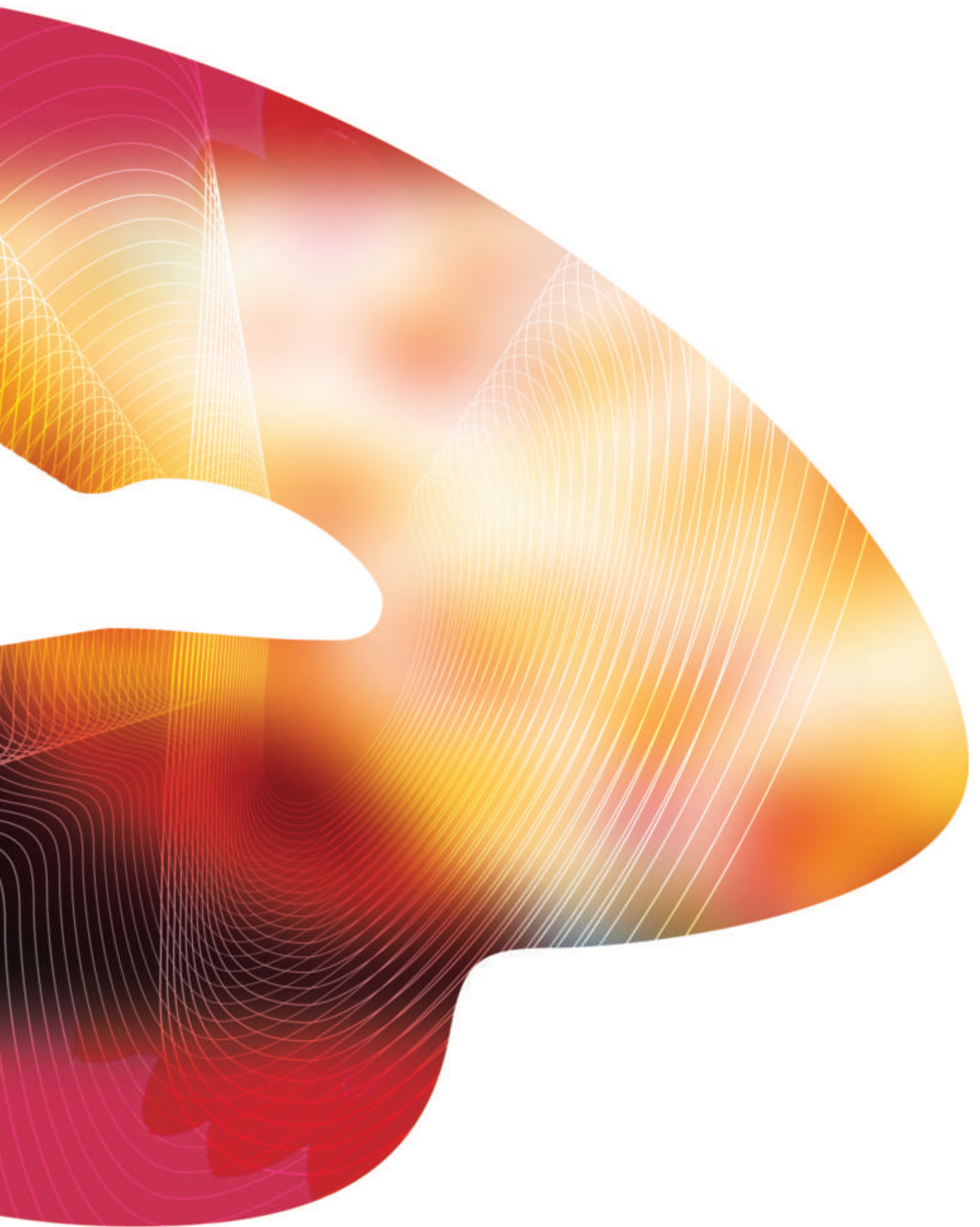


acht

na Gaeilge do TÉ

THE IRISH
LANGUAGE
ACT NI



Tá an Dr Maurice Hayes ina Shéanadóir de chuid Sheanad Éireann agus ina bhall d'Acadamh Ríoga na hÉireann, iar-Ombudsman Thuaisceart Éireann, agus tá sé ina scríbhneoir agus iriseoir.



Dr Maurice Hayes is a Senator in Seanad Éireann, a member of the Royal Irish Academy, the former Northern Ireland Ombudsman, a writer and journalist.

Is le tríocha bliain anuas atá an tOllamh Colin Williams gníomhach i gcur chun cinn chearta na mionlach. Tá sé ina bhall de Bhord na Breatnaise. Tá sé ina Ollamh Taighde i Scoil na Breatnaise, Ollscoil Chaerdydd, Ollamh Seachtrach sa Roinn Tíreolaíochta, Ollscoil Iarthar Ontario agus Ollamh Onórach sa Léann Ceilteach, Ollscoil Obar Dheathainn.



Professor Colin Williams has been active in the promotion of minority rights for over thirty years. He is a Member of the Welsh Language Board. 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.

Tá Robert Dunbar ina Léachtóir Sinsearach sa Dlí ag Ollscoil Obar Dheathainn. Is céimí é a bhfuil céimeanna dlí aige ó Scoil Dlí Osgoode Hall agus Scoil Londan na hEacnamaíochta. Déanann sé sainobair ar bhonn rialta do Chomhairle na hEorpa, go háirithe i dtaca le Cairt na hEorpa do Theangacha Réigiúnacha nó Mionlaigh, agus ag an am i láthair, tá sé ag obair mar shaineolaí leis an Aonad Eorpach do Cheisteanna Mionlaigh, ar an togra s'acu 'Ombudsman na Mionlach'.



Robert Dunbar is Senior Lecturer in Law at the University of Aberdeen. He has law degrees from Osgoode Hall Law School and the London School of Economics. He works regularly as an expert with the Council of Europe, particularly in respect of the European Charter for Regional or Minority Languages, and is currently acting as an expert with the European Centre for Minority Issues on their Minority Ombudsman project.

Tá Wilson McLeod ina Léachtóir Sinsearach sa Léann Ceilteach 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 polasáí teanga agus le ceisteanna i dtaca le polaitíocht chultúrtha Ghàidhlig na hAlban agus litríocht na hÉireann.



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 Gàidhlig and Irish literature.

Tá Fernand de Varennes in bhuaillteoir Duais Linguapax 2004 agus Ollamh Comhlach sa Dlí Idirnáisiúnta sa Scoil Dlí agus Ceart Daonna ag Ollscoil Murdoch, an Astráil. Tá sé ina Chathaoirleach ar Choiste na Nasc Idirnáisiúnta. Príomheagarthóir ar an 'Asia-Pacific Journal on Human Rights' agus iar Stiúrthóir ar Aonad na hÁise agus an Aigéin Chiúin um Chearta an Duine agus Chosc ar an Choimhlint Eitneach.



Fernand de Varennes is Linguapax Award Laureate 2004, Associate Professor of International Law in the School of Law and Human Rights, Murdoch University, Australia and Chair for the International Links Committee. He is Editor-in-Chief, Asia-Pacific Journal on Human Rights and the Law and Former Director of the Asia-Pacific Centre for Human Rights and the Prevention of Ethnic Conflict.

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Ráitis tosaigh

Le deich mbliana anuas, tá athruithe móra tagtha ar shochai 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 ionstroim idirnáisiúnta, Cairt na hEorpa do Theangacha Réigiúnda nó Mionlaigh. 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. 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 ar na mallaibh 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, traenáil do na hearnálacha rialtais, poiblí agus pobail ar fheasacht teanga agus ar dhea-chleachtas, agus monatóireacht leanúnach ar chur i gcrích cosaint reachtaíochta idirnáisiúnta don Ghaeilge ag an am i láthair.

Tuigean 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 de dhíth orainn. Leis an chuspóir seo a bhaint amach, dhírigh 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 dréachtmholtáí s'againne a fhorbairt is a scaipeadh. Reáchtáil muid cruinnithe poiblí áitiúla le pobal na Gaeilge ó thuaidh, cruinnithe comhairliúcháin le heagraíochtaí Gaeilge, thuaidh agus theas, le hionadaithe na bpáirtithe polaitiúla, na gceardchumann agus na n-eagras ceart daonna agus dlí.

Dréachtaíodh an doiciméad seo le comhairle agus le tacaíocht fhíorluachmhar ó roinnt de na saineolaithe

Foreword

Over the last ten 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 international instrument, the European Charter for Regional or Minority Languages. 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. 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 recently 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 political parties, trade unions and with human rights and legal organisations.

Our work has been carried out at all times with the invaluable advice and support of a number of highly

céimiúla is iomráití i gcúrsaí dlí idirnáisiúnta teanga agus ceart daonna. Tá muid thar a bheith buíoch de Robert Dunbar (Ollscoil Obar Dheathainn) agus de Wilson McLeod (Ollscoil Dhún Éideann) a chuir am agus saineolas ar leith s'acu ar fáil dúinn go fial fonnmhar. Gan tacaíocht na beirte seo, ní bheadh ann don doiciméad seo. Gabhann muid buíochas leis an Dr. Maurice Hayes, iar-Cheannasaí Státseirbhís TÉ, as caoinreamhrá an doiciméid seo a scríobh, le Colin Williams (Ollscoil Chaerdydd) agus le Fernand de Varennes (Ollscoil Murdock, an Astráil) a chuir luach breise gan deireadh leis an doiciméad.

Is ar thorthaí na gcomhairliúchán le pobal na Gaeilge agus leo siúd uilig a ghlac páirt iontu, agus ar an chleachtas idirnáisiúnta is fearr ar chearta teanga a bhfuil an doiciméad 'Acht na Gaeilge do TÉ' bunaithe. Cuimsíonn an doiciméad seo ceithre chuid, iad uilig idirnasctha: caibidil de chuid Colin Williams ag díriú ar thábhacht chearta na dteangacha dúchais; tráchtairacht ar riachtanais an phobail agus ar chúla na reachtaíochta atá á cur chun cinn againn; agus ansin, Acht na Gaeilge do TÉ féin. Ag an deireadh, tá eolas ar na dualgais idirnáisiúnta agus intíre i dtaca le hAcht na Gaeilge TÉ de.

Tá POBAL go láidir den tuairim gurb é Acht na Gaeilge do TÉ an chéad chéim loighciúil eile do rialtas na Ríochta Aontaithe i dtaca leis an Ghaeilge de. Dhéanfadh a leithéid soiléiriú ar chearta lucht labhartha Gaeilge agus ar dhualgais an stáit. Dhéanfadh sé é níos fusa don duine aonair a chuid ceart a thuigbheáil 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 agus teanga, cuireann POBAL na moltaí soiléire, comhsheasmhacha, réadúla faoi bhuir mbráid, go fonnmhar. Creideann muid go gcuirfidh siad le hachtú Acht na Gaeilge cuimsitheach don tuaisceart, taobh istigh d'amscála réasúnta. Tá neart le déanamh, agus mar is gnáth, tá muid ag dúil le bheith ag obair leis na páirtithe leasmhara uilig leis an fhís seo a fhíorú.

Janet Muller

Príomhfheidhmeannach
POBAL
Eanáir 2006

distinguished experts in international law, language and human rights. We are particularly grateful to Robert Dunbar (University of Aberdeen) and to 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 Colin H. Williams (University of Cardiff) and Fernand de Varennes (Murdock University, Australia) who have contributed immeasurably to this finished document.

'The Irish Language Act for NI' document seeks 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 consists of four interconnected sections: 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 is an appendix section on the international and domestic commitments in relation to an Irish Language Act in the north.

POBAL believes that the Irish Language Act for NI is the next logical step for the UK government in relation to the Irish Language. It 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 and language experts, POBAL is pleased to present these clear, consistent and realistic proposals. We believe that they will contribute to the enacting, within a reasonable time-frame, of a comprehensive Irish Language Act for the north. There is much work to be done and, as always, we look forward to working with all parties to realise this challenge.

Janet Muller

Chief Executive
POBAL
January 2006

Buíochas

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

Robert Dunbar, Ollscoil Obar Dhearthainn
Wilson McLeod, Ollscoil Dhún Éideann
Colin Williams, Ollscoil Chaerdydd
Fernand de Varennes, Ollscoil Murdoch, An Astráil

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Maggie Beirne, Committee for the Administration of Justice
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Mícheál Ó Flanagáin, Dlíodóir
Pádraigín Droighneann, Dlíodóir

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Daithí Mac Carthaigh, Conradh na Gaeilge
Pádraig Ó Ceithearnaigh, Comhdháil Náisiúnta na Gaeilge
Seosamh Mac Donncha, Foras na Gaeilge

Joan Harbison agus Antoinette McKeown, Coimisiún Um Chomhionannas
Paddy Sloan agus Caroline Nolan, Coimisiún Um Chearta an Duine TÉ
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Dónall Mac Giolla Chóill
Breandán Ó Mearáin
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Séanna Breathnach
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Seán Mac Aindreama
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Breandán Ó Mearáin
Máirtín Ó Muilleoir and staff at Lá
Maolcholaim Scott, Columba Initiative
Foras na Gaeilge
Belfast Regeneration Office
Belfast Local Strategy Partnership

Staff and committee of POBAL

Réamhrá

Tá áthas orm soláthar an doiciméid seo maidir le hAcht na Gaeilge do Thuaisceart na hÉireann a thréaslú do POBAL. Ní hamháin go bhfuil sé tráthuíl, ach cuireann sé go mór leis an díospóireacht atá i mbéal an phobail le tamall anuas. Tá sé thar am, áfach, deireadh deimhneach a chur leis an chaint go léir, i bhfoirm dlí is gnímh.

Le blianta anuas, is léir go bhfuil borradh suaithinseach suime sa Gaeilge, idir a húsáid mar ghnáth-theanga theallaigh, 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 naiscoileanna, bhunscoileanna agus mheánscoileanna.

Glactar leis anois, go forleathan, i measc na náisiún, go bhfuil cearta ag daoine, ní hamháin 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 don phobal 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.

Is léir domsa go gcuireann moltaí seo POBAL go mór leis an díospóireacht sa mhéid is go 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 riachtanach tacaíocht a fháil ón ghnáthphobal nach Gaeligeoirí iad, ón stát is ó na húdaráis 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 gcearta 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.

Introduction

I am glad to be able to congratulate POBAL on providing this document on the Irish Language Act for Northern Ireland. It is a timely and very necessary contribution to the discussion which has been going on for some time and which should now be drawn to a conclusion.

Over recent years there has been a remarkable renewal of interest in the Irish language 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 – gaeltachts in an urban setting, and to the establishment and growth of all-Irish schools, nursery, primary and secondary.

There has been, too, internationally, acceptance 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.

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.

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 has 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.

Is é Tuaisceart na hÉireann an t-aon limistéar réigiúnda den Ríocht Aontaithe (taobh amuigh de Shasana féin) nach bhfuil an chosaint seo le fáil ann i bhfoirm acht sonrach 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 bhri sin, tá sé le ciall a mholadh gur chóir an tAcht a rith i bParlaimint Westminster seachas an Tionól. Ba i Westminster a ritheadh Acht Thuaisceart Éireann mar shaghas bunreacht 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.

Is mithid anois tús a chur le díospóireacht fhoirmeálta, agus cuirim fáilte roimh an doiciméad seo sa chomhthéacs sin. Tá na moltaí ciallmhar praiticiúil, agus is cóir iad a chur faoi chaibidil go forleathan. Ní aontaím féin le gach rud a moltar, ach ní chuige sin atáimid. Sé rud is mithid anois ná díospóireacht oscailte ina mbeadh na haisteoirí uilig páirteach, as a dtiocfadh Acht a chuirfeadh ar chumas Rialtas na Breataine cloí lena dhualgais faoi chonarthaí áirithe idirnáisiúnta, 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
Nollaig 2005

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 the 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.

It is now time to move the discussion to another plane, and the document usefully provides an outline of a Language Act as a basis for discussion. This is a valuable and practical contribution that should form the basis and the agenda for further discussion. Opinions will differ on details – I do not agree with everything myself – but that is not the point. The point is that there should be an open debate involving all the actors, leading to an Act which enables the Government of the United Kingdom to meet its treaty obligations, 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
December 2005

Cuid 1

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 feasacht 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 cearta 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 inimirceigh 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 Ghaeilge taobh le sochaí Bhéarla. Is é an sprioc, tuilleadh dátheangachais a spreagadh trí shaol an lae, le go mothódh

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, 2006). 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 the English-speaking society. Rather, the goal is to encourage greater bilingualism in everyday life, so that many citizens

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 gnáth 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 de na cuailí taca seo is baol do bheocht fhadtréimhseach na teanga. I sochaithe forbartha, glactar anois leis go bhfuil reachtaíocht theanga 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 báuil cás socheacnamaíoch cainteoirí teangacha neamhforleathana 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 dhearbúsáid 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. Ach, tá claonadh coiteann ann glacadh leis gurb é an t-oidreachas aonteangach an gnás tríd an domhan. Faoina lán dálaí nuair a chothaítear oideachas aonteangach nó ilteangach in minic a tharlaíonn sin cionn is go bhfuil beartas an rialtais agus curaclam na scoile araon dírithe ar líofacht a bhaint amach sa teanga is rogha leis an stát. 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 luathoidreachas sa mháthairtheanga d'oidreachas i dteanga an stáit agus an páiste a gabháil trí chóras na scoile. 'Dátheangachas laghdaithe' a thugann teangeolaithe ar an

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 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 milieu. However, there is a general tendency to assume that unilingual or monolingual education is the norm in the world. In many circumstances when bilingual or multilingual education is promoted it is often because both government policy and the school curriculum are geared toward achieving fluency in the state's preferred language. Education in the mother tongue or in the minority language is thus a necessary requirement to gaining full competence in the state's dominant language. Early mother tongue education tends to give way to education in the state

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 gcaítear 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 foirmiúil 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 dá 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 fianaise ag fás ó thaighde Eorpach gurbh fhusa go minic le páistí dátheangacha teangacha eile a fhoghlaim.

Ábharthacht don tsochaí ina hiomláine

Glahtar 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 eiseamh 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 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.

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. However, a second policy option is 'additive bilingualism,' where two languages are promoted 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 and Wales) 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 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.

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. Aithníonn an fhoinsé is údarásaí ar theangacha an domhain (Ethnologue, Grimes 1996) tuairim is ar 6,500 teangacha beo. Tá figiúirí daonra le fáil ar bheagán sa bhreis ar 6,000 acu (nó 92%). De na 6,000 seo, maítear go bhfuil:

- 52% acu á labhairt ag níos lú ná 10,000 duine
- 28% acu á labhairt ag níos lú ná 1,000 agus
- 83% teoranta di thíortha single, agus mar sin go bhfuil siad go háirithe i gcontúirt ó bheartais aon rialtais amháin.

Ag ceann eile na meá, is mathairtheangacha ag beagnach leath (49%) de dhaonra an domhain iad 10 mórtheanga a labhraíonn breis agus 109 milliún duine gach ceann acu. 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 agus 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, eiceolaithe 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 heiceolaíocht 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

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, community and 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) identifies around 6,500 living languages. Population figures are available for just over 6,000 of them (or 92%). Of these 6,000, it is suggested that:

- 52% are spoken by fewer than 10,000 people
- 28% 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, 10 major languages, each spoken by over 109 million people, are the mother tongues of almost half (49%) of the world's population. 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, 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 a particular way of coping and thinking about the world. This has led 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

do theangacha, a bhfás, a marbhántacht nó a meath. Is iad a shocraíonn ruthag teanga cinntí polaitiúla agus socheacnamaíocha a dhéantar mar gheall ar bhrúnna 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 teanga 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 murb é an éagóir sin (eadhon: bheadh ní ba mhó cainteoirí na teanga ann, go minic thar talamh ní ba leithne, agus ní ba mhó táirgí cultúrtha 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 Iarthair go bhfuil fiach stairiúil den chineál sin orthu i dtaca le teanga núíosach. (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 eochairlimistéir, nó gan an dualgas reachtúil, tá a lán eagrás ann nach gcuirfidh an rogha sin ar fáil ar bhonn dea-mhéine amháin.

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 position today were it not for that injustice (i.e. there would be more speakers of the language, often over a wider territory, and more cultural products 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.

Is minic a luaitear ilghnéitheacht agus caoinfhuilaint 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 mhúiníne ceachtartha agus easpa shochaí sibhialta. Ach san Eoraip chomhaimseartha d'fhéadfaí a rá gurb é a ghlanmhairt 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 deimhní tig 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.

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-Eorpa nach dócha gurbh fhíre arís í taobh istigh de chodanna saineúla na hEorpa? Is cinnte go mbraithfidh leibhéal na caoinfhuilaint agus na tuisceana ceachtartha ar na cúinsí. Ach i gcoitinne méadaítear caoinfhuilaint 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, féinmhúiníní, 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

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.

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 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

- 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 luach le cáilíocht thaithí, roghanna agus bheatha duine. Tá go maith ar leibhéal teoiriciúil, ach cé a dhearbhaíodh agus a mhaoineoidh soláthar an chineál sin deiseanna oideachasúla dátheangacha? Gan chearta oideachasúla a shainiú agus íoschaighdeán chumais ghairmiúil a fhaireachán is beag barantas atá ann go dtarlóidh na hacmhainní, na téacsleabhair, an dearadh curaclaim agus an oiliúint mhúinteoirí atá riachtanach. 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 dThuaisceart 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 ghealltanas, agus ar chuspóiri, Rialtas an RA don Ghaeilge. Ach chomh maith le tacú le mír shiombalach tá ann fosta sraith eile chúrsaí is praiticiúla ann 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 Frithchíochas, Comhionannas Gnéasach, Míchumas agus dá réir sin
4. Tá roinnt claontaí Eorpacha ag dul i dtreo sainmhíthe níos cuimsithe faoi chearta sibhialta, sóisialta agus eacnamaíocha. Freagairt atá anseo ar roinnt forbairtí éagsúla m.s. domhandú agus éabhlóid an náisiúinstáit infhreachartha, insilte is mar atá sé ag snáithí de theagasc sóisialta margaíochta
5. Imeachtaí sa Bhreatain Bheag, in Albain agus i bPoblacht na hÉireann, léiríonn siad uile feasacht mhéadaithe d'ábharthacht réimeas reachtúil teanga.

- Bilingually educated citizens tend to have a greater choice of employment possibilities. (Baker and Jones, 1998; Skutnabb-Kangas et al, 2003, p.45)

Thus it is asserted that bilingualism 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? Without specifying educational rights and monitoring minimum standards of professional competence there is little guarantee that the necessary resources, text books, curriculum design and training of teachers will take place. 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 NI

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 the UK Government's commitment to, and objectives for, Irish. But 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 NI'. 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 will shortly be joined in

Beidh comrádaí ar ball sa Bhreatain Bheag ag an Choimisinéir láithreach Teanga, Réiteoir nó Coimisinéir Teanga a láimhseoidh gearáin ón phobal agus a fhiosróidh an dóigh a mbíonn ranna Rialtais ag cloí lena Scéimeanna reachtúla Teanga

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

Eochaircheistean

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 dílárú?
3. Cén gaol a bheidh sa deireadh idir Reachtaíocht 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 Comhairle Aireachta Thuaidh Theas, agus An Foras Teanga, Foras na Gaeilge agus Tha Boord o Ulstèr-Scotch?

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 feacht theanga 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 céanna ag tabhairt na comhoidhreacht cultúrtha chun tosaigh"¹

Ach, go dtí le fiordhéanaí, is beag den cheangaltas seo a díriodh ar shainiú méadaithe chearta teanga chainteoirí teangacha neamhfhorleathana per se. Ach tá ionstraimí ann a ghríosáíonn feacht theanga agus gníomh beartais i gcomhthéacs na dteangacha neamhleathana. Is é is suntasaí

Wales by either a Language Adjudicator or a Commissioner to deal with complaints from the public and to investigate how Government departments are adhering to their statutory Language Schemes

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 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 North South Ministerial Council and An Foras Teanga, Foras na Gaeilge and Tha Boord o Ulstèr-Scotch?

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

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

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

orthu, An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh.² Is stát sínithe é Rialtas RA agus thosaigh próiseas faireacháin na Cairte ar an dara babhta comhairliúcháin in 2005. Chuir Rialtas RA fianaise ar fheidhmiú na Cairte i láthair Choimisiún na hEorpa cheana féin, agus tá deis thábhachtach anois ag grúpaí agus comhlachtaí éagsúla fianaise a chur i láthair Choimisiún na hEorpa agus a Choiste Saineolaithe cuairte. Díospóireacht thábhachtach atá anseo ar leibhéal na hEorpa maidir le beartas teanga i dTuaisceart na hÉireann, san RA agus i bPoblacht na hÉireann. Ar na hoibleagáidí dlíthiúla idirnáisiúnta infheidmithe 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 Cabhailchoinbhinsiún um Chosaint na Mionlach Náisiúnta.

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 caithfidh 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 theanga, 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 frithleatrim 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 mar a leagann Acht na Teanga Breatnaise (1993) dualgas ar chomhlachtaí poiblí caitheamh ar bhonn comhionannais leis an Bhreatnais agus an Bhéarla i soláthar seirbhísí poiblí.³ Is í an phríomhionstraim le seo a bhaint amach a bhfuil i scéimeanna teanga a d'ullmhaigh comhlachtaí poiblí agus a d'aontaigh Bord na Teanga Breatnaise.⁴ Tríd agus tríd, modh an-éifeachtach a bhí anseo leis an Bhreatnais a chur chun cinn agus le seirbhísí dátheangacha a sholáthar don phobal i gcoitinne. Ach baineadh seo uile amach sa Bhreatain Bheag agus gan saineáil sonraithe ar chearta teanga déanta. Bhí sé seo indéanta mar gheall ar líon measartha láidir na gcainteoirí Breatnaise, dea-mhéin mhéadaithe an rialtais láir agus áitiúil agus scil agus sofaistiúlacht an lárphorais pleanála teanga, Bord na Teanga Breatnaise, ar conas déileáil le sraith dhúshlánach leasuithe san earnáil poiblí.

significant is the European Charter for Regional or Minority Languages.² The UK government is a signatory state and the Charter monitoring process entered its second round of consultation in 2005. The UK Government has already submitted evidence to the Council of Europe on its implementation of the Charter, and various groups and bodies now have an important opportunity 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, the UK and Ireland. 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.

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) places 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 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, in knowing how to handle a challenging set of reforms within the public sector.

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

³ Léiríonn forbairt reachtúil na teanga Breatnaise an dóigh ar foghlaimíodh ceachtanna le ciall cheannaithe chun cúiseanna le héagothroime teangach sa limistéar poiblí a chealú agus le stádas na Breatnaise a neartú le himeacht ama. Cheadaigh Acht Cúirte na Breataine Bige 1942 go gcleachtadh daoine, a bheadh faoi mhíbhuntáiste dá labhródh siad i mBéarla, an Bhreatnais i gcúirteanna dlí. Chuir Acht na Breatnais 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 saol poiblí leis an teanga Bhreatnaise, 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 www.welsh-language-board.org.uk

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

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 is 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

In Albain, rith an Pharlaimint Albanach Bille na Teanga Gàidhlig 21ú Aibreán 2005.⁵ 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 chruithú 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 úsáidí 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
- 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)

Ochtar ball Boird agus Príomhfheidhmeannach an-chumasach agus a fhoireann a sheolann Plean Oibríochta an Bhoird do 2005-2007. Is ionann tréithe anseo agus tosaíochtaí agus dioscúrsa samhail na Breatnaise, is é sin tionscnamh fiontar páirtíochta, aimsiú tacaíochta ó Údaráis Áitiúla, forbairt oideachais trí mheán na Gàidhlig agus leathnú na craoltóireachta. Is iad na tosaíochtaí láithreacha Acht na Teanga Gàidhlig a fheidhmiú, Plean Náisiúnta don Ghàidhlig a bhunóidh roinnt Scéimeanna reachtúla Teanga agus sainsamhail náisiúnta Albanach don phleanáil teanga a fhorbairt.

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 Ghaeloideachas,

In Scotland, the Scottish Parliament passed the Gaelic Language Bill on 21st April 2005.⁵ 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 it hopes to ensure 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
- 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).

Eight Board members, together with a very proficient Chief Executive and his staff, progress the Board's Operational Plan for 2005-2007. This is characterised by the same priorities and discourse as 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 National Plan for Gaelic which will establish a number of statutory Language Schemes, and evolve a distinctly Scottish national model for language planning.

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

⁵ 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 dhiobhú 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 mhuinín le chéile le go seolfai an Ghàidhlig i dteaghlaigh, go gcuirfí chun cinn i scoileanna i agus go gcleachtfaí go forleathan i i bpobail agus in ionaid oibre i. Tá líon na gcainteoirí Gàidhlig againn ag fás cheana féin - a bhfuí, den chuid is mó, le rath agus tarraingt mhéadaithe an Gháidhealoideachais. Is é an dúshlán anois romainn 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 chleachadh. Sin a dhéanfaidh Acht na Gàidhlig." Arna lua ar shuíomh gréasáin Fheidhmeannas na hAlban: www.scotland.gov.uk/News/Releases/2005/04/21162614.

⁵ 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: www.scotland.gov.uk/News/Releases/2005/04/21162614.

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 thiocthadh faoi réimse an Acht 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 phobail. Dhá chúis a thugaim as an tuairim agam. Ar dtús, is é an 'stát áitiúil' a stiúirann an t-oideachas éigeantach agus an riarachán poiblí agus mar sin, ba chéim measartha dhíreach (murar furast) 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 tacaíocht 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 prionsabal bunaidh na pleanála teangaí i roinnt tíortha – ach is ar éigean gurb ann dó sa Bhreatain Bheag. 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 chomhlíonfadh éilimh an Achta. Is léir ar an reachtaíocht go bhfuil dualgas orthu an tseirbhís a sholáthar – agus ceart ag daoine ar í a fháil.

Déanta na fírinne, 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
- (b) teagasc na Gaeilge mar ábhar i mbunscoileanna agus meánscoileanna Béarla a chur chun cinn; 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
- (c) leormhéid téacsleabhar, bogearraí, earraí cuí closamhairc agus idirlín a fhorbairt agus a chur ar fáil; agus
- (d) forbairt agus soláthar a dhéanamh ar sheirbhís chúraim agus faisnéise sláinte do ghaelscoileanna agus do dhaltaí a bheidh ag fáil oideachais trí mheán na Gaeilge

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 almost completely absent in Wales. 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,
- (b) the teaching of Irish as a subject in English-medium primary and secondary schools, 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,
- (c) the development and adequate provision of Irish-language educational books, software, and audio-visual and web-based teaching material,
- (d) the development and provision of an adequate Irish-medium health care and health information service for Irish-medium schools and pupils receiving Irish-medium education,

- (e) forbairt agus soláthar a dhéanamh ar uirlisí agus ar thaca i gcomhair scrúduithe agus measúnachtaí, agus iad seo a bheith ag freagairt do riachtanais shonracha na ndaltaí Gaelscoile
- (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,
- (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
- (h) soláthar a dhéanamh, trí mheán chomhairliúcháin agus chomhordaithe le comhlachtaí cuí eile, ar sheirbhís eachtarchuraclaim agus ógsheirbhíse do earnáil na nGaelscoileanna, agus
- (i) 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 Chlárúcháin seirbhísí pósta sibhialta agus páirtíochtaí sibhialta a sholáthar ar iarratas trí mheán na Gaeilge.

Mholfainn 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 héagothroimí stairiúla agus neamhghníomh san am a d'imigh. Ghlacfaí leis gur seo cuid de choincheap normálú 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 h Éireann. Claonadh amháin in áiteanna eile is ea cearta forasacha a chur chun tosaigh i dtéarmaí soláthar seirbhísí don phobal. Ach is é an claonadh is rogha i gcáipéis seo POBAL tathaint ar son cur chuige bunaithe go daingean ar chearta is cosúla le Ceanada ná le hAlbain nó leis an Bhreatain Bheag.

- (e) the development and provision of 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, and
- (i) 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.

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.⁶ Mar shampla, is sampla é de laige na reachtaíochta reatha an greim atá ag Acht na Breatnaise 1993 ar Chomhlachtaí Corónach, mar ranna Rialtais RA (Rialtas Thionól na Breataine Bige san áireamh). Ní bhaineann cumhachtaí Acht na Teanga Breatnaise chun éileamh ar chomhlachtaí Scéimeanna Teanga a ullmhú agus ansin a aontú, le Comhlachtaí Corónach. Feicimid lochtanna den chineál céanna maidir le míchumas an Bhoird a bhfuil sna scéimeanna a athbhreithniú agus, i gcás an Rialtais, an chumhacht le comhlíonadh Scéimeanna a fheidhmiú. Ina áit sin, caithfear bheith ag brath ar dhea-mhéin na gComhlachtaí Corónach. Léiriú é den dea-mhéin seo go mbaineann sé, ar an mheán, a dhá oiread ama as Comhlachtaí Corónach scéimeanna teanga a ullmhú agus a bhaineann 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.

Níl sé seo inghlactha ná réasúnta. Tá leanúnas 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, caithfidh an Tionól aontú a fháil ó Westminster faoi aon leasú ar threoir reachtúil an Bhoird ar ullmhú Scéimeanna Teanga. I ndiaidh an chineachtaithe, agus ag cuimhneamh go bhfuil an Tionól Náisiúnta chun tosaigh sa limistéar beartais seo, creidim gur chúil 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 sa reachtaíocht reatha 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 teangach líon saothair comhlachta thar tréimhse a chinntiú. Ar an dóigh seo thiocthadh 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 cearta teanga ann, ní thig na laigí seo a

Current British and Irish experience in language planning suggests that arrangements in Wales and more recently in Ireland are 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.⁶ 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 the existing legislation. The Welsh Language Board's powers to require bodies to prepare, and then to approve Language Schemes do not apply to Crown Bodies. We see similar failings in respect of the Board's ability to review the content of schemes and, in the case of the Government, the power to enforce the implementation of Schemes. Instead, the goodwill of Crown Bodies must be relied upon. This goodwill manifests itself in the fact that Crown Bodies, on average, take twice as long as other bodies to prepare language schemes. On other occasions Crown Bodies have refused to implement the content of their Language Schemes – and political intervention at the highest level was necessary to rectify the situation.

This is 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 has already 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 is 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 believe 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 existing legislation is 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 believe 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

⁶ 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.

⁶ One area where the legislation could be 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. So the statutory powers should be strengthened to this end.

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.

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 socheacnamnaíoch. Fágann idircheangal eárnálacha éagsúla gur deacair teorainnacha 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 margáíochta 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 glaetha i bpáirt ag Rialtas na Breataine Bige nuair a shocraigh siad comhlachtaí uisce a thabhairt faoi scóip Acht Teanga 1993. A luaithe atá a chuid oibre i dtaca le fónais déanta ag an Rialtas, b'oiriúnach a mheas agus a phlé an dtiocfadh an t-aacht (nó reachtaíocht úr) a leathnú a fhad le limistéir eile gníomhaíochta, bancanna, mar shampla, nó cuideachtaí árachais. Creidim gur chóir go mbeadh de chumhacht ag an Tionól grúpaí de chomhlachtaí áirithe a ainmniú maidir le reachtaíocht theangach, mar a rinneadh i gcás comhlachtaí fónacha uisce.

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

by persistent pressure and political negotiation. Had the Welsh Language 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.

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 increasing 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 already accepted this principle in part through its decision to bring water companies under the ambit of the existing 1993 Language Act. Once the Government has completed its work in relation to utilities, it would be appropriate to consider and discuss whether the act (or new legislation) should be extended to other spheres of activity, such as banks and insurance companies. I believe that the Assembly should have the power to designate groups of particular bodies in relation to linguistic legislation, as was done in the case of the water utility companies.

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

tsamhail Bhreatnach, go gcuirfeadh an reachtaíocht ceanglas ar údarás áitiúla Oifigeach 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 Gaeilge, 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 ardchaighdeáin 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 sórt 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 plan a ullmhú agus cumhacht aige plan a aontú nó a dhiúltú, rud a chinnteodh méid áirithe maoirseachta i bpróiseas na planála gníomhaí teanga.

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 28 den Acht seo, agus faoi Alt 29, más cuí, den Acht seo.

(c) comhlíonadh na bhfeidhmeanna agus cleachtadh na gcumhachtaí a bhronntar air faoi Alt 32 den Acht seo;

(d) teagmháil agus comhairliúchán rialta a dhéanamh le Coimisinéir na Gaeilge Thuaisceart 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 Éireann; agus

(f) comhairle agus moltaí a thabhairt don Phairlimint faoi chosaint na teanga Gaeilge in áiteanna sa Ríocht Aontaithe taobh amuigh de Thuaisceart Éireann."

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 húdarás na mBord i bhfeidhmiú a gcinntí ar chomhlachtaí easumhla nó orthu sin a shéanann go bhfuil aon údarás ar chor ar bith ag Boird den chineál sin. Baineann an dara ceann le cumas gairmiúil i limistéar na planála teanga agus an riaracháin phoiblí. Sa Bhreatain

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 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.

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 28 and, if applicable, section 29, of this Act

(c) discharging the duties and powers conferred upon it under section 32 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

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 inchreidithe, úsáideach a sholáthar.

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 Éireann le plean teanga a ullmhú, caithfidh gach comhlacht poiblí ainmnithe faoi rialacha alt 33 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 socrúithe chun freagraí i nGaeilge a thabhairt ar cheisteanna óna 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 aistreófar 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 traenáil Ghaeilge ar fáil díobh agus cén sort traenála a bheidh i gceist;

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 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.

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 33 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;

- (ii) agus dheiseanna a chuirfidh an comhlacht poiblí ar fáil dá fhoireann an Ghaeilge a fhoghlaim agus a úsáid;
- (g) mionsonraí faoi na poist a sonróidh 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 eascaíonn sin ó achtán ar bith seachas an t-aachtán atá san Acht seo; agus
- (i) mionsonraí faoi—
 - (I) amscála atá socraithe ag an chomhlacht poiblí do fheidhmiú gach beart a shonraítear sa phlean;
 - (II) an t-amscála ags na socruithe atá ar intinn ag an chomhlacht poiblí do aiithbhreithniú an phlean;
 - (III) agus thairngireacht ar an leibhéal de 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".
- (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) 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."

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 thaighde i gCeanada ar phleanáil teangach agus ar shracadh theanga 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 Coimisinéir Teanga do Thuaisceart na hÉireann.⁷ Ba é an Státrúnaí a cheapfadh 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 Chomisinéara 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 cúirteanna⁸ agus go gcaithfeadh an Coimisinéir comhairliú agus comhoibriú leis Bord Um Chearta agus Pleanáil na Gaeilge TÉ agus An Coimisinéir Teanga sa Phoblacht agus le Foras na Gaeilge, leis an chomhoibriú is iomláine a chinntiú.

⁷ Leanann na moltaí san alt seo go dlúth samhail Choimisinéir Ceanadach do Theangacha Oifigiúla, ceann de na samhla 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.

⁸ 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.

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 first 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.⁷ 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 courts⁸ 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.

⁷ 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.

⁸ 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.

Ach is féidir, má bhunaíonn rialtas RA réim rialaitheach leis an Acht Gaeilge atá á mholadh a fheidhmiú agus a fhaireachán, nach éigean go mbeadh an rialtas i bhfách le hoifig Choimisinéir Gaeilge a bhunú. B'fhéidir gurbh fhearr leis 'rialtóir' a cheapadh a dhéanfadh idirghabháil nuair a éiríonn, má éiríonn, conspóid shuntasach. Tá an chontúirt ann nach ndíreodh an 'rialtóir' ach ar ábhair bhunriachtanacha 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 ríthábhachtach 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 ndéanfadh an Státrúnaí i dtús báire é, ach le himeacht aimsire dhéanfadh Tionól Thuaisceart na hÉireann seachas Rialtas an Tionóil é. Leanfadh sé seo níos an RA i dtaca leis an Ombudsman Seirbhísí Poiblí agus an Iníúchóir 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 ríthábhachtach 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 Ceanada, ó Phoblacht na hÉireann, ón Bhreatain Bheag, ó Thuaisceart na hÉireann ag comhoibriú agus ansin ag comhroinnt a gcomhthathí le Coimisinéirí i limistéir eile bheartais, Riarachán, Páistí, Seandaoine, Sláinte agus Leas agus mar sin de.

Dá ndiúltófaí don smaoineamh faoi Choimisinéir 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 Mionlach, an Cubhailch-oibhinsiún do Chosaint Mionlach Náisiúnta, conarthaí éagsúla Ceart Daonna agus an Cúnant Idirnáisiúnta ar Chearta Sibhialta agus Polaitiúla mar a phléitear thíos sa cháipéis seo.

Now it is possible that if the UK government establishes a regulatory regime to monitor and implement the proposed 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 rather than the Assembly Government. 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.

Cairt agus Fóram don Teanga Ghaeilge

Chomh maith le hAcht úr Gaeilge, 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 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 thiocfadh 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 dhiospóireachta 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 dtiocfadh 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 fhearr, iad sin ón Fhóram / Chomhairle san áireamh, agus moltaí praiticiúla a dhéanamh dóibh a thiocfadh le polaiteoirí a ghlacadh ar bord agus ansin iad a fheidhmiú le linn forbartha sochaí ba dhátheangai. 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. Sa Bhreatain Bheag tharraing na pleananna reatha leis an Tionól Náisiúnta a neartú moltaí dúshlánacha i leith ról an Tionóil i rith reachtaíochta thar ceann na teanga Breatnaise. Le himeacht ama chaithfí cuimhneamh ar impleachtaí dhéabhlóid iomlán cumhachtaí le reachtaíocht ar an Bhreatnais a rith do chomhlachtaí de chuid na Ríochta Aontaithe a sholáthraíonn seirbhísí sa Bhreatain Bheag. B'amhlaidh fosta maidir le húsáid na Gaeilge ag ranna Thuaisceart na hÉireann agus le ranna eile RA a sholáthraíonn seirbhísí do shaoránaigh sa tuaisceart.

A Charter and Forum for the Irish Language

As well as a new Irish 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 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. In Wales current plans to strengthen the National Assembly have elicited several challenging proposals vis a vis the role of the Assembly in legislating on behalf of the Welsh language. 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. The same would hold true with respect for the use of Irish by Northern Irish departments and in relation to other UK departments providing services to citizens in the north.

Tátaí

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 thiocthadh 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 cumhachtaí 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.

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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ACHT na GAEILGE TÉ 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 polasaí, ina measc siúd an réasúnaíocht atá taobh thiar de chuid de na roghanna agus na treonna sonracha a mholtar.

A. CEISTEANNA RÉAMHRÁITEACHA

Tosóidh an reachtaíocht le forálacha ginearálta a fhógróidh go mbeidh stádas oifigiúil ag an Ghaeilge i dTuaisceart Éireann 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 Phairlimint na Ríochta Aontaithe i Westminster nó faoi Thionól Thuaisceart Éireann a ba cheart rith na reachtaíochta a fhágáil. Ní raibh moill orainn a shocrú gur cheart an gnó a fhágáil faoi Westminster. Gan trácht ar Tionól Thuaisceart Éireann a bheith ar fionraí ón bhliain 2002, bhí cúiseanna eile leis an chinneadh sin. An ceann is tábhachtaí díobh seo, go bhfuil sé ar chumas Westminster forálacha a dhéanamh i ndáil le forais atá faoi aon-réir bhunreachtúil aige féin. Tá cuid mhór den chineál seo foras ann, an Roinn Oibre agus Pinsean agus Roinn na Cánach, mar shampla. Ní léir go mbeadh sé ar chumas Thionól Thuaisceart Éireann oibleagáidí ar bith i ndáil le húsáid na Gaeilge a leagan ar na forais sin i dtaca le húsáid na Gaeilge de. Is ionann an cás i dtaca le cúrsaí craolacháin, nó níl aon chumhacht ag an Tionól déileáil leis an ábhar seo agus bheadh air an cúram seo a fhágáil faoi Phairlimint Westminster.

Baineann an dara cúis mhachnaimh 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 a rialú. Os mar sin atá, is faoin Fheidhmeannas a fhágtar cuid mhór rudaí a bhaineann le feidhmiú forálacha, nó a éilíonn breithiúnas agus discríd ar leith a oireann don ócáid. Is cinnte gur mar seo a bheidh an scéal faoi aon Acht Gaeilge do Thuaisceart Éireann, fiú an t-acht is mó sonraí agus fororduithe. Ó tharla gan Tionól cobhsaí a bheith ag Tuaisceart Éireann faoi láthair, agus i bhfianaise an iomad deiseanna leamhsháinne a d'eascródh as cumhacht a bhronnadh ar an Tionól trí mheán na reachtaíochta seo, dar linn gurbh fhearr, ag an phointe ama seo, an cúram a fágáil ag an fheidhmeannas atá faoi údarás Westminster, agus ag an Státrúnaí do Thuaisceart Éireann go sonrath.

THE IRISH LANGUAGE ACT FOR NI 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. We have proceeded on the basis that the legislation would be passed by the UK Government. Aside from the fact that the Northern Ireland Assembly has been suspended since 2002, there are other reasons for this choice. The most important is that the UK Government could impose obligations in respect of institutions which are under the sole constitutional jurisdiction of Westminster. There are many such institutions which operate in Northern Ireland, for example, the Department for Work and Pensions and the Inland Revenue. It is not clear 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 to deal with broadcasting, and any legislation relating to Irish language broadcasting could only come from Westminster.

A second 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. In the absence of a stable Northern Ireland Assembly, and given the many opportunities for gridlock that empowering the Assembly under this legislation would create, the option of leaving matters to the Westminster-based executive, and in particular, to the Secretary of State for Northern Ireland, was the preferred option, at this point.

Mar thoradh ar an chomhairliúchán atá déanta go dtí seo ag POBAL, rud a chuimsíonn an comhairliúchán ráithe a rinneadh ar réamhdhréacht den cháipéis seo sa bhliain 2005, is léir go bhfuil lucht na Gaeilge i dTuaisceart Éireann go mór i bhfách le cur chuige ceartaiseach, 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 cumhachtaí atá le fáil i ndlínsí eile, gurb éigean cúrsaí áirithe a fhágáil faoi fhorais an Stáit mar a rinneadh ins na 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 feidhmiú ar leibhéal measartha ginearálta, sa dóigh nach féidir léi déileáil le gach cás agus gach teagmhas a thiocthadh chun solais. Tuigeadh go forleathan fosta le linn an chomhairliúcháin, go mbíonn deacrachtaí ag baint le feidhmiú an chur chuige cheartaisigh in áiteacha ar nós Thuaisceart Éireann 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 teanga iomlána gan choinníoll a sholáthar do lucht na Gaeilge i dTuaisceart Éireann. Tá an cheist seo scrúdaithe ar dhóigh níos mine 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 traenála agus creidiúnúcháin á leagan amach do na hinstiúidí cuí 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 Éireann) modhanna a aimsiú chun déileáil le réimse leathan de fhadhbanna praiticiúla a bhaineann le húsáid na Gaeilge sa tsaoil poiblí i dTuaisceart Éireann.

B. FORAIS PHOLAITIÚLA

(1) Tionól Thuaisceart Éireann

Cinnteoídh na forálacha go mbeidh an Ghaeilge ina teanga oifigiúil i dTionól Thuaisceart Éireann. Sonrófar impleachtaí an stáid seo sa reachtaíocht. 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 bheidh páirteach in obair na gcoistí nó in obair chomhlachtaí eile de chuid an Tionóil.

As a result of consultations that POBAL has held up to now, including consultations on an earlier draft of this document during three months of 2005, members of the Irish language community in Northern Ireland have generally been in favour of 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 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. There was 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. 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 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.

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 aistriúchán comhuaineach a chur ar fáil do gach duine a bheidh 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 aistriúchán comhuaineach a dhéanamh ar na himeachtaí ar fad, rud a d'fhágfadh go n-aistreofaí go Gaeilge aon rud a déarfá 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-aistritheoirí traenáilte 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 comhuaineach ar imeachtaí uile an Tionóil, agus measaimid nach mar sin is fearr na hacmhainní teoranta atá againn faoi láthair a chaitheamh. Os 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 indéantacht 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 comh 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 breithimh chun aon débriochtaí i gceachtar den dá leagan a réiteach. Sa dara háit, níorbh fhéidir lánaistriúchán a dhéanamh gan foireann aistritheoirí a bheadh measartha líonmhar agus a mbeadh scileanna ar leith acu sa dréachtú dlíthiúil. Más rún dúinn an fheidhm dhlíthiúil chéanna a bheith ag an dá leagan, ní féidir teacht gan dréachtóirí dlí dátheangacha, agus is iondúil gan mórán daoine den chineál seo a bheith le fáil.

Maidir le ceisteanna amháil aitheantas corparáideach, comhlachtaí, cumarsáid leis an phobal srl, tá forálacha sonracha soiléire leagtha amach faoi na cúrsaí seo sa chaibidil den cháipéis seo a dhéileálann le comhlachtaí poiblí, agus tá feidhm iomlán acu i ndáil le Tionól Thuaisceart Éireann. Ach i bprionsabal, is féidir a rá gur cheart don Tionól

Where Irish is used in any debate or other proceeding of the Assembly, its committees or its other bodies, simultaneous translation 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 translation of all proceedings, such that when English (or, indeed, any other language) is used, simultaneous translation would be made into Irish. Given the human resource implications, and in particular, the limited number of trained translators 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. 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

íomhá dhátheangach a bheith aige ar achan dóigh, gur cheart comharthaíocht dhátheangach a úsáid, agus gur cheart dó glacadh le comhfhreagras i nGaeilge agus freagraí Gaeilge a thabhairt ar an chomhfhreagras sin ar aon bhonn leis an chóras a bhaineann le comhfhreagras Béarla, agus gur cheart pearsanra cuí a earcú agus / nó a thraenáil ionas go mbeidh sé in ann na hoibleagáidí seo a chur i bhfeidhm go hiomlán.

(2) Údaráis 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 Éireann. Tá athbhreithniú buan ar siúl faoi láthair ar an Riarachán Poiblí. Is cosúil go mbeidh, dá thairbhe sin, i bhfad níos lú údarás áitiúil ann feasta agus níos mó Gaeilgeoirí sa chuid is mó acu ná mar a bhí go dtí seo. Ar bhonn na tairngreachta seo ní léir dúinn gur cheart ceangail níos troime a chur ar údaráis áirithe seachas údaráis eile. Tá sé socraithe againn, mar sin, na hoibleagáidí céanna a leagan ar achan cheann acu gan eisceacht. Beidh dualgas ar na húdaráis 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 1b 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 polasaithe, 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 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 mionteanga; ach cáineann paragraf 60 den tuarascáil aon cleachtais trína gcruthaítear ceantair riaracháin d'aonturas 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 idirnáisúnta 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 dí,

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. The ongoing Review of Public Administration will apparently result in the creation of a significantly smaller number of local authorities in Northern Ireland, most of which will have larger numbers of Irish speakers than is now the case. Based on these assumptions, we are 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 of the new 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 explanatory report to the Charter, the Council of Europe recognises that is not always possible to ensure that territorial administrative units 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

chun leasuithe cuí a dhéanamh ar an reachtaíocht seo atá á moladh againn anois.

Forálfaidh an reachtaíocht fosta go bhfostóidh gach údarás áitiúil Oifigeach Forbartha Gaeilge amháin ar a laghad, ar bhonn lánaimsire nó a chomhionann sin, agus é a bheith freagrach as teagmháil agus comhairliúchán a dhéanamh le pobal na Gaeilge 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. An chéad 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 reáchtálar ins na cúirteanna tá réimse mór próiseas garbhreithiúnach a tharlaíonn os comhair comhlachtaí breithiúnais (e.g. Binsí Fostaíochta, Boird Cheadúnaithe, Boird Phleanála, Coimsiúin na Mórshíúlta). Ar an ábhar sin, tá an chaibidil a bhaineann le riar na córa arna dréachtú ar dhóigh chomh chuimsitheach 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 Bhreatnais a úsáid sna cúirteanna, le cuidiú 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. Thiocfadh 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 Ghaeilge na mbreitheamh. 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 do aon duine 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 thiocfadh 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

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 or equivalent Irish Language Development Officer, who shall have the responsibility of consulting and liaising with the Irish speaking 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 question of which sorts of adjudicative process the right should extend to. 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 provides a right to use Welsh in the courts, with the assistance of an interpreter, but not to have other 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

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 Éireann. Sonraítear sin go soiléir ins na moltaí a thaispeántar thíos faoi seo. I bprionsabal, áfach, ba chóir do gach cúirt, gach binse agus gach comhlacht breithiúnais eile íomhá lán-dhátheangach 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 Éireann, idir an chuid acu a oibríonn go heisiach i dTuaisceart Éireann agus sa bharr air sin na comhlachtaí atá lánaithe i Westminster (m.s. ranna Whitehall amhail an An Roinn Oideachais agus Scileanna (RA) agus an An Roinn Cultúir, Meán agus Spóirt (RA)) beart díongbháilte a dhéanamh chun an Ghaeilge a chothú ina cuid oibríochtaí. Tógtar an abairt "beart díongbháilte" as an Cairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh a bhfuil rialtas na Ríochta Aontaithe (ar gach leibhéal) faoi cheangal aici.

Chinntéodh an ceangal seo ar chomhlachtaí poiblí go mbeadh mbeadh orthu (1) bearta cuí a dhéanamh chun an Ghaeilge a úsáid (agus an úsáid sin a spreagadh agus a chothú) taobh istigh dá chuid 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 traenáil 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 lánach ins na heagraíochtaí poiblí agus réimse

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 proposal 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 Skills and the Department for Culture, Media and Sport) shall take resolute action to promote the Irish language in its 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

leathan seirbhísí a sholáthar. Ar an ábhar sin tá cur chuige dúbáilte 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, Thuaisceart Éireann, a mbeadh de chumhacht aige tabhairt ar chomhlachtaí poiblí eile nach raibh ar an liosta, plean teanga a ullmhú agus a fheidmiú 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 rhoghnú 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 a ba chóir a ionsaí sa phlean 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 Breataine 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. 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.

Tá foráil curtha isteach againn mar sin a chumhachtóidh An Bord um Chearta agus Phleanáil na Gaeilge chun iachall a chur ar ollscoileanna, coláistí breisoideachais agus comhlachtaí traenála agus creidiúnúcháin, pleananna teanga a fhorbairt, faoi réir chomhairle agus faomhadh 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 traenáil phearsanra a bheidh líofa sa Ghaeilge. Tá ceisteanna deacaire ann i dtaca le ceapadh an Bhoird seo, díreach mar atá i gcás ceapadh Choimisinéir na Gaeilge do Thuaisceart Éireann 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

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 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. 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.

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-

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 san fhriotal seo, d'fhonn iarrachtaí comharthacha a eisiáimh, ach ní théann sé chomh fada leis an phrionsabal 50-50 dátheangachais a chleachtaítear i ndlínsí áirithe (ag Rialtas Cónascach Cheanada, 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 Éireann an forléiriú seo a athmheas agus moltaí dlícheanglacha a leagan amach, más cuí leis / léi a leithéid, as a stuaim féin, nó de bhonn ghearáin a bheadh faighte aige / aici ó bhall den ghnáthphobal.

- (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) bunachar a chur le chéile de dhaoine aonair agus d'eagraíochtaí arb eol gur fearr leo an Ghaeilge a úsáid, agus a chinntiú gur i nGaeilge a chuirfear tús le haon chumarsáid leis na daoine agus na heagraíochtaí sin;
- (d) cead agus spreagadh a thabhairt d'achan ball den fhoireann riar a chuid oibre féin de Ghaeilge a

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.

- (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

- 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 (nó i nGaeilge amháin, más cuí); sna meáin chumarsáide, réimse cuimsitheach d'fhoilseacháin Ghaeilge san áireamh, agus a chinntiú go luaitear gur buntáiste fostaíochta an Ghaeilge i gcás post ar bith ina mbeadh sé fóirsteanach;
- (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 fheithicilí, 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 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 Ghaeilge 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;
- 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 (or in Irish alone if appropriate) 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) 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) 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, comh 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, aistriúchán comhuaineach san áireamh, chun a chinntiú gur féidir an Ghaeilge a úsáid ag aon chruinnithe poiblí de chuid an chomhlachta phoiblí, agus nach mbeidh míbhuntáiste ar Ghaeilgeoirí ar bith a thograíonn Gaeilge a labhairt ag a leithéid de chruinniú phoiblí.

Ba chóir go mbeadh ceangal ar gach comhlacht poiblí a chinntiú go gcloífidh 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 Tionscadal Airgeadais Phríobháidigh 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 shíleann sé / sí go bhfuil aon chomhlacht poiblí ag déanamh faille ins na dualgais seo.

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, go sonrach ach ní go heisiach, 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 caithfear a thuiscint gur rud dlísteanaigh ann féin labhairt na Gaeilge) Dírteoidh an reachtaíocht aon amhras gan bhun a bhí ann san am a chuaigh thart faoi cheart na nGaeilgeoirí an teanga sin a úsáid san áit oibre.

- (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 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.

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. 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.

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 míréasúnta 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 dTuisceart Éireann oideachas réamhscoile, bunscoile agus iarbhunscoile a fháil dá chuid páistí nuair a bhíonn leoréileamh ar a leithéid de sheirbhís.

Is fadhb mhór 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 pholasaí 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 an Roinn Oideachais (Tuisceart Éireann), ar an Roinn Oideachais agus Scileanna (RA), agus / nó ar gach Bhord Oideachais agus Leabharlann i dTuisceart Éireann beart díogbháilte a dhéanamh chun cothú, éascú agus leormhaoiniú a sholáthar chun –

- (a) oideachas réamhscoile, bunscoile agus meánscoile a chur chun cinn sa dóigh go mbeidh teacht ar oideachas trí mheán na Gaeilge go forleathan ar achan leibéal ag an phobal,
- (b) teagasc na Gaeilge mar ábhar léinn i mbunscoileanna agus meánscoileanna Bhéarla agus freastal cuí i dteagasc na Gaeilge a dhéanamh ar dhaltaí meánscoile a bhfuil a gcuid oideachais bhunscoile, nó cuid de, faighte acu trí mheán na Gaeilge,

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 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 and Skills and/or every Education and Library Board in Northern Ireland 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,
- (b) the teaching of Irish as a subject in English-medium primary and secondary schools, 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,

- (c) forbairt agus leorsholáthar de leabhair oideachasúla, de bhogearraí, d'ábhar closamhairc agus d'ábhar idirlín a ullmhú,
- (d) forbairt agus soláthar a dhéanamh ar sheirbhís taca agus chomhairle i gcúrsaí curaclaim do Ghaeilscoileanna agus do dhaltaí atá ag fáil oideachais trí Ghaeilge, réamhscolaíocht agus soláthar os cionn 16 san áireamh,
- (e) seirbhís shásúil maidir le cúram sláinte agus faisnéis sláinte a fhorbairt agus a chur ar fáil do Ghaeilscoileanna agus do dhaltaí atá ag fáil oideachais trí Ghaeilge,
- (f) forbairt agus soláthar a dhéanamh ar scrúdaithe, ar uirlisí agus taca scrúdaithe agus measúnachta a fheastalóidh ar riachtanais shonracha na ndaltaí Gaelscoile,
- (g) forbairt agus soláthar a dhéanamh ar churaclam a fheagróidh do riachtanais shonracha na bpáistí Gaelscoile ar leibhéal a bheidh chomh hard céanna leis an chleachtas idirnáisiúnta is fearr san tumoideachas,
- (h) forbairt agus soláthar a dhéanamh ar churaclam a fheagróidh do riachtanais na ndaltaí atá ag foghlaim Gaeilge i scoileanna Béarla, agus
- (i) maidir le soláthar oideachas trí Ghaeilge, taighde agus traenáil chuí, traenáil do mhúinteoirí san áireamh, a chur ar fáil chun freastal ar riachtarais na ndaltaí atá ag fáil oideachais trí Ghaeilge.

Cuirfear ceangal ar na húdaráis seo polasaí mionsonrach a fhoilsiú faoin dóigh a gcomhlíonfaidh siad na dualgais seo, agus le linn dóibh an polasaí a ullmhú beidh sé d'fhiacha orthu dul i gcomhairle le haon eagraíocht is cosúil a bheith leaspháirteach.

Beidh dualgas sonrach 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 a fáil oideachais trí Ghaeilge), ag féachaint go cuí chuig sainriachtanais teanga na bpáistí seo.

Tabharfaidh an reachtaíocht aghaidh chomh maith ar oideachas réamhscoile, ar bhreisoideachas agus ar ardoideachas. Béidh oibleagáid ar an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí agus ar gach Bord Sláinte agus Seirbhísí Sóisialta i dTuaisceart Éireann, beart diongbháilte a dhéanamh chun cothú, eascú agus leormhaoiniú a chur ar fáil do fhorbairt na réamhscolaíochta Gaeilge, ag féachaint go cuí chuig riachtanais teanga na bpáistí atá ag foghlaim Gaeilge mar theanga bhreise.

Beidh sé de dhualgas ar an Roinn Fostaíochta agus Foghlamtha beart diongbháilte a dhéanamh chun cothú, eascú agus leormhaoiniú a chur ar fáil don bhreisoideachas,

- (c) the development and adequate provision of educational books, software, and audio-visual and web-based teaching material,
- (d) the development and provision of 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,
- (e) the development and provision of an adequate health care and health information service for Irish-medium schools and pupils receiving Irish-medium education,
- (f) the development and provision of examinations and assessment tools and support appropriate to the specific needs of pupils in Irish-medium education,
- (g) 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,
- (h) the development and provision of a curriculum appropriate to the needs of pupils learning Irish in English-medium schools, and
- (i) 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.

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.

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.

The legislation will also address preschool, further and higher education. The Department of Health, Social Services and Public Safety and every Health and Social Services Board in Northern Ireland, 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 will have a duty to take resolute action to encourage and facilitate, and to provide adequate funding for, the development of Irish-

don ardoideachas agus don ghairmoideachas a dhéantar trí mheán na Gaeilge agus do theagasc na Gaeilge mar ábhar staidéir ins na forais bhreisoideachais agus ardoideachais. Beidh dualgas den chineál chéanna leagtha ar Ollscoil na Banríona, Béal Feirste agus ar Ollscoil Uladh (agus ar a gcoláistí gaolmhara) 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.

Mar fhocal chlabhsúir 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 eascróidh as an Athbhreithniú ar Riarachán Poiblí atá ar siúl faoi láthair.

G. NA MEÁIN

Forálfaidh an reachtaíocht go mbeidh ceangal ar Státrúnaí Thuaisceart Éireann agus ar an An Roinn Cultúir, Meán agus Spóirt (RA) bearta diongbháilte a dhéanamh chun craoladh raidió agus teilifíse Gaeilge a chothú, go sonrach, gan a bheith eisiach, na bearta seo a leanas:

- (a) a chinntiú go mbeidh Raidió Teilifís Éireann, TG4 agus Raidió na Gaeltachta ar fáil go forleathan, agus comhartha tréan, soiléir acu, in achan cuid de Thuaisceart Éireann taobh istigh de bhliain i ndiaidh achtú na reachtaíochta seo, agus a chinntiú go ndéanfaidh rialtas na Ríochta Aontaithe a seacht ndhícheall chun a áitiú ar rialtas Phoblacht na hÉireann a chur faoi deara go léireofar leorchuid de chlár an dá sheirbhís i dTuaisceart Éireann.
- (b) a chinntiú go mbuanófar ciste craoltóireachta don Gaeilge a chuideoidh le maoiniú a dhéanamh ar fhorbairt chlár raidió agus teilifíse i dTuaisceart Éireann ag Gaeilgeoirí de chuid Thuaisceart Éireann.
- (c) a chinntiú, trí mheán ceadúnas craolta agus leormhaoiniú a bhronnadh, go mbunófar stáisiún raidió lánGhaeilge a bheidh lonnaithe i dTuaisceart Éireann agus a bheidh ag craoladh clár Gaeilge ar feadh 56 uair a chloig ar a laghad gach seachtain taobh istigh de

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 and the University of Ulster (including their associate colleges) would have a similar obligation with regard to higher education.

As with the general right to obtain Irish-medium 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.

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 current Review of Public Administration.

G. MEDIA

The legislation will provide that the Secretary of State for Northern Ireland and the (Westminster) Department for Culture, Media and Sport shall have an obligation to take resolute action to promote radio and television broadcasting in the Irish language, including, but not limited to:

- (a) ensuring that Radio Teilifís Éireann, TG4 and Raidió na Gaeltachta are generally available, with a signal of adequate strength and quality, in all parts of Northern Ireland, within one year of the enactment of the legislation, and that the UK government undertakes to make every effort to convince the Irish government to ensure that a sufficient proportion of programming on both services is produced in Northern Ireland;
- (b) ensuring the maintenance of an Irish language broadcasting fund which will assist in the funding of the development of Irish-language radio and television programmes in Northern Ireland and by Northern Ireland-based Irish speakers;
- (c) ensuring through the provision of a broadcasting license and the provision of financial support that a dedicated Irish language radio station, originating in Northern Ireland and broadcasting Irish language programmes at least fifty-six hours a week is established within one

bhliain i ndiaidh achtú na reachtaíochta seo agus a chinntiú go mbeidh an stáisiún le cluinstitín, agus comhartha láidir soiléir aige, achan áit i dTuaisceart Éireann.

Tá dhá chuspóir ag na forálacha seo: sa chéad áit, chun a chinntiú go mbeidh teacht ag Gaeilgeoirí Thuaisceart Éireann ar sheirbhís réasúnta raidió agus teilifíse; agus sa dara háit, chun seirbhís chraolta a fhorbairt i dTuaisceart Éireann a shásóidh na riachtanais, na spéiseanna agus na haislingí sainiúla atá ag pobal na Gaeilge i dTuaisceart Éireann. Ar feadh an chomhairliúcháin a rinneadh ar an cháipéis seo, ba léir gur mhó a bhí daoine i bhfách le teacht éasca iomlán a bheith acu ar TG4 ná ar sheirbhís teilifíse neamhspleách a bhunú i dTuaisceart Éireann. Bhíothas go tréan i bhfách le teacht iomlán éasca ar Raidió na Gaeltachta chomh maith. Ach san am chéanna bhíothas ag dúil go mbeadh níos mó clár déanta i dTuaisceart Éireann ins an dá sheirbhís seo, ionas go mbeadh freastal ann ar a gcuid riachtanas agus a gcuid ábhar spéise. Ní bheadh sé indéanta, trí mheán aon achta de chuid na Breataine, rialú a dhéanamh ar chlár a bhí ag teacht ó Phoblacht na hÉireann. Ach ar an taobh eile, bheadh sé indéanta oibleagáid a chur ar rialtas na Breataine comhoibriú le rialtas na hÉireann chun na rudaí seo a éascú. Agus bheadh sé indéanta ciste a bhuanú chun cuidiú le déanamh clár i dTuaisceart Éireann, ciste a d'fhásfadh as an chiste atá ann cheana, an Ciste Craoltóireachta Gaeilge. Maidir leis an chraoladh raidio, tugadh faoi deara go bhfuil OFCOM i ndiaidh ceadúnas a bhronnadh ar Raidió Fáilte i mBéal Feirste, agus measadh gur dea-rud é a leithéid de chraoladh Gaeilge san earnáil príobháideach a bheith ann agus measadh gur chóir don reachtaíocht ceangal a chur ar rialtas na Ríochta Aontaithe stáisiún den chineál sin a mhaoiniú agus cuidiú le tuilleadh forbairtí den chineál chéanna ar leibhéal réigiúnach seachas fanacht ar leibhéal áitiúil.

Mar fhocal scoir, tugaimid dár n-aire go bhfuil an Ríocht Aontaithe, faoi Alt 11, fopharagraf e (i) den Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, i ndiaidh glacadh air féin cruthú agus / nó buanú a dhéanamh ar nuachtán amháin Ghaeilge ar a laghad. I gcomhréir leis an tiomantas sin, agus i gcomhlíonadh air, tá foráil curtha sa reachtaíocht againn chun a chinntiú go leanfaidh na húdaráis stáit de bheith ag cur go leor taca agus maoinithe ar fáil chun a chinntiú go leanfaidh nuachtán laethúil Gaeilge de bheith á fhoilsiú go buan feasta.

year of the enactment of the legislation, and ensuring that this station is generally available, with a signal of adequate strength and quality, in all parts of Northern Ireland.

These provisions have two objectives: first, to ensure that Irish speakers in Northern Ireland have access to a reasonable broadcasting service, taking in both radio and television, and second, to develop a Northern Ireland based broadcasting service that reflects the specific needs, interests and aspirations of the Irish language community in the North of Ireland. During the course of our consultation on this document, there was a clear and consistent preference for the facilitation of full access to TG4 rather than the creation of a separate, stand-alone Irish-language television service in Northern Ireland. There was also clear support for the facilitation of full access to Raidió na Gaeltachta. There was concern, however, that both these services should more fully reflect the needs and interests of Irish speakers in Northern Ireland through a greater use of Northern Ireland-based programming. It would not be possible in a piece of British legislation to attempt to regulate programming originating from the Republic of Ireland. It would, however, be possible to create an obligation for the British government to work with the Irish government to facilitate this, and it would also be possible to create and maintain a fund to support the making of Northern Irish-based programming, growing out of the existing Irish Language Broadcast Fund. With regard to radio broadcasting, it was noted that OFCOM has now awarded a broadcast license to Raidió Fáilte, in Belfast, that such private sector Irish medium radio broadcasting is desirable, and that legislation should place an obligation on the UK government to provide funding for such radio and to facilitate further development of similar ventures on a regional rather than merely local level.

Finally, we note that under Article 11, subparagraph e (i) of the European Charter for Regional or Minority Languages, the UK has committed itself to encouraging and / or facilitating the creation and / or maintenance of at least one newspaper in Irish. Consistent with and in satisfaction of that commitment, a provision has been included to ensure that the state authorities continue to provide sufficient financial and other support to ensure that a daily newspaper in Irish will continue to be published.

H. FORFHEIDHMIÚ AR CHEARTA AGUS OIBLEAGÁIDÍ FAOIN ACHT

Tá moltaí na rannóige seo leanas dlúthchosúil le múnla Choimisinéir na dTeangacha Oifigiúla i gCeanada, 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.

Faoin Chaibidil seo, cruthófar oifig nua, ar a dtabharfar an teideal Gaeilge Coimisinéir na Gaeilge do Thuaisceart Éireann. Is ceist íogair cé aige a mbeidh cumhacht an ceapachán seo a dhéanamh. Agus i bhfianaise na ndearachtaí uile a pléadh sa rannóg thuas dar teideal "Ceisteanna Réamhráiteacha" chinn muid ar an chumhacht cheapacháin seo a thabhairt do Státrúnaí Thuaisceart Éireann. Níl aon réiteach furasta ar an fhadhb seo. Ní féidir don Choimisinéir, nó dá leithéid, 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 fhiosrúchán 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 pholaitiúil nó don ardoifigeach polaitiúil is mó aitheantas agus údarás aige. I láthair tosa na huaire, chonachtas dúinn gurbh é Státrúnaí Thuaisceart Éireann an t-oifigeach ba mhó a n-éireodh leis na coinníollacha 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 de chúrsaí na Gaeilge i dTuaisceart Éireann. Ach is é fiosrúchan 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 ar na cearta nó neamhchomhlíonadh ar na dualgais a shonraítear ins na 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 cáis, 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 / dí nach bhfuil an tuarascáil agus a cuid moltaí á gcur i gcrích. Ní dócha go mba leor an próiseas seo, mura mbeadh ann ach é, chun mianta lucht na Gaeilge i dTuaisceart Éireann a shásamh, nó nil rud ar bith ann a chinnteoidh go ndéileálfar go gníomhach leis an

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 Office of the Commissioner created thereunder.

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 legitimacy and authority possible. 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 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

ghearán. Ach sin mar a bhíonn an scéal maidir le hoifigi amhail Ombudsman agus Coimisinéir. Is dual dóibh feidhmiú trí mheán na comhairlíochta seachas éigeantas ar bith a chleachtadh. Seo an fáth go 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, le Bhord um Chearta agus Phleanáil na Gaeilge TÉ agus le Foras na Gaeilge, d'fhonn an comhoibriú a chleachtadh oiread agus is féidir.

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, with the Bord Um Chearta agus Phleanáil na Gaeilge TÉ and with Foras na Gaeilge, to ensure maximum cooperation.

CUID III: NA MOLTAÍ

GINEARÁLTA

1. Teanga oifigiúil de chuid Thuaisceart Éireann is ea an Ghaeilge. Tá sí chomh bailí céanna leis an Bhéarla i dThuaisceart 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 t-Acht 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 Éireann, nó ar aon rialachán dlí a thagann salach ar fhorálacha an Achta seo.
4. Má ainmnítear, sa leagan Ghaeilge, 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 Éireann leormhaoiniú ar fáil chun lánfheidhmiú an Achta seo a cheadú.
6. Nuair a bheidh deireadh leis an tréimse fionraí a cuireadh ar Thionól Thuaisceart Éireann ar an 14 Deireadh Fómhair 2002, aistreofar chuig Feidhmeannas Thuaisceart Éireann gach dualgas agus oibleagáid a leagtar ar Státrúnaí Thuaisceart Éireann i ndáil le gach ábhar a bhfuil údarás reachtaíochta ag Tionól Thuaisceart Éireann ina leith.

FORAIS PHOLAITIÚLA

Tionól Thuaisceart Éireann

7. Teanga oifigiúil de chuid Thionól Thuaisceart Éireann 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.
8. Nuair a úsáidtear an Ghaeilge de réir an chirt a shonraítear in alt 7, cuirfear ar fáil córas aistriúcháin

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. Upon the termination of the suspension of the Northern Ireland Assembly of 14th October 2002, all obligations and duties imposed upon the Secretary of State for Northern Ireland with respect to matters for which the Northern Ireland Assembly has legislative competence shall pass to the Northern Ireland Executive.

POLITICAL INSTITUTIONS

The Northern Ireland Assembly

7. 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.
8. Where Irish is used pursuant to the right set out in section 7, facilities shall be made available for the

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.

9. Má úsáidtear an Ghaeilge, beidh tuairisc Ghaeilge ar an chaint sin sna tuarascálacha oifigiúla a dhéantar ar 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.
10. Chomh luath agus is féidir i ndiaidh achtú aon Achta de chuid Thionól Thuaisceart Éireann, déanfar cló agus foilsíú comhuaineach ar an téacs i nGaeilge, i mBéarla agus i dteanga ar bith eile a thograíonn Tionól Thuaisceart Éireann.
11. Taobh istigh de chúig bliana ó theacht i bhfeidhm don Acht seo, déanfar athmheas ar a indéantacht agus a bheidh sé -
 - (i) 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 tuarascála oifigiúla ar dhíospóireachtaí agus ar imeachtaí eile an Tionóil gona chuid coistí agus comhlachtaí eile mar a raibh an Béarla in úsáid.
 - (ii) gach achtán de chuid an Tionóil a chló agus a fhoilsíú go comhuaineach i nGaeilge, i mBéarla agus i dteanga ar bith eile a roghnaíonn Tionól TÉ.
12. Maidir leis na forálacha de Alt 28 agus de Alt 29 a bhaineann le Seirbhísí Poiblí, bainfidh siad le Tionól Thuaisceart Éireann chomh maith.

Údaráis Áitiúla agus Bhardasacha

13. 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.
14. Nuair a bhaintear úsáid as an Ghaeilge de réir an chirt seo a shonraítear in Alt 13, cuirfear áiseanna ar fáil don aistriúchán chomhuaineach 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.

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.

9. Everything reported in the official reports of debates and other proceedings of the Assembly and of its 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.
10. 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.
11. Within five years of the entry into force of this Act, the Northern Ireland Assembly shall review the feasibility of -
 - (i) 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.
 - (ii) printing and publishing simultaneously in Irish and English, and any other language which the NI Assembly chooses, any enactment by the NI Assembly.
12. The provisions of sections 28 and 29 relating to Public Services shall apply to the Northern Ireland Assembly.

Local Authorities

13. 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.
14. Where Irish is used pursuant to the right set out in Section 13, 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.

15. 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.
16. 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 tuarascála oifigiúla ar a gcuid cruinnithe, a gcuid díospóireachtaí agus a gcuid imeachtaí eile mar ar úsáideadh an Béarla.
17. 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 údarás áitiúil a chló agus a fhoilsiú go comhuaineach i nGaeilge, i mBéarla agus i dteanga ar bith eile a roghnaíonn an t-údarás áitiúil.
18. Maidir leis na forálacha sin d'Alt 28 agus d'Alt 29 i ndáil leis na Seibhísí Poiblí, bainfidh siad le gach údarás áitiúil i dTuaisceart Éireann.
19. Caithfidh aon Acht Parlaiminte nua nó Acht nua de chuid Thionól Thuaisceart Éireann 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.
20. 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.
21. 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.
15. 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.
16. 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.
17. 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.
18. The provisions of sections 28 and 29 relating to Public Services shall apply to all local authorities in Northern Ireland.
19. 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.
20. 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.
21. Every local authority shall employ at least one full-time or 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.

RIAR NA CÓRA

22. 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 Éireann. Tá cead aige fosta Gaeilge a úsáid in aon phléadáil nó in aon cháipéis a bhaineann leis na forais sin.

ADMINISTRATION OF JUSTICE

22. 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.

23. 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.
23. 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.
24. Nuair a bhíonn Tionól Thuaisceart Éireann, údarás áitiúil, nó aon chomhlacht eile mar pháirtí in imeachtaí sibhialta os comhair cúirte, binse nó aon chomhlachta bhreithiúnais i dTuaisceart Éireann ina bhfuil socraithe ag an pháirtí eile de réir na caibidle seo an Ghaeilge a úsáid:
- 24 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,
- (a) Úsáidfidh an Tionól, an t-údarás nó an comhlacht poiblí an Ghaeilge i rith na n-imeachtaí má roghnaítear an Ghaeilge; agus
- (a) the assembly, authority or public body shall use the Irish language throughout the proceedings if Irish is chosen , and
- (b) má bhíonn beirt nó níos mó (diomaite de Thionól Thuaisceart Éireann, 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 Éireann, 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.
- (b) 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.
25. 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 Éireann.
- 25 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.
26. Cuirfear na cáipéisí seo leanas ar fáil i nGaeilge.
- 26 The following documents shall be made available in the Irish language:
- (a) Ceadúnais tiomána do achan réim
- (a) all classifications of driving licence;
- (b) Pasanna taistil agus víosaí
- (b) passports and visas;
- (c) Teastais bheireatais
- (c) birth certificates;
- (d) Teastais bháis, agus
- (d) death certificates; and
- (e) Teastais phósta agus teastais do pháirtíochtaí sibhialta
- (e) marriage certificates and civil partnership certificates

27. Beidh dualgas ar Oifig an Chláraitheora Ghinearálta leagan Gaeilge de theastais phósta agus de pháirtnéireachtaí sibhialta a sholáthar má iarrtar sin.

SEIRBHÍSÍ POIBLÍ

28. Déanfaidh gach comhlacht poiblí atá ag feidhmiú i dTuaisceart Éireann, iad siúd san áireamh atá ag obair ar fud na Ríochta Aontaithe chomh maith, gníomh diongbháilte 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.
29. Maidir leis na comhlachtaí poiblí atá arna liostáil i Sceideal an Achta seo, iarrfar orthu miniú a thabhairt ar an chiall a bhaineann siad as an abairtín "chomh fada agus is indéanta" in Alt 28, agus cuimseoidh an dualgas sin a leagann Alt 28 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;

27. 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.

PUBLIC SERVICES

28. 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.
29. 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 28, and the duty imposed by section 28 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) 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 fheithicilí, 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 i 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;
- (l) a chinntiú go bhfoilseofar na cáipéisí seo go comhuaineach, i bhformáid chlóite agus i bhformáid leictreonach, i nGaeilge agus i mBéarla;
- (e) taking appropriate measures to recruit Irish-speaking staff, including, but not limited to, 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) ensuring that the following documents are published, both in printed and electronic form, simultaneously in both Irish and English:

- (A) aon cháipéis a leagann amach moltaí i dtaca le polasaithe poiblí, go háirithe cáipéisí comhairliúcháin faoi reachtaíocht agus rialacháin;
- (B) aon tuarascáil bhliantúil;
- (C) 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.
30. Beidh sé de dhualgas ar achan comhlacht poiblí a liostáiltear i Sceideal an Achta seo bearta cuí a dhéanamh chun go ndéanfar faireachán ar chomhlíonadh na n-oibleagáidí a leagtar amach in Alt 29 thuas. Caithfidh an comhlacht poiblí an faireachán a dhéanamh go bliantúil agus beidh sé curtha faoi scrúdú ag Coimisinéir na Gaeilge, ar bhonn bhliantúil.
31. Beidh sé de dhualgas ar achan comhlacht poiblí a chinntiú go gcloíonn a chuid gníomhaithe agus conraitheoirí le hAlt 28 agus le hAlt 29 thuas. Cinnteoidh gach comhlacht poiblí atá ainmnithe sa Sceideal go gcloíonn a chuid gníomhaithe agus conraitheoirí le hAlt 29 thuas.
32. Tar éis do chomhlacht phoiblí ar bith, nach comhlacht poiblí é atá liostáilte sa Sceideal, fógra a fháil ón Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann, beidh sé de dhualgas air plean don Ghaeilge a ullmhú agus a chur i láthair an Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann 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 28. Féadfaidh an Bord um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann an plean sin a fhaomhadh mar atá sé nó féadfaidh sé a cheangal ar an chomhlacht phoiblí aon athruithe is cuí leis an Bhord a dhéanamh, agus más amhlaidh go n-iarrtar ar an chomhlacht phoiblí athruithe
- (A) any document setting out public policy proposals, including but not limited to, consultations relating to legislation or regulations;
- (B) any annual report;
- (C) 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.
30. 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 29 above are monitored by the public body itself on an annual basis and scrutinised by the Irish Language Commissioner, on an annual basis.
31. Every public body shall ensure that its agents and contractors comply with sections 28 and 29 above. Every public body designated in the Schedule shall also ensure that its agents and contractors comply with section 29 above.
32. 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, 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 28. 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

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 cuí leis an Bhord.

33. Caithfidh gach plean teanga a chruthófar de bhun Alt 32 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 socrúithe chun freagraí i nGaeilge a thabhairt ar cheisteanna óna 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 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 (foghlaiméoirí 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 traenáil Ghaeilge ar fáil dóibh agus cén sort traenála a bheidh i gceist;
 - (ii) agus dheiseanna a chuirfidh an comhlacht poiblí ar fáil dá fhoireann an Ghaeilge a fhoghlaim agus a úsáid
 - (g) mionsonraí faoi na poist a sonrúidh 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 aon t-achtán atá san Acht seo; agus

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.

33. Every Irish language plan created pursuant to section 32 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

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| <p>(i) mionsonraí faoi -</p> <p>(I) amscála atá socraithe ag an chomhlacht phoiblí do fheidhmiú gach beart a shonraítear sa phlean;</p> <p>(II) an t-amscála agus na socruithe atá ar intinn ag an chomhlacht phoiblí do athbhreithniú an phlean; agus thairngreacht ar an leibhéal de úsáid na Gaeilge a bheidh an chomhlacht phoiblí 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.</p> <p>34. Caithfidh gach plean Gaeilge a ullmhaítear de bhun Alt 32 tréimhse thríbhlianach a chlúdach, agus ag deireadh na tréimhse sin beidh sé de fhreagracht ar an chomhlacht phoiblí ábhartha tuarascáil a chur faoi bhráid an Bhord um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann ar fheidhmiú agus chomhlíonadh an phlean, agus ar an phlean nua atá beartaithe don chéad tréimhse thríbhlianach eile.</p> <p>35. 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 Éireann, caithfidh siad plean teanga a ullmhú a chomhlíonfaidh na prionsabail atá leagtha amach in Alt 28 agus a ionsóidh na hábhair uile a shonraítear in Alt 33 trína gcuid tiomantas a leagan amach maidir le hoiliúint a thabhairt do na soláthróirí 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 Éireann daingniú ar phlean ar bith den chineál seo díreach mar a dhéanfaidh sé leis na pleananna Gaeilge faoi Alt 33.</p> <p>36. Tá comhlacht corparáideach arna bhunú dá ngairfear Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann ag a bhfuil na feidhmeanna seo leanas -</p> <p>(a) cothú agus éascú a dhéanamh ar úsáid agus ar thuiscint na Gaeilge;</p> <p>(b) comhlachtaí poiblí a chomhairliú maidir le comhlíonadh a gcuid oibleagáidí faoi Alt 28 den Acht seo, agus faoi Alt 29, más cuí, den Acht seo;</p> <p>(c) comhlíonadh na bhfeidhmeanna agus cleachtadh na gcumhachtaí a bhronntar air faoi Alt 32 den Acht seo;</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 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>34. Each Irish language plan prepared pursuant to section 32 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 fulfillment of the plan, and proposing a new plan for the subsequent three-year period.</p> <p>35. 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 28 and that will, in addition to addressing all the matters specified in section 33, 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 33.</p> <p>36. There is established a body corporate to be known as Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann having the functions of—</p> <p>(a) promoting and facilitating the promotion of the use and understanding of the Irish language;</p> <p>(b) advising public bodies on the discharge of their obligations under section 28 and, if applicable, section 29, of this Act</p> <p>(c) discharging the duties and powers conferred upon it under section 32 of this Act;</p> |
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- (d) teagmháil agus comhairliúchán rialta a dhéanamh le Coimisinéir na Gaeilge Thuaisceart 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 Éireann; agus
- (f) comhairle agus moltaí a thabhairt don Phairlimint faoi chosaint na teanga Gaeilge in áiteanna sa Ríocht Aontaithe taobh amuigh de Thuaisceart Éireann.
37. Ní ceart an Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann (dá ngairtear "an Bord" san cháipéis seo) a áireamh mar shearbhónta nó mar ghníomhaire chorónach. 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 ná 11, agus de Chathaoirleach, daoine a cheapfar go neamheisiach ag Státrúnaí Thuaisceart Éireann do aon tréimhse is cuí leis an Státrúnaí. Reachtálfaidh an Bord a chuid cruinnithe trí mheán na Gaeilge agus bainfear feidhm as an aistriúchán comhuaineach más gá sin.
38. 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 Parlaiminte na Ríochta Aontaithe nó de chuid Thionól Thuaisceart Éireann, go gcruthaítear teorainneacha nua d'aon cheantar atá anois faoi chúram cheann ar bith de na comhlachtaí poiblí reatha (comhlachtaí atá ann nuair a rithítear 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 liostáilte i Sceideal an Achta seo.
- (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.
37. Bord Um Chearta agus Phleanáil na Gaeilge Thuaisceart Éireann (in this Article, 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.
38. This 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.

FOSTAÍOCHT

39. Beidh sé de cheart ag gach fostaí (mar a shainmhínítear san Ordú um Chóirfhostaíocht agus Chóirdhéileáil (Tuaisceart Éireann) 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 cliant nó le baill den ghnáthphobal a bhfuil Gaeilge acu.
40. Ní choiscfidh an ceart a leagtar síos in Alt 39 thuas ceart a bheith ag an fhostóir (mar a shainmhínítear san Ordú um Chóirfhostaíocht agus Chóirdhéileáil (Tuaisceart Éireann) 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 39 thuas.
41. Nil 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

42. Tá sé de cheart ag tuismitheoirí i dTuaisceart Éireann go bhfaighfeadh a gcuid páistí oideachas réamhscoile, bunscoile agus iarbhunscoile trí mheán na Gaeilge agus ceachtanna Gaeilge a fháil ag gach céim den oideachas bunscoile agus iarbhunscoile.
43. Feidhmíonn an ceart seo, a shonraítear in Alt 42 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 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 líon na bpáistí sin, an ceart ar oideachas trí mheán na Gaeilge i nGaelscoileanna a mhaoinítear ag an Státchiste.
44. Beidh aon chinneadh a dhéanfaidh an Roinn Oideachais maidir le leorlíon na bpáistí a bhfuil oideachas trí mheán na Gaeilge á iarraidh dóibh de bhun Alt 43(a) agus (b) thuas, beidh sé bunaithe ar na treoirlínte a ullmhófar agus a fhoilseofar de bhun Alt 46 thíos.

EMPLOYMENT

39. 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.
40. The right set out in section 39 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 39 above shall not be unreasonably restricted.
41. 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

42. All parents in Northern Ireland have the right to have their children receive Irish-medium preschool, primary and post-primary school education and to be taught the Irish language at all stages of primary and post-primary school education.
43. The right of parents in Northern Ireland under section 42 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, 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, to warrant such provision, the right to have them receive that education in Irish-medium schools provided out of public funds.
44. Any determination by the Department of Education with regard to the sufficiency of numbers of children for whom Irish-medium education is sought pursuant to section 43(a) and (b) above shall be based on the policy prepared and published pursuant to section 46 below.

45. Beidh sé de dhualgas ar Roinn Oideachais Thuaisceart Éireann agus ar an An Roinn Oideachais agus Scileanna (RA), agus ar aon 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:
- 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
 - teagasc na Gaeilge mar ábhar i mbunscoileanna agus meánscoileanna Béarla a chur chun cinn; agus bearta cuí a dhéanamh chun an Ghaeilge a chur ar fáil mar ábhar staidéir do dhaltai meánscoile a bhfuil a gcuid bunscolaíochta uile, nó páirt di, faighte acu trí mheán na Gaeilge
 - leormhéid téacsleabhar, bogearraí, earraí cuí closamhairc agus idirlín a fhorbairt agus a chur ar fáil; agus
 - forbairt agus soláthar a dhéanamh ar sheirbhís chúraim agus faisnéise sláinte do ghaelscoileanna agus do dhaltai a bheidh ag fáil oideachais trí mheán na Gaeilge
 - forbairt agus soláthar a dhéanamh ar uirlisí agus ar thaca i gcomhair scrúduithe agus measúnachtaí, agus iad seo a bheith ag freagairt do riachtanais shonracha na ndaltai Gaelscoile
 - forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltai Gaelscoile agus a léireoidh an cleachtas idirnáisiúnta is fearr sa tumoideachas,
 - forbairt agus soláthar a dhéanamh ar churaclam a bheidh ag freastal ar riachtanais shonracha na ndaltai a bheidh ag foghlaim Gaeilge i scoileanna Béarla
 - soláthar a dhéanamh, trí mheán chomhairliúcháin agus chomhordaithe le comhlachtaí cuí eile, ar sheirbhís eachtarchuraclaim agus ógsheirbhíse do earnáil na nGaelscoileanna, agus
 - 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 ndaltai a bheith ag fáil oideachais trí Ghaeilge.
46. Caithfidh an Roinn Oideachais polasaí a ullmhú agus a fhoilsiú maidir le comhlíonadh an dualgais seo agus na ndualgas a leagtar amach in Ailt 49 agus 50 thíos. Le linn dó a bheith ag ullmhú an pholasaí, caithfidh an Roinn Oideachais –
- dréachtleagan den pholasaí a fhoilsiú;
 - comhairliúchán a dhéanamh le haon duine nó le haon eagraíocht a mheasann sé a bheith leaspháirteach.
 - fógraíocht a dhéanamh faoin deis a bheidh ag daoine
45. It shall be the duty of the Department of Education and the Department for Education and Skills, and of any agency or contractor thereof exercising relevant functions on their behalf, to take resolute action to encourage, facilitate and provide adequate funding for—
- 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,
 - the teaching of Irish as a subject in English-medium primary and secondary schools, 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,
 - the development and adequate provision of Irish-language educational books, software, and audio-visual and web-based teaching material,
 - the development and provision of an adequate Irish-medium health care and health information service for Irish-medium schools and pupils receiving Irish-medium education,
 - the development and provision of examinations and assessment tools and support appropriate to the specific needs of pupils in Irish-medium education,
 - 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,
 - the development and provision of a curriculum appropriate to the needs of pupils learning Irish in English-medium schools,
 - 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, and
 - 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.
46. The Department of Education shall prepare and publish a policy relating to the fulfilment of this duty and the duty imposed by sections 49 and 50 below. In preparing this policy, the Department of Education must –
- publish a draft of the policy;
 - consult any person or organisation appearing to it to have an interest;
 - publicise the opportunity to make representations about

- aighneachtaí faoin pholasaí a chur i láthair taobh istigh de trí mhí, nó taobh istigh de thréimhse níos faide ná sin má shonraíonn an Roinn Oideachais a leithéid; agus
- (d) leoraid a thabhairt ar aon aighneacht a thagann i láthair taobh istigh den tréimhse sin.
47. Is ar bhun an pholasaí dá ndéantar tagairt in alt 46 a dhéanfaidh an Roinn Oideachas cinneadh ar bith i dtaca le haon mholtaí a thagann faoi alt 14 den Ordú um Oideachas agus Leabharlann (Tuaisceart Éireann) 1986 maidir le Gaelscoileanna nua a bhunú.
48. Maidir leis na moltaí seo, sonrúidh an polasaí atá leagtha amach in Alt 46 na nithe seo, i measc rudaí eile –
- (a) dóigh a gcuartóidh 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;
- (b) an dóigh a gcuirfidh an Roinn Oideachais san áireamh méid na scolaíochta trí mheán na Gaeilge atá ann cheana i gceantar na scoile nua;
- (c) 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
- (d) 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 hiarbhunscoile, agus
- (e) an dóigh a spreagfaidh an Roinn Oideachais tuismitheoirí agus páistí an ghaelscolaíochta a roghnú, agus a míneoidh sé agus a molfaidh sé buntáistí na gaelscolaíochta.
49. Beidh sé de dhualgas ar an Roinn Oideachas agus ar an An Roinn Oideachais agus Scileanna (RA) 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.
50. Beidh sé de dhualgas ar an Roinn Oideachais, ar an An Roinn Oideachais agus Scileanna (RA), agus ar achan Bhord Oideachais agus Leabharlann i dTuaisceart Éireann, comhairle agus tacaíocht chuí i gcúrsaí
- the draft policy within such period of not less than 3 months as the Department of Education may specify; and
- (d) give as much weight as practicable to any representations received by it within that period.
47. 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 46.
48. The policy required by section 46 shall specify in relation to such proposals, among other things –
- (a) 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;
- (b) 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;
- (c) 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;
- (d) 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
- (e) 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.
49. It shall be the duty of the Department of Education and the Department for Education and Skills 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.
50. It shall be the duty of the Department of Education, the Department for Education and Skills, and of every Education and Library Board in Northern Ireland, to provide an adequate curriculum advisory and support

curaclaim a chur ar fáil do Ghaelscoileanna agus do dhaltai atá ag fáil oideachais trí mheán na Gaeilge, daltaí réamhscoile agus daltaí 16+ san áireamh.

51. Beidh sé de dhualgas ar gach Bord Oideachais agus Leabharlann i dTuaisceart Éireann 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.
52. Beidh sé de dhualgas ar an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí, agus ar achan Bord Sláinte agus Seirbhísí Sóisialta i dTuaisceart Éireann, 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 theanga bhreise.
53. Beidh sé de dhualgas ar an Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí, agus ar achan Bord Sláinte agus Seirbhísí Poiblí i dTuaisceart Éireann, comhairle agus cúram sláinte a sholáthar trí mheán na Gaeilge do na gaelscoileanna agus do gach dalta a bheidh ag fáil oideachais trí mheán na Gaeilge, agus faisnéis agus ábhar cuí eile a bhaineann le forbairt phearsanta agus le forbairt sláinte a thabhairt do na scoileanna sin trí mheán na Gaeilge.
54. Beidh sé de dhualgas ar an Roinn Fostaíochta agus Foghlamtha 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.
55. 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.
56. 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 Éireann, go gcruthaítear teorainneacha nua d'aon cheantar atá anois faoi chúram cheann ar bith de service for Irish-medium schools and pupils receiving Irish-medium education, including pupils in preschool and post -16 provision.
51. It shall be the duty of every Education and Library Board in Northern Ireland 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.
52. It shall be the duty of the Department of Health, Social Services and Public Safety and of every Health and Social Services Board in Northern Ireland 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.
53. It shall be the duty of the Department of Health, Social Services and Public Safety and of every Health and Social Services Board in Northern Ireland to 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 to provide materials and information relating to personal and health development to such schools through the medium of Irish.
54. 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.
55. 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.
56. 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

na comhlachtaí poiblí reatha (comhlachtaí atá ann nuair a rithtear 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 bheith faoi cheangal go buan ag na dualgais a leagtar amach sa chaibidil seo.

MEÁIN CHUMARSÁIDE

57. Déanfaidh Státrúnaí Thuaisceart Éireann agus An Roinn Cultúir, Meán agus Spóirt (RA) beart díoghbháilte chun craoladh raidió agus teilifíse i nGaeilge a chothú. I measc rudaí eile, go sonrath ach ní go heisiach:
- (a) féachfaidh siad chuige go mbeidh Raidió Teilifís Éireann, TG4 agus Raidió na Gaeltachta, ar fáil go forleathan in achan cuid de Thuaisceart Éireann, agus comhartha láidir soiléir a bheith acu;
 - (b) cinnteoidh siad go mbunófar ciste craoltóireachta Gaeilge a bheidh leormhaoinaithe agus a chuideoidh le maoiniú a dhéanamh ar fhorbairt chlár raidió agus teilifíse i dTuaisceart Éireann ag Gaeilgeoirí de chuid Thuaisceart Éireann;
 - (c) Féachfaidh siad chuige go mbeidh ceadúnas craoltóireachta agus leormhaoiniú ar fáil chun go mbeidh stáisiún raidió ar leith arna bhunú don Ghaeilge taobh istigh de bhliain amháin ón lá a dtiocfaidh an reachtaíocht seo i bhfeidhm, agus go mbeidh sé arna lonnú i dTuaisceart Éireann, agus é ag craoladh clár Gaeilge ar feadh 56 uair a chloig sa tseachtain ar a laghad, agus comhartha láidir soiléir aige a chinnteoidh go mbeidh sé le cluinstit go forleathan in achan cuid de Thuaisceart Éireann, agus leorfhreastal a dhéanamh aige ar riachtanais phobal na Gaeilge i dTuaisceart Éireann; agus
 - (d) a chinntiú go ndéanfaidh gach craoltóir raidió agus teilifíse a bheidh ag feidhmiú i dTuaisceart Éireann freastal cuí ar an Ghaeilge ina a gcuid clársceideal.
58. Leanfaidh Státrúnaí Thuaisceart Éireann nó / agus Tionól Thuaisceart Éireann de bheith ag cur go leor airgid agus taca eile ar fáil chun a chinntiú go mbeidh ar a laghad nuachtán laethúil amháin á fhoilsiú i nGaeilge i dTuaisceart Éireann.

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

57. The Secretary of State for Northern Ireland and the Department for Culture, Media and Sport shall take resolute action to promote radio and television broadcasting in the Irish language, including, but not limited to:
- (a) ensuring 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;
 - (b) ensuring the establishment and maintenance of an Irish language broadcasting fund that is suitably resourced and which will assist in the funding of the development of Irish-language radio and television programming in Northern Ireland and by Northern Ireland-based Irish speakers;
 - (c) ensuring the provision of a broadcasting license and sufficient financial support that a dedicated Irish language radio station, originating in Northern Ireland and broadcasting Irish language programmes at least fifty-six hours a week is established within one year of the date that this legislation comes into effect, and ensuring that this station is generally available, with a signal of adequate strength and quality, in all parts of Northern Ireland, and is adequate to meet the needs of the Irish language community in Northern Ireland; and
 - (d) ensuring that all radio and television broadcasters operating in Northern Ireland include provision for the Irish language in their programme schedules.
58. The Secretary of State for Northern Ireland and/or the Northern Ireland Assembly shall continue to provide sufficient financial and other support to ensure the continued publication in Northern Ireland of at least one daily newspaper in the Irish language.

FORFHEIDHMIÚ AR CHEARTA AGUS OIBLEAGÁIDÍ FAOIN ACHT

Oifig Chomisinéir na Gaeilge do Thuaisceart Éireann

59. Beidh Coimisinéir ann don Ghaeilge i dTuaisceart Éireann, "Coimisinéir na Gaeilge Thuaisceart Éireann". Státrúnaí Thuaisceart Éireann a dhéanfaidh an ceapachán. Ní cheapfar duine ar bith nach bhfuil líofa sa Ghaeilge.
60. Faoi réir na fochaibidle seo, agus ar acht dea-iompair, fanfaidh an Coimisinéir in oifig ar feadh chúig bliana, ach féadfaidh Státrúnaí Thuaisceart Éireann é a chur ó oifig am ar bith má bhíonn leorchúis ann. Ag deireadh na chéadtréimhse oifige, nó a deireadh aon tréimhse ina dhiaidh sin, beidh an Coimisinéir incheaptha do théarma eile nach faide ná cúig bliana.
61. 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 Éireann 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.
62. Beidh an Coimisinéir ar aonchéim le ceann roinne i bhFeidhmeannas Thuaisceart Éireann maidir le gradam agus cumhachtaí agus maidir le híocaíocht 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.
63. 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 Éireann iomlán na gcostas a bhaineann le riar na hoibre sin. Beidh sé de dhualgas ar Fheidhmeannas Thuaisceart Éireann leormhaoiniú a dhéanamh ar Oifig an Choimisinéara chun go bhféadfaidh an Coimisinéir a chuid dualgas a chomhlíonadh go héifeachtach.

ENFORCEMENT OF RIGHTS AND OBLIGATIONS UNDER THE ACT

Office of the Irish Language Commissioner for Northern Ireland

59. There shall be an Irish Language Commissioner for Northern Ireland, Coimisinéir na Gaeilge Thuaisceart 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.
60. 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.
61. 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.
62. 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.
63. 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.

Dualgais agus Feidhmeanna Choimisinéir na Gaeilge

64. Comhlíonfaidh Coimisinéir na Gaeilge pé dualgais agus feidhmeanna a shanntar do Choimisinéir faoin Acht seo ag Parlaimint na Ríochta Aontaithe nó ag Tionól Thuaisceart Éireann.
65. 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.
66. Beidh sé de dhualgas ar an Choimisinéir, chun na críche a leagtar amach in alt 65 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.
67. Féadfaidh an Coimisinéir athmheas a thionscnamh ar rialachán nó ar threorach ar bith a rinneadh faoin Acht seo, nó ar aon rialachán nó treorach a théann do chearta agus oibleagáidí atá leagtha síos san Acht seo. Agus féadfaidh an Coimisinéir tagairt a a dhéanamh agus tuairimí a nochtadh faoi thoradh an athmheasa sin i bhfoirm tuairisce le Parlaimint na Ríochta Aontaithe agus le Tionól Thuaisceart Éireann de bhun na bhforálacha ar chúrsaí tuairisce atá sonraithe thíos faoi seo.
68. 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

69. 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 do cheart nó d'oibleagáid ar bith a leagtar síos san Acht seo, nó a théann, go ginearálta, do 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 poblí a luaitear in alt 28 a bhaint as an abairtín "chomh fada agus is indéanta", agus ar ghearán ar bith maidir le comhlíonadh na ndualgas a cheanglaítear in alt 28, agus ar aon ghearán maidir le plean Gaeilge a cruthaíodh de bhun Alt 32 do Alt 33.

Duties and Functions of the Irish Language Commissioner for Northern Ireland

64. 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.
65. 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.
66. It is the duty of the Coimisinéir, for the purpose set out in section 65 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.
67. 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.
68. 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

69. 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 28 has chosen to interpret the phrase "to the maximum extent practicable", any complaint in respect of the discharge of any duties imposed under section 28, and any complaint in respect of an Irish language plan created pursuant to section 32 or section 33.

70. 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.
71. 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:
- (a) go bhfuil ábhar an ghearáin mionchúiseach;
- (b) go bhfuil an gearán suaibhreasach nó bearránach, 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.
- 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.
72. 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.
73. 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.
74. Beidh sé de cheart ag an Choimisinéir an nós imeachta a roghnú d'aon fhiosrúchán a ghabhann sé as lámh.
75. Beidh sé de chumhacht ag Coimisinéir na Gaeilge, le linn fiosrúcháin ar bith faoin Acht seo:
- (a) toghairm éigeantach a chur ar fhinnéithe, ordú dóibh fianaise bhéil 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 / í ag cleachtadh a c(h)umhachta go hiomlán;
- (b) daoine a chur faoi mhionn;
- (c) aon fhianaise nó fhaisnéis a fháil agus a ghlacadh, má mheasann an Coimisinéir a leithéid a bheith
70. 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.
71. 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) 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 Commissioner
- Where the Commissioner decides to refuse to investigate or cease to investigate any complaint, the Commissioner shall inform the complainant of that decision and shall give the reasons therefor.
72. Before carrying out an investigation under this Act, the Commissioner shall inform the head of the institution concerned of his or her intention to carry out the investigation.
73. Every investigation by the Commissioner 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 Commissioner.
74. The Commissioner may determine the procedure to be followed in carrying out any investigation under this Act.
75. The Commissioner has, in relation to carrying out any investigation under this Act, power
- (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 Commissioner 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) to administer oaths;
- (c) to receive and accept such evidence and other information, whether on oath or otherwise, as in his or

riachtanach, is cuma cé acu a bheadh an fhianaise nó an fhaisnéis sin incheadaithe i gcúirt dlí nó nach mbeadh.

76. Má bhíonn fáthanna réasúnta ag an Choimisinéir le creidiúint:
- (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 Rúnaí Stáit Thuaisceart Éireann agus do cheannaire an fhorais atá i gceist san fhiosrúchán
77. Má mheasann an Coimisinéir, i ndiaidh dó fiosrúchán a dhéanamh faoi choimirce an Achta seo:
- (a) gur chóir an beart nó an neamart a 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 treorach; nó
 - (c) gur chóir beart ar bith eile a dhéanamh,

cuirfidh an Coimisinéir an bharúil sin, agus na fáthanna atá léi, in iúl do Rúnaí Stáit Thuaisceart Éireann 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 de 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 de 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 Rúnaí Stáit Thuaisceart Éireann agus féadfaidh an Rúnaí Stáit pé beart is cuí leis a dhéanamh i dtaobh na tuairisce agus na moltaí sin.

her discretion the Commissioner sees fit, whether or not the evidence or information would be admissible in a court of law.

76. Where the Commissioner believes on reasonable grounds that:
- (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 Commissioner or otherwise assisted the Commissioner in any way, or
 - (b) the Commissioner, or any person acting on his or her behalf or under his or her direction, has been obstructed in the performance of the Commissioner's duties or functions under this Act, the Commissioner may report that belief and the grounds therefore to the Secretary of State for Northern Ireland and to the head of any institution concerned.
77. If, after carrying out an investigation under this Act, the Commissioner 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 Commissioner 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 Commissioner may, in any such report, make such recommendations as he thinks fit, and request the head of the institution concerned to notify the Commissioner 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 Commissioner containing recommendations has been made, adequate and appropriate action has not, in the opinion of the Commissioner, been taken, the Commissioner, 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.

78. 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 aige faoin Acht seo. Chun críche aon dlí a bhaineann le leabhal nó clúmhilléadh, bronnfar pribhléid ar aon rud a deirtear, ar aon fhaisnéis a sholáthraítear, ar aon cháipéis a chuirtear i láthair de mheon mhacánta 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 faoi 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 Rúnaí Stáit Thuaisceart Éireann

79. Taobh istigh d'achar réasúnta ama i ndiaidh deireadh gach bliain, déanfaidh an Coimisinéir tuairisc a ullmhú agus sin a chur faoi bhráid Rúnaí Stáit Thuaisceart Éireann, 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.

80. Féadfaidh Coimisinéir na Gaeilge, am ar bith is mian leis / léi, tuairisc speisialta a chur chuig Rúnaí Stáit Thuaisceart Éireann 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 79, do sheachadadh na chéad tuarascála bliantúla eile.

81. Aon tuairisc a dhéantar faoi alt 79 nó alt 80 den fhochaibidil seo, cuirfear í faoi bhráid na Parlaiminte agus faoi bhráid Thionól Thuaisceart Éireann. Fógróidh Coimisinéir na Gaeilge í, agus cuirfear ar fáil i don phobal go forleathan.

78. No criminal or civil proceedings lie against the Commissioner, or against any person acting on behalf of or under the direction of the Commissioner, 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 Commissioner 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 Commissioner under this Act is privileged, and any report made in good faith by the Commissioner 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

79. The Commissioner 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 Commissioner deems necessary or desirable in order that effect may be given to its spirit and intent.

80. The Commissioner 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 Commissioner where, in the opinion of the Commissioner, 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 79.

81. Any report made under section 79 or 80 of this sub-chapter shall also be laid before Parliament and before the Northern Ireland Assembly, shall be publicised by the Commissioner and shall be made available to the general public.

Leigheas Cúirte

82. San fhochaibidil seo, ciallaíonn "Cúirt" an Ardchúirt.
83. Má bhíonn gearán déanta leis an Choimisinéir ag duine ar bith i dtaobh dualgais nó cirt faoi Alt 69 den Acht seo, féadfaidh an duine sin leigheas a iarraidh ar an Chúirt faoin chuid seo den Acht.
84. Féadtar iarratas a dhéanamh, faoi alt 83, taobh istigh de nócha lá i ndiaidh don Choimisinéir:
- toradh ar fhiosrúchán an ghearáin ag an Choimiséir a chur in iúl don ghearánaí;
 - moltaí an Choimisinéara faoin chás a chur in iúl don ghearánaí;
 - a chur in iúl don ghearánaí nach bhfuil sé/sí sásta tabhairt faoin fhiosrúchán nó dul ar aghaidh leis, nó taobh istigh d'aon tréimhse bhreise a shocróidh nó a cheadóidh an Chúirt roimh dheireadh na tréimhse 90 lá nó ina dhiaidh.
85. 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 83 am ar bith ina dhiaidh sin.
86. Má chinneann an Chúirt, de thoradh imeachtaí faoi alt 83, 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 dála an cháis, damhachtain damáistí nó faoiseamh urghaireach san áireamh.
87. Taobh istigh de na teorainneacha ama a shonraítear i bhfo-alt 84 (a) nó (b), féadfaidh an Coimisinéir, le cead an ghearánaí, iarratas ar leigheas Cúirte a dhéanamh, faoin fhochaibidil seo, i leith aon ghearán 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 83 den fhochaibidil seo, nó féadfaidh an Coimisinéir, le cead na Cúirte, láithriú mar pháirtí in aon imeachtaí a tharlaíonn faoin fhochaibidil seo.
88. 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.

Court Remedy

82. In this sub-chapter, "Court" means the High Court.
83. Any person who has made a complaint to the Commissioner in respect of a right or duty under section 69 may apply to the Court for a remedy under this part.
84. An application may be made under section 83 within ninety days after
- the results of an investigation of the complaint by the Commissioner are reported to the complainant,
 - the complainant is informed of the recommendations of the Commissioner, or
 - the complainant is informed of the Commissioner'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.
85. Where a complainant has made a complaint to the Commissioner under this Act and is not informed of the results of the investigation, the recommendations of the Commissioner 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 83 at any time thereafter.
86. Where, in proceedings under section 83, 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.
87. The Commissioner may, within the time limits prescribed in subsection 84 (a) or (b), apply to the Court for a remedy under this sub-chapter in relation to a complaint investigated by the Commissioner if the Commissioner has the consent of the complainant. The Commissioner may also appear before the Court on behalf of any person who has applied under section 83 for a remedy under this sub-chapter, or, with leave of the Court, appear as a party to any proceedings under this sub-chapter.
88. 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 uasdátú le hIonstraim Reachtúil mar agus nuair is riachtanach.

Moltaí don Sceideal

De réir catagóire

Ranna uile rialtais TÉ

De réir teidil

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 Foghlamtha

An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí

An Roinn Talmhaíochta agus Forbartha

Oifig an Chéad-Aire is an LeasChéad-Aire

Ranna Rialtais RA

An Roinn Cultúir, Meán agus Spóirt

An Roinn Eachtrach agus Comhlathais

An Roinn Oideachais agus Scileanna

An Roinn Iompair, Rialtais Áitiúil agus na Réigiún

An Roinn Cosanta

An Roinn Sláinte

An Roinn Fostaíochta agus Pinsean

Comhairlí ceantair uile rialtais áitiúil

Na ceantair údaráis áitiúil uile i dTuaisceart na hÉireann tar éis

Athbhreithniú an Riaracháin Phoiblí

Na comhlachtaí sláinte reachtúla uile
(agus a gcomharbaí tar éis ARP)

Bord Sláinte agus Seirbhísí Sóisialta an Deiscirt

Bord Sláinte agus Seirbhísí Sóisialta an Iarthair

Bord Sláinte agus Seirbhísí Sóisialta an Oirthir

Bord Sláinte agus Seirbhísí Sóisialta an Tuaiscirt

Fosta:

Foras Seirbhísí Lárnacha Sláinte agus Seirbhísí Sóisialta TÉ

Na hiontaobhais ospidéal uile (agus a
gcomharbaí tar éis ARP)

Iontaobhas SSS Ospidéal Ailt na nGealbhan

Iontaobhas SSS Ard Mhacha agus Dhún Geanainn

Iontaobhas SSS Ospidéal Cathrach Bhéal Feirste

Iontaobhas SSS an Chlocháin

Iontaobhas SSS Pobail Chreagabhann agus Dhroichead na Banna

Iontaobhas SSS Grúpa Ospidéal Cheantair Chreagabhann

Iontaobhas SSS an Dúin Lios na gCearrbhach

Iontaobhas SSS an Fheabhail

Iontaobhas SSS na Páirce Glaise

Iontaobhas SSS Homefirst

Iontaobhas SSS Ospidéal Mháthair na nEaslán

Schedule

The Schedule will 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
UK Government Departments	Department for Culture, Media and Sport
	Foreign and Commonwealth Office
	Department for Education and Skills
	Department for Transport, Local Government and the Regions
	Ministry of Defence
	Department of Health
Department for Work and Pensions	
All local government district councils	Each of the local authority areas in Northern Ireland following the Review of Public Administration
All statutory health bodies (and their successors following the RPA)	Eastern Health and Social Services Board
	Northern Health and Social Services Board
	Southern Health and Social Services Board
	Western Health and Social Services Board
Also:	NI Central Services Agency for Health and Social Services
All hospital trusts and their successors following the RPA	Altnagelvin Hospitals HSS Trust
	Armagh and Dungannon HSS Trust
	Belfast City Hospital HSS Trust
	Causeway HSS Trust
	Craigavon and Banbridge Community HSS Trust
	Craigavon Area Hospital Group HSS Trust
	Down Lisburn HSS Trus
	Foyle HSS Trust
	Green Park HSS Trust

	Homefirst Community HSS Trust
	Mater Infirmorum Hospital HSS Trust
	Newry and Mourne HSS Trust
	NI Ambulance Service HSS Trust
	North and West Belfast HSS Trust
	Royal Group of Hospitals and Dental Hospital HSS Trust
	South and East Belfast HSS Trust
	Sperrin Lakeland HSC Trust
	Ulster Community and Hospitals HSS Trust
	United Hospitals HSS Trust
	NI Health Promotion Agency
	National Board for Nursing, Midwifery and Health Visiting
All statutory education bodies (and their successors following the RPA)	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 Tourist Board
	NI Housing Executive
	NI Community Relations Council
	Electricity Supply NI
	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
	The Passport Agency
	The Television Licensing Agency

AGUISÍN

ACHOIMRE AR NA DLÍCHEANGAIL IDIRNÁISIÚNTA ATÁ ANOIS AR AN RÍOCHT AONTAITHE MAIDIR LEIS AN TEANGA GHAELIGE I DTUAISCEART ÉIREANN

Le Dr Fernand de Varennes

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 gceolann a cuid brainsí uilig, agus struchtúir áirithe – bardais agus comhlachtaí “ceaptha” féin san áireamh – leis na dlícheangail idirnáisiúnta atá uirthi mar stát ceannasach. Leis an fhírinne docht a rá, baineann sé seo le gach conradh atá daingnaithe ag an Ríocht Aontaithe sa bharr ar rialacha ábhartha de chuid an dlí gnáthaimh idirnáisiúnta. Ciallaíonn sé seo go bhfuil roinnt forálacha conartha ann a cheanglaíonn nósanna áirithe iompair ar údaráis stáit agus ar chomhlachtaí reachtaíochta agus rialacháin i dTuaisceart Éireann d’fhonn na dlídhualgais seo a chomhlíonadh.

Maidir le roghanna teanga nó bacainní teanga a chuirtear i bhfeidhm ag ceann ar bith de na húdaráis nó ag an reachtaíocht, go sonrach gan a bheith go heisiach i gcás na Gaeilge, tá trí phríomhfhoinsé ann as a n-eascraíonn na dlídhualgais idirnáisiúnta infheidhmithe:

1. Conarthaí um chearta daonna (go háirithe an Cúnant Idirnáisiúnta um Chearta Sibhialta agus Polaitiúla, agus an Choinbhinsiún Eorpach um Chearta Daonna)
2. An Cabhailchoinbhinsiún um Chosaint na Mionlach Náisiúnta
3. An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh

Tá 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 bheacht shainráite 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

Appendix

SUMMARY OF THE EXISTING INTERNATIONAL LEGAL OBLIGATIONS OF THE UNITED KINGDOM IN RESPECT OF IRISH IN NORTHERN IRELAND

by Dr Fernand de Varennes

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 structures – including municipal authorities and even quangos – 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 applicable 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 imposed by any of these authorities or legislation, 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 and the European Convention on Human Rights).
2. Framework Convention on the Protection of National Minorities
3. European Charter on Regional or Minority Languages

There are 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

mholtaí saineolacha atá arna urrú ag OSCE, leithéid Mholtaí Oslo 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 cás. Tá roinnt forálacha ag Comhaontú Aoine an Chéasta 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 Chabhailchoinbhinsiún um Chosaint na Mionlach Náisiúnta, tá cearta pearsanta a gcaithfidh an Ríocht Aontaithe cloí leo. Ach sa Chairt Eorpach do Theangacha Réigiúnacha no Míonlaigh. Níl aon chearta bronnta ar an duine aonair. Ní dhéanann an Chairt Eorpach ach dlícheangail a chur ar údarais 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 an 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: Údarais Dlí, Paragraf 3; Alt 10: Udarais 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 Chabhailchoinbhinsiún, tá na forálacha uilig infheidhmithe i dTuaisceart Éireann.

2. Ionann agus Lón Abháir na nDualgais 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 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 príobháideach teanga a bhíonn i gceist i gcuid de na forálacha conartha ach go mbaineann cuid eile acu le hiachall a chur ar an Stát aitheantas a thabhairt do theangacha eile, agus seirbhísí a

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 that can and should be referred to when appropriate. The Good Friday Agreement has a number of provisions dealing with the Irish language in Northern Ireland, but its legal significance – as opposed to its 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 on 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. In conformity with its nature, the UK has in its "Declaration contained in a Note Verbale from the Foreign and Commonwealth Office of the United Kingdom, handed at the time of deposit of the instrument of ratification on 27 March 2001" the following provisions as applicable:

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, 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 to negative obligations. The former is mainly understood to involve activities by state or public authorities, while the latter is often identified with 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, whereas other legal treaty obligations impose on public authorities positive obligations to respond to or provide services in other

sholáthar iontu. Cuimsíonn An Cúnant Idirnáisiúnta um Chearta Sibhialta agus Polaitiúla, an Coinbhinsiún Eorpach um Chearta Daonna agus An Cabhailchoinbhinsiún um Chosaint na Mionlach Náisiúnta forálacha a théann d'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.

2.1 Usáid 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 Chabhailchoinbhinsiún 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 Chabhailchoinbhinsiún tá an ceart sin luaite go sonrathach mar ghléas cosanta do mhionlaigh náisiúnta.
- Faoi 'shaoirse friotail' ceadaítear do achan duine a rogha teanga a úsáid in imeachtaí príobháideacha. Sa dlí idirnáisiúnta tá cosaint ar theangacha mar shlánchuid de 'fhriotail'. 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 daonlathach ar mhaithe leis an slándáil náisiúnta, le caomhnú críocha, nó leis an 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, mar shampla. Tá an méid seo le fáil fosta sa Chabhailchoinbhinsiún mar cheart sonrathach 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 sháru é ar dlí dualgais idirnáisiúnta na Ríochta Aontaithe mura mbeadh sé ceadaithe cheana féin ins an dlí

languages. The International Covenant on Civil and Political Rights, the European Convention on Human Rights, and the Framework Convention on 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.

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 on 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 on 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 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 Convention, for example. This is also contained in the Framework Convention on 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

idirmáisiúnta. Faoi 'shaoirse friotail' agus na forálacha cuí sa Chabhailchoinbhinsiún, cuimsíonn 'cead an Ghaeilge a úsáid go príobháideach' cead ar chomhráite príobháideacha i nGaeilge, cead ar chraoladh phríobháideach i nGaeilge, cead comharthaí agus póstaer agus scríbhinní príobháideacha eile i nGaeilge srl.

- Faoi Alt 27 den Chúnant Idirmáisiúnta 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. Caithfidh 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 Chabhailchoinbhinsiún mar chearta sonracha um chosaint na mionlach náisiúnta.

Is éigean a rá go bhfuil an RA ag comhlíonadh¹ a cuid dualgas idirmáisiúnta san ghort seo bunús mór an ama, ach tharla roinnt ábhar sáráithe 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 arna mholadh fiú, faoi Alt 75 den Acht Chomhionannais agus faoi fhorálacha an Ordú um Chóirfhostaíocht agus Chóirdéileáil (Tuaisceart Éireann). Is gnách argóintí camchasta a úsáid chun an toirmeasc ar úsáid phríobháideach na Gaeilge san áit oibre a chosaint. Tá ceann de na léirithe is soiléire ar dhearcadh an Choimisiúin 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-oibrithe. Ach creideann an Coimisiún gur chóir do na húdaráis phoiblí daoine aonair a chosc ó labhairt na Gaeilge ar eagla go mbeadh fhostaithe eile "gonta" nó "imeallaithe" nuair a chluinfeadh siad í á labhairt ansin. Tá seo curtha ar leac sa sliocht seo a leanas:

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 on 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 largely¹ now conducting itself in conformity with its international obligations in this category, 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 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 ban 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" in some situations. This is set out in the following extract:

¹ 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 "róchonspóideach". Ach ní dhearna an Coimisiún aon iarracht fáthanna na conspóideachta seo a léiriú. Féach paragraf 34. D'fhéadfadh na daoine ar baill iad den mhionlach Chaitliceach i dTuaisceart Éireann an cinneadh seo a fheiceáil mar ionsaí follasach ar an Ghaeilge.

¹ 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.

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 Chóirdéileáil.

I gCód Cleachtais na Cóirfhostaíochta (mír 5.2.2.) taobhaítear le fostóirí 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 imeaglú 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 méadóidh 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 achan 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 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 saoirse 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 saoirse friotal, comhráite príobháideacha i nGaeilge sa 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 daonlathach ar mhaithe leis an slándáil 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 dhiscréid, nó d'fhonn údarás agus neamhchlaontacht na

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 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

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 lúdachais 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 "bhagarthacht" na gcainteoirí Gaeilge, agus nach bhfuil cosc ar bith á mholadh ar lucht labhartha na dteangacha eile (Araibis, Sínis srl). Má chuirtear cosc ar theanga ar leith seachas teangacha eile ní hé amháin go mbeidh sárú ar shaoirse friotail i gceist ach beidh leithcheal ar bhonn teanga nó eitneachais i gceist fosta. 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 aonteachais 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 York*). Chosain cúirteanna eile ceart na ngrúpaí mionlaigh a bheith saor ó leithcheal. Reasúnaigh na cúirteanna seo gur féidir leis an leithcheal teanga dochar díreireach a dhéanamh do mhionlaigh bhundúchais, fiú murab ionann teanga agus bundúchas náisiúnta, agus gur féidir leis, mar shampla, bheith ina shárú ar Teideal VII den Acht um Chearta Sibhialta 1964 a choisceann leithcheal san áit oibre ar bhonn "náisiúntachta dúchais".²

international law (there is no right not to be exposed to another language in international law even if one feels threatened by it, anymore 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, this could also be deemed in practice that it is 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 one language group and no others being prohibited from speaking their own language could, in addition to violating freedom of expression, could 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 his/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 (*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".²

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

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

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 Chabhairleoinbhinsiún, tá forálacha dlícheanglacha ann a aithníonn go gcaithfidh an RA bearta a dhéanamh chun 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 measúnú go beacht. Ce 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.
- Ach sa bharr ar dhualgas ghinearálta an RA, má dhearcaimid ar na cearta aonair a bhronnann an Cabhairleoinbhinsiún 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 dála an cháis a leithéid. Cuirtear síos air seo ar dhóigh beagán éagsúil i bhforálacha ar nós Art 10 den Chabhairleoinbhinsiún (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 fódaite ar an Stát a bheith sásta glacadh leis na forálacha den chairt 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 den Chúnant Idirnáisiúnta a thoirmeascann leithcheal ar bith sa chleachtas agus in achan chineál imeacháí stáit, reachtaíocht san áireamh (Níl aon chros ginearálta ar an leithcheal arna fhódu fós san Choinbhinsiún Eorpach um Chearta Daonna.)

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

The UK has two distinct series of international legal positive 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 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.
- Additionally however, and taking the form of individual rights in the Framework Convention and of state obligations under the European Charter, public authorities 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 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 are 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 which prohibits discrimination in fact and in all in any type of state involvement including legislation (the European Convention on Human Rights does not yet have a general prohibition of discrimination).

Is sa dá chatagóir dualgas seo is mó a bhraitear an chruóg mhór le hAcht Gaeilge i dTuaisceart Éireann. 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 seo an áit is mó riachtanas le soiléire agus comhthuairim. 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. Is míniú éigin seo ar an dóigh a bhfanann forálacha Acht Teanga faoi réir ag scéimeanna, fiú nuair a bhíonn glactha leo ag na tionóil náisiúnta in Albain agus sa Bhreatain Bheag: tríd agus tríd, ní bhronnann siad moran ceart ar an duine aonair maidir le húsáid a bhaint as an Ghàidhlig nó an Bhreatnais. Ina áit sin, díríonn siad a n-iarachtaí ar scéimeanna teanga mar a ngeallann cuid de na gníomhaireachtaí rialtais agus cuid de na húdaráis phoiblí seirbhísi Gàidhlig nó Breatnaise a sholáthar nó na teangacha sin a úsáid maidir leis na seirbhísi 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 Breatnaise). Mura sonraítear na cearta seo ar dhóigh níos soléire, i modh reachtaíochta, tá contúirt ann go ndéanfar faillí iontu nó séanadh orthu.

Tá cúiseanna ann le maíomh go bhfuil dualgas idirnáisiúnta ar an RA Acht Teanga a rith don Ghaeilge i dTuaisceart Éireann. Tá Coiste na Saineolaithe ar an Chabhailchonbhinsiún i ndiaidh cáineadh a dhéanamh anois agus arís faoi gan dlíthe soiléire teanga a bheith ann, mar a thaispeántar thíos i dtuairimí a nochtadh i dtaobh Alt 10 (úsáid teanga mhionlaigh ag údaráis riaracháin):

101. Breithníonn an Coiste Comhairleach go bhfuil easpa soléire 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 mionach náisiúnta. Is é tuairim an Choiste Chomhairligh nach cóir go mbeadh an cinneadh faoi líon chúil in aonmhuinín an lucht riarachán, agus gur chóir bearta cuí a dhéanamh, bearta reachtaíochta san áireamh, chun a chinntiú go gcuirfeadh an ceart seo i bhfeidhm go héifeachtach.

It is with these two categories of obligations that the need for a language act for Irish in Northern Ireland becomes most evident and even pressing. Indeed, the existence of such legislation already for Welsh and Scottish Gaelic would seem to indicate that the time has come for legislative steps all be taken in Northern Ireland. Because this deals with the actual degree of "recognition" and use of the Irish language in a wide variety of public administrative, broadcasting, educational and judicial 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 areas – has been loath of tying itself down to any tangible legal obligations in its own laws. 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 grounds to argue that the UK has an international legal obligation to adopt a language law for Irish in Northern Ireland. The Advisory Committee of Experts for the Framework Convention, has on occasion criticised 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.

Tá an Coiste Comhairleach den tuairim go bhfuil an easpa soiléire seo "gan a bheith lánchomhlíontach" maidir leis na dlídhualgais atá sa Chabhailchoinbhinsiún. Agus is féidir gur mar seo atá an scéal i dTuaisceart Éireann in ainneoin roinnt cáipéisí polasaí agus cáipéisí eile den chineál chéanna a bheith ann.

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 a 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 Cabhailchoinbhinsiún um Chosaint na Mionlach Náisiúnta agus an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh srl.

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

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

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 Fhionnlainn, an Spáinn agus an Eilbhéis, mar shampla.

Mar a dúradh roimhe, tá na tuairimí a bhíonn á nochtadh ag Coiste Comhairleach na Saineolaithe Chabhailchoinbhinsiún (agus ag Coiste na Saineolaithe ar Fheidhmiú na Cairte Eorpai) go buan ag tathant soléire reachtaíochta a chinntiú, ag míniú na gcearta aontaithe faoi na conartha. Maidir le cúrsaí dea-chleachtais san Eoraip nó i dtíortha eile an dlí

The absence or lack of clarity of such legislation is, in the view of the Advisory Committee, "not in full conformity" with the legal obligations of Framework Convention, which is also potentially the case in Northern Ireland despite the presence of a number of policy and various other documents.

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 the human rights treaties such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the Framework Convention on 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

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 too 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

choitinn, is mó is fiú aird a thabhairt ar Cheanada agus an Fhionnlainn, 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 a ba cheart a thabhairt dóibh dá réir sin. I roinnt bheag eochaircheantar cuirtear seirbhísí fosta 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 Fhionnlainn meastar gur ceantar aonteangach Bardas ar bith (aonteangach san Fhionnlainnis nó sa Sualannais) má labhraíonn an pobal uilig an teanga chéanna nó nuair is lú na 8% líon na teanga mionlaigh. Má sháraíonn líon na mionteanga 8%, nó má shroiceann sé figiúr 300 duine, deirtear go bhfuil an bardas sin dátheangach. Ní chailleann an ceantar stádas dátheangach arís go dtí go dtíteann 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 loighiciúil. Is cosúil go bhfuil dualgas dlí den chineál chéanna infheidhmithe i leith Thuaisceart Éireann ó tharla an RA bheith indiaidh daingniú a dhéanamh ar na conarthaí uilig a luaigh muid.

Sa dara dul síos, ní leor soiléire reachtaíochta agus rialachán: éilíonn conarthaí ar nós an Chabhailchoinbhinsiúin agus na Cairte Eorpaí cur chuige "cúil", "cionmhar" maidir le húsáid mhionteanga ag oifigigh phoiblí agus maidir le teanga na seirbhísí poiblí. Is é seo go díreach an rud atá bunaithe cheana i dtíortha "an dea-chleachtas", mar a luadh thuas. Ins na tíortha is fearr a léiríonn an dea-chleachtas bíonn córas cionmhar arna shocrú do na cearta teanga a bheidh le cur i bhfeidhm. 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. Ins na tíortha is fearr a léiríonn an dea-chleachtas bíonn córas cionmhar arna shocrú do na cearta teanga a bheidh le cur i bhfeidhm.

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 treaties already mentioned.

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.

Ach ins na stáit is mó ar éirigh leis an pholasaí teanga iontu, baintear feidhm as critéir chomhréire; déanann lucht riarachain, 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 líon phobail. Caithfidh an prionsabal seo a bheith fódaithe sa reachaíocht go soiléir chun easaontas, iomrall nó comhrac a sheachaint.

Agus tá rud eile ag na tíortha a luaitear rath leo. Chomh maith le soléire reachaíochta agus cionmhaireacht san fheidhmiú, bíonn forais éifeachtacha acu. Tá seifteanna agus meicníochtaí socraithe acu le cinntiú go dtuigfear an reachaíocht 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? Bíonn sraith leigheas ann ar leibhéil éagsúla:

- Ar leibhéal Roinne: Fear 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 thuairisciú don ghearánaí.
- Ar leibhéal lárach, agus is é seo an córas is coitianta: Déileáiltar 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 bhfiosrúchán.
- 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 Párlaiminte go pearsanta.

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? 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.

- Féadann an córas dlí (nó an Bunreacht i gcásanna áirithe) deis a thabhairt do dhaoine caingean dlí a dhéanamh i dtaobh sárú ar a gcearta, agus leigheas nó cúiteamh a iarraidh sna cúirteanna.

- The law (or in some cases the Constitution) 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.



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Foras na Gaeilge