



**An Chairt Eorpach do Theangacha  
Réigiúnacha nó Mionlach  
Páirt III  
Moltaí i dtreo dhaighniú líon d'ailt níos suntasaí  
agus níos láidre  
i leith na Gaeilge.  
2007**

***Proposal for the Ratification of Further Part III  
Clauses of  
The European Charter for Regional or Minority  
Languages in respect of Irish  
2007***

**POBAL**

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## **Páipéar Faisnéisithe**

An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlach, a dréachtaíodh taobh istigh de Chomhairle na hEorpa, ghabh an Chomhairle í, Samhain 5<sup>ú</sup> 1992 agus cuireadh í bhfeidhm í, Márta 1<sup>ú</sup> 1998. Is í an chéad ionstraim idirnáisiúnta í a dhíríonn ar mhionlaigh theangacha amháin. Léiríonn sí an smaointeoireacht reatha le tacaíocht dheimhneach a chur ar fáil do theangacha mionlach. Ba léir le tamall anuas an fad a spreag, agus leoga, a d'éiligh an dlí idirnáisiúnta, tacaíocht dheimhneach den chineál sin, mar a mhaigh tuairim Choiste Cheart Daonna NA gurbh fhéidir go mbeadh ‘bearta dearfacha ó stáit ag teastáil le haitheantas teanga mionlaigh a chosaint agus fosta cearta a cuid ball lena gcultúr agus a dteanga a fhorbairt...i gcomhar le baill eile na haicme.’ (Tuairim ghinearálta 23, Aibreán 8<sup>ú</sup> 1994, parag 6.2)

Cúig pháirt atá sa Chairt, an brollach (Páirt I), a thugann treoir ar conas ba chóir do shínitheoirí an Chairt a léirmhíniú agus a fheidhmiú, Páirt II a thugann cosaint choiteann do gach teanga réigiúnach agus mhionlaigh taobh istigh de limistéar áirithe, Páirt III a thugann mionsonraí roinnt clásal a leagann saindualgais ar shínitheoirí i roinnt réimsí, Airteagal 13 san áireamh, ar an Saol Geilleagrach agus Sóisialta. Ligeann Airteagal 13 agus forálacha eile, do Stáit, nó éilíonn siad orthu, fiú, bearta a dhéanamh maidir le hearnálacha príobháideacha agus deonacha, Páirt IV a mhíniú faireachán agus feidhmiú struchtúrta na Cairte, agus Páirt V, ina bhfuil forálacha deiridh de chineál teicniúil, a bhaineann, mar shampla, leis an phróiseas sínithe agus daingnithe, agus dá réir sin (An Chairt Páirt I, Forálacha Ginearálta na Cairte, Airteagal 1 - Sainmhínithe, Comhairle na hEorpa.)

Brollach féin na Cairte athluann sé an gá atá le gníomh dearfach le réimse beart a chur in áit chun tacú le teangacha réigiúnacha agus mionlach. Deir sé, ‘Tá riachtanas le tacaíocht ar leith a dhíríonn ar leas agus mhian úsáideoirí na dteangacha seo, le iad a chaomhnú agus a fhorbairt.’ (Páirt I, Forálacha Ginearálta na Cairte; Airteagal 1 – Sainmhínithe, CnE.). Ní hé rún na Cairte cosaint leathan a sholáthar do gach teanga, ach roghnaíonn sí na mionlaigh theanga sin atá seanbhunaithe sna stáit Eorpacha, le díriú orthu. Mar seo a mhíníonn intreoir na Cairte an cás,

Ní hé cuspóir na Cairte na fadhbanna a réiteach a d’éirigh as feiniméin inimirce le déanaí, a d’fhág go bhfuil grúpaí ann a labhraíonn teanga iasachta sa tír inimirce nó in amanna sa bhuntír, sa chás go bhfillfeadh siad. Go háirithe, ní bhaineann an Chairt le feiniméan grúpaí neamh-Eorpacha a tháinig ar inimirce le déanaí isteach san Eoraip agus a fuair náisiúntacht stáit Eorpaigh. Léiríonn na frásaí ‘stairiúil réigiúnach’ nó ‘teangacha mionlach na hEorpa’ agus teangacha ‘a úsáideadh go traidisiúnta’ sa stát (Airteagal 1, paragraf a) go soiléir nach gcumhdaíonn an chairt ach teangacha stairiúla, is é sin teangacha atá á labhairt thar tréimhse fhada sa stát atá i gceist.

(Páirt I, Forálacha Ginearálta na Cairte; Airteagal 1- Sainmhínithe, CnE)

Tagraíonn an Chairt d’éifeachtaí díobhálacha na coimhlinte ar theangacha réigiúnacha nó mionlach agus luann go díreach páirt na Cairte i maolú coimhlinte faoi cheisteanna teanga, agus fosta, go bhféadfadh tacaíocht Stáit le teangacha réigiúnacha agus mionlach, lánpháirtiú sóisialach a chur chun cinn. Deir an Tuarascáil Mhínitheach atá leis an Chairt,

Ní bhaineann an Chairt le fadhb náisiúntachtaí atá ag súil le neamhspleáchas nó athruithe teorainneacha, ach thiocfadh a bheith ag dúil go gcuideodh sí, ar dhóigh thomhaiste réadúil, le maolú fhadhb na mionlach arbh í a dteanga a sainghné aitheantais, trí chuidiú leo bheith ar a suaimhneas sa stát inár fhág an stair iad. Seachas claontaí dínasctha a athneartú, is é a dhéanfadh an

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deis le teangacha réigiúnacha nó mionlach a úsáid i limistéir éagsúla na beatha, lucht labhartha na dteangacha a spreagadh le fágáil taobh thiar díobh doicheadh an ama a d'imigh, a choisic iad óna n-áit a ghlacadh sa tír ina gcónaíonn siad agus san Eoraip ina hiomláine.

(Cairt Páirt I)

Fosta, leagan an Chairt béim ar dhualgais Stát teangacha réigiúnacha agus mionlach a chur chun cinn i réimse de limistéir na beatha óir, 'Is mar seo amháin a thig, nuair is gá, cúinsí neamhfhabhracha an ama a d'imigh a chúiteamh leis na teangacha seo agus iad a chaomhnú agus a fhorbairt ina ngné bheo in aitheantas cultúrtha na hEorpa' (Cairt Páirt I). Dá réir seo, is é a mhaíonn an Chairt go bhfuil limistéir áirithe úsáide barrthábhachtach ag teangacha a mionlaíodh. Dearbhaíonn brollach na Cairte a haidhm leo seo a chinntiú, '...úsáid teangacha réigiúnacha agus mionlach san oideachas agus sna meáin agus a n-úsáid a cheadú i suímh bhreithiúnacha agus riaracháin, sa saol geilleagrach agus sóisialta agus i ngníomhaíochtaí cultúrtha.' (Cairt Páirt I)

In 2001, faoi Pháirt III na Cairte, roghnaigh rialtas na Breataine 52 paragraf nó fopharagraf don Breatnais sa Bhreatain Bheag, 39 don Gháidhlig in Albain, agus 36 don Ghaeilge sa tuaisceart, ceann amháin go díreach thar an íosmhéid a éilítear faoin Chairt. Díobh seo, baineann 30 paragraf nó fopharagraf le hábhair a bhfuil an riarachán cineachta sa tuaisceart freagrach astu, agus baineann sé cinn le hábhair fhorchoimeáda agus eisceithe.<sup>1</sup> Seachas an líon íseal forálacha a roghnaíodh don Ghaeilge, ghlac an rialtas i roinnt cásanna leis an chuid is teoranta de na roghanna atá ar fáil. Mar sin, in Airteagal 8, is iad na roghanna (faoi fhophagraif 1 a-d) a bhaineann le soláthar oideachais, an chuid sin is lú a chuireann ar fáil teagasc trí mheán na Gaeilge ar leibhéal éagsúla an chóras oideachais. In Airteagal 10, ainneoin go gcaithfidh údaráis riaracháin glacadh le comhfhreagras i nGaeilge, níor gheall

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<sup>1</sup> Na 6 pharagraf a bhaineann le hábhair ar de fhreagracht rialtas an RA iad:  
Airteagal 8: Oideachas, Paragraf 2, Iomlán: 1  
Airteagal 11: Meáin, Paragraf 1a (iii) 1b (ii) 2, Total: 3  
Airteagal 14: Malartuithe thar teorainneacha, Paragraif a b, Iomlán: 2

an Stát freagraí a chur ar fáil sa teanga sin; arís, gealltanais an-teoranta atá anseo. In Airteagal 9, a bhaineann le húsáid na Gaeilge sna cúirteanna, an clásal amháin a daingníodh, ní chuireann sé de cheangal ar an rialtas ach aistriúchán cáipéisí dlíthiúla áirithe a chur ar fáil, rud atá arís i measc na roghanna is teoranta atá ar fáil ag an Stát faoin airteagal sin. Airteagal 13, An Saol Geilleagrach agus Sóisialta, roghnaítear ‘aon chuid den mhéid thuas ach rud éigin eile.’

### **Comhaontú Chill Rímhinn agus an Reachtaíocht a mholtar don Ghaeilge**

Go sea, seachas clásal amháin den Ordú Oideachais (TÉ) 1998, agus na tagairtí i gcomhaontú Aoine an Chéasta, níl d’fhoinsé chosanta dhlíthiúil ag an Ghaeilge i dtuaisceart na hÉireann ach an Chairt. Tá áitithe ag POBAL gur laghdaíodh tionchar praiticiúil na Cairte ag líon na gclásal a roghnaíodh don Ghaeilge ag Páirt III na Cairte, ag laige na gclásal agus na roghanna a gabhadh, agus mar nár achtaíodh an Chairt isteach i reachtaíocht bhaile na Breataine, rud a fhágann an Chairt neamh-infheidhmithe sna cúirteanna sa Bhreatain agus i dtuaisceart na hÉireann (POBAL 2002, 2005). Tá géarghá anois clásail eile is láidre a dhaingniú don Ghaeilge i bPáirt III mar gheall ar fhorbairt agus ar fhás leanúnach phobal na Gaeilge ó 2001. Thógamar go buan ceist dhaingniú clásal eile don Ghaeilge i bPáirt III na Cairte, agus a n-achtú isteach sa reachtaíocht bhaile i gcomhfhreagrú agus i gcruinnithe leis na hAirí Rialach Dírí, Des Browne (2<sup>ú</sup> Meán Fómhair 2002) agus Angela Smith (8<sup>ú</sup> Meán Fómhair 2003) agus trí mheicníocht fhoirmiúil thuairiscithe ar an Chairt féin in 2002 agus 2005.

Tá cosaintí cuimsitheacha dlíthiúla baile ag an Bhreatain sa Bhreatain Beag agus ag an Gháidhlig in Albain chomh maith lena stádas faoi Pháirt III na Cairte. I ndlínse an RA, mar sin, is i dtuaisceart na hÉireann amháin nach bhfuil cosaint den chineál sin ag príomhtheanga dhúchais. Tá an aimhrialtacht sin á haibhsiú ag Comhaontú Chill Rímhinn, ina bhfuil an gealltanais a leanas, ‘Tabharfaidh an Rialtas isteach Acht Gaeilge a léiríonn

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eispéireas na Breataine Bige agus na hÉireann agus oibreoidh sé leis an Fheidhmeannas nua le forbairt na Gaeilge a mhéadú agus a chosaint.’ (Rialtais RA agus na hÉireann: 13<sup>ú</sup> Deireadh Fómhair 2006).

Ó 2003 go sea, tá POBAL ar thús cadhnaíochta i dtionscnamh pobail le moltaí a dhréachtú a dtig leo freastal ar riachtanais phobal labhartha na Gaeilge. Thugamar faoin obair seo le tacaíocht luachmhar ó na saineolaithe teanga agus dlí, Robert Dunbar (Ollscoil Obar-dheain), Wilson McLeod (Ollscoil Dhún Éideann), Colin Williams (Ollscoil Chaerdydd) agus Fernand de Varennes (Ollscoil Murdock, An Astráil). D’fhoilsigh muid na moltaí comhaontaithe inár gcáipéis, *Acht na Gaeilge TÉ / The Irish Language Act NI* i mí Feabhra 2006 agus creidimid go bhfuil na moltaí seo réasúnta agus réadúil agus gurb iad is cóir a bheith mar bhonn an Acht Gaeilge a cheangail rialtas an RA air féin.

### **Cinneadh COMEX 2007 ar Fheidhmiú na Cairte**

Faoi Pháirt IV na Cairte, tá socrú déanta i gcomhair thuairiscí rialta faireacháin a dhéanfas Coiste Saineolaithe Chomhairle na hEorpa (COMEX). Go sea, tá dhá thuairisc foilsithe ag na Saineolaithe ar fheidhmiú na Cairte ag rialtas an RA. Aibhsíonn na tuairiscí seo na bearnaí sa solathar faoi dhaingniú reatha Pháirt III, ar cosúil é a bheith srianta do chur chuige teoranta, bunaithe ar oideachas. I dtuairisc 2007, tagraíonn na Saineolaithe d’fheidhmiú RA Airteagal 8, Oideachas, maidir leis an Ghaeilge. I dtaca le diúltú cúig réamhscoil Ghaeilge a mhaoiniú, nótálann na Saineolaithe nach féidir seo a chosaint trí bhreis soláthair san earnáil mheán Béarla (COMEX 2007: 48, parag 420). Luann siad fosta an gá le solúbthacht is mó i gcritéir rollaithe, (COMEX 2007: 48, parag 422), nár aithníodh cúig bhunscoil nua (COMEX 2007: 48, parag 425), inní a bhaineann le tacaíocht do mhúinteoirí nuacháilithe, soláthar sainriachtanas, tacaíocht sa churaclam agus ciorruithe sa mhaoiniú (COMEX 2007: 49, parag 428), na critéir cháilitheachta d’iar-bhunscoileanna agus neamhoiriúnacht aonaid Ghaeilge a nascann le scoileanna meán Béarla (COMEX

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2007: 49, parag 430), agus acmhainní, ganntanas múinteoirí cáilithe in ábhair áirithe, faid thaistil agus gan costas iompair daltaí a chumhdach. (COMEX 2007: 49, parag 433). Maidir le Breisoideachas agus Ardoideachas, tógann an Coiste réimse ábhar inní maidir le maoiniú, cumarsáid, leibhéal an eolais atá ar fáil ag Coiste na Saineolaithe féin, rialacháin iar-bhunscoile a leagann ualach breise ar Ghaelscoileanna, easpa acmhainní srl. (COMEX 2007: 50, parag 436, 437, 438, 439, 440 faoi seach). Nótálann Coiste na Saineolaithe go bhfuil siad ag iarraidh tuilleadh eolais ar líon na ndaltaí a rollaíonn i gcúrsaí meán Gaeilge, ach mar is amhlaidh sa mhír roimhe seo, dar leo, comhlíonadh an gealltanais. Ar ardoideachas, luann na Saineolaithe ‘ardimní’ gur dhiúltaigh an Roinn Oideachais d’iarratais le líon na ndaoine in oiliúint mhúinteoirí a mhéadú (COMEX 2007: 51, parag 447). Tá dualgas ar rialtas an RA agus ar na forais chineachta araon aghaidh a thabhairt ar na teipeanna seo sa soláthar agus, molaimid, clásail eile is láidre faoi Airteagal 8 a dhaingniú. Bheadh beart mar sin ag cur le moladh Choiste na nAirí (RecChL(2007)2, pointe 2) gur chóir, mar chuid de bheartas cuimsitheach Gaeilge, bearta a chur san áireamh a d’fhreastalódh ar an éileamh méadaithe ar Ghaeloideachas. Dírímíd d’aird ar ár moltaí ar dhaingniú thuilleadh clásal i bPáirt III Airteagal 8 anonn sa cháipéis seo, agus ar leathanaigh 56 – 60 (parag 42-56) *Acht na Gaeilge TÉ / The Irish Language Act NI* le POBAL.

Maidir le hAirteagal 9, ghabh rialtas an RA chucu an cur chuige is lú tionchar nuair nár dhaingnigh siad ach Airteagal 9(3). Luaigh na Saineolaithe (COMEX 2007: 17. parag 147-8) a n-inní faoin chur chuige seo agus nótáil siad nár aisghaireadh fós Acht Riaradh an Cheartais (Teanga) 1737. Nótálann siad go dtagann seasamh láithreach an RA salach ar Chomhaontú Aoine an Chéasta. Sa cháipéis seo, chuireamar chun tosaigh moltaí faoi dhaingniú breise chlásal Pháirt III a bhaineann le Riaradh Ceartais a chreidimid a bheith níos oiriúnaí do riachtanais phobal labhartha na Gaeilge. Dírímíd d’aird fosta ar leathanaigh 48 – 50, parag 22 – 27 *Acht na Gaeilge TÉ / The Irish Language Act NI* le POBAL.

In Airteagal 10, nótálann Coiste na Saineolaithe gearáin leanúnacha faoi úsáid áis

ghlórphoist chun déileáil le glaonna i nGaeilge, agus faoin ghá atá le seirbhís is fearr maidir le hiarratais scríofa (COMEX 2007: 52, parag 451,452, 468) agus tuairimíonn siad, ‘Ainneoin go nglacann údaráis áirithe riaracháin le haighneachtaí i nGaeilge, is gá an tseirbhís a fheabhsú.’ (COMEX 2007: 63, pointe H). Tuairiscíonn Coiste na Saineolaithe, ‘Mhaigh na húdaráis gur ar chomhairle gach údaráis áitiúil atá sé seirbhís Ghaeilge a sholáthar. Chonacthas do Choiste na Saineolaithe go bhfuil gá le treoir bhreise ó na húdaráis sa cheist seo’ (COMEX 2007: 52, parag 460). Nótálann na Saineolaithe ansin fógraíocht easpach a dhéantar faoi leagan Gaeilge cáipéisí (COMEX 2007: 52, parag 455). Is é a áitimidne go gcuideodh daingniú chlásal is láidre don Ghaeilge in Airteagal 10 agus a n-achtú isteach sa reachtaíocht bhaile le soiléiriú na ngníomh atá de dhíth ó chomhlachtaí poiblí sna hábhair seo. Tá moltaí déanta againn níos faide anonn sa cháipéis seo maidir le daingniú tuilleadh clásal don Ghaeilge faoi Airteagal 10, agus dírimid d’aird ar leath 46 – 48, parag 7 – 21, agus leath 50 – 55, parag 28 – 38 *Acht na Gaeilge TÉ / The Irish Language Act NI* le POBAL.

Faoi na meáin, b’ábhar conspóide cheana é an drochsholáthar seirbhíse atá ann do na meáin teilifíse, raidió agus chló le linn na gcomhairliúchán ar Bhille Cumarsáide an RA 2003 agus Athbhreithniú Chairt Ríoga an BBC 2005. In 2005, nótáil an rialaitheoir craoltóireachta Ofcom ina Athbhreithniú ar Chraoltóireacht Seirbhíse Poiblí, an gá atá le tuilleadh soláthair don Ghaeilge agus thuairimigh sé, ‘Riamh anall, is lú airgead an duine a chaith BBC ag freastal ar an lucht éisteachta Gaeilge ná ar na pobail Gháidhlig agus Bhreatnaise’ (Ofcom 2005: 100). Tá bearna fós i soláthar uaireanta craolta teilifíse. In 2005-6, rinne agus sholáthair an BBC 524 uair de chlár sa Bhreatnais do S4C i gcodarsnacht le 21 uair de chlár Ghaeilge. Maidir leis na meáin pháipéir, molann Coiste na nAirí gur chóir go ndéanfaí soláthar breise ar na meáin pháipéir Ghaeilge. (RecChL(2007)2, pointe 4). Dírimid d’aird ar ár gcuid moltaí níos faide anonn sa cháipéis seo agus ar leath 60, parag 57 – 58 in *Acht na Gaeilge TÉ / The Irish Language Act NI* le POBAL.

Luaigh Coiste na Saineolaithe in 2004 easpa ‘beartais nithiúil’ maidir le forálacha Airteagal

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12, agus an ‘soláthar ad hoc’ reatha (COMEX 24<sup>ú</sup> Márta 2004: 55, parag 370). Déanaimid tuilleadh moltaí maidir le clásail Pháirt III níos faide anonn sa cháipéis seo, mar a dhéanaimid maidir le hAirteagail 13 agus 14. I dtaca leis an Saol Geilleagrach agus Sóisialta, dírimid d’aird arís ar leath 56, parag 39 – 41 *Acht na Gaeilge TÉ / The Irish Language Act NI* le POBAL.

### **Daingniú tuilleadh paragraf agus fopharagraf maidir leis an Ghaeilge**

D’éiligh POBAL go buan ar rialtas an RA tuilleadh paragraf agus fopharagraf maidir leis an Ghaeilge sa tuaisceart a dhaingniú. Déanaimid an t-éileamh sin arís ar uasghrádú ionstraim an daingnithe maidir leis an Ghaeilge, agus achtú fhorálacha na Cairte isteach sa reachtaíocht bhaile, ar dhá phríomhchúis. Ar dtús, ceist chothromais go pointe í seo. Nótáil muid gur dhaingnigh an RA níos mó d’fhorálacha Pháirt III i dtaca leis an Bhreatnais agus an Gháidhlig ná leis an Ghaeilge, agus de ghnáth roghnaigh siad forálacha “níos láidre” de chuid Pháirt III don dá theanga sin, agus ní léir dúinn aon bhunús leis sin. Bunaithe ar shonraí daonáirimh an RA, tá líon mór cainteoirí Gaeilge sa tuaisceart – leoga, níos mó ná an líon daoine a deir go bhfuil Gáidhlig acu in Albain. Agus tharis sin, mar a nótáilleadh, tá leibhéil níos airde tacaíochta sa dlí agus sa bheartas baile ag na teangacha sin. Ní laige iad riachtanais Ghaeilgeoirí an tuaiscirt.

Sa dara háit, níl dada sa Chairt a choisceadh daingniú tuilleadh clásal; leoga, d’fhéadfaí a áitiú go láidir go ngríosáíonn an Chairt a leithéid, rud a chuirtear in iúl sa Tuarascáil Mhínitheach atá leis an Chairt, a deir “go bhfuil sé tábhachtach go ligfí do na páirtithe cur lena ngealltanais [faoi Pháirt III] níos faide anonn, de réir mar a fhorbraíonn a gcás dlíthiúil nó a ligeann a gcúinsí airgid” (para. 23).

Maidir le roghnú ghealltanais Pháirt III, cuireann an Tuarascáil Mhínitheach in iúl go soiléir go bhfuil an Stát faoi oibleagáid na gealltanais sin a roghnú le fíorchúram, bunaithe

ar an chás mar atá agus ar riachtanais an phobail mhionteanga atá i gceist. Mar shampla, ag para. 43, deir sé go soiléir “gurb é ról an stáit sa roghnú idir na paragraif éagsúla seo an chairt a mheaitseáil chomh dlúth agus is féidir le comhthéacs áirithe gach teanga réigiúnach agus mionlaigh”. Ag paragraf 46, deir an Tuarascáil Mhíitheach “gurb é ról na stát, *gan roghnú go hachomair idir na malairtí*, ach a lorg do gach teanga réigiúnach agus mhionlaigh *an fhocláocht is fearr a oireann dá tréithe agus do staid forbartha na teanga sin*”. Dar linn, forálacha Pháirt III a roghnaíodh an chéad uair don Ghaeilge sa tuaisceart, ní léiríonn siad a tréithe ná staid a forbartha fiú in am an daingnithe, agus i dtaca le riachtanais fhorbartha na teanga sa tuaisceart, gur lú arís a réitíonn na roghanna le “tréithe agus staid forbartha” reatha na Gaeilge sa tuaisceart.

Go áirithe, tá an Gaeloideachas anois go reasúnta dea-bhunaithe sa tuaisceart, agus caithfear anois é a dhaingniú tuilleadh. Dar linn, ní leor a léiríonn an daingniú reatha faoi Airteagal 8 fiú an *status quo* láithreach, agus thiocthadh daingniú forálacha ba “láidre” a chosaint bunaithe ar an *status quo* sin féin. Tá tuilleadh daingnithe in Airteagail 8 agus 9, agus láidriú na ndaingnithe sin atá déanta faoi láthair, dá bhrí sin, oiriúnach agus éigeantach araon. Is é deacracht chás láithreach na Gaeilge sa tuaisceart nár meaitseáileadh forbairtí chun tacú le sealbhú na Gaeilge trí chóras na scoileanna le forbairtí chun tacú le breis úsáide na teanga ag Gaeilgeoirí i ngnéithe eile de shaol an lae. Dearbhaíonn an Chairt go soiléir gurb é bun agus barr an chonartha go gcruthódh an Stát níos mó deiseanna leis an teanga a úsáid. Mar shampla, in Airteagal 7, fopharagraf 1 c, caithfidh an RA úsáid teangacha réigiúnacha agus mionlach a éascú agus/nó a ghríosú, “i gcaint agus i scríobh, *sa saol poiblí agus príobháideach*”; tagraíonn fopharagraf 1 c don ghá atá le “*beart diongbháilte chur chun cinn*” teangacha den chineál sin. Mar gheall ar fhorbairtí i gcóras na scoileanna, chomh maith le hiarrachtaí daoine fásta le Gaeilge a shealbhú ar dhóigheanna éagsúla, agus tiomantas tuismitheoirí a thógann a gcuid páistí le Gaeilge sa bhaile sa tuaisceart, tá an Ghaeilge anois sa riocht go n-éilíonn a cúinsí sa tuaisceart leathnú a húsáide chun tacú leis na forbairtí seo uilig i réimse eile limistéar. Faoi láthair, tá daingniú RA Pháirt III go hiomlán easnamhach, agus ní mheaitseálann sé staid forbartha na teanga

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sa tuaisceart ná riachtanais agus ionchais lucht a labhartha. Is mithid anois don RA a tiomantais Pháirt III a chur ar aon dul leis an fhírinn sin agus na paragraif agus fopharagraif seo a achtú isteach sa reachtaíocht bhaile.

Mar fhocal scoir, nótálaimid nach bhfeicimid na moltaí seo ina gcomhrogha ar ár gcuid moltaí ar Acht Gaeilge don tuaisceart. Fiú dá ndaingneofaí tuilleadh paragraf agus fopharagraf ba láidre maidir leis an Ghaeilge, agus iad achtaithe isteach sa reachtaíocht bhaile, bheadh fíorghá fós le hachtú reachtaíocht neamhspleách Ghaeilge sa tuaisceart, ar aon dul le hAcht na Gáidhlig 2005 in Albain agus le hAcht na Breatnaise 1993 sa Bhreatain Bheag. Nótálaimid an gealltanas a tugadh i gcomhcháipéis Pháirtí Lucht Oibre na Breataine Bige – Plaid Cymru *One Wales* go lorgfaí, ‘cumas reachtach méadaithe don Bhreatnais...le stádas oifigiúil a dhearbhu don Bhreatnais agus don Bhéarla araon. Cearta teangacha i soláthar seirbhísí agus bunú poist Choimisinéir Teanga.’ (*One Wales*, 27<sup>ú</sup> Meitheamh 2007 leath 34). Tá cosaintí faoi Pháirt III na Cairte dá bhrí sin ag an Bhreatnais agus ag an Gháidhlig agus cosaint scartha faoi shainreachtaíocht bhaile le tamall de bhlianta. Is éigean anois go ndéanfadh an RA an beart a éilíonn an teanga Ghaeilge, agus an Chairt féin, trí athbhreithniú an daingnithe maidir leis an Ghaeilge, agus go ndéanfaí sin ar bhonn práinne. Bheadh sé sin go hiomlán i gcomhréir le hoibleagáidí an RA faoin Chairt, agus leis an tiomantas breise a tugadh i gComhaontú Chill Rímhinn go n-achtófaí reachtaíocht don teanga Ghaeilge a léireodh eispéireas na Breataine Bige agus na hÉireann. Sna leathanaigh a leanas tá moltaí POBAL do dhaingniú tuilleadh clásal de Pháirt III Chairt na hEorpa maidir leis an Ghaeilge.

## **Proposal for the Ratification of Further Part III Clauses of The European Charter for Regional or Minority Languages in respect of Irish**

(Paragraphs and subparagraphs that are also part of the existing ratification instrument are highlighted in bold print)

### **Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2**

#### **Article 8 – Education**

1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:
  - a i to make available pre-school education in the relevant regional or minority languages;
  - b i to make available primary education in the relevant regional or minority languages;
  - c i to make available secondary education in the relevant regional or minority languages;
  - d i to make available technical and vocational education in the relevant regional or minority languages;
  - e i to make available university and other higher education in regional or minority languages;
  - f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages;
  - g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;**
  - h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;**
  - i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.
  
- 2 **With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.**

These 7 paragraphs and subparagraphs are additional to the current ratified clauses 1g, 1h,

2, shown in bold above. Note that the UK has presently ratified options in paragraphs 1a to 1f, but these are “weaker” than the options which we are recommending here.

**10 paragraphs and subparagraphs in total under Article 8.**

**Article 9 – Judicial authorities**

- 1 The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:
  - a in criminal proceedings:
    - ii to guarantee the accused the right to use his/her regional or minority language; and/or
    - iii to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language; and/or
    - iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language,  
if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;
  - b in civil proceedings:
    - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or
    - iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;
  - c in proceedings before courts concerning administrative matters:
    - ii to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense; and/or

- iii to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;
  - d to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned.
- 2 The Parties undertake:
- a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language;
  - b not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it;
  - c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.
- 3 The parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages unless they are otherwise provided.**

These 11 paragraphs and subparagraphs are to be ratified in addition to the existing ratified subparagraph, paragraph 3, shown in bold above.

**12 paragraphs /subparagraphs in total under Article 9.**

#### **Article 10 – Administrative authorities and public services**

- 1 Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:
- a i to ensure that the administrative authorities use the regional or minority languages;
  - b to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;

- c to allow the administrative authorities to draft documents in a regional or minority language.**
- 2 In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:
- a the use of regional or minority languages within the framework of the regional or local authority;
  - b the possibility for users of regional or minority languages to submit oral or written applications in these languages;**
  - c the publication by regional authorities of their official documents also in the relevant regional or minority languages;
  - d the publication by local authorities of their official documents also in the relevant regional or minority languages;
  - e the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;**
  - f the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;**
  - g the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.**
- 3 With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:
- a to ensure that the regional or minority languages are used in the provision of the service;
- 4 With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:

- a translation or interpretation as may be required;**
- b recruitment and, where necessary, training of the officials and other public service employees required;
- c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

**5 The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.**

These 8 paragraphs or subparagraphs to be ratified in place of current ratified paragraphs and in addition to current ratified subparagraphs 1c, 2b, 2e, 2f, 2g, 4a, 5 shown in bold above. Note that the UK has presently ratified options in paragraphs 1, 2 and 3, but these are “weaker” than the options which we are recommending here.

**15 paragraphs and subparagraphs in total under Article 10**

**Article 11 – Media**

- 1 The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:
  - a to the extent that radio and television carry out a public service mission:
    - iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;**
  - b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or
  - c ii to encourage and/or facilitate the broadcasting of television programmes in the regional or minority languages on a regular basis;
  - d to encourage and / or facilitate the production and distribution of audio and audio-visual works in the regional or minority languages;**
  - e i to encourage and / or facilitate the creation and / or maintenance of at**



**least one newspaper in the regional or minority languages;**

f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or

**g to support the training of journalists and other staff for media using regional or minority languages.**

- 2 **The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are 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 reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.**
- 3 The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media.

These 5 paragraphs and subparagraphs to be ratified in addition to existing paragraphs and subparagraphs 1a (iii), 1d, 1e (i), g, 2, shown in bold above. Note that the UK has presently ratified subparagraph 1 f (ii), but this is “weaker” than the option which we are recommending here.

**10 paragraphs and subparagraphs in total for Article 11**

## **Article 12 – Cultural activities and facilities**

- 1 With regard to cultural activities and facilities – especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as

literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including **inter alia** the use of new technologies – the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:

- a **to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;**
  - b to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
  - c to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;
  - d **to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;**
  - e **to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;**
  - f **to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;**
  - h. **if necessary create and / or promote and finance translation and terminological research services, particularly with a view to maintaining and developing administrative, commercial, economic, social, technical or legal terminology in each regional or minority language**
- 2 **In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph.**

**3 The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.**

These 2 paragraphs and subparagraphs to be ratified in addition to current paragraphs and subparagraphs 1a, 1d, 1e, 1f, 1h, 2, 3, marked in bold above.

**9 paragraphs and subparagraphs in total in Article 12**

**Article 13 – Economic and social life**

- 1 With regard to economic and social activities, the Parties undertake, within the whole country:
  - a to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;
  - b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;
  - c to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;
  - d facilitate and / or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs**
- 2 With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:
  - a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;
  - b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;

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- c to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;
- d to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs;
- e to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages.

These 8 paragraphs and subparagraphs to be ratified in addition to existing paragraph 1d.  
**9 paragraphs and subparagraphs in total for Article 13**

#### **Article 14 – Transfrontier exchanges**

The Parties undertake:

- 1 a **to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;**
- b **for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.**

**As per current ratification as shown above in bold**  
**2 subparagraphs in total for Article 14**