eagarthóirí agus do léiritheoirí.

H. FORFHEIDHMIÚ AR CHEARTA AGUS OIBLEAGÁIDÍ FAOIN ACHT

Tá moltaí na rannóige seo a leanas dlúthchosúil le moltaí Choimisinéara Teangacha Oifigiúla Cheanada, múnla moltaí atá ar cheann de na samplaí is doichte atá le fáil in áit ar bith. Is é a spreag bunús na bhforálacha atá in *Acht na dTeangacha Oifigiúla 2003*, go háirithe iad siúd a bhain le hOifig an Choimisinéara Teanga, agus níos déanaí leis an Choimisinéir Breatnaise sa Bhreatain Bheag faoi *Bheart Breatnaise 2011*.

Faoin Chaibidil seo cruthófar oifig nua, ar a dtabharfar an teideal Gaeilge Coimisinéir na Gaeilge do Thuaisceart na hÉireann. Is ceist íogair cé aige a mbeidh an chumhacht leis an cheapachán seo a dhéanamh. Agus i bhfianaise na ndeacrachtaí uile a pléadh sa rannóg thuas dar teideal 'Réamhábhair' chinn muid ar an chumhacht cheapacháin seo a thabhairt do Státrúnaí Thuaisceart na hÉireann. Níl aon réiteach furasta ar an fhadhb seo. Ní féidir leis an Choimisinéir gníomhú go héifeachtach gan an lucht gearán muinín a chur ann. Ach san am chéanna caithfidh sé aitheantas a fháil ó na forais a bheidh faoi fhiosrú aige. Más cosúil, nó más amhlaidh, go bhfuil an Coimisinéir ina ionadaí nó ina abhcóide ag an dream a bheidh ag déanamh gearán, is éadócha go mbeidh na forais sin sásta comhoibriú leis nó a chuid moltaí a chur i gcrích. Sin an fáth gur den tábhacht é cúram an cheapacháin a thabhairt d'fhoras polaitiúil nó don ardoifigeach polaitiúil is mó údarás i dtaca le feidhmiú na reachtaíochta. I láthair tosa na huaire chonacthas dúinn gurbh é Státrúnaí Thuaisceart na hÉireann an t-oifigeach ba mhó a n-éireodh leis na coiníollacha contrártha seo a shásamh.

Beidh roinnt feidhmeanna ag an Choimisinéir i ndáil le polasaithe agus beidh sé de cheart aige moltaí a dhéanamh ar réimse mór chúrsaí Gaeilge i dTuaisceart na hÉireann. Ach is é fiosrúchán na ngearán an fheidhm lárnach aige. Tá na moltaí arna ndréachtú againn ar dhóigh a cheadóidh do bhaill den phobal gearáin a dhéanamh faoi neamhchomhall na gceart nó neamhchomhlíonadh na ndualgas a shonraítear sna moltaí, ach beidh sé de cheart ag an Choimisinéir fiosrúcháin a thionscnamh as a stuaim féin. Mar thoradh ar gach fiosrúchán beidh tuarascáil ann, agus, más cuí an cás,

Studies courses at all levels in the education system, and to ensure adequate funding for training programmes for a range of employment opportunities, including training for journalists, technical media staff, editors and producers.

H. ENFORCEMENT OF RIGHTS AND OBLIGATIONS UNDER THE ACT

The proposals in this section follow closely the model of the Canadian Commissioner for Official Languages, one of the most rigorous models for the enforcement of language rights and duties that is available, and the model that inspired to a significant degree the provisions of the *Official Languages Act 2003* and the Oifig Choimisinéir na dTeangacha Oifigiúla created thereunder, and more recently the Welsh Language Commissioner in Wales under the *Welsh Language Measure 2011*.

Under this Chapter, a new office, that of the Irish Language Commissioner for Northern Ireland (to be known by the Irish title Coimisinéir na Gaeilge Thuaisceart Éireann), will be created. A crucial issue is the power of appointment of the Commissioner. Given the considerations discussed in the section entitled 'Preliminary Matters', above, the Secretary of State for Northern Ireland has been given this power of appointment. There is no easy solution to this problem. To function effectively, any Commissioner or similar officer must have the confidence of those who will potentially bring complaints. However, to be effective, the Commissioner must have some legitimacy in the eyes of the institutions that will be subject to investigations. If the Commissioner is, or is perceived to be the representative of, or the advocate for potential complainants, it is less likely that the institutions will cooperate with or be willing to implement the recommendations of the Commissioner. This is why it is crucial that the Commissioner be appointed by a political institution or political high office holder who commands the greatest level of authority possible in respect of the application of the legislation. In the circumstances, the Secretary of State for Northern Ireland appeared to be the office holder with the greatest chances of satisfying these conflicting and difficult demands.

The Commissioner will have some policy-making functions, and can make recommendations on a wide range of matters relating to the Irish language in Northern Ireland. A key function, however, is the investigation of complaints. The proposals have been drafted to allow members of the public to make complaints with respect to the failure to fulfil rights or discharge duties created under these proposals, but also to allow the Commissioner to initiate investigations on his or her own behalf. The outcome of any investigation will be a report and if considered appropriate, recommendations for

molfar bearta áirithe a dhéanamh. Tabharfar iad seo don fhoras ábhartha, agus tabharfar cóip díobh don Státrúnaí, a bhfuil cumhacht aige aon bheart is cuí leis a dhéanamh má fheictear do/di nach bhfuil an tuarascáil agus a cuid moltaí á gcur i gcrích. Ní dócha gur leor an próiseas seo, mura mbeadh ann ach é, chun mianta lucht na Gaeilge i dTuaisceart na hÉireann a shásamh, nó níl rud ar bith ann a chinnteoidh go ndéileálfar go gníomhach leis an ghearán. Ach sin mar a bhíonn an scéal maidir le hoifigí amhail Ombudsman agus Coimisinéir. Is dual dóibh feidhmiú trí chomhoibriú seachas comhéigean ar bith a chleachtadh. Seo an fáth a moltar leigheas breise, an ceart ar achomharc cúirte a dhéanamh. Is fíor gur ag an ghearánaí féin a bheidh an ceart seo. Níor tugadh aon cheart neamhspleách don Choimisinéir chun achomharc a dhéanamh. Ach féadfaidh an Coimisinéir bheith páirteach i gcás dlí den chineál seo, agus má thoilíonn an gearánaí féadfaidh an Coimisinéir fiú gníomhú ar son an ghearánaí sa chúirt.

Mar fhocal scoir, beidh sé de dhualgas ar an Choimisinéir teagmháil agus comhairliúchán a dhéanamh leis an Choimisinéir Teanga sa Phoblacht, agus le Foras na Gaeilge, d'fhonn an comhoibriú a chleachtadh oiread agus is féidir.

action, and these shall be given to the institution in question and copied to the Secretary of State, who is empowered to take further action that he or she considers necessary, if, in his or her opinion, the report and recommendations are not being implemented. By itself, this process would likely not satisfy the aspirations of the Irish-speaking community of Northern Ireland, as there is nothing to ensure that the outcome of a complaint will necessarily result in action. This is, however, the normal situation with respect to offices such as Ombudsmen and Commissioners; by their nature, they work through cooperation rather than coercion. It is for this reason, however, that an additional remedy, that of a further right of appeal to the courts, is also being recommended. While the right of appeal to the courts is that of the person making the complaint – the Commissioner has not been given an independent right of appeal – the Commissioner can participate in such a court action and, with the approval of the complainant, may even act on the complainant's behalf.

Finally, the Commissioner will be required to consult and liaise with An Coimisinéir Teanga in the Republic, and with Foras na Gaeilge, to ensure maximum cooperation.

CUID III: NA MOLTAÍ

GINEARÁLTA

1. Teanga oifigiúil de chuid Thuaisceart na hÉireann is ea an Ghaeilge. Tá sí chomh bailí céanna leis an Bhéarla i dThuaisceart na Éireann agus ba chóir gach foráil san Acht seo a thuiscint ar dhóigh atá de réir an stádais seo.
2. Aon cheart a bhronnann an tAcht seo ar an duine an Ghaeilge a úsáid ní bheidh sin ag brath ar chumas an duine sin Béarla a labhairt nó a thuiscint.
3. Tabharfar tosaíocht d'fhorálacha an Achta seo ar aon chuid d'aon fhoráil in aon Acht Parlaiminte nó in aon Acht de chuid Tionól Thuaisceart na hÉireann, nó ar aon rialachán dlí a thagann salach ar fhorálacha an Achta seo.
4. Má ainmnítear, sa leagan Gaeilge, aon duine, aon áit, aon eagraíocht, aon teach, aon sráid, aon cheantar, nó aon bhaile fearainn, beidh an t-ainm sin chomh bailí céanna lena leithéid eile sa Bhéarla. Agus fiú mura mbíonn aon leathbhreac de leagan Béarla ann ní bhainfidh sin de bhailíocht an leagain Ghaeilge ar ainm ar bith.
5. Cuirfidh Státrúnaí Thuaisceart na hÉireann leormhaoiniú ar fáil chun lánfheidhmiú an Achta seo a cheadú.
6. San áit a leagtar oibleagáidí nó dualgais faoin Acht seo ar an Státrúnaí do Thuaisceart na hÉireann, má tá an fhreagracht as an ábhar áirithe lena mbaineann na hoibleagáidí agus dualgais a leagadh cineachta ar Thionól Thuaisceart na hÉireann, beidh oibleagáidí agus dualgais den chineál sin ina n-oibleagáidí agus ina ndualgais den tionól sin agus den roinn nó de na ranna nó d'aon chomhlachtaí Corónach atá freagrach don tionól sin as an ábhar atá i gceist.
7. Taobh istigh de chúig bliana de dháta theacht i bhfeidhm an Achta seo, agus gach cúig bliana ina dhiaidh sin, athbhreithneoidh an Státrúnaí feidhmiú agus éifeacht an Achta seo, agus na gealltanais a rinne Rialtas na Ríochta Aontaithe maidir leis an Teanga Ghaeilge faoi Chuid III den *Chart Eorpach do Theangacha Réigiúnacha nó Mionlaigh*, agus déanfaidh an Státrúnaí moltaí, san áireamh maidir le leasuithe féideartha leis an reachtaíocht seo agus le hionstraim dhaingnithe na Cairte Eorpaí de chuid na RA maidir leis

PART III: THE PROPOSALS

GENERAL

1. Irish is an official language of Northern Ireland. It shall command equal validity with the English language in Northern Ireland, and all the provisions of this Act shall be interpreted in a manner consistent with this requirement.
2. The right of any person to use the Irish language as specified in this Act shall apply irrespective of the ability of that person to speak and/or understand English.
3. To the extent that any provision in any other Act of Parliament or any other Act of the Northern Ireland Assembly, or any other form of legal regulation is inconsistent with the provisions of this Act, the provisions of this Act shall take precedence.
4. Personal and place names (including the names of individuals, organisations, houses, streets, districts and townlands) in the Irish language shall have the same status and validity as personal and place names in the English language. It shall not be grounds for objection to the validity of an Irish name that no English counterpart exists.
5. The Secretary of State for Northern Ireland shall provide adequate funding to ensure the effective implementation of this Act.
6. Where obligations and duties are imposed under this Act on the Secretary of State for Northern Ireland, if responsibility for the particular matter in relation to which the obligations and duties is imposed is devolved upon the Northern Ireland Assembly, such obligations and duties will become the obligations and duties of that assembly and of the department or departments or any Crown bodies responsible to that assembly for the matter in question.
7. Within five years of the date of this Act coming into force, and every five years thereafter, the Secretary of State shall review the implementation and effect of this Act, and of the commitments made by the United Kingdom Government in respect of the Irish language under Part III of the *European Charter for Regional or Minority Languages*, and shall make recommendations, including with respect to possible amendments to this legislation and to the UK instrument of ratification of the European Charter in respect of Irish in order to

an Ghaeilge le cosaint na teanga agus cheart lucht a labhartha a fhorbairt agus a láidriú. Le linn athbhreithnithe mar sin a dhéanamh, rachaidh an Státrúnaí i gcomhairle leo siúd a bíonn thuas le cosaint na Gaeilge faoin Acht seo agus faoin Chairt Eorpach.

8. Taobh istigh de chúig bliana de dháta theacht i bhfeidhm an Achta seo, agus gach cúig bliana ina dhiaidh sin, athbhreithneoidh an Coimisiún Comhionannais a léirmhíniú ar an dualgas Dea-Chaidrimh faoi Alt 75 (2) *Acht Thuaisceart na hÉireann 1998* lena chinntiú go bhfuil an léirmhíniú sin comhoiriúnach leis an Acht seo, agus leis an *Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh*, agus leis na caighdeáin ábhartha cheart daonna uilig, intíre agus idirnáisiúnta, a bhaineann maidir le Tuaisceart na hÉireann.
9. Ar theacht i bhfeidhm an Achta seo, déanfaidh Rialtas na Ríochta Aontaithe athbhreithniú na ranna rialtais uilig a bhfuil sé freagrach astu, agus éileoidh sé athbhreithniú ó na comhlachtaí Corónach uilig a ndéanann sé maoirseacht orthu lena chinntiú nach bhfuil san áireamh i mbeartais na ranna agus na gcomhlachtaí uilig den chineál sin aon idirdhealú éagórach a bhaineann leis an teanga Ghaeilge. Mar an gcéanna, déanfaidh Tionól Thuaisceart na hÉireann athbhreithniú mar sin na ranna uilig sa riarachán chineachta agus éileoidh sé athbhreithniú den chineál sin ó aon chomhlachtaí Corónach a ndéanann sé maoirseacht orthu.

FORAIS PHOLAITIÚLA

(1) Tionól Thuaisceart na hÉireann

10. Teanga oifigiúil de chuid Thionól Thuaisceart na hÉireann is ea an Ghaeilge. Tá sé de cheart ag gach duine an teanga sin a úsáid in aon díospóireacht nó in aon imeacht eile de chuid an Tionóil, nó in imeachtaí coiste nó imeachtaí chomhlachtaí eile an Tionóil. Tá sé de dhualgas ar an Tionól feidhmiú an chirt sin a éascú fosta.
11. Nuair a úsáidtear an Ghaeilge de réir an chirt a shonraítear in alt 10, cuirfear ar fáil córas aistriúcháin chomhuainigh ó Ghaeilge go Béarla, agus seo ar mhaithe le gach duine atá rannpháirteach sna himeachtaí, leis an phobal atá i láthair, leis na meáin agus leis an phobal mhór go ginearálta.
12. Má úsáidtear an Ghaeilge, beidh tuairisc Ghaeilge ar an chaint sin sna tuarascálacha oifigiúla a dhéantar ar

develop and strengthen protection of the language and the rights of its speakers. In conducting such reviews, the Secretary of State shall consult those who benefit from the protection of the Irish language under this Act and under the European Charter.

8. Within five years of the date of this Act coming into force, and every five years thereafter, the Equality Commission shall review their interpretation of the Good Relations duty under Section 75(2) of the *Northern Ireland Act 1998* in order to ensure that this interpretation is compatible with both this act, the *European Charter for Regional or Minority Languages*, and all relevant human rights standards, domestic and international, which apply in respect of the north of Ireland.
9. Upon the coming into force of this Act, the United Kingdom Government shall conduct a review of all government departments for which it is responsible, and shall require a review by all Crown bodies whose operations it oversees to ensure that policies of all such departments and bodies do not include any unjustified distinctions in relation to the Irish language. Similarly, the Northern Ireland Assembly shall conduct such a review of all departments in the devolved administration and shall require such a review by any Crown bodies whose operations it oversees.

POLITICAL INSTITUTIONS

(1) The Northern Ireland Assembly

10. Irish is an official language of the Northern Ireland Assembly, and everyone has the right to use that language in any debates and other proceedings of the Assembly, or of any committee or other body of the Assembly, and the Assembly is obliged to facilitate the use of this right.
11. Where Irish is used pursuant to the right set out in section 10, facilities shall be made available for the simultaneous interpretation from Irish into English for the benefit of participants in the proceedings, those in attendance at the proceedings, the media and the broader public.
12. Everything reported in the official reports of debates and other proceedings of the Assembly and of its

dhíospóireachtaí agus imeachtaí eile an Tionóil gona chuid coistí agus comhlachtaí eile, agus foilseofar aistriúchán ar an chaint sin i mBéarla agus i dteanga eile, más gá, lena chois sin.

13. Chomh luath agus is féidir i ndiaidh achtú aon Achta de chuid Thionól Thuaisceart na hÉireann, déanfar cló agus foilsiú comhuaineach ar an téacs i nGaeilge, i mBéarla agus i dteanga ar bith eile a thograíonn Tionól Thuaisceart na hÉireann.
14. Taobh istigh de chúig bliana ó theacht i bhfeidhm don Acht seo, déanfar athmheas ar a indéantacht agus a bheidh sé aistriúchán comhuaineach Béarla go Gaeilge, chomh maith le haistriúchán comhuaineach Gaeilge go Béarla, a sholáthar i ndáil leis na himeachtaí uile, agus aistriúchán Béarla go Gaeilge a sholáthar ar gach rud a thuairiscítear sna tuarascálacha oifigiúla ar dhíospóireachtaí agus ar imeachtaí eile an Tionóil gona chuid coistí agus comhlachtaí eile mar a raibh an Béarla in úsáid.
15. Maidir leis na forálacha d'Alt 31 agus d'Alt 32 a bhaineann le Seirbhísí Poiblí, bainfidh siad le Tionól Thuaisceart na hÉireann chomh maith.

(2) Údaráis Áitiúla agus Bhardasacha

16. Teanga oifigiúil is ea an Ghaeilge sna húdaráis áitiúla. Tá an ceart ag gach duine an teanga sin a úsáid in aon chruinniú, in aon díospóireacht nó in aon imeacht eile de chuid na n-údarás sin, dá gcuid coistí agus comhlachtaí eile. Tá dualgas ar na húdaráis feidhmiú an chirt sin a éascú fosta.
17. Nuair a bhaintear úsáid as an Ghaeilge de réir an chirt seo a shonraítear in Alt 16, cuirfear áiseanna ar fáil don aistriúchán comhuaineach ó Ghaeilge go Béarla ar mhaithe le gach rannpháirtí sna himeachtaí, leis an lucht éisteachta, leis na meáin chumarsáide agus leis an phobal i gcoitinne.
18. Sna tuairiscí oifigiúla ar chruinnithe, dhíospóireachtaí agus ar imeachtaí eile de chuid na n-údarás áitiúil, agus de chuid a gcuid coistí agus comhlachtaí eile, tuairisceofar i nGaeilge gach rud a deirtear i nGaeilge agus cuirfear aistriúchán Béarla ina chuideachta.
19. Taobh istigh de chúig bliana i ndiaidh theacht i bhfeidhm don Acht seo, déanfaidh gach Údarás Áitiúil athmheas ar a indéantacht agus a bheadh sé aistriúchán Gaeilge a thabhairt ar gach rud a thuairiscítear sna tuarascálacha oifigiúla ar a gcuid cruinnithe, a gcuid díospóireachtaí agus a gcuid imeachtaí eile mar ar úsáideadh an Béarla.

committees and other bodies shall be reported in Irish where Irish has been used, and a translation into English (and another language or language, if so required) shall be included therewith.

13. As soon as may be after the enactment of any Act of the Northern Ireland Assembly, the text thereof shall be printed and published simultaneously in Irish as well as English or any other language which the Northern Ireland Assembly chooses.
14. Within five years of the entry into force of this Act, the Northern Ireland Assembly shall review the feasibility of providing English-to-Irish simultaneous interpretation in addition to Irish-to-English interpretation of all proceedings, and of providing a translation into Irish of everything reported in the official reports of debates and other proceedings of the Assembly and of its committees and other bodies where English has been used.
15. The provisions of sections 31 and 32 relating to Public Services shall apply to the Northern Ireland Assembly.

(2) Local Authorities

16. Irish is an official language of local authorities and everyone has the right to use that language in any meetings, debates and other proceedings of such authorities, or of any committee or other body of such authorities, and such authorities are obliged to facilitate the use of this right.
17. Where Irish is used pursuant to the right set out in Section 16, facilities shall be made available for the simultaneous interpretation from Irish into English for the benefit of the person using Irish, all other participants in the proceedings, those in attendance at the proceedings, the media and the broader public.
18. Everything reported in the official reports of meetings, debates and other proceedings of all local authorities and of their committees and other bodies shall be reported in Irish where Irish has been used, and a translation into English shall be included therewith.
19. Within five years of the entry into force of this Act, every local authority shall review the feasibility of giving a translation into Irish of everything reported in the official reports of their meetings, debates and other proceedings where English has been used.

20. Taobh istigh de chúig bliana i ndiaidh theacht i bhfeidhm don Acht seo, déanfaidh gach Údarás Áitiúil athmheas ar a indéantacht agus a bheidh sé gach achtán de chuid an údaráis áitiúil a chló agus a fhoilsiú go comhuaineach i nGaeilge, i mBéarla agus i dteanga ar bith eile a roghnaíonn an tÚdarás Áitiúil.
21. Maidir leis na forálacha sin d'Alt 31 agus d'Alt 32 i ndáil leis na Seirbhísí Poiblí, bainfidh siad le gach údarás áitiúil i dTuaisceart na hÉireann.
22. Caithfidh aon Acht Parlaiminte nua nó Acht nua de chuid Thionól Thuaisceart na hÉireann a chruthaíonn teorainneacha nua, caithfidh sé a chinntiú nach gcuirfidh na teorainneacha nua sin aon bhac a chur ar chothú na Gaeilge nó ar na cearta agus deiseanna a bheidh ag úsáideoirí na Gaeilge faoin Acht seo.
23. Le linn dó a bheith ag forbairt pleananna pobail, caithfidh gach údarás áitiúil aird chuí a thabhairt ar riachtanais na nGaeilgeoirí a chónaíonn taobh istigh dá cheantar riaracháin.
24. Déanfaidh gach údarás áitiúil Oifigeach Forbartha Gaeilge lánaimseartha amháin ar a laghad a cheapadh do chúrsaí na Gaeilge, agus beidh sé de chúram air/uirthi an Ghaeilge a chothú go ginearálta sa cheantar sin agus teagmháil agus comhairliúchán a dhéanamh le pobal na Gaeilge i gceantar an údaráis.

RIAR NA CÓRA

25. Tá cead ag duine an Ghaeilge a úsáid agus é/í os comhair aon chúirte, aon bhinse nó aon chomhlachta bhreithiúnais den chineál sin i dTuaisceart na hÉireann. Tá cead aige fosta Gaeilge a úsáid in aon phléadáil nó in aon cháipéis a bhaineann leis na forais sin.
26. Nuair a bhíonn imeachtaí breithiúnais ar siúl, tá dualgas ar gach cúirt, gach binse agus gach comhlacht breithiúnais den chineál sin a chinntiú go dtabharfar éisteacht i nGaeilge, gan aon mhíbhuntáiste, d'aon duine atá os a chomhair nó atá ag tabhairt fianaise ansin más mian leis an duine sin an Ghaeilge a úsáid in ainneoin labhairt agus tuiscint an Bhéarla a bheith aige. Má roghnaíonn duine an Ghaeilge a úsáid, cuirfear ateangaire ar fáil dó in aisce. Lena chois sin tá sé de dhualgas ar an chúirt, ar an bhinse agus ar achan chomhlacht bhreithiúnais, a chur in iúl d'aon duine a thagann i láthair agus don phobal go ginearálta gurb ann don cheart ar Ghaeilge a úsáid, mar a fhógraítear sa chaibidil seo.

20. Within five years of the entry into force of this Act, every local authority shall review the feasibility of printing and publishing simultaneously in Irish and English, and any other language which the local authority chooses, any enactment by the local authority.
21. The provisions of sections 31 and 32 relating to Public Services shall apply to all local authorities in Northern Ireland.
22. Any future Act of Parliament or Act of the Northern Ireland Assembly which creates new boundaries for local authorities must ensure that any such new boundaries do not constitute an obstacle to the promotion of Irish or the rights and opportunities of users of the Irish language under this Act.
23. In developing community plans, every local authority shall give due consideration to the needs of Irish speakers residing with the local authority area in question.
24. Every local authority shall employ at least one full-time equivalent Irish Language Development Officer, who shall have the responsibility of promoting the Irish language generally within that area and consulting and liaising with the Irish language community within the local authority area in question.

ADMINISTRATION OF JUSTICE

25. A person may use Irish in, or in any pleading in or document issuing from any court, tribunal or other similar decision-making body in Northern Ireland.
26. Every court, tribunal or other similar decision-making body in Northern Ireland has, in any proceedings before it, the duty to ensure that any person appearing in or giving evidence before it may be heard in Irish, if he or she chooses, and regardless of the ability of that person to speak and/or understand English, and that in being so heard will not be placed at a disadvantage by not being heard in English. Where a person chooses to participate through the Irish language, he or she shall be provided with an interpreter, free of charge. Furthermore, every court, tribunal or other similar decision-making body has the duty to inform any person appearing in or giving evidence before it, and the wider public more generally, of the existence of the right to use the Irish language which is created in this chapter.

27. Nuair a bhíonn Tionól Thuaisceart na hÉireann, údarás áitiúil, nó aon chomhlacht eile mar pháirtí in imeachtaí sibhialta os comhair cúirte, binse nó aon chomhlachta bhreithiúnais i dTuaisceart na hÉireann ina bhfuil socraithe ag an pháirtí eile de réir na caibidle seo an Ghaeilge a úsáid:
- úsáidfídh an Tionól, an t-údaras nó an comhlacht poiblí an Ghaeilge i rith na n-imeachtaí má roghnaítear an Ghaeilge; agus
 - má bhíonn beirt nó níos mó (diomaite de Thionól Thuaisceart na hÉireann, nó d'aon údarás áitiúil nó bardasach nó comhlacht poiblí) mar pháirtithe sna himeachtaí agus nach dtagann siad ar ar aon tuairim gurb í an Ghaeilge a úsáidfear, caithfidh Tionól Thuaisceart na hÉireann, an t-údarás áitiúil nó bardasach, nó i gcásanna áirithe an comhlacht poiblí, pé teanga a úsáid sna himeachtaí a mheasann sé a bheith réasúnta, i láthair dála na huair.
28. Gach foráil sa chaibidil den cháipéis seo a bhaineann le Seirbhísí Poiblí, bainfidh sé le gach cúirt, gach binse agus gach comhlacht breithiúnais eile i dTuaisceart na hÉireann.
29. Cuirfear na cáipéisí seo a leanas, mar aon le foirmeacha iarratais uilig ar cháipéisí den tsort, ar fáil i nGaeilge:
- Ceadúnais tiomána d'achan réim
 - Pasanna taistil agus víosaí
 - Teastais bheireatais
 - Teastais bháis, agus
 - Teastais phósta agus teastais do pháirtíochtaí sibhialta
30. Beidh dualgas ar Oifig an Chláraitheora Ghinearálta leagan Gaeilge de theastais phósta agus de pháirtíochtaí sibhialta a sholáthar má iarrtar sin.
27. Where the Northern Ireland Assembly, a Local Authority, or any other public body is a party to civil proceedings before a court, tribunal or other similar decision-making body in Northern Ireland in which the other party has, in accordance with this chapter, chosen to use Irish,
- the Assembly, authority or public body shall use the Irish language throughout the proceedings if Irish is chosen; and
 - if two or more persons (other than the Northern Ireland Assembly, a Local Authority, or a public body) are party to the proceedings and they fail to choose or agree that the language to be used in the proceedings is Irish, the Northern Ireland Assembly, the Local Authority or, as the case may be, the public body shall use in the proceedings the language which appears to it to be reasonable, having regard to the circumstances.
28. All of the provisions of the chapter of this document relating to Public Services shall apply to all courts, tribunals and other similar decision-making bodies in Northern Ireland.
29. The following documents, together with all application forms for such documents, shall be made available in the Irish language:
- all classifications of driving licence;
 - passports and visas;
 - birth certificates;
 - death certificates; and
 - marriage certificates and civil partnership certificates
30. The General Register Office shall have the obligation to provide civil marriage and civil partnership services through the medium of the Irish language upon request.

SEIRBHÍSÍ POIBLÍ

31. Déanfaidh gach comhlacht poiblí atá ag feidhmiú i dTuaisceart na hÉireann, iad siúd san áireamh atá ag obair ar fud na Ríochta Aontaithe chomh maith, gníomh díongbháilte chun an Ghaeilge a chothú ina chuid oibríochtaí. I measc rudaí eile:
- (a) féachfaidh sé leis an Ghaeilge a úsáid, agus úsáid na Gaeilge a chothú, taobh istigh dá chuid oibre inmheánaí, agus
 - (b) cuirfidh sé seirbhísí ar fáil don phobal trí mheán na Gaeilge chomh fada agus is féidir.
32. Maidir leis na comhlachtaí poiblí atá arna liostú i Sceideal an Achta seo, iarrfar orthu míniú a thabhairt ar an chiall a bhaineann siad as an abairtín "chomh fada agus is indéanta" in Alt 31, agus cuimseoidh an dualgas sin a leagann Alt 31 orthu, go sonrach ach ní go heisiach, cuimseoidh sé na bearta seo, i measc beart eile:
- (a) Glacadh le comhfhreagras litreach agus ríomhphoist agus aighneachtaí eile atá scríofa i nGaeilge, agus freagra a thabhairt orthu taobh istigh den spriocam chéanna a bheadh i gceist do chomhfhreagras i mBéarla;
 - (b) glacadh le teachtaireachtaí labhartha i nGaeilge, trí mheán Ghaeilgeoirí oilte ina chuid oifigí agus rann nó trí mheán ghlaolainne lárnaí ina mbeadh Gaeilgeoirí ag feidhmiú, agus freagra a chur ar fáil taobh istigh d'achar réasúnta ama;
 - (c) liosta a chur le chéile de dhaoine aonair, de ghrúpaí agus d'eagraíochtaí arb eol gur fearr leo an Ghaeilge a úsáid, agus a chinntiú gur i nGaeilge a chuirfear tús le haon chomhfhreagras leis na daoine sin;
 - (d) cead agus spreagadh a thabhairt d'achan ball den fhoireann riar a chuid oibre féin de Ghaeilge a fhoghlaim, oiliúint sa Ghaeilge a chur ar fáil go buan mar chuid d'fhorbairt ghairmiúil na foirne, agus dóthain airgid a chur ar fáil chun na rudaí seo a chur i gcrích;
 - (e) bearta cuí a dhéanamh chun Gaeilgeoirí a earcú don fhoireann, bearta a chuimsíonn, i measc

PUBLIC SERVICES

31. Every public body operating in Northern Ireland, including both bodies operating only in Northern Ireland and bodies operating throughout the United Kingdom, shall take resolute action to promote the Irish language in its operations, including:
- (a) endeavouring to use, and encouraging and promoting the use of, the Irish language in its internal operations, to the maximum extent practicable, and
 - (b) providing services to the public through the medium of Irish to the maximum extent practicable.
32. With regard to those public bodies listed in the Schedule to this Act, they are obliged to specify the manner in which they interpret the phrase "to the maximum extent possible" in section 31, and the duty imposed by section 31 shall include, but is not limited to, taking the following measures:
- (a) accepting written and electronic correspondence and other submissions in Irish, and providing any response thereto in Irish within the same period of time as would be allowed for a response in English;
 - (b) accepting oral messages in Irish, either by use of Irish-speaking specialist staff in particular offices or departments or by use of a centralised call centre at which Irish-speaking staff will be available, and providing a response thereto in Irish within a reasonable period of time;
 - (c) establishing a register of individuals, groups and organisations that are known to prefer to use Irish, and ensuring that all communications with such individuals, groups and organisations that are initiated by the public body are made in Irish;
 - (d) authorising and encouraging staff to learn Irish to a sufficient level to carry out their work duties through the medium of Irish, providing ongoing Irish language training as part of professional development, and providing sufficient financial resources to make this practicable;
 - (e) taking appropriate measures to recruit Irish-speaking staff, including, but not limited to,

- rudai eile, na poist uilig a fhógairt go dátheangach sna meáin chumarsáide, réimse réasúnta d'fhoilseacháin Ghaeilge san áireamh, agus a chinntiú go luaitear gur buntáiste fostaíochta an Ghaeilge i gcás post ar bith ina dtiocfadh í a úsáid chun déileáil go héifeachtach leis an phobal;
- (f) a chinntiú go nglacfar le cáilíocht Ghaeilge ar chomhchéim le cáilíocht Bhéarla d'aon phost a mbeidh a leithéid riachtanach dó;
- (g) aon fhoirmeacha a úsáidtear go forleathan ag an phobal a chur ar fáil go dátheangach (nó i leagan Gaeilge agus i leagan Béarla, más cuí sin) agus a chinntiú go ndéileálfar leis na foirmeacha a bhíonn comhlánaithe i nGaeilge chomh gasta céanna agus a dhéanfaí lena leithéid i mBéarla;
- (h) a chinntiú go nochtfar iomhá chorparáideach an chomhlachta phoiblí go dátheangach i gcónaí, sa dóigh go mbeidh ainm an chomhlachta, maille le gach faisnéis eile faoin chomhlacht, le feiceáil ar pháipéarachas, ar chártaí gnó nó ar fheithiclí, agus go mbeidh sin scríofa i nGaeilge agus i mBéarla araon agus litreacha na bhfocal a bheith ar aon mhéid sa dá theanga;
- (i) a chinntiú, maidir le haon chomhartha a úsáidtear ar an taobh amuigh d'fhoirgnimh a úsáideann an comhlacht poiblí, gur i nGaeilge agus i mBéarla, ag úsáid litreacha den mhéid chéanna, a bheidh ainm an chomhlachta agus aon fhaisnéis eile, ach amháin i gcás na gcomhlachtaí poiblí sin a bhfuil a gcuid seirbhísí dírithe go príomha ar riachtanais na gcainteoirí Gaeilge agus a chinneann ar chomharthaíocht eachtrach a úsáid a thugann tosaíocht nó eisiachas don Ghaeilge;
- (j) a chinntiú, chomh fada agus is féidir, gur i nGaeilge agus i mBéarla araon a bheidh aon chomhartha a úsáideann an comhlacht poiblí taobh istigh den fhoirgneamh, agus na litreacha a bheith ar chóimhéid sa dá theanga;
- (k) a chinntiú go mbaineann suíomh idirlín an chomhlachta phoiblí a oiread úsáide agus is féidir as an Ghaeilge agus go gcuireann sé gach eolas tábhachtach faoina chuid imeachtaí ar fáil i nGaeilge;
- advertising all posts bilingually (including in a comprehensive range of Irish language media) and ensuring that Irish is designated as an advantage for those posts in which Irish might effectively be used by the postholder in dealing with the public;
- (f) ensuring that whenever an English-language examination qualification is deemed necessary for a post, a qualification in Irish will be deemed equivalent and sufficient;
- (g) making available in bilingual Irish-English format (or, in appropriate circumstances, separate Irish and English format) any forms widely used by members of the public, and ensuring that completed Irish versions of forms are processed in the same period of time as would be allowed for the processing of the equivalent form completed in English;
- (h) ensuring that the corporate identity of the public body is presented bilingually, so that any information, including but not limited to the name of the public body itself, provided on stationery, business cards and vehicles is given in both Irish and English, using lettering of the same size in the two languages, except for those bodies which decide to use a solely or predominantly Irish-language corporate identity;
- (i) ensuring that any signs on the exterior of buildings used by the public body give the name of the public body and any other information contained on the sign is in both Irish and English, using lettering of the same size in the two languages, except for those bodies whose services are primarily directed at or are primarily for the benefit for Irish speakers, which may have a solely or predominantly Irish-language exterior signage;
- (j) ensuring that to the maximum extent practicable any signs in the interior of buildings used by the public body are in both Irish and English, using lettering of the same size in the two languages;
- (k) ensuring that the public body's website uses Irish to the maximum extent practicable and provides all essential information in Irish concerning the body's operations;

- (l) a chinntiú go bhfoilseofar na cáipéisí seo go comhuaineach, i bhformáid chlóite agus i bhformáid leictreonach, i nGaeilge agus i mBéarla;
- (i) aon cháipéis a leagann amach moltaí i dtaca le polasaithe poiblí, go háirithe cáipéisí comhairliúcháin faoi reachtaíocht agus rialacháin;
- (ii) aon tuarascáil bhliantúil;
- (iii) aon phreasráiteas nó ráiteas foirmiúil eile a eisítear do lucht na nuachtán, lucht raidió nó lucht teilifíse.
- (m) a chinntiú chomh fada is féidir gur i nGaeilge chomh maith le Béarla a bheidh aon cháipéis phoiblí eile a ullmhaíonn an comhlacht poiblí;
- (n) a chinntiú, maidir le haon cháipéisí poiblí nó aon ábhar clóite a ullmhaíonn an comhlacht poiblí i nGaeilge, go ndéanfar uasdátú, athfhoilsiú agus scaipeadh forleathan orthu sa dóigh nach mbeidh lucht na Gaeilge faoi aon mhíbhuntáiste.
- (o) a chinntiú go ndéanfar bearta cuí, soláthar an aistriúcháin chomhuainigh san áireamh, chun a chinntiú go mbeifear ábalta an Ghaeilge a úsáid ag cruinniú poiblí ar bith de chuid an chomhlachta agus nach mbeidh duine ar bith faoi mhíbhuntáiste má thograíonn sé/sí a leithéid a dhéanamh.
33. Beidh sé de dhualgas ar achan comhlacht poiblí a liostaítear i Sceideal an Achta seo bearta cuí a dhéanamh chun go ndéanfar faireachán ar chomhlíonadh na n-óibleagáidí a leagtar amach in Alt 32 thuas. Caithfidh an comhlacht poiblí an faireachán seo a dhéanamh go bliantúil agus caithfidh sé tuairisc an fhaireacháin seo a chur faoi scrúdú ag Coimisinéir na Gaeilge, ar bhonn bliantúil.
34. Beidh sé de dhualgas ar achan comhlacht poiblí a chinntiú go gcloíonn a chuid gníomhaithe agus conraitheoirí le hAlt 31 agus le hAlt 32 thuas. Cinnteoidh gach comhlacht poiblí atá ainmnithe sa Sceideal go gcloíonn a chuid gníomhaithe agus conraitheoirí le hAlt 32 thuas.
35. Tar éis do chomhlacht poiblí ar bith, nach comhlacht poiblí é atá liostaithe sa Sceideal, fógra a fháil ón Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart na
- (l) ensuring that the following documents are published, both in printed and electronic form, simultaneously in both Irish and English:
- (i) any document setting out public policy proposals, including but not limited to, consultations relating to legislation or regulations;
- (ii) any annual report;
- (iii) any press release or other formal statement to the print or broadcast media.
- (m) ensuring that all other public documents prepared by the public body are, to the maximum extent practicable, made available in Irish as well as English;
- (n) ensuring that any public documents or other printed material prepared by the public body in the Irish language are updated, reprinted and made available to the public in such a way that Irish speakers are not disadvantaged;
- (o) ensuring that appropriate steps, including the provision of simultaneous translation services, are taken to ensure that Irish may be used at any public meetings held by the public body and that speakers of Irish are in no way disadvantaged if they choose to use Irish at such a public meeting.
33. Every public body listed in the Schedule to this Act shall take appropriate measures to ensure that the implementation of the obligations set out in section 32 above are monitored by the public body itself on an annual basis and scrutinised by the Irish Language Commissioner, on an annual basis.
34. Every public body shall ensure that its agents and contractors comply with sections 31 and 32 above. Every public body designated in the Schedule shall also ensure that its agents and contractors comply with section 32 above.
35. Every public body other than a public body listed in the Schedule which receives a notice from Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann must,

hÉireann, beidh sé de dhualgas air plean don Ghaeilge a ullmhú agus a chur i láthair an Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann tráth nach déanaí ná sé mhí ón lá a bhfaigheann sé an fógra sin, plean a leagann amach na dóigheanna a gcomhlíonfar na hoibleagáidí atá air faoi Alt 31. Féadfaidh an Bord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann an plean sin a fhaomhadh mar atá sé nó féadfaidh sé a cheangal ar an chomhlacht poiblí aon athruithe is cúí leis an Bhord a dhéanamh, agus más amhlaidh go n-iarrtar ar an chomhlacht poiblí athruithe mar sin a dhéanamh caithfidh sé beart a dhéanamh dá réir agus an plean a chur i láthair arís taobh istigh de thrí mhí. Má bhíonn an Bord den bharúil nach bhfuil an plean arna athrú de réir mar a d'iarr an Bord, féadfaidh an Bord an plean a fhaomhadh faoi réir ag pé coinníollacha is cúí leis an Bhord.

36. Caithfidh gach plean teanga a chruthófar de bhun Alt 35 tagairt a dhéanamh do na nithe seo leanas:
- (a) mionsonraí faoin dóigh a ndéanfaidh an comhlacht poiblí freastal ar dhaoine a rachaidh i dteagmháil leis i nGaeilge, ina measc siúd mionsonraí faoi na socruithe chun freagraí i nGaeilge a thabhairt ar cheisteanna ó na meáin chumarsáide;
 - (b) mionsonraí faoi cháipéisí agus ábhar eile a chuirfidh an comhlacht poiblí ar fáil i nGaeilge don úsáid inmheánach agus eachtrach, agus eolas faoi cén chuid díobh seo a chuthófar i nGaeilge agus cén chuid a aistrefar ó bhunábhar Béarla;
 - (c) mionsonraí faoi na seirbhísí aistriúcháin a chuirfidh an comhlacht poiblí ar fáil, má iarrtar iad, maidir le hábhar nach rún dó a chur ar fáil i nGaeilge de ghnáth;
 - (d) mionsonraí faoi sheirbhísí a chuirfear ar fáil go heisiach do chainteoirí Gaeilge, foghlaimeoirí san áireamh;
 - (e) mionsonraí faoi dhuine amháin ar a laghad a bhfuil post sinsearach bainisteoireachta nó foirne aige/aici agus a bheidh ainmnithe mar theagmhálaí do dhaoine ón taobh istigh agus ón taobh amuigh ar mian leo ceisteanna a chur i nGaeilge nó faoi chúrsaí Gaeilge;

within six months of the receipt of such a notice prepare and submit to Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann an Irish language plan setting out the ways in which will satisfy the obligations imposed under section 31. Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann may approve the plan as submitted, or require the public body to make such further changes as the Bord deems appropriate, and where the public body is required to make such changes, it must do so and re-submit the plan to the Bord within three months. If the Bord is of the view that the re-submitted plan has not been modified in a manner that is consistent with the Bord's requirement, it may approve the plan with such modifications as the Bord sees fit.

36. Every Irish language plan created pursuant to section 35 must make reference to the following:
- (a) details of the way in which the public body will respond to persons who communicate with it in the Irish language, including details of arrangements to be made for the issue in the Irish language of responses to media inquiries;
 - (b) details of the documents and other materials for internal and external use which the public body will make available in the Irish language, and an indication of the extent to which these will be created in the Irish language or translated from English originals;
 - (c) details of the translation services which the public body will, on request, make available for materials which it does not propose ordinarily to make available in the Irish language;
 - (d) details of services which will be provided exclusively for users (including learners) of the Irish language;
 - (e) details of one or more senior post-holders or staff to be designated contacts for internal or external enquiries in or about the Irish language;

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| <p>(f) mionsonraí –</p> <p>(i) faoi cé acu de na baill foirne a gcuirfidh an comhlacht poiblí oiliúint Ghaeilge ar fáil dóibh agus cén sort traenála a bheidh i gceist;</p> <p>(ii) agus faoi dheiseanna a chuirfidh an comhlacht poiblí ar fáil dá fhoireann an Ghaeilge a fhoghlaim agus a úsáid</p> <p>(g) mionsonraí faoi na poist a sonródh an comhlacht poiblí cumas cumarsáide i nGaeilge mar cháilíocht lánriachtanach dóibh;</p> <p>(h) mionsonraí faoin dóigh ar rún don chomhlacht poiblí feidhm nó dualgas ar bith i leith na Gaeilge a chomhlíonadh má eascraíonn sin ó achtán ar bith seachas aon t-achtán atá san Acht seo; agus</p> <p>(i) mionsonraí faoi –</p> <p>(i) amscála atá socraithe ag an chomhlacht poiblí d'fheidmiú gach beart a shonraítear sa phlean;</p> <p>(ii) an t-amscála agus na socruithe atá ar intinn ag an chomhlacht poiblí d'athbhreithniú an phlean;</p> <p>(iii) agus thairngreacht ar an leibhéal d'úsáid na Gaeilge a bheidh an comhlacht poiblí a chleachtadh i gcomhlíonadh a chuid feidhmeanna, agus léargas ar an dóigh ar rún don chomhlacht poiblí tomhas agus taifead a dhéanamh ar an úsáid sin.</p> <p>37. Caithfidh gach plan Gaeilge a ullmhaítear de bhun Alt 35 tréimhse thríbhlianach a chlúdach, agus ag deireadh na tréimhse sin beidh sé de fhreagracht ar an chomhlacht poiblí ábhartha tuarascáil a chur faoi bhráid an Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann ar fheidmiú agus chomhlíonadh an phlean, agus ar an phlean nua atá beartaithe don chéad tréimhse thríbhlianach eile.</p> <p>38. Caithfidh na forais uile, orthu siúd ollscoileanna, coláistí breisoideachais srl agus gach comhlacht creidiúnaitheach, comhlachtaí gairme san áireamh, a fhaigheann fógra ón Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann, caithfidh siad plan teanga a ullmhú a chomhlíonfaidh na prionsabail atá leagtha amach in Alt 31 agus a ionsóidh na hábhair uile</p> | <p>(f) details of—</p> <p>(i) training in the Irish language which the public body will provide for its staff (including an indication of which staff are to receive training); and</p> <p>(ii) opportunities which the public body will provide for its staff to learn and use the Irish language;</p> <p>(g) details of the posts for which the public body will treat the holder's ability to communicate in the Irish language as an essential requirement;</p> <p>(h) details of the way in which the public body proposes to carry out any function or duty relating to the use of the Irish language arising under any enactment other than one contained in this Act; and</p> <p>(i) details of –</p> <p>(i) the timescale over which the public body proposes to implement each measure specified in the plan;</p> <p>(ii) the anticipated arrangements and timetable for undertaking a review of the plan; and</p> <p>(iii) the forecast level of use of the Irish language in connection with the public body's performance of its functions, including an indication of the way in which the public body proposes to measure and record its use.</p> <p>37. Each Irish language plan prepared pursuant to section 35 must cover a three-year period, after which time it shall be the responsibility of the public body concerned to submit a report to Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann concerning its implementation and fulfilment of the plan, and proposing a new plan for the subsequent three-year period.</p> <p>38. Every training institution, including universities, further extension colleges and so forth, and every accreditation body, including professional accreditation body, notified by Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann shall prepare an Irish language plan that will give effect to the principles set out in section 31 and that will, in addition to addressing all the</p> |
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a shonraítear in Alt 35 trína gcuid tiomantas a leagan amach maidir le hoiliúint a thabhairt do na soláthraithe seirbhísí Gaeilge a bheidh á n-oiliúint nó á gcreidiúnú ag an chomhlacht nó an fhoras sin. Déanfaidh an Bord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann daingniú ar phlean ar bith den chineál seo díreach mar a dhéanfaidh sé leis na pleananna Gaeilge faoi Alt 35.

39. Tá comhlacht corparáideach arna bhunú dá ngairfear Bord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann ag a bhfuil na feidhmeanna seo leanas –
- (a) cothú agus éascú a dhéanamh ar úsáid agus ar thuiscint na Gaeilge;
 - (b) comhlachtaí poiblí a chomhairliú maidir le comhlíonadh a gcuid oibleagáidí faoi Alt 31 den Acht seo, agus faoi Alt 32, más cuí, den Acht seo;
 - (c) comhlíonadh na bhfeidhmeanna agus cleachtadh na gcumhachtaí a bhronntar air faoi Alt 35 den Acht seo;
 - (d) teagmháil agus comhairliúchán rialta a dhéanamh le Coimisinéir na Gaeilge Thuaisceart na hÉireann agus leis an Choimisinéir Teanga i bPoblacht na hÉireann;
 - (e) comhairle a thabhairt do dhuine ar bith eile faoi ábhar ar bith a bhaineann leis an Ghaeilge i dTuaisceart na hÉireann; agus
 - (f) comhairle agus moltaí a thabhairt don Pharlaimint faoi chosaint na teanga Gaeilge in áiteanna sa Ríocht Aontaithe taobh amuigh de Thuaisceart na hÉireann.
40. Ní ceart an Bord um Chearta agus Phleanáil na Gaeilge Thuaisceart na hÉireann (dá ngairfear 'an Bord' sa cháipéis seo) a áireamh mar shearbhónta nó mar ghníomhaire corónach. Ní thabhaíonn sé aon stádas nó aon díolúine nó aon phribhléid de chuid na corónach. Agus ní ceart sealúchas an Bhoird a áireamh mar shealúchas ar leis an choróin é nó atá á choinneáil ar son na corónach. Caithfidh an Bord a bheith comhdhéanta de líon gnáthbhall nach lú na 5 agus nach mó na 11, agus de Chathaoirleach, daoine a cheapfar go neamheisiach ag Státrúnaí Thuaisceart na hÉireann d'aon tréimhse is cuí leis an Státrúnaí. Reáchtálfad an Bord a chuid cruinnithe trí mheán na Gaeilge agus bainfear feidhm as an aistriúchán comhuaineach más gá sin.

matters specified in section 35, set out their commitments to the training of Irish-language service providers trained or accredited by the institution or body. Any such plan shall be ratified by Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann in the same manner as Irish language plans under section 35.

39. There is established a body corporate to be known as Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann having the functions of—
- (a) promoting and facilitating the promotion of the use and understanding of the Irish language;
 - (b) advising public bodies on the discharge of their obligations under section 31 and, if applicable, section 32, of this Act;
 - (c) discharging the duties and powers conferred upon it under section 35 of this Act;
 - (d) consulting and meeting, on a regular basis, with the Irish Language Commissioner for Northern Ireland and An Coimisinéir Teanga in the Republic of Ireland;
 - (e) advising any other person on any matter relating to the Irish language in Northern Ireland; and
 - (f) advising, and making recommendations to Parliament in relation to the protection of the Irish language in parts of the United Kingdom other than Northern Ireland.
40. Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann (in this Chapter, the 'Bord') is not to be regarded as the servant or agent of the Crown, does not enjoy any status or immunity or privilege of the Crown, and the Bord's property is not to be regarded as property of, or held on behalf of, the Crown. The Bord is to consist of no fewer than 5 and no more than 11 ordinary members, and a Chairperson, all appointed by the Secretary of State for Northern Ireland for such period as the Secretary of State sees fit. The Bord shall conduct its meetings through the medium of Irish, with the use of simultaneous translation if necessary.

41. Bainfidh na dualgais a shonraítear sa chaibidil seo ar dhóigh ghinearálta le comharba nó sannaí ar bith de chuid aon chomhlachta poiblí a chlúdaítear san Acht seo. Más amhlaidh, in aon Acht nua de chuid Pharlaimint na Ríochta Aontaithe nó de chuid Thionól Thuaisceart na hÉireann, go gcruthaítear teorainneacha nua d'aon cheantar atá anois faoi chúram cheann ar bith de na comhlachtaí poiblí reatha (comhlachtaí atá ann nuair a rithfear an tAcht), nó go gcruthaítear comhlachtaí nua chun aon chuid de chúram na gcomhlachtaí reatha a dhéanamh, caithfear a chinntiú nach gcuireann na teorainneacha nua seo aon bhac ar chothú na Gaeilge nó ar na cearta agus na deiseanna atá ag Gaeilgeoirí faoin Acht seo, agus caithfear a chinntiú fosta go mbeidh na comhlachtaí nua, más ann dóibh, faoi cheangal go buan ag na dualgais a leagtar amach sa chaibidil seo. Lena chois sin, caithfear leasú iarmhartach a chur in aon Acht nua chun Sceideal an Achta seo a leasú sa dóigh go gcuimseoidh sé gach comhlacht nua a dhéanann freastal ar limistéir atá anois faoi chúram cheann ar bith de na comhlachtaí poiblí atá liostaithe i Sceideal an Achta seo.
42. Gach comhlacht poiblí lena mbaineann an chuid seo, cinnteoidh sé go ndéantar bearta cuí, lena n-áirítear soláthar comharthaí, fógraí agus eolais eile ar sheirbhísí agus ar thionscnamh cumarsáide leis an phobal, le cur in iúl don phobal go bhfuil na seirbhísí sin ar fáil i nGaeilge ar rogha aon bhall den phobal, agus spreagfaidh sé baill den phobal le leas a bhaint as an deis le seirbhísí a fháil sa teanga Ghaeilge.

FOSTAÍOCHT

43. Beidh sé de cheart ag gach fostaí (mar a shainmhínítear san *Ordú um Chóirfhostaíocht agus Chóirdhéileáil (Tuaisceart na hÉireann) 1998*), Gaeilge a labhairt le linn a chuid oibre, bíodh sin san áit oibre féin nó in áit eile. Cuimseoidh an ceart seo cumarsáid bhéil agus scríofa lena chéilí oibre, le custaiméirí, le cliaint nó le baill den ghnáthphobal a bhfuil Gaeilge acu.
44. Ní choiscfidh an ceart a leagtar síos in Alt 43 thuas ceart a bheith ag an fhostóir (mar a shainmhínítear san *Ordú um Chóirfhostaíocht agus Chóirdhéileáil (Tuaisceart na hÉireann) 1998*), Béarla, nó teanga eile seachas Gaeilge nó Béarla a roghnú mar ghnáththeanga ghnó. Ach ina ainneoin sin ní bheidh sé ceadmhach aon srian míréasúnta a chur le ceart a bheith ag an fhostaí an teanga Ghaeilge a úsáid, mar a leagtar amach in Alt 43 thuas.

41. The duties set out in this chapter shall apply generally to any successors and assigns of any public body covered by this Act. Any future Act of Parliament or Act of the Northern Ireland Assembly which creates new boundaries for the territories served by individual public bodies, or new bodies carrying out the same functions, in part or in whole, as bodies existing as of the time of the enactment of this Act, must ensure that any such new boundaries do not constitute an obstacle to the promotion of Irish or the rights and opportunities of users of the Irish language under this Act, and must ensure that any such new bodies continue to be bound by the duties set out in this chapter. Furthermore, any such future Act shall include a consequential amendment to amend the Schedule to this Act in order to ensure that the Schedule to this Act contains all new public bodies which include an area covered by a public body listed in the Schedule to this Act.
42. Every public body to which this part applies shall ensure that appropriate measures are taken, including the provision of signs, notices and other information on services and the initiation of communication with the public, to make it known to members of the public that those services are available in the Irish language at the choice of any member of the public, and shall encourage members of the public to take advantage of the opportunity to obtain services in the Irish language.

EMPLOYMENT

43. Every employee (as defined in the *Fair Employment and Treatment (Northern Ireland) Order 1998*) shall have the right to use the Irish language in his or her workplace or in the course of his or her employment, including, but not limited to, in oral and written interactions with other employees who speak Irish or with customers, clients or members of the public who speak Irish.
44. The right set out in section 43 above shall not preclude an employer (as defined by *Fair Employment and Treatment (Northern Ireland) Order 1998*) from establishing the English language, or a language other than Irish or English, as the ordinary means by which the employer's business operations are to be carried out. However, in no case the employee's right to use the Irish language as set out in section 43 above shall not be unreasonably restricted.

45. Níl sé ceadmhach a mheas, i gcás ar bith, gur briseadh dlí, nó gur sárú ar chearta sibhialta dhuine ar bith eile, fostaí a bheith ag labhairt Gaeilge san áit oibre

OIDEACHAS

46. Tá sé de cheart ag tuismitheoirí i dTuaisceart na hÉireann go bhfaighfeadh a gcuid páistí oideachas réamhscoile, bunscoile agus iarbhunscoile trí mheán na Gaeilge
47. Feidhmíonn an ceart seo, a shonraítear in Alt 46 thuas, ceart na dtuismitheoirí ar oideachas réamhscoile, bunscoile agus iarbhunscoile dá gcuid páistí trí mheán na Gaeilge:
- (a) nuair is leor leis an Roinn Oideachais TÉ líon na bpáistí, ag tuismitheoirí a bhfuil an ceart sin acu, chun go gcuirfí oideachas trí mheán na Gaeilge ar fáil dóibh as an Státchiste; agus
- (b) cuimsíonn sé, nuair is leor leis an Roinn Oideachais TÉ líon na bpáistí sin, an ceart ar oideachas trí mheán na Gaeilge i nGaelscoileanna a mhaoinítear ag an Státchiste.
48. Is é a chiallaíonn oideachas 'trí Ghaeilge' oideachas ina mbíonn an teanga Ghaeilge ina haon mheán amháin teagaisc san oideachas réamhscoile agus bunscoile, ach i ndiaidh rang bunscoile a trí agus i dtaca le teagasc an Bhéarla amháin mar ábhar, agus ina meán teagaisc do bhunús an churaclaim ina dhiaidh sin. Is é is 'Gaelscoil' ann scoil ina gclaraítear iomlán na ndaltaí in oideachas trí Ghaeilge agus ina mbíonn an Ghaeilge ina teanga oibre gníomhaíochtaí taobh istigh den scoil.
49. Tá an ceart ag na tuismitheoirí uilig i dTuaisceart na hÉireann go dteagascfaí Gaeilge dá gcuid páistí ar gach céim den oideachas bunscoile agus iar-bhunscoile sna hearnálacha oideachais trí Bhéarla faoi chothabháil, faoi rialú agus comhtháite.
50. Beidh aon chinneadh a dhéanfaidh an Roinn Oideachais TÉ maidir le leorlín na bpáistí a bhfuil oideachas trí mheán na Gaeilge á iarraidh dóibh de bhun Alt 47(a) agus (b) thuas, beidh sé bunaithe ar na treoirlínte a ullmhófar agus a fhoilseofar de bhun Alt 57 thíos. Beidh san áireamh ina leithéid de bheartas tairseacha éilimh uimhriúil a mheastar, nuair a shroictear iad, gur leor iad leis an tsoláthar atá i gceist a éileamh.

45. An employee's use of Irish in his or her workplace will not of itself be deemed to constitute a violation of law or of the rights of any other person.

EDUCATION

46. All parents in Northern Ireland have the right to have their children receive Irish-medium preschool, primary and post-primary school education.
47. The right of parents in Northern Ireland under section 46 above to have their children receive Irish-medium preschool, primary and post-primary school education
- (a) applies wherever the number of children of parents who have such a right is sufficient, in the view of the Department of Education NI, to warrant the provision to them out of public funds of Irish-medium education; and
- (b) includes, wherever the number of such children is sufficient, in the view of the Department of Education NI, to warrant such provision, the right to have them receive that education in Irish-medium schools provided out of public funds.
48. 'Irish-medium' education means education in which the Irish language is the sole medium of instruction in pre-school and primary school education, except after primary three and in respect only of teaching of the English language as a subject, and the medium of instruction for the majority of the curriculum thereafter. An 'Irish-medium school' is one in which all students are enrolled in Irish-medium education and in which Irish is the working language of activities within the school.
49. All parents in Northern Ireland have the right to have their children taught the Irish language at all stages of primary and post-primary school education in the English-medium maintained, controlled and integrated sectors.
50. Any determination by the Department of Education NI with regard to the sufficiency of numbers of children in respect of the rights set out in section 47(a) and (b) above, shall be based on the policy prepared and published pursuant to section 57 below. Such policy shall include numerical demand thresholds which, when reached, are deemed to be sufficient to require the provision in question.

51. Beidh sé de dhualgas ar Roinn Oideachais TÉ, ar an Údarás Scileanna agus Oideachais, agus ar aon chomharba nó údarás eile dá sanntar dualgais na gcomhlachtaí seo, chomh maith le haon áisíneacht nó chonraitheoir dá gcuid a bheidh ag cleachtadh feidhmeanna cuí ar a son, gníomh díoghbháilte a dhéanamh chun spreagadh, éascú agus leormhaoiniú a sholáthar d'fhonn –

- (a) oideachas réamhscoile, bunscoile agus meánscoile trí mheán na Gaeilge a fhorbairt ar dhóigh a éascóidh teacht forleathan ar oideachas trí mheán na Gaeilge ar gach leibhéal agus leanúnachas soláthair a chinntiú, go háirithe idir oideachas réamhscoile agus bunscoile, bunscoile agus meánscoile agus meánscoile agus tríú leibhéal,
- (b) teagasc na Gaeilge mar ábhar i mbunscoileanna agus meánscoileanna Béarla a chur chun cinn bunaithe ar an chleachtas idirnáisiúnta is fearr i bhfoghlaim teanga dúchais, ó thús bunscoile go deireadh meánscoile; agus bearta cuí a dhéanamh chun an Ghaeilge a chur ar fáil mar ábhar staidéir do dhaltaí meánscoile a bhfuil a gcuid bunscolaíochta uile, nó páirt di, faighte acu trí mheán na Gaeilge, agus leanúnachas soláthair a chinntiú, go háirithe idir oideachas bunscoile agus meánscoile, agus meánscoile agus tríú leibhéal,
- (c) leormhéid téacsleabhar, bogearraí, earraí cuí closamhairc agus idirlín, oiriúnach don oideachas trí Ghaeilge agus thairis sin, gach ábhar cosúil atá oiriúnach do riachtanais pháistí ag foghlaim Gaeilge in oideachas trí Bhéarla a fhorbairt agus a chur ar fail; agus
- (d) forbairt agus soláthar a dhéanamh ar réimse iomlán seirbhísí tacaíochta trí Ghaeilge, lena n-áirítear ach nach teoranta di seirbhís chúraim agus faisnéise sláinte do ghaelscoileanna agus do dhaltaí a bheidh ag fáil oideachais trí Ghaeilge
- (e) forbairt agus soláthar a dhéanamh ar réimse iomlán seirbhísí tacaíochta curaclaim agus oideachasúla, lena n-áirítear ach nach teoranta díobh uirlisí agus ar thaca i gcomhair scrúduithe agus measúnachtaí, agus iad seo a bheith ag freagairt do riachtanais shonracha na ndaltaí Gaelscoile

51. It shall be the duty of the Department of Education NI, the Education and Skills Authority, and any successor authority or other authority to which the duties of these bodies are assigned, as well as any agency or contractor thereof exercising relevant functions on their behalf, to take resolute action to encourage, facilitate and provide adequate funding for –

- (a) the development of Irish-medium preschool, primary and secondary education in such a manner as to maximise access to Irish-medium education at each level and to ensure continuity of provision, particularly between pre-school and primary, primary and secondary and secondary and tertiary education;
- (b) the teaching of Irish as a subject in English-medium primary and secondary schools, based on best international practice in indigenous language learning, from the beginning of primary to the end of secondary school, including adequate measures for the teaching of Irish as a subject to secondary pupils who received some or all of their primary education through the medium of Irish, and to ensure continuity of provision, particularly between primary and secondary, and secondary and tertiary education;
- (c) the development and adequate provision of Irish-language educational books, software, and audio-visual and web-based teaching material appropriate to Irish-medium education and in addition, the development of all such similar materials appropriate to the needs of pupils learning Irish in English-medium education;
- (d) the development and provision of the full range of Irish-medium support services, including but not limited to an Irish-medium health care and health information service for Irish-medium schools and pupils receiving Irish-medium education;
- (e) the development and provision of a full range of curricular and educational support services, including but not limited to examinations and assessment tools and support appropriate to the specific needs of pupils in Irish-medium education;

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| <p>(f) forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltaí Gaelscoile agus a léireoidh an cleachtas idirnáisiúnta is fearr sa tumoideachas,</p> <p>(g) forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltaí a bheidh ag foghlaim Gaeilge i scoileanna Béarla</p> <p>(h) soláthar a dhéanamh, trí mheán chomhairliúcháin agus chomhordaithe le comhlachtaí cuí eile, ar sheirbhís seachchuraclaim agus ógsheirbhíse do earnáil na nGaelscoileanna, agus</p> <p>(i) soláthar a dhéanamh, i gcomhairle agus i gcomhordú lena leithéid de chomhlachtaí eile a bheadh oiriúnach, i gcomhair leorsheirbhíse seach-churaclaim agus ógra do agus oiriúnach do riachtanais dhaltaí nach bhfuil cláraithe in oideachas trí Ghaeilge a bhfuil an Ghaeilge á teagasc dóibh, agus</p> <p>(j) taighde agus oiliúint a dhéanamh, oiliúint do mhúinteoirí agus do phearsanra eile san áireamh, maidir le hoideachas Gaeilge a sholáthar a dhéanfaidh lánfhreastal ar riachtanais na ndaltaí a bheith ag fáil oideachais trí Ghaeilge.</p> <p>52. Bunóidh an Roinn Oideachais TÉ Ciste Forbartha don Oideachas trí Ghaeilge agus sa bheartas ar tagraíodh dó i bparagraf 57, saineoidh an Roinn Oideachais an modh ina mbeidh sé ag brath an ciste seo a fheidhmiú agus an sainchistiú breise a chuirfidh sé ar fáil lena chinntiú gur leor an ciste i gcomhair na gcuspóirí dá bhfeidhmeofar é.</p> <p>53. Bunóidh an Roinn Oideachais TÉ Ciste Eolais agus Margaíochta don Oideachas trí Ghaeilge agus sa bheartas ar tagraíodh dó i bparagraf 57, saineoidh an Roinn Oideachais an modh ina mbeidh sé ag brath an ciste seo a fheidhmiú agus an sainchistiú breise a chuirfidh sé ar fáil lena chinntiú gur leor an ciste i gcomhair na gcuspóirí dá bhfeidhmeofar é.</p> <p>54. Taobh istigh de bhliain amháin de theacht i bhfeidhm an Achta seo ullmhóidh an Roinn Oideachais TÉ straitéis a achoimreoidh an dóigh a ndéanfaidh sé teagasc na Gaeilge a leoracmhainniú agus a chur chun cinn san oideachas trí Bhéarla sna hearnálacha faoi chothabháil,</p> | <p>(f) the development and provision of a curriculum appropriate to specific needs of pupils in Irish-medium education that reflects international best practice in immersion education;</p> <p>(g) the development and provision of a curriculum appropriate to the needs of pupils learning Irish in English-medium schools;</p> <p>(h) the provision, in consultation and coordination with such other bodies as may be appropriate, for an adequate extra-curricular and youth service for the Irish-language schools sector;</p> <p>(i) the provision, in consultation and coordination with such other bodies as may be appropriate, for an adequate extra-curricular and youth service for and appropriate to the needs of students not enrolled in Irish-medium education who are being taught the Irish language; and</p> <p>(j) research and training, including training of teachers and other personnel, relating to the provision of Irish-medium education that is sufficient to meet the needs of pupils receiving Irish-medium education.</p> <p>52. The Department of Education NI shall establish a Development Fund for Irish-medium education and in the policy referred to in paragraph 57, the Department of Education will specify the manner in which it proposes to apply this fund and the specific additional funding which will be provided by it to ensure that the fund is adequate for the purposes for which it will be applied.</p> <p>53. The Department of Education NI shall establish an Information and Marketing Fund for Irish-medium education and that in the policy referred to in paragraph 57, the Department of Education will specify the manner in which it proposes to apply this fund and the specific additional funding which will be provided by it to ensure that the fund is adequate for the purposes for which it will be applied.</p> <p>54. The Department of Education NI shall within one year of the coming into force of this Act prepare a strategy outlining how it will adequately resource and promote the teaching of Irish in English-medium education in maintained, controlled and integrated sectors. In preparing such a strategy, the Department shall consider</p> |
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faoi rialú agus comhtháite. Le linn an straitéis seo a ullmhú, déanfaidh an Roinn Oideachais cioradh ar agus tagróidh sé do an chleachtas idirnáisiúnta is fearr maidir le teagasc an dara teanga i scoileanna. San áireamh sa straitéis beidh cur síos ar ghníomhaíochtaí taighde agus forbartha a dtabharfar fúthu mar thaca le teagasc na Gaeilge, chomh maith le clár scoláireachtaí agus cuidiú eile airgeadais mar thaca le freastal daltaí a bhfuil an Ghaeilge á teagasc dóibh ar chúrsaí Gaeilge ag coláistí Gaeltachta.

55. Éilítear ar an Roinn Oideachais TÉ soláthar oiliúnt tosaigh trí Ghaeilge a chinntiú do mhúinteoirí agus d'fhoireann leorga bhreise oiriúnach d'earnáil an Ghaeloideachais agus dóibh siúd a bhaineann le teagasc na Gaeilge, agus san áireamh ar leibhéal forbartha curaclaim agus seirbhísí tacaíochta, agus soláthar foirne leorga oiriúnach do riachtanais na hearnála a chinntiú taobh istigh d'eagrais a bhfuil sainróil reachtúla acu maidir le hoideachas trí Ghaeilge agus teagasc na Gaeilge, leithéidí Chomhairle na Gaelscolaíochta.
56. Taobh istigh de bhliain amháin de theacht i bhfeidhm an Achta seo déanfaidh an Roinn Oideachais, mar aon leis an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí, agus le haon ranna ábhartha eile, clár comhtháite foghlama teaghlaigh dírithe ar fheabhsú litearthachta tuistí i nGaeilge a fhorbairt, a leormhaoinniú agus a chothabháil.
57. Caithfidh an Roinn Oideachais beartas a ullmhú agus a fhoilsiú maidir le comhlíonadh an dualgais seo agus na ndualgas a leagtar amach faoin chuid seo den reachtaíocht. Athbhreithneoidh an Roinn Oideachais an beartas seo gach cúigiú bliain, agus, le linn athbhreithnithe dá leithéid sin a dhéanamh, leanfaidh sé na gnáis chéanna a éilítear i dtaca le hullmhú an bheartais tosaigh. Le linn dó a bheith ag ullmhú an bheartais, caithfidh an Roinn Oideachais –
- (a) dréachtleagan den bheartas a fhoilsiú,
 - (b) comhairliúchán a dhéanamh le haon duine nó le haon eagraíocht a mheasann sé a bheith leaspáirteach,
 - (c) fógraíocht a dhéanamh faoin deis a bheidh ag daoine aighneachtaí faoin bheartas a chur i láthair taobh istigh de thrí mhí, nó taobh istigh de thréimhse níos faide ná sin má shonraíonn an Roinn Oideachais a leithéid; agus

and make reference to international best practice in relation to second language teaching in schools. The strategy shall include a description of research and development activities that will be undertaken in support of the teaching of Irish, as well as a programme of scholarships and other financial assistance to support the attendance of pupils being taught Irish at Irish language courses at Gaeltacht colleges.

55. The Department of Education NI is required to ensure the provision of initial teacher training provision through Irish and of sufficient additional staff adequate to the needs of the Irish-medium sector and to those relating to the teaching of the Irish language, including at the curriculum development and support service levels, and to ensure the provision of sufficient staff adequate to the needs of the sector within organisations with specific statutory roles in respect of Irish-medium education and the teaching of the Irish language, such as Comhairle na Gaelscolaíochta.
56. The Department of Education, together with the Department of Health, Social Services and Public Safety, and any other relevant departments, shall, within one year of the coming into force of this Act, develop, adequately fund, and maintain an integrated family learning programme aimed at improving parental literacy in Irish.
57. The Department of Education shall prepare and publish a policy relating to the fulfilment of the various duties imposed on it under this part of the legislation. The Department of Education shall review this policy every five years, and shall, in conducting such reviews, follow the same procedures that are required in respect of the preparation of the initial policy. In preparing this policy, the Department of Education must –
- (a) publish a draft of the policy,
 - (b) consult any person or organisation appearing to it to have an interest,
 - (c) publicise the opportunity to make representations about the draft policy within such period of not less than 3 months as the Department of Education may specify,

- (d) leoraird a thabhairt ar aon aighneacht a thagann i láthair taobh istigh den tréimhse sin,
- (e) riachtanais an chórais oideachais trí Ghaeilge agus an earnáil trí Ghaeilge ina hiomláine a thabhairt san áireamh, chomh maith le riachtanais na rannpháirtithe éagsúla san earnáil sin,
- (f) machnamh ar na dóigheanna a dtabharfaidh sé éifeacht dá ndualgais reachtúla maidir le chóras agus earnáil an oideachais trí Ghaeilge faoi Ordú Oideachais (Tuisceart na hÉireann) 1998,
- (g) machnamh ar staid láithreach fhorbairt an chórais oideachais trí Ghaeilge agus a fhorbairt mar earnáil agus aghaidh a thabhairt ar a riachtanais reatha, lena n-áirítear forbairt líonra oiriúnach don tsoláthar, ag cinntiú leanúnais ó oideachas trí Ghaeilge réamhscoile go bunscoile, bunscoile go meanscoile, agus ó meanscoile go tríú leibhéal,
- (h) spriocanna bliantúla a leagan amach maidir le líon na ndaltaí a dteagasctar Gaeilge dóibh, an líon a ghlacann Gaeilge mór ábhar ag GSCE agus A-leibhéal, agus na gráid a fuarthas, agus
- (i) na dóigheanna a thaispeáint ina bhforbróidh sé córas cuí iompair le freastal ar riachtanais daltaí atá cláraithe san oideachas trí Ghaeilge ar gach leibhéal agus riachtanais na hearnála trí Ghaeilge ina hiomláine le forbairt na hearnála sin a éascú.
58. Is ar bhun an bheartais dá ndéantar tagairt in alt 57 a dhéanfaidh an Roinn Oideachais cinneadh ar bith i dtaca le haon mholtaí a thagann faoi alt 14 den *Ordú um Oideachas agus Leabharlann (Tuisceart na hÉireann) 1986* maidir le Gaelscoileanna nua a bhunú. Thairis sin, ní rachaidh soláthar theagasc Gaeilge, nó acmhainn bhreise do theagasc Gaeilge a bheith ann, i gcion ar aon dóigh ar aon chinneadh maidir le soláthar oideachais trí Ghaeilge, ná ní rachaidh aon acmhainn bhreise a bheith i scoileanna trí Bhéarla i dtéarmaí áiteanna nó soláthair nó aon ábhar eile i gcion ar aon dóigh ar aon chinneadh maidir le soláthar oideachais trí Ghaeilge.
- (d) give as much weight as practicable to any representations received by it within that period,
- (e) take into account the needs of the Irish-medium education system and the Irish-medium sector as a whole, as well as those of the various participants in that sector,
- (f) consider the ways in which it will give effect to their statutory duties in respect of the Irish-medium education system and sector under the Education (Northern Ireland) Order 1998,
- (g) consider the current state of the development of the system of Irish-medium education and its development as a sector and address its current needs, including the development of an appropriate network for provision, ensuring continuity from pre-school to primary, primary to secondary, and secondary to tertiary Irish-medium education,
- (h) establish yearly targets in respect of numbers of students who are taught the Irish language, numbers taking Irish as a subject at GSCE and A-level, and of the grades received, and
- (i) indicate the ways in which it will develop an appropriate system of transport to meet the needs of students enrolled in Irish-medium education at all levels and those of the Irish-medium sector as a whole in order to facilitate the development of that sector.
58. Any decision of the Department of Education relating to the consideration of proposals under article 14 of the *Education and Libraries (Northern Ireland) Order 1986* to establish new Irish-medium schools shall be made on the basis of the policy required by section 57. Furthermore, the provision of the teaching of Irish, or the existence of extra capacity for the provision of the teaching of Irish, shall not affect in any way any decision regarding the provision of Irish-medium education, Nor will the existence of any extra capacity in English-medium schools in terms of places or provision or any other matter affect in any way any decision regarding the provision of Irish-medium education.

59. Maidir leis na moltaí seo, sonródh an beartas atá leagtha amach in Alt 57 na nithe seo, i measc rudaí eile:
- dóigh a gcuardóidh an Roinn Oideachais, agus a gcuirfidh sí san áireamh, tuairimí na dtuismitheoirí atá ag iarraidh na scoile sin dá gcuid páistí, tuairimí na ndaoine a chónaíonn taobh istigh de mhíle ó láthair na scoile sin, agus tuairimí leaspháirtithe eile;
 - an dóigh a gcuirfidh an Roinn Oideachais san áireamh méid na scolaíochta trí Ghaeilge atá ann cheana i gceantar na scoile nua;
 - an dóigh a gcuirfidh an Roinn Oideachais san áireamh an chaoi a gcuideodh bunú na scoile nua le forbairt agus neartú na Gaeilge sa cheantar a bhfuil a leithéid de scoil ag freastal air
 - an dóigh a gcuirfidh an Roinn Oideachais san áireamh an tionchar a bheidh ag soláthar na gaelscolaíochta sa cheantar áirithe sin ar fhorbairt straitéiseach ghinearálta na gaelscolaíochta ar leibhéal na réamhscoile, na bunscoile agus na hiar-bhunscoile, agus
 - an dóigh a spreagfaidh an Roinn Oideachais tuismitheoirí agus páistí leis an ghaelscolaíocht a roghnú, agus a míneoidh sé agus a molfaidh sé buntáistí na gaelscolaíochta.
60. Beidh sé de dhualgas ar an Roinn Oideachais agus ar an An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí agus ar an Údarás Scileanna agus Oideachais freastal cuí a dhéanamh ar pháistí le Gaeilge a bhfuil sainriachtanais teagaisc acu, agus ar aon pháiste eile atá ag fáil oideachais trí mheán na Gaeilge agus a bhfuil sainriachtanais teagaisc acu, sainriachtanais teanga go háirithe san áireamh.
61. Beidh sé de dhualgas ar an Roinn Oideachais, agus ar an Údarás Scileanna agus Oideachais, comhairle agus tacaíocht chuí i gcúrsaí curaclaim a chur ar fáil do Ghaelscoileanna agus do dhaltáí atá ag fáil oideachais trí mheán na Gaeilge, daltaí réamhscoile agus daltaí 16+ san áireamh.
59. The policy required by section 57 shall specify in relation to such proposals, among other things –
- the manner in which the Department of Education will solicit and take into account the views of parents of children for whom such a proposed Irish-medium school is sought, residents of the area within a one-mile radius of the site of proposed school, and other interested parties,
 - the manner in which the Department of Education will take into account the extent of existing Irish-medium educational provision in the area in which a new school is proposed,
 - the manner in which the Department of Education will take into account the ways in which the opening of an Irish-medium school might assist in the development and strengthening of the Irish language in the area served by such a school,
 - the manner in which the Department of Education will take into account the extent to which the provision of Irish-medium education in a particular area might contribute to the overall strategic development of Irish-medium education at preschool, primary, and post-primary levels, and
 - the manner in which the Department of Education will encourage parents and children to choose Irish-medium education and to explain and promote the benefits of Irish-medium education.
60. It shall be the duty of the Department of Education, the Department of Health, Social Services and Public Safety and the Education and Skills Authority to make adequate provision for the education of Irish-speaking children having special educational needs, and for the education of any other children having special educational needs who are receiving Irish-medium education, having due regard to the particular linguistic needs of such children.
61. It shall be the duty of the Department of Education and the Education and Skills Authority to provide an adequate curriculum advisory and support service for Irish-medium schools and pupils receiving Irish-medium education, including pupils in preschool and post-16 provision.

62. Beidh sé de dhualgas ar an Roinn Oideachais tríd an Údarás Scileanna agus Oideachais socruithe cuí taistil a dhéanamh (bus scoile, tacsáí, pas don chóras iompair phoiblí nó deontas airgid a chlúdóidh an costas iomlán) chun gach dalta cláraithe gaelscoile a thabhairt chuig an ghaelscoil is cóngaraí agus ar ais abhaile gan aon rud a bheith le hóc ag an dalta, ag tuismitheoirí an dalta nó ag an scoil.
63. Beidh sé de dhualgas ar an Roinn Oideachais tríd an Údarás Scileanna agus Oideachais beart diongbháilte a dhéanamh chun spreagadh, éascú agus maoiniú cuí a thabhairt d'fhorbairt na réamhscolaíochta Gaeilge, agus aird chuí a dhíriú ar riachtanais teanga na bpáistí atá ag foghlaim na Gaeilge mar an dara teanga.
64. Beidh dualgas ar Roinn Oideachais, faoina dualgas reachtúil forbairt an oideachais trí Ghaeilge a mhisniú agus a éascú, gníomh diongbháilte a dhéanamh leis na ranna eile rialtais uilig a mhisniú le cuidiú le Roinn Oideachais le linn í a dualgas reachtúil a chomhlíonadh trína chinntiú go dtabharfaidh a gcuid beartas agus gnás uilig a bhaineann le páistí san oideachas trí Ghaeilge san áireamh an dualgas le forbairt oideachais trí Ghaeilge a spreagadh agus a eascú.
65. Thairis sin, agus go háirithe, beidh dualgas ar gach údarás ábhartha poiblí an lánréimse seirbhísí tacaíochta a chuirtear ar fáil i mBéarla do dhaltai atá ag fáil oideachais trí Bhéarla na seirbhísí uilig den chineál sin a sholáthar trí mheán na Gaeilge do na Gaelscoileanna uilig agus do na daltaí uilig atá ag fáil oideachais trí Ghaeilge. Go háirithe, cuirfidh an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí agus an Bord Sláinte agus Cúraim Shóisialta TÉ agus gach lontaobhas Sláinte agus Seirbhísí Sóisialta i dTuaisceart na hÉireann cúram sláinte agus soláthar sláinte trí mheán na Gaeilge ar fáil do na Gaelscoileanna uilig agus do na daltaí uilig atá ag fáil oideachais trí Ghaeilge, agus cuirfidh siad ábhair agus eolas a bhaineann le forbairt phearsanta agus sláinte ar fáil do scoileanna mar sin trí mheán na Gaeilge.
66. Beidh sé de dhualgas ar an Roinn Fostaíochta agus Foghlama beart diongbháilte a dhéanamh chun spreagadh, éascú agus maoiniú cuí a thabhairt d'fhorbairt an bhreisoideachais agus an ghairmoideachais trí Ghaeilge agus do theagasc na Gaeilge mar ábhar sna forais bhreisoideachais agus ardoideachais.
62. It shall be the duty of the Department of Education through the Education and Skills Authority to ensure that suitable transport arrangements (whether school bus, taxi, public transport pass, or cash grant sufficient to cover the total cost) are made so as to facilitate the journeys of each child enrolled in Irish-medium education to and from the nearest Irish-medium school, at no cost to the child, the child's parent or parents, or to the school.
63. It shall be the duty of the Department of Education through the Education and Skills Authority to take resolute action to encourage, facilitate and provide adequate funding for the development of Irish-medium preschool education, having due regard for the specific linguistic needs of children who are learning Irish as a second language.
64. It shall be the duty of the Department of Education NI under its statutory duty to encourage and facilitate the development of Irish-medium education, to take resolute action to all encourage all other governmental departments to assist the Department of Education NI in carrying out its statutory duty by ensuring that all their policies and procedures that affect children in Irish-medium education take cognizance of the duty to encourage and facilitate the development of Irish-medium education.
65. Furthermore, and in particular, it shall be the duty of all relevant public authorities to provide the full range of support services that are provided in English to students receiving English-medium education to provide all such services through the medium of Irish to all Irish-medium schools and to all pupils receiving Irish-medium education. In particular, the Department of Health, Social Services and Public Safety, the Health and Social Care Board NI and every Health and Social Services Trust in Northern Ireland shall provide health care and health provision through the medium of Irish to all Irish-medium schools and to all pupils receiving Irish-medium education, and shall provide materials and information relating to personal and health development to such schools through the medium of Irish.
66. It shall be the duty of the Department for Employment and Learning to take resolute action to encourage, facilitate and provide adequate funding for the development of Irish-medium further and higher education and vocational training and for the teaching of Irish as a subject at institutions of further and higher education.

67. Beidh sé de dhualgas ar Ollscoil na Banríona, Béal Feirste, ar a cuid coláistí gaolmhara, agus ar Ollscoil Uladh, beart diongbháilte a dhéanamh chun spreagadh, éascú agus maoiniú cuí a thabhairt d'fhorbairt an ardoideachais trí Ghaeilge agus do theagasc na Gaeilge mar ábhar sna forais ardoideachais.
68. Bainfidh na dualgais a shonraítear sa chaibidil seo ar dhóigh ghinearálta le comharba nó sannaí ar bith de chuid aon chomhlachta phoiblí a chlúdaítear san Acht seo. Más amhlaidh, in aon Acht nua de chuid Pharlaimint na Ríochta Aontaithe nó de chuid Thionól Thuaisceart na hÉireann, go gcruthaítear teorainneacha nua d'aon cheantar atá anois faoi chúram cheann ar bith de na comhlachtaí poiblí reatha (comhlachtaí atá ann nuair a rithfear an tAcht), nó go gcruthaítear comhlachtaí nua chun aon chuid de chúram na gcomhlachtaí reatha a dhéanamh, caithfear a chinntiú nach gcuireann na teorainneacha nua seo aon bhac ar chothú na Gaeilge nó ar na cearta agus na deiseanna atá ag Gaeilgeoirí faoin Acht seo, agus caithfear a chinntiú fosta go mbeidh na comhlachtaí nua, más ann dóibh, faoi cheangal go buan ag na dualgais a leagtar amach sa chaibidil seo.

MEÁIN CHUMARSÁIDE

69. Déanfaidh rialtas na RA beart diongbháilte lena chinntiú go mbeidh cothromaíocht ag an chraoltóireacht Ghaeilge teilifíse agus raidió leis an chraoltóireacht Bhreataine teilifíse agus raidió sa Bhreatain Bheag agus leis an chraoltóireacht Ghàidhlig teilifíse agus raidió in Albain, ar sainghnéithe díobh seirbhís teilifíse agus seirbhís raidió tiomnaithe le cistiú poiblí a chraolann ar feadh líon suntasach uaireanta clár, lena n-áirítear méid suntasach clár nua, gach lá, agus, maidir le craoltóireacht teilifíse, go gcráoltar cláir den tsórt sin i mbuaic-amanna féachana. Mar a bhíonn sa Bhreatain Bheag agus in Albain, ba chóir go mbeadh bonn reachtaíochta faoin tsórt sin craoltóireachta, go bhfaigheadh sí leorchistiú, go n-éileoidh sí éagsúlacht leathan clár ardchaighdeáin, agus go mbeadh saor-rochtain ag lucht éisteachta uirthi thar réimse ardán.
70. Leis seo a bhaint amach, déanfaidh rialtas na RA:
- (a) *Acht Cumarsáide 2003* a leasú le soláthar do chraoltóireacht Ghaeilge teilifíse agus raidió a chuimsiú; agus a chinntiú, in aon reachtaíocht feasta ina ndéanfar soláthar do chraoltóireacht Bhreataine agus/nó Ghàidhlig teilifíse agus / nó raidió, go ndéanfar soláthar fosta do chraoltóireacht Ghaeilge teilifíse agus / nó raidió;

67. It shall be the duty of Queen's University Belfast and its associate colleges, and of the University of Ulster, to take resolute action to encourage, facilitate and provide adequate funding for the development of Irish-medium higher education and the teaching of Irish as a subject at institutions of higher education.
68. The duties set out in this chapter shall apply generally to any successors and assigns of any public body covered by this Act. Any future Act of Parliament or Act of the Northern Ireland Assembly which creates new boundaries for the territories served by individual public bodies, or new bodies carrying out the same functions, in part or in whole, as bodies existing as of the time of the enactment of this Act, must ensure that any such new boundaries do not constitute an obstacle to the promotion of Irish or the rights and opportunities of users of the Irish language under this Act, and must ensure that any such new bodies continue to be bound by the duties set out in this chapter.

MEDIA

69. The UK government shall take resolute action to ensure that Irish language television and radio broadcasting enjoys parity with Welsh-language television and radio broadcasting in Wales and Gaelic-language television and radio broadcasting in Scotland, the defining features of which are a dedicated publicly-funded public service television service and radio service which broadcasts a significant number of hours of programming, including considerable new programming, each day, and that, with regard to television broadcasting, such programming is broadcast in peak viewing times. As in Wales and Scotland, such broadcasting should have a legislative basis, should be adequately funded, should require a wide diversity of programming of high quality, and should provide free access for audiences across a range of platforms.
70. To achieve this, the UK government shall:
- (a) amend the *Communications Act 2003* to include provision for Irish-medium television and radio broadcasting; and ensure that in any future legislation in which provision is made for Welsh-medium and/or Scottish Gaelic-medium television and/or radio broadcasting, provision must also be made for Irish-medium television and/or radio broadcasting;

- (b) a chinntiú go ndéanfar tagairt do chraoltóireacht Ghaeilge teilifíse agus raidió, agus do sheirbhísí eile meán, seirbhísí ar líne san áireamh, i *gCairt Ríoga* an BBC;
- (c) a chinntiú go mbeidh Raidió Teilifís Éireann TG4 agus Raidió na Gaeltachta ar fáil don phobal i gcoitinne, le comhartha le dóthain láidreachta agus cáilíochta, i ngach cuid de Thuaisceart na hÉireann, saor in aisce, agus gach iarracht a dhéanamh lena chinntiú leis an rialtas Éireannach go léireofar méid suntasach clár ar an dá sheirbhís i dTuaisceart na hÉireann;
- (d) a chinntiú sa bhliain airgeadais ina dtiocfaidh an tAcht seo i bhfeidhm, go gcaithfidh Stáitchiste na RA suim chistithe a chur ar fáil don Chiste Craoltóireachta Gaeilge, oiread is a cheadódh méadú suntasach in uaireanta na gclár Gaeilge ná atá á chistiú faoi láthair tríd an CCG; agus i ngach bliain airgeadais ina dhiaidh sin, go méadófar an cistiú bliantúil ar a laghad ar aon dul leis an ráta boilscithe agus i gcóimhréir le ról an CCG i gcomhlíonadh Alt 69 thuas;
- (e) forbairt agus rochtain saor in aisce foiclóra chomhtháite agus uirlisí foiclóra ar líne a chinntiú do na meáin uilig agus dul i gcomhairle le comhlachtaí ábhartha i bPoblacht na hÉireann a gheall ar sholáthar seirbhíse comhtháite, uile-Éireann ina leith seo;
- (f) a chinntiú sna coinníollacha ceadúnais do chraoltóirí uilig raidió agus teilifíse, céadúnais tráchtála agus pobail san áireamh, go ndéanfar foráil chuí don Ghaeilge i sceidealú, i dtuairiscí nuachta agus aimsire agus i gcláir agus i bhfógraíocht, fógraíocht don stáisiún féin san áireamh;
- (g) soláthar ceadúnas craoltóireachta agus leorthacaíocht airgeadais a chinntiú le stáisiún raidió tiomnaithe lán-Ghaeilge a bhunú agus a chinntiú go mbeidh comhartha aige le dóthain láidreachta agus soiléire go gcluinfí é i ngach cuid den Tuaisceart, agus go gcrálfadh sé clár Ghaeilge 56 uair ar a laghad gach seachtain; agus
- (h) limistéar craoltóireachta Raidió Fáilte a leathnú agus tuilleadh stáisiún a dheonú;
- (b) ensure that reference is made to Irish-medium television and radio broadcasting, and other media services, including on-line services, in the *BBC Royal Charter*;
- (c) ensure that Raidió Teilifís Éireann TG4 and Raidió na Gaeltachta are generally available, with a signal of adequate strength and quality, in all parts of Northern Ireland, free of charge, and to make every effort to ensure with the Irish government that a sufficient proportion of programming on both services is produced in Northern Ireland;
- (d) ensure that in the financial year in which this Act comes into force, the UK Treasury shall be required to provide a sum of funding to the Irish Language Broadcasting Fund, sufficient to allow a significant increase in hours of Irish language programming than that currently funded through the ILBF; and in each subsequent financial year, the annual funding from the UK Treasury shall be increased at least in line with the rate of inflation and commensurate with the role of the ILBF in fulfilment of section 69 above;
- (e) ensure the development and free-of-charge access to integrated online dictionary and vocabulary tools for all media and consult with appropriate bodies in the Republic of Ireland with a view to the provision of an integrated, all-Ireland service in this respect;
- (f) ensure that in the licence conditions for all radio and television broadcasters, including commercial and community licences, appropriate provision is made for Irish in scheduling, in news and weather reports and programmes and in advertising, including advertising for the station itself;
- (g) ensure the provision of a broadcasting licence and sufficient financial support to establish a dedicated full Irish language radio station and ensuring that it has a signal of adequate strength and clarity that it can be heard in all parts of the North, and that it broadcasts Irish language programmes at least 56 hours each week; and
- (h) extend Raidió Fáilte's broadcast catchment area and grant additional stations;

- (i) forbairt agus rochtain saor in aisce leanúnach a chinntiú ar sholáthar oideachais agus thacaíocht curaclaim a bhaineann le foghlaim Gaeilge chomh maith le foghlaim trí Ghaeilge, ar teilifís, ar raidió agus ar líne.

71. Cuirfidh Státrúnaí Thuaisceart na hÉireann ar fáil leorthacaíocht airgeadais agus eile le foilsiú nuachtáin amháin laethúil Gaeilge ar a laghad a chinntiú i dTuaisceart na hÉireann.

72. Déanfaidh Státrúnaí Thuaisceart na hÉireann:

- (a) leorchistiú a sholáthar chun tacú le seirbhís nuachta Gaeilge agus anailíse ábhair ar líne a thiocthadh a chur ar fáil i bhformáid chlóite, ag brath ar éileamh;
- (b) leorchistiú a sholáthar chun tacú le hiris Ghaeilge ar líne le hábhar físe agus fuaime dírithe go háirithe ar lucht éisteachta óg; agus
- (c) scrúdú a dhéanamh, i gcomhar leis na húdaráis ábhartha i bPoblacht na hÉireann, ar an chistiú, na hacmhainní, comhaontuithe agus socrúithe eile is gá lena chinntiú go mbeidh an t-ábhar Gaeilge uilig atá ar fáil ar na meáin uilig ar fáil ar thairseach chuimsitheach ar líne a bheas ar fáil ag cách.

73. Feabhsóidh Státrúnaí Thuaisceart na hÉireann rochtain dheiseanna fostaíochta do Ghaeilgeoirí i réimse iomlán na meán trína gcinntiú seo, ach nach teoranta díobh:

- (a) Leorchistiú do chur chun cinn agus sholáthar Staidéir ar na Meáin i nGaeilge ar leibhéal uilig an chóras oideachais, agus
- (b) Leorchistiú do chlár oiliúna do réimse roghanna fostaíochta, san áireamh, ach ní teoranta díobh, – iriseoirí, teicneoirí, eagarthóirí agus léiritheoirí.

- (i) ensure the continuous development and free-of-charge access to educational provision and curriculum support, on television, on radio and online, in relation to the learning of Irish as well as learning through Irish.

71. The Secretary of State for Northern Ireland shall provide sufficient financial and other support to ensure the publication in Northern Ireland of at least one daily newspaper in the Irish language.

72. The Secretary of State for Northern Ireland shall:

- (a) provide adequate funding to support an on-line Irish language news and analysis content service that could be made available in printed format, depending on need;
- (b) provide adequate funding to support an on-line Irish language magazine with video and audio content aimed particularly at a youth audience; and
- (c) examine, in conjunction with the relevant authorities in the Republic of Ireland, of the funding, other resources, agreements and other arrangements necessary to ensure that all Irish language content that is available on all media is available on a comprehensive on-line portal that is available to all.

73. The Secretary of State for Northern Ireland shall improve access for Irish speakers to employment opportunities in the full range of the media through, but not limited to:

- (a) Ensuring adequate funding for the promotion and delivery of Irish language Media Studies at all levels of the education system; and
- (b) Ensuring adequate funding for training programmes for a range of employment options, including, but not limited to journalists, technicians, editors and producers.

FORFHEIDHMIÚ AR CHEARTA AGUS OIBLEAGÁIDÍ FAOIN ACHT

Oifig Choimisinéir na Gaeilge do Thuaisceart na hÉireann

74. Beidh Coimisinéir ann don Ghaeilge i dTuaisceart na hÉireann, 'Coimisinéir na Gaeilge Thuaisceart na

ENFORCEMENT OF RIGHTS AND OBLIGATIONS UNDER THE ACT

Office of the Irish Language Commissioner for Northern Ireland

74. There shall be an Irish Language Commissioner for Northern Ireland, 'Coimisinéir na Gaeilge Thuaisceart

hÉireann'. Státrúnaí Thuaisceart na hÉireann a dhéanfaidh an ceapachán. Ní cheapfar duine ar bith nach bhfuil líofa sa Ghaeilge.

75. Faoi réir na fochaibidle seo, agus ar acht dea-iompair, fanfaidh an Coimisinéir in oifig ar feadh cúig bliana, ach féadfaidh Státrúnaí Thuaisceart na hÉireann é a chur ó oifig am ar bith má bhíonn leorchúis ann. Ag deireadh na céadtréimhse oifige, nó ag deireadh aon tréimhse ina dhiaidh sin, beidh an Coimisinéir incheaptha do théarma eile nach faide ná cúig bliana.
76. Má tharlaíonn, ar feadh tréimhse, go mbíonn an Coimisinéir tinn nó as láthair, nó mura mbíonn duine ar bith ag feidhmiú mar Choimisinéir san am, féadfaidh Státrúnaí Thuaisceart na hÉireann duine cáilithe eile a cheapadh ina áit, do thréimhse nach faide ná fuilleach an téarma a bhí ag an Choimisinéir is deireanaí a bhí ag feidhmiú.
77. Beidh an Coimisinéir ar aonchéim le ceann roinne i bhFeidhmeannas Thuaisceart na hÉireann maidir le gradam agus cumhachtaí agus maidir le hiocaíocht a fháil as aon chostais taistil agus mhaireachtála a eascraíonn as an Coimisinéir a bheith ar shiúl óna ghnátháit chónaí agus an Coimisinéir i mbun a chuid dualgas. Cloifidh Coimisinéir na Gaeilge go heisiach le dualgais a oifige féin agus ní rachaidh an Coimisinéir i mbun oifige nó fostaíochta ar bith eile.
78. Beidh Coimisinéir na Gaeilge i dteideal aon oifigigh nó aon fhostaithe eile a cheapadh a bheidh riachtanach do riar na hoibre in Oifig an Choimisinéara, agus íocfaidh Feidhmeannas Thuaisceart na hÉireann iomlán na gcostas a bhaineann le riar na hoibre sin. Beidh sé de dhualgas ar Fheidhmeannas Thuaisceart na hÉireann leormhaoiniú a dhéanamh ar Oifig an Choimisinéara chun go bhféadfaidh an Coimisinéir a chuid dualgas a chomhlíonadh go héifeachtach.

Dualgais agus Feidhmeanna Choimisinéir na Gaeilge

79. Comhlíonfaidh Coimisinéir na Gaeilge pé dualgais agus feidhmeanna a shanntar do Choimisinéir faoin Acht seo ag Parlaimint na Ríochta Aontaithe nó ag Tionól Thuaisceart na hÉireann.
80. Beidh sé de dhualgas ar an Choimisinéir gach cinneadh agus beart riachtanach cuí taobh istigh de réimse údaráis an Choimisinéara a dhéanamh chun cearta agus oibleagáidí uilig an Achta seo a chur i bhfeidhm.

Éireann', who shall be appointed by the Secretary of State for Northern Ireland. Only someone who is fluent in the Irish language may be appointed to the office.

75. Subject to this sub-chapter, the Coimisinéir holds office during good behaviour for a term of five years, but may be removed by the Secretary of State for Northern Ireland at any time for good cause. The Coimisinéir, on the expiration of a first or any subsequent term of office, is eligible for re-appointment for a further term not exceeding five years.
76. In the event of the absence or incapacity of the Coimisinéir, or if the office of the Coimisinéir is vacant, the Secretary of State for Northern Ireland may appoint another qualified person to hold office during the absence or incapacity of the Coimisinéir or while the office is vacant for a period not exceed the remainder of the preceding office holder's term.
77. The Coimisinéir shall have the rank, all the powers, shall be paid the salary, and shall be entitled to all of the reasonable travel and living expenses while absent from his or her ordinary place or residence in the course of his or her duties, of a head of department in the Northern Ireland Executive. The Coimisinéir shall engage exclusively in the duties of the Office of the Coimisinéir and shall not hold any other office or engage in any other employment.
78. The Coimisinéir shall be entitled to appoint such officers and employees as are necessary for the proper conduct of the work of the Office of the Coimisinéir, and all expenses associated with the operation of the Office of the Coimisinéir shall be paid by the Northern Ireland Executive. The Northern Ireland Executive shall have an obligation to fund the Office of the Coimisinéir in such a way as to allow the Coimisinéir to carry out his or her duties in an effective manner.

Duties and Functions of the Irish Language Commissioner for Northern Ireland

79. The Coimisinéir shall carry out such duties and functions as are assigned to the Coimisinéir by this Act or any other Act of the Parliament of the United Kingdom or of the Northern Ireland Assembly.
80. It is the duty of the Coimisinéir to take all actions and measures within the authority of the Coimisinéir with a view to ensuring the full implementation of all the rights and obligations set out in this Act.

81. Beidh sé de dhualgas ar an Choimisinéir, chun na críche a leagtar amach in alt 80 thuas, fiosrúcháin a chur i gcrích as a stuaim féin nó de bharr gearáin atá arna dhéanamh leis an Choimisinéir, agus moltaí i dtaobh na ngearán sin a chur ar fáil de réir mar a leagtar síos sa chaibidil seo.
82. Féadfaidh an Coimisinéir athmheas a thionscnamh ar rialachán nó ar threoracha ar bith a rinneadh faoin Acht seo, nó ar aon rialachán nó treoracha a théann do chearta agus oibleagáidí atá leagtha síos san Acht seo. Agus féadfaidh an Coimisinéir tagairt a dhéanamh agus tuairimí a nochtadh faoi thoradh an athmheasa sin i bhfoirm tuairisce le Parlaimint na Ríochta Aontaithe agus le Tionól Thuaisceart na hÉireann de bhun na bhforálacha ar chúrsaí tuairisce atá sonraithe thíos faoi seo.
83. Déanfaidh an Coimisinéir faisnéis agus tuairimí a mhalartú leis an Bhord um Chearta agus Pleanáil na Gaeilge agus le hoifig An Choimisinéara Teanga agus le Foras na Gaeilge más cuí leis/léi sin.

Fiosrúcháin

84. Fiosróidh Coimisinéir na Gaeilge aon ghearán a dhéantar leis maidir le gníomh nó neamart ar bith a mhaíonn an gearánaí go bhfuil sé ag dul i gcion ar cheart nó ar oibleagáid ar bith a leagtar síos san Acht seo, nó a théann, go ginearálta, i gcion ar stádas na Gaeilge taobh istigh de na forais sin ina bhfuil an Ghaeilge ina teanga oifigiúil de réir an Achta seo. Go sonrach, féadfaidh an Coimisinéir fiosrúchán a dhéanamh ar ghearán ar bith faoin chiall a thogair comhlacht poiblí a luaitear in Alt 31 a bhaint as an abairtín "chomh fada agus is indéanta", agus ar ghearán ar bith maidir le comhlíonadh na ndualgas a cheanglaítear in Alt 31, agus ar aon ghearán maidir le plean Gaeilge a cruthaíodh de bhun Alt 35 nó Alt 36.
85. Beidh cead ag grúpa ar bith nó duine aonair ar bith gearán a dhéanamh leis an Choimisinéir. Ní gá Gaeilge a bheith acu nó iad a bheith ag labhairt ar son duine nó grúpa a bhfuil Gaeilge acu.
86. Má bhíonn an Coimisinéir ag fiosrú gearáin agus go bhfeictear don Choimisinéir, i láthair dála an cháis, nach fiú a thuilleadh fiosrúcháin a dhéanamh, féadfaidh an Coimisinéir diúltú a leithéid a dhéanamh. Féadfaidh an Coimisinéir fiosrúchán a dhiúltú nó a scor má mheasann an Coimisinéir:

81. It is the duty of the Coimisinéir, for the purpose set out in section 80 above, to conduct and carry out investigations either on the initiative of the Coimisinéir him- or herself or pursuant to a complaint made to the Coimisinéir, and to make recommendations with respect thereto as provided in this chapter.
82. The Coimisinéir may initiate a review of any regulations or directives made under this act or any regulations or directives that have an impact on the rights and obligations set out in this Act, and may refer to and comment on any findings on the review in a report made to Parliament and to the Northern Ireland Assembly pursuant to the provisions set out on reporting, below.
83. The Coimisinéir shall consult and exchange information with Bord um Chearta agus Pleanáil na Gaeilge and with the office of An Coimisinéir Teanga and Foras na Gaeilge, as he or she deems appropriate.

Investigations

84. The Coimisinéir shall investigate any complaint made to the Coimisinéir arising from any act or omission which is alleged by the complainant to affect a right or obligation imposed under this Act or, generally, to affect the status of Irish as an official language in respect of those institutions for which it has been designated official under this Act. The Coimisinéir may in particular investigate any complaint in respect of the manner in which a public body referred to in section 31 has chosen to interpret the phrase "to the maximum extent practicable", any complaint in respect of the discharge of any duties imposed under section 31, and any complaint in respect of an Irish language plan created pursuant to section 35 or section 36.
85. A complaint may be made to the Coimisinéir by any person or group of persons, whether or not they speak or represent a group speaking Irish.
86. If in the course of investigating any complaint, it appears to the Coimisinéir that, having regard to all the circumstances of the case, any further investigation is unnecessary, the Coimisinéir may refuse to investigate the matter further. The Coimisinéir may refuse to investigate or may cease an investigation if in the opinion of the Coimisinéir:

- (a) go bhfuil ábhar an ghearáin mionchúiseach;
- (b) go bhfuil an gearán suaibhreasach nó cráiteach, nó nach bhfuil sé á dhéanamh de mheon macánta; nó
- (c) nach bhfuil sárú nó neamhchomhall an Achta i gceist in ábhar an ghearáin, nó nach dtagann an t-ábhar, ar chúis ar bith eile seachas na fáthanna thuasluaite, taobh istigh d'údarás an Choimisinéara.

- (a) the subject matter of the complaint is trivial;
- (b) the complaint is frivolous or vexatious or is not made in good faith; or
- (c) the subject matter of the complaint does not involve a contravention or failure to comply with this Act, or does not for any other reason come within the authority of the Coimisinéir.

Nuair a chinneann an Coimisinéir gan fiosrúchán a dhéanamh, nó scor d'fhiosrúchán, cuirfidh an Coimisinéir an cinneadh seo in iúl don ghearánaí agus míneoidh sé na fáthanna atá leis.

Where the Coimisinéir decides to refuse to investigate or cease to investigate any complaint, the Coimisinéir shall inform the complainant of that decision and shall give the reasons therefor.

87. Sula dtionscnaíonn an Coimisinéir aon fhiosrúchán atá faoin Acht seo, cuirfidh an Coimisinéir in iúl do cheannaire an fhorais atá i gceist gur rún dó a leithéid a dhéanamh.

87. Before carrying out an investigation under this Act, the Coimisinéir shall inform the head of the institution concerned of his or her intention to carry out the investigation.

88. Is go príobháideach a dhéanfar aon fhiosrúchán de chuid an Choimisinéara faoin Acht seo. Ní gá don Choimisinéir aon éisteacht a sholáthar agus níl aon bhuncheart ag duine ar bith ar éisteacht a fháil ón Choimisinéir.

88. Every investigation by the Coimisinéir under this Act shall be conducted in private. It is not necessary for the Coimisinéir to hold any hearing and no person is entitled as of right to be heard by the Coimisinéir.

89. Beidh sé de cheart ag an Choimisinéir an nós imeachta a roghnú d'aon fhiosrúchán a ghabhann sé de lámh faoi choimirce an Achta seo.

89. The Coimisinéir may determine the procedure to be followed in carrying out any investigation under this Act.

90. Beidh sé de chumhacht ag Coimisinéir na Gaeilge, le linn fiosrúcháin ar bith faoin Acht seo:

90. The Coimisinéir has, in relation to carrying out any investigation under this Act, power:

(a) toghairm éigeantach a chur ar fhinnéithe, ordú dóibh fianaise béil nó scríofa a thabhairt faoi mhionn agus aon cháipéis a mheasann an Coimisinéir a bheith riachtanach d'aon fhiosrúchán faoina údarás de réir an Achta seo a sholáthar, díreach mar dá mbeadh an Coimisinéir ina bhreitheamh de chuid na hArdchúirte, agus é/i ag cleachtadh a c(h)umhachta go hiomlán;

(a) to summon and enforce the attendance of witnesses and compel them to give oral or written evidence on oath, and to produce such documents and other things as the Coimisinéir deems requisite to the full investigation of any matter within his or her authority under this Act, in the same manner and to the same extent as a judge of the High Court;

(b) daoine a chur faoi mhionn;

(b) to administer oaths; and

(c) aon fhianaise nó fhaisnéis a fháil agus a ghlacadh, má mheasann an Coimisinéir a leithéid a bheith riachtanach, is cuma cé acu a bheadh an fhianaise nó an fhaisnéis sin incheadaithe i gcúirt dlí nó nach mbeadh.

(c) to receive and accept such evidence and other information, whether on oath or otherwise, as in his or her discretion the Coimisinéir sees fit, whether or not the evidence or information would be admissible in a court of law.

91. Má bhíonn fáthanna réasúnta ag an Choimisinéir le creidiúint:

91. Where the Coimisinéir believes on reasonable grounds that:

- (a) go bhfuil bagairt, imeaglú nó leithcheal déanta ar dhuine ar bith de dheasca gearán a dhéanamh leis, nó de dheasca fianaise nó faisnéis eile a chur ar fáil le linn fiosrúcháin de chuid an Choimisinéara, nó de dheasca cuidiú leis an Choimisinéir ar dhóigh ar bith eile; nó
- (b) go bhfuil bac curtha ar an Choimisinéir féin nó ar dhuine ar bith atá ag obair ar a shon nó faoina threoir i bhfeidhmiú na gcúram nó na ndualgas atá aige faoin Acht seo, féadfaidh an Coimisinéir an tuairim sin, agus na fáthanna atá leis, a thuairisciú do Státrúnaí Thuaisceart na hÉireann agus do cheannaire an fhorais atá i gceist san fhiosrúchán

92. Má mheasann an Coimisinéir, i ndiaidh dó fiosrúchán a dhéanamh faoi choimirce an Achta seo:

- (a) gur chóir an beart nó an neamart ba bhun leis an ghearán a chur in iúl do cheannaire an fhorais atá i gceist agus a iarraidh air an scéal a mheá agus, más gá, beart a dhéanamh dá réir;
- (b) gur chóir leasú nó scor a dhéanamh ar aon Acht, nó ar aon ionstraim reachtúil, nó ar aon rialachán nó treoir; nó
- (c) gur chóir beart ar bith eile a dhéanamh, cuirfidh an Coimisinéir an bharúil sin, agus na fáthanna atá léi, in iúl do Státrúnaí Thuaisceart na hÉireann agus do cheannaire an fhorais atá i gceist, agus don ghearánaí más ar ghearán atá an fiosrúchán bunaithe. Féadann an Coimisinéir, mar chuid de thuairisc ar bith den chineál sin, pé moltaí is cuí leis a dhéanamh agus iarraidh ar cheannaire an fhorais scéala a chur chuige, taobh istigh d'achar áirithe ama, faoi aon bheart is rún dó a dhéanamh mar gheall ar na moltaí sin (más rún dó aon rud a dhéanamh). Má tharlaíonn, taobh istigh d'achar réasúnta ama i ndiaidh don Choimisinéir an tuairisc sin a dhéanamh, go measann an Coimisinéir nach bhfuil beart cuí, sásúil déanta ag an fhoras mar gheall ar na moltaí, féadfaidh sé, ar a chomhairle féin, agus i ndiaidh dó machnamh ar aon fhreagra a fuair sé ón fhoras, cóip den tuairisc agus dá cuid moltaí a chur chuig Státrúnaí Thuaisceart na hÉireann agus féadfaidh an Státrúnaí pé beart is cuí leis a dhéanamh i dtaobh na tuairisce agus na moltaí sin.

- (a) an individual has been threatened, intimidated or made the object of discrimination because that individual has made a complaint or has given evidence or other information or in the course of an investigation by the Coimisinéir or otherwise assisted the Coimisinéir in any way, or
- (b) the Coimisinéir, or any person acting on his or her behalf or under his or her direction, has been obstructed in the performance of the Coimisinéir's duties or functions under this Act, the Coimisinéir may report that belief and the grounds therefore to the Secretary of State for Northern Ireland and to the head of any institution concerned.

92. If, after carrying out an investigation under this Act, the Coimisinéir is of the opinion that:

- (a) the act or omission that was the subject of the investigation should be referred to any institution concerned for consideration and action if necessary,
- (b) any Act or statutory instrument thereunder, or any regulation or other directive should be altered or discontinued; or
- (c) any other action should be taken, the Coimisinéir shall report that opinion and the reasons for it to the Secretary of State for Northern Ireland and to the head of the institution concerned and, if the investigation was undertaken as a result of a complaint, to the complainant or complainants. The Coimisinéir may, in any such report, make such recommendations as he thinks fit, and request the head of the institution concerned to notify the Coimisinéir within a specified time of the action, if any, that the institution proposes to take to give effect to those recommendations. If, within a reasonable time after a report by the Coimisinéir containing recommendations has been made, adequate and appropriate action has not, in the opinion of the Coimisinéir, been taken, the Coimisinéir, in his or her discretion, and after considering any reply received from the institution concerned, may transmit a copy of the report and recommendations to the Secretary of State for Northern Ireland, and the Secretary of State may take such action as it considers appropriate in relation to the report and recommendations.

93. Níl sé ceadmhach aon imeacht dlí a thionscnamh in éadan an Choimisinéara nó in éadan duine ar bith atá ag gníomhú ar son nó faoi threoir an Choimisinéara, de bharr rud ar bith a deirtear, a dhéantar nó a thuairiscítear de mheon macánta le linn don Choimisinéir a bheith ag cleachtadh aon chumhachta nó aon fheidhme atá aige nó ag comhlíonadh aon dualgais atá air faoin Acht seo. Chun críche aon dlí a bhaineann le leabhal nó clúmhillleadh, bronnfar pribhléid ar aon rud a deirtear, ar aon fhaisnéis a sholáthraítear, ar aon cháipéis a chuirtear i láthair de mheon macánta i rith fiosrúcháin de chuid an Choimisinéara, nó ar a shon, faoi choimirce an Achta seo, agus bainfidh pribhléid fosta le haon tuairisc a dhéanann an Coimisinéir de mheon macánta faoin Acht seo, nó aon chuntas cothrom beacht a dhéantar de mheon macánta ag nuachtán, nó ag tréimhseachán eile, nó i gclár raidió, teilifíse nó aon chineál cumarsáide leictreonaí.

Tuairisc chuig Státrúnaí Thuaisceart na hÉireann

94. Taobh istigh d'achar réasúnta ama i ndiaidh deireadh gach bliain, déanfaidh an Coimisinéir tuairisc a ullmhú agus sin a chur faoi bhráid Státrúnaí Thuaisceart na hÉireann, tuairisc ina mbeidh cur síos ar riar a oifige féin agus ar chomhlíonadh a chuid dualgas faoin Acht seo i rith na bliana atá díreach caite, maille lena chuid moltaí, más ann dóibh, i dtaca le haon leasú nó athrú ar an Acht a fheictear dó a bheith riachtanach nó inmhianaithe chun spiorad agus cuspóirí an Achta a léiriú ar dhóigh níos éifeachtaí.
95. Féadfaidh Coimisinéir na Gaeilge, am ar bith is mian leis/léi, tuairisc speisialta a chur chuig Státrúnaí Thuaisceart na hÉireann chun tagairt agus trácht a dhéanamh ar aon rud atá faoi chúram agus faoi chumas an Choimisinéara, má fheictear dó/di go bhfuil an gnó chomh tábhachtach nó chomh práinneach sin nár cheart é a chur siar go dtí an tráth atá leagtha síos, faoi alt 94, do sheachadadh na chéad tuarascála bliantúla eile.
96. Aon tuairisc a dhéantar faoi alt 94 nó alt 95 den fhochaibidil seo, cuirfear faoi bhráid na Parlaiminte í agus faoi bhráid Thionól Thuaisceart na hÉireann. Fógróidh Coimisinéir na Gaeilge í, agus cuirfear ar fáil don phobal go forleathan í.

93. No criminal or civil proceedings lie against the Coimisinéir, or against any person acting on behalf of or under the direction of the Coimisinéir, for anything done, reported or said in good faith in the course of the exercise or performance of any power, duty or function of the Coimisinéir under this Act. For the purposes of any law relating to libel or slander, anything said, any information supplied or any document produced in good faith in the course of an investigation by or on behalf of the Coimisinéir under this Act is privileged, and any report made in good faith by the Coimisinéir under this Act and any fair and accurate account of the report made in good faith in a newspaper, any other periodical publication, in a broadcast or in any form of electronic communication is privileged.

Report to the Secretary of State for Northern Ireland

94. The Coimisinéir shall, in such time as is reasonably practicable after the termination of each year, prepare and submit to the Secretary of State for Northern Ireland a report relating to the conduct of his or her office and the discharge of his or her duties under this Act during the preceding year, including his or her recommendations, if any, for proposed changes to this Act that the Coimisinéir deems necessary or desirable in order that effect may be given to its spirit and intent.
95. The Coimisinéir may, at any time, make special report to the Secretary of State for Northern Ireland referring to and commenting on any matter within the scope of the powers, duties and functions of the Coimisinéir where, in the opinion of the Coimisinéir, the matter is of such urgency or importance that a report thereon should not be deferred until the time provided for the transmission of the next annual report under section 94.
96. Any report made under section 94 or 95 of this sub-chapter shall also be laid before Parliament and before the Northern Ireland Assembly, shall be publicised by the Coimisinéir and shall be made available to the general public.

Leigheas Cúirte

97. San fhochaibidil seo, ciallaíonn "Cúirt" an Ardchúirt.
98. Má bhíonn gearán déanta leis an Choimisinéir ag duine ar bith i dtaobh dualgais nó cirt faoi Alt 76 den Acht seo, féadfaidh an duine sin leigheas a iarraidh ar an Chúirt faoin chuid seo den Acht.
99. Féadtar iarratas a dhéanamh, faoi alt 98, taobh istigh de nócha lá i ndiaidh don Choimisinéir:
- (a) toradh ar fhiosrúchán an ghearáin ag an Choimisinéir a chur in iúl don ghearánaí;
 - (b) moltaí an Choimisinéara faoin chás a chur in iúl don ghearánaí;
 - (c) a chur in iúl don ghearánaí nach bhfuil sé/sí sásta aon fhiosrúchán a dhéanamh nó nach fiú leis/léi leanúint den fhiosrúchán a thosaigh sé/sí,
- nó taobh istigh de cibé am sa bhreis a d'fhéadfadh an Chúirt, roimh nó i ndiaidh dheireadh na nócha lá sin, a shocrú nó a cheadú.
100. Má tharlaíonn go bhfuil gearánaí i ndiaidh gearán a dhéanamh leis an Choimisinéir faoin Acht seo níos mó ná sé mhí ó shin agus nach bhfuil scéala faighte aige faoi thoradh an fhiosrúcháin, nó faoi mholtaí an Choimisinéara, nó faoi chinneadh an Choimisinéara an fhiosrúchán a scor nó gan é a thionscnamh, beidh sé de cheart ag an ghearánaí iarratas ar leigheas cúirte a dhéanamh faoi Alt 98 am ar bith ina dhiaidh sin.
101. Má chinneann an Chúirt, de thoradh imeachtaí faoi Alt 98, gur loic an foras ar fhorálacha an Achta seo, féadfaidh an Chúirt pé leigheas a bhronnadh a fheictear di a bheith cóir agus cuí i bhfianaise dhálaí an cháis, damhachtain damáistí nó faoiseamh urghaireach san áireamh.
102. Taobh istigh de na teorainneacha ama a shonraítear i bhfo-alt 99 (a) nó (b), féadfaidh an Coimisinéir, le cead an ghearánaí, iarratas ar leigheas Cúirte a dhéanamh, faoin fhochaibidil seo, i leith aon ghearáin atá fiosraithe aige. Féadfaidh an Coimisinéir láithriú sa Chúirt fosta ar son duine ar bith a bhfuil iarratas ar leigheas Cúirte déanta aige faoi Alt 98 den fhochaibidil seo, nó féadfaidh an Coimisinéir, le cead na Cúirte, láithriú mar pháirtí in aon imeachtaí a tharlaíonn faoin fhochaibidil seo.

Court Remedy

97. In this sub-chapter, 'Court' means the High Court.
98. Any person who has made a complaint to the Coimisinéir in respect of a right or duty under section 76 may apply to the Court for a remedy under this part.
99. An application may be made under section 98 within ninety days after:
- (a) the results of an investigation of the complaint by the Coimisinéir are reported to the complainant,
 - (b) the complainant is informed of the recommendations of the Commissioner, or
 - (c) the complainant is informed of the Coimisinéir's decision to refuse or cease to investigate the complaint,
- or within such further time as the Court may, either before or after the expiration of those ninety days, fix or allow.
100. Where a complainant has made a complaint to the Coimisinéir under this Act and is not informed of the results of the investigation, the recommendations of the Coimisinéir or of a decision to refuse or cease to investigate the complaint within six months after the complaint is made, the complainant may make application under section 98 at any time thereafter.
101. Where, in proceedings under section 98, the Court concludes that an institution has failed to comply with this Act, the Court may grant such remedy as it considers appropriate and just in the circumstances, including an award of damages or injunctive relief.
102. The Coimisinéir may, within the time limits prescribed in subsection 99(a) or (b), apply to the Court for a remedy under this sub-chapter in relation to a complaint investigated by the Coimisinéir if the Coimisinéir has the consent of the complainant. The Coimisinéir may also appear before the Court on behalf of any person who has applied under section 98 for a remedy under this sub-chapter, or, with leave of the Court, appear as a party to any proceedings under this sub-chapter.

103. In imeachtaí faoin fhochaibidil seo a bhaineann le gearán in éadan forais, féadann an Chúirt glacadh mar fhianaise le faisnéis a eascraíonn as gearán den chineál chéanna faoin Acht seo a bheidh déanta cheana i leith an fhorais chéanna sin.

103. In proceedings under this sub-chapter relating to a complaint against an institution, the Court may admit as evidence information relating to any similar complaint under this Act in respect of the same institution.

Sceideal

Déanfar an sceideal a nuashonrú le hlonstraim Reachtúil mar agus nuair is riachtanach.

Moltaí don Sceideal

| De réir catagóire | De réir teidil |
|--|--|
| Ranna uile rialtais TÉ | An Roinn Fiontar, Trádála agus Infheistíochta |
| | An Roinn Forbartha Réigiúnaí |
| | An Roinn Cultúir, Ealaíon agus Fóillíochta |
| | An Roinn Forbartha Sóisialta |
| | An Roinn Comhshaoil |
| | An Roinn Airgeadais agus Pearsanra |
| | An Roinn Oideachais |
| | An Roinn Fostaíochta agus Foghlama |
| | An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí |
| | An Roinn Talmhaíochta agus Forbartha Tuaithe |
| | Oifig an Chéad-Aire is an LeasChéad-Aire |
| An Roinn Dlí agus Cirt | |
| | |
| Ranna Rialtais RA | An Roinn Cultúir, Meán agus Spóirt |
| | An Roinn Eachtrach agus Comhlathais |
| | An Roinn Oideachais agus Scileanna Státchiste a Mógachta |
| | An Roinn Iompair, Rialtais Áitiúil agus na Réigiún |
| | An Roinn Comhshaoil, Bia agus Gnóthaí Tuaithe |
| | Oifig an Chaibinéid |
| | An Roinn Cosanta |
| | An Roinn Sláinte |
| | An Oifig Baile |
| | Roinn an Ard-Seansailéara |
| | An Roinn Fostaíochta agus Pinsean |
| An Roinn Trádála agus Tionscail | |
| | |
| Comhairlí ceantair uile rialtais áitiúil | Na ceantair údaráis áitiúil uile i dTuaisceart na hÉireann tar éis Athbhreithniú an Riaracháin Phoiblí |

Schedule

The Schedule will be updated by Statutory Instrument as and when necessary.

Recommendation for Schedule

| By category | By Title |
|--|---|
| All NI government departments | Office of the First Minister and Deputy First Minister |
| | Department of Agriculture and Rural Development |
| | Department of Culture, Arts and Leisure |
| | Department of the Environment |
| | Department of Education |
| | Department of Employment and Learning |
| | Department of Enterprise, Trade and Investment |
| | Department of Finance and Personnel |
| | Department of Health, Social Services and Public Safety |
| | Department of Regional Development |
| | Department of Social Development |
| Department of Justice | |
| UK Government Departments | Department for Culture, Media and Sport |
| | Foreign and Commonwealth Office |
| | Department for Education and Skills |
| | Her Majesty's Treasury |
| | Department for Transport, Local Government and the Regions |
| | Department for the Environment, Food and Rural Affairs |
| | Cabinet Office |
| | Ministry of Defence |
| | Department of Health |
| | Home Office |
| | Lord Chancellor's Department |
| | Department for Work and Pensions |
| Department for Trade and Industry | |
| All local government district councils | Each of the local authority areas in Northern Ireland following the Review of Public Administration |

| | |
|---|--|
| Na comhlachtaí sláinte reachtúla uile (agus a gcomharbaí tar éis ARP) | An Bord Sláinte agus Cúraim Shóisialta |
| Fosta: | Foras Seirbhísí Lárnacha Sláinte agus Seirbhísí Sóisialta TÉ |
| | lontaobhas Sláinte agus Cúraim Shóisialta Bhéal Feirste |
| | lontaobhas Sláinte agus Cúraim Shóisialta an Tuaiscirt |
| | lontaobhas Sláinte agus Cúraim Shóisialta an Oirdheiscirt |
| | lontaobhas Sláinte agus Cúraim Shóisialta an Deiscirt |
| | lontaobhas Sláinte agus Cúraim Shóisialta an Iarthair |
| | Seirbhís Otharchairr TÉ |
| | Otharlann Lae Gharraithe Alexander |
| | Otharlann Cathrach Bhéal Feirste |
| | Seirbhísí Meabhairshláinte Chnoc Bhreacáin |
| | Otharlann Mháthair na nEaslán |
| | Otharlann Mhainistir Mhaigh Chomair |
| | Otharlann Pháirc Musgrave |
| | An Otharlann Ríoga Máithreachais |
| | An Scoil Ríoga Fiaclóireachta |
| | An Otharlann Ríoga do Pháistí Breoite |
| | Otharlann Ríoga Vichteoiria |
| | Otharlann Chearnóg Shaftesbury |
| | Otharlann Ceantair Aontroma |
| | Otharlann Ghleann na Brád |
| | Otharlann an Chlocháin |
| | Otharlann Dhál Riada |
| | Otharlann an Tobair Naofa |
| | Otharlann Lár Uladh |
| | Otharlann Shruth na Maoile |
| | Otharlann Robinson |
| | Otharlann na Mainistreach Finne |
| | Otharlann Ceantair Allt Mhic Dhuibhleacháin |
| | Otharlann na hÉirne |
| | Otharlann na Gráinsí |
| | Otharlann Thír Eoghain & Fhear Manach |
| | Otharlann Contae Thír Eoghain |
| | Otharlann Pobail Ard Mhacha |
| | Otharlann Ceantair Chreag Abhann |
| | Otharlann Chnoc na Nóiníní |
| | Otharlann na Lorgan |
| | Otharlann Dheisceart Thír Eoghain |
| | Otharlann Naomh Lúcas |
| | Otharlann Pobail na hArda |
| | Otharlann Pobail Bheannchair |
| | Otharlann an Dúin |
| | Otharlann Downshire |
| | Otharlann Ghleann an Lagáin |
| | Otharlann Uladh |
| | Foras Cothaithe Sláinte TÉ |
| | An Bord Náisiúnta Altrachta, Cnámhseachais agus Cuartaíochta Sláinte |
| Na hiontaobhais ospidéal uile (agus a gcomharbaí tar éis ARP) | |

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|--|---|
| All statutory health bodies (and their successors following the RPA) | The Health and Social Care Board |
| Also: | NI Central Services Agency for Health and Social Services |
| All hospital trusts and their successors following the RPA | Belfast Health and Social Care Trust |
| | Northern Health and Social Care Trust |
| | South Eastern Health and Social care Trust |
| | Southern Health and Social Care Trust |
| | Western Health and Social Care Trust |
| | NI Ambulance Service |
| | Alexander Gardens Day Hospital |
| | Belfast City Hospital |
| | Forster Green Hospital |
| | Knockbracken Mental Health Services |
| | Mater Infirmorum Hospital |
| | Muckamore Abbey Hospital |
| | Musgrave Park Hospital |
| | Royal Maternity Hospital |
| | Royal School of Dentistry |
| | Royal Hospital for Sick Children |
| | Royal Victoria Hospital |
| | Shaftesbury Square Hospital |
| | Antrim Area Hospital |
| | Braid Valley Hospital |
| | Causeway Hospital |
| | Dalriada Hospital |
| | Holywell Hospital |
| | Mid-Ulster Hospital |
| | Moyle Hospital |
| | Robinson Hospital |
| | Whiteabbey Hospital |
| | Altnagelvin Area Hospital |
| | Erne Hospital |
| | Gransha Hospital |
| | Tyrone & Fermanagh Hospital |
| | Tyrone County Hospital |
| | Armagh Community Hospital |
| | Craigavon Area Hospital |
| | Daisy Hill Hospital |
| | Lurgan Hospital |
| | South Tyrone Hospital |
| | St Luke's Hospital |
| | Ards Community Hospital |
| | Bangor Community Hospital |
| | Downe Hospital |
| | Downshire Hospital |
| | Lagan Valley Hospital |
| | Ulster Hospital |
| NI Health Promotion Agency | |
| National Board for Nursing, Midwifery and Health Visiting | |

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|--|--|
| Gach bord oideachais reachtúil (agus a gcomharbaí tar éis ARP) | An tÚdarás Oideachais agus Scileanna |
| | Bord Oideachais agus Leabharlainne Bhéal Feirste |
| | Bord Oideachais agus Leabharlainne an Deiscirt |
| | Bord Oideachais agus Leabharlainne an Iarthair |
| | Bord Oideachais agus Leabharlainne an Oirdheiscirt |
| | Bord Oideachais agus Leabharlainne an Oirthuaiscirt |
| Fosta: | Comhairle TÉ don Churaclam, Scrúduithe agus Mheasúnú |
| | An tÚdarás Cáilíochtaí agus Curaclaim |
| | Comhairle Ealaíon TÉ |
| | Comhairle Spóirt TÉ |
| | Comhairle Iarsmalann TÉ |
| | Áisíneacht Staidrimh agus Taighde TÉ |
| | An Oifig Toghcháin |
| | Ceadúnú Tiománaí agus Feithicle |
| | Comhairle Caidreamh Pobail TÉ |
| | Soláthar Leictreachais TÉ |
| | Uisce TÉ |
| | Oifig TÉ |
| | Ioncam Intíre |
| | Seirbhís Cúirte TÉ |
| | Custaim agus Mál AM |
| | Coimisiún Ceart Daonna TÉ |
| | Coimisiún Comhionannais TÉ |
| | Coimisiún Leanai TÉ |
| | Seirbhís Póilíneachta TÉ |
| | Ombudsman Póilíneachta TÉ |
| An Fhoireann Fiosrúchán Stairiúil | |

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|---|--|
| All statutory education bodies (and their successors following the RPA) | Education and Skills Authority |
| | Belfast Education and Library Board |
| | South Eastern Education and Library Board |
| | North Eastern Education and Library Board |
| | Southern Education and Library Board |
| | Western Education and Library Board |
| Also: | NI Council for the Curriculum Examination and Assessment |
| | Qualifications and Curriculum Authority |
| | Arts Council NI |
| | Sports Council NI |
| | NI Museums Council |
| | NI Statistics and Research Agency |
| | Electoral Office |
| | Driver and Vehicle Licensing |
| | NI Tourist Board |
| | NI Housing Executive |
| | NI Community Relations Council |
| | Electricity Supply NI |
| | NI Water |
| | NI Office |
| | Inland Revenue |
| | NI Court Service |
| | HM Customs and Excise |
| | NI Human Rights Commission |
| | NI Equality Commission |
| | NI Childrens' Commission |
| | Police Service of NI |
| | Police Ombudsman of NI |
| | Historical Enquiries Team |

Cuid IV

Achoimre ar na dlícheangail idirnáisiúnta atá anois ar an Ríocht Aontaithe maidir leis an teanga Ghaeilge i dTuairceart Éireann

Le Dr. Fernand de Varennes
 Craobhchuradh Linguapax 2004
 Aoi-thaighdeoir, An Faireachlann Idirnáisiúnta ar Chearta Teanga (Ceanada)

1. An Teanga Ghaeilge agus Foinsí na nDlídhualgas Idirnáisiúnta

De bhun roinnt conarthaí idirnáisiúnta a shíniú agus a dhaingniú, tá rialtas na Ríochta Aontaithe freagrach faoin dlí idirnáisiúnta as a chinntiú go gcloíonn a chuid brainsí uilig, agus struchtúir áirithe – bardais agus comhlachtaí 'ceaptha' féin san áireamh, Tionól Thuaisceart Éireann fiú – leis na dlícheangail idirnáisiúnta atá uirthi mar stát ceannasach. Leis an fhirinne dhocht a rá, baineann sé seo le gach conradh atá daingnithe ag an Ríocht Aontaithe sa bharr ar rialacha ábhartha de chuid an dlí idirnáisiúnta ghnáthaimh. Ciallaíonn sé seo go bhfuil roinnt forálacha conartha ann a cheanglaíonn nósanna áirithe iompair ar údarais stáit agus ar chomhlachtaí reachtaíochta agus rialacháin d'fhonn na dlídhualgais seo a chomhlíonadh. Maidir le roghanna teanga nó bacainní teanga a chuirtear i bhfeidhm ag ceann ar bith de na húdarais nó ag an reachtaíocht, go sonrath gan a bheith go heisiach i gcás na Gaeilge, tá trí phríomhfhoinsé ann as a n-eascaíonn na dlídhualgais idirnáisiúnta infheidhmithe:

1. Conarthaí um chearta daonna (go háirithe an *Cúnant Idirnáisiúnta um Chearta Sibhialta agus Polaitiúla, an Coinbhinsiún Eorpach um Chearta Daonna* agus an *Creatchoinbhinsiún um Chosaint na Mionlach Náisiúnta*)
2. *An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh* (a phléann le héagsúlacht teanga agus le cosaint agus cur chun cinn teangacha ach nach n-aithníonn "cearta" ar bith iontu féin)
3. Sainchonarthaí (nó garchonarthaí) mar *Chomhaontú Bhéal Feirste* agus *Chomhaontú Chill Rímhinn* idir Éire agus an Ríocht Aontaithe

Part IV

The international legal obligations of the United Kingdom in respect of Irish in Northern Ireland

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1. The Irish Language and Sources of International Legal Obligations

By signing and ratifying a number of international treaties, the Government of the United Kingdom is responsible in international law to ensure that all of its branches and various state structures – including municipal authorities in Northern Ireland, quangos, and even the Northern Ireland Assembly – comply with the international legal obligations applicable to it as a sovereign state. Strictly speaking, this applies to all treaties ratified by the UK as well as rules of international customary law. This means that there are a number of treaty provisions that impose on all state authorities and legislative or regulatory provisions in Northern Ireland certain types of conduct in order to comply with these legal obligations. In respect of language preferences or restrictions, and specifically though not exclusively in relation to the Irish language in Northern Ireland, there are three main sources of applicable international legal obligations:

1. Human rights treaties (mainly the *International Covenant on Civil and Political Rights*, the *European Convention on Human Rights*, and the *Framework Convention for the Protection of National Minorities*)
2. *European Charter on Regional or Minority Languages* (which deals with linguistic diversity and protecting and promoting languages but does not recognise any "rights" as such)
3. Specific treaties (or quasi-treaties) such as the *Belfast Agreement* and the *St Andrews Agreement* between Ireland and the United Kingdom

Tá go leor cáipéisí eile ann a luaitear go minic maidir le cearta teanga agus ar fiú iad a scrúdú chun cineál agus scóip na gcearta seo a thuiscint, ach níl an Ríocht Aontaithe faoi dhlícheangal beacht sainráite acu: cáipéisí amhail *Foróga na Náisiún Aontaithe faoi Chearta na nDaoine a bhaineann le Mionlaigh Náisiúnta, le Mionlaigh Eitneacha, le Mionlaigh Chreidimh nó le Mionlaigh Teanga*. Agus an tsraith de *mholtaí saineolacha atá arna urrú ag OSCE, leithéid Mholtaí Osló faoi Chearta Teanga na Mionlach Náisiúnta*. Ach ní conarthaí daingnithe arna síniú ag an Ríocht Aontaithe iad agus níl aon mheáchan dlí acu. Os a choinne sin, is foinsí tábhachtacha, údarásacha iad i gcúrsaí polaitíochta, agus is féidir agus is ceart tagairt dóibh nuair is cuí an bás. Tá roinnt forálacha ag Comhaontú Aoine an Chéasta agus ag Comhaontú Chill Rímhinn a bhaineann leis an Ghaeilge i dTuaisceart Éireann ach níl a meáchan dlíthiúil – seachas a meáchan polaitiúil – soiléir fós.

Taobh istigh den *Chúnant Idirnáisiúnta um Chearta Sibhialta agus Polaitiúla*, agus den *Choinbhinsiún Eorpach um Chearta Daonna agus den Chreatchoinbhinsiún um Chosaint na Mionlach Náisiúnta*, tá cearta pearsanta a gcaithfidh an Ríocht Aontaithe cloí leo. Ach níl a leithéid sa *Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh*. Níl aon chearta sa dlí idirnáisiúnta bronnta ar an duine aonair.

Ní dhéanann an Chairt Eorpach ach dlícheangail a chur ar údarás stáit. Tá an Chairt Eorpach dírithe ar chosaint agus ar chothú teangacha agus ní thagann an duine aonair san áireamh mar ábhar caingne dlí. Nuair a bhí An Ríocht Aontaithe ag seachadadh an ionstraim dheimhnithe ar 27 Márta 2001, chuir sé Note Verbale ar fáil ina chuideachta. Sa Nóta Verbale seo ó Oifig Ghnóthaí Eachtracha agus Chomhlathais na Ríochta Aontaithe, dearbhaíodh go mbeadh na forálacha seo a leanas infheidhmithe: Alt 8: Oideachas, Paragraif 1a (iii) 1b (iv) 1c (iv) 1d (iv) 1e (iii) 1f (ii) 1g 1h 2; Alt 9: Údarás Dlí, Paragraf 3; Alt 10: Údarás Riaracháin agus Seirbhísí Poiblí, Paragraif 1a (iv) 1c 2b 2e 2f 2g 3c 4a 5; Alt 11: Na Meáin, Paragraif 1d 1e (i) 1f (ii) 1g; Alt 11: Na Meáin, Paragraif 1a (iii) 1b (ii) 2; Alt 12: Imeachtaí agus Áiseanna Cultúrtha, Paragraif 1a 1d 1e 1f 1h 2 3; Alt 13: Saol geilleagrach agus sóisialta, Paragraif 1d; Alt 14: Malairtí Trasteorann, Paragraif a agus b. Maidir leis na conarthaí um Chearta Daonna agus an Chreatchoinbhinsiún, tá na forálacha uilig infheidhmithe i dTuaisceart Éireann.

2. Ionas agus Lón Abháir na nDualgas Dlí i leith na Gaeilge

Baineann na dlícheangail idirnáisiúnta de ghnáth le dualgais dheimhneacha agus dualgais dhiúltacha an Stáit. Tuigtear go leitheadach go mbaineann an chéad chuid le himeachtaí de chuid an Stáit nó de chuid údarás poiblí agus go mbaineann

There are still other documents which are often quoted in relation to language rights that are relevant to understand the nature and extent of these rights, but they are not strictly speaking legally binding on the UK: documents like the *United Nations Declaration on the Rights of Ethnic, Linguistic and Religious or National Minorities* and the series of OSCE-sponsored expert recommendations such as the *Oslo Recommendations on the Linguistic Rights of National Minorities* are not treaties ratified by the UK and have no direct legally binding impact on it. These documents are nevertheless significant political and authoritative sources of standards of conduct in language matters that can and should be referred to when appropriate. The Good Friday Agreement and the St Andrews' Agreement both have a number of provisions dealing with the Irish language in Northern Ireland, but their legal significance – as opposed to their political influence – is as of yet unclear.

The International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the Framework Convention for the Protection of National Minorities contain individual rights which the United Kingdom must respect, whereas the *European Charter on Regional or Minority Languages* does not entail any rights for individuals in international – only legal obligations on state authorities.

The European Charter is aimed at the protection and promotion of languages and does not deal with individuals as a subject of law. The UK has, in a declaration contained in a Note Verbale from the Foreign and Commonwealth Office handed at the time of deposit of the instrument of ratification of the Charter on 27 March 2001, identified the following provisions as applicable to the Irish language: Article 8: Education Paragraphs 1a (iii) 1b (iv) 1c (iv) 1d(iv) 1e (iii) 1f (ii) 1g 1h 2; Article 9: Judicial authorities, Paragraph 3; Article 10: Administrative authorities and public services, Paragraphs 1a (iv) 1c 2b 2e 2f 2g 3c 4a 5; Article 11: Media, Paragraphs 1d 1e (i) 1f (ii) 1g; Article 11: Media, Paragraphs 1a (iii) 1b (ii) 2; Article 12: Cultural activities and facilities, Paragraphs 1a 1d 1e 1f 1h 2 3; Article 13: Economic and social life, Paragraph 1d; Article 14: Transfrontier exchanges, Paragraphs a and b. As for the human rights treaties and Framework Convention, all provisions are applicable to Northern Ireland.

2. Nature and Content of Legal Obligations in respect of Irish

International legal obligations usually deal with either a state's positive obligations or with negative obligations. The former is mainly understood to involve activities by state or public authorities, while the latter is often identified with an

an dara ceann go bunúsach le gnó príobháideach agus saoirsí bunúsacha an duine aonair. Cé nach bhfuil an sainmhíniú seo saor ar fad ó chonspóid, is idirdhealú úsáideach é. I gcúrsaí teanga go háirithe is léir gur úsáid phríobháideach teanga a bhíonn i gceist i gcuid de na forálacha conartha ach go mbaineann cuid eile acu le iachall a chur ar an Stát aitheantas a thabhairt do theangacha eile, agus seirbhísí a sholáthar iontu.

Cuimsíonn *An Cúnant Idirnáisiúnta um Chearta Sibhialta agus Polaitiúla*, an *Coinbhinsiún Eorpach um Chearta Daonna* agus *An Chreatchoinbhinsiún um Chosaint na Mionlach Náisiúnta* forálacha a théann do úsáid phríobháideach teanga chomh maith le húsáid na teanga ag na húdaráis phoiblí. Ach de thairbhe fócas ar leith a bheith ag an Chairt Eorpach déileálann sí go heisiach le húsáid na Gaeilge (agus cúpla teanga eile) ag na húdaráis phoiblí. Ní thráchtann sí ar aon cheart ag daoine aonair an teanga a úsáid go príobháideach, agus a leagann mar sin oibleagáidí deimhneacha ar údaráis i dTuaisceart Éireann nó a phléann le TÉ agus leis an teanga Ghaeilge.

2.1 Úsáid Phríobháideach na Gaeilge i dTuaisceart Éireann

Taobh istigh den *Chúnant Idirnáisiúnta um Chearta Sibhialta agus Polaitiúla*, agus den *Choinbhinsiún Eorpach um Chearta Daonna* agus den *Chreatchoinbhinsiún um Chosaint na Mionlach Náisiúnta*, tá roinnt forálacha ann i leith "úsáid phríobháideach teanga" agus cuireann siad dualgas diúltach ar an Ríocht Aontaithe gan cur isteach ar úsáid na Gaeilge.

- Mar chuid den cheart ar bheatha phríobháideach atá luaite, mar fhoráil ghinearálta de chearta daonna, san *Chúnant Idirnáisiúnta* agus sa *Choinbhinsiún Eorpach*, féadann daoine ainm agus sloinne Gaeilge a bheith acu gan aon chosc aondeonach nó míreasúnta. Agus sa *Chreatchoinbhinsiún um Chosaint na Mionlach Náisiúnta*, tá an ceart sin luaite go sonrathach mar ghléas cosanta do mhionlaigh náisiúnta.
- Faoi 'shaoirse friotail' ceadáítear do achan duine a rogha teanga a úsáid in imeachtaí príobháideacha. Sa dlí idirnáisiúnta tá cosaint ar theangacha mar shlánchuid de 'fhriotal'. Cé gur féidir an ceart seo a theorannú, ní cheadaíonn an dlí idirnáisiúnta sin ach amháin ar cheann de na fáthanna a aithnítear ins na conarthaí. Is é sin nuair a leagtar síos sa dlí é agus "nuair a bhíonn gá lena leithéid i sochaí dhaonlathach ar mhaithe leis an slándáil náisiúnta, le caomhnú críocha, nó leis an

individual's private affairs or fundamental freedoms. Although such a description is far from uncontroversial, in relation to language it is still a useful divide. Especially in language matters, it is clear that some treaty obligations only deal with the private use of a language and seem mainly to refer to negative obligations, whereas other legal treaty obligations impose on public authorities positive obligations to respond to or provide services in other languages.

The International Covenant on Civil and Political Rights, the *European Convention on Human Rights*, and the *Framework Convention for the Protection of National Minorities* contain provisions that affect both the private use of a language such as Irish as well as the use of this language by public authorities. However, because of its very different focus, the European Charter deals essentially exclusively with the use of the Irish language (and a few others) by public authorities and not any right of individuals to the private use of their language, and therefore imposes positive obligations on authorities in or dealing with Northern Ireland and the Irish language.

2.1 Private Use of Irish in Northern Ireland

The International Covenant on Civil and Political Rights, the *European Convention on Human Rights*, and the *Framework Convention for the Protection of National Minorities* contain provisions which guarantee a number of "private usage rights", or negative obligations, on the UK not to interfere in relation to the Irish language:

- Under the right to private life which is contained as a general human rights provision in the *International Covenant on Civil and Political Rights* and the *European Convention on Human Rights*, individuals are free to have their name and surname in the Irish language without any arbitrary or unreasonable restrictions. This is also contained in the *Framework Convention for the Protection of National Minorities* as a specific right for the protection of national minorities.
- Under freedom of expression, any individual is free to use in private activities his or her language of choice. Language is protected as a constituent of expression in international law. While it is possible to restrict this private freedom, in international law this can only be done under one of the established grounds recognised in the treaties, only when prescribed by law 'and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for

tsábháilteacht phoiblí, d'fhonn ainriail nó coiriúlacht a chosc, do chosaint na sláinte nó na moráltachta, d'fhonn cearta daoine eile a chosaint, d'fhonn cosc a chur ar sceitheadh eolais a fuarthas faoi dhiscréid, nó d'fhonn údarás agus neamhchlaontacht na gcúirteanna a chaomhnú", de réir Alt 10 den Choinbhinsiún Eorpach, mar shampla. Tá an méid seo le fáil fosta sa *Chreatchoinbhinsiún um Chosaint na Mionlach Náisiúnta* mar cheart sonrath ar mhaithe le cosaint na mionlach náisiúnta. Is fiú a chuimhneamh nach ceadmhach teorainn a chur le saoirse friotail – agus úsáid phríobháideach na Gaeilge i dTuaisceart Éireann – ar ábhar ar bith eile seachas iad siúd a cheadaítear sa dlí idirnáisiúnta. Aon dlí nó rialachán a chúngódh úsáid phríobháideach na Gaeilge, ba shárú é ar dhlídualgais idirnáisiúnta na Ríochta Aontaithe mura mbeadh sé ceadaithe cheana féin ins an dlí idirnáisiúnta. Faoi 'shaoirse friotail' agus na forálacha cuí sa *Chreatchoinbhinsiún*, cuimsíonn 'cead an Ghaeilge a úsáid go príobháideach' cead ar chomhráite príobháideacha i nGaeilge, cead ar chraoladh príobháideach i nGaeilge, cead comharthaí agus pósteair agus scríbhinní príobháideacha eile i nGaeilge srl.

- Faoi Alt 27 den *Chúnant Idirnáisiúnta um Chearta Sibhialta agus Polaitiúla* ní ceadmhach gan ligean do bhaill aon mhionlaigh náisiúnta a dteanga féin a úsáid le baill eile dá bpobal féin. Cé go bhfuil úsáid phríobháideach teanga i gceist anseo fosta, tá an fhoráil seo níos teoranta ar dhóigheanna áirithe i gcomparáid le 'saoirse friotail,' cionn is go bhfuil sé ag baint le baill de phobal ar leith in áit a bheith ag baint le duine aonair ar bith. Ach ar mhórán dóigheanna bheadh an meáchan céanna aige i réimse na n-imeachtaí príobháideacha. Caitheadh baill an phobail Ghaeilge bheith ábalta a dteanga a úsáid eatarthu féin. Agus is féidir go bhfuil impleacht eile leis atá níos cuimsithí fós, nó is dócha go gcuimsíonn sé an ceart ar scoileanna príobháideacha a bhunú agus a réachtáil chun an Ghaeilge a úsáid mar mheán teagaisc. Tá na cearta seo le fáil fosta sa *Chreatchoinbhinsiún um Chosaint na Mionlach Náisiúnta* mar chearta sonracha um chosaint na mionlach náisiúnta.

Is éigean a rá go bhfuil an RA ag comhlíonadh a cuid dualgas idirnáisiúnta sa ghort seo bunús mór an ama,¹¹ ach tharla roinnt ábhar sáraithe a thiocthadh a sheachaint dá rithfí Acht Gaeilge do Thuaisceart Éireann. Is cosúil, mar shampla, gur tugadh bata is bóthar do fhostaithe i dTuaisceart Éireann as comhráite príobháideacha a dhéanamh i nGaeilge. Shíl na fostóirí, go hearráideach, go raibh seo arna cheadú, agus

the prevention of disorder or crime, for the protection of health or morals, for the protection of the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary", according to Article 10 of the European Convention, for example. This is also contained in the *Framework Convention for the Protection of National Minorities* as a specific right for the protection of national minorities. It is to be noted that it is not permissible to restrict freedom of expression – and the private use of the Irish language in Northern Ireland – for any other reason other than those limitations permitted in international law. Any law or regulation which might lead to the limitation of the private use of the Irish language would violate the UK's international legal obligations, unless it involves a recognised limitation or right under international law. Under freedom of expression and the relevant *Framework Convention* provisions, the private use of the Irish language that is protected here includes the freedom to hold private conversations in Irish, to have private broadcasting in Irish, to have signs and posters and other writings of a private nature in Irish, etc.

- Under Article 27 of the *International Covenant on Civil and Political Rights*, persons belonging to a linguistic minority shall not be denied the right to use their own language with other members of their community. Although also involving private use of a language, it is more limited in scope in some respects than freedom of expression because it is limited to members of a specific community rather to any individual. In many respects however it would have similar impact in the area of private activities. Members of the Irish community must be free to use their language among themselves. One possible greater impact of this right is that it probably includes the right to open and operate private schools which use the Irish language as medium of education. These are also contained in the *Framework Convention for the Protection of National Minorities* as specific rights for the protection of national minorities.

While in general one would have to say that the UK is largely now conducting itself in conformity with its international obligations in this category,¹¹ there are still some potential violations which might be avoided with the adoption of an Irish language act for Northern Ireland. For example, some employers have apparently fired employees in Northern Ireland for holding private conversations in Irish after having

¹¹ Go ginearálta, ach ní go hiomlán. In aighneacht a rinne an Coimisiún Thuaisceart Éireann um Chearta Daonna i Mí na Samhna 2004 faoin teideal "Aonbhille Cothromais do Thuaisceart Éireann", is cosúil go raibh an Coimisiún ag maiomh nár cheart don Ríocht Aontaithe, i gcás Thuaisceart Éireann, cloí leis an lántoirmeasc ar leithcheal a d'iarr na conarthaí um chearta daonna a bhí daingnithe ag an Ríocht Aontaithe. Rinne an Coimisiún an moladh aisteach nár cheart an leithcheal ar bhonn teanga a thoirmeasc go hiomlán ar an ábhar go mbeadh a leithéid "ró chonspóideach". Ach ní dhéarna an Coimisiún aon iarracht fáthanna na conspóideachta seo a léiriú. Féach paragraf 34. D'fhéadfadh na daoine ar baill iad den mhionlach Caitliceach i dTuaisceart Éireann an cinneadh seo a fheiceáil mar ionsaí follasach ar an Ghaeilge.

¹¹ Generally, but not completely. In a November 2004 submission by the Northern Ireland Human Rights Commission entitled "A Single Equality Bill for Northern Ireland", the Commission seemed to imply that the United Kingdom not completely prohibit discrimination in Northern Ireland as would demand the human rights treaties ratified by the UK. The Commission, oddly, suggested that discrimination on the ground of language should not be prohibited because it is "too problematic" without attempting to demonstrate why this is so. See paragraph 34. This could be seen by members of the Irish Catholic minority as blatantly aimed at the Irish language.

arna mholadh fiú, faoi Alt 75 den *Acht Comhionannais* agus faoi fhorálacha an *Ordú um Chóirfhostaíocht agus Chóirdhéileáil (Tuaisceart Éireann)*. Is gnách argóintí camchasta a úsáid chun an toirmeasc ar úsáid príobháideach na Gaeilge san áit oibre a chosaint. Tá ceann de na léirithe is soiléire ar dhearcadh an Choimisiún um Chomhionannas leagtha amach i litir den 29 Márta 2002. Admhaíonn sé nach aon sárú dlí ann féin úsáid na Gaeilge san áit oibre, agus molann an Coimisiún do na fostóirí spiorad na fáilte agus na comhurraime a chothú i measc na n-oibríthe. Ach creideann an Coimisiún gur chóir do na húdaráis phoiblí daoine aonair a chosc ó labhairt na Gaeilge ar eagla go mbeadh fostaithe eile "gonta" nó "imeallaithe" nuair a chluinfeadh siad í á labhairt ansin. Tá seo curtha ar leac sa sliocht seo a leanas:

"Ins an áit oibre, go háirithe ins na háiteanna sin ina bhfuil na daoine gan Ghaeilge ina mionlach, nó gan stádas ard san fhoireann acu, féadfaidh siad a mhothú go bhfuil siad á ndúnadh amach ó na comhráite. I gcásanna mar seo, ní úsáid na Gaeilge inti féin, ach an t-eisiamh a thagann mar thoradh air sin, a chuireann isteach ar shuaimhneas na timpeallachta agus d'fheadfadh seo bheith ina chomhchúis le líomhaintí leithcheala, leithcheal a bheadh ag sárú an Ordú um Chóirfhostaíocht agus Chóirdhéileáil."

I *gCód Cleachtais na Cóirfhostaíochta* (mír 5.2.2.) iarrtar ar fhostóirí,

"...chun críocha na comhdheise a chothú, timpeallacht agus spiorad maith caidrimh a chothú ionas go mothóidh gach oibrí nach bhfuil sé faoi aon bhagairt nó faoi aon imeagló de bharr a chreidimh nó a thuairimí polaitíochta.

Sa bharr air sin, más eol do fhostóir ar bith go bhfuil ball ar bith den fhoireann san áit a dtiocfadh leis a mhothú go bhfuil sé inghonta nó ar an uaigneas, ba chóir don fhostóir, sa chás sin, staonadh go cúramach ó aon bheart a dhéanamh arbh fhéidir go méadódh sé an inghontacht nó an t-uaigneas sin. Ba scéal den chineál sin oibríthe eile bheith ag caint i dteanga a bhí dothuigthe ag an mhionlach san fhoireann. Ní amháin go mbeadh sé de cheart ag an fhostóir beart a dhéanamh chun a leithéid de chleachtas a chosc, ach is féidir go measfadh Binse Breithiúnais go raibh dualgas air é a dhéanamh sa chás sin."

Mura gcuirtear cosc ar achán chomhrá príobháideach san áit oibre, is iondúil go mothóidh oibríthe áirithe go bhfuil siad eisiata nó "ar an uaigneas". Ní choisceann an dlí idirnáisiúnta comhráite príobháideacha fiú má fhágann sin daoine áirithe eisiata nó "ar an uaigneas". Ó tharla nach bhfuil an Coimisiún

wrongly been led to believe that this was condoned and perhaps even required under Article 75 of the *Equality Act* and the provisions of the *Fair Employment NI Order*. The arguments used to justify banning the private use of Irish in the workplace are sometimes convoluted. One of the clearest descriptions of the Equality Commission's position was set out in a letter of 29 March 2002. It states that while the use of Irish in the workplace is not unlawful in itself, and the Commission "encourages employers to promote a spirit of inclusivity and mutual respect", the Commission believes that individuals should be prevented by public authorities from using Irish in case hearing the language could "offend" or "exclude" members of the English-speaking majority in some situations. This is set out in the following extract:

"Employees who converse in Irish when in the company of others who do not speak the language, may be seen by those others as excluding them from the conversation, particularly in situations where the non-Irish speakers are in a minority or vulnerable position. In such situations it may not be the use of the Irish as such, but the act of excluding which gives rise to a problem in relation to a good and harmonious working environment and it could well be a factor in allegations of discrimination contrary to the Fair Employment and Treatment Order."

The *Fair Employment Code of Practice* (section 5.2.2) urges employers in the promotion of equality of opportunity,

"To promote a good and harmonious working environment and atmosphere in which no worker feels under threat or intimidated because of his or her religious belief or political opinion.

In addition, if an employer is aware that any of their staff are in a position where they might feel vulnerable or isolated, then the employer should be particularly sensitive to anything in the environment which might add to that isolation or vulnerability. Other staff speaking in a language not understood by the minority staff would obviously be such a factor and an employer would not only be justified in taking steps to prevent such excluding behaviour, but it could not be regarded by a Tribunal as having a responsibility to do so in those circumstances."

Unless all private conversations are excluded in a workplace, it is a normal and unavoidable consequence that some individuals are excluded or "isolated". International law does not prohibit private conversations even if some individuals are left out or isolated. Since the Commission is not stating

ag moladh go gcuirfí cosc ar achan chomhrá príobháideach, ní fíor don argóint gur leor na forálacha a luaitear thuas chun teorannú a dhéanamh ar an tsaoirse friotail a bhronnann an dlí idirnáisiúnta. Níl bailíocht ar bith sa dlí idirnáisiúnta ag aon reachtaíocht nó rialachán i dTuaisceart Éireann a thugann "ceart" do dhaoine gan a bheith lom leis an Ghaeilge san áit oibre príobháideach. Ní féidir teorannú a dhéanamh ar an tsaoirse friotal, comhráite príobháideacha i nGaeilge san áireamh, ach amháin nuair a ordaíonn an dlí é sin agus is é sin nuair a leagtar síos sa dlí é agus "nuair a bhíonn gá lena leithéid i sochaí dhaonlathach ar mhaithe leis an tslándáil náisiúnta, le buanchaomhnú críocha, nó leis an tsábháilteacht phoiblí, d'fhonn ainriail nó coiriúlacht a chosc, d'fhonn sláinte nó moráltacht a chosaint, d'fhonn cearta daoine eile a chosaint, d'fhonn cosc a chur ar sceitheadh eolais a fuarthas faoi dhiscreid, nó d'fhonn údarás agus neamhchlaontacht na gcúirteanna a chaomhnú". Aon tagairt do chearta daoine eile a dhéantar ins na conarthaí éagsúla, baineann sé le cearta atá aitheanta ag an dlí idirnáisiúnta. Sa dlí idirnáisiúnta níl aon cheart ar gan a bheith lom le teanga eile, fiú má mhothaíonn duine gur bagairt é sin. Níor dhóiche sin ná go mbeadh ceart ag daoine sa dlí idirnáisiúnta gan a bheith lom le comhartha infheicthe ar bith de chuid an Giúdachais nó an Mhoslamachais. Ar an ábhar sin ní féidir píosaí den reachtaíocht intíre a úsáid mar leithscéal chun bearnú a dhéanamh ar cheann de na cearta is bunúsaí sa dlí idirnáisiúnta mar atá, saoirse friotail.

Sa bharr air sin, d'fhéadfaí a mhaíomh gur cleachtas leithchealach a bhí á mholadh ag an Choimisiún seo. Is cosúil go bhfuil na tuairimí seo thuas dírithe ar "bhagracht" na gcainteoirí Gaeilge, agus nach bhfuil cosc ar bith á mholadh ar lucht labhartha na dteangacha eile (Araibis, Sínis srl). Gan díriú ach ar theanga grúpa amháin nó comhráite de facto a dhéanamh sa teanga sin, nuair nach bhfuil cosc ar aon duine eile labhairt ina dteanga féin, d'fhéadfadh sé a bheith leithchealach ar bhonn teanga nó bhunadh eitneach, chomh maith le saoirse cainte a shárú. Mar a admhaítear i roinnt dlínsí den dlí choiteann, is beart leithchealach é gan ligean do ghrúpa eitneach nó grúpa mionlach a theanga féin a labhairt san áit oibre:

"Is é is leithcheal teanga ann, déileáil ar dhóigh ar leith le duine amháin agus gan de chúis leis sin ach teanga dhúchais nó modh cainte an duine sin. San áit oibre, mar shampla, bheadh leithcheal i gceist dá mbeadh polasaí aonteangachais Bhéarla i réim, go háirithe i gcás duine nach mbeadh an Béarla mar phríomhtheanga aige nó aici.

Tá roinnt cúirteanna (sna Stáit Aontaithe) i ndiaidh a rialú gurb ionann leithcheal teanga agus leithcheal ar bhonn náisiúntachta nó cine. Agus, chomh déanach le 1991, rialaigh an chúirt gur chóir dearcadh ar leithcheal teanga mar a bheadh leithcheal cine ann (*Hernandez v. New*

that all private conversations should be banned even if individuals are "left out", its reasoning that the above quoted provisions can be used as a permissible ground for restricting freedom of expression in international law is false.

Legislation and regulations in Northern Ireland that give a "right" not to be exposed to the Irish language in the private workplace are not valid in international law. Only when prescribed by law "and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary" can freedom of expression, including the freedom to have private conversations in Irish, be restricted. Since the reference to the rights of others in various treaties refers to those rights as recognised in international law (there is no right not to be exposed to another language in international law even if one feels threatened by it, any more than there would be a permissible right in international law not to be exposed to any visible sign of the Jewish or Islamic faiths), and not domestic law, the use of various pieces of domestic legislation cannot be used as an excuse to breach one of the most fundamental human rights in international law - freedom of expression.

Additionally, to do so could also be deemed in practice as discriminatory. It seems that the comments above are only aimed at speakers of Irish as being "threatening", and no other language (Arabic, Chinese, etc.). Only targeting or having de facto conversations in the language of one group and no other being prohibited from speaking their own language could, in addition to violating freedom of expression, be discrimination on the ground of language or ethnic origins. As is acknowledged in a number of common law jurisdictions, preventing individuals from one ethnic or minority group from speaking their own language in the workplace is discrimination:

"Language discrimination means treating someone differently solely because of his or her native language or other characteristics of speech. On the job, for example, an employee may be subjected to language discrimination if the workplace has a "speak-English-only" policy, especially if her primary language is not English...

Some courts [in the United States] have found language discrimination to be the same as discrimination based on race or national origin...And, as recently as 1991, the court ruled that in some cases, language-based discrimination should be treated as race discrimination

York). Chosain cúirteanna eile ceart na ngrúpaí mionlaigh a bheith saor ó leithcheal. Réasúnaigh na cúirteanna seo gur féidir leis an leathcheal teanga dochar díréireach a dhéanamh do mhionlaigh bhundúchais, fiu murb ionann teanga agus bundúchas náisiúnta, agus gur féidir leis, mar shampla, bheith ina shárú ar Theideal V11 den *Acht um Chearta Sibhialta* 1964 a choisceann leithcheal san áit oibre ar bhonn náisiúntachta dúchais." ¹²

Is cosúil gur tháinig Coiste Comhairleach Saineolaithe an *Chreatchoinbhinsiún um Chosaint na Mionlach Náisiúnta* ar an dearcadh céanna i 2011 nuair a d'fhógair siad gan dé bhri gur sháraigh an RA a oibleagáidí dlíthiúla idirnáisiúnta ina leith seo:

147. [...] Bhí an Coiste Comhairleach míshásta a chluinstin gur mheas cuid d'ionadaithe na n-údarás go ndéanann cur chun cinn úsáid na Gaeilge leathcheal ar dhaoine a bhaineann le pobal an triomlaigh. Níl ráitis den chineál sin ag teacht le prionsabail an Chreatchoinbhinsiúin, agus le Airteagal 10, go háirithe. Athdhearbhaíonn sé fosta, ag teacht le hAirteagal 4.2 agus Airteagal 4.3 an Chreatchoinbhinsiúin, nach dtig feidhmiú chearta mionlaigh faoin Chreatchoinbhinsiún a mheas ina leithcheal in éadan daoine eile... ¹³

Nocht Coiste na Saineolaithe ar an Chairt Eorpach tuairimí láidre eile den chineál sin fosta ina dtuarascáil 2010,

123. [...] ní mheastar glacadh le bearta ar leith i bhfabhar teangacha réigiúnacha nó mionlaigh a dhíreodh ar chomhionannas a chur chun cinn idir úsáideoirí na dteangacha agus an chuid eile den phobal, nó aird chuí a thabhairt ar a saindálai, a bheith ina ghníomh leithcheala in éadan úsáideoirí teangacha is forleithne. ¹⁴

2.2 Úsáid, Cosaint agus Cothú na Gaeilge ag Údaráis Phoiblí i dTuaisceart Éireann

Tá dhá shraith de dhlídhualgais dheimhneacha idirnáisiúnta ann i ndáil le húsáid nó cosaint na Gaeilge faoi chonarthaí éagsúla:

- Sa Chairt Eorpach agus, ar scála níos lú, sa Chreatchoinbhinsiún, tá forálacha dlícheanglacha ann a aithníonn go gcaithfidh an RA bearta a dhéanamh chun

(*Hernandez v. New York*). Other courts have also protected the right of language minority groups to be free from discrimination. Those courts have reasoned that even if language and national origin were not synonymous, language-based discrimination disproportionately harms national origin minorities and can, for instance, violate Title VII of the *Civil Rights Act* of 1964, which prohibits workplace discrimination because of national origin." ¹²

It seems that the Advisory Committee of Experts of the *Framework Convention for the Protection of National Minorities* reached the same conclusion in 2011 when it stated without ambiguity that the UK was in breach of its international legal obligations in this respect:

147. [...] The Advisory Committee was disconcerted to hear that some representatives of the authorities consider that promoting the use of the Irish language is discriminating against persons belonging to the majority population. Such statements are not in line with the principles of the Framework Convention, and in particular with the provisions of Article 10. It also reiterates that, in line with Article 4.2 and Article 4.3 of the Framework Convention, implementation of minority rights protected under the Framework Convention are not be considered as discriminating against other persons... ¹³

The Committee of Experts on the European Charter also made similar strong comments in its 2010 report,

123. [...] the adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages. ¹⁴

2.2 The Use of the Irish Language by Public Authorities in Northern Ireland and its Protection and Promotion

The UK has two distinct sets of international legal obligations in relation to the use or protection and promotion of the Irish language under different treaties:

- The European Charter and to a lesser degree the Framework Convention have provisions which are legally

¹² Cearta Teanga ACLU Thuaisceart Chalifornia, arna rochtain, 2 Márta 2005 ag <http://www.aclunc.org/language/lang-report.html>

¹³ An Coiste Comhairleach ar an Chreatchoinbhinsiún um Chosaint Mionlach Náisiúnta, an Triú Tuairim ar an Ríocht Aontaithe ar glacadh leis ar 30 Meitheamh 2011, Strasbourg, 22 Nollaig 2011, ACFC/OP/III(2011)006.

¹⁴ Feidhmiú na Cairte sa RA, Tuarascáil agus Moltaí Choiste na Saineolaithe, ECRML (2010) 4, 21 Aibreán 2010, parag. 123, Strasbourg.

¹² Language Rights, ACLU of Northern California, accessed 2 March 2005 at <http://www.aclunc.org/language/lang-report.html>

¹³ Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on the United Kingdom adopted on 30 June 2011, Strasbourg, 22 December 2011, ACFC/OP/III(2011)006.

¹⁴ Application of the Charter in the UK, Report and Recommendations of the Committee of Experts, ECRML (2010) 4, 21 April 2010, para. 123, Strasbourg,

an Ghaeilge a chosaint agus a chothú. Tá foclaíocht na bhforálacha seo measartha ginearálta, áfach, sa dóigh go dtiocfadh 'clár céimseach' a bhaisteadh orthu – is é sin go bhfuil próiseas céimseach i gceist atá deacair a mheasúnú go beacht. Cé gur léir go gcaithfidh an RA "rud éigin" a dhéanamh chun an Ghaeilge a chosaint agus a chothú i dTuaisceart Éireann, braitheann an "rud" seo ar chomhthéacs, sa dóigh is go dtiocfadh a rá go bhfuil sé measartha ceomhar i roinnt cásanna.

- Ach sa bharr ar dhualgas ginearálta an RA, má dhearcaimid ar na cearta aonair a bhronnann an Creatchoinbhinsiún agus na dualgais Stáit a leagtar síos sa Chairt Eorpach, is léir go gcaithfidh na húdaráis phoiblí córas cuí úsáide a shocrú don Ghaeilge i réimsí an riaracháin, an dlí, an oideachais agus i réimsí cuí eile dá ngort oibre. Go bunúsach, ba chóir do na húdaráis phoiblí an Ghaeilge a úsáid go comhréireach áit ar bith a bhfuil líon suntasach Gaeilgeoirí ann nó san áit ina n-iarrann dálaí an cháis a leithéid. Cuirtear síos air seo ar dhóigh beagán éagsúil i bhforálacha ar nós Airteagal 10 den Chreatchoinbhinsiún (áit a gcosnaítear úsáid na Gaeilge i gcásanna áirithe má tá sí traidisiúnta sa cheantar cé nach bhfuil líon mór cainteoirí fágtha ansin anois). Tá an Chairt Eorpach fódaithe ar an Stát a bheith sásta glacadh le forálacha na cairte a oireann don teanga. Maidir leis na forálacha ar ghlac an RA leo i gcás na Gaeilge, tá siad seo measartha íosmhéideach, gan a sholáthar, mar shampla, ach seirbhís aistriúcháin de chineál éigin do cháipéisí agus fhaisnéis áirithe. Os a choinne sin, tá an soláthar don oideachas poiblí níos féile ná sin. Is féidir a mhaíomh fosta gurb ionann úsáid na Gaeilge a cheadú go cionmhar agus leithcheal a dhéanamh de réir forála ar nós Alt 26 an *Chúnant Idirnáisiúnta ar Chearta Sibhialta agus Polaitiúla* nó Prótacal 12 *Chairt na hEorpa ar Chearta an Duine* a tháinig i bhfeidhm ar 1 Aibreán 2005 – cé gur dhiúltaigh an RA, ar an drochuair, an prótacal sin a shíniú.

Is leis an dá chatagóir oibleagáidí seo a éiríonn an gá atá le hacht ar son na Gaeilge i dTuaisceart Éireann níos follasaí agus fiú níos práinní. Nach léir, maise, agus a leithéid ann cheana in Albain agus sa Bhreatain Bheag, gur mithid bearta reachtaíochta a chur i gcrích i dTuaisceart Éireann. Ar an ábhar go ndéileálann acht leis an méid "aitheantais" agus úsáide a bhaineann leis an Ghaeilge i gcuid mhór imeachtaí poiblí, sa riarachán, sa chraoladh, agus sna cúirteanna, is é

binding that recognise that the UK must take steps to protect and promote the Irish language. These are however rather generally worded provisions and could be described as programmatic – involving a gradual process that can be quite difficult to quantify precisely. Whereas it is clear that the UK must do "something" to protect and promote the Irish language in Northern Ireland, what exactly is this "thing" that must be done is context dependent, not to say rather amorphous in some cases.

- Additionally however, and taking the form of individual rights in the Framework Convention and of state obligations under the European Charter, public authorities, including the Northern Ireland Assembly, must provide for an appropriate use of the Irish language in administrative, judicial, educational and other areas of involvement of public authorities. Essentially, the Irish language should be used by public authorities "proportionally" where there are substantial numbers or where it is justified by the context. This is expressed slightly differently in provisions such as Article 10 of the Framework Convention (where in some cases the use by public authorities of Irish can be justified if it is traditional in an area, even in the absence of substantial numbers of speakers of that language). The European Charter also is premised on a state adopting the provisions of the Charter which "suits the language". In the case of the provisions which the UK has accepted in respect of Irish in Northern Ireland, these tend towards the minimalist end of the scale, more limited to some availability of translation services in Irish for certain types of documents and information, though the provisions for public education that are applicable for the Irish language are more generous. It is also possible to argue that a refusal by public authorities to use proportionally the Irish language constitutes discrimination on the basis of language under a provision such as Article 26 of the *International Covenant on Civil and Political Rights* or Protocol 12 of the *European Convention on Human Rights* which entered into force on 1 April 2005 – though the UK has refused to sign this protocol, unfortunately.

It is with these two categories of obligations that the need for a language act for Irish in Northern Ireland becomes most evident. Indeed, the existence of such legislation already for Welsh and Scottish Gaelic would seem to indicate that the time has come for legislative steps to be taken in Northern Ireland. Because this deals with the actual degree of "recognition" and use of the Irish language in a wide variety

seo an áit is mó riachtanas le soiléire agus comhthuírim. Nó, ar thaobh amháin, is iondúil go mbeadh lucht na Gaeilge ag iarraidh oiread agus is féidir a fháil, agus ar an taobh eile, bíonn claonadh stairiúil sa RA – ag údaráis phoiblí in áiteanna eile chomh maith – cur in éadan a thuilleadh ceangal taobh istigh dá ndlíthe féin. Míníonn sé seo i bpáirt an fáth a mbíonn na dlíthe teanga in Albain agus sa Bhreatain Bheag, fiú nuair is iad a gcuid tionól féin a ghlacann leo, den chuid is mó de réir cláir: san iomlán is beag cearta duine aonair atá iontu chun an Ghàidhlig nó an Bhreatnais a úsáid. Ina áit sin, díríonn siad a n-iarreachtaí ar scéimeanna teanga mar a ngeallann cuid de na gníomhaireachtaí rialtais agus cuid de na húdaráis phoiblí seirbhísí Gàidhlig nó Breatnais a sholáthar nó na teangacha sin a úsáid maidir leis na seirbhísí a chuireann siad ar fáil. Ar an taobh eile, tá cearta áirithe do dhaoine aonair a gcaithfidh an RA iad a aithint i leith na Gaeilge (na Gàidhlig agus na Breatnais). Mura sonraítear na cearta seo ar dhóigh níos soiléire, i modh reachtaíochta, tá contúirt ann go ndéanfar faillí iontu nó séanadh orthu.

Tá dearcaí ann atá láidir agus – tar éis chomhairlí le déanaí a rinne Coiste Comhairleach na Saineolaithe ar an Chreatchoinbhinsiún agus an Coiste Saineolaithe ar an Chairt Eorpach araon – doshéanta go bhfuil oibleagáid dhlíthiúil idirnáisiúnta ar an RA glacadh le dlí teanga don Ghaeilge i dTuaisceart Éireann – oibleagáid a chaitheas sí anois a chomhlíonadh.

Roimhe seo cháin Coiste Comhairleach na Saineolaithe ar an Chreatchoinbhinsiún go háirithe i dtíortha eile ganntanas dlíthe soiléire teanga, mar atá léirithe thíos i dtuairimí a bhaineann le hAirteagal 10 (úsáid teanga náisiúnta mionlaigh ag údaráis riaracháin):

101. Breithníonn an Coiste Comhairleach go bhfuil easpa soiléire ann i reachtaíocht na hAirméine faoin cheart ar theangacha mionlaigh a úsáid sa chaidreamh leis na húdaráis riaracháin, agus tugann sé faoi deara go maíonn na húdarás phoiblí go bhfuil a leithéid de áis ann i gceantair mar a bhfuil líon cuí daoine a bhaineann le mionlach náisiúnta. Is é tuairim an Choiste Chomhairligh nach cóir go mbeadh an cinneadh faoi líon cuí in aonmhuinín an lucht riaracháin, agus gur chóir bearta cuí a dhéanamh, bearta reachtaíochta san áireamh, chun a chinntiú go gcuirfean an ceart seo i bhfeidhm go héifeachtach.¹⁵

Tá an Coiste Comhairleach den tuairim go bhfuil an easpa soiléire seo "gan a bheith lánchomhlíontach" maidir leis na dlídhualgais atá sa Chreatchoinbhinsiún. Agus is féidir gur mar seo atá an scéal i dTuaisceart Éireann in ainneoin roinnt

of public administrative, broadcasting, educational and judicial state functions, it is here that there needs to be the greatest degree of clarity and consensus. On the one hand, it is to be expected that those in favour of the Irish language would want to have as much as they can, whereas historically the UK – and this is true of public authorities in many other parts of the world – has been loath of tying itself down to any tangible legal obligations. This partially explains why, even when adopted by their own assemblies, the language laws in Scotland and Wales are for the most part programmatic: overall they contain few actual individual right to use the Gaelic or Welsh language. Instead, they mainly focus on language schemes by which various government agencies and public authorities commit themselves to providing services in or using the Gaelic or Welsh languages. On the other hand, there are some individual rights that the UK must respect in respect to the use of Irish (and Gaelic and Welsh). Unless these rights are spelled out in legislation, they may more easily be neglected or even denied.

There are strong and – following recent conclusions by both the Advisory Committee of Experts for the Framework Convention and the Committee of Experts for the European Charter – unescapable views that the UK has an international legal obligation to adopt a language law for Irish in Northern Ireland – an obligation that it must now comply with.

The Advisory Committee of Experts for the Framework Convention in particular has in the past criticised in other countries the absence of clear language laws, as shown below in comments concerning Article 10 (use of a national minority language by administrative authorities):

101. The Advisory Committee finds that there is a lack of precision in Armenian legislation on the right to use minority languages in relations with the administrative authorities and notes that, according to the authorities, such a possibility exists in areas inhabited by a sufficient number of persons belonging to national minorities. The Advisory Committee considers that this possibility should not be left solely to the discretion of the authorities concerned and that appropriate measures should be taken, including at legislative level, to ensure the effective application of this right.¹⁵

The absence or lack of clarity of such legislation is, in the view of the Advisory Committee in this example, "not in full conformity" with the legal obligations of Framework Convention, which is also potentially the case in Northern

¹⁵ An Coiste Comhairleach ar an Chreatchoinbhinsiún um Chosaint Mionlach Náisiúnta, Tuairim ar an Airméin, Strasbourg, 16 Bealtaine 2002, ACFC/INF/OP/I(2003)001.

¹⁵ Advisory Committee on the Framework Convention for the Protection of National Minorities, Opinion on Armenia, Strasbourg, 16 May 2002, ACFC/INF/OP/I(2003)001

cáipéisí polasaí agus cáipéisí eile den chineál céanna a bheith ann.

Sa dá bhabhta tuarascálacha roimhe seo ar chomhlíonadh an Chreatchoinbhinsiúin agus na Cairte Eorpaí araon ag an RA, ba chosúil gur ghlac an dá Choiste le dearbhuithe údaráis na Breataine go gcomhlíonadh an RA i dtreo chineál éigin reachtaíochta nó bearta eile sa treo sin. Ar bhealach, bhí siad beirt ag déileáil leis an RA ar dhóigh i bhfad níos séimhe ná le tíortha eile, leithéid na hAirméine sa sampla thuas, ós cosúil gur creideadh go gcloifeadh an RA, lena traidisiún fada daonlathach agus í go minic ar cheann de na príomhthíortha i bhforbairt bhearta cosanta do chearta daonna agus mionlaigh, go gcloifeadh sí féin leis na caighdeáin sin. Ach, i ndiaidh bhreis agus deich mbliana gan aon dul chun cinn nó fíor bheagán de, agus fiú le gluaiseacht áirithe ar gcúl i dtaca leis an teanga Ghaeilge i dTuaisceart Éireann, mhothódh duine go bhfuil baill na gcoistí curtha go bun na foighne – agus go gcaithfear anois rud éigin a dhéanamh le haghaidh a thabhairt ar rud nach ábhar rogha ná disceid rialtais atá ann ach oibleagáid dhlíthiúil sa dlí idirnáisiúnta.

Is cosúil seo a bheith measartha soiléir i dtuairimí Choiste na Saineolaithe ar an Chairt Eorpach áit ar luadh go ginearálta:

- G. I dtaca le cás na Gaeilge, is cosúil go bhfuil a lán de na cora dearfacha a braitheadh sa bhabhta deiridh faireacháin curtha ar feitheamh nó laghdaithe fiú i mórán réimsí. Is eisceacht é an t-oideachas... I réimse an riaracháin, cé gur ghlac údaráis áirithe áitiúla le pleananna teanga agus gur cheap siad oifigigh teanga, tá an soláthar foriomlán míhásúil. I réimse na meán, ní cinnte cad atá i ndán don Chiste Craoltóireachta Gaeilge mar nach bhfuil socruithe seasta cistithe aige. D'fhéadfaí iarmhairtí tromchúiseacha don chraoltóireacht Gaeilge teacht dá bharr seo. Stadadh d'fhoilsiú an nuachtáin laethúil Lá. ¹⁶

Thaispeáin an Coiste – i bhfocail mhúinte ach go fóill sách gonta – gur ábhar mearbhaill é nach dtiocfadh le rialtas na Breataine a mhíniú cad chuige a dtiocfadh dlíthe teanga a bheith ann don Bhreatnais agus don Ghàidhlig, ach nár cuireadh a dhath chun tosaigh anseo le breis agus deich mbliana. Leoga, is féidir go raibh mearbhall ar Choiste na Saineolaithe gur dhiúltaigh an RA go bunúsach ina tuarascáil scríofa féin i 2009 aon eolas a thabhairt ar an teanga Ghaeilge mar gheall ar "chúinsí i dTuaisceart Éireann", ¹⁷ agus, dá bhrí sin, na cúinsí neamhghnácha go mb'fhéidir gurb

Ireland despite the presence of a number of policy and various other documents.

In the previous two rounds of reports on the UK's compliance with both the Framework Convention and the European Charter, both Committees seemed to accept the assurances of British authorities that the UK would comply in the direction of some form of legislation or other measures in this direction. In a sense, both were treating the UK in a much more lenient way than other countries such as Armenia in the above example since there seemed to be the belief that the UK, with its long democratic tradition and often one of the leading countries in the development of protection measures for human and minority rights would itself comply with these standards. However, after more than a decade of little or no progress, and even some movements backwards in relation to the Irish language in Northern Ireland, one senses that the patience of the members of committee members had reached its limit – and that something must now be done to address what is not a matter of choice or government discretion but a legal obligation in international law.

This appears to be fairly clear in the observations of the Committee of Experts for the European Charter where it noted generally:

- G. Regarding the situation of Irish, many of the positive developments detected in the last monitoring round seem to have been put on hold or even reduced in many areas. Education is an exception... In the field of administration, while certain local authorities have adopted language plans and appointed Irish language officers, the provision as a whole remains unsatisfactory. In the field of media, the Irish Broadcasting Fund faces an uncertain future because it has no settled funding arrangements. This could have serious knock-on consequences for broadcasting in Irish. The Irish language daily newspaper Lá has ceased publication. ¹⁶

The Committee pointed out – in very polite but still sufficiently pointed wording – that it seemed perplexing that the British government had no explanation why it was possible to have language laws for Welsh and Gaelic, yet nothing had been put forth in more than a decade. Indeed, the Committee of Experts was perhaps stunned that the UK in essence has refused to provide in its own written report in 2009 any information on the Irish language because of "the situation in Northern Ireland", ¹⁷ and hence the rather unusual situation that the UK is perhaps the only country

¹⁶ Feidhmiú na Cairte sa RA, Tuarascáil agus Moltaí Choiste na Saineolaithe, ECRML (2010) 4, 21 Aibreán 2010.

¹⁷ Féach paragraf 311, Feidhmiú na Cairte sa RA, Tuarascáil agus Moltaí Choiste na Saineolaithe, ECRML (2010) 4, 21 Aibreán 2010.

¹⁶ Application of the Charter in the UK, Report and Recommendations of the Committee of Experts, ECRML (2010) 4, 21 April 2010.

¹⁷ See paragraph 311, Application of the Charter in the UK, Report and Recommendations of the Committee of Experts, ECRML (2010) 4, 21 April 2010.

í an RA an t-aon tír a chuaigh ar lorg a cúil (ó 'lánchomhlíonta' go 'páirtchomhlíonta') ina lán dá hoibleagáidí dlíthiúla i dtaca le ceann de na teangacha (ach an Ghaeilge amháin) atá cuimsithe faoin Chairt Eorpach idir an dara agus an tríú babhta breathnuithe.¹⁸

Toradh deiridh ghanntanas gníomhaíochta ó thionól Thuaisceart Éireann agus ó rialtas na Breataine, agus ón diúltú dar leat, bogadh chun tosaigh ar aon dóigh shuntasach ar oibleagáidí na tíre i leith na Gaeilge – agus fiú céimeanna cúlghabhálacha ina leith le blianta beaga anuas – ba chúis le Coiste na Saineolaithe a mheas nach é amháin gur riachtanas dlíthiúil é acht Gaeilge, ach riachtanas práinneach i gcomhthéacs láithreach Thuaisceart Éireann:

H. Éilíonn Comhaontú Chill Rimhinn go nglacfaí le straitéis a mhéadóidh agus a chosnóidh forbairt na Gaeilge. Mar sin féin, murb ionann agus an dá theanga eile Chuid III, Breatnais agus Gàidhlig, níl aon bhun cuimsitheach reachtúil do chosaint agus chur chun cinn na Gaeilge i dTuaisceart Éireann. Bhí Acht na Teanga Breatnaise rithábachtach i bhforbairt dhearfach na Breatnaise agus tá comharthaí le feiceáil go bhfuil Acht na Gàidhlig ag déanamh an rud céanna ar son na Gàidhlig. Tá bun reachtúil den chineál céanna a dhíth don Ghaeilge.

Tháinig Coiste Comhairleach na Saineolaithe ar an Chreatchoinbhinsiún ar an tuairim chéanna, cé gur ar chearta an duine seachas ar theangacha is mó a dhíríonn cur chuige an Choiste seo. Cibé é áfach, dar leis an Choiste Comhairleach, is sárú soiléir do-ghlactha ar an dli idirnáisiúnta é an cás láithreach i dTuaisceart Éireann:

147. Thairis sin, is oth leis an Choiste Comhairleach go bhfuil, sa bhreis ar ghanntanas ráthaíochtaí soiléire dlíthiúla d'úsáid na Gaeilge, easpa chur chun cinn theanga agus chultúr na Gaeilge. Tuigtear dó gur beag a dhéantar, i bhfirinne, le húsáid na Gaeilge a chur chun cinn i réimse an phobail agus, cé gur ceapadh roinnt oifigeach Gaeilge i mbeagán bardasachtaí, is teoranta go fóill atá na deiseanna leis an teanga a úsáid i gcaidreamh leis na húdaráis áitiúla riaracháin. Tá sé buartha fosta nach misníonn an timpeallacht fhoriomlán i dTuaisceart Éireann cainteoirí Gaeilge lena dteanga a úsáid agus a fhorbairt go héasca. [...]

148. Is oth leis an Choiste Comhairleach nach ndearna údaráis na Ríochta Aontaithe, atá ina Páirtí i gComhaontú Chill Rimhinn, aon bhearta cúitimh ar

which has gone backwards (from 'fully fulfilled' to 'partly fulfilled') in many of its legal obligations in relation to one of the languages (but only Irish) covered under the European Charter between the second and third rounds of observations.¹⁸

The end result of the lack of action from the Northern Ireland Assembly and British government, and the seeming refusal to move ahead to any significant degree on the country's obligations in relation to the Irish language – and even retroactive steps in relation to it in recent years – has finally led the Committee of Experts to conclude that an Irish language act was not only a legal requirement, but an urgent necessity in the current context of Northern Ireland:

H. The St. Andrews Agreement Act requires the adoption of a strategy to enhance and protect the development of Irish. Nevertheless, unlike the other two Part III languages Welsh and Scottish Gaelic, there is no comprehensive statutory basis for the protection and promotion of Irish in Northern Ireland. The Welsh Language Act has been vital in the positive development of Welsh and there are signs that the Gaelic Language Act is doing the same for Scottish Gaelic. A similar statutory basis is needed for Irish.

The same conclusion was reached by the Advisory Committee of Experts for the Framework Convention, although the approach of this Committee is more of a human rights centred one than an approach which focuses on languages. If anything however, the Advisory Committee views the existing situation in Northern Ireland a clear – and unacceptable – violation of international law:

147. Moreover, the Advisory Committee regrets that, in addition to a lack of clear legal guarantees for the use of the Irish language, there is a lack of promotion of the Irish language and culture. It understands that, in practice, very little is done to promote the use of Irish in the public sphere and that, although some Irish language officers have been appointed in a few municipalities, the possibilities to use this language in relations with local administrative authorities remain limited. It is also concerned that the overall climate in Northern Ireland does not encourage Irish speakers to use and develop their language freely. [...]

148. The Advisory Committee regrets that the authorities of the United Kingdom, as a Party to the St Andrews Agreement, have until now not taken any measures to

¹⁸ Go fóill, tá Coiste na Saineolaithe toilteanach sochar an amhrais a thabhairt d'údaráis RA, ag cinneadh gan aon fhianaise go bhfuil cuid dá hoibleagáidí á gcomhlíonadh ar bhonn mholtaí tuarascála ón Roinn Oideachais ar mholtaí áirithe gan aon fhianaise go gcomhlíontar nó go gcomhlíonfar choíche cuid ar bith de na moltaí seo. Is féidir nach mairfidh dea-mhéin seo Choiste na Saineolaithe thar an chéad bhabhta eile tuarascálacha más cosúil nach bhfuil go fóill sna moltaí seo ach focail fholmha. Féach go háirithe paragraif 312–322, Feidhmiú na Cairte sa RA, Tuarascáil agus Moltaí Choiste na Saineolaithe, ECRML (2010) 4, 21 Aibreán 2010.

¹⁸ Still, the Committee of Experts is willing to give UK authorities the benefit of the doubt, concluding without any evidence that certain of its obligations are being fulfilled on the basis of the recommendations of a report by the Department of Education of certain recommendations without any evidence that any of these recommendations are or will ever be implemented. This good will on the part of the Committee of Experts may not last beyond the next round of reports if it appears these recommendations remain empty promises. See in particular paragraphs 312–322, Application of the Charter in the UK, Report and Recommendations of the Committee of Experts, ECRML (2010) 4, 21 April 2010.

easpa gníomhaíochta údaráis Thuaisceart Éireann sa réimse seo.

Moladh

149. Áitíonn an Coiste Comhairleach ar na húdaráis fhreagracha ar gach leibhéal gníomh grad a dhéanamh le cearta teanga daoine i bpobal labhartha na Gaeilge a chosaint agus a fheidhmiú ar dhóigh is éifeachtúla. Chuige seo, ba chóir dóibh reachtaíocht úr, chuimsitheach a fhorbairt, a thiocfadh leis na gealltanais a tugadh i gComhaontú Chill Rímhinn agus lena n-oibleagáidí faoin Chreatchoinbhinsiún.¹⁹

Leoga, fiú Coiste Airí Chomhairle ns hEorpa nár sheas an fód anois agus a d'áitigh, ar bhonn tosaíochta, "2. Go nglacfaí le agus go bhfeidhmeofaí beartas cuimsitheach Gaeilge, trí reachtaíocht mar ab fhearr."²⁰

3. Lón ábhair Acht Gaeilge do Thuaisceart Éireann

Baineann cuid de dhualgais idirnáisiúnta dlí na RA le cearta don duine aonair – na cearta a bhaineann le saoirse friotail agus le gach saoirse ghaolmhar eile maidir le bheith ábalta teanga dhúchais a úsáid go príobháideach agus maidir le saoirse ó leithcheal. Agus i gcuid eile de na dlídhualgais sin, bíonn oibleagáidí céimseacha i gceist.

Mar chéad chéim sa mhachnamh faoi fhoirm agus lón ábhair a cheapadh do Acht Gaeilge do Thuaisceart Éireann, ba chóir tuiscint shoiléir a fháil ar na cuspóirí atá le baint amach de thoradh an Achta. Tá cúpla eochairphrionsabal ann ba cheart a choinneáil i gcuimhne agus sinn ag machnamh ar na dlídhualgais idirnáisiúnta atá ar an RA de bharr glacadh le conarthaí áirithe: An Cúnant Idirnáisiúnta um Chearta Polaitiúla agus Sibhialta, an Coinbhinsiún Eorpach um Chearta Daonna, an Creatchoinbhinsiún um Chosaint na Mionlach Náisiúnta agus an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh srl.

Seo a leanas achoimre ar na heochairphrionsabail ba chóir a bheith cuimsithe in aon dlí teanga;

1. Soiléire sa reachtaíocht
2. Cionmhaireacht sa chur i bhfeidhm
3. Éifeacht sna Forais
4. Modhanna leighis a chinntíodh comhlíonadh

compensate for the lack of action from the authorities in Northern Ireland in this field.

Recommendation

149. The Advisory Committee urges the responsible authorities at all levels to take resolute measures to protect and implement more effectively the language rights of persons belonging to the Irish-speaking community. To this effect, they should develop new, comprehensive legislation, in line with the commitments taken in the St Andrews Agreement and their obligations under the Framework Convention.¹⁹

Indeed, even the Committee of Ministers of the Council of Europe has now taken a stand and urged, as a matter of priority, that it, "2. Adopt and implement a comprehensive Irish language policy, preferably through the adoption of legislation."²⁰

3. The Content of an Irish Language Act for Northern Ireland

Some of the UK's international legal obligations involve individual rights – including those that deal with freedom of expression and the correlated freedoms to use one's language in private contexts and those connected to non-discrimination – while others involve more programmatic obligations.

That these ought to be set out clearly and without ambiguity should be the first step in considering what form and content a language law for Northern Ireland could include. There are also, broadly speaking, a number of key principles which should be kept in mind when considering the legal obligations that apply to the UK with its acceptance of human rights treaties such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Framework Convention for the Protection of National Minorities and the European Charter on Regional or Minority Languages.

The main principles which should be contained in a language law can be summarised as involving:

1. Clarity in legislation
2. Proportionality in application
3. Efficacy in institutions
4. Remedies to ensure compliance

¹⁹ An Coiste Comhairleach ar an Chreatchoinbhinsiún um Chosaint Mionlach Náisiúnta, an Tríú Tuairim ar an Ríocht Aontaithe ar glacadh leis ar 30 Meitheamh 2011, Strasbourg, 22 Nollaig 2011, ACFC/OP/III(2011)006.

²⁰ Moladh RecChL(2010)4 Choiste na nAirí ar fheidhmiú Chairt na hEorpa ar Theangacha Réigiúnacha ags Mionlaigh ag an Ríocht Aontaithe, ar glacl Choiste na nAirí leis ar 21 Aibreán 2010.

¹⁹ Advisory Committee on the Framework Convention for the Protection of National Minorities, Third Opinion on the United Kingdom adopted on 30 June 2011, Strasbourg, 22 December 2011, ACFC/OP/III(2011)006.

²⁰ Recommendation RecChL(2010)4 of the Committee of Ministers on the application of the European Charter for Regional or Minority Languages by the United Kingdom, accepted by the Committee of Ministers on 21 April 2010.

Maidir leis an chéad cheann, is éigean na cearta teanga atá infheidhmithe i dTuaisceart Éireann a leagan amach go soiléir sa reachtaíocht. Má bhíonn aon easpa soiléire nó ábhar amhrais nó contrárthachtaí anseo faoi na cearta a bhfuil daoine aonair nó pobail ina dteideal féadfaidh sin bheith ina chúis le cailleadh foighne, fearg nó rudaí níos measa ná sin. Is iad na tíortha is sonraí agus is soiléire reachtaíocht na tíortha is mó rath i bhfeidhmiú an pholasaí teanga ar achan dóigh. Is fíor seo go háirithe i dtíortha áirithe: Ceanada, an Fhionlainn, an Spáinn agus an Eilbhéis, mar shampla.

Mar a dúradh roimhe, tá na tuairimí a bhíonn á nochtadh ag Coiste Comhairleach na Saineolaithe Chreatchoinbhinsiúin (agus ag Coiste na Saineolaithe ar Fheidhmiú na Cairte Eorpai) go buan ag tathant soiléire reachtaíochta a chinntiú, ag míniú na gceart aontaithe faoi na conarthaí. Maidir le cúrsaí dea-chleachtais san Eoraip nó i dtíortha eile an dlí choitinn, is mó is fiú aird a thabhairt ar Cheanada agus an Fhionlainn, mar shampla, tíortha nár fhág aon ábhar amhrais nó iomraill sa chóras. I gCeanada tá critéir chomhréire ag na húdaráis phoiblí atá bunaithe ar líon nó céatadán na bhFrainciseoirí agus na mBéarlóirí agus an cineál seirbhíse ba cheart a thabhairt dóibh dá réir sin. I roinnt bheag eochaircheantar cuirtear seirbhísí íosta ar fáil gach áit sa dá theanga, Fraincis agus Béarla. Ní bhíonn seirbhísí dátheangacha le fáil in aon áit mura sroicheann líon na gcainteoirí 5% den phobal sa rannóg daonáirimh, nó 5000 duine ar a laghad i gcathracha ina bhfuil pobal thar 100,000 duine. I gcuid de na fo-rannóga daonáirimh ina bhfuil an pobal níos lú, is féidir roinnt seirbhísí dátheangacha a fháil fiú nuair nach mbíonn ach 500 cainteoir ann sa mhionteanga oifigiúil.

I riarachán poiblí cheantar Bascach na Spáinne, úsáidtear Euskara agus Caistilis ag na haonaid riaracháin i gceantar ar bith mar a sroicheann líon na Bascaise 20 % den daonra. San Fhionlainn meastar gur ceantar aonteangach Bardas ar bith (aonteangach san Fhionlainnis nó sa tSualainnis) má labhraíonn an pobal uilig an teanga chéanna nó nuair is lú na 8% líon na teanga mionlaí. Má sháraíonn líon na mionteanga 8%, nó má shroicheann sé figiúr 300 duine, deirtear go bhfuil an bardas sin dátheangach. Ní chailleann an ceantar stádas dátheangach arís go dtí go dtiteann líon na mionteanga faoi 6%.

An rud is suntasaí faoin chur chuige seo i gcodanna éagsúla an domhain, go mbíonn dlí teanga cuimsitheach ar siúl acu chun déileáil go cuimsitheach leis na cearta teanga uilig ar dhóigh shoiléir loighciúil. Is cosúil go bhfuil dualgas dlí den chineál céanna infheidhmithe i leith Thuaisceart Éireann ó tharla an RA bheith i ndiaidh daingniú a dhéanamh ar na conarthaí uilig a luaigh muid.

In the case of the first point, clarity in legislation, the language rights applicable in Northern Ireland must be clearly set out in legislation. Lack of clarity or contradictions in the rights that individuals or communities are entitled to can lead to frustration, anger and even worse. Countries which have laws that spell out in great detail or very clearly what languages can be used and in what conditions are those that tend to work best by most measures. This is definitely the case in countries like Canada, Finland, Spain, and Switzerland, for example.

As indicated earlier, comments coming from the Advisory Committee of Experts for the Framework Convention (as well as the Committee supervising compliance with the European Charter) increasingly insist in having clear legislation setting out the rights agreed under the treaties. In terms of good practice in European or other common law countries, it is noteworthy to consider examples such as Canada or Finland, where both leave no place for doubt or confusion. Canada has regulations for a sliding-scale approach involving either the total number or percentage of speakers of the French and English languages and the type of service provided by public authorities. Other than in a few key areas, where minimal services are to be available in both French and English everywhere, most federal government services are only available in both languages when the population in a census subdivision includes at least 5 percent of speakers, or at least 5,000 individuals in major cities having a population of more than 100,000. In some of the lesser populated census subdivisions, a few services can be obtained in both languages, even if there are as few as 500 speakers of the official minority language.

Within the public administration of the Basque Autonomous Community in Spain, Euskara and Castilian are to be used by administrative units in areas where the percentage of Euskara-speakers reaches 20 percent of the population. In Finland, a municipality is considered unilingual – Finnish or Swedish – when the entire population speaks the same language or when the number of inhabitants who speak the minority language is less than eight percent. If the minority exceeds eight percent or numbers 3000 persons, the municipality is bilingual. A bilingual commune is not declared unilingual until the minority falls below six percent.

What is noteworthy is that these approaches in different parts of the world tend to have a comprehensive language law to ensure language rights are treated comprehensively, and with consistency and clarity. This would seem to be an obligation which is legally applicable to Northern Ireland because of the UK's ratification of the mentioned treaties.

Sa dara dul síos, ní leor soiléire sa reachtaíocht agus sna rialacháin; éilíonn conarthaí ar nós an Chreatchoinbhinsiúin agus na Cairte Eorpaí cur chuige mar "cúí" nó "comhréireach" maidir le húsáid mionteanga, an Ghaeilge mar sampla, ag oifigigh phoiblí, agus i dtéarmaí theanga na seirbhísí poiblí. Is é seo go díreach an rud atá bunaithe cheana i dtíortha "an dea-chleachtais", mar a luadh thuas. Is iad na tíortha ina bhfeictear na cleachtais is fearr na cinn sin ina mbíonn comhréireacht sna cearta teanga atá le leagan síos. Is fíor nach féidir le tír ar bith, fiú an ceann is fearr eagar agus éifeacht, úsáid a bhaint as achan teanga in achan áit agus in achan am sna cáipéisí oifigiúla agus sna hoifigí riaracháin. Bheadh sé as an cheist ar fad a leithéid a dhéanamh, nó i dtíortha mar Cheanada agus fiú an Spáinn tá na scórtha teanga á labhairt taobh istigh de chríocha an stáit. Níl tír ar bith ar domhan saibhir go leor nó cumasach go leor le seo a dhéanamh mar ghnáthobair lae.

Ach ins na stáit is mó ar éirigh leis an pholasaí teanga iontu, baintear feidhm as critéir chomhréire; déanann lucht riaracháin, lucht bardais san áireamh, freastal ar achan teanga de réir a tábhachta i dtéarmaí líon an phobail.

Luaitear Ceanada de ghnáth mar thír a bhfuil dhá theanga oifigiúla aici, mar shampla: Béarla agus Fraincis an dá theanga is mó a labhraítear sa tír sin. Ach baineann na húdaráis phoiblí úsáid as teangacha eile chomh maith, leithéid teanga na mbundúchasach, agus tá sí sin mar theanga oifigiúil ag críochrialtas Nunavut. An bunphrionsabal atá i gceist anseo, a admháil nach féidir aon bhail amháin a thabhairt ar achan teanga. Caithfear freastal níos mó a dhéanamh ar na teangacha is mó cainteoirí, de réir tábhacht an lín phobail. Caithfidh an prionsabal seo a bheith fódaite sa reachtaíocht go soiléir chun easaontas, iomrall nó comhrac a sheachaint.

Agus tá rud eile ag na tíortha a luaitear rath leo. Chomh maith le soiléire reachtaíochta agus cionmhaireacht san fheidhmiú, bíonn forais éifeachtacha acu. Tá seifteanna agus meicníochtaí socraithe acu le cinntiú go dtuigfear an reachtaíocht go maith agus go gcuirfear i gcrích go héifeachtach í.

Agus sa cheathrú dul síos, ins na tíortha "rathúla" seo, bíonn córais leighis acu chun déileáil le neamhchomhall ag na húdaráis. I bhfocail eile, má theipeann ar na forais rialtasacha, cad é an leigheas atá ag an duine aonair?

Secondly, having clarity in legislation and regulations is not enough: treaties such as the Framework Convention and the European Charter both require something in the nature of an "appropriate" or "proportionate" approach in relation to the use of a minority language like Irish by public officials and in terms of the language of public services. This is broadly speaking what is also in place in most countries of "good practice" as indicated above. The countries which demonstrate the best practices are those where you have proportionality in the language rights that are to be in place. None of the countries usually seen as being the most effective and well organised use all of the languages used by everyone everywhere all of the time in official documents and administrative offices. It would be impossible and quite impractical to do so, because in many countries such as Canada and even Spain there are dozens of languages spoken on their territories. No country is rich enough or capable of doing this in practical terms.

What governments where the language policy works well do is essentially apply a sliding-scale: provide for the degree of use of a language by administrative authorities, including municipalities, that is proportionate to their relative importance in numerical terms.

For example, Canada is usually presented as having only two official languages, the two languages spoken by most people in that country. However, other languages are used by public authorities such as the languages of Native People, which is also an official language for the territorial government of Nunavut, and other indigenous languages are used according to laws and regulations by local governments where they are spoken by a sufficient number of people. The important principle here is that not all languages are treated identically: languages spoken by more people must be treated proportionally to their importance, and this must be enshrined in clear legislation in order to avoid disagreements, confusion or conflicts.

Countries which are usually seen as successful not only have clarity in legislation and proportionality in application, they thirdly tend to have efficacy in institutions. They have in place mechanisms and institutions to make sure that the language laws are effectively understood, applied and enforced.

Fourthly, most countries where "things work well" are those where you have remedies in the case of non-compliance by authorities. In other words, where the institutions of government fail, what can individuals do?

Bíonn sraith leigheas ann ar leibhéil éagsúla:

- Ar leibhéal Roinne: Oifigeach ceangail a bheith ceaptha in achan roinn rialtais chun faisnéis a thabhairt do dhaoine faoi na cearta atá acu. Freagracht a bheith ar an roinn na gearáin a fhiosrú agus toradh an fhiosraithe a thuirisciú don ghearánaí.
- Ar leibhéal lárnach, agus is é seo an córas is coitianta: Déileáiltear leis na gearáin i lár-roinn rialtais atá freagrach as polasaí teanga go ginearálta. Faoin socrú seo bíonn lárionad ann chun éisteacht agus fiosrú gearán a dhéanamh. Ach ní bhíonn de chumhacht aige ach moltaí a dhéanamh de thoradh na bhfiosrúcháin.
- Fear a' Phobail, nó Coimisinéir Teanga a bheith ann, agus cumhacht aige gearáin a fhiosrú, moltaí a dhéanamh agus tuarascáil ar gach sárú ar na cearta teanga a chur i láthair na Parlaiminte go díreach.
- B'fhéidir go dtabharfadh an dlí an deis d'íobartaigh aonair le cas as sárú a gcuid ceart a thabhairt chun na cúirte, agus a dtig leo a fháil de leigheas agus de chúiteamh a chur ar fáil.

Is féidir go n-athródh an t-ábhar a theastódh sa chineál sin reachtaíochta go mór, taobh istigh den raon seo, cé gur léir go bhfuil bearta ann a chaithfear a chuimsiú, bunaithe den chuid is mó ar na hoibleagáidí atá i *gComhaontú Aoine an Chéasta* agus i *gComhaontú Chill Rímhinn* (atá an-áititheach, dar le Coiste na Saineolaithe agus Coiste Comhairleach na Saineolaithe), sa *Chreatchoinbhinsiún um Chosaint Mionlach Náisiúnta* agus sa *Chart Eorpach ar Theangacha Réigiúnacha agus Mionlaigh*. Go háirithe, chaithfeadh aon dréachtdhlí teanga do Thuaisceart Éireann na sainachair amhrasacha sin a chuimsiú a sháraíonn, is cosúil, oibleagáidí conartha RA, de réir Choiste na Saineolaithe nó Choiste Comhairleach na Saineolaithe, lena n-áirítear:

- Straitéis chomhtháite don oideachas i nGaeilge, thar gach céim oideachais agus bearta dearfacha lena fheidhmiú agus le freastal ar na héilimh áitiúla ar oideachas i nGaeilge, i dtéarmaí maoinithe, iompair, áiseanna agus creidiúnaithe, san áireamh

There are usually a series of levels where remedies can be provided for:

- There may have an administrative complaint mechanism which is possible with a liaison officer in each government department, with information provided for people to explain what their rights are. Each department has then responsibility to investigate and respond to the complaint.
- Usually, there is a more centralised and formal administrative complaint mechanism which may involve the central government department with overall responsibility for language policy. You have therefore a central complaint and investigation, but usually only with a power to make recommendations.
- An ombudsman or a language commissioner may have the power to investigate complaints, make recommendations and submit reports of these violations of language rights directly to parliament.
- The law may give to individual victims the possibility to bring a case to court for a violation of their rights, and provide what they can obtain in terms of remedy or compensation.

The exact content that may be required in such legislation can, within these parameters, vary greatly, though there are measures which clearly must be included based mainly on the obligations contained in the *Belfast Agreement* and the *St Andrews Agreement* (which has been referred to by the Committee of Experts and the Advisory Committee of Experts as being highly persuasive), the *Framework Convention for the Protection of National Minorities* and the *European Charter on Regional or Minority Languages*. In particular, any draft language law for Northern Ireland would need to cover those problematic and specific areas which seem to breach the UK's treaty obligations according to the Committee of Experts or the Advisory Committee of Experts, including without being exhaustive the following:

- A cohesive strategy for education in Irish, across all stages of education and positive measures to implement it and meet the local demands for education in Irish, including in terms of financing, transportation, facilities and accreditation.

- Aisghairm Acht 1737 a chrosann úsáid na Gaeilge i gcúirteanna agus creat dearfach do sholáthar seirbhísí i nGaeilge trí chóras na gcúirteanna
- An ceart a aithint ar úsáid na Gaeilge i dTionól Thuaisceart Éireann, agus ar aistriú comhuaineach sa Tionól do dhaoine a bheadh ag iarraidh Gaeilge a úsáid
- Bun dlíthiúil do chistiú fadtréimhseach na meán clóite agus craolta i nGaeilge
- Reachtaíocht a leagann amach ráthaíochtaí soiléire dlíthiúla ar úsáid na Gaeilge mar a éilítear faoi shainoibleagáidí (faoin Chreatchoinbhinsiún, srl.) ag ranna rialtais
- Comharthaíocht dhátheangach agus comharthaí eile dinnseanchais a bheith ina n-oibleagáid shoiléir ag bardasachtaí i dTuaisceart Éireann, de réir na módúlachtaí atá leagtha amach sa Chreatchoinbhinsiún agus sa Chairt Eorpach.
- Repeal of the 1737 Act which bans the use of Irish in the judiciary and a positive legislative framework for delivery of services in Irish through the courts system.
- Recognition of the right to use Irish in the Northern Ireland Assembly, and for simultaneous translation in the Assembly for persons wishing to use Irish.
- Legal basis for long-term funding of printed and broadcasting media in Irish
- Legislation which sets out clear legal guarantees on the use of the Irish language as required under specific obligations (under Framework Convention, etc.) by government departments
- Bilingual signposting and other topographical indications to be a clear obligation for municipalities in Northern Ireland, according to the modalities set forth in the Framework Convention and the European Charter.



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