



An Chairt Eorpach do Theangacha  
Réigiúnacha nó Mionlaigh  
Feidhmiú na Cairte i leith na Gaeilge Iúil 2002-2005

The European Charter for Regional or Minority Languages  
The Implementation of the Charter with Regard to the Irish Language July 2002-2005

**Dara Aighneacht ó POBAL chuig  
Coiste na Saineolaithe ar an Chairt**  
Second Submission by POBAL to the  
Committee of Experts on the Charter

**Arna hullmhú / Prepared by Marcas Mac Ruairí**

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Gluais	Glossary
IBABF Institiúid Bhreisoideachais agus Ardoideachais Bhéal Feirste	BIFHE Belfast Institute of Further & Higher Education
CSÁBF Comhpháirtíocht Straitéiseach Áitiúil Bhéal Feirste	BLSP Belfast Local Strategic Partnership
COMEX Council of Europe's Committee of Experts	COMEX Council of Europe's Committee of Experts
CnaG Comhairle na Gaelscolaíochta	CnaG Comhairle na Gaelscolaíochta
RCEF An Roinn Cultúir, Ealaíon agus Fóillíochta	DCAL Department of Arts Culture and Leisure
RO An Roinn Oideachais	DE Department of Education
RFF An Roinn Fostaíochta agus Foghlama	DEL Department of Employment and Learning
RFR Roinn Forbartha Réigiúnaí	DRD Department of Regional Development
RFS An Roinn Forbartha Sóisialta	DSD Department of Social Development
CETRM An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh	ECRML European Charter for Regional or Minority Languages
GESO Gaeleagras um Shainriachtanais Oideachais	GESO Gaeleagras um Shainraichtanais Oideachais (Organisation for Irish Medium Educational Needs)
GIFC Grúpa Idir-rannach um Fhorfheidhmiú na Cairte	ICIG Interdepartmental Charter Implementation Group
SSTÉ Státseirbhís Thuaisceart Éireann	NICS Northern Ireland Civil Service
ENR Eagraíocht Neamhrialtasach	NGO Non-Governmental Organisation
OTÉ Oifig Thuaisceart Éireann	NIO Northern Ireland Office
SOTÉ Suirbhéireacht Ordanáis Thuaisceart Éireann	OSNI Ordnance Survey of Northern Ireland
GLOR Grúpa Leithdháilte Oideachas Réamhscoile	PEAG Pre-school Education Allocation Group
ARP Athbhreithniú an Riaracháin Phoiblí	RPA Review of Public Administration
RA (An) Ríocht Aontaithe	RA (An) Ríocht Aontaithe

## Réamhrá

Seo dara tuairisc POBAL ar chomhlíonadh na Cairte Eorpaí do Theangacha Réigiúnacha nó Mionlaigh (CETRM) i gcás na Gaeilge de. Bhí POBAL ar thús cadhnaíochta nuair a foilsíodh in 2002 tuairisc mhonatóireachta Teresa Gorman ar chomhlíonadh na Cairte sa chéad bhliain di ar an fhód.

Trí bliana níos moille, i Mí Nollag 2005, le linn an dara babhta monatóireachta ar an CETRM, chuir muid isteach an doiciméad mionchruinn seo a leanas do Choiste Saineolaithe na CETRM ag Comhairle na hEorpa. Sa doiciméad seo féachaimid le pictiúr cruinn beacht a thabhairt den dul chun cinn atá á dhéanamh chun an Ghaeilge a chosaint agus a chur chun cinn i dTuaisceart na hÉireann faoi mar is gá faoin CETRM.

Agus an tuairisc seo, a ullmhaíodh do Choiste na Saineolaithe, á foilsiú againn, mar a rinne muid le tuairisc Teresa Gorman i 2002, tá roinnt cuspóirí againn. Ar dtús, ba mhaith linn cur leis an eolas atá ar fáil do phobal na Gaeilge faoina gcearta mar atá siad i láthair na huaire. Chomh maith leis sin, tá súil againn go léireoidh an tuairisc do dhaoine aonair agus do ghrúpaí nach bhfuil siad leo féin agus seirbhísí Gaeilge á n-iarraidh acu. Tá taithí den chineál céanna faighte ag cuid mhór cainteoirí Gaeilge agus ní neart go cur le chéile. Lena chois sin, is fios don phobal idirnáisiúnta faoi aon dul chun cinn le haghaidh dualgais a chomhlíonadh i dtaobh an Ghaeilge a chosaint agus a chur chun cinn agus tá POBAL mar ionadaí de 'ghadhar faire neamhrialtasach' ar fáil chun comhairle agus tacaíocht a thabhairt do phobal na Gaeilge sa tuaisceart. Iarraimid ar chainteoirí Gaeilge leanúint a lorg na seirbhísí trí Ghaeilge atá de dhíth orthu agus na hearnálacha stáit agus na heagrais phoiblí a chur ar an eolas faoina gcuid riachtanas agus faoin chaidheán ba mhaith leo.

Aithnímid go mothóidh roinnt státseirbhíseach nó fostaithe in eagrais phoiblí a rinne a seacht ndícheall an CETRM a chur i bhfeidhm go bhfuil muid trom orthu i ndiaidh dóibh an tuairisc a léamh. Is é barúil a thuilleadh acu gur chóir do POBAL, mar eagrais neamhrialtasach, cúrsaí reachtaíochta a fhágáil ag an earnáil stáit. Le freagra a thabhairt air sin, aithnímid go mbíonn tacaíocht agus eolas ag teastáil ó fhostaithe stáit agus poiblí chun cuidiú leo an CETRM a chur i bhfeidhm. Leoga, chun aischothú a thabhairt don earnáil phoiblí an ceathrú fáth a bhfuil an tuairisc seo á cur ar fáil againn go poiblí.

Ní mór a lua fosta go mbíonn obair riachtanach straitéiseach agus abhcóideach idir lámha ag POBAL chomh maith le hobair thaca riachtanach d'fhorbairt phobail a thabhairt

## Introduction

Welcome to POBAL's second report on the implementation with regard to the Irish language of the European Charter for Regional or Minority Languages. POBAL broke new ground in the north of Ireland with Teresa Gorman's well-received monitoring report on the first year of implementation, published in 2002.

Three years later, in December 2005, during the second round of monitoring on the ECRML, we submitted the following detailed document to the ECRML Committee of Experts at the Council of Europe. In it we seek to give an accurate picture of the progress being made towards the protection and promotion of the Irish language in the north of Ireland as required under the ECRML.

In opting to publish this report prepared for the Committee of Experts, as we did with Teresa Gorman's 2002 report, we have a number of objectives. Firstly, we wish to add to the information available to the Irish speaking community about their rights, as they currently stand. Secondly, we hope that the report will show individuals and groups that they are not alone in seeking Irish language services. Many Irish speakers share a common experience and can draw strength from each other. Thirdly, the international community is aware of what progress is being made on the commitments made to protect and promote the Irish language, and POBAL, as a representative non-governmental watchdog, is available as a source of advice and support to Irish speakers in the north. We urge Irish speakers to continue to seek the services they need through the medium of Irish and to make known their needs and expectations to the state sector and public bodies.

We recognise that some civil servants or employees in public bodies who have made genuine attempts to implement the ECRML may feel when they read the report that we are rather hard on them. Others may feel that as a non-governmental organisation, POBAL should leave legislative matters to the state sector. By means of reply, we acknowledge that state and public employees need support and information to help them to implement the ECRML. Indeed, this is our fourth reason for making this report publicly available, to serve as feedback to the public sector.

It is important also to note that POBAL carries out crucial strategic and advocacy work, as well as providing much-needed community development support work for hard-

d'eagrais Ghaeilge a bhíonn faoi bhrú mór go minic. Níl sa mhonatóireacht reachtaíochta agus i dtorthaí ár gcuid tuairiscí ach gné amháin den obair leanúnach a dhéanann POBAL ar son ár gcuid ballgrúpaí. I gcomhthéacs na tuairisce seo, áfach, ba mhaith liom tagairt faoi leith a dhéanamh do Chomhordaitheoir Straitéiseach POBAL, Marcas Mac Ruairí agus dár nOifigeach Traenála, Fergus Ó hÍr, a réitigh an bealach d'fhostaithe poiblí trí obair leanúnach agus nuálach a dhéanamh. Is í Comhpháirtíocht Straitéiseach Áitiúil Bhéal Feirste a mhaoinigh an dá phost seo mar chuid de thionscnamh ceannródaíoch faoi Mhiosúr 3:1 de Chlár II Síochána na hEorpa. Is oth linn a rá go bhfuil an tionscnamh seo ag tarraingt chun críche agus deireadh ag teacht le Síocháin II mar gheall ar easpa maoinne. Ar feadh tuilleadh agus bliain, sháraigh ar ár gcuid achainíochta do lucht ciste stáit agus Foras na Gaeilge, an Roinn Cultúir, Ealaíon agus Fóillíochta agus an tAire Cultúir, David Hanson san áireamh, an cás mífhortúnach seo a leigheas.

Agus ról na n-eagras neamhrialtasach i monatóireacht chomhlíonadh na reachtaíochta á lua, tugtar faoi deara an tacaíocht ghníomhach i gcoitinne a fhaightear ó Chomhairle na hEorpa féin don earnáil neamhrialtasach sa phróiseas seo. Tá a mhacasamhail de dhearadh le feiceáil fosta i gcur chuige Choiste na Saineolaithe. Déanaimid tagairt sa doiciméad seo do thuairisc Choiste na Saineolaithe ar an CETRM, a foilsíodh i Mí an Mhárta 2004 a dhearbhaíonn an ráiteas dearfach seo a leanas:

*Tá faoi réir údaráis Thuaisceart Éireann eagrais an-ghníomhacha atá toilteanach comhoibriú leis na húdaráis.*

Agus tagraimid fosta do Dhónal Ó Riagáin, duine de chruthaitheoirí na CETRM, agus é ag tagairt do thuairisc eatramhach POBAL,

*Tá foilsithe ar na mallaibh ag POBAL tuairisc bhreithiúnach ar chomhlíonadh na Cairte ó thaobh na Gaeilge de. Tuigim go gcuirfidh sé seo isteach ar chuid agaibh ach impím oraibh caitheamh léi go dearfach. Is fearr i bhfad pobal leasmhar agus ar an eolas ná a mhalairt.*

Tugann dearcadh Uí Riagáin mé chuig focal scoir i dtaobh an ábhair i dtuairisc seo Mharcais Mhic Ruairí a bhí ina Chomhordaitheoir Straitéiseach ag POBAL le linn 2003–2005. Rinne Marcas obair iontach agus an tuairisc bhreá mhionchruinn seo á cur le chéile ar an dóigh a bhfuil dualgais an stáit i dtaobh na Gaeilge faoin CETRM á gcomhlíonadh. Sa tuairisc, tugann sé mionchuntas ar chuid de na céadta fiosrúchán agus gearán atá faighte ag POBAL le trí bliana anuas i dtaobh sheirbhísí Gaeilge de. Gach seans nach soiléir ón tuairisc an rath a bhí ar chuid mhaith d'obair Mharcais. Chabhraigh sé le pobal labhartha na Gaeilge a chur

pressed Irish language organisations on the ground. Monitoring legislation and reporting on our findings is only one aspect of the work that POBAL has sought consistently to fulfil on behalf of our member groups. In the context of this report, however, I wish to make specific reference to POBAL's Strategic Co-ordinator, Marcas Mac Ruairí and our Training Officer, Fergus Ó hÍr who have facilitated the role of public employees through innovative and consistent work. Both of these posts were funded by the Belfast Local Strategy Partnership as part of a ground breaking project under Measure 3:1 of the European Peace II Programme. It is a matter of regret to us that with the end of Peace II, this project is also drawing to a close because of lack of funding. For the period of more than a year, our representations to state funders including Foras na Gaeilge, the Department of Culture, Arts and Leisure and the Minister for Culture, Arts and Leisure, David Hanson have failed to adequately resolve this unfortunate situation.

As to the role of NGOs in monitoring the implementation of legislation, we note the active support in general of the Council of Europe itself for the involvement of the non-governmental sector in this process. It is a viewpoint reflected in the approach of the Committee of Experts. We make reference in this document to the report by the COMEX on the ECRML published in March 2004 which makes the following welcome reference,

*The Northern Ireland authorities have at their disposal very active organisations that are willing to co-operate more closely with the authorities,*

and also to Dónal Ó Riagáin, one of the architects of the ECRML, who referring to an interim report by POBAL, said,

*POBAL recently published a critical report on the implementation of Irish language Charter provisions. While this understandably may rankle with some of you, I urge you to view it positively. Having an interested and alert public is an asset rather than a problem.*

Ó Riagáin's comment brings me to a final word about the input into this report of Marcas McRuairí, POBAL's Strategic Co-ordinator throughout 2003 – 2005. Marcas has carried out excellent work in compiling this detailed and meticulous document on the way in which the state's obligations to the Irish language under the ECRML are being met. In the report, he details some of the hundreds of queries and complaints that POBAL has received over the past three years regarding Irish language services. What may not be so apparent from the report are the many queries successfully dealt with in Marcas's work. He has helped to inform and empower the

ar an eolas faoina gcearta agus iad ag déileáil leis an stát. Thug sé tacaíocht agus comhairle do chuid mhór daoine aonair agus grúpaí agus chuidigh leo deacrachtaí a réiteach. D'obair sé gan stad chun cainteoirí Gaeilge a ghríosú chun na seirbhísí Gaeilge atá de dhíth orthu, agus atá siad i dteideal acu a fháil, a iarraidh. Tá cuid mhór ama caite ag Marcas fosta ag dul i gcaidreamh leis an earnáil stáit agus á gcur ar an eolas faoin dea-chleachtas a fuarthas ón taighde i gcaighdeáin idirnáisiúnta. Leanfaidh obair POBAL sna réimsí sin uilig go léir. Is dóigh linn, áfach, nach mór na constaicí ar leanúnachas sa chineál seo cur chuige a bhíonn ar siúl ag eagrais neamhrialtasacha a chur ar neamhní.

Ar chuid mhór bealaí, tugann an doiciméad seo grinnléiriú ar an áit a bhfuil an Ghaeilge inniu maidir leis na gealltanais a rinneadh faoi Chomhaontú Aoine an Chéasta agus an CETRM. Doiciméad dúshlánach atá ann: don earnáil phoiblí a bhfuil an dualgas orthu an Ghaeilge a chosaint agus a chur chun cinn i gcomhthéacs comhoibriú leis na hearnálacha deonacha agus pobail; don phobal s'againn féin nach mór dó bheith ar thús cadhnaíochta i gcur chun cinn na teanga agus leanúint a lorg na seirbhísí atá de dhíth agus do rialtas na RA a chaithfidh, de réir POBAL, an chéad chéim loighiciúil eile a ghlacadh anois chun an Ghaeilge a chosaint .i. Acht cuimsitheach Gaeilge do thuaisceart na hÉireann a rith.

Tá súil agam go mbeidh suim agat sa tuairisc.

### **Janet Muller**

*Príomhfheidhmeannach*  
POBAL

Irish speaking community in their dealings with the state. He has given support and advice to many individuals and groups and has helped them to resolve difficulties. He has worked continuously to encourage Irish speakers to seek the Irish language services they need and to which they are entitled. Marcas has also spent considerable time building up working relationships with the state sector and passing on examples of good practice gleaned from research into international standards. POBAL's work will continue in all of these areas. It appears to us, nonetheless, that the obstacles to ensuring continuity in this type of approach by non-governmental organisations must be removed.

In many ways, this document provides a snap shot of where the Irish speaking community is today in relation to the commitments made in the Good Friday Agreement and the ECRML. It makes for challenging reading: for the public sector who are faced with the role of protecting and promoting the Irish language in the context of partnership approaches with the voluntary and community sector; for our community itself who must drive forward the development of the language and continue to seek the services they require and for the UK government who, POBAL believe, must take the next logical step now in protection for Irish through the enactment of a comprehensive Irish language Act for the north of Ireland.

We hope that you will find the report interesting.

### **Janet Muller**

*Chief Executive*  
POBAL

## Ráitis Tosaigh

0.01.

Nuair a dhaingnigh Rialtas na RA an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh (CETRM), d'amharc POBAL uirthi mar dheis iontach chun an Ghaeilge a thabhairt isteach ó imill na sochaí. I ndiaidh shíniú Chomhaontú Aoine an Chéasta, d'amharc go leor uirthi mar bhunchuid den phróiseas réiteach coimhlinte atá ag dul ar aghaidh i dtuaisceart Éireann. Ba den rithábacht, mar sin, go mbainfí an oiread deiseanna aisti agus b'fhéidir.

0.02.

Is é beartas POBAL dul i ngleic go dearfach leis an Stát sa dóigh is go dtiomáinfear forfheidhmiú CETRM ar aghaidh. Sin ráite is é an taithí againn agus taithí ár mball agus ár bpobail, gur patuar an forfheidhmiú i dtuaisceart Éireann agus gann ar fhócas straitéiseach.

0.03.

Go deimhin, de thairbhe nár dhaingnigh sí ach 36 clásal den CETRM don Ghaeilge, is é ár dtuairim gur thóg an RA cur chuige oscailte an laghad a dhéanamh maidir leis an Ghaeilge, rud atá i ndianchomórtas leis an ghníomh níos féile acu Albainis Uladh a ainmniú do chosaintí Chuid II.<sup>1</sup> Ar a bharr sin, mar a léirigh Teresa Gorman ina Tuairisc 2002<sup>2</sup> do POBAL, dhaingnigh Rialtas na RA, i mórán cásanna, na roghanna is laigí laistigh de na clásail seo. Éilíonn an CETRM féin go roghnaíonn stáit na clásail agus roghanna is oiriúnaí do gach teanga ina ndlínse agus creidimid go sáraíonn ionstraim fhorfheidhmithe na RA an treoir seo.<sup>3</sup>

0.04

Léirítear an t-íostachas maidir leis an Ghaeilge chomh maith trí na neamhsheasmhachtaí idir an dóigh a dtacaítear leis an Bhreatainis sa Bhreatain Bheag agus an Ghaeilge in Albain i gcomórtas leis an Ghaeilge ó thuaidh, pointe a nótáil Tuairisc Choiste na Saineolaithe Mhárta 2004.<sup>4</sup> Cé go bhfuil an Bhreatainis agus an Ghaeilge in Albain faoi réir cosaintí cuimsitheacha dlí, is é tuaisceart Éireann an t-aon choirnéal de dhlínse na RA nach bhfuil a leithéid de chosaint ann don phríomhtheanga dhúchasach. Chuir freagra Rialtas na RA do Thuairisc Choiste na Saineolaithe Mhárta 2004 béim ar an aimhrialtacht seo:

<sup>1</sup> Ní éilíonn an CETRM go n-ainmítear teangacha aonair Chuid II.

<sup>2</sup> Feidhmiú na Cairte i leith na Gaeilge, Iúil 2001-Iúil 2002 Aighneacht ó POBAL do Choiste na Saineolaithe ar an Chairt, Teresa Gorman 2002. Tá an tuairisc ar fáil ar shuíomh idirlín POBAL, [www.pobal.org](http://www.pobal.org).

<sup>3</sup> An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, Cuid 1. "Cuireann an tsolúbthacht seo san áireamh go bhfuil mórdhifricíochtaí i staideanna de facto teangacha réigiúnacha agus mionlaigh" agus, "Is é an ról a bheidh ag na stáit, gan roghnú go neamshrianta idir na roghanna seo, ach an fhoclaíocht is fearr a oireann do thréithe agus staid forbartha na teanga sin a lorg"

<sup>4</sup> Tuairisc Choiste na Saineolaithe, Márta 2004, "... difir idir cur chuige agus gealltanas na n-údarás i dtuaisceart Éireann, Albain agus an Bhreatain Bheag maidir le beartas teanga réigiúnacha nó mionlaigh. Tá difear taca phraiticiúil agus pholaitiúil ann do gach teanga."

## Opening Remarks

0.01.

When the European Charter for Regional or Minority Languages (ECRML) was ratified by the UK Government, POBAL viewed it as an excellent opportunity to bring the Irish language in from the margins of society. Following the signing of the Good Friday Agreement, it was seen by many as an integral part of the conflict resolution process that is ongoing in the north of Ireland. It was crucial therefore that the opportunities that it presents were maximised.

0.02.

It is POBAL's policy to engage positively with the State in order to drive the implementation of the ECRML forward. It has nonetheless been our experience, and that of our membership and community, that implementation in the north of Ireland has been lacklustre and lacking in strategic focus.

0.03.

Indeed, in choosing to ratify only 36 clauses of the ECRML for the Irish language, it is our belief that the UK adopted a consciously minimalist approach to the Irish language that is in sharp contrast to their more generous action in nominating Ulster-Scots under Part II protections.<sup>1</sup> In addition, as Teresa Gorman has shown in her 2002 Report<sup>2</sup> for POBAL, the UK Government has in many cases also ratified the weakest options within these clauses. The ECRML itself demands that states select the clauses and options appropriate to each language in their jurisdiction and we believe that the UK ratification instrument contravenes this instruction.<sup>3</sup>

0.04

Minimalism towards the Irish language is also displayed by the inconsistencies between how the Welsh language in Wales and Gàidhlig in Scotland are supported in comparison to Irish in the north, a point noted in the Committee of Experts (COMEX) Report of March 2004.<sup>4</sup> Whilst Welsh and Gàidhlig in Scotland are subject to comprehensive legal protections, the north of Ireland is the only corner of the UK jurisdiction where there is no such protection for the primary indigenous language. This anomaly is emphasised by the response of the UK Government to the COMEX Report of March 2004:

<sup>1</sup> The ECRML does not require that individual Part II languages be nominated

<sup>2</sup> The Implementation of the Charter with Regard to the Irish Language, July 2001-July 2002 Submission by POBAL to the Committee of Experts on the Charter, Teresa Gorman 2002. The Report is available in full on POBAL's website, [www.pobal.org](http://www.pobal.org).

<sup>3</sup> European Charter for Regional or Minority Languages, Part 1, "This flexibility takes account of the major differences in the de facto situations of regional or minority languages" and, "The role of the states will be, not to choose arbitrarily between these alternatives, but to seek for each regional or minority language the wording which best fits the characteristics and state of development of that language"

<sup>4</sup> COMEX report March 2004, "...differences in approach and commitment by the authorities in Northern Ireland, Scotland and Wales towards regional or minority language policy. The practical and political support varies for each language."

*Tá a fhios ag Rialtas na RA, chomh maith, go bhfuil ceist ann maidir le staid na Cairte i ndlí na RA. Tá comhairliúcháin ag dul ar aghaidh faoi láthair ar Bhillí teanga do chuid de na teangacha a chlúdaíonn an Chairt. Is féidir forálacha a chinnteodh comhlíonadh na Cairte ag gach leibhéal Rialtais bheith sna hAchtanna úd.<sup>5</sup>*

0.05.

Ní raibh i ngníomhaíochtaí Rialtas na RA a lean foilsíú Thuairisc Choiste na Saineolaithe (2004) ach laghdú i stádas comparáideach na Gaeilge trí thabhairt faoi thionscnaimh chun cosaintí baile agus beartais a fhorbairt ar son na Breatnaise agus trí Acht na Gaeilge (2005) a achtú in Albain. Mar úsáideoirí teanga neamhfhorleithne fáiltimid roimh na tionscnaimh seo. Ní féidir amhras ar bith a bheith ann, áfach, go gcuireann siad chun suntais an dóigh dhifriúil a gcaitheann Rialtas na RA leis an Ghaeilge.

0.06

Ó dhaingniú an CETRM chuaigh íostachas chur chuige na RA chun géire trí fhás leanúnach i líon na ndaoine a thuairiscíonn go bhfuil eolas acu ar an Ghaeilge. Léiríonn staitisticí dhaonáireamh 2001 méadú 18% ar líon na nGaeilgeoirí le deich mbliana anuas. Téann na staitisticí seo le fás mear ar earnáil an Ghaeloideachais ina bhfuil fás ar líon na scoileanna. Déanfaimid an argóint sa Tuairisc seo, mar sin, de thairbhe go n-éilíonn an CETRM stáit dhaingnithe forálacha ó Chuid III a roghnú do gach teanga 'de réir staid gach teanga'<sup>6</sup> go bhfuil anois i mí na Nollag 2005 gá níos soiléire don RA gníomh diongbháilte a dhéanamh chun an Ghaeilge a chaomhnú agus a chur chun cinn.

0.07.

Chuir Tuairisc Teresa Gorman 2002 do POBAL chun suntais go raibh ganntanas fócais straitéisigh i bhforfheidhmiú CETRM. Ní raibh feabhas ar bith sna trí bliana go leith ó Chéad Tuairisc Thréimhsiúil na RA. Tá sé ionann is go bhfanann an Ghaeilge ina teanga cheilte i dtuaisceart Éireann. Fiú sna ceantair a bhfuil éileamh soiléir ann, níl aon mhéadú suntasach in infheictheacht phoiblí na teanga ar chomharthaíocht oifigiúil, i bhfógraíocht, i bhfeachtais bholscaireachta agus eolais. Ar an BBC, tháinig laghdú ar líon uaireanta an chloig craolta teilifíse i nGaeilge go dtí cúig huair an chloig loma sa bhliain a chuaigh thart agus fanann an Ghaeilge dofheicthe i gCairt mholta an BBC agus in Acht Cumarsáide na RA. Ní dhearnadh aon dul chun cinn i dtreo forbairt beartais réigiúnach sheasmhach in éascú úsáid sráidainmneacha agus logainmneacha Gaeilge. Is minic Gaeilgeoirí ag streachailt chun an ceart leagan ceart a n-ainm féin a úsáid. Tá úsáid na Gaeilge sa láithreán oibre fós ina ceist thrioblóideach agus go minic lán struis. Is minic go bhfuil an chuma ar an scéal go ndéanann gníomhaireachtaí

*The UK Government is also aware that there is an issue regarding the position of the Charter in UK law. Consultations are currently taking place on language Bills for some of the languages covered by the Charter. Such legal Acts could contain provisions to ensure compliance with the Charter at all levels of Government.<sup>5</sup>*

0.05.

Subsequent UK Government actions since the publication of the COMEX Report (2004) have served only to worsen the comparative position of the Irish language by undertaking initiatives to develop domestic protections and policies for Welsh and by enacting the Gàidhlig Act (2005) in Scotland. As users of a lesser used language, we welcome these initiatives. There can be no doubt, however, that they highlight the differential treatment of the Irish language in the north by the UK Government.

0.06

Since the ratification of the ECRML, the minimalism of the UK approach has been further heightened by the steady growth in people reporting knowledge of Irish. The 2001 census statistics show an 18% increase in the number of Irish speakers in the last ten years. These statistics are complemented by a rapid growth in the Irish medium education sector that has seen the number of schools increase. We will, therefore, argue in this Report that as the ECRML requires ratifying states to select provisions from Part III for each language 'according to the situation of each language',<sup>6</sup> there is now in December 2005 an even clearer need for the UK to take resolute action to protect and promote the Irish language.

0.07.

Teresa Gorman's 2002 Report for POBAL highlighted a lack of strategic focus in the implementation of the ECRML. There has been no improvement in the intervening three and a half years since the First UK Periodical Report. To all intents and purposes, Irish remains a hidden language in the north of Ireland. Even in areas where there is clear demand, there is no significant increase in the public visibility of the Irish language in official signage, in advertising, in publicity and information campaigns. On the BBC, Irish language television broadcasting hours have decreased to a mere five hours in the last year and the Irish language remains invisible in the proposed BBC Charter and UK Communications Act. No progress has been made towards consistent regional policy development in facilitating use of Irish language street and place names. Irish speakers still often struggle for the right to use the correct forms of their own names. The use of Irish

<sup>5</sup> Cur i bhFeidhm na Cairte Eorpaí ag an Ríocht Aontaithe, Aguisín II, Ráitis le Rialtas na Ríochta Aontaithe, Strasbourg 24 Márta 2004.

<sup>6</sup> An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, Cuid II, Airteagal 1.

<sup>5</sup> European Charter for Regional or Minority Languages, Application of the Charter in the UK, Appendix II, Comments by the Government of the United Kingdom, Strasbourg 24th March 2004

<sup>6</sup> European Charter for Regional or Minority Languages, Part II Article 1.



atá chomh lárnach i riarachán poiblí agus loncam Intíre agus an Oifig Thoghcháin neamhni de chearta atá sa CETRM. Áit a mbaintear cearta a troideadh go géar ar a son i gcás amháin, tagann siad ar ais i gceann eile, ag fágáil Gaeilgeoirí leochaileach agus neamhchinnte.

0.08.

Is beag amhras gur chuir cinneadh na RA Tionól Thuaisceart Éireann a chur ar fionraí i 2002 agus Tuaisceart Éireann a rialú trí rud ar a dtugtar 'cúram agus cothabháil'<sup>7</sup> gur chuir sé le taimhe fhorfheidhmiú na CETRM. Maidir le forfheidhmiú na CETRM, áfach, is é an taithí againn go raibh teip leanúnach i gceannaireacht ó Rialtas na RA ó OTÉ agus go raibh éifeacht aici seo ar fhonn Ranna Rialtais i dTuaisceart Éireann beartais a fhorbairt maidir leis an Ghaeilge. Faoi mhí na Nollag 2005, ní raibh ach aon cháipéis oifigiúil amháin ar fhorfheidhmiú na CETRM mar ábhar aon chineál comhairlithe phoiblí<sup>8</sup> agus cé go bhfáltíonn POBAL roimh an deis tuairim a thabhairt sa cháipéis seo, is beag amhras a d'fhéadfadh a bheith ann gur dul chun cinn den méid is lú atá ann.

0.09.

Cé gur leathan agus domhain imní POBAL maidir le forfheidhmiú, aithnímid go bhfuil daoine laistigh de Státseirbhís Thuaisceart Éireann agus in eagrais phoiblí a rinne a ndícheall chun go n-éireofaí le forfheidhmiú na CETRM. Léiríonn an dóigh nár éirigh go geal lena n-iarachtaí an gá atá le reachtaíocht bhaile sa RA.

0.10.

Mar a chomhairligh Dlíodóirí Cleaver Fulton Rankin do Chomhairle Cathrach Lios na gCearrbhach i 2002,

Má mheasann Rialtas na Ríochta Aontaithe nach bhfuil údarás áitiúla ag comhlíonadh fhorálacha na Cairte i gceart nó ina n-íomláine, mar sin i dtéarmaí an dlí idirnáisiúnta níl aon leithscéal do Rialtas na Ríochta Aontaithe. I gcúinsí mar sin ní mór don Rialtas an reachtaíocht riachtanach a thabhairt isteach i bParlaimint a chuirfidh iachall ar údarás áitiúla na céimeanna agus bearta riachtanacha a ghlacadh le haghaidh comhlíonadh fhorálacha ábhartha na Cairte.<sup>9</sup>

0.11.

Iarraimid ar Choiste na Saineolaithe ar CETRM ról ceannasach a ghlacadh i réiteach na taimhe forbartha reachtaíochta agus beartais a bhaineann leis an Ghaeilge.

<sup>7</sup> Go teoiriciúil is ionann é seo agus nach nglacann Aire a cheap Rialtas na RA cinnithe a mbeadh forbairt nó athrú beartas nó cleachtas i gceist seachas iad siúd a bhaineann le bailiú cánach.

<sup>8</sup> Bhí treoir ar Fhorfheidhmiú na CETRM, a bhaineann le Cuid II amháin agus le hAirteagal 10 den CETRM faoi réir Mheasúnú Iarmharta Comhionannais i 2004.

<sup>9</sup> Comhairle chuig Chomhairle Cathrach Lios na gCearrbhach ó Dhlíodóirí Cleaver, Rankin Fulton, 25 Meán Fómhair 2002.

in the workplace remains a troublesome and often stressful issue. Rights enshrined in the ECRML often appear to be flouted by agencies as central to public administration as the Inland Revenue and the Electoral Office. Where hard-fought rights are won in one case, they may reappear in another, leaving Irish speakers vulnerable and unsure.

0.08.

There is little doubt that the inertia in the implementation of the ECRML has been compounded by the UK's decision to suspend the Northern Ireland Assembly in 2002 and to govern Northern Ireland by what is described as 'care and maintenance.'<sup>7</sup> In relation to the implementation of the ECRML, however, it is our experience that there has been an ongoing failure in leadership from the UK Government, from the NIO and that this has had an effect on the willingness of Government Departments in Northern Ireland to develop policies in relation to the Irish language. By December 2005, only one official document on the implementation of the ECRML has been the subject of any form of public consultation<sup>8</sup> and whilst POBAL welcomes the opportunity to comment on the document, there can be little doubt that it represents minimal progress.

0.09.

Far-reaching and profound as POBAL's concern over implementation is, we nonetheless recognise that there are those within the NI Civil Service and in public bodies who have striven to make the implementation of the ECRML a success. That their endeavours have not enjoyed widespread success points to the need for domestic legislation in the UK.

0.10.

As Cleaver Fulton Rankin Solicitors advised Lisburn City Council in 2002,

If the Government of the United Kingdom considers that local authorities are not properly or fully following the provisions of the Charter, then in terms of international law that is no excuse for the Government of the United Kingdom. In such circumstances the Government must introduce the necessary legislation into Parliament to require the local authorities to take the necessary steps and measures for performance of the relevant provisions of the Charter.<sup>9</sup>

0.11.

We ask the Committee of Experts on the ECRML to take a leading role in resolution of the legislative and policy development inertia that surrounds the Irish language. We believe that the need to ensure that the legislative

<sup>7</sup> In theory this means that UK Government-appointed Ministers do not take decisions that require developing or changing policies or practices other than those pertaining to raising taxes

<sup>8</sup> Guidance on the Implementation of the ECRML, which deals only with Part II and with Article 10 of the ECRML was subject to Equality Impact Assessment in 2004

<sup>9</sup> Advice to Lisburn City Council from Cleaver, Rankin Fulton Solicitors, 25 September 2002.

Creidimid gur chuir Coiste na Saineolaithe chun suntais an gá creatlach reachtaíochta sách oiriúnach a chinntiú le haghaidh cosaint teangacha mionlaigh agus réigiúnacha ina dtuairiscí ar dhaingniú na CETRM i dtíortha eile.<sup>10</sup> Is léir go bhfuil géarghá ann an patrún aimhrialta de chóireáil dhifreálach don Ghaeilge i gcomparáid leis an Bhreatainis agus Gaeilge na hAlban ó Rialtas na RA agus an timpeallacht reachtaíochta agus beartais a athrú i dtuaisceart na hÉireann. Mar bhreis ar reachtaíocht bhaile don Bhreatainis agus Gaeilge na hAlban, tá na meicníochtaí le haghaidh soláthar seirbhíse agus forbairt bheartas bunaithe níos daingne sa Bhreatain Bheag agus in Albain. I dtuaisceart na hÉireann, níl oiread agus bunmheicníocht le haghaidh forfheidhmiú seirbhísí ann agus bhí an chreatlach reachtaíochta idirnáisiúnta a sholáthraíonn an CETRM, easnamhach chun cosaint agus cur chun cinn na Gaeilge a chinntiú, cé gur cuireadh fáilte roimpi. Gníomh cumasaithe atá i luathachtú agus maoiniú ar pháirt Rialtas na RA Acht cuimsitheach Gaeilge, rud a shoiléireoidh cearta Gaeilgeoirí agus dualgais an Rialtais agus eagrás poiblí. Éascóidh sé do dhaoine a gcearta a thuiscint agus a chosaint agus cumasfaidh sé iad siúd i Rialtas agus in earnálacha a ndualgais a chomhlíonadh. Cuideoidh sé le reachtaíocht chomhionannais agus teanga a réiteach le chéile i ndlísne na RA. Iarraimid ar an Choiste Saineolaithe agus iad ag scrúdú na tuairisce seo tacú le hiarratais phobal na Gaeilge le haghaidh Acht Teanga a bheadh in ann an chreatlach reachtaíochta agus beartas atá de dhíth chun tacú lenár bpobal síormhéadaitheach gníomhach de chainteoirí óga líofa Gaeilge agus foghlaimeoirí aosacha i dtuaisceart na hÉireann a sholáthar.

framework is adequate for the protection of minority and regional languages has been highlighted by COMEX in their reports on ratification of the ECRML in other countries.<sup>10</sup> It is clear that there is an urgent need to break the anomalous pattern of differential treatment of the Irish language in comparison with Welsh and Gàidhlig by the UK Government and to change the legislative and policy environment in the north of Ireland. In addition to domestic legislation for Welsh and Gàidhlig, the mechanisms for service delivery and policy development are more firmly grounded in Wales and Scotland. In the north of Ireland, there is not even a basic mechanism for the roll-out of services and the international legislative framework provided by the ECRML, whilst welcome, has proved inadequate to ensure the protection and promotion of the Irish language. The early enactment and resourcing by the UK Government of a comprehensive Irish Language Act for the north is an enabling action that will clarify the rights of Irish speakers and the responsibilities of Government and public bodies. It will make it easier for individuals to understand and protect their rights and it will enable those working in Government and public sectors to fulfill their duties. It will assist in harmonising equality and language legislation in the jurisdiction of the UK. We ask the Committee of Experts in examining this Report to support the calls of the Irish speaking community for an Irish Language Act capable of providing the legislative and policy framework required to support our constantly growing and active community of fluent young Irish speakers and adult learners in the north of Ireland.

<sup>10</sup> San áireamh an ceann is déanaí maidir le daingniú na CETRM ag an Spáinn, mhól Coiste Airí Chomhairle na hEorpa go nglacfaidh Rialtas na Spáinne na beart Airteagal 9 na Cairte. Moltaí Choiste na nAirí, 21 Meán Fómhair 2005 ag 98ú cruinniú Thánaistí na nAirí.

<sup>10</sup> Including, most recently in relation to the ratification by Spain of the ECRML, the Council of Europe Committee of Ministers recommends that the Spanish Government take the necessary legal and practical measures to ensure the implementation of the undertakings under Article 9 of the Charter. Committee of Ministers recommendations, 21 September 2005 at the 928th meeting of the Ministers' Deputies.

## 1. Intreoir do Dhara Tuairisc POBAL ar Fhorfheidhmiú na Cairte Eorpaí

1.01.

Dhaingnigh an Roinn Gnóthaí Eachtracha agus an Chomhlachais an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh (CETRM) ar son na RA 1 Iúil 2001. Tá an Chairt struchtúrtha ina codanna difriúla:

- Cuid I Forálacha Ginearálta
- Cuid II Cuspóirí agus Prionsabail
- Cuid III Bearta chun úsáid teangacha réigiúnacha nó mionlaigh a chur chun cinn sa saol poiblí
- Cuid IV Cur i bhfeidhm na CETRM
- Cuid V Forálacha Deiridh

1.02.

Ó 1992, dhaingnigh seacht dtír déag an Chairt le trí cinn déag eile i ndiaidh í a shíniú d'fhonn í a dhaingniú lá níos faide anonn. Gheall an RA oibleagáidí Chuid III chun Gaeilge, Gaeilge na hAlban agus Breatnais a chaomhnú agus a chur chun cinn. As uasmhéid de 68 clásal i gCuid III, agus íosmhéid de 35, dhaingnigh an RA 36 Clásal don Ghaeilge, 38 do Ghaeilge na hAlban agus 52 don Bhreatnais. Agus iad ag leibhéal difriúil forbartha tugadh cosaint ghinearálta don Albainis agus Albainis Uladh faoi Chuid II. Ó shin i leith tugadh cosaint Chuid II don Choirnis agus don Mhanainnis.<sup>11</sup>

1.03.

Mar choinbhinsiún idirnáisiúnta, is é Rialtas Iárnach na RA i Londain atá freagrach ar deireadh as forfheidhmiú CETRM. Feidhmíonn Oifig Thuaisceart Éireann (OTÉ) mar mhodh ceangail le Ranna ábhartha Whitehall. Ó thuaidh, tá gach Roinn freagrach as forfheidhmiú na CETRM laistigh dá struchtúir féin agus laistigh de na heagraíochtaí poiblí as a bhfuil sí freagrach. Bhunaigh SSTÉ Grúpa Idir-rannach um Fhorfheidhmiú na Cairte (GIFC) chun eolas agus dea-chleachtas ar an CETRM a mhalartú. Mar sin féin, aon fhaillí i bhforfheidhmiú na CETRM ar deireadh titeann an fhreagracht ar an RA agus ní ar na ranna aonair ná ar a n-eagrais ghaolmhara. (Feic fosta paragraf 5.25.i)

1.04

I stáit eile a dhaingníonn reachtaíocht idirnáisiúnta go huathoibríoch tagann an reachtaíocht sin isteach mar chuid den dlí baile sna stáit sin. Níl an cás amhlaidh, áfach, sa RA agus cheal gnímh leantaigh ar pháirt Rialtas na RA fanann an Chairt Eorpach mar ionstraim idirnáisiúnta dhofhorghníomhaithe trí na cúirteanna baile.

## 1. Introduction to POBAL's Second Report on the Implementation of the European Charter

1.01.

The European Charter for Regional or Minority Languages (ECRML) was ratified by the Department of Foreign Affairs and the Commonwealth on behalf of the UK on 1 July 2001. The Charter is structured into different parts:

- Part I General provisions
- Part II Objectives and Principles
- Part III Measures to promote the use of regional or minority languages in public life
- Part IV Application of the ECRML
- Part V Final Provisions

1.02.

Since 1992, seventeen countries have ratified the Charter with a further thirteen having signed it with a view to ratification at a later date. The UK undertook Part III obligations to protect and promote Irish, Gàidhlig in Scotland and Welsh. Of a possible 68 Clauses in Part III, and a minimum of 35, the UK ratified 36 Clauses for Irish, 38 for Scottish Gàidhlig and 52 for Welsh. Scots and Ulster Scots, being at a different level of development, have been afforded general protection under Part II. Cornish and Manx Gaelic have since been provided the protection of Part II.<sup>11</sup>

1.03.

An international convention, it is UK central Government in London that is ultimately responsible for the implementation of the ECRML. The Northern Ireland Office (NIO) acts as a conduit for liaison with the relevant Whitehall Departments. In the north, each Department is responsible for the implementation of the ECRML within its own structures and within those public organisations for which it is responsible. The NICS has set up an interdepartmental group, the Interdepartmental Charter Implementation Group (ICIG) to exchange information and good practice on the ECRML. Any failings in the implementation of the ECRML are nonetheless ultimately the responsibility of the UK and not the individual departments or their associated bodies. (See also paragraph 5.25.i)

1.04

In other states that ratify international legislation, that legislation automatically becomes part of the domestic law in those states. This, however, is not the case in the UK and in the absence of a follow-up action by the UK Government, the European Charter remains an international instrument which is not enforceable through the domestic courts.

<sup>11</sup> Rinneadh na forógraí maidir le Choirnis agus Manainnis do Ardrúnaí Chomhairle na hEorpa 11 Márta 2003 agus 22 Aibreán 2003 faoi seach.

<sup>11</sup> The declarations in regard to Cornish and Manx were made to the Secretary General of the Council of Europe on 11 March 2003 and 22 April 2003 respectively.

1.05.

Déanann Coiste na Saineolaithe maoirsiú ar mhonatóireacht fhorfheidhmiú na CETRM. Ní mór do stáit dhaingnithe tuairisc a dhéanamh laistigh de dhá mhí dhéag ón daingniú, ag leagan amach na mbeart atá á gcur i gcrích de réir oibleagáidí na CETRM. Cuirtear an tuairisc thosaigh seo isteach do Chomhairle na hEorpa agus leanann a thuilleadh tuairiscí gach trí bliana. Ag tarraingt ar an eolas a fhaigheann sé cuireann Coiste na Saineolaithe a thuairisc féin le chéile ina ndéanann sé moltaí don stát daingnithe. Cuireann Coiste na Saineolaithe a thuairiscí isteach chuig Coiste Airí Chomhairle na hEorpa a bhfuil cead acu a moltaí féin a dhéanamh bunaithe air sin.

1.06.

Chuir an RA a Dara Tuairisc isteach chuig Comhairle na hEorpa 1 Iúil 2005. Ina dhiaidh sin rinne Coiste na Saineolaithe a mheas ar an Tuairisc sin mar aon le haighneachtaí ar chúrsaí a bhain leis na gealltanais sa CETRM ó eagrais agus eagraíochtaí reachtúla agus neamhreachtúla ar bhuail siad leo chomh maith mar chuid dá gcuairteanna stáit. Is é atá sa cháipéis seo aighneacht scríofa POBAL do Choiste na Saineolaithe.

1.07.

Bunaithe i 1998, is é POBAL an scátheagras do phobal na Gaeilge i dtuaisceart na hÉireann. Tá ballraíocht POBAL ar fud gach ceann de na sé chontae agus áiríonn sí réimse ilghnéitheach de ghrúpaí Gaeilge, tograí oideachais, ealaíon, cultúrtha agus athnuachana geilleagraí. Mar eagraíocht ENR, déanann POBAL obair fhorbartha agus thacaíochta ar son a mball. Déanann an grúpa monatóireacht ar fhorfheidhmiú na CETRM ar bhonn leanúnach. D'fhorbair sé teagmhálacha agus malartuithe eolais le ENR-anna eile a dhéanann ionadaíocht ar theangacha réigiúnacha agus mionlaigh ar fud na hEorpa.

1.08.

De réir dhaonáireamh 2001, tá eolas ag 167,490 duine (nó 10.4% den daonra) ar an Ghaeilge. Sin méadú 18% ar an daonáireamh roimhe a glacadh i 1991. Tá pobal na Gaeilge spréite ar fud an tuaiscirt le láithreach i ngach ceantar comhairle.

1.09.

Tarraingíonn an Tuairisc seo ar an idirphlé a bhí againn le Ranna éagsúla Rialtais agus gníomhaireachtaí reachtúla agus ar cheisteanna ar chuir ár mbaill agus daoine aonair eile ar na súile dúinn. Ag tabhairt faoi ábhair imní ar cuireadh suntas iontu sa Tuairisc roimhe ó Choiste na Saineolaithe, cuireann sí chun suntais ábhair ina gcreidimid go bhfuil ceisteanna áirithe imní agus ábhair a d'fhéadfadh feabhsú.

1.05.

Monitoring of the implementation of the ECRML is overseen by COMEX. Ratifying states must report within twelve months of ratification, outlining the measures being taken in accordance with the ECRML obligations. This initial report is submitted to the Council of Europe and is followed by further reports every three years. Drawing on the information it receives, COMEX completes its own report in which it can make recommendations to the ratifying state. COMEX submits its reports to the Council of Europe's Committee of Ministers who may make their own recommendations based on it.

1.06.

The UK submitted its Second Report to the Council of Europe on 1 July 2005. COMEX subsequently considered this Report along with submissions on matters relating to the undertakings in the ECRML from relevant statutory and non-statutory bodies and organizations, with whom they also met as part of their states' visits. This document represents POBAL's written submission to COMEX.

1.07.

Established in 1998, POBAL is the umbrella organisation for the Irish speaking community in the north of Ireland. POBAL's membership extends across all the six counties and includes a diverse range of Irish language groups including educational, arts, cultural and economic regeneration projects. An NGO, POBAL carries out development and advocacy work on behalf of its members. The group monitors the implementation of the ECRML on a continuous basis. It has developed contacts and exchanges information regularly with other NGO's representing regional and minority languages across Europe.

1.08.

According to the 2001 census, 167,490 people (or 10.4% of the population) have knowledge of the language. That is an 18% increase on the previous census taken in 1991. The Irish speaking community is spread throughout the north with a presence in every district council area.

1.09.

This Report draws on the dialogue we have had with various Government Departments and statutory agencies and on the issues that our members and other individuals have brought to our attention. Addressing areas of concern noted in the previous Report from the Committee of Experts, it highlights areas where we believe there to be particular issues of concern and areas for improvement.

Déanann an Tuairisc athbhreithniú gairid ar na príomhchlocha míle sa phróiseas monatóireachta go dtí seo:

- Moltaí i gcéad Tuairisc POBAL chuig Coiste na Saineolaithe i 2002
- Na príomhphointí a ardaíodh i dTuairisc Choiste na Saineolaithe agus Moltaí Chomhairle na nAirí Márta 2004 agus
- Tuairisc na RA 2005

1.10.

I ndiaidh athbhreithniú gairid, ansin leanfaidh corp na Tuairisce seo struchtúr na CETRM í féin, ag cur chun suntais aon ábhar imní nó laigí i bhforfheidhmiú na CETRM ó bhí an chéad tuairisc mhonatóireachta ann a chlúdaigh forfheidhmiú na CETRM le linn na tréimhse 2001-2002.

The Report briefly reviews key landmarks in the monitoring process to date:

- The recommendations in POBAL's first Report to COMEX in 2002
- The key points raised in the COMEX Report and the Recommendations of the Council of Ministers March 2004 and
- The UK's Report of 2005

1.10.

Following a brief overview, the body of this Report will then follow the structure of the ECRML itself, highlighting any areas of concern or weaknesses in the implementation of the ECRML since the first monitoring report covering the implementation of the ECRML during the period 2001-2002.

## 2. Cúlra Phróiseas Monatóireachta na CETRM

2.01.

Mar a éilíodh i gCuid IV den CETRM, chuir an RA a céad Tuairisc isteach chuig Comhairle na hEorpa i 2002. Rinne an Tuairisc staidéar ar fhorfheidhmiú na CETRM le linn a céad bhliain i ndiaidh a daingnithe, idir Iúil 2001 agus Iúil 2002.

### 2.02 Cinneadh POBAL ar fhorfheidhmiú Iúil 2001 go dtí Iúil 2002

Labhair POBAL le Coiste na Saineolaithe ag an am agus chuir a Thuairisc féin isteach maidir leis an Ghaeilge agus forfheidhmiú na CETRM.<sup>12</sup> Dhírigh an Tuairisc sin ar easpa beartas comhthéacsaithe de thairbhe nach raibh treoir lárnaithe straitéiseach, eolas agus forghníomhú ann. Teresa Gorman a d'ullmhaigh í do POBAL agus mhol sí forfheidhmiú tuilleadh clásal agus clásail níos treise don Ghaeilge. Ar na heochairmholtáí eile ansin bhí:

#### Reachtaíocht bhaile

Mheas POBAL gurbh é a bhí sa teip seo reachtaíocht a thabhairt isteach a thabharfadh brí d'fhorálacha na Cairte ná faillí i ngealltanais na Cairte, agus d'iarr ar an Choiste moltaí soiléire a dhéanamh ar oibleagáidí an stáit maidir leis an cheist sin. (Gorman leathanach 11)<sup>13</sup>

#### Forfheidhmiú ginearálta

Chreid POBAL gur éiligh na prionsabail a ndearnadh cur síos orthu i gCuid II den Chairt freagra i bhfad níos dearfaí agus go gcaithfear iarraidh ar eagrais phoiblí a soláthar do Ghaeilgeoirí a fheabhsú, in ionad amharc ar ghealltanais na Cairte mar rud a bhí bunaithe ar sholáthar a bhí ann cheana. (Gorman leathanach 12)

### Forfheidhmiú na Cairte Cuid III Airteagal 8 Oideachas

- **Acmhainní agus ábhair theagaisc**  
Fágann soláthar easnamhach ábhair theagaisc agus acmhainní do Ghaelscoileanna go bhfuil na scoileanna seo faoi mhíbhuntáiste nach beag i gcomparáid le scoileanna Béarla. D'éiligh lán-fhorfheidhmiú fhorálacha na Cairte maidir le Gaeloideachas go dtabharfaí faoin easnamh sin, trí chistiú sách méadaithe agus acmhainní le haghaidh forbairt ábhar cuí. (Gorman leathanach 21)
- **Sláinte agus seirbhísí speisialta**  
I bhfad ó bheith sásúil a bhí soláthar sláinte agus seirbhísí speisialta eile atá oiriúnach don Ghaeloideachas. Go háirithe, bhí géarghá le huirlisí diagnóiseacha chun

## 2. Background to the Monitoring Process of the ECRML

2.01.

As required in Part IV of the ECRML, the UK submitted its first Report to the Council of Europe in 2002. The Report considered the implementation of the ECRML during the first year following ratification, between July 2001 and July 2002.

### 2.02 POBAL's findings on implementation July 2001 to July 2002

POBAL engaged with COMEX at that time and submitted its own Report in regard to the Irish language and the implementation of the ECRML.<sup>12</sup> That Report pointed to the lack of policy contextualisation arising from the absence of centralised, strategic direction, information and enforcement. Prepared for POBAL by Teresa Gorman, it recommended ratification of further and stronger clauses for Irish. Our other key recommendations then included:

#### Domestic legislation

POBAL considered the failure to introduce legislation to give effect to the Charter provisions to be a breach of the Charter commitments, and urged the Committee to make clear recommendations on the obligations of the state in this regard. (Gorman page 11)<sup>13</sup>

#### General implementation

POBAL believed that the principles outlined in Part II of the Charter demanded a much more positive response and that public bodies must be called on to enhance provision for Irish speakers, rather than viewing the Charter commitments as based on existing provision. (Gorman page 12)

### Implementation of the Charter Part III Article 8 Education

- **Resources and teaching materials**  
The inadequate provision of teaching materials and resources for Irish-medium schools placed these schools at a considerable disadvantage relative to English-medium schools. The full implementation of the Charter provisions on Irish-medium education required that this deficiency be addressed, through substantially increased funding and resources for the development of suitable materials. (Gorman page 21)
- **Health and specialist services**  
The provision of health and other specialist services that are appropriate to Irish medium education were far from satisfactory. In particular, there was an urgent need for

<sup>12</sup> Feidhmiú na Cairte i leith na Gaeilge, Iúil 2001–Iúil 2002. Aighneacht ó POBAL chuig Coiste na Saineolaithe ar an Chairt, Teresa Gorman 2002. Tá an tuairisc iomlán ar fáil ar shuíomh idirlín POBAL, [www.pobal.org](http://www.pobal.org).

<sup>13</sup> Ibid. Uimhreacha leathanaigh de réir mar atá na moltaí i dTuairisc Teresa Gorman.

<sup>12</sup> The Implementation of the Charter with Regard to the Irish Language, July 2001–July 2002

Submission By POBAL to the Committee of Experts on the Charter, Teresa Gorman 2002. The Report is available in full on POBAL's website, [www.pobal.org](http://www.pobal.org).

<sup>13</sup> Ibid. Page numbers as the recommendations appear in Teresa Gorman's Report.

teanga agus forbairt chognaíoch a mheas i bpáistí dátheangacha agus le haghaidh soláthar seirbhísí cuí do pháistí le riachtanais speisialta i nGaelscoileanna. (Gorman leathanach 23)

- **Teagasc na Gaeilge i scoileanna Béarla**  
Bhí gá le gníomh dearfach chun an Ghaeilge a chur chinn cinn mar ábhar i scoileanna Béarla, d'fhonn na gealltanais faoi Airteagal 8 den Chairt a lan-fhorfheidhmiú. (Gorman leathanach 24)
- **Oiliúint**  
Chun cinnte a dhéanamh de go bhfuil soláthar sách oiriúnach múinteoirí do Ghaelscoileanna, tá gá le níos mó áiteanna oiliúint múinteoirí a chur ar fáil agus chun tuilleadh teagaise a chur ar fáil do mhic léinn ionchasacha chun cuidiú leo na riachtanais iontrála a chomhlíonadh. (Gorman leathanach 25)  
  
Bhí gá le tuilleadh foirne agus acmhainní chun cúrsaí oiliúna inseirbhíse cuí do mhúinteoirí in earnáil an Ghaeilge. (Gorman leathanach 25)
- **An teanga réigiúnach nó mionlaigh san áireamh i dteagasc na staire**  
Bhí scóip shuntasach ann chun tuiscint níos fearr ar an Ghaeilge mar ghné lárnach den oidhreacht chultúrtha laistigh den churaclam a chur chun cinn. Thug an t-athbhreithniú ar an churaclam deis tabhairt faoi seo. (Gorman leathanach 26)
- **Oideachas Ceirde/Gairmoideachas trí Ghaeilge**  
Bhí gá le soláthar breise d'oiliúint trí Ghaeilge d'fhonn riar ar éilimh agus riachtanais oiliúna daltaí a bheidh ag fágáil an Ghaeilge. (Gorman leathanach 26)
- **Oideachas trí Ghaeilge ag an Ollscoil**  
Taobh istigh de spiorad na Cairte, ba chóir ceist rochtain ar Ghaeilge sa tríú leibhéal a leanúint go gníomhach, d'fhonn an gealltanais a rinneadh faoi Airteagal 8.e a fhorfheidhmiú ina iomláine. (Gorman leathanach 27)
- **An Ghaeilge san Aosoideachas**  
De thairbhe a ndearna aosfhoghlaimoirí maidir le láidriú teangacha réigiúnacha/mionlaigh, ba chóir soláthar don Ghaeilge san aosoideachas a fhorbairt i ndóigh chomhordaithe agus nuálach, ag tarraingt ar shamhlacha ar éirigh leo i dtíortha eile. (Gorman leathanach 28)

## Airteagal 9 Údarás Bhreithiúnacha

Ba theoranta amach an scóip a bhí san fhoráil ar glacadh léi faoi Airteagal 9 den Chairt maidir cur chun cinn na Gaeilge sa chóras breithiúnach. D'fhonn an staid a

diagnostic tools for the assessment of language and cognitive development in bilingual children and for the provision of appropriate services for children with special needs in Irish-medium schools. (Gorman page 23)

- **Teaching of Irish in English medium schools**  
There was a need for positive action to promote Irish as a subject in English medium schools, in order to fully implement the commitments under Article 8 of the Charter. (Gorman page 24)
- **Training**  
In order to ensure an adequate supply of teachers for Irish-medium schools, there was a need to provide a greater number of teacher training places and to provide prospective students with additional tuition to assist them to meet the entry requirements. (Gorman page 25)  
  
There was a need for further staff and resources to develop appropriate in-service training courses for teachers in the Irish medium sector of education. (Gorman page 25)
- **Teaching of history and culture reflected by the regional or minority language**  
There was considerable scope to promote a greater awareness of the Irish language as a central aspect of cultural heritage within the curriculum. The review of the curriculum provided an opportunity to address this. (Gorman page 26)
- **Technical/Vocational Education through Irish**  
There was a need for increased provision for Irish-medium training in order to meet needs and the future training requirements of pupils leaving Irish medium education. (Gorman page 26)
- **Education through Irish at University**  
Within the spirit of the Charter, the issue of access to Irish-medium education at third level, should be actively pursued, in order to fully implement the commitment made under Article 8.e. (Gorman page 27)
- **Irish in Adult Education**  
In view of the significant contribution of adult learners to the strengthening of regional/minority languages, provision for Irish in adult education, should be developed in a coordinated and innovative way, drawing on successful models from other countries. (Gorman page 28)

## Article 9 Judicial Authorities

The provision adopted under Article 9 of the Charter offered very limited scope for the promotion of the use of Irish in the judicial system. In order to improve this

fheabhsú, ba ghá reachtaíocht a thabhairt isteach chun na srianta reatha maidir le húsáid na Gaeilge sna cúirteanna a bhaint ar shiúl. (Gorman leathanach 30)

### Airteagal 10 Údaráis Riaracháin agus Seirbhísí Poiblí

- Cé go bhfuil Ranna Feidhmiúcháin faoi láthair ag comhlíonadh fhorálacha na Cairte maidir le comhfhreagras i nGaeilge, chreid POBAL go n-éileodh léamh níos féile na Cairte gur chóir comhfhreagras i nGaeilge a fhreagairt sa teanga chéanna. Bhí gá le feabhsú sa soláthar reatha le haghaidh cumarsáid ghutháin agus cruinnithe chun tabhairt faoi na deacrachtaí a sainaithníodh seo thuas. (Gorman leathanach 34)
- Maidir le cáipéisí agus ábhair eolais a dhéanamh go dátheangach, ba chóir na samhlacha atá in áit i roinnt Ranna Feidhmiúcháin a leathnú go dtí Ranna eile. Chuideodh séo le comhlíonadh an ghealltanais 'gníomh diombháilte' a ghlacadh chun an Ghaeilge a chur chun cinn mar a rianáíodh i gCuid II den Chairt. (Gorman leathanach 34)

### Airteagal 11– Na Meáin Chumarsáide

- Ní raibh BBC Thuaisceart Éireann ag comhlíonadh an ghealltanais Chairte 'soláthar sách oiriúnach' a dhéanamh le haghaidh craoladh i nGaeilge. Mar sin bhí gá le méadú suntasach i soláthar, rud is fearr a fháil trí bhunú Ciste Craolacháin, mar atá in Albain. Sa bhreis air sin, tá gá le tabhairt isteach reachtaíochta chun dualgas a chur ar chraoltóirí céatadán méadaitheach cláir Ghaeilge a sholáthar. Ba chóir don reachtaíocht caighdeán maidir le sceidil, cineálacha agus caighdeán na gclár a leagan amach. (Gorman leathanach 41)
- Ní raibh an gealltanais maidir le rochtain uilíoch ar an stáisiún Gaeilge TG4 ar fud thuaisceart Éireann á chomhlíonadh. Is comhartha sóirt de leathnú amach na seirbhíse seo moilleanna móra, agus tá sé seo le réiteach fós. (Gorman leathanach 41)

### Airteagal 12 – Gníomhaíochtaí agus Áiseanna Cultúrtha

- Bhí an Roinn Cultúir, Ealaíon agus Fóillíochta i mbun athbhreithniú ar an tSeirbhís Leabharlann Poiblí. Ó tharla gur daingníodh an Chairt agus go háirithe na forálacha fadréimseacha don Ghaeilge faoi Airteagal 12, ba den tábhacht gur chóir machnamh ceart a dhéanamh ar bheartas ar an Ghaeilge le linn an athbhreithnithe seo. (Gorman leathanach 44)

situation, there was a need for the introduction of legislation to remove the current restrictions relating to the use of Irish in the courts. (Gorman page 30)

### Article 10 Administrative Authorities and Public Services

- While Executive Departments are currently complying with the Charter provision with regard to correspondence in Irish, POBAL believed that a more generous interpretation of the Charter required that correspondence in Irish should be answered in the same language. The current provision for telephone communication and for meetings needed to be improved to address the difficulties identified above. (Gorman page 34)
- With regard to producing documents and information materials bilingually, the models of good practice in place in some Executive Departments should be extended to other Departments. This would have helped to fulfill the commitment to undertake 'resolute action' to promote the Irish language, as outlined in Part II of the Charter. (Gorman page 34)

### Article 11– Media

- BBC Northern Ireland was not meeting the Charter commitment to make 'adequate provision' for broadcasting in the Irish language. Thus, there was a need for a substantial increase in provision, which could best be achieved by the establishment of a Broadcasting Fund, as exists in Scotland. In addition, there is a need for the introduction of legislation to place a duty on broadcasters to provide an increasing percentage of Irish language programming. The legislation should also set standards with regard to broadcasting schedules, types and quality of programming. (Gorman page 41)
- The Charter undertaking relating to universal access to the Irish language television station TG4 throughout the north of Ireland was not being met. The extension of this service to the North was been characterised by long delays, and this has yet to be satisfactorily resolved. (page 41)

### Article 12 – Cultural Activities and Facilities

- The Department of Culture, Arts and Leisure were conducting a review of the Public Library Service. In view of the ratification of the Charter and specifically, the wide-ranging provisions adopted for the Irish language under Article 12, it was important that policy on the Irish language be given careful consideration during this review. (Gorman page 44)



- Go ginearálta, tá gá le beartas soiléir sa Chomhairle Ealaíon (Tuaisceart Éireann) chun ealaíona Gaeilge a fhorbairt agus a chur chun cinn. Maidir le háiseanna amhail músaeim agus leabharlanna, bhí gá le haitheantas níos mó don phobal méadaitheach Gaeilge agus go gcinnteofaí go raibh fáil ag an phobal sin ar sheirbhísí poiblí trí Ghaeilge. (Gorman leathanach 44)

### **Airteagal 13 – An Saol Geilleagrach agus Sóisialta**

Bhí gá le soiléiriú na mbeart a úsáidfear chun an Ghaeilge a chur chun cinn sa saol geilleagrach agus sóisialta. (Gorman leathanach 46)

### **Airteagal 14 – Malartuithe Trasteorann**

D'fhonn Airteagal 14 den Chairt a fhorfheidhmiú, bhí gá le cur chuige mórán níos urghníomhaí maidir le cur chun cinn na nasc idir grúpaí Gaeilge ar fud na hÉireann. (Gorman leathanach 48)

## **2.03. Cinneadh Choiste na Saineolaithe ar fhorfheidhmiú lúil 2001 go lúil 2002**

Ina Thuairisc ar fheidhmiú na CETRM, a foilsíodh i Márta 2004, rinne Coiste na Saineolaithe a mbreithniú córasach ar gach clásal i gCuid III a daingíodh. As na 36 clásal chinn sé nach raibh sé in ann a chinneadh cé acu ar comhlíonadh sé chlásal áirithe nó nár comhlíonadh; nár comhlíonadh ceann amháin ar chor ar bith agus nár comhlíonadh ach cuid de sheacht gcinn eile. As an 22 ceann a cinneadh gur comhlíonadh iad mhothaigh Coiste na Saineolaithe gur gá ráitis a chur leo ag atréisiú thábhacht na hoibre agus ag spreagadh an RA tabhairt faoi ghníomhaíochtaí breise.<sup>14</sup>

### **2.04.**

Ina chinní, thug Coiste na Saineolaithe ráiteas ar na "difríochtaí i gcur chuige agus tiomantas na n-údarás i dTuaisceart Éireann, Albain agus an Bhreatain Bheag maidir le beartas um theanga réigiúnach nó mionlaigh". Thug sé faoi deara go raibh an chuma air gur "beag an comhordú nó comhoibriú go comparáideach maidir le beartas teanga a bhí ann idir na húdarás sa Bhreatain Bheag, Tuaisceart Éireann agus Albain agus an Rialtas láir i Londain". Lean an Tuairisc: "I gcodarsnacht leis an Bhreatain Bheag, tá bunriachtanais fós ag Tuaisceart Éireann agus Albain maidir le forbairt pholasaí teanga."

### **2.05.**

Ag tiontú ar an oideachas, dúirt an Tuairisc cé gur ghlac na húdarás i dtuaisceart na hÉireann céimeanna dearfacha i dtreo fhorfheidhmiú na CETRM, go bhfuil gá lena thuilleadh a dhéanamh i dtéarmaí déanamh beartais agus pleanála comhtháite, leithdháileadh acmhainní sách oiriúnach san áireamh.

- In general, there needed to be a clear policy in the Arts Council (NI) to develop and promote the Irish language arts. In relation to facilities such as museums and libraries, there was a need for greater recognition of the growing Irish language community and to ensure that this community had access to these public services through the Irish language. (Gorman page 44)

### **Article 13 – Economic and Social life**

There was a need for clarification of the measures which will be employed to promote the use of Irish in economic and social life. (Gorman page 46)

### **Article 14 – Transfrontier Exchanges**

In order to implement Article 14 of the Charter, there was a need for a much more active approach to the promotion of links between Irish language groups throughout Ireland. (Gorman page 48)

## **2.03. COMEX's findings on implementation July 2001 to July 2002**

In its Report on the application of the ECRML, published in March 2004, COMEX systematically considered each clause in Part III that had been ratified. It found that of the 36 clauses it was unable to conclude whether or not six particular clauses had been filled; that one had not been fulfilled at all and that a further seven had only been partly fulfilled. Of the 22 that were deemed to have been fulfilled COMEX felt the need to add comments re-emphasising the importance of the work and to encourage the UK to undertake further activities.<sup>14</sup>

### **2.04.**

In its findings, COMEX commented on the "differences in approach and commitment by the authorities in Northern Ireland, Scotland and Wales towards regional or minority language policy." It noted that there appeared to be "comparatively little co-ordination or co-operation regarding language policy between the authorities in Wales, Northern Ireland and Scotland and the central Government in London." The Report continued: "In contrast to Wales, both Scotland and Northern Ireland still have basic needs as regards the development of language policy."

### **2.05.**

Turning to education, the Report said that while the authorities in the north Ireland have taken positive steps towards implementing the ECRML, more needs to be done in terms of coherent policy-making and planning, including the allocation of adequate resources.

<sup>14</sup> Cur i bhFeidhm na Cairte ag an Ríocht Aontaithe, Coiste na Saineolaithe, 24 Márta 2004.

<sup>14</sup> Application of the Charter by the United Kingdom, COMEX, 24 March 2004.

2.06.

Thug Coiste na Saineolaithe faoi deara go raibh easpaí sna seirbhísí i nGaeilge na hÉireann agus Gaeilge na hAlban, go háirithe maidir leis an teilifís. Threisigh Coiste Airí Chomhairle na hEorpa an cinneadh sin, agus mhol go nglacfaí le bearta chun soláthar sheirbhís phoiblí na teilifíse a fheabhsú agus craoladh raidió phríobháidigh i nGaeilge a éascú. Chuir an Tuairisc roinnt ceisteanna chun suntais a chreideann POBAL atá le tabhairt fúthu go sásúil fós. Go háirithe ba mhaith linn na rudaí seo a leanas a chur chun suntais:

- Thug Coiste na Saineolaithe faoi deara nach ndéanann an Clár um Leithdháileadh Réamhscoile (GLOR), trína gcistítear naíolanna deonacha agus príobháideacha, sainsoláthar le haghaidh riachtanais oideachais dhátheangaigh /Ghaeloideachais agus gur bac é d'fhorbairt na hearnála na critéir iontrála chomhionanna do réamhscoileanna Béarla agus Gaeilge. (Coiste na Saineolaithe paragraf 307)<sup>15</sup>
- Cé gur mheas Coiste na Saineolaithe gur comhlíonadh na gealltanais maidir le soláthar don Ghaeloideachas dara leibhéal, b'ábhar mórímni é an ganntanas ábhair theagaisc agus acmhainní eile in earnáil an Ghaeloideachais. (Coiste na Saineolaithe paragraf 312)
- Ní raibh Coiste na Saineolaithe in ann cinneadh a dhéanamh cé acu comhlíonadh nó nár comhlíonadh na gealltanais maidir le soláthar gairmoideachais. (Coiste na Saineolaithe paragraf 316)
- Spreag Coiste na Saineolaithe na húdaráis an tsuim teagasc i nGaeilge ag an tríú leibhéal a fhiosrú. (Coiste na Saineolaithe paragraf 318)<sup>16</sup>
- Cé gur mheas Coiste na Saineolaithe gur comhlíonadh an gealltanais, thug sé faoi deara léirithe go bhfuil soláthar ranganna Gaeilge le haghaidh daoine fásta ad-hoc agus tá fócas de dhíth agus mhol sé cur chuige comhordaithe. (Coiste na Saineolaithe paragraf 324)
- Rinne Coiste na Saineolaithe ráiteas nár léir dó cé chomh fada agus a bhí éileamh méadaitheach le haghaidh Gaeilge agus fhoghlaim na Gaeilge sa reicneáil i mbearta chun a chinntiú go ndéantar múinteoirí Gaeilge a oiliúint. (Coiste na Saineolaithe paragraf 329)
- Níor cuireadh Coiste na Saineolaithe ar an eolas an raibh agus cén bhaint a bhí ag fáil ar an Ghaeilge mar ábhar i Sasana agus líon úsáideoirí Gaeilge ná samplaí ar bith de theagasc na Gaeilge. Mar sin de ní raibh Coiste na Saineolaithe in ann cinneadh a dhéanamh cé acu comhlíonadh an gealltanais seo nó nár comhlíonadh. (Coiste na Saineolaithe paragraf 331)

2.06.

COMEX noted that there were shortcomings in the services in Irish and Scottish Gaelic, particularly regarding television. This finding was emphasized by the Council of Europe's Committee of Ministers, which recommended that measures be taken to improve the public service television provision and facilitate the broadcasting of private radio in Irish. The Report highlighted a number of issues that POBAL believes remain to be satisfactorily addressed. In particular we should like to highlight:

- COMEX noted that the Pre-school Expansion Programme (PEAG), through which voluntary and private nursery schools are funded, does not make express provision for the needs of bilingual/Irish medium education and that the identical enrolment criteria for English medium and Irish medium pre-schools represents an obstacle to the development of the sector. (COMEX paragraph 307)<sup>15</sup>
- Though COMEX considered the undertaking to be fulfilled in respect of the Irish-medium secondary provision, the scarcity of teaching materials and other resources in the Irish medium sector was a cause of considerable concern. (COMEX paragraph 312)
- COMEX was unable to conclude whether or not the commitments in regard to the provision of vocational educational had been fulfilled. (COMEX paragraph 316)
- COMEX encouraged the authorities to investigate the interest to have instruction in Irish at third level. (COMEX paragraph 318)<sup>16</sup>
- Though COMEX considered the undertaking to be fulfilled, it noted representations that the provision of Irish classes for adults is ad-hoc and lacks focus and suggested a coordinated approach. (COMEX paragraph 324)
- COMEX commented that it was not clear to what extent the increasing demand for Irish-medium education and learning of Irish was factored into measures to ensure the training of Irish language teachers. (COMEX paragraph 329)
- COMEX was not informed as to whether and how the availability of Irish as a subject in England is related to the number of users of Irish, nor of any examples of the teaching of Irish. The Committee of Experts was therefore unable to conclude whether this undertaking is fulfilled. (COMEX paragraph 331)

<sup>15</sup> Baineann an t-uimhriú ag deireadh na bpointí le hurchar leis an bhnuimhriú i dTuairisc Choiste na Saineolaithe, Márta 2004.

<sup>16</sup> Numbering at the end of these bullet points relates to the original numbering in COMEX Report, March 2004.

- Bhí imní ar Choiste na Saineolaithe faoi ghearáin a fuair sé maidir le glórphost a fheidhmíonn OTÉ dóibh siúd ar mian leo aighneachtaí béil a dhéanamh. Mheas sé go raibh sé páirt-chomhlíonta agus dúirt go bhfáilteodh sé roimh eolas sa chéad tuairisc thréimhsiúil ar fhorbairt bhreise. (Coiste na Saineolaithe paragraif 335-336)
- Ní raibh Coiste na Saineolaithe in ann cinneadh a dhéanamh ar comhlíonadh an gealltanais chun an fhéidearthacht ligint d'úsáideoirí teangacha réigiúnacha nó mionlaigh iarratais bhéil nó scríofa a dhéanamh le húdaráis áitiúla nó réigiúnacha. (Coiste na Saineolaithe paragraf 341)
- Ag tabhairt faoi deara go raibh córas aistriúcháin ag Comhairle an Lúir agus Mhúrna d'fhéadfadh gach ball a úsáid i ngach coiste den chomhairle agus gur cheap sí oifigeach forbartha chun leanúint lena beartas Gaeilge a chur chun cinn i riarachán inmheánach. Mheas Coiste na Saineolaithe gur comhlíonadh an gealltanais seo úsáid teangacha réigiúnacha nó mionlaigh i ndíospóireachtaí a cheadú maidir leis an chomhairle ceantair sin. (Coiste na Saineolaithe paragraf 343)
- Mheas Coiste na Saineolaithe gur comhlíonadh an gealltanais soláthar sách oiriúnach a dhéanamh le haghaidh raidió agus teilifíse maidir le raidió ach ní maidir le teilifís. (Coiste na Saineolaithe paragraf 354)
- Rinne Coiste na Saineolaithe cinneadh nár chuir údaráis na RA fianaise de spreagadh ná cuidiú poiblí ar bith do stáisiún raidió príobháideach a bhí ag craoladh cuid den am nó go hiomlán i nGaeilge. (Coiste na Saineolaithe paragraf 357)
- Chuir Coiste na Saineolaithe béim ar an ghá le maoiniú poiblí d'fhonn nuachtán a choinneáil i nGaeilge i dTuaisceart Éireann agus mheas nár comhlíonadh an gealltanais sin.<sup>17</sup> (Coiste na Saineolaithe paragraf 361)
- Mheas Coiste na Saineolaithe gur céimeanna dearfacha a bhí sna cúrsaí traenála a cuireadh ar fáil do léiriúcháin teilifíse. Ach thug easpa leanúnachais sna cúrsaí, chomh maith leis an easpa i gcúrsaí a dhírigh go sainiúil ar iriseoireacht orthu, áfach, cinneadh a dhéanamh nár comhlíonadh ach cuid den ghealltanais seo. (Coiste na Saineolaithe paragraf 366)
- Chuir Coiste na Saineolaithe a imní in iúl go bhfuil gá le pleanáil beartais dhiongbháilte chun cineálacha léiriúcháin agus tograí cultúrtha atá sainiúil do theangacha réigiúnacha nó mionlaigh. (Coiste na Saineolaithe paragraf 369)
- COMEX was concerned about complaints it had received in regard to the voicemail that the NIO operates for those seeking to make oral submissions. It regarded the undertaking partly fulfilled and said that it will welcome information in the next periodical report on further development. (COMEX paragraphs 5 335-336)
- COMEX was unable to conclude whether the undertaking to allow the possibility of users of regional or minority languages to submit oral or written applications with local or regional authorities was fulfilled. (COMEX paragraph 341)
- Noting that Newry & Mourne District Council provided a bilingual translation system for use by all members in all council committees and has appointed a development officer to further its policy of promoting Irish in internal administration. The Committee of Experts considered this undertaking to allow the use of regional or minority language in debates to be fulfilled in respect of that district council. It lacked sufficient information to be able to conclude whether or not it is fulfilled in respect of other relevant district councils. (COMEX paragraph 343)
- COMEX considered the undertaking to make adequate provision for radio and television to be fulfilled in relation to radio but not in relation to television. (COMEX paragraph 354)
- COMEX concluded that the UK authorities did not provide evidence of any public encouragement or assistance to private radio stations broadcasting partly or totally in Irish. It concluded that this was not fulfilled (COMEX paragraph 357)
- COMEX underlined the necessity of public funding in order to maintain a newspaper in Irish in Northern Ireland and considered the undertaking fulfilled.<sup>17</sup> (COMEX paragraph 361)
- COMEX considered the training courses made available for television production as positive steps. The lack of continuity in the courses, as well as the shortage in courses focusing specifically on journalism, however, led it to conclude that this undertaking is only partly fulfilled. (COMEX paragraph 366)
- COMEX expressed its concern that there is a need for concrete policy planning to encourage types of cultural expression and initiatives specific to regional or minority languages. (COMEX paragraph 369)

<sup>16</sup> Ní dhealraionn sé go ndearnadh an taighde seo riamh. Séanadh maoiniú ar Ghaeilíúint a d'íarr teagasc tríú leibhéal trí Ghaeilge a fhorbairt.

<sup>17</sup> Dá ainneoin seo, bhuail géarchéim airgeadais Lá rud a chuir isteach ar tháirgeadh le dhá chailliúint poist mar gheall air, rud a mheasfar níos mine nuair a mheasfaidh an Tuairisc seo Airteagal 11.

<sup>16</sup> It does not appear that this research was ever undertaken. Funding has been refused to Gaelíúint who sought to develop third level instruction through the medium of Irish.

<sup>17</sup> Despite this, Lá has suffered financial crisis affecting production and resulting in two job losses, a matter that will be considered in greater detail when Article 11 is considered by this Report.

- Agus iad ag tabhairt faoi deara go bhfuil An Chomhairle Ealaíon ag forbairt beartais shonraigh Coiste na Saineolaithe go raibh sí fós le cainteoir Gaeilge a fhostú. (Coiste na Saineolaithe paragraf 373)
- Ag sonrú go bhfuil cainteoirí Gaeilge fostaithe in eagrais éagsúla ag eagrú gníomhaíochtaí cultúrtha i dTuaisceart Éireann dúirt Coiste na Saineolaithe nach raibh an chuma air gur de thairbhe rialúchán speisialta, beartais ná spreagadh ar pháirt na n-údarás a tharla é seo ach gur tharla sé i ndóigh ad hoc. Ar an ábhar sin, d'ainneoin gur cuireadh in iúl dóibh go raibh cainteoirí Gaeilge ag cuid de na heagrais, rinne Coiste na Saineolaithe cinneadh nár comhlíonadh ach cuid den ghealltanais sin. (Coiste na Saineolaithe paragraf 374)

## 2.07

Sa chinneadh a rinne Coiste na Saineolaithe shainnigh sé gur roghnaigh an RA an leibhéal is ísle cosainnnt agus nár shocraigh sí glacadh le haon ghealltanais ag soláthar úsáid na Gaeilge sna cúirteanna.<sup>18</sup>

## 2.08

Thug Coiste na Saineolaithe faoi deara i bparagraf 92 fosta go bhfuil eagrais ghníomhacha atá toilteanach comhoibriú leis na húdarás ar láimh údarás Thuaisceart Éireann.

## 2.09.

I ndiaidh fhoilsiú Thuairisc Choiste na Saineolaithe luaithe seo thuas, rinne an RA a Dara Tuairisc Thréimhsiúil, a foilsíodh 1 Iúil 2005. Is é atá POBAL a mhaíomh go dteipeann ar Dhara Tuairisc na RA tabhairt go córasach faoi cheisteanna a thóg Tuairisc Choiste na Saineolaithe 2004 agus Tuairisc POBAL féin i 2002 le Teresa Gorman. Amharcfar níos géire ar Thuairisc na RA sa chéad chaibidil eile.

- Noting that the Arts Council has been developing policy, COMEX remarked that it had yet to employ an Irish speaker. (COMEX paragraph 373)
- Noting that Irish speakers are employed in various bodies organising cultural activities in Northern Ireland, COMEX said this did not appear to be as a result of special regulations, policy or encouragement on the part of the authorities, but has come about in an ad hoc manner. Consequently, despite being informed that some bodies have Irish speakers, COMEX concluded that this undertaking is only partly fulfilled. (COMEX paragraph 374)

## 2.07

In its Findings, COMEX noted that the UK had chosen the lowest level of protection and that it had not elected any undertaking providing the use of Irish in the courts.<sup>18</sup>

## 2.08

COMEX also observed in paragraph 92 that the north of Ireland authorities have at their disposal active organisations that are willing to cooperate closely with the authorities.

## 2.09.

Subsequent to the publication of the COMEX Report quoted above, the UK produced its Second Periodical Report, which was published on 1 July 2005. It is POBAL's contention that the UK's Second report fails to systematically address issues raised by the COMEX Report of 2004 and by POBAL's own 2002 report by Teresa Gorman. The UK Report will be considered in more detail in the next chapter.

<sup>18</sup> Cur i bhFeidhm na Cairte ag an Ríocht Aontaithe, Coiste na Saineolaithe, 24 Márta 2004, Caibidil 3, paragraf I.

<sup>18</sup> Application of the Charter by the United Kingdom, COMEX, 24 March 2004, Chapter 3, paragraph I.

### 3. Freagra POBAL do Dhara Tuairisc na RA ar Fheidhmiú na Cairte

3.01.

Istigh sa mhír seo a leanas tá tráchttaireacht POBAL ar Thuairisc na RA. Cuirfimid chun suntais na ceisteanna sin a gcreidimid go bhfuil tuilleadh scrúdaithe nó rangaithe de dhíth orthu agus iarrfaimid friotal a chur ar thuairim phobal na Gaeilge ar chúrsaí ar díriodh orthu i dtuairisc na RA. Déanfar anailís níos mine ar na ceisteanna seo i gcaibidlí amach anseo. Rangáíodh na soiléirithe a chuir POBAL ar fáil san ord atá na pointí i dtuairisc na RA agus ní in ord tábhachta ná eile.

#### 3.02. Cuid I Ceist 4

*Cuir in iúl, le do thoil, na bearta a glacadh (de réir Airteagal 6 den Chairt) feacht níos fearr ar na cearta agus dualgais a eascraíonn ó fheidhmiú na Cairte a chur chun cinn.*

#### Scríobh an RA:

*Bhí feachtas ar siúl ag an ENR (Eagraíocht Neamhrialtasach) POBAL, a fhaigheann croímhaoiniú ó Fhoras na Gaeilge, chun cainteoirí Gaeilge a chur ar an eolas faoina gcearta faoin Chairt.*

#### 3.02.i Soiléiriú POBAL

Bhí an feachtas dá dtagraíonn an RA mar chuid de thionscnamh 'Éagsúlacht' POBAL, a maoiníodh faoi Bheart 3:1 Chlár Síochána agus Athmhuintearais an Aontais Eorpaigh trí Chomhpháirtíocht Straitéiseach Áitiúil Bhéal Feirste.<sup>19</sup> Ní fhaigheann an tionscnamh, a d'fhorbair Cúrsa Traenála Feacht Teanga do státseirbhísigh agus eagrais phoiblí a thuill ardmholadh chomh maith le cur chuige comhordaithe i leith monatóireachta agus cur chun cinn úsáid na geleachtas is fearr, aon airgead ó Rialtas na RA d'ainneoin iarratas leanúnach ó POBAL chuig an Roinn Cultúir, Ealaíon agus Fóillíochta. Fuair POBAL a dhiúltú ar chúnamh maoinithe is déanaí ón Aire David Hanson i litir dar data 24 Samhain 2005.<sup>20</sup>

3.02.ii

Faigheann POBAL roinnt croímhaoinithe le haghaidh gnéithe eile dá chuid oibre ó Fhoras na Gaeilge. I mí na Nollag 2004, dhiúltaigh Foras na Gaeilge iarratas chun post an Chomhordaitheora Straitéisigh a mhaoiniú arb é a ról monatóireacht a dhéanamh ar fheidhmiú na CETRM, taighde a dhéanamh ar sholáthar seirbhíse agus obair chun úsáid na geleachtas is fearr agus comhordú idir pobal na Gaeilge ag leibhéal an phobail agus an stát a chur chun cinn. I 2005, ba é toradh iarratais éigeandála a cuireadh le chéile chun cur ar chumas POBAL poist an Oifigigh Thraenála agus an Chomhordaitheora Straitéisigh a choinneáil ar oscailt i ndiaidh dheireadh mhaoiniú Shíocháin II iocáíocht bheag ina

### 3. POBAL's response to the UK's Second Report on the Application of the Charter

3.01.

The following section of this report contains POBAL's commentary on the UK Report. We shall highlight those issues that we believe require further examination or clarification and attempt to briefly reflect the perspective of the Irish speaking community on matters addressed in the UK report. These issues will be analysed in greater depth in later chapters. The clarifications offered by POBAL are addressed in the order the points appear in the UK Report and not necessarily in order of importance or otherwise

#### 3.02. Part I Question 4

*Please indicate the measures taken (in accordance with Article 6 of the Charter) to make better known the rights and the duties deriving from the application of the Charter.*

#### The UK wrote:

*The NGO (Non-Governmental Organisation) POBAL, which receives core funding from Foras na Gaeilge, ran a campaign to alert Irish speakers to their rights under the Charter.*

#### 3.02.i POBAL clarification

The campaign that the UK refers to was part of POBAL's Éagsúlacht (Diversity) project, funded under Measure 3:1 of the European Programme for Peace and Reconciliation through the Belfast Local Strategic Partnership (BLSP).<sup>19</sup> The project, which has developed a highly commended Language Awareness Training Course for civil servants and public bodies as well as a co-ordinated approach to monitoring and promotion of best-practice receives no assistance from the UK Government in spite of consistent requests from POBAL to the Department of Culture, Arts and Leisure. POBAL has received its most recent refusal of funding assistance from Minister David Hanson in a letter dated 24 November 2005.<sup>20</sup>

3.02.ii

POBAL does receive some core funding for other aspects of its work from Foras na Gaeilge. In December 2004, Foras na Gaeilge declined a request to fund the Strategic Coordinator post whose role is to monitor the application of the ECRML, to research service provision and to work to promote best practice and co-ordination between the grassroots Irish speaking community and the state. In 2005, an emergency application designed to enable POBAL to keep the posts of Training Officer and Strategic Co-ordinator open following the end of Peace II funding resulted instead in a small award from Foras na Gaeilge to support some aspects of the costs of the project. This funding is limited and will come to an

<sup>19</sup> Mar chuid den chlár oileadh grúpa fágóirí scoile ón Ghlaoidheachas mar thraenáilaithe i bhfeacht teanga.

<sup>20</sup> Litr ó Anne Loughran, RCEF, ar son an Aire David Hanson, 24 Samhain 2005.

<sup>19</sup> As part of the programme a group of Irish medium school leavers were trained as trainers in language awareness.

<sup>20</sup> Letter from Anne Loughran, DCAL, on behalf of Minister David Hanson, 24 November 2005.

áit ó Fhoras na Gaeilge chun tacú le gnéithe chostais an tionscnaimh. Tá an maoiniú seo teoranta agus tiocfaidh deireadh leis 31 mí na Nollag 2005. Chomh maith leis sin fuair POBAL comhathrú aníos de mhaoiniú Síochána agus Athmhuintearais ó CSÁBF chun an dá phost atá i gceist a mhaoiniú. Tháinig deireadh leis an mhaoiniú sin 18 Samhain 2005. (Feic fosta paragraif 5.05 – 5.06)

### 3.02.iii

Is íorónta go dtagródh Rialtas na RA d'obair atá idir lámha ag ENR mar chomhartha ar chomhlíonadh oibleagáidí dlíthiúla idirnáisiúnta ar pháirt an Rialtais. Aithníonn POBAL go bhfuil ról tábhachtach uathúil le himirt ag ENR-anna in obair eolais, traenála agus comhoibrithe. Ní féidir tabhairt faoin obair sin, áfach, gan baill fhoirne agus buiséad sách oiriúnach. (Feic fosta paragraif 5.03 – 5.10)

## 3.03. Cuid I Ceist 5

*Tuigtear go mbeidh lánsonraí na mbearta a glacadh chun moltaí Choiste na nAirí a fhorfheidhmiú le feiceáil i gcorp na tuairisce. Mar sin féin, tabhair go hachomair, le do thoil, na bearta siúd do gach moladh.*

### Scríobh an RA:

*Méaduithe i gcláir Ghaeilge ar BBC NI  
Feabhsuithe déanta i nglacadh TG4*

### 3.03.i Soiléiriú POBAL

Déanann an cheist seo tagairt do na moltaí go bhfeabhsódh an RA soláthar seirbhíse teilifíse poiblí agus go n-éascódh siad craoladh raidió phríobháidigh i nGaeilge. Go fíorlaghdaigh cláir theilifíse BBC NI ó sheacht n-uair an chloig go dtí cúig huair an chloig le linn 2004/05. (Feic fosta paragraif 5.67 – 5.67.iv)

### 3.03.ii

D'ainneoin na bhfeabhsuithe déanacha ar ghlacadh TG4 i gceantar Bhéal Feirste, rud a theastaigh, ní féidir le 30% den phobal breathnóirí i dtuaisceart na hÉireann teacht ar an stáisiún ar theilifís thrástíre. (Feic fosta paragraif 5.74 – 5.74.iii)

### 3.03.iii

Ní luann freagra na RA do Cheist 5 raidió príobháideach a ndearna Coiste na nAirí moladh sonrathach dó. Tugadh ceadúnas raidió do Raidió Fáilte le déanaí, ach ní chraolann an stáisiún seo ach i mórcheantar Bhéal Feirste. (Feic fosta paragraif 5.68 – 5.68.ii)

end on 31 December 2005. POBAL also received an upward variation of Peace and Reconciliation funding from BLSP to fund the two posts concerned. This funding ended on 18 November 2005. (See also paragraphs 5.05 – 5.06)

### 3.02.iii

It is ironic that the UK Government should refer to work being undertaken by an NGO as an indication of Government fulfilment of international legal obligations. POBAL recognises that NGOs have a vital and unique role to play in information, training and co-ordinating work. However, this work cannot be undertaken without staff members and adequate budget. At present, we have neither of these for this aspect of our work. (See also paragraphs 5.03 – 5.10)

## 3.03. Part I Question 5

*It is understood that full details of the measures taken to implement the recommendations of the Committee of Ministers will appear in the body of the report. Nevertheless, please summarise those measures for each recommendation.*

### The UK wrote:

*Increases in Irish programming on BBC NI  
Improvements made in the reception of TG4*

### 3.03.i POBAL clarification

This question alludes to the recommendation that the UK improve public service television provision and facilitate the broadcasting of private radio in Irish. BBC NI television programming actually decreased from seven to five hours during 2004/05. (See also paragraphs 5.67 – 5.67.iv)

### 3.03.ii

Despite the recent and welcome improvements to the reception of TG4 in the Belfast area, 30% of the viewing public in the north of Ireland still cannot access the station on terrestrial TV. (See also paragraphs 5.74 – 5.74.iii)

### 3.03.iii

The UK answer to Question 5 does not mention private radio about which the Committee of Ministers made a specific recommendation. A radio license was granted to Raidió Fáilte recently, but this station broadcasts only in the greater Belfast area. (See also paragraphs 5.68 – 5.68.ii)

### 3.04. Cuid II Ceist 1

*Taispeáin, le do thoil, cad iad na bearta a rinne do Stát chun Airteagal 7 den Chairt a fheidhmiú maidir le teangacha réigiúnacha nó mionlaigh mar a ndearnadh tagairt dóibh i bparagraif 1 agus 3 seo thuas, ag sainiú leibhéil éagsúla dhuilgais an Rialtais.*

Maidir le hAirteagal 7.1.b, nach raibh ranna riaracháin atá ann cheana nó atá nua ina mbac ar chur chun cinn na teanga réigiúnaí nó mionlaigh atá i gceist, scríobh an RA:

*Tá Rialtas na RA agus rialtas Thuaisceart Éireann tiomanta trí Chomhaontú Bhéal Feirste "tábhacht measa, tuisceana agus caoinfhulaingthe a aithint maidir le héagsúlacht teanga, Gaeilge agus Albainis Uladh san áireamh, i dTuaisceart Éireann". Chuir Coimisiún Teorann Thuaisceart Éireann é seo san áireamh ina n-athbhreithniú deireanach ar chríocha toghcheantair pharlaiminte. Tá Athbhreithniú Riaracháin Phoiblí ag dul ar aghaidh go fóill agus níor tháinig aon mhórchéist chun solais go dtí anois maidir leis an Chairt.*

#### 3.04.i Soiléiriú POBAL

Léireofar sa mhír seo a leanas ag POBAL ar fhorfheidhmiú Airteagal 10 den CETRM gur éirigh roinnt ceisteanna maidir leis seo go dtí seo. Bhí freagra na gcomhairlí míchothrom agus neamhchomhordaithe. Mar sin féin d'oibrigh POBAL le roinnt comhairlí chun dea-chleachtas a fhorbairt. Bhí muid i dteagmháil le foireann Athbhreithniú Riaracháin Phoiblí ar roinnt ócáidí agus léirigh muid ár n-ímní faoi leanúint an dea-chleachtas seo i ndiaidh an Athbhreithnithe. Ar a bharr sin, is é an tuisceant atá ag mórán Gaeilgeoirí go raibh drogall ar roinnt comhairlí, cuid acu fiú a bhí in éadan forálacha Chuid III na CETRM don Ghaeilge a fhorfheidhmiú. Dhírigh fógraí ó Airí na RA i Samhain 2005 ar laghdú na 26 Comhairle go dtí seachtar – trí cinn faoi smacht na náisiúnaithe, trí cinn faoi smacht na n-aontachtaithe agus ceann amháin (Béal Feirste) gan tromlach ceannasach. Dá thoradh sin, súfar roinnt comhairlí a bhí faoi smacht náisiúnach tráth isteach i gceantair níos mó faoi smacht aontachtach. Níl aon bhearta sásúla taobh istigh de mholtaí an Athbhreithnithe a dhéanfadh cinnte de go riarfar ar riachtanais Gaeilgeoirí faoi na struchtúir nua, a mbeidh cumhachtaí sách méadaithe acu. Cuireann na moltaí béim arís eile ar an ghá atá le hAcht na Gaeilge, ionstraim a d'fhéadfadh meicníocht a sholáthar chun an teanga a chosaint. (Feic fosta paragraif 5.62.ii – 5.62.iv)

#### 3.04.ii

Chomh maith le himpleachtaí faoi líon na gcomhairlí ó thuaidh agus faoina gcumhachtaí, déanfaidh an ARP moltaí maidir le struchtúir oideachais agus sláinte agus soláthar seirbhíse. Rinne Comhairle na Gaelscolaíochta (CnaG), an

### 3.04. Part II Question 1

*Please indicate what measures your State has taken to apply Article 7 of the Charter to the regional or minority languages referred to in paragraphs 1 and 3 of part I above, specifying the different levels of Government responsibility.*

In regard to Article 7.1.b, that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question, the UK wrote:

*The UK Government and the Northern Ireland administration are committed through the Belfast Agreement to "recognise the importance of respect, understanding and tolerance in relation to linguistic diversity including in Northern Ireland the Irish language and Ulster Scots". The Boundary Commission for Northern Ireland took this into account in their recent review of parliamentary constituency boundaries. The Review of Public Administration is continuing and no major issues have been unearthed to date in regard of the Charter.*

#### 3.04.i POBAL clarification

It will be demonstrated in POBAL's following section on the implementation of Article 10 of the ECRML that a number of issues have arisen in relation to this to date. The response of councils has been uneven and unco-ordinated. POBAL has nonetheless worked with a number of councils to develop good practice. We have been in contact with the Review of Public Administration team on several occasions and expressed concerns for the continuation of this good-practice following the Review. In addition, it is the clear perception of many Irish speakers that some councils have been reluctant, and indeed resistant to implement the Part III ECRML provisions for the Irish language. Announcements by UK Ministers in November 2005 have pointed to the reduction of 26 councils to seven – three nationalist controlled, three unionist controlled and one (Belfast) without a dominant majority. As a result, a number of formerly nationalist controlled councils will be subsumed into larger unionist controlled areas. There are no satisfactory measures within the Review's proposals to ensure that the needs of Irish speakers will be addressed under the new structures, which will have significantly enhanced powers. The proposals underscore once more the need for an Irish Language Act, an instrument that could provide a mechanism to protect the language. (See also paragraphs 5.62.ii – 5.62.iv)

#### 3.04.ii

As well as implications for the number of Councils in the north and for their powers, the RPA also makes proposals regarding educational and health structures and service delivery. Comhairle na Gaelscolaíochta (CnaG), the statutory

ghníomhaireacht reachtúil atá freagrach as forbairt earnáil an Ghaeloideachais aighneacht d'fhoireann ARP. Ag glacadh leis na buntáistí a d'fhéadfadh teacht ó atheagrú struchtúir oideachais ó thuaidh, léirigh CnaG imní nach mbeidh na struchtúir nua bhainisteoireachta sách tuisceanach ar riachtanais páistí laistigh d'earnáil an Ghaeloideachais. Ina haighneacht chuir CnaG chun suntais éiteas an Ghaeloideachais a thugann tuismitheoirí isteach sa phróiseas foghlamtha agus a iarrann iad a chumasú mar úsáideoirí gníomhacha na teanga. Gan meicníochtaí cosanta, ba é a bheadh i dtorthaí mholtaí ARP, a mhaígh CnaG, "laghdú i scileanna cumarsáide Gaeilge agus cumais na bpáistí, a d'fhéadfadh torthaí níos measa agus sa deireadh teorannú fhorbairt na hearnála bheith mar thoradh orthu."<sup>21</sup> (Feic fosta paragraf 5.48 – 5.48.ii)

### 3.05.

Ag leanúint le Ceist 1 i gCuid II, maidir le hAirteagal 1.d a thugann gealltanais stát daingnithe d'éascú agus/nó spreagadh úsáid na dteangacha réigiúnacha nó mionlaigh, i gcaint agus i scríobh, sa saol poiblí agus príobháideach, scríobh an RA:

*Soláthróidh an Ciste nua Léirithe Teilifíse agus Scannán Gaeilge £12 milliún de mhaoiniú sna 5 bliana amach romhainn.*

### 305.i Soiléiriú POBAL

Bunaíodh an Ciste Craoltóireachta Gaeilge trí chomhaontú idir Rialtais na Breataine agus na hÉireann in Aibreán 2003. Gealladh £12 milliún don chiste thar tréimhse trí bliana. I bhfómhar 2004, d'fhógair RCEF go laghdófaí é seo go £12 milliún thar cúig bliana. (Feic fosta paragraif 5.69 – 5.69iii agus 5.72.i)

### 3.06. Cuid II Ceist 2

*Gabhann na Páirtithe ar láimh aon idirdhealú, eisiámh, srianadh nó fabhar nach bhfuil bunús leo a dhíchur, mura bhfuil sé déanta acu cheana, a bhaineann le teangacha réigiúnacha nó mionlaigh a úsáid agus arb é is aidhm dóibh cothabháil nó forbairt na teanga sin a dhíspeagadh nó a chur i gcontúirt. Bearta speisialta a ghlacadh, ar mhaithe le teangacha réigiúnacha nó mionlaigh, arb é is aidhm dóibh comhionannas a chur ar aghaidh idir úsáideoirí na dteangacha sin agus an chuid eile den phobal nó a thugann aird chuí ar a ndálaí sonracha, níl sé le meas mar ghníomh a idirdhealaíonn i gcoinne úsáideoirí na dteangacha is mó úsáid.*

### Scríobh an RA:

*Níl aon reachtaíocht ná eagrais riaracháin phoiblí i dTuaisceart Éireann a thacaíonn le haon idirdhealú, eisiámh, srianadh ná fabhar nach bhfuil bunús leo a bhaineann le teangacha*

agency responsible for the development of the Irish medium education sector, has also made a submission to the RPA team. While acknowledging benefits that might accrue from the re-organisation of the north educational structures, CnaG has expressed concerns that the proposed new management structures will not be sufficiently sensitive to the particular needs of children within the Irish medium sector. In its submission CnaG highlighted the ethos of Irish medium education that involves parents in the learning process and that seeks to enable them to rear children as active users of the language. Without safeguard mechanisms, the results of the RPA proposals, CnaG suggested, would be "reduced Irish-language communication skills and capabilities among the children, leading to poorer educational outcomes and ultimately to a limiting of the development of the sector."<sup>21</sup> (See also paragraph 5.48 – 5.48.ii)

### 3.05.

Continuing with Question 1 in Part II, in regard to Article 1.d that commits ratifying states to states to the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life, the UK wrote:

*The new Irish Language Television and Film Production Fund will provide £12 million of funding over the next 5 years.*

### 305.i POBAL clarification

The Irish Language Broadcast Fund was established via a joint agreement between the British and Irish Governments in April 2003. £12 million was committed to the fund over a period of three years. In the autumn of 2004, DCAL announced that this was to be reduced to £12 million over five years. (See also paragraphs 5.69 – 5.69iii and 5.72.i)

### 3.06. Part II Question 2

*The Parties undertake to eliminate, if they have not already done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority languages and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and rest if the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely used languages.*

### The UK wrote:

*There is no legislation or public administrative body in Northern Ireland that supports any unjustified distinction,*

<sup>21</sup> Dréacht-Fhreagra ar Athbhreithniú an Riaracháin Phoiblí i dTuaisceart Éireann, Comhairle na Gaelscolaíochta, Bealtaine 2005, leathanach 15.

<sup>21</sup> Draft Response to the Review of Public Administration in Northern Ireland, Comhairle na Gaelscolaíochta, May 2005, page 15.



*réigiúnacha nó mionlaigh a úsáid agus arb é is aidhm dóibh cothabháil nó forbairt na dteangacha sin a dhíspeagadh nó a chur i gcontúirt.*

### 3.06.i Soiléiriú POBAL

Níl sé seo cruinn. Cuireann an Administration of Justice (Language) Act Ireland 1737 toirmeasc ar an Ghaeilge sna cúirteanna. D'ainneoin gealltanais i gComhaontú Aoine an Chéasta i 1998 an reachtaíocht sheanda seo a chealú, tá sé fós sa leabhar reachtanna. Ina Chéad Tuairisc thug Coiste na Saineolaithe faoi deara gur roghnaigh an RA an leibhéal b'ísle cosanta ó Airteagal 9 agus nár shocraigh sí aon ghealltanas a dhéanamh ag soláthar úsáid na Gaeilge sna cúirteanna.<sup>22</sup> (Feic fosta paragraf 5.52)

#### 3.06.ii

Dúirt an Roinn Forbartha Réigiúnaí le Comhairle an Lúir agus Mhúrn go mbeidh uirthi na comharthaí fáilte a chuir sí in airde ar imeall Chathair an Lúir a bhaint anuas de thairbhe gur i nGaeilge a bhí siad. Scríobh RFR chuig POBAL ar 8 Meán Fómhair 2005 lena rá go gcoisceann Airteagail 28 agus 29 den Ordú Rialacháin Trácht Bóthair (Tuaisceart Éireann) 1997 úsáid teangacha ar bith eile seachas Béarla ar chomharthaíocht.<sup>23</sup>

#### 3.06.iii

Ar bhonn leanúnach léirigh an Oifig Thoghchán doicheall roimh fhreagairt d'iarraibh bhéil nó scríofa le haghaidh seirbhísí Gaeilge, le haghaidh cártaí vótála nó foirmeacha clárú vótálaithe i nGaeilge. D'fhreagair siad ríomhphost i nGaeilge ar 19 Deireadh Fómhair 2005 ag iarraidh (i mBéarla): "Ar an drochuair níl aon áiseanna aistriúcháin againn. Cuir do ríomhphost arís i mBéarla le do thoil."<sup>24</sup> I litir ina dhaidh sin ón Oifig Thoghchán scríobh Denis Stanley, an Príomh-Oifigeach Toghchán: "Nuair is féidir le duine Béarla a thuiscint agus labhairt i mBéarla ní dóigh linn go bhfuil sé míréasúnta, ar mhaithe leis an phobal trí chéile, go n-úsáidfeadh siad é sin agus iad ag plé cúrsaí toghchán."<sup>25</sup> Chuir an tUas Stanley in iúl do POBAL nach mbeidh sé ag freagairt litreacha a scríobhtar dó i nGaeilge agus nach gcuirfidh sé ar fáil aon fhoirmeacha i nGaeilge le haghaidh clárú vótálaithe. (Feic fosta paragraif 5.60.iii – 5.60.iv)

#### 3.06.iv

Níos faide anonn san aighneacht soláthróimid fianaise a léiríonn doicheall roinnt comhairlí atá faoi smacht aontachtach roimh fhorálacha chun an Ghaeilge a chosaint agus a chur chun cinn. Máimid go léiríonn na samplaí seo go soiléir, i gcontráthacht a bhfuil ráite i dTuairisc na RA, go dtacaíonn reachtaíocht agus codanna an riaracháin phoiblí i dtuaisceart Éireann le hidirdhealú, eisiámh agus srianadh gan bhunús ar an teanga. (Feic paragraif 5.26.i – 5.26.iv; 5.26.vi; 5.62.i agus 5.63.iii – 5.63.vii)

*exclusion, restriction or preference relating to the use of regional or minority languages and intended to discourage or endanger the maintenance or development of such languages.*

### 3.06.i POBAL clarification

This is not correct. The Administration of Justice (Language) Act Ireland 1737 bans the use of Irish in the courts. Despite a commitment in the Good Friday Agreement in 1998 to rescind this archaic legislation, it remains on the statute books, seven years later. In its First Report COMEX noted that the UK had chosen the lowest level of protection from Article 9 and that it had not elected any undertaking providing the use of Irish in the courts.<sup>22</sup> (See also paragraph 5.52)

#### 3.06.ii

The DRD has told Newry & Mourne District Council that fáilte (welcome) signs it has erected on the outskirts of Newry City will have to be removed because they are in Irish. DRD wrote to POBAL on 8 September 2005 to say that Articles 28 and 29 of the Road Traffic Regulations Order (Northern Ireland) 1997 preclude the use of languages other than English on signage.<sup>23</sup>

#### 3.06.iii

The Electoral Office has consistently demonstrated an unwillingness to respond to verbal or written requests for Irish language services, for polling cards or voter registration forms in Irish. They replied to an e-mail in Irish on 19 October 2005 asking: "Unfortunately we do not have any translation facilities. Please resend your e-mail in English."<sup>24</sup> In a further letter from the Electoral Office, the Chief-Electoral Officer, Denis Stanley wrote: "Where a person can understand and communicate in English we feel that it is not unreasonable, in the interests of the whole community, for them to use this when dealing with electoral matters."<sup>25</sup> Mr Stanley has told POBAL that he will not be replying to letters written to him in Irish and will not provide any forms in Irish for voter registration. (See also paragraphs 5.60.iii – 5.60.iv)

#### 3.06.iv

Later in this submission we shall offer evidence illustrating the reluctance of a number of unionist-controlled councils to implement measures to protect and promote the Irish language. It is our contention that these examples clearly show, contrary to what is stated in the UK Report, that legislation and elements of the public administration in the north Ireland do support an unjustified distinction, exclusion and restriction on the language. (See paragraphs 5.26.i – 5.26.iv; 5.26.vi; 5.62.i and 5.63.iii – 5.63.vii)

<sup>22</sup> Cur i bhFeidhm na Cairte ag an Ríocht Aontaithe, Coiste na Saineolaithe, 24 Márta 2004, Caibidil 3, paragraf 1.

<sup>23</sup> Litir ó RFR chuig POBAL, 8 Meán Fómhair 2005.

<sup>24</sup> Ríomhphost ó Claire McGrattan chuig Janet Muller, 29 Aibreán 2005.

<sup>25</sup> Litir ón Phríomh-Oifigeach Toghchán, D. A. Stanley chuig POBAL, 23 Meán Fómhair 2005.

<sup>22</sup> Application of the Charter by the United Kingdom, COMEX, 24 March 2004, Chapter 3, paragraph 1.

<sup>23</sup> Letter from DRD to POBAL, 8 September 2005.

<sup>24</sup> Email from Claire McGrattan to Janet Muller, 29 April 2005.

<sup>25</sup> Letter from the Chief Electoral Officer, D.A. Stanley to POBAL, 23 September 2005.

### 3.07. Cuid II Ceist 3

*Gabhann na Páirtithe ar láimh an tuiscint fhrithpháirteach idir grúpaí teangeolaíoch a uile na tíre a chur ar aghaidh le bearta iomchuí agus go háirithe meas, tuiscint agus caoinfhulaingt i ndáil le teangacha réigiúnacha nó mionlaigh a áireamh ar chuspóirí an oideachais agus na hoiliúna a chuirtear ar fáil ina dtíortha agus na hollmheáin a chothú chun an cuspóir céanna a shaothrú.*

#### Scríobh an RA:

*Tá buntacú leis sin i gComhaontú Bhéal Feirtse, nó tá Rialtas na RA agus Rialtas Thuaisceart Éireann tiomanta d'aithint tábhacht measa, tuisceana agus caoinfhulaingthe maidir le héagsúlacht teanga, Gaeilge agus Albainis Uladh i dTuaisceart Éireann san áireamh.*

#### 3.07.i Soiléiriú / POBAL

Bhí roinnt alt ar nuachtán áitiúil i gContae Ard Mhacha, The Lurgan Mail, ag tuairisciú polaiteora aontachtaigh, Samuel Gardiner, a rá "nach bhfuil mic léinn Ghaeilge inchurtha ach le móin a chruachadh i nGaeltacht Dhún na nGall."<sup>26</sup> Ní dhearna an nuachtán aon iarracht san alt na ráitis dhiúltacha neamhréasúnacha a chothromú lena mhalaire de thuairimí. D'ainneoin na ngearán ó POBAL chuig Coimisiún na nGearán Preasa ní dhearnadh aon bheart i gcoinne an chomhairleora a rinne na ráitis ná an nuachtán a chuir i gcló iad gan dúshlán. Mar chosaint ar an alt dúirt eagarthóir an Lurgan Mail le POBAL go bhfuil cead a thuairime ag an Uasal Gardiner. Ar thaobh Choimisiún na nGearán Preasa mheas sé de thairbhe gur léiríodh go soiléir gur leis an Uasal Gardiner na ráitis agus nach "gá go gcuirfí na léitheoirí ar seachrán go sílfeadh siad nach raibh ansin ach an t-aon dearcadh le glacadh ar an cheist."

3.07.ii

Chuir POBAL an cheist faoi bhráid Choiste Westminster ar chóir fuatha. Níl aon tagairt don chás a léirigh muid sa Tuairisc a d'ullmhaigh an Coiste.

### 3.08. Cuid III Airteagal 8.b.iv

#### Scríobh an RA:

*Chuir Foras na Gaeilge deontas i gcabhair do Ghaeiloiliúint (eagraíocht dheonach tacaíochta don bhunoideachas Gaeilge), deontas i gcabhair eatramhach do scoileanna Gaeilge a bhí ag fanacht le haitheantas na roinne agus deontas i gcabhair d'acmhainní teagaisc/foghlamtha Gaeilge le haghaidh bunscoileanna Gaeilge.*

#### 3.08.i Soiléiriú POBAL

Tháinig deireadh le maoiniú do Ghaeiloiliúint i 2004 agus níor athnuaíodh é. An obair a rinne Gaeiloiliúint tráth tá sí anois

### 3.07. Part II Question 3

*The parties undertake to promote by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.*

#### The UK wrote:

*This is underpinned in the Belfast Agreement, as the UK Government and Northern Ireland Administration are committed to recognising the importance of respect, understanding and tolerance in relation to linguistic diversity including in Northern Ireland the Irish language and Ulster Scots.*

#### 3.07.i POBAL clarification

A local newspaper in County Armagh, The Lurgan Mail, has carried articles quoting a unionist politician, Samuel Gardiner saying "that Irish students are only fit to stack turf in the Donegal Gaeltacht."<sup>26</sup> The newspaper made no effort in the article to balance the negative and irrational comments with a contrary view. Despite complaints from POBAL to the Press Complaints Commission no action has been taken against the councillor who made the comments or the newspaper that printed them unchallenged. In defence of the article, the Editor of the Lurgan Mail told POBAL that Mr Gardiner is entitled to his opinion. For its part, the Press Complaints Commission deemed that as the comments were presented clearly to be those of Mr Gardiner and that "the readers would not be necessarily have been misled into thinking that this was the only view to be taken on the matter."

3.07.ii

POBAL also brought the matter to the attention of the Westminster Committee on hate crime. There is no reference to the case we presented in the Report prepared by the Committee.

### 3.08. Part III Article 8.b.iv

#### The UK wrote:

*Foras na Gaeilge has provided grant-in-aid to Gaeiloiliúint (voluntary support organisation for Irish-medium primary education), interim grant-in-aid to Irish medium primary schools awaiting departmental recognition and grant-in-aid to Irish medium teaching/learning resources for Irish medium primary schools.*

#### 3.08.i POBAL clarification

Funding for Gaeiloiliúint ended in 2004 and was not renewed. The work Gaeiloiliúint carried out is now the responsibility of

<sup>26</sup> The Lurgan Mail, 8 January 2004, page 12.

<sup>26</sup> The Lurgan Mail, 8 Eanáir 2004, leathanach 12.

mar fhreagracht do lontaobhas na Gaelscolaíochta. Mar fhreagra ar dheireadh a maoinithe, d'athdhírigh Gaeloiliúint ar fhorbairt oideachais tríú leibhéal agus rinne roinnt comhaontas tábhachtach agus forbairtí san earnáil seo. Dhiúltaigh Foras na Gaeilge iarratas an ghrúpa ina dhiaidh sin. (Feic fosta paragraf 5.44). Baineadh an maoiniú de lontaobhas na Gaelscolaíochta ó shin chomh maith. (Feic fosta paragraf 5.40.v)

### 3.09 Cuid III Airteagal 10.2.g

#### Scríobh an RA:

*Tá cead ag Comhairlí Áitiúla faoi Airteagal 11 den Ordú Rialtais Áitiúil (Forálacha Ilghnéitheacha) (TÉ) 1995 sráidainmneacha i mBéarla agus aon teannga eile a chur in airde. Agus seo á dhéanamh acu ní mór don Chomhairle aird a thabhairt ar thuairimí na gcónaitheoirí i dteaghaisí na sráide sin.*

#### 3.09.i Soiléiriú POBAL

Níl aon bheartas ag Comhairle Baile Craigavon a ligeann di teacht ar thuairimí na gcónaitheoirí ar mhaith leo a seolta a ghlacadh go hoifigiúil i nGaeilge. Dhiúltaigh Comhairle Baile Craigavon iarratas sráid a aithint go hoifigiúil i nGaeilge ar 28 Feabhra 2005 gan tuairim na gcónaitheoirí ar an tsráid a lorg. Ar 24 Deireadh Fómhair 2005, shocraigh Comhairle Baile Bhaile Monaidh gan leanúint le hiarratas cosúil agus gan ach nóta a dhéanamh go ndearnadh é. Arís eile ní dhearnadh aon iarracht tuairimí na gcónaitheoirí ar an tsráid a fháil amach. (Feic fosta paragraf 5.63.iii -5.63.vii)

### 3.10. Cuid III Airteagal 11.1.a.iii

#### Scríobh an RA:

*Cuireann BBC Thuaisceart Éireann clár rialta ar fáil i nGaeilge ar Raidió Uladh agus corchlár ar an teilifís. Sa Bhliain Airgeadais 02/03 craoladh 3.5 uair an chloig de chlár theilifíse Ghaeilge. Baineann na huairteanta le 7 n-eiseapóid de shraith cheoil a craoladh idir 01/02 agus 03/04. In 03/04 lean an BBC leis an tsraith seinm cheoil, CEOL I gCUIDEACHTA, léirigh clár faisnéise breathnaithe 4-chuid, GAELIC PASSIONS agus chuir tús leis an irischlár reatha SRL. In 04/05 léirigh an BBC an dara sraith de SRL agus d'fhorbair in éineacht le BBC Alba agus BBC Cymru tionscnamh ilmheáin foghlaim theanga Colin & Cumberland a gcuirfeá ar fáil trí bheochana teilifíse ardchaighdeán, clár raidió ach den chuid is mó trí shuíomh idirlín an-idirghníomhach.*

#### 3.10.i Soiléiriú POBAL

Ní luaitear i mír seo Thuairisc na RA gur fíor gur thit an líon uairteanta craolta Gaeilge ar an BBC ó 8.5 i 2003/04 go 5.2 i 2004/05. (Feic fosta paragraif 3.03.i agus 5.67 - 5.67.vi)

lontaobhas na Gaelscolaíochta. Responding to the cessation of their funding, Gaeloiliúint refocused on the development of third level education and made some important alliances and developments in this field. The group's subsequent application for further funding was refused by Foras na Gaeilge. (See also paragraph 5.44) Lontabhas na Gaelscolaíochta's funding has since been withdrawn also. (See also paragraph 5.40.v)

### 3.09 Part III Article 10.2.g

#### The UK wrote:

*District Councils have the power under Article 11 of the Local Government (Miscellaneous Provision) (NI) Order 1995 to erect street names in English and in any other language. In doing so Councils must have regard to the views of the residents living in the premises of that street.*

#### 3.09.i POBAL clarification

Craigavon Borough Council has no policy that allows it to access the views of residents who wish to have their addresses officially adopted in Irish. Craigavon Borough Council refused a request to have a street officially recognised in Irish on 28 February 2005 without seeking the opinion of the residents living in the street. On 24 October 2005, Ballymoney Borough Council decided not to proceed with a similar request and to simply note that it had been made. Once more no effort was made to ascertain the opinion of residents living in the street. (See also paragraph 5.63.iii -5.63.vii)

### 3.10. Part III Article 11.1.a.iii

#### The UK wrote:

*BBC Northern Ireland offers regular programmes in Irish on Radio Ulster and occasional programmes on TV. In 02/03 Financial Year 3.5 hours of Irish language television output was transmitted. The hours relate to 7 episodes of a music series transmitted between 01/02 and 03/04. In 03/04 the BBC continued the music performance series, CEOL I gCUIDEACHTA, produced a 4-part obdoc on a GAA club, GAELIC PASSIONS and began the current magazine programme SRL. In 04/05 the BBC produced a second series of SRL and developed with BBC Scotland and Wales a language learning multi-media project, Colin & Cumberland which will be delivered through high-quality TV animations, radio programming but mostly through a highly interactive website.*

#### 3.10.i POBAL clarification

It is not stated in this section of the UK Report that the amount of Irish medium broadcast hours on the BBC actually fell from 8.5 in 2003/04 to 5.2 in 2004/05. (See also paragraphs 3.03.i and 5.67 - 5.67.vi)

### 3.11. Cuid III Airteagal 11.1.d

#### Scríobh an RA:

*Cheadaigh Coimisiún an AE Ciste Craoltóireachta Gaeilge de £12 milliún thar ceithre bliana ar 8 Meitheamh 2005. Comh-mhaoineoidh an Ciste réimse leathan de tháirgí na híomhá gluaiste i nGaeilge i dTuaisceart Éireann.*

#### 3.11.i Soiléiriú POBAL

Rinneadh an gealltanas Ciste Craoltóireachta Gaeilge a bhunú in Iúil 2003. An cuspóir a bhí leis cuidiú le léiriú cláir theilifíse i nGaeilge. Sa chéad dul síos leithdháileadh £12 milliún don Chiste le tréimhse trí bliana a chlúdach. I bhfómhar 2004, áfach, rinne RCEF an figiúr seo a athchoigeartú anuas chun tréimhse cúig bliana a chlúdach. (Feic fosta paragraif 5.17; 5.67.i agus 5.69.i – 5.73.iii)

### 3.12. Cuid III Airteagal 11.1.e.i

#### Scríobh an RA:

*Maoiníonn Foras na Gaeilge Lá (nuachtán laethúil), Foinse (nuachtán Domhnaigh) agus roinnt tréimhseachán.*

#### 3.12.i Soiléiriú POBAL

D'ainneoin an ghealltanais Lá a mhaoiniú, i ndiaidh gearáin ó pholaiteoir aontachtach, Sylvia Hermon, d'iarr Rialtas na RA trí oifig Ian Pearson, Aire Trádála agus Fiontraíochta, ar ardoifigigh athmhéas a dhéanamh ar an deontas. Déanta na fírinne stopadh an deontas ar feadh tréimhse. An toradh a bhí air sin cailliúint dhá phost. Tuigeann POBAL gur sáraíodh na deacrachtaí a bhain le Interreg ach bliain níos faide anonn, níor scaoileadh an maoiniú do Lá fós. (Feic fosta paragraif 5.15 agus 5.70.i – 7.70.ii)

#### 3.12.ii

Níl úsáid Lá san áireamh i moltaí OTÉ la haghaidh fhógraíocht an Rialtais i dtuaisceart Éireann amach as seo, áit a raibh iomlán de £17.2 milliún ag fógraíocht Rialtais i 2004. Chuaigh £20,000 de sin chuig Lá. D'fhágfadh cinneadh an beartas céanna a leanúint Lá agus an Ghaeilge faoi mhíbhuntáiste. (Feic fosta paragraf 5.70.i)

### 3.13. Cuid III Airteagal 11.1.g

#### Scríobh an RA:

*Tá an Ciste Craoltóireachta Gaeilge tiomanta d'fhorbairt leibhéal scileanna laistigh d'earnáil léirithe na Gaeilge agus bheartaigh scéim oiliúna a bhfuil foráil inti traenáilaithe a shuí i léiriúcháin atá á maoiniú aige.*

#### 3.13.i Soiléiriú POBAL

Níl aon tagairt anseo do thraenáil iriseoirí sa mheán cló, gealltanas nach bhfuil á chomhlíonadh. (Feic fosta paragraf 5.72)

### 3.11. Part III Article 11.1.d

#### The UK wrote:

*An Irish Language Broadcast Fund of £12m over four years was approved by the EU Commission on 8 June 2005. The Fund will co-finance a wide range of moving image products in Irish in Northern Ireland.*

#### 3.11.i POBAL clarification

The commitment to establish an Irish Language Broadcast Fund was made in July 2003. Its aim was to assist in the production of television programming through the medium of Irish. Initially £12 million was allocated to the Fund to cover a three-year period. However, in the autumn of 2004 this sum was re-adjusted downwards by DCAL to cover a five-year period. (See also paragraphs 5.17; 5.67.i and 5.69.i – 5.73.iii)

### 3.12. Part III Article 11.1.e.i

#### The UK wrote:

*Foras na Gaeilge funds Lá (daily newspaper), Foinse (Sunday paper) and several periodicals.*

#### 3.12.i POBAL clarification

Despite the commitment to fund Lá, following protests by a unionist politician, Sylvia Hermon, the UK Government through the office of Ian Pearson, Minister for Trade and Enterprise asked senior officials to give further consideration to the grant. In effect the grant was blocked for a period. The result was the loss of two jobs. POBAL understands that the difficulties over Interreg have been surmounted but, a year on, the funding has not yet been released to Lá. (See also paragraph 5.15 and 5.70.i – 7.70.ii)

#### 3.12.ii

The use of Lá has not been included in the NIO's proposals for future Government advertising in the north of Ireland, where Government advertising totalled £17.2 million in 2004. £20,000 of that went to Lá. A decision to pursue this same policy would continue to place Lá and the Irish language at a disadvantage. (See also paragraph 5.70.i)

### 3.13. Part III Article 11.1.g

#### The UK wrote:

*The Irish Language Broadcast Fund is committed to developing the level of skills within the Irish Language production sector and has devised a training scheme which includes provision for attachment of trainees to productions it is funding.*

#### 3.13.i POBAL clarification

No reference is made here to the training for journalists in the print media, a commitment that is not being fulfilled. (See also paragraph 5.72)

## 3.14. Cuid III Airteagal 11.2

**Scríobh an RA:**

*Ag Comhdháil Idir-Rialtasach na Breataine-na hÉireann ar 2 Márta 2005 shínigh an bheirt chomhchathaoirleach Comhaontas Idir-rialtasach ag tabhairt údaráis do TG4 minicíocht RA a úsáid chun craoladh i dTuaisceart Éireann. Tá TG4 i mbun gnó i dTuaisceart Éireann ó Mhárta 2005.*

**3.14.i Soiléiriú POBAL**

D'ainneoin na bhfeabhsuithe deireanacha a theastaigh do ghlacadh TG4 i gceantar Bhéal Feirste, creideann innealtóirí TG4 nach bhfuil fáil ar an stáisiún ar theilifís thrastíre ag thart ar 30% den phobal féachana. (Feic fosta paragraif 5.73 – 5.73.iii)

## 3.15.

Sa mhír seo d'iarr muid na ceisteanna atá ag éirí as Dara Tuairisc Thréimhsiúil na RA a shoiléiriú go hachomair. Sa chéad mhír eile, cuirimid i láthair forbheathnú fhorfheidhmiú na CETRM maidir leis an Ghaeilge. Soláthróidh na míreanna a leanann an Forbheathnú anailís níos doimhne ar na cláisil áirithe lenar shainiú POBAL imní faoi leith a bheith ag siúl leo.

## 3.14. Part III Article 11.2

**The UK wrote:**

*At the British Irish Intergovernmental Conference on 2 March 2005 the two joint chairs signed an Intergovernmental Agreement granting authority for TG4 to use a UK frequency to broadcast in Northern Ireland. TG4 has now been up and running in Northern Ireland since 4 March 2005.*

**3.14.i POBAL clarification**

Despite the recent and welcomed improvements to the reception of TG4 in the Belfast area, TG4 engineers believe that approximately 30% of the viewing public in the north Ireland cannot still not access the station on terrestrial TV. (See also paragraphs 5.73 – 5.73.iii)

## 3.15.

In this section we have attempted to briefly clarify issues arising from the Second UK Periodical Report. In the next section, we shall present an overview of the implementation of the ECRML in relation to the Irish language. The sections following the Overview will provide a more in-depth analysis of the particular clauses which POBAL has identified to be of special concern.

## 4. Forbhreathnú ar Fhorfheidhmiú na CETRM ó 2002

4.01.

Amharcann POBAL ar dhaingniú CETRM ar pháirt na RA mar dheis iontach pobal na Gaeilge a thabhairt isteach ó imill na sochaí. Is bunchuid é den phróiseas réiteach coimhlinte atá ar siúl i dtuaisceart na hÉireann. Is den riachtanas, mar sin, go mbainfear an oiread tairbhe as na deiseanna a chuireann sé ar fáil agus is féidir.

4.02.

Is é beartas POBAL déileáil go dearfach leis an Stát d'fhonn forfheidhmiú na CETRM a thiomáint chun tosaigh. Mar sin féin is é taithí ár mball go bhfuil forfheidhmiú i dtuaisceart na hÉireann patuar agus gann ar fhócas straitéiseach. Go deimhin, ag roghnú na 36 clásal den CETRM don Ghaeilge, is é ár mbarúil gur léirigh an RA cur chuige íostach. Mar a dúirt Teresa Gorman ina tuairisc de 2002 do POBAL, in go leor cásanna dhaingnigh Rialtas na RA na roghanna is laige laistigh de na clásail seo.<sup>27</sup> Léirítear íostachas i leith na Gaeilge chomh maith leis na neamhsheasmhachtaí sa dóigh a dtacaítear leis an Bhreathnais agus le Gaeilge na hAlban i gcomparáid leis an Ghaeilge sa tuaisceart. (Feic fosta paragraif 0.04; 0.05; 4.11)

4.03.

Ó daingníodh an CETRM, géaraíodh ar íostachas na hionstraimhe daingnithe arís leis an fhás i líon na ndaoine a thuiriscíonn eolas ar an Ghaeilge. Thaispeáin daonáireamh 2001 méadú 18% i líon na gcainteoirí Gaeilge nuair a dhéantar comparáid le daonáireamh 1991. In éineacht leis na staitisticí seo tháinig borradh gasta faoi earnáil an Ghaeloideachais le méadú ar líon na scoileanna. Mar sin de, déanfaimid an argóint sa Tuairisc seo de thairbhe go n-éilíonn an CETRM ar stáit dhaingnithe forálacha ó Chuid III a roghnú do gach teanga<sup>28</sup> 'de réir staid gach teanga,' go bhfuil anois i 2005 gá níos soiléire don RA athbhreithniú a dhéanamh ar na forálacha a dhaingnigh sí don Ghaeilge.

4.04.

Cuireadh leis an easpa fócais straitéisigh a tuairiscíodh i dtuairisc Teresa Gorman 2002 do POBAL le cinneadh na RA Tionól Thuaisceart Éireann a chur ar fionraí i 2002 agus tuaisceart na hÉireann a rialú tríd an rud a dtugtar 'cúram agus cothabháil' air. Go teoiriciúil is ionann sin agus nach nglacann Airí a cheap an Rialtas cinnithe a mbíonn forbairt nó athrú beartas nó cleachtas de dhíth orthu seachas iad siúd a bhaineann le tógáil cánach.<sup>29</sup> Maidir le forfheidhmiú na CETRM, áfach, is é an taithí againn go raibh teip

## 4. Overview of the Implementation of the ECRML since 2002

4.01.

POBAL views the ratification of the ECRML by the UK as an excellent opportunity to bring the Irish language in from the margins of society. It is an integral part of the conflict resolution process that is ongoing in the north of Ireland. It is crucial therefore that the opportunities that it presents are maximised.

4.02.

It is POBAL's policy to engage positively with the State in order to drive the implementation of the ECRML forward. It has nonetheless been our membership's experience that implementation in the north of Ireland has been lacklustre and lacking in strategic focus. Indeed, in choosing to ratify the 36 clauses of the ECRML for the Irish language, it is our belief that the UK displayed a minimalist approach. As articulated by Teresa Gorman in her 2002 report for POBAL, the UK Government has in many cases also ratified the weakest options within these clauses.<sup>27</sup> Minimalism towards the Irish language is also displayed by the inconsistencies in the manner in which Welsh and Gàidhlig in Scotland languages are supported in comparison to Irish in the north. (see also paragraphs 0.04; 0.05; 4.11)

4.03.

Since the ratification of the ECRML, the minimalism of the ratification instrument has been further heightened by the steady growth in people reporting a knowledge of Irish. The 2001 census show an 18% increase in the number of Irish speakers when compared to the 1991 census. These statistics are complemented by a rapid growth in the Irish medium education sector that has seen the number of schools increase. We will, therefore, argue in this Report that as the ECRML requires ratifying states to select provisions from Part III for each language 'according to the situation of each language,'<sup>28</sup> there is now in 2005 an even clearer need for the UK to review the provisions it has ratified for Irish.

4.04.

The lack of strategic focus reported in Teresa Gorman's 2002 report for POBAL has been further compounded by the UK's decision to suspend the Northern Ireland Assembly in 2002 and to govern the north of Ireland by what is described as 'care and maintenance.' In theory this means that UK Government-appointed Ministers do not take decisions that require developing or changing policies or practices other than those pertaining to raising taxes.<sup>29</sup> In relation to the implementation of the ECRML, however, it is our experience

<sup>27</sup> Cur i bhfeidhm na Cairte Eorpaí do Theangacha Mionlaigh nó Réigiúnacha i dtuaisceart na hÉireann ó thaobh na Gaeilge de Iúil 2001-Iúil 2002 Submission By POBAL to the Committee of Experts on the Charter, Teresa Gorman 2002, page 8.

<sup>28</sup> An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, Cuid II Airteagal 1.

<sup>29</sup> I ndiaidh na gcrúinnithe seo d'fhoilsigh POBAL tuairisc: Cur i bhfeidhm na Cairte Eorpaí do Theangacha Mionlaigh nó Réigiúnacha i dtreo Dea-chleachtas, Iúil 2004

<sup>27</sup> The Implementation of the Charter with Regard to the Irish Language July 2001-July 2002, Submission By POBAL to the Committee of Experts on the Charter, Teresa Gorman 2002, page 8.

<sup>28</sup> European Charter for Regional or Minority Languages, Part II Article 1.

<sup>29</sup> Following these meetings POBAL published a report: The Implementation of the European Charter for Regional or Minority Languages, Towards Good-Practice, July 2004

leanúnach i gceannaireacht ó Rialtas na RA agus ó OTÉ agus go raibh éifeacht aici seo ar fhonn Ranna Rialtais i dTuisceart Éireann beartais a fhorbairt maidir leis an Ghaeilge. Bunaíodh an GIFC mar ghrúpa comhairliúcháin amháin agus feidhmíonn sé i gcomhthéacs a bhfuil an chuma air go bhfuil an-drogall ar ranna Rialtais tús a chur le tionscnaimh. Cuireann an treoir a dhréachtaigh an GIFC maidir le hAirteagal 10 den CETRM freagra frithghníomhach d'éileamh i gcéill in ionad cur chun cinn urghníomhach.

#### 4.05

In aighneacht POBAL don GIFC nuair a bhí an Treoir á meas le haghaidh measúnú iarmharta comhionannais faoi Mhír 75 de Acht Thuaisceart Éireann, mhol muid gur chóir do gach Roinn a raibh dualgais orthu thar a raibh ag éirí as Airteagal 10, plean gníomhaíochta a dhréachtú agus a fhorfheidhmiú maidir leis an CETRM. Níor dhearbhaigh aon Roinn go ndearna sí amhlaidh nó gur mian léi é seo a dhéanamh.<sup>30</sup>

#### 4.06.

Creidimid go bhfuil gá éirí as an iostachas a bhí againn go dtí seo. In iarracht cur leis an smaointeoireacht straitéiseach ar an phróiseas forfheidhmithe agus chun forbairt an dea-chleachtais a lorg, le linn cruinnithe le gach Roinn chuir POBAL sraith moltaí chun tosaigh maidir leis an chleachtas is fearr. (Feic Agusín 1 le haghaidh a thuilleadh sonraí). Cé go ndeir an RA go bhfuil gach Roinn i dtuisceart na hÉireann freagrach go himheánach as forfheidhmiú na CETRM, dúirt ionadaithe Roinne le POBAL gur mhaith leo treoir níos soiléire ón Rialtas. Le linn na sraithe cruinnithe a bhí ag POBAL le gach ceann de na Ranna i 2003/04 rinneadh tagairt go rialta do 'chúram agus cothabháil' chun a mhíniú cén fáth nach raibh beartais á bhforbairt agus nach raibh moltaí POBAL i leith dea-chleachtais á gcur chun tosaigh. Thug siad le fios gurbh fhearr leo go nglacadh SSTÉ cinneadh corparáideach in ionad gach Roinn ag forbairt a beartais uathúil féin. D'fhiafraigh siad de POBAL cad é a bhí an Roinn Cultúir Ealaíon agus Fóillíochta (RCEF), a ainníodh mar an Roinn cheannasach maidir leis an Chairt, a dhéanamh maidir leis na moltaí. Seasann RCEF ar an pointe, áfach, nach é an ról aici treoir a sholáthar do Ranna eile ach go bhfuil na Ranna iad féin freagrach agus gur gá leo tabhairt faoi na ceisteanna a bhaineann le forfheidhmiú dóibh féin. Cibé an rún atá leis, is é an toradh atá ar an teip seo treoir straitéiseach lárnach a sholáthar maidir le forfheidhmiú na CETRM easpa gnímh agus moill.

that there has been a failure in leadership from the UK Government and from the NIO and that this has had an effect on the willingness of Government Departments to develop policies in relation to the Irish language. The ICIG was established purely as an advisory group and operates in a context where Government departments appear extremely reluctant to take initiatives. The Guidance drafted by the ICIG in regard to Article 10 of the ECRML suggests a reactive response to demand rather than pro-active promotion.

#### 4.05.

In POBAL's submission to the ICIG when the Guidance was being considered for Equality Impact Assessment under Section 75 of the Northern Ireland Act, we proposed that each Department with responsibilities over and above those arising from Article 10, that they should also draft and implement an action plan in regard to the ECRML. No Department has confirmed that they have either done not intend to do this.<sup>30</sup>

#### 4.06.

We believe that there is a need to move away from the minimalism that we have experienced heretofore. In an attempt to increase strategic thinking on the implementation process and to pursue the development of good-practice, during meetings with all the Departments POBAL put forward a series of proposals in relation to best practice (See Appendix 1 for further details). Although the UK states that each Department in the north of Ireland is internally responsible for ECRML implementation, Departmental representatives told POBAL that they would like clearer direction from Government. During the series of meetings POBAL held with each of the Departments in 2003/04 reference was made regularly to 'care and maintenance' to explain why policies would not be developed and POBAL's proposals in regard to good practice not taken forward. They suggested that they would prefer the NICS to make a corporate decision rather than each Department developing its own individual policy. They asked POBAL what the Department of Culture Arts and Leisure (DCAL), designated as the lead Department in relation to the Charter, was saying in regard to the proposals. DCAL, however, insists that it is not its role to provide direction to other Departments but that the Departments themselves are responsible and need to tackle the issues surrounding implementation for themselves. Whatever the intention, the effect of this failure to provide strategic centralised direction and enforcement in relation to the implementation of the ECRML leads to inaction and delay.

<sup>30</sup> Aighneacht POBAL ar an Mheasúnú Iarmharta Comhionannais ar Threoir GIFC ar an chruinniú Gealltanais Rialtas na RA maidir leis an Ghaeilge agus Albainis Uladh, Meán Fómhair 2004.

<sup>30</sup> POBAL's Submission on the Equality Impact Assessment on the ICIG Guidance on the meeting UK Government Commitments in Respect of Irish and Ulster Scots, September 2004.

4.07.

I ndiaidh na gcruinnithe rinne POBAL tuairisc, I dTreo Dea-chleachtais. Ba iad na heochairmholtai againn:

- Go ndéanfaidh an Rialtas litreacha a fhreagairt i nGaeilge sa chás go gcuireann saoránach tús le comhfhreagras sa teanga sin;
- Go mbogfar ar shiúl ón chóras glórphoist agus go mbeidh am-scála ann fána choinne sin;
- Go mbeidh plean cúig bliana forbartha foirne ann le daoine a thraenáil/a earcú agus a lonnú in áiteanna straitéiseacha le freastal ar an phobal trí mheán na Gaeilge;
- Go mbeidh comharthaíocht as Gaeilge le feiceáil ar fhoirgnimh an Rialtais;
- Go mbeidh an Ghaeilge á húsáid ar shuímh idirlín an Rialtais;
- Go mbeidh foilseacháin á gcur ar fáil go honnghníomhach agus nach mbeadh na Ranna i gcónaí ag fanacht ar iarratas;
- Go ndéanfaidh an Rialtas seirbhísí trí mheán na Gaeilge a fhoilsiú agus go léireoidh sé go bhfuil fáilte roimh an teanga;
- Go nglacfaidh na Ranna páirt i gcúrsa feasachta teanga de chuid POBAL.

4.08.

Tá gá leanúnach ann forfheidhmiú a bhogadh chun tosaigh le cois freagra fhoirmiúil dár moltaí dea-chleachtais ó Chathaoirleach an GIFIC, Colin Jack, inar athdhúirt sé gur ar gach Roinn aonair a bhí an fhreagracht sin. Scríobh muid chuig an Roinn Gnóthaí Eachtracha agus an Chomhlachais ar 1 Márta 2005 ar lorg cruinnithe. Ní bhfuair muid freagra go fóill. I ndiaidh Olltoghchán 5 Bealtaine 2005 scríobh muid arís ach ní bhfuair muid freagra fós ar an dara litir ach oiread.

4.09.

Cé gur leathan agus domhain imní POBAL maidir le forfheidhmiú, aithnímid go bhfuil daoine laistigh de SSTÉ a rinne na ndícheall chun go n-éireofaí le forfheidhmiú na CETRM. Léiríonn an dóigh nár éirigh go geal lena n-iarrachtaí an gá atá le reachtaíocht bhaile sa RA. Aithníodh sé seo chomh fada siar le 25 Meán Fómhair 2002 nuair a chomhairligh Dlíodóirí Cleaver Fulton Rankin do Chomhairle Cathrach Lios na gCearrbhach nach bhfuil an CETRM mar chuid de 'dhlí na tíre' agus go mbeadh Acht Parlaiminte de dhíth chun í a dhéanamh amhlaidh. Ag rá go mbeifí ag brath go dtabharfadh an Chomhairle aird bhreithiúnach ar an CETRM ina próisis déanta cinnithe, chuir an comhfhreagras chun suntais go nglacann reachtaíocht bhaile tús áite ar an dlí idirnáisiúnta sa RA. Scríobh Cleaver Fulton Rankin: "... tá seans go mbeidh cúrsaí (mar atá dualgas reachtúil) a

4.07.

Following these meetings POBAL produced a report, Towards Good-Practice. Our key recommendations were:

- That the Government answer letters in Irish in the case where a citizen initiates correspondence in that language;
- That a move is made away from the voice mail system and a time-scale set;
- That there is a five year staff development plan to train/recruit people and to place them in strategic places in order to facilitate the public through the medium of Irish;
- That Irish signage is seen on Government buildings;
- That Irish is used on Government websites;
- That publications are made available proactively and that Departments do not always wait on requests;
- That the Government publishes services through Irish and that it demonstrates that the language is welcome;
- That the Departments take part in POBAL's language awareness course.

4.08.

There is continuing need to move implementation forward and on foot of a formal response to our good-practice proposals from the Chair of the ICIG, Colin Jack, in which he reiterated that responsibility lay with each individual Department, we wrote to the Department of Foreign Affairs & the Commonwealth on 1 March 2005 seeking a meeting. We have not yet received a reply. Following the 5 May 2005 General Election we wrote again but have still not received a reply to the second letter either.

4.09.

Far-reaching and profound as POBAL's concern over implementation is, we nonetheless recognise that there are those within the NICS who have strived to make the implementation of the ECRML a success. That their endeavours have not enjoyed more widespread success points to the need for domestic legislation in the UK. This was recognised as far back as 25 September 2002 when Cleaver Fulton Rankin Solicitors advised Lisburn City Council that the ECRML is not part of the 'law of the land' and that an Act of Parliament would be needed to make it so. Stating that while it would be expected that the Council take cognisance of the ECRML in its decision making processes, the correspondence highlighted that in the UK domestic legislation takes precedence over international law. Cleaver Fulton Rankin wrote: "... there may be matters (namely a statutory duty)



chiallaíonn nár chóir don chomhairle an Chairt a fhorfheidhmiú go huathoibríoch sa dóigh a moladh sa Chiorclán.<sup>31</sup>

4.10.

Baineann an tagairt do Chiorclán le cáipéis, LG24/02 dar dáta 29 Iúil 2002 agus a chuir an Roinn Comhshaoil ar aghaidh chuig Lios na gCearrbhach le heolas ar an CETRM. Rinne Cleaver Fulton Rankin, na dlíodóirí, an argóint ina litir nach ionann Ciorcláin agus an dlí agus nach bhfuil "aon údarás dlíthiúil ann chun a rá go gcaithfidh Comhairle Cathrach Lios na gCearrbhach Ciorcláin Rialtais Áitiúil a leanúint mar údar dlí."<sup>32</sup>

4.11.

Tugadh na deacrachtaí a tháinig de thairbhe easpa reachtaíochta baile faoi deara ag cruinniú den GIFIC ar 1 Deireadh Fómhair 2004. Déanann na miontuairiscí taifead gur mhol Brainse Dlíodóirí Roinne Oifig an Chéad Aire agus an Leas-Chéad Aire go bhfuil féidearthacht ann, cheal reachtaíochta, go lorgódh ball an phobail athbhreithniú breithiúnach de thairbhe briseadh Mhír 6 den Acht um Chearta an Duine.<sup>33</sup>

4.12.

I ndiaidh Acht na Breatnaise 1993 agus Acht na Gaeilge (Albain) 2005, tá an Ghaeilge ar an aon teanga dhúchasach atá á labhairt go forleathan sa RA nach bhfuil cosaint dlíthiúil bhaile aici. Tá POBAL i mbun feachtasaíochta faoi láthair chun Acht na Gaeilge a fhorfheidhmiú i dtuaisceart na hÉireann, rud a dhaingneodh cearta Gaeilgeoirí.

4.13.

Meáfaidh na caibidlí seo a leanas Cuid I, Cuid II agus Cuid III den CETRM faoi seach, ag díriú ar na réimsí sin ar shainaithin POBAL go bhfuil forfheidhmiú neamhéifeachtach.

#### 4.13. Moltaí ginearálta POBAL:

- Moltaí POBAL le haghaidh Acht Gaeilge TÉ a achtú chun an Ghaeilge a chosaint agus a chur chun cinn.
- Gur chóir don RA líon suntasach clásal breise ó Chuid III den CETRM a dhaingniú láithreach don Ghaeilge agus na roghanna a roghnaíodh cheana a uasghrádú sa dóigh is go bhfuil an ionstraim dhaingnithe de réir staid na teanga. Ba chóir na codanna daingnithe a achtú i ndlí baile na RA ar feitheamh fhorfheidhmiú Acht na Gaeilge.

which means that the council should not automatically apply the Charter in the way suggested in the Circular.<sup>31</sup>

4.10.

The reference to a Circular pertains to a document, LG24/02 dated 29 July 2002 and forwarded to Lisburn by the Department of the Environment with information on the ECRML. Cleaver Fulton Rankin, the solicitors, argued in their letter that Circulars do not constitute the law and that there is "no legal authority to state that local Government Circulars must be followed by Lisburn City Council as a matter of law."<sup>32</sup>

4.11.

The difficulties presented by the absence of domestic legislation were also noted at a meeting of the ICG on 1 October 2004. The minutes record that the Departmental Solicitors' Branch of the Office the First and Deputy First Minister suggested that, in the absence of legislation, there is a possibility of a member of the public seeking a judicial review in breach of Section 6 of the Human Rights Act.<sup>33</sup>

4.12.

Following the Welsh language Act of 1993 and the Gaelic Act (Scotland) 2005, Irish is the only widely spoken indigenous language in the UK that does not enjoy domestic legal protection. POBAL is currently campaigning to have an Irish Language Act implemented in the north of Ireland that will copper-fasten rights for Irish speakers.

4.13.

The following chapters will consider Part I, Part II and Part III of the ECRML in turn, focussing on those areas where POBAL has identified implementation to be ineffective.

#### 4.13. POBAL's general recommendations:

- That POBAL's proposals for the Irish Language Act NI be enacted to protect and promote the Irish language.
- That the UK should immediately ratify a significant number of additional Part III clauses of the ECRML for the Irish language and upgrade the options already selected in order that the ratification instrument is in keeping with the language's situation. The ratified elements should then be enacted into UK domestic law pending the implementation of the Irish Language Act.

<sup>31</sup> Comhairle ar Chomhairle Cathrach Lios na gCearrbhach ó Dhlíodóirí Cleaver, Rankin Fulton, 25 Meán Fómhair 2002.

<sup>32</sup> Ibid.

<sup>33</sup> Miontuairiscí naoú cruinniú Ghrúpa Idir-rannach um Fhorfheidhmiú na Cairte, paragraf 4.10, 1 Deireadh Fómhair 2004.

<sup>31</sup> Advice to Lisburn City Council from Cleaver, Rankin Fulton Solicitors, 25 September 2002.

<sup>32</sup> Ibid.

<sup>33</sup> Interdepartmental Charter Implementation Group minutes of ninth meeting, paragraph 4.10, 1 October 2004.

## 5. Tuairisc ar Chinneadh POBAL An CETRM Cuid I Forálacha Ginearálta

5.01.

Pléann Cuid I den CETRM le forálacha ginearálta, sainmhínte, socrúithe praiticiúla agus an chosaint a d'fhéadfadh a bheith ag teangacha roimh dhaingniú an Choinbhinsiúin. Pléann Airteagal 6 i gCuid I le faisnéis.

Cuid I, Airteagal 6:

*Gabhann na Páirtithe ar láimh go bhféachfaidh siad chuige go gcuirtear na húdaráis, eagraíochtaí agus daoine i dtrácht ar an eolas faoi na cearta agus dualgais arna mbunú leis an gCairt seo.*

5.02.

D'ainneoin na hoibleagáide soiléire atá leagtha amach in Airteagal 6 de Chuid I, go ngeallann 'na páirtithe', .i. na stáit dhaingnithe, go gcuirfidh siad a bhfuil i gceist ar an eolas faoi na cearta agus dualgais a éiríonn ón Chairt, níor chuir an RA pobal na Gaeilge ar an eolas a dhóthain go bhfuil seirbhísí Gaeilge ann. Ní fios dúinn gur sholáthair OTÉ ná Rialtas na RA aon ráitis phoiblí, fógraí, preaseisiúintí, scéalta nuachta, forógraí poiblí ná aon chineál eolais do Ghaeilgeoiri chun a phoibliú go bhfuil seirbhísí ann. Bhí POBAL i dteagmháil rialta leis na Ranna i dtuaisceart na hÉireann chun iad a spreagadh chun dul i gceann obair fheasachta urghníomhach.

5.03.

Mar fhreagra ar ár gceisteanna, thug Ranna coimriú ar na bearta a ghlac siad:

- Nótaí ag deireadh cáipéisí lena chur in iúl go bhfuil siad ar fáil i nGaeilge ar iarratas chomh maith nó, níos coitianta, go bhfuil sí 'ar fáil i bhformáidí teanga eile'.
- D'ullmhaigh gach Roinn a Treoir dheartha féin, bunaithe ar an cheann a dhear an GIFC, ar fhorfheidhmiú na CETRM. Cuireadh an Treoir dheartha ar shuímh Idirlín nó córas Inlín Roinne.

Níor chóir amharc ar nótaí ag deireadh cáipéise a rá go bhfuil sí 'ar fáil i bhformáidí teanga eile' mar ghníomh diongbháilte ná eolas a chur ar fáil don phobal go hurghníomhach go bhfuil seirbhísí trí Ghaeilge ann. Sa dóigh chéanna, tá amhras ar cén luach atá ar shuímh idirlín Roinne mar dhóigh leis an phobal a chur ar an eolas.

## 5. Report of POBAL's Findings ECRML Part I General Provisions

5.01.

Part I of the ECRML deals with general provisions, definitions, practical arrangements and protection that languages might enjoy before ratification of the convention. Article 6 in Part I deals with information.

Part I, Article 6:

*The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.*

5.02.

Despite the clear obligation laid out in Article 6 of Part I, that 'the parties,' ie. the ratifying states, will undertake to inform all concerned about the rights and duties arising from the Charter, the UK has not adequately informed the Irish speaking community the existence of Irish medium services. We have no knowledge of any public statements, advertisements, press releases, news stories, public notices or any form of information being provided to Irish speakers by the NIO or by the UK Government to publicise the existence of services. POBAL has been in regular contact with the Departments in the north of Ireland to encourage them to engage in pro-active awareness work.

5.03.

In response to our queries, Departments have outlined the measures that have taken:

- Notes at the end of documents to say that they are also available in Irish on request or, more commonly, that it is 'available in other language formats'.
- Each Department has prepared its own tailored Guidance, based on that developed by the ICIG, on the implementation of the ECRML. The tailored Guidance has been placed on Departmental Internet sites or Intranet system.

Notes at the end of a document stating that it is 'also available in other language formats' should of course not be regarded as resolute action nor as pro-actively informing the public of the existence of services through the medium of Irish. In a similar vein, the value of Departmental websites as a means to inform the public is of course also open to question.

5.04.

In éineacht le Ranna Rialtais, tá tuairim is 148 eagraíocht dhifriúla agus eagrais reachtúla ghaolmhara san earnáil phoiblí i dtuaisceart na hÉireann. Trína mhonatóireacht den CETRM agus teagmhálacha leanúnacha leis an earnáil phoiblí, fuair POBAL amach go bhfuil forleathadh eolais amach as na Ranna agus ar aghaidh go dtí a n-eagrais ghaolmhara go hiomlán neamhéifeachtach. Ar 21 Samhain, tháinig sé chun solais go raibh Oifig Thoghchán Thuaisceart Éireann aineolach ar an CETRM agus ar na dualgais a chuireann an Chairt uirthi.<sup>34</sup> Cruthófar an easpa eolais seo níos faide anonn nuair a bhreithneoidh an Tuairisc seo Airteagal 10 de Chuid III.

5.05.

Sheol POBAL feachtas múscailt feasachta ag leibhéal an phobail, foilsiú bileoige, scaipeadh faisnéise trí na meáin chumarsáide agus cuairteanna a thabhairt ar chumainn Ghaeilge, scoileanna agus ranganna do dhaoine fásta chun cainteanna a thabhairt ar an ábhar. Thug an grúpa cúrsa traenála feasachta teanga do roinnt Ranna Rialtais, gníomhaireachtaí reachtúla agus eagraíochtaí earnáil an phobail. I gcontráthacht lena bhféadfadh a thuiscint ó Dhara Tuairisc Thréimhsiúil ón RA, rinneadh an obair seo le cúnamh ó Chistiú Síochána na hEorpa. Ní bhfuair POBAL aon tacaíocht ó Rialtas na RA le haghaidh na hoibre seo.

5.06.

Faigheann POBAL roinnt croimhaoinithe le haghaidh gnéithe eile dá obair ó Foras na Gaeilge. I mí na Nollag 2004, dhiúltaigh Foras na Gaeilge iarratas chun post an Chomhordaitheora Straitéisigh a mhaoiniú arb é a ról monatóireacht a dhéanamh ar fheidhmiú na CETRM, taighde a dhéanamh ar sholáthar seirbhíse agus obair chun úsáid na gcleachtas is fearr agus comhordú idir pobal na Gaeilge ag leibhéal an phobail agus an stát a chur chun cinn. I 2005, ba é toradh iarratas éigeandála a cuireadh le chéile chun cur ar chumas POBAL poist an Oifigigh Thraenála agus an Chomhordaitheora Straitéisigh a choinneáil ar oscailt i ndiaidh dheireadh mhaoiniú Shíocháin II íocaíocht bheag ina áit ó Foras na Gaeilge chun tacú le gnéithe chostais an tionscnaimh. Tá an maoiniú seo teoranta agus tiocfaidh deireadh leis 31 mí na Nollag 2005. (Feic fosta paragraif 3.02 – 3.02.iii)

5.04.

Together with the Government Departments, there are some 148 different organisations and associated statutory bodies that form the public sector in the north Ireland. Through its monitoring of the ECRML and ongoing contacts with the public sector, POBAL has found that the penetration of information beyond the Departments and through to their associated statutory bodies to be completely in-effective. On 21 November 2005, it emerged that the Electoral Office for Northern Ireland was unaware of the ECRML and the obligations that the Charter places it under.<sup>34</sup> This absence of knowledge will be demonstrated later when this Report considers Article 10 of Part III.

5.05.

POBAL has conducted an awareness raising campaign at community level, including the publication of a leaflet, the dissemination of information through the media and visiting Irish language societies, schools and adult classes to give talks on the subject. The group has also delivered a language-awareness training course to a number of Government Departments, statutory agencies and community sector organisations. Contrary to what might be interpreted from the Second Periodical Report from the UK, this work was conducted with the assistance of European Peace Funding. POBAL has received no support from the UK Government for this work.

5.06.

POBAL does receive some core funding for other aspects of its work from Foras na Gaeilge. In December 2004, Foras na Gaeilge declined a request to fund the Strategic Coordinator post whose role is to monitor the application of the ECRML, research service provision and work to promote best practice and co-ordination between the grassroots Irish speaking community and the state. In 2005, an emergency application designed to enable POBAL to keep the posts of Training Officer and Strategic Co-ordinator open following the end of Peace II funding resulted instead in a small award from Foras na Gaeilge to support some aspects of the costs of the project. This funding is limited and will come to an end on 31 December 2005. (See also paragraphs 3.02 – 3.02.iii)

<sup>34</sup> Béimníonn ráitis a rinne Oifigeach Faisnéise ag an Choimisiún Comhionannais le Príomhfheidhmeannach POBAL, Janet Muller, an easpa feasachta teanga i gcomhrá a bhain le comhairle a chuir an Coimisiún Comhionannais ar an RO ar earcaíocht trí Ghaeilge, dúirt sé nár chuala sé riamh an dearcadh maidir leis an CETRM agus a bém ar theangacha dúchasacha. (Feic paragraf 5.84)

<sup>34</sup> Comments made by an Information Officer with the Equality Commission to POBAL's Chief Executive, Janet Muller underscores the lack of language awareness. In a conversation relating to advice given by the Equality Commission to the DE on recruitment through Irish, he said that he had never before heard the viewpoint in relation to the ECRML and its emphasis on indigenous languages (See paragraph 5.84)

5.07.

In iarracht measúnú a dhéanamh ar cé chomh forleathan atá eolas poiblí faoin CETRM, rinne POBAL suirbhé samplach beag in 2004. Is léir ó na torthaí go gcreideann cainteoirí Gaeilge:

- Gurb é an Béarla an teanga trína ndéanann an stát a ghnó
- Go bhfaighidh siad seirbhís dhiúltach má iarrann siad seirbhís trí Ghaeilge
- Go gcuirfead seirbhís den dara grád ar fáil má iarrtar í trí Ghaeilge
- Gur dheacra é seirbhís a lorg trí Ghaeilge
- Nár mhaith leo dea-thoil an Státseirbhísigh atá ag cuidiú leo a chailliúint
- Go bhfuil daoine aineolach ar an CETRM agus go bhfuil sé anois indéanta seirbhís a fháil trí Ghaeilge

Léirigh an suirbhé gurbh é 78.6% de na rannpháirtithe a léirigh tuairim nach bhfuil an Rialtas ag comhlíonadh a oibleagáidí faoin CETRM. Fiú ar na daoine a chreid go raibh an RA ag comhlíonadh na n-oibleagáidí sin bhí amhras faoi ghealltanas na RA de thairbhe gur roghnaigh sí na clásail is laige a d'fhéadfaí a roghnú ón CETRM le daingniú.

5.08.

Ag cur chun suntais an ghá atá le feachtas chun feasacht a spreagadh faoi na cineálacha seirbhísí atá ar fáil, dúirt 78.6% de na daoine a ndearnadh suirbhé orthu go raibh a fhios acu gur daingníodh an CETRM in 2001. As an fhigiúr sin, áfach, mhaigh 45% gur ó POBAL a d'fhoghlaim siad é. Mhaigh 36.8% eile gur fhoghlaim siad é trí na meáin chumarsáide. Nuair a chuirtear i gcuimhne gurbh é POBAL a thúsáigh an obair phoiblíochta ar an CETRM trí na meáin chumarsáide, preasráiteas do na nuachtáin Ghaeilge agus Bhéarla, agallaimh raidió agus agallaimh ar TG4, is díotáil dhamnaithe é ar iarrachtaí an Rialtais an CETRM a chur chun cinn. De gach duine a ndearnadh suirbhé orthu, níor ainmnigh ach duine amháin gníomhaireacht Rialtais, an Roinn Sláinte, mar fhoinsé a gcuid eolais ar an CETRM. (Feic Aguisín 2 le haghaidh torthaí iomlána an tsuirbhé)

5.09.

Creidimid gur chóir go mbeadh na torthaí seo mar ábhar imní don RA agus bainisteoirí Roinne. D'iarr POBAL a chuid buarthaí a thógáil leis an Roinn Gnóthaí Eachtracha agus an Chomhlachais ach ní bhfuair sé freagra ar bith do na litreacha a chuir sé chuig an Aire, Jack Straw, ar 1 Márta 2005 agus 3 Bealtaine 2005. Ba é an toradh a bhí ar easpa tiomána straitéisigh agus eolais ar an CETRM teip iomlán mórán Rann agus gníomhaireachtaí reachtúla riachtanais na CETRM a chur san áireamh go gníomhach ina nósanna imeachta pleanála. Léiríodh é sin nuair a scríobh POBAL chuig an ARP chun a imní a chur in iúl faoi thodhchaí dea-

5.07.

In an effort to try and assess how widespread public knowledge of the ECRML is, POBAL conducted a small sample survey in 2004. It is clear from the results that Irish speakers believe:

- English is the language through which the state does business
- They will get a negative service if they request a service through the medium of Irish
- That a second class service will be offered if it is requested through Irish
- Seeking a service through the medium of Irish would prove difficult
- They do not want to lose the good-will of the Civil Servant helping them
- People are unaware of the ECRML and that it is now possible to get a service through the medium of Irish

The survey showed 78.6% of participants who expressed a belief that the Government is not fulfilling its obligations under the ECRML. Even among those who do believe that the UK is fulfilling those obligations, the UK's commitment was questioned as it had selected the weakest possible clauses from the ECRML to ratify.

5.08.

Highlighting the need for a campaign to raise awareness about the type of services that are now available, 78.6% of those surveyed stated that they were aware that the ECRML was ratified in 2001. However, of this figure, 45% claimed that it was from POBAL that they learnt this. A further 36.8% claimed to have learnt of it through the media. When it is recalled that all the promotional work on the ECRML through the media, press statement to both Irish language and English medium newspapers, radio interviews and interviews on TG4, have been initiated by POBAL, these results are a damning indictment of the Government's efforts to promote the ECRML. Of all those surveyed, only one named a Government agency, the Department of Health, as the source of their knowledge on the ECRML. (See Appendix 2 for full survey results)

5.09.

We believe that these results should be a matter of concern for the UK and Departmental managers. POBAL has sought to raise its concerns with the Department of Foreign Affairs and the Commonwealth in London but has received no answers to the letters it sent to the Minister, Jack Straw, on 1 March 2005 and 3 May 2005. The lack of strategic drive and information on the ECRML has resulted in the complete failure of many Departments and statutory agencies to actively factor the requirements of the ECRML into their planning procedures. This was demonstrated when POBAL

chleachtas i dtéarmaí soláthair don Ghaeilge i ndiaidh chruthú na gcomhairlí áitiúla nua. Ina fhreagra, níorbh fhéidir leis an ARP ach a dheimhniú do POBAL go bhfanadh na hoibleagáidí ag éirí as an CETRM agus go ndéanadh an Rialtas a dhícheall chun cinnte a dhéanamh de go gcomhlíonfaí na hoibleagáidí:

*Fanfaidh oibleagáid agus dualgas chomhairlí áitiúla chun an Chairt a fheidhmiú mar atá, agus déanfaidh an rialtas gach dícheall chun a chinntiú go gcomhlíonfaidh na comhairlí an oibleagáid sin.<sup>35</sup>*

Ag cur san áireamh thaithí Gaeilgeoirí go dtí seo, is beag an sásamh atá sa ráiteas seo. Tá gá soiléir le comhthéacs sách oiriúnach reachtaíochta agus beartas chun a chinntiú go gcomhlíonfaidh gach comhairle a ngealltanais chun an Ghaeilge a chaomhnú agus a chur chun cinn. (Feic fosta paragraf 3.04.i agus 5.62 – 5.63.ii)

5.10.

Tá POBAL sásta obair phoiblíochta agus eolais agus traenáil ar an CETRM a chur i gcrích i gcomhoibriú leis na Ranna. Creidimid de thairbhe gur ENR muid go dtugaimid luach breise don obair seo. Sin ráite ní mór go maoinítear muid chun an obair seo a chur i gcrích agus níl an cás amhlaidh faoi láthair. Ina theannta sin, ní chreidimid go dtig le haon ENR, is cuma cé chomh héifeachtach, oibleagáidí rialtais a chomhlíonadh nó ní bhíonn ENR-anna ag plé leis na cumhachtaí reachtúla agus déanamh beartas rialtais agus eagrais rialtais. Is léiriú é ar locht Rialtas na RA go luann siad obair gan taca ENR mar fhianaise dá gcomhlíonadh féin d'oibleagáidí rialtasacha.

### 5.11. Moltaí POBAL's ar Chuid I d'fhorálacha ginearálta na CETRM:

- Ba chóir do Rialtas na RA tús a chur le feachtas fuinniúil poiblíochta chun an gnáthphobal a chur ar an eolas go bhfuil an CETRM ann agus na buntáistí atá le fáil aisti. Is ar an dóigh seo amháin a lánchumasófar an pobal leas a bhaint as seirbhísí trí Ghaeilge.
- Go dtugann ENR-anna luach breise don tacaíocht, traenáil agus obair chomhordaithe maidir leis an CETRM agus gur choir obair POBAL sna hearnálacha seo bheith faoi réir tacaíocht airgeadais sách oiriúnach.

wrote to the RPA to raise concerns over the future of good-practice in terms of provision for the Irish language following the creation of the new local councils. In its reply, the RPA could only assure POBAL that obligations arising out the ECRML would remain and that the Government would do its best to ensure that those obligations will be fulfilled:

*Fanfaidh oibleagáid agus dualgas chomhairlí áitiúla chun an Chairt a fheidhmiú mar atá, agus déanfaidh an rialtas gach dícheall chun a chinntiú go gcomhlíonfaidh na comhairlí an oibleagáid sin.<sup>35</sup>*

Given the experience of Irish speakers to date, there is little comfort in this statement. There is clearly a need for an adequate legislative and policy context to ensure that all councils fulfil their commitments to protect and promote the Irish language. (See also paragraph 3.04.i and 5.62 – 5.63.ii)

5.10.

POBAL is happy to carry out promotional and information work and training on the ECRML in cooperation with the Departments. We believe that as an NGO we bring an added value to such work. We nonetheless need to be resourced in order to carry out this work and this is not the case at present. Furthermore, we do not believe that any NGO, however effective, can fulfil governmental obligations since NGOs do not dispose of the legislative and policy-making powers of governments and government bodies. It is an indictment of the UK Government that they cite the unsupported work of an NGO as evidence of their own fulfilment of governmental obligations.

### 5.11. POBAL's recommendations on Part I of the ECRML General Provisions:

- The UK Government should initiate an energetic promotional campaign to inform the general public as to the existence of the ECRML and the benefits to be accrued from it. It is only in this manner that the public will be fully empowered to avail of services through the medium of Irish.
- That NGOs bring added value to advocacy, training and co-ordination work in relation to the ECRML and that POBAL's work in these areas should be the subject of adequate financial support.

<sup>35</sup> Litir ón ARP chuig POBAL 3 Iúil 2005.

<sup>35</sup> Letter from the RPA, to POBAL 3 July 2005. "The duty and obligation on local councils to implement the Charter will remain as they are and the Government will do its best to ensure that the councils will fulfill that obligation." (POBAL's translation)

## 5.12. An CETRM Cuid II Cuspóirí agus Prionsabail

Dearbhaíonn Cuid II den CETRM cuspóirí na Cairte agus na prionsabail ar a mbunaítear na cuspóirí sin. Ceanglaíonn a Céad Airteagal an Rialtas do bheith ag caitheamh teangacha de réir a staide agus cúinsí uathúla. Ar an drochuair, is é taithí cainteoirí Gaeilge nach bhfuil an soláthar don Ghaeilge bunaithe ar riachtanais na teanga ach ar chleas caothúlachta polaitiúla.

5.13.

Is é toradh ionstraim dhaingnithe na RA léirmhíniú fíostach na CETRM agus bhí a forfheidhmiú ad hoc. Tá an Ghaeilge fós mar theanga cheilte sa saol poiblí sa tuaisceart agus tá a húsáid i gcumarsáid laethúil leis an stát fós ina cúis deacrachta suntasaí fós. Tá an Ghaeilge sa saol poiblí faoi réir srianadh, mar a luaigh muid ag pointí 3.06.i – 3.06.iv agus mar a scrúdóimid arís inár mír faoi fhorfheidhmiú Airteagal 10.

5.14.

Tá cainteoirí Gaeilge fós den tuairim gur chóir cearta teanga a bheith ar fáil do chách. Mhair an Ghaeilge, áfach, i gcomhthéacs beartas agus teanga thar a bheith naimhdeach sa tuaisceart le blianta fada agus tá forfheidhmiú na CETRM á úsáid mar tháscaire tábhachtach sa dul chun cinn atá á dhéanamh i dtreo sochaí nua. De réir gach caighdeán, ionstraim dhaingnithe na RA san áireamh, tá an Ghaeilge i riocht atá go suntasach difriúil ó aon teanga dhúchasach eile sa tuaisceart. Samhlaítear do mhórán Gaeilgeoirí ó thuaidh, áfach, go gcaitear le forfheidhmiú na CETRM agus déanamh beartais maidir leis an Ghaeilge mar a bheadh "liathróid pholaitiúil" ann, gan tabhairt faoi ach tríd an chur chuige "punt ar phunt".

5.15.

Bhí iarcheannaire Ghníomhaireacht Albainis Uladh, an Tiarna Laird, i mbun feachtais go mbeadh ceangal idir maoiniú don Ghaeilge agus do Albainis Uladh. Bhí tuairisc ar an Tiarna Laird ar an Andersonstown News 16 Deireadh Fómhair 2004, nuair a dúirt sé faoi mhaoiniú Lá: "Níl a dhath agam i ndiaidh maoiniú a thabhairt do Lá, ach muna ndéantar amhlaidh ar an taobh eile (Albainis Uladh) go bhéadfaí amharc air mar bhagairt do shaoirse an phreasa. Lean sé leis: "Má tá sé sin (druoidim Lá) mar thoradh nádúrtha brú is cúis aiféala í sin, ach ní mór dúinn an brú a chur. Sin realpolitik."<sup>36</sup> (Feic fosta paragraif 3.12.i agus 5.70 – 5.74.i)

## 5.12. ECRML Part II Objectives and Principles

Part II ECRML states the Charter's objectives and on the principles upon which these objectives are founded. Its opening Article commits Government to treating languages according to their individual situation and circumstances. Unfortunately, it is however the experience of Irish speakers that provision for the Irish language is based not on the needs of the language but on political expediency.

5.13.

The UK ratification instrument has led to a minimalist interpretation of the ECRML and its implementation has been ad hoc. The Irish language remains an invisible language in public life in the north and its use in everyday interaction with the state remains a cause of considerable difficulty. Irish in public life is subject to restriction, as we have noted at points 3.06.i – 3.06.iv and will consider further in our section on the implementation of Article 10.

5.14

It remains the contention of Irish speakers that language rights should be available for all. However the Irish language has existed in a particularly hostile policy and linguistic context in the north for many years and the implementation of the ECRML has been held up as an important indicator in the progress being made towards a new society. By all standards, including the UK ratification instrument, the Irish language is in a significantly different position than any other indigenous language in the north. It appears to many Irish speakers, however, that implementation of the ECRML and policy making in relation to Irish is often treated as a "political football" to be approached only through a "pound for pound" approach.

5.15.

The former head of the Ulster Scot Agency, Lord Laird, has campaigned for funding between Irish and Ulster Scots to be linked. Lord Laird is reported in the Andersonstown News on 16 October 2004, when he commented on Lá funding: "I have nothing against Lá getting funding, but unless it is matched on the other side [Ulster Scots] it could be regarded as a threat to press freedom." He continued: "If that [the closure of Lá] is the natural consequence of pressure then that is regrettable, but we have to bring pressure to bear. This is realpolitik."<sup>36</sup> (See also paragraphs 3.12.i and 5.70 – 5.74.i)

<sup>36</sup> The Andersonstown News, 16 Deireadh Fómhair 2004, leathanach 12.

<sup>36</sup> The Andersonstown News, 16 October 2004, page 12.

5.16.

Léiríodh an dearcadh go gcaitear leis an teanga mar liathróid pholaitiúil i ráiteas a rinne an Comhairleoir Speisialta don Bhiúró Eorpach um Theangacha Neamhfhorleathana, Dónal Ó Riagáin, ag caint ag comhdháil a d'eagraigh an GIFIC sa Stormont Hotel taobh amuigh de Bhéal Feirste 9 Meán Fómhair 2004. Ag tagairt do leithdháileadh maoinithe chomhionann do Ghníomhaireacht Albainis Uladh maidir leis an Chiste Craoltóireachta Gaeilge, thug Ó Riagáin faoi deara: "Cé go bhfuil an coincheap Quid Pro Quo, intuigthe go polaitiúil, tá sé go hollc ó thaobh pleanáil teanga de." Lean sé leis ag cur in iúl na méine go n-amharcafaí ar fhorfheidhmiú na Cairte sa tuaisceart san am atá le teacht ar dhóigh níos oibiachtúla.<sup>37</sup>

5.17.

Dearbhaíodh an ceangal idir maoiniú Albainis Uladh agus an Ciste Craoltóireachta i dteach na dTiarnaí nuair a dúirt an Banbharún Amos ar son Rialtas an RA i bhfreagra ar cheist pharlaiminte ón Tiarna Laird:

Eascraíonn an Ciste Craoltóireachta, a bhfuiltear ag brath air teacht i bhfeidhm go luath i mbliana, ón ghealltanais a rinne Rialtais na RA agus na hÉireann sa Chomh-fhorógra in Aibreán 2003. Bhí gealltanais ann fosta cuidiú le tacaíocht a thabhairt do Acadamh Albainis Uladh. Tig liom a dhearbhu gur thug an Rialtas Comhaird ar an dá ghealltanais agus gur chuir muid comhleibhéal acmhainní i leataobh don dá rud.<sup>38</sup>  
(Feic fosta paragraif 3.11.i agus 5.73.i)

5.18.

Cuireann struchtúr na CETRM lena forálacha Chuid II agus Chuid III béim ar an tábhacht a bhaineann le soláthar oiriúnach do riachtanais éagsúla na dteangacha éagsúla. Bheadh inní ar phobal na Gaeilge go ceart faoi aon chleachtas (institiúideach nó eile) a cheanglaíonn an fhorbairt agus tacaíocht don Ghaeilge le riachtanais teanga nó canúna eile a bhfuil a riachtanais agus cúinsí áirithe féin aici. Is féidir impleachtaí a leithéide de chleachtas a shamhlú mar leanúint den naimhdeachas agus leatrom ar dhóigheanna eile.

5.19.

Leath an cleachtas cuntrapointe a dhéanamh de sholáthar don dá theanga ar fud struchtúir an Rialtais go dtí an pointe gur dúradh le grúpa Gaeilge in Ard Mhacha ar 22 Meitheamh 2004 ag seimineár a d'eagraigh Comhairle Cathrach agus Ceantair Ard Mhacha, agus iad ag cur isteach don chomhairle áitiúil le haghaidh deontas gur mó an seans a bheadh ag a n-iarratais tacaíocht a fháil dá mbainfidís le heagrú comhimeachtaí le cainteoirí Albainis Uladh. Bhí brúnna cosúla ar Chultúrlann McAdam Ó Fiaich agus iad ar

5.16.

The perception that language is treated as a political football is illustrated by comments made by the Special Advisor to the European Bureau for Lesser Used Languages, Dónal Ó Riagáin, speaking at a conference organised by the ICIG in the Stormont Hotel outside Belfast on 9 September 2004. Referring to the allocation of identical funding to an Ulster Scots Academy as to the Irish Language Broadcast Fund, Ó Riagáin notes, "The Quid Pro Quo concept, although understandable politically, is bad for language planning! He went on to express the wish that in future, implementation of the Charter in the north would be looked at more objectively.<sup>37</sup>

5.17.

The link between Ulster Scots funding and the Broadcast Fund was confirmed in House of Lords when in answer to a parliamentary question from Lord Laird, Baroness Amos said on behalf of the UK Government:

The Irish Language Broadcast Fund, which is expected to come on stream early this year, stems from the commitment in the Joint Declaration made by the UK and Irish Governments in April 2003. There was also a commitment to encourage support to be made available for an Ulster-Scots academy. I can confirm that the Government have given equal attention to both commitments and have earmarked a similar level of resources for both.<sup>38</sup>  
(See also paragraphs 3.11.i and 5.73.i)

5.18.

The structure of the ECRML with its Part II and Part III provisions underlines the importance of provision appropriate to the different needs of different languages. The Irish speaking community would be justifiably concerned at any practice (institutionalised or otherwise) that interlocks the development and support of Irish with the needs of a different language or dialect that has its own particular requirements and circumstances. The implications of such a practice might be perceived to be the continuation of hostility and discrimination by another means.

5.19.

The practice of counter-pointing provision for the two languages has permeated Government structures to the extent that an Irish language group in Armagh was told on 22 June 2004 at a seminar organised by Armagh City & District Council, that when applying to the local council for grants their applications would stand more chance of gaining support if they involved organising joint events with Ulster Scots speakers. Cultúrlann McAdam Ó Fiaich has experienced similar pressures when seeking funding from Belfast City Council.

<sup>37</sup> Dónal Ó Riagáin, ag caint sa Stormont Hotel 9 Meán Fómhair 2005 ag imeacht a d'eagraigh an GIFIC chun Measúnú Iarmharta Comhionannais a mheas ar a Fhorfheidhmiú Throir na CETRM.

<sup>38</sup> Hansard, Parlaimint na Ríochta Aontaithe, 2 Feabhra 2005.

<sup>37</sup> Dónal Ó Riagáin, speaking in the Stormont Hotel on 9 September 2005 at an event organized by the ICIG to consider the Equality Impact Assessment on its Application of the ECRML Guidance.

<sup>38</sup> Hansard, The United Kingdom Parliament, 2 February 2005.

lorg maoiniú ó Chomhairle Cathrach Bhéal Feirste.

5.20.

Ba mhínic gur eagraíodh comhimeachtaí idir Gaeilgeoirí agus pobal Albainis Uladh le blianta beaga anuas. Ba leas le rannpháirtithe an taithí agus tá fáilte le cur roimh na deiseanna a chuireann a leithéid d'imeachtaí ar fáil. Níor chóir, áfach, tatal a bhaint de gur chóir maoiniú le haghaidh tionscnaimh Ghaeilge bheith ag brath ar mhaoiniú do Albainis Uladh. Tugann a leithéid de chleachtas neamhaird ar an ghealltanas caitheamh le teangacha de réir a gcúinsí uathúla féin agus ní aithníonn sé riachtanais gach teanga.

5.21.

Nuair a rinne an Chomhairle Ealaíon taighde i 2004 chun a fháil amach cé chomh mór is a bhí an gá le tacú le healaíona Gaeilge, rinne sí taighde comhuaineach maidir le hAlbainis Uladh. Nuair a mhol POBAL comharthaíocht Ghaeilge a úsáid i bhfoirgnimh ina n-oibríonn an RFS, dúirt oifigigh dá ndéanfaidís amhlaidh, go mbeadh orthu é a dhéanamh do Albainis Uladh agus mar sin bheadh an moladh ar luach do-íochta i dtéarmaí costas.

5.22.

Léiríonn Treoir an GIFC í féin, an cháipéis a bhí faoi mhionscrúdú nuair a labhair Dónal Ó Riagáin i mBéal Feirste ar 9 Meán Fómhair 2004, na bunluachanna céanna a cheanglaíonn soláthar don Ghaeilge le soláthar do Albainis Uladh. (Feic fosta paragraf 5.25.ii)

5.23.

Rinne tionchar Albainis Uladh cúnamh luachmhar do tháipéis chultúrtha thuaisceart Éireann. Tá sí go soiléir ag staid dhifriúil fhorbartha, áfach, agus níor chóir soláthar don dá theanga a cheangal chun dochar na Gaeilge.

## 5.24. Cuid II Airteagal 7.1.c

*I dtaca le teangacha réigiúnacha nó mionlaigh, ar na críocha ina n-úsáidtear na teangacha sin agus i gcomhréir leis an gcor ina bhfuil gach teanga, fothóidh na Páirtithe a mbeartais, a reachtaíocht agus a gcleachta ar na cuspóirí agus prionsabail seo a leanas: an riachtanas atá le gníomhaíocht dhiongbháilte d'fhonn teangacha réigiúnacha nó mionlaigh a chur ar aghaidh ar mhaithe lena gcoimirciú.*

Measfar forfheidhmiú an Airteagail seo ag trí leibhéal: beartas, reachtaíocht agus cleachtas.

## 5.25. Beartas

Tiomnaíonn an CETRM an Rialtas bheith urghníomhach agus diongbháilte ina iarrachtaí úsáid na Gaeilge a spreagadh. Cé gurb é freagracht Rialtas Iárnach na RA forfheidhmiú na

5.20.

There have been numerous joint events organised between Irish speakers and the Ulster Scots community in recent years. Participants have found the experience beneficial and the opportunities presented by such events are to be welcomed. It should not, however, be extrapolated from this that funding for Irish language initiatives be dependent on funding for Ulster Scots. Such a practice ignores the commitment to treat languages according to their individual circumstances and is bereft of any cognisance of the needs of each language.

5.21.

When the Arts Council conducted research in 2004 to establish the extent of the need for support for Irish medium arts, it carried out simultaneous research for Ulster Scots. When POBAL suggested that Irish language signage be used in buildings in which the DSD operates, officials said that if they did so, they would also have to do it for Ulster Scots and that as such the proposal would be prohibitive in terms of costs.

5.22.

The ICIG Guidance itself, the document that was under scrutiny when Dónal Ó Riagáin spoke in Belfast on 9 September 2004, displays the same underlying values linking provision for the Irish language with that for Ulster Scots. (See also paragraph 5.25.ii)

5.23.

The Ulster Scots influence has made a valuable contribution to the cultural tapestry of the north of Ireland. However, it is clearly at a different stage of development and provision for the two languages should not be interlinked to the detriment of the Irish language.

## 5.24. Part II Article 7.1.c

*In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles: the need for resolute action to promote regional or minority languages in order to safeguard them.*

The implementation of this Article will be considered at three levels: policy, legislation and practice.

## 5.25. Policy

The ECRML commits Government to be pro-active and resolute in its efforts to encourage the use of Irish language. While implementation of the Charter is ultimately the responsibility of the UK's central Government, lead role in



Cairte ar deireadh, tharmlig an RA an ról ceannasach maidir leis an Ghaeilge don RCEF, le OTÉ ag feidhmiú mar ghléas teagmhála idir Béal Feirste agus Londain.

#### 5.25.i

Mar Roinn cheannasach, déanann an RCEF cathaoirleacht ar GIFC, fóram a mhalartaíonn smaointe ar dhea-chleachtas. I litir chuig POBAL, scríobh Cathaoirleach an ghrúpa: "Tuigfidh tú nach féidir le GIFC ordú do Ranna cad é mar is cóir dóibh dualgais na Cairte a chomhlíonadh agus gurb í gach Roinn ar deireadh atá freagrach as a cuid beart féin." Teorannaíonn téarmaí tagartha GIFC é do na rudaí seo a leanas:

- Tuarascálacha bliantúla a ullmhú maidir leis an Chairt a fheidhmiú agus an obair sin a mhaoirsiú;
- An Tuarascáil Feidhmiúcháin bhliantúil a ullmhú maidir leis an Chairt a fheidhmiú;
- Monatóireacht agus measúnú a dhéanamh ar an Chairt a fheidhmiú agus an obair sin a mhaoirsiú;
- Tuarascálacha tréimhsiúla de chuid Choiste Saineolaithe Choiste na nAirí i gComhairle na hEorpa a ullmhú;
- Treoir a fhorbairt do Ranna nuair is gá;
- Impleachtaí acmhainne a bhreithniú.<sup>39</sup> (Feic fosta paragraf 1.03)

#### 5.25.ii

D'fhorbair GIFC Treoir ar fheidhmiú Airteagal 10. D'úsáid gach ceann de na Ranna í mar bhonn chun a dTreoir dheartha féin ar a mbunaíonn siad beartais a dhréachtú. Díríonn an Treoir ar fhreagairt ar éileamh in ionad gníomh díonghbháilte a ghlacadh, agus mar a thug muid faoi deara i bparagraif 3.02.i – 3.02.iii agus 5.02–5.08, is suarach a bhfuil déanta ag an Rialtas ag gach leibhéal chun éileamh a spreagadh ón phobal Gaeilge.

#### 5.25.iii

Rialaíonn Mír 75 de Acht Thuaisceart Éireann 2000 soláthar comhionannais i dtuaisceart na hÉireann. Níl aon tagairt ann do theanga. Dúirt an Coimisiún Comhionannais (CC) nach gcreideann sé go bhfuil an tAcht Comhionannais Aonair atá molta oiriúnach chun cosaint a thabhairt don Ghaeilge. Ar roinnt ócáidí, thóg POBAL buarthaí maidir le cruinneas na comhairle a chuir an CC i gcúrsaí a bhain leis an Ghaeilge san ionad oibre. Níl aon tagairt don Ghaeilge ná don CETRM i nDréachtphlean Corparáideach an Choimisiúin Chomhionannais 2006–9.<sup>40</sup> (Feic fosta paragraif 5.33 agus 5.83 – 5.84)

#### 5.25.iv

Níor aontaigh Coimisiún um Chearta Duine Thuaisceart Éireann, a bunaíodh faoi Chomhaontú Aoine an Chéasta, bealach chun tosaigh don Ghaeilge go dtí seo. Thug sé roinnt

terms of the Irish language has been delegated by the UK to DCAL, with the NIO acting as a conduit between Belfast and London.

#### 5.25.i

In its position as lead Department, DCAL chairs the ICIG, a forum which exchanges ideas on good practice. In a letter to POBAL, the Chairperson of the group wrote: "The ICIG cannot dictate to Departments how they should meet the Charter commitments and each Department is ultimately responsible for its own actions." The terms of reference of the ICIG limit it to the following:

- To oversee the preparation of annual reports;
- To prepare the annual Executive implementation report;
- To oversee the monitoring and evaluation of Charter implementation;
- To prepare periodic reports of the Committee of Experts of the Council of Europe Council of Ministers;
- To develop guidance to Departments as necessary;
- To consider resource implications.<sup>39</sup> (See also paragraph 1.03)

#### 5.25.ii

The ICIG has developed Guidance on the application of Article 10. Each of the Departments has used it as a basis to draw up their own tailored Guidance on which they base policies. The Guidance focuses on responding to demand rather than on the taking of resolute action, and as we have noted in paragraphs 3.02.i – 3.02.iii and 5.02–5.08, Government at all levels has a poor record of encouraging demand from the Irish speaking community.

#### 5.25.iii

Section 75 of the Northern Ireland Act 2000 governs equality provision in the north of Ireland. It contains no reference to language. The Equality Commission has stated that it does not believe the proposed Single Equality Act to be appropriate to give protection to the Irish language. On a number of occasions, POBAL has raised concerns in relation to the accuracy of advice offered by the EC in matters concerning to the Irish language in the work place. The Equality Commission's Draft Corporate Plan 2006–9 makes no reference to the Irish language or to the ECRML.<sup>40</sup> (See also paragraphs 5.33 and 5.83 – 5.84)

#### 5.25.iv

The Northern Ireland Human Rights Commission, set up under the Good Friday Agreement, has not agreed a way forward for the Irish language to date. It has posed several options:

<sup>39</sup> Litir ó Chathaoirleach GIFC, Colin Jack, do POBAL 12 Aibreán 2005.

<sup>40</sup> Comhionannas do Chách: Dul chun cinn leanúnach i dtimpeallacht atá ag athrú, Plean Corparáideach 2006–2009, Coimisiún Comhionannais TÉ, Samhain 2005.

<sup>39</sup> Letter from the Chairperson of ICIG, Colin Jack, to POBAL on 12 April 2005.

<sup>40</sup> Equality for All: Continuing Progress in a Changing Environment, Corporate Plan 2006–2009, Equality Commission NI, November 2005.

roghanna:

"(1) I dTuaisceart Éireann beidh Béarla agus Gaeilge ar na teangacha oifigiúla.<sup>42</sup>

nó:

I dTuaisceart Éireann beidh Béarla ar an chéad teanga oifigiúil agus Gaeilge ar an dara teanga oifigiúil. Achtófar reachtaíocht chun na staideanna a leagan amach ina dtig an dara teanga oifigiúil a úsáid.

nó:

Achtófar reachtaíocht chun na staideanna a leagan amach ina mbeidh cead ag daoine a rogha teanga a úsáid.

- (2) Tá an cead ag gach duine cumarsáid a dhéanamh le haon eagras poiblí trí ateangaire, aistritheoir nó éascitheoir nuair atá seo de dhíth ar mhaithe le teacht ar eolas nó seirbhís atá riachtanach dá s(h)aol, sláinte nó slándáil, i dteanga a thuigeann sé nó sí. Sa chomhthéacs seo tá teanga chomharthaíochta agus cineálacha eile teanga san áireamh le "teanga".
- (3) Gan dochar a dhéanamh d'fhomhíreanna (1) agus (2) thuas, beidh cead ag daoine i bpobail teanga i dTuaisceart Éireann do:
- (a) chur chun cinn na dtosca atá de dhíth chun a dteanga a choinneáil agus a fhorbairt;
- (b) úsáid a dteanga i bplé le heagrais phoiblí, áit a bhfuil éileamh go leor ann agus fíor-riachtanas;
- (c) chomharthaí taispeána agus comharthaí eile ina dteanga;
- (d) thaispeánta ainmneacha áitiúla sráide agus logainmneacha eile ina dteanga féin; agus
- (e) oideachas a fháil ina dteanga agus trína dteanga, áit a bhfuil líon suntasach cainteoirí agus a bhfuil éileamh mór go leor.
- (4) Gan dochar a dhéanamh d'fho-ranna (1), (2) agus (3) thuas, maidir leis an Ghaeilge agus Albainis Uladh achtófar reachtaíocht chun gealltanais a rinneadh faoi Chomhaontú Bhéal Feirste (Aoine an Chéasta) agus an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh a fhorfheidhmiú.<sup>41</sup>

5.25.v

Tá cáipéisí buiséid an Tionóil agus rannacha gann ar thagairtí don Ghaeilge; is annamh a luaitear an teanga i gcáipéisí beartais, cáipéisí Comhairle nó i gcúrsaí a bhaineann le pleanáil agus athnuachan. (Feic fosta paragraf 5.62.ii ar an ARP)

## 5.26. Cleachtas

Is forleathan atá torthaí easpa diongbháilte ag an leibhéal beartais seo nuair a chuirtear fíorchleachtas san áireamh, mar a léirítear sna samplaí seo a leanas:

5.26.i

Ag cruinniú le feidhmeannaigh shinsearacha i gComhairle Cathrach Bhéal Feirste ar 13 Samhain 2003, dúradh le POBAL nach mbeidh an Chomhairle urghníomhach maidir leis an

"(1) In Northern Ireland English and Irish shall be official languages.

or:

In Northern Ireland English shall be the first official language and Irish shall be the second official language. Legislation shall be enacted to prescribe the situations in which the second official language can be used.

or:

Legislation shall be enacted to prescribe the situations in which people have the right to use the language of their choice.

- (2) Everyone has the right to communicate with any public body through an interpreter, translator or facilitator when this is necessary for the purposes of accessing, in a language that he or she understands, information or services essential to his or her life, health or security. In this context "language" includes sign language and other forms of communication.
- (3) Without prejudice to sub-sections (1) and (2) above, members of linguistic communities in Northern Ireland shall have the right to:
- (a) the promotion of conditions necessary to maintain and develop their language;
- (b) use their language in dealings with public bodies, where there is sufficient demand and a real need;
- (c) display signs and other information in their language;
- (d) display local street and other place names in their language; and
- (e) to be educated in and through their language, where there are substantial numbers of users and sufficient demand.
- (4) Without prejudice to sub-sections (1), (2) and (3) above, in relation to the Irish language and Ulster-Scots legislation shall be enacted to implement the commitments made under the Belfast (Good Friday) Agreement and the European Charter for Regional or Minority Languages.<sup>41</sup>

5.25.v

References to the Irish language are absent from both Assembly and departmental budgetary documents; the language seldom features in policy documents, Council documents or in matters pertaining to planning and regeneration. (See also paragraph 5.62.ii on the RPA)

## 5.26. Practice

The results of the lack of resolution at this policy level are widespread when actual practice is considered, as is demonstrated by the following examples:

5.26.i

At a meeting with senior officials in Belfast City Council on 13 November 2003, POBAL was told that the Council will not be pro-active in regard to the ECRML but that it would instead respond solely to demand.<sup>42</sup>

<sup>41</sup> Progressing a Bill of Rights for Northern Ireland, Update, Coimisiún um Chearta Duine Thuaisceart Éireann, 7 Aibreán 2004.

<sup>42</sup> Cruinniú i Halla na Cathrach, Béal Feirste idir Comhordaitheoir Straitéiseach POBAL, Marcas Mac Ruairí agus Príomhfheidhmeannach Chomhairle Cathrach Bhéal Feirste, Peter McNaney, agus Leas-phríomhfheidhmeannach, Robert Wilson agus an tOifigeach Cothromais, Hazel Francey 13 Samhain 2003.

<sup>41</sup> Progressing a Bill of Rights for Northern Ireland, Update, the Northern Ireland Human Rights Commission, 7 April 2004.

<sup>42</sup> Meeting in Belfast City Hall on between POBAL's Strategic Coordinator, Marcas Mac Ruairí, and Belfast City Council Chief-Executive Peter McNaney, Deputy Chief-Executive Robert Wilson and Equality Officer Hazel Francey on 13 November 2003.

CETRM ach go bhfreagróidh sí d'éileamh amháin.

#### 5.26.ii

Nuair a d'iarr ionadaithe ó phobal na Gaeilge ar Chomhairle Cathrach Bhéal Feirste comharthaí Gaeilge a chur in airde i linn snámha nua-oscailte in iarthar na Cathrach, dhiúltaigh an Chomhairle a rá nach gcuirfeadh sí in airde ach aon chomhartha fáilte ilteangach amháin ag an bhealach isteach i dteangacha na bpobal inimirceach. I litir chuig POBAL ar 25 Feabhra 2005 dúirt Príomhfheidhmeannach na Comhairle nár shocraigh an Chomhairle go fóill cé acu bheadh nó nach mbeadh Gaeilge san áireamh sna teangacha sin.<sup>43</sup> Cuireadh an comhartha seo in airde roinnt míonna anonn agus mar a tharla bhí an t-aon fhocal amháin, fáilte, mar aon le fáilte i 23 teanga eile. Níl aon Ghaeilge eile le feiceáil san ionad.

#### 5.26.iii

Ag cur an lochta ar chostais mar chúis gan comharthaíocht dhátheangach a bheith ann, mhaígh an Chomhairle chomh maith gur féidir go mothódh roinnt úsáideoirí na linne snámha bagairt roimh chomharthaíocht i nGaeilge. Léiríonn a gníomhaíochtaí maidir leis an linn snámha, go fiú in áit a bhfuil éileamh, mar a taispeánadh le linn chruinniú 13 Samhain, níl freagra dearfach cinnte do Ghaeilgeoirí. Is fiú a thabhairt faoi deara go bhfuil an comhchruinniú is mó Gaeilgeoirí san áit a raibh an linn suite, mar atá Iarthar Bhéal Feirste, agus san áireamh an comhchruinniú is mó páistí áit ar bith in Éirinn (thuaidh agus theas) a fhaigheann á gcuid oideachais trí Ghaeilge taobh amuigh den Gaeltacht mar atá ainmnithe go hoifigiúil.

#### 5.26.iv

Dearbhaíonn an Roinn Fostaíochta agus Foghlamtha (RFF) nach féidir poist a fhógraítear go poiblí trína Ionaid Phost a fhógairt i nGaeilge amháin agus gur gá leagan Béarla den fhógra bheith in éineacht le haon leagan Gaeilge. Tá an scéal amhlaidh fiú má tá an post taobh istigh d'earnáil na Gaeilge agus líofacht sa teanga á héileamh, rud a thugann le tuiscint go gcreideann an Roinn nach féidir leis an Ghaeilge seasamh de réir mar a bheadh tuillte aici. Ag cruinniú le POBAL 16 Meán Fómhair 2003, dúirt ionadaithe na Roinne gurb é Béarla teanga oibre a n-ionad. Is doiligh a fheiceáil cad é mar a thairgeann a leithéid de chleachtas an rud a luaitear i dTuairisc Mhíonithe na CETRM mar chreatlach a éascaíonn caomhnú teanga atá faoi bhagairt.<sup>44</sup>

#### 5.26.v

Chomh déanach le mí na Nollag 2005, dúirt an Roinn Oideachais (RO) le POBAL gur chomhairligh an Coimisiún Comhionannais cé go raibh fógraí i nGaeilge amháin inghlactha ar an nuachtán Gaeilge Lá, gur chóir réamhrá le teideal an phoist a chur isteach i mBéarla roimh na fógraí céanna (do phoist a raibh Gaeilge líofa de dhíth) ar an

#### 5.26.ii

When Belfast City Council was asked by representatives of the Irish speaking community to erect Irish language signs in a newly re-opened swimming pool in the west of the City, the Council refused saying that it would only erect a single multi-lingual welcome sign at the entrance in the languages of emigrant communities. In a letter to POBAL on 25 February 2005 the Council's Chief-Executive stated that the Council had yet to decide whether or not Irish would be included among those languages.<sup>43</sup> This sign was erected some months later and in the event did include the single Irish word fáilte, along with welcomes in 23 other languages. There is no other Irish visible in the centre.

#### 5.26.iii

Quoting costs as a reason not to have bilingual signage, the Council also contended that some users of the swimming pool might feel intimidated by signage in Irish. Its actions in regard to the swimming pool show that even where there is a demand, as shown during the 13 November meeting, a positive response is not assured to Irish speakers. It is worth noting that West Belfast, where the swimming pool is located, has the largest concentration of Irish speakers in the north, including the highest concentration of children anywhere in Ireland (north and south) who receive their education through the medium of Irish outside of officially designated Gaeltacht areas.

#### 5.26.iv

The Department for Employment and Learning (DEL) insists that publicly jobs advertised through its Job Centres cannot be advertised only in Irish and that any Irish must be accompanied by an English version of the advertisement. This is the case even if the job is within the Irish medium sector and requires fluency in the language, suggesting that the Department believes the Irish language cannot stand on its own merits. At a meeting with POBAL on 16 September 2003, Department representatives said that English is the working language of their centres. It is difficult to see how such practice offers what is described in the ECRML Explanatory Report as a framework that facilitates the preservation of a threatened language.<sup>44</sup>

#### 5.26.v

As recently as December 2005, POBAL was told by the Department of Education (DE) that the Equality Commission had advised it that whilst Irish only advertisements were acceptable in the Irish language newspaper Lá, in the English language Belfast Telegraph the same advertisements (for positions requiring fluent Irish) should be prefaced with the job title in English and accompanied with the written

<sup>43</sup> Litir ó Phríomhfheidhmeannach Chomhairle Cathrach Bhéal Feirste chuig POBAL, 25 Feabhra 2005.

<sup>44</sup> Tuairisc Mhíonithe ar an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, Preas Chomhairle na hEorpa 1992, Airteagal 57.

<sup>43</sup> Letter from the Chief-Executive of Belfast City Council to POBAL, 25 February 2005.

<sup>44</sup> The European Charter for Regional or Minority Languages, Explanatory Report, Council of Europe Press 1992, Article 57

nuachtán Béarla The Belfast Telegraph mar aon le míniúchán scríofa i mBéarla "go raibh Gaeilge agus Béarla líofa de dhíth." Le linn teagmháil ghutháin ina dhiaidh sin le POBAL dúirt Oifigeach Eolais leis an Choimisiún Comhionannais náir tháinig sé roimhe sin ar dhearcadh POBAL maidir leis an CETRM.<sup>45</sup> (Feic fosta paragraf 5.84)

#### 5.26.vi.

Tá sampla breise den easpa diongbháilte ar fáil i gcomhfhreagras ó Chomhairle Baile an Dúin Thuaidh chuig POBAL.<sup>46</sup> Ag freagairt litreach níba luaithe ón ghrúpa Gaeilge, dúirt sí go bpléifear le comhfhreagras don Chomhairle níos poncúla sa todhchaí dá mbeadh sé i mBéarla, seasamh nach bhfuil deartha chun daoine a spreagadh chun Gaeilge a úsáid agus léiríonn sé míthuiscint shoiléir ar an CETRM.

#### 5.26.vii

I bhfreagra do thuiriscí nuachtán a mhaigh nach mian le Comhairle Cathrach Lios na gCearrbhach an CETRM a fhrofhheidhmiú, scríobh POBAL chuig Príomhfheidhmeannach na Comhairle. Ag freagairt ar son an Phríomhfheidhmeannaigh, scríobh an tOifigeach Comhionannais, Stephen Malcolm:

Leanfaidh an Chomhairle lena seasamh prionsabálta ar ar aontaigh an Chomhairle roimhe, mar atá nach mbeidh aon chur i gcoinne úsáid teangacha mar bhreis ar an Bhéarla i dtaobh gnó leis an Chomhairle.

Cibé scéal é, chuir an litir chun suntais:

I ngeall ar an taighde a rinneadh maidir le réimse úsáid mionteanga ar fud na cathrach agus i ngeall chomh maith ar dhúshláin straitéiseacha airgeadais eile na Comhairle, mar shampla bainisteoireacht dramháola, ní tharraingeofar caiteachas breise ag an am seo.<sup>47</sup>

#### 5.26.viii

Dearadh an CETRM, de réir Airteagal 10 den Tuairisc Mhíniúche, chun cúiteamh a thabhairt do theangacha atá faoi bhagairt i ndroch-chúinsí an ama a chuaigh thart. Ní léir cén dóigh a dtiocfadh ceann ar bith de na samplaí seo thuas, ceann RFF, Comhairle Cathrach Bhéal Feirste, Comhairle Baile an Dúin Thuaidh agus Comhairle Cathrach Lios na gCearrbhach, a cheangal lena leithéid de chuspóir.

#### 5.26.ix

Faigheann POBAL iarratais rialta ó ghníomhaireachtaí reachtúla ar lorg aistriúcháin comhfheagrais. Sampla amháin is freagra é ar ríomhphost a chuir an Oifig Thoghcháin ag iarraidh: "Ar an drochuair níl aon áiseanna aistriúcháin againn. Cuir do ríomhphost arís le do thoil."

explanation in English that "fluent Irish and English are required." During subsequent telephone contact with POBAL, an Information Officer with the Equality Commission said that he had not previously encountered POBAL's viewpoint regarding the ECRML.<sup>45</sup> (See also paragraph 5.84)

#### 5.26.vi.

A further example of the lack of resolution is found in a correspondence from North Down Borough Council to POBAL.<sup>46</sup> Replying to an earlier letter from the Irish language group, it stated that future correspondence to the Council would be dealt with more promptly if it were in the English language, a position that is hardly designed to encourage people to use the Irish language and that demonstrates a clear misunderstanding of the ECRML.

#### 5.26.vii

In response to newspaper reports claiming that Lisburn City Council does not intend to implement the ECRML, POBAL wrote to the Council's Chief-Executive. Replying on the Chief-Executive's behalf, the Equality Officer, Stephen Malcolm wrote:

The Council will continue with its principled position previously agreed by Council, namely that there be no objection to the use of languages in addition to English in connection with Council business.

However, the letter pointed out:

In view of the research undertaken with regard to the extent of minority language usage throughout the city and in view also of the Council's other strategic financial challenges, for example waste management, no additional expenditure be incurred at this time.<sup>47</sup>

#### 5.26.viii

THE ECRML is designed, according to Article 10 of the Explanatory Report, to compensate threatened languages for unfavourable conditions of the past. It is not apparent how any of the examples above, that of DEL, Belfast City Council, North Down Borough Council and Lisburn City Council can be married to such an aim.

#### 5.26.ix

POBAL receives regular requests from statutory agencies seeking translations of correspondence. One example is a reply to an e-mail sent to the Electoral Office asking: "Unfortunately we do not have any translation facilities. Please resend your e-mail in English." In a further letter from the Electoral Office, the Chief-

<sup>45</sup> Feic fosta ríomhphost ó RO chuig Príomhfheidhmeannach POBAL, Janet Muller, 29 Samhain 2005.

<sup>46</sup> Litir ó Chomhairle Baile an Dúin Thuaidh chuig POBAL, 7 Meitheamh 2004.

<sup>47</sup> Litir ó Oifigeach Comhionannais Chomhairle Cathrach Lios na gCearrbhach chuig POBAL, 7 Deireadh Fómhair 2005.

<sup>45</sup> See also e-mail from DE to POBAL's Chief Executive, Janet Muller, 29 November 2005

<sup>46</sup> Letter from North Down Borough Council to POBAL, 7 June 2004.

<sup>47</sup> Letter from the Lisburn City Council Equality Officer to POBAL, 7 October 2005.

I litir bhreise ón Oifig Thoghcháin, scríobh an Príomhoifigeach Toghcháin:

*De thairbhe nach bhfuil aon tuiscint agam ar an Ghaeilge, bheadh sé cuiditheach dá ndéanfá teagmháil liom i mBéarla an t-am ar fad.<sup>48</sup>*

Agus arís i litir eile:

*Nuair a thuigeann duine Béarla agus é in ann cumarsáid a dhéanamh i mBéarla ní míréasúnta linn, ar mhaithe leis an phobal uile, go n-úsáideann siad é sin agus cúrsaí toghcháin á bplé.<sup>49</sup>*

(Feic fosta paragraif 3.06.iii agus 5.60.iii)

## 5.27. Reachtaíocht

Is léir go bhfuil an gá le haghaidh reachtaíochta chun teangacha ainmnithe a chosaint ar cheann de na tosca atá san áireamh sa CETRM, mar a léirítear in Airteagal 7.1.c den CETRM mar a luadh ag tús na míre seo. Ar a bharr sin, cuireadh an gá le reachtaíocht chun tacú le teangacha ainmnithe chun suntais i dtuairiscí roimhe de chuid Choiste na Saineolaithe maidir le forfheidhmiú na CETRM. Léirigh freagra na RA do Thuairisc 2004 Choiste na Saineolaithe a bhfeasacht ar cheist na reachtaíochta:

*Tá Rialtas na RA ar an eolas chomh maith go bhfuil ceist ann maidir le seasamh na Cairte i ndlí na RA. Tá comhairliúcháin ag dul ar aghaidh faoi láthair ar Bhillí teanga do chuid de na teangacha a chlúdaíonn an Chairt. Ba chóir go mbeadh forálacha chun comhlíonadh na Cairte a chinntiú bheith sna hAchtanna dlíthiúla seo ag gach leibhéal rialtais. Beidh tuilleadh sonraí den dul chun cinn i dtreo reachtaíochta sa chéad tuairisc thréimhsiúil eile.<sup>50</sup>*

Tá an t-aon chosaint reachtúil bhaile don Ghaeilge in aon chlásal den Ordú Oideachais de Acht Thuaisceart Éireann 1999. Ní dhearna an RA aon ghníomh chun forálacha na Cairte a achtú i reachtaíocht bhaile, pointe a chuir POBAL chun suntais inár dtuairisc roimhe chuig Coiste na Saineolaithe in Iúil 2002.

### 5.28.

In Albain agus sa Bhreatain Bheag, mhaímis go bhfuil forbairt soláthar reachtaíochta, beartas agus seirbhíse níos daingne ná i dtuaisceart na hÉireann áit nach ndearnadh aon dul chun cinn substaintiúil ó dhaingniú na CETRM i 2001. Tá sé seo ar an aon chuid de dhlínse na RA nár achtaíodh reachtaíocht bhaile chuimsitheach don phríomhtheanga dhúchasach. Go deimhin, sa tréimhse i ndiaidh Chéad Tuairisc Thréimhsiúil na RA tharla forbairtí suntasacha maidir le caomhnúithe reachtaíochta baile do Ghaeilge na hAlban agus

Electoral Officer wrote:

*As I do not have any understanding of the Irish language, it would be very helpful if you could communicate to me in English at all times.<sup>48</sup>*

And again in a further letter:

*Where a person can understand and communicate in English we feel that it is not unreasonable, in the interests of the whole community, for them to use this when dealing with electoral matters.<sup>49</sup>*

(See also paragraph 3.06.iii and 5.60.iii)

## 5.27. Legislation

The need for legislation to support the protection of designated languages is clearly one of the factors included in the ECRML, as evidenced in the Article 7.1.c of the ECRML as quoted at the start of this section. Furthermore, the need for legislation to support designated languages has been highlighted in previous COMEX reports regarding implementation of the ECRML. The response of the UK to the COMEX Report 2004 indicated their awareness of the issue of legislation:

*The UK Government is also aware that there is an issue regarding the position of the Charter in UK law. Consultations are currently taking place on language Bills for some of the languages covered by the Charter. Such legal Acts could contain provisions to ensure compliance with the Charter at all levels of government. Further details of progress towards legislation will be contained in the next periodical report.<sup>50</sup>*

The only domestic legislative protection for the Irish language is in one clause of the Education Order of the Northern Ireland Act 1999. The UK have taken no action to enact the provisions of the Charter into domestic legislation, a point highlighted by POBAL in our previous report to COMEX in July 2002.

### 5.28.

In Scotland and Wales, we would contend that the development of legislative, policy and service delivery are more firmly grounded than in the north of Ireland where no substantive progress has been made since the ratification of the ECRML in 2001. This is the only part of the UK jurisdiction where comprehensive domestic legislation has not been enacted for the primary indigenous language. Indeed, in the period since the First UK Periodical Report significant developments have occurred in regard to domestic legislative protections for Gàidhlig and for Welsh.

<sup>48</sup> Litir ó D.A. Stanley, an Príomhoifigeach Toghcháin chuig Janet Muller, 7 Samhain 2005.

<sup>49</sup> Litir ó D.A. Stanley, an Príomhoifigeach Toghcháin chuig Marcas Mac Ruairi, POBAL, 23 Meán Fómhair 2005.

<sup>50</sup> Cur i bhFeidhm na Cairte ag an Ríocht Aontaithe, Coiste na Saineolaithe, 23 Márta 2004, Aguisín II, Cuntais le Rialtas na RA.

<sup>48</sup> Letter from D.A. Stanley, the Chief Electoral officer to Janet Muller, 7 November 2005.

<sup>49</sup> Letter from D.A. Stanley, the Chief Electoral Officer to

<sup>50</sup> Application of the Charter by the United Kingdom, COMEX, 23 March 2004, Appendix II, Comments by the UK Government.

don Bhreatnais.

5.29.

Creidimid go bhfuil an chreatlach reachtaíochta reatha i dtuaisceart na hÉireann easnamhach maidir le cur chun cinn agus caomhnú na Gaeilge agus gur gá an timpeallacht reachtúil agus beartas don Ghaeilge a láidriú chun bonnagar atá ag forbairt diaidh ar ndiaidh a chruthú agus a chur chun cinn don Ghaeilge. Is freagra aimhrialta do riachtanais na Gaeilge an déanamh beartas agus soláthar ad hoc reatha, é as céim le tionscnaimh reachtúla in Albain agus sa Bhreatain Bheag.

### 5.30. Cuid II Airteagal 7.2

*Gabhann na Páirtithe ar láimh aon idirdhealú, eisiámh, srianadh nó fabhar nach bhfuil bunús leo a dhíchur, mura bhfuil sé déanta acu cheana, a bhaineann le teanga réigiúnach nó mionlaigh a úsáid agus arb é is aidhm dóibh cothabháil nó forbairt na teanga sin a dhíspeagadh nó a chur i gcontúirt. Bearta speisialta a ghlacadh, ar mhaithe le teangacha réigiúnacha nó mionlaigh, arb é is aidhm dóibh comhionannas a chur ar aghaidh idir úsáideoirí na dteangacha sin agus an chuid eile den phobal nó a thugann aird chuí ar a ndálaí sonracha, níl sé le meas mar ghníomh a idirdhealaíonn i gcoinne úsáideoirí na dteangacha is mó úsáid.*

I bparagraif 3.06–3.06.iv den Tuirisc seo, leagaimid amach roinnt ócáidí a bhfuil idirdhealú, eisiámh agus srianta gan bhunús maidir leis an Ghaeilge. Diríonn an dara cuid de Airteagal 7.2 ar ghlacadh le bearta speisialta ar mhaithe le teangacha réigiúnacha nó mionlaigh.

5.31.

Nuair a bhuail sé le hionadaithe ó Ranna Rialtais le linn 2004, thóg POBAL ceist fhorbairt na foirne agus straitéisí earcaíochta chun cinnte a dhéanamh de go gcuirtear Gaeilgeoirí atá in ann plé le haighneachtaí béil go straitéiseach ar fud SSTÉ. Chuir ionadaithe roinne eagla in iúl go sáródh moladh mar sin reachtaíocht um fhostaíocht chóir, eagla a ndearnadh tagairt di arís eile ag cruinniú de chuid GIFC.<sup>51</sup>

5.32.

Tá an argóint seo bunaithe ar an ghlacadh earráideach go mbaineann an Ghaeilge le ceann amháin de na mórghrúpaí creidimh i dtuaisceart na hÉireann amháin. Ag cinneadh as an ghlacadh seo nach féidir leis an Rialtas bheith neodrach má fhostaíonn sé cainteoirí Gaeilge chun sainscileanna teanga a sholáthar is cúis mhór díoma í cúig bliana i ndiaidh shíniú na CETRM. In ionad cuidiú le forbairt seirbhíse sách oiriúnach do Ghaeilgeoirí, déanann an seasamh a chuireann ionadaithe Roinne in iúl leatrom ar Ghaeilgeoirí, creimeann sé an caighdeán cúram custaiméirí a fhaigheann siad mar

5.29.

We believe that the current legislative framework in the north of Ireland is inadequate to the promotion and protection of the Irish language and that the legislative and policy environment for the Irish language must now be strengthened to create and promote a progressively developing infrastructure for the Irish language. Current ad hoc policy making and provision are an anomalous response to the needs of the Irish language, out of step with legislative initiatives in Scotland and Wales.

### 5.30. Part II Article 7.2

*The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of it. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.*

In paragraphs 3.06–3.06.iv of this Report, we outline a number of instances where there is unjustified distinction, exclusion and restrictions pertaining the Irish language. The second part of Article 7.2 focuses on the adoption of special measures in favour of regional or minority languages.

5.31.

When meeting representatives of Government Departments during 2004, POBAL raised the question of staff development and recruitment strategies to ensure that Irish speakers with an ability to handle oral submissions are placed strategically throughout the NICS. Departmental representatives expressed a fear that such a proposal would be in contravention of fair employment legislation, a fear alluded to again at a meeting of the ICIG.<sup>51</sup>

5.32.

This argument is based on the erroneous assumption that the Irish language is the sole domain of just one of the major religious groupings in the north of Ireland. Extrapolating from this assumption that Government cannot be neutral if it employs Irish speakers to provide specific linguistic skills is disappointing five years after the signing of the ECRML. Rather than contributing to the development of an adequate service for Irish speakers, the position articulated by Departmental representatives discriminates against Irish speakers, undermines the quality of customer-care they receive and the implementation of the ECRML.

<sup>51</sup> Miontuairiscí chruinniú de chuid GIFC, 1 Deireadh Fómhair 2004, paragraf 4.12

<sup>51</sup> Minutes of ICIG meeting, 1 October 2004, paragraph 4.12

aon le forfheidhmiú na CETRM.

5.33

An Treoir a d'fhorbair GIFC bhí sí féin faoi réir anailís iarmharta chomhionannais faoi Mhír 75 Acht Thuaisceart Éireann 2000. Ordú a bhí anseo measúnú a dhéanamh cé acu bheadh nó nach mbeadh éifeacht dhíobhálach aici ar na haicmí seo den tsochaí, mar atá liostaithe faoi Mhír 75 –

- idir daoine a bhfuil creideamh, tuairim pholaitiúil dhifriúil acu, ó bhunadh difriúil ciníoch, daoine a bhfuil difear aoise, stádas pósta nó claonadh gnéis acu
- idir fir agus mná i gcoitinne
- idir daoine le míchumas agus daoine gan é agus
- idir daoine le cleithiúnaithe agus daoine gan iad

Mar a tharla measadh nach raibh éifeacht dhíobhálach aici ar ghrúpa ar bith. Deir Airteagal 7.2 den Chairt, ar ndóigh, go bhfuil sé inghlactha bearta speisialta a ghlacadh ar mhaithe le teangacha réigiúnacha nó mionlaigh agus nár chóir amharc orthu siúd mar rud leatromach i gcoinne ghrúpa na mórtheanga. Is féidir argóint a dhéanamh nár ghá an Treoir a chur trí Mheasúnú Iarmharta Chomhionannais. (Feic fosta paragraf 5.25.iii)

5.34.

Creideann POBAL go léiríonn an seasamh seo míthuiscint bhunúsach na CETRM. Forbraíonn an Tuairisc Mhínithe ó Chomhairle na hEorpa an téama seo.<sup>52</sup>

Go díreach de thairbhe go bhfuil neamhionannais idir staid na dteangacha oifigiúla agus staid na dteangacha réigiúnacha agus mionlaigh agus de thairbhe gur minic iad siúd a cleachtaíonn an ceann deireanach faoi mhíbhuntáiste, glacann an Chairt gur féidir go mbeidh gá le bearta dearfacha leis ann chuspóir a leithéid de theangacha a chaomhnú agus a chur chun cinn. A fhad is go bhfuil a leithéid de chuspóir ag na bearta, agus nach bhféachann siad ach comhionannas a chur chun cinn idir teangacha, níltear le hamharc orthu mar rud leatromach.

5.34.i

I bhfreagra ar uirill ó POBAL, bhunaigh GIFC Foghrúpa Traenála i mí Bhealtaine 2004 chun riachtanais SSTÉ a mheas. Tá POBAL ag dúil lena chonclúidí a chloisteáil agus tá súil aige go rachaidh siad i gceann na ceiste i ndóigh shamhlaíoch agus dhiongbháilte – ag úsáid na ndaoine atá ag obair cheana féin i SSTÉ, ag cur traenála ar fáil do dhaoine eile agus, nuair is gá, ag earcú nuair a theipeann ar an chéad dá bheart rogha riachtanais na CETRM a chomhlíonadh. Is oth linn a thabhairt faoi deara, gur go mall a bhí dul chun cinn sa cheist seo go dtí seo.

5.33

The Guidance developed by the ICIG was itself subjected to an equality impact analysis under Section 75 of the Northern Ireland Act 2000. This was in order to assess whether or not it would be have a detrimental affect on the following sections of society, as listed under Section 75 –

- between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation
- between men and women generally
- between persons with a disability and persons without and
- between persons with dependants and persons without

In the event it was not judged to have a detrimental affect on any group. Article 7.2 of the Charter states, of course, that it is acceptable to take special measures in favour of regional or minority languages and that these should not be regarded as discriminatory against the majority language group. It could therefore be argued that there was no need to put the Guidance through an Equality Impact Assessment. (See also paragraph 5.25.iii)

5.34.

POBAL believes that this position shows a fundamental misunderstanding of the ECRML. The Explanatory Report from the Council of Europe develops this theme:<sup>52</sup>

Precisely because disparities exist between the situation of official languages and that of regional or minority languages and because those who practise the latter are often at a disadvantage, the charter accepts that positive measures may be necessary with the aim of preserving and promoting such languages. Provided that the measures have such an aim, and that they seek to do no more than promote equality between languages, they are not to be regarded as discriminatory.

5.34.i

In response to representations by POBAL, a Training Sub-Group has been established by the ICIG in May 2004 to consider the needs of the NICS. POBAL looks forward to hearing its conclusions and hopes that it will approach the question in an imaginative and rigorous fashion – utilising those already working in the NICS, providing training to others and, where required, recruiting when the first two options measures fail to meet the requirements of the ECRML. We regret to note, however, that progress on this matter has to date proven very slow.

<sup>52</sup> Tuairisc Mhínithe ar an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, Comhairle na hEorpa, 5 Samhain 1992, paragraf 7.

<sup>52</sup> European Charter for Regional or Minority Languages Explanatory Report, Council of Europe, 5 November 1992, paragraph 72.

## 5.34.ii

Mhaoinigh Cistiú Eorpach Síochána agus Athmhuintearais trí CSÁBF cúrsa Feasachta Teanga POBAL a soláthraíodh trí roinnt Rann agus eagras Rialtas. Tháinig deireadh leis an mhaoiniú sin i Samhain 2005.

## 5.34.iii

Ní féidir an CETRM a fhorfheidhmiú agus ná seirbhísí sách oiriúnach a chur ar fáil do phobal na Gaeilge muna dtabharfar faoi bhearta chun tabhairt faoi cheisteanna daonacmhainní. Is ábhar imní é nach ndeachthas i gceann forbartha suntasaí ar an cheist seo ó bhí Céad Tuairisc Thréimhsiúil na RA ann agus cuireann sé béim ar an ghá arís atá le hAcht Gaeilge.

## 5.35.

Agus an chuma ar oifigigh Roinne gur achrannach leo an oiread sin an gá le forbairt daonacmhainne, cuireann sé chun suntais arís go bhfuil gá le hAcht Gaeilge.

### 5.36. Moltaí POBAL ar Chuid II den CETRM, Cuspóirí agus Prionsabail:

- Go dtabharfaidh Ranna láithreach faoi cheisteanna daonacmhainne le haghaidh soláthar seirbhíse níos forleithne.
- Go mbunófar glao-aonaid le foireann cainteoirí Gaeilge le bheith ar bheart eatramhach le déileáil le custaiméirí Gaeilge ar son iomlán SSTÉ.
- Go mbunófar soláthar do theanga réigiúnach nó mionlaigh ar dhea-chleachtas idirnáisiúnta agus saor ón chur chuige quid pro quo atá ceangailte le gnóthú cuspóirí polaitiúla.

## 5.34.ii

POBAL's Language Awareness course that was delivered to a number of Government Departments and agencies has been funded by European Peace and Reconciliation Funding through BLSF. That funding ended in November 2005.

## 5.34.iii

The ECRML cannot be implemented and adequate services cannot be rolled out to the Irish speaking community if measures to address human resource issues are not addressed. That no substantial development has been undertaken on this issue since the First UK Periodical Report is a matter of concern and underlines the need once more for an Irish Language Act.

## 5.35.

That Departmental officials appear to find the need for human resource development so problematic, underlines once more that there is a need for an Irish Language Act.

### 5.36. POBAL's recommendations on Part II of the ECRML, Objectives & Principles:

- That Departments immediately address human resource issues for wider service provision
- That call-centres staffed by Irish speakers be immediately established to act as an interim measure to deal with Irish speaking customers on behalf of the whole of the NICS
- Provision for regional or minority language be based on international good practice and free from quid pro quo approaches linked to the achievement of political goals.



## An CETRM Cuid III Airteagal 8 Oideachas

5.37.

Soláthraíonn Cuid III den CETRM, a bhfuil seacht n-airteagal inti ina hiomláine, bearta sainiúla chun na teangacha réigiúnacha nó mionlaigh a d'ainmnigh Rialtais dhaingnithe. Amharcfaidh na míreanna seo a leanas ar na bearta ina seal áit a mbaineann siad leis an Ghaeilge. Beidh an fócas ar na hearnálacha sin a bhfuil scrúdú speisialta de dhíth orthu dar le POBAL.

5.38.

Pléann an chéad Airteagal i gCuid III, Airteagal 8, le bearta chun tacú le hoideachas Gaeilge. Dhaingnigh an RA ocht gclásal ar leith ó Airteagal 8 don Ghaeilge. Ina dTuairisc de Mhárta 2004, rinne Coiste na Saineolaithe a mbreithiúnas gur comhlíonadh gach ceann acu seachas ceann amháin. Maidir leis an cheann a measadh nár comhlíonadh, 8.1.d.iv ar oideachas teicniúil, mheas Coiste na Saineolaithe nár tugadh go leor eolais dóibh.

5.39.

I ndiaidh Thuairisc sin Choiste na Saineolaithe a foilsíodh i 2004, bhí forbairtí agus fás suntas in earnáil na Gaeilge. Creideann POBAL de thairbhe na gcúinsí athraithe seo gur chóir mionscrúdú a dhéanamh feiceáil an bhfuil gníomhaíochtaí Rialtas na RA i ndiaidh a Chéad Tuairisc Thréimhsiúil fós mar chomhlíonadh na hearnála mearfhorbartha seo.

### 5.40. Cuid III Airteagal 8.1.a

*Maidir leis an oideachas, gabhann na Páirtithe ar láimh, ar an gcríoch*

*ina n-úsáidtear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach ceann de na teangacha sin, agus gan dochar do theagasc theanga oifigiúil nó theangacha oifigiúla an Stáit sin:*

- I oideachas réamhscoile a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- II cuid mhór den oideachas réamhscoile a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- III ceann de na bearta dá bhforáiltear faoi i agus ii thuas a chur i bhfeidhm ar na daltaí sin ar a laghad a n-íarrann a dteaghlach a leithéid agus ar leor an líon díobh atá ann.*

I scoilbhliain 2004/05 bhí 44 naiscoil Ghaeilge ann, méadú de dheichniúr ó Chomhaontú Aoine an Chéasta. Den líon sin, níl aitheantas reachtúil ach ag dhá cheann ach tá feidhm thábhachtach acu mar scoileanna friothálacha do bhunscoileanna Gaeilge. Ag soláthar dhá bhliain tumoideachais, tugann siad deis iontach do thuismitheoirí aonteangacha tuiscint a fháil ar oideachas dátheangach

## ECRML Part III Article 8 Education

5.37.

Part III of the ECRML, consisting of seven articles in total, provides specific measures to promote the regional or minority languages specified by ratifying Governments. The following sections will look at these measures in turn where they pertain to the Irish language. The focus will be on those areas POBAL feels need special consideration.

5.38.

The first Article in Part III, Article 8, deals with measures to support education through the medium of Irish. The UK has ratified eight separate clauses from Article 8 for the Irish language. In its Report of March 2004, COMEX judged all but one of these to be fulfilled. In regard to the one that was judged not to be fulfilled, 8.1.d.iv on technical education, COMEX felt that it had not been given enough information.

5.39.

Since that COMEX Report published in 2004, there have been significant developments and growth in the Irish medium sector. POBAL believes that due to these changed circumstances close examination should be given as to whether the actions of the UK Government since the its First Periodical Report still constitute fulfilment of this rapidly developing sector.

### 5.40. Part III Article 8.1.a

*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:*

- I to make available pre-school education in the relevant regional or minority languages; or*
- II to make available a substantial part of pre-school education in the relevant regional or minority languages; or*
- III to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient.*

In the school year 2004/05 there were 44 Irish medium pre-school nursery schools, known as naiscoileanna, an increase of ten since the Good Friday Agreement. Of this number, only two have statutory recognition but all act as important feeder-schools for Irish medium primary schools. Providing two years of immersion education, they give monolingual parents an excellent opportunity to get an understanding of

roimh an ghealltanas níos fadtréimhsí don oideachas Gaeilge. Is é an taithí atá ann aon áit nach mbíonn soláthar naiscoile ann gur doiligh do bhunscoileanna páistí a mhealladh.

#### 5.40.i

Braitheann scoileanna neamhrechtúla ar airgead Eorpach um Shíocháin agus Athmhuintearas, maoiniú a chuir an AE ar fáil chun cuidiú le tacú le próiseas síochána na hÉireann. Ní sholáthraíonn an maoiniú réiteach fadtréimhseach do na deacrachtaí atá le sárú ag coistí deonacha chun go maoinítear oideachas Gaeilge, nó ní féidir a mheas go bhfuil sé ag comhlíonadh oibleagáidí Rialtas na RA.

#### 5.40.ii

Soláthraítear maoiniú Rialtais do na naiscoileanna neamhrechtúla trí na Boird Oideachais agus Leabharlann, tríd an Grúpa Leithdháilte Oideachas Réamhscoile (GLOR), ar £1,250 an páiste don scoilbhliain iomlán. Fiú nuair a chuirtear an dá fhoinsé seo le chéile, Maoiniú Síochána agus GLOR, ní bhíonn go leor iontu go minic na naiscoileanna a choinneáil ag dul. Tugtar cúnamh GLOR de réir an pháiste nuair a bhaineann siad aois ceithre bliana amach, cé go dtosaíonn tumoideachas i dtuaisceart na hÉireann ag aois trí bliana.

#### 5.40.iii

Mar chuid den tionscnamh tumoideachais a chuireann scoileanna Gaeilge ar fáil cláraíonn páistí ag aois trí bliana chun a gcumas teanga a mhéadú. Is fearr é seo a mheas nuair a chuimhnítear nach dtagann mórán de na páistí ó theaghlaigh Ghaeilge. Ní fhaighean na páistí seo aon leas as cúnamh GLOR, atá ar fáil do pháistí ceithre bliana d'aois amháin. Mar sin de bhraith naiscoileanna ar righneas tiomsaithe airgid a gcoistí bainisteoireachta chun coinneáil ag dul. Fágann an easpa maoinithe seo na naiscoileanna faoi mhíbhuntáiste agus iad san iomaíocht le naíolanna reachtúla. Tá deacrachtaí maoinithe leanúnacha ina mórghac d'fhorbairt na hearnála agus mar sin ní bhaineann go leor scoileanna a lánfhabhraíocht nó milleann sé íomhá earnáil an Ghaeloideachais agus muinín tuismitheoirí aisti.

#### 5.40.iv

Is gnách go socraítear leithdháileadh airgead GLOR san earrach, bunaithe ar an líon a dtig leis an naíolann a dhearbhu a bheidh ag dul isteach an Meán Fómhair ina dhiaidh. Tá an méid airgid teoranta agus muna ndearbhaíonn réamhscoileanna figiúirí in am is féidir leo bheith thíos leis. Bhí roinnt cásanna ann i limistéar Bhord Oideachais agus Leabharlann an Deiscirt agus i limistéar Bhord Oideachais agus Leabharlann an Oirthuaiscirt nuair a diúltaíodh maoiniú GLOR do scoileanna Gaeilge mar gheall ar an éileamh ard

bilingual education before making a longer-term commitment to Irish medium education. Experience has shown that where there is no naiscoil provision primary schools will struggle to attract children.

#### 5.40.i

The non-statutory schools depend on the European Union Peace and Reconciliation money, funding that the EU has made available to help support the Irish peace process. The funding does not, obviously, provide a long-term solution to the difficulties that voluntary committees have to surmount in order to finance Irish medium pre-school education, nor can it be deemed to be in fulfillment of the obligations of the UK Government.

#### 5.40.ii

Government funding is provided for the non-statutory naiscoileanna through the Education & Library Boards, via the Pre-school Education Allocation Group (PEAG), at £1,250 per child for the full school year. Even when these two sources are combined, Peace Funding and PEAG, they are not always sufficient to maintain the naiscoileanna. PEAG assistance is provided per child when they reach the age of four, whereas immersion education in the north of Ireland commences at the age of three.

#### 5.40.iii

As part of the immersion project that Irish medium education provides, children enroll at the age of three so as to increase their language ability. The importance of this is best appreciated when it is remembered that many of the children do not come from Irish speaking families. These children do not benefit from PEAG assistance, which is only available to four-year olds. Naiscoileanna have therefore relied on the fund-raising tenacity of their management committees to remain operational. This lack of funding places the naiscoileanna at a disadvantage as they compete with statutory nurseries. Continued funding difficulties represents a major obstacle to the development of the sector and many schools do not therefore reach their full potential as it affects the image of Irish medium education and parental confidence in it.

#### 5.40.iv

Allocation of PEAG funding is normally decided in the spring, based on the in-take that nursery schools can confirm for the following September. The amount of money is limited and if pre-schools do not confirm figures in time they can lose out. There have been a number of cases in both the Southern Education & Library Board area and the North Eastern Education and Library Board area where Irish medium schools were refused PEAG funding on account of the high demand for places in a number of English medium

d'áiteanna i roinnt scoileanna Béarla. Mhaigh CnaG go bhfuil réamhscoileanna Gaeilge nach bhfaigheann airgead GLOR i staid uathúil de thairbhe nach bhfuil rogha ag tuismitheoirí i gceantar áirithe ar sholáthraí Gaeloideachais eile. Cibé scéal é, le linn 2004-05 séanadh áiteanna GLOR ar chúig naiscoil, rud a chruthaigh géarchéim maoinithe do na scoileanna.<sup>53</sup> Ar deireadh, ní bhíonn de rogha ag tuismitheoirí a chuirfeadh a gcuid páistí chuig ionad Gaeloideachais ar chaoi eile ach an páiste a chur chuig an grúpa réamhscoile Béarla.

#### 5.40.v

Tá na critéir iontrála a gcaithfidh naiscoileanna a chomhlíonadh chun aitheantas reachtúil a ghnóthú ón RO mar an gcéanna lena bhfuil i gceist do scoileanna Béarla, líon teacht isteach bliantúil de 24 páiste. Maíonn POBAL de thairbhe go raibh Gaeloideachas go traidisiúnta faoi mhíbhuntáiste gur chóir go mbeadh na critéir le haghaidh aitheantas naiscoileanna mar an gcéanna le bunscoileanna Gaeilge – 12 páiste sa bhliain i gceantair thuaithe agus 15 sa bhliain i gceantair uirbeacha. Thabharfadh sé sin an deis do na scoileanna múinteoir láncháilithe a cheapadh agus ardchaighdeán teagaisc a chinntiú.

#### 5.40.vi

Níl aon mhaoiniú ag lontaobhas na Gaelscolaíochta, a bunaíodh i mí Feabhra 2001 mar gheall ar ghealltanais a rinneadh i gComhaontú Aoine an Chéasta chun tacú le Gaeloideachas. Bhain sé leas as maoiniú ó RO thar na chéad cheithre bliana, 2001-04, £2.3 milliún san iomlán. I 2005 tugadh £420,000 dó go sainiúil do chlár chaipitiúla sna Naiscoileanna. Do chúlra de ghearrthacha agus coigiltí forleathana Rialtais, dúirt an RO nach bhfuil sí in ann tuilleadh maoinithe a chur ar fáil do lontaobhas na Gaelscolaíochta. (Feic fosta paragraf 3.08.i)

#### 5.40.vii

Tá an cóimheas dalta-múinteora i ngrúpaí réamhscoile Béarla 1-13. De thairbhe go mbíonn páistí i dtumoideachas ag brath ar a n-idirghníomh leis an fhoireann réamhscoile chun an teanga a insealbhú, creideann CnaG nach bhfuil an cóimheas oiriúnach san earnáil Ghaeilge áit a mbeadh 1-8 ag teacht le nádúr agus riachtanais an togra níos cruinne.<sup>54</sup>

### 5.41. Cuid III Airteagal 8.1.b

- I Bunoidreachas a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- II cuid mhór den bhunoidreachas a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- III forálacha a dhéanamh chun go ndéantar sa bhunoidreachas na teangacha réigiúnacha nó mionlaigh ábhartha a theagasc mar chuid dhílis den churaclam; nó*
- IV ceann de na bearta dá bhforáiltear faoi i go iii thuas a chur i bhfeidhm ar na daltaí sin ar a laghad a n-iarrann a dteaghlach a leithéid agus ar leor an líon díobh atá ann.*

schools. CnaG has argued that Irish medium pre-schools not in receipt of PEAG are in a unique position since parents in a given area do not have an alternative Irish medium provider. However, during 2004-05 five naiscoileanna were denied PEAG places, a matter that has created a funding crisis for the schools.<sup>53</sup> Ultimately parents who would otherwise choose to send their children to Irish medium are left with no option but to send the child to an English medium pre-school group.

#### 5.40.v

The enrolment criteria that naiscoileanna need to fulfill in order to win statutory recognition from DE is the same for that as pertains to English medium schools, an annual intake of 24 children. POBAL contends that because Irish medium education has been historically disadvantaged that the criteria for recognition of naiscoileanna should be the same as that for Irish medium primary schools – 12 children per annum in rural areas and 15 per annum in urban areas. This would give the schools the means to appoint a fully-qualified teacher and assure a high standard of teaching.

#### 5.40.vi

lontaobhas na Gaelscolaíochta, established in February 2001 arising out of commitments made in the Good Friday Agreement to support Irish medium education, has no funding. It has benefited from funding from DE over the first four years, 2001-2004, totaling £2.3 million. In 2005 it was given £420,000 specifically for capital programmes in the Naiscoileanna. To the backdrop of widespread Government cutbacks and savings, DE has stated that it is unable to provide further funding to lontaobhas na Gaelscolaíochta. (See also paragraph 3.08.i)

#### 5.40.vii

The pupil-teacher ratio in statutory pre-school English medium groups is 1-13. Because children in immersion education depend on their interaction with the pre-school staff to acquire the language, CnaG believes that ratio is not appropriate in the Irish medium sector where 1-8 would reflect the nature and needs of the project more accurately.<sup>54</sup>

### 5.41. Part III Article 8.1.b

- I To make available primary education in the relevant regional or minority languages; or;*
- II to make available a substantial part of primary education in the relevant regional or minority languages; or*
- III to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- IV to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient.*

<sup>53</sup> Naiscoil Chamlocha (Ard Mhacha Theas), Naiscoil Éanna (Aontroim), Naiscoil Mhuire (Tír Eoghain), Naiscoil na gCrann (An Ómaigh) agus Naiscoil Chois Abhann Dalla (Contae Aontroma).

<sup>54</sup> Riomhphost ó Chomhairle na Gaelscolaíochta chuig POBAL 12 Bealtaine 2005.

<sup>53</sup> Naiscoil Chamlocha (South Armagh), Naiscoil Éanna (Antrim), Naiscoil Mhuire (Tyrone), Naiscoil na gCrann (Omagh) and Naiscoil Chois Abhann Dalla (County Antrim).

<sup>54</sup> E-mail from Comhairle na Gaelscolaíochta to POBAL on 12 May 2005.

Le linn bhliain acadúil 2004–05, ní raibh aitheantas ó RO<sup>55</sup> ag cúig cinn den 32 bunscoil Ghaeilge. Bíonn na scoileanna gan aitheantas ag streachailt i bhfíor-dhroch-chúinsí le coinneáil ag dul.

#### 5.41.i

Cás den chineál is ea Gaelscoil an Lonnáin ar Bhóthar na bhFál i mBéal Feirste, ar tugadh aitheantas di sa deireadh go luath in Iúil 2005 i ndiaidh feachtais a mhair dhá bhliain. Le 20 páiste cláraithe don scoilbhliain ag tosú Meán Fómhair 2005, bhí a líon ag teacht isteach thar na 15 a bhí de dhíth chun aitheantas oifigiúil a bhaint amach. Ghlac sé mórán míonna ar RO, áfach, chun glacadh le rath na scoile agus a cás le haghaidh aitheantais. De réir mar a chuaigh an t-am ar aghaidh bhí na múinteoirí ag éirí níos néarógaí faoina bpost agus d'éirigh tuismitheoirí níos éiginnte faoi thodhchaí a bpáistí sa scoil. Bhí go leor tuismitheoirí ag tosú a smaoinemh faoi shocrúithe eile a dhéanamh dá bpáistí. Trí righneas an choiste bainisteoireachta amháin, d'éirigh leis an scoil coinneáil ag dul go dtí gur fhógair an Roinn sa chéad seachtain i mí Iúil go mbeadh stádas ag teacht, forógra a ndeachaigh stocaireacht pholaitiúil ag an leibhéal is airde roimhe.<sup>56</sup> Suite i gceantar ard-díothachta, bhí an scoil dheonach briste ó thaobh airgid de faoi am an fhorógra agus b'fhurasta go gclisfeadh uirthi roimh a leithéid d'angar.

#### 5.41.ii

Seasann cás Ghaelscoil an Lonnáin i gcontrárthacht le cás Ghaelscoil Thaoilinn. Suite sa Pholl Glas ar imeall Bhéal Feirste, i Meán Fómhair 2005 bhí deichniúr páistí i nGaelscoil Thaoilinn le bogadh ó Bhliain 1 go Bliain 2. Ag léiriú na míchinnteachta a leanann easpa aitheantais oifigiúil, ní raibh ach beirt pháistí cláraithe le tosú i mbunrang a haon i 2005. Cheal maoinithe urraithe b'éigean don scoil socrú ar dhruidim.

#### 5.41.iii

Cé go bhféadfadh cúinsí difriúla a bheith ag scoileanna difriúla, is é an cás atá ann fós 5 bliana i ndiaidh shíniú na CETRM go bhfuil an dualgas le haghaidh bunú agus cothabháil Gaelscoileanna sna míonna agus blianta tosaigh agus na míonna agus blianta is leochailí ag brath ar ardleibhéal ionchuir dheonaigh agus mórghealltanais ó ENR-anna, tuismitheoirí agus daoine áitiúla. Tá sé inargóinte gan gníomhaíocht dhiongbháilte ar an cheist seo, gurb é an tuiscint a bheidh fós ag roinnt daoine ar Ghaeloideachas nach rogha é ach dóibh siúd atá den ghealltanas, inneach agus seiftiúlacht is láidre.

During the academic year 2004–05, five of the 32 Irish medium primary schools did not have recognition from DE.<sup>55</sup> Those schools without recognition struggle in extremely adverse conditions to remain operational.

#### 5.41.i

A case in point is Gaelscoil an Lonnáin on Belfast's Falls Road, which was finally given recognition in early July 2005 after a campaign lasting two years. With 20 children enrolled for the school-year starting September 2005, its in-take was clearly above the required 15 to attain official recognition. However, it took DE many months to accept the school's success and case for recognition. As time wore on teachers became increasingly nervous about their positions and parents became unsure about their children's future in the school. Many parents were beginning to consider making alternative arrangements for their children. Through the tenacity of the management committee alone, the school managed to stay in business until the Department announced in the first week of July that status would be forthcoming, an announcement that was preceded by political lobbying at the highest level.<sup>56</sup> Located in an area of high deprivation, the voluntary school was financially broken at the time of the announcement and could easily have faltered in the face of such adversity.

#### 5.41.ii

The case of Gaelscoil an Lonnáin contrasts with that of Gaelscoil Thaoilinn. Located in Poleglas on Belfast's outskirts, in September of 2005 ten children in Gaelscoil Thaoilinn were due to move from Year 1 to Year 2. However, demonstrating the uncertainty that the absence of official recognition creates, only two children were registered to start primary one in 2005. In the absence of secured funding the school was forced to decide on closure.

#### 5.41.iii

Whilst individual circumstances may be different for different schools, it remains the case 5 years after the signing of the ECRML that the onus for the establishment and maintenance of Irish medium schools in their earliest and most vulnerable months and years is still dependant on high levels of voluntary input and great commitment from NGOs, parents and local people. Arguably without resolute action on this matter, the perception of Irish medium education for some may remain that of an option only for those with the strongest of commitment, stamina and resourcefulness.

<sup>55</sup> Gaelscoil an Lonnáin (Béal Feirste), Gaelscoil na Speiríní (Doire Theas), Gaelscoil Ghleann Darach, (Cromhghlinn) Gaelscoil Thaoilinn (Lios na gCearrbhach) agus Gaelscoil na hÉirne (Inis Ceithleann). Ní raibh an dá cheann dheireanacha in ann oscailt arís i Meán Fómhair 2005 agus tá siad fós druidte ag am an scríofa.

<sup>56</sup> I dtuaisceart na hÉireann téann an scoilbhliain ó thus Mheán Fómhair go dtí deireadh mhí Mheithimh.

<sup>55</sup> Gaelscoil an Lonnáin (Belfast), Gaelscoil na Speiríní (South Derry), Gaelscoil Ghleann Darach, (Crumlin) Gaelscoil Thaoilinn (Lisburn) and Gaelscoil na hÉirne (Enniskillen). The later two were unable to open again in September 2005 and remain closed at the time of writing.

<sup>56</sup> In the north of Ireland the school year extends from the start of September to the end of June.

5.41.iv

Is dídhreasacht é dóibh siúd ba mhaith leo, ar chaoi eile, oideachas Gaeilge a bheith ar a gcuid páistí an próiseas reatha de bheith ag tabhairt aitheantas oifigiúil do bhunscoileanna Gaeilge.

5.41.v

Creideann POBAL gur chóir go mbeadh an ceart ag gach tuismitheoir a gcuid páistí Gaeilge a fhoghlaim mar ábhar mar bhunchuid den churaclam. Faoi láthair níl aon fhoráil reathúil chuige seo i scoileanna Béarla.<sup>57</sup>

5.41.vi

Tugann Dara Tuairisc Thréimhsiúil na RA faoi deara gur cuireadh maoiniú ar fáil do Ghaeilíúint chun áiseanna oideachais speisialta a fhorbairt do mheánscoileanna Gaeilge. Tháinig deireadh leis an mhaoiniú seo i 2004.

## 5.42. Cuid III Airteagal 8.1.c

- I meánoideachas a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- II cuid mhór den mheánoideachas a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- III forálacha a dhéanamh chun go ndéantar sa mheánoideachas na teangacha réigiúnacha nó mionlaigh ábhartha a theagasc mar chuid dhílis den churaclam; nó*
- IV ceann de na bearta dá bhforáiltear faoi i go iii thuas a chur i bhfeidhm ar na daltaí sin ar a laghad a iarrann a leithéid, nó, más iomchuí, a n-iarrann a dteaghlach a leithéid agus ar leor an líon díobh atá ann.*

Níl ach meánscoil Ghaeilge amháin i dtuaisceart na hÉireann, Coláiste Feirste i mBéal Feirste agus dhá mheánscoil eile, Coláiste Chaitríona in Ard Mhacha agus Coláiste Bhríde i nDoire a bhfuil sruthanna Gaeilge ceangailte leo. Ar na eochaircheistean nach mór aird a thabhairt orthu tá critéir le haghaidh bunú meánscoileanna Gaeilge, acmhainní agus iompar.

### 5.42.i Critéir

Tá deacrachtaí ag rith don earnáil leis na critéir atá le comhlíonadh ag meánscoil Ghaeilge sula dtig léi aitheantas reachtúil a ghnóthú. Tá líon 50 páiste ag teacht isteach sa bhliain de dhíth. De réir mar a bhunaítear bunscoileanna friothálacha nua chun seo a bhaint amach i mórán ceantar, is féidir go mbeidh roinnt mhaith blianta sula mbainfear an figiúr seo amach. In Oirthear Thír Eoghain, faoin am a mbeidh a dhóthain páistí ag fágáil na mbunscoileanna beidh tuilleadh agus 200 páiste i ndiaidh dul trí na bunscoileanna Gaeilge agus gan deis acu a n-oideachas a leanúint ag an dara leibhéal. Tá na critéir mar an gcéanna do na scoileanna iomlánaithe, sin iad na scoileanna Béarla a mheallann páistí ó chúla Protastúnach agus cúlra Caitliceach. Neamhchosúil

5.41.iv

The current process of giving official recognition to Irish medium primary schools is a source of disincentive to those who might otherwise wish to have their children educated through the medium of Irish.

5.41.v

POBAL believes that all parents should have a right to have their children learn Irish as a subject as an integral part of the curriculum. There is currently no statutory provision for this in English medium schools.<sup>57</sup>

5.41.vi

The Second UK Periodical Report points out that funding had been provided to Gaeloiliúint to develop special educational resources for Irish medium secondary schools. This funding ended in 2004.

## 5.42. Part III Article 8.1.c

- I to make available secondary education in the relevant regional or minority languages; or*
- II to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- III to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- IV to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.*

There is one Irish medium secondary school in the north of Ireland, Coláiste Feirste in Belfast and two further secondary schools, Coláiste Chaitríona in Armagh and Coláiste Bhríde in Derry, which have Irish medium streams attached to them. Key issues that need to be addressed include the criteria for the establishment of Irish medium secondary schools, resources and transport.

### 5.42.i Criteria

The criteria to be fulfilled by an Irish medium secondary school before it can win statutory recognition poses difficulties for the sector. An in-take of 50 children per year is required. As new feeder primary schools are established to achieve this in many areas, it may be some years before that figure is reached. In East Tyrone, by the time sufficient children are leaving the primary schools something in excess of 200 children will have already passed through Irish medium primary schools and not have had an opportunity to continue their education at secondary level. This criteria is the same as that for integrated schools, that is those English medium schools that draw children from both Protestant and Catholic backgrounds. However, unlike the Irish medium

<sup>57</sup> Teagasctar bun-Ghaeilge i roinnt scoileanna Caitliceacha faoi chothabháil an stáit. Ní theagasctar í ar chor ar bith i scoileanna Stáit, a mheallann a ndaltaí go traidisiúnta ón phobal Protastúnach.

<sup>57</sup> Basic Irish is taught in a number of Catholic maintained schools. It is not taught at all in State schools, which traditionally draw their pupils from the Protestant community.

leis an earnáil Ghaeilge, áfach, meallann scoileanna iomlánaíthe roinnt mílte páiste ar fud an tuaiscirt nár fhreastail ar bhunscoileanna iomlánaíthe.<sup>58</sup> Ciallaíonn sé sin, cé go bhfuil na critéir mar an gcéanna don dá earnáil, is deacra don earnáil Ghaeilge na critéir a chomhlíonadh ná mar atá sé don earnáil iomlánaíthe.

#### 5.42.ii Acmhainní

Tá easpa acmhainní teagaisc fós ag cothú deacrachtaí do mheánscoileanna Gaeilge. Ina thuairisc, Irish Medium Education and the Costello Report, thagair CnaG don aitheantas teoranta atá ar riachtanais na hearnála. Thug sí faoi deara fiú nuair a cuireadh acmhainní ar fáil i nGaeilge, go raibh an t-ábhar taca i mBéarla. Lean sí léi: "Fós féin is mó an admháil ná an gníomh a bhaineann le freagra do riachtanais le haghaidh acmhainní don fhoghlaim agus don teagasc san earnáil Ghaeilge."<sup>59</sup>

#### 5.42.iii

Cuireann an BBC eochair-thacaíocht churaclaim dhigiteach don oideachas tríd an idirlíon i dtuaisceart na hÉireann. Bhí CnaG i gcainteanna leis an BBC ag iarraidh an curaclam digiteach a chur ar fáil i nGaeilge. Chuir CnaG in iúl do POBAL go bhfuil an BBC faoi láthair ag diúltú an iarratais soláthar a dhéanamh don Ghaeloideachas sa dara leibhéal. Tá an craoltóir ag déanamh na hargóna nach bhfuil go leor daltaí ag freastal ar Ghaelscoileanna chun an soláthar a dhéanamh inmhathana i dtéarmaí luach ar airgead agus aschur. Ar ndóigh glacfaidh sé roinnt blianta chun an curaclam digiteach a fhorbairt agus is é an rud a dteipeann ar an BBC a admháil in earnáil oideachais fáis faoin am a mbeidh an curaclam digiteach ar fáil ar-líne, go mbeidh líon suntasach níos mó daoine á dteagasc trí Ghaeilge.

#### 5.42.iv Iompar

Ní chuireann na forálacha iompair do dhaltaí atá ag freastal ar mheánscoileanna Gaeilge i gceantair thuaithe riachtanais na ndaltaí san áireamh. Is minic a chónaíonn daltaí atá ag freastal ar mheánscoileanna Gaeilge níos faide ar shiúl óna scoil ná daltaí san oideachas Béarla.

#### 5.42.v

Ní hionann an cúnadh airgeadais le haghaidh iompair a chuireann an RO ar fáil agus an fíorchostas iompair. Cuireann sin constaicí sa bhealach ar theaghlaigh a bhfuil bonn eacnamaíoch níos laige fúthu. Bhí deacrachtaí iompair ag páistí roinnt teaghlach a bhí ag freastal ar Choláiste Chaitríona in Ard Mhacha. Cheal aonaid Ghaeloideachais áit ar bith eile, tá an scoilcheantar do Choláiste Chaitríona mór go leor. Is deacracht í a bhí ag roinnt acu siúd a fhreastalaíonn ar Choláiste Feirste agus a thaistealaíonn chun na scoile ó cheantair thuaithe. In éagmais iompair phríobháidigh, chun taisteal ar bus caithfidh roinnt páistí an

sector, integrated secondary schools draw in several thousands pupils across the north who did not attend integrated primary schools.<sup>58</sup> This means that even though the criteria is the same for both sectors, it is more difficult for Irish medium to satisfy the criteria than it is for the integrated sector.

#### 5.42.ii Resources

Lack of teaching resources continues to present difficulties to the Irish medium secondary schools. In its report, Irish Medium Education and the Costello Report, CnaG alluded to the limited recognition of the needs of the sector. It pointed out that even where resources are supplied in Irish, the support material was in English. It added: "As yet the response to needs for resources for learning and teaching in the Irish medium sector is characterized more by acknowledgement rather than action."<sup>59</sup>

#### 5.42.iii

The BBC provides key digital curricular support for education in the north of Ireland. CnaG has been in discussions with the BBC seeking to have the digital curriculum provided through the medium of Irish. CnaG has informed POBAL that the BBC is currently declining the request to make provision for Irish medium education at secondary level. The broadcaster is arguing that there are insufficient numbers attending Irish medium schools to make the provision viable in terms of value for money and outputs. It will of course take some years to develop the digital curriculum and what the BBC fails to acknowledge is that in an educational growth sector by the time the digital curriculum is available on-line, there will be significantly greater numbers being educated through the medium of Irish.

#### 5.42.iv Transport

The transport provisions for pupils attending Irish medium secondary schools in rural areas do not take into consideration of the needs of pupils. Pupils attending Irish medium will often live more remote from their school than pupils in English medium education.

#### 5.42.v

The financial assistance towards transport that is provided by DE does not match the actual cost of transport. This creates difficulties for less financially secure families. A number of families of pupils attending St Catherine's Secondary School in Armagh have experienced transport difficulties. In the absence of Irish medium units elsewhere, the catchment area for St Catherine's is quite large. It is a difficulty that has also been experienced by some of those who attend Coláiste Feirste and who travel to the school from rural areas. In the absence of private transport, to travel by bus some children

<sup>58</sup> Níl aon ghá do pháistí freastal ar bhunscoil iomlánaíthe chun áit a ghnóthú i meánscoil iomlánaíthe.

<sup>59</sup> Irish Medium Education and the Costello Report, Comhairle na Gaelscolaíochta, 2004, leathanach 31.

<sup>58</sup> There is no requirement for children to attend an integrated primary school to win a place at an integrated secondary school.

<sup>59</sup> Irish Medium Education and the Costello Report, Comhairle na Gaelscolaíochta, 2004, page 31.

baile a fhágáil chomh luath le 7.00rn le bheith ar scoil do 9.00rn agus is minic gan iad ar ais sa bhaile go dtí go mall sa tráthnóna.

#### 5.42.vi

Tá straitéis ag CnaG na bunscoileanna Gaeilge ar fud an tuaiscirt a cheangal le chéile i rud a dtugtar pobail scoileanna. Beidh ról scoileanna friothálacha do mheánscoileanna ag na scoileanna i ngach pobal. Ag sainaitheint na riachtanas chun forbairt meánscolaíocht Ghaeilge a dhéanamh inmharthana, tá CnaG ag obair chun Gaelscoileanna breise a oscailt a bheidh mar chuid de na gréasáin seo, ag déanamh cinnte de go mbeidh bunú meánscoileanna Gaeilge inmharthana ar fud an tuaiscirt.<sup>60</sup> Is rud sealadach a bheidh sa tacaíocht bhreise atá de dhíth chun an cruatan a laghdú faoi láthair agus níor chóir do bhainisteoirí airgeadais oideachais amhairc uirthi mar ghealltanas a bheadh ina dhísciú síoraí ar acmhainní.

#### 5.42.vii

Creideann POBAL gur chóir go mbeadh an ceart ag gach tuismitheoir a gcuid páistí Gaeilge a fhoghlaim mar ábhar mar bhunchuid den churaclam. Faoi láthair níl aon fhoráil chuige seo i scoileanna stáit Béarla.

### 5.43. Cuid III Airteagal 8.1.d

- I Oiliúint theicniúil agus gairmoiliúint a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- II cuid mhór den oiliúint theicniúil agus den ghairmoiliúint a chur ar fáil sna teangacha réigiúnacha nó mionlaigh ábhartha; nó*
- III forálacha a dhéanamh chun go ndéantar san oiliúint theicniúil agus sa ghairmoiliúint na teangacha réigiúnacha nó mionlaigh ábhartha a theagasc mar chuid dhílis den churaclam; nó*
- IV ceann de na bearta dá bhforáiltear faoi i go iii thuas a chur i bhfeidhm ar na daltaí sin ar a laghad a iarrann a leithéid, nó, más iomchuí, a n-iarrann a dteaghlach a leithéid agus ar leor an líon díobh atá ann.*

Thug an ghníomhaireacht forbairt geilleagair phobalbhunaithe in Iarthar Bhéal Feirste, Forbairt Feirste, i gcomhpháirt le hInstitiúid Bhreisoideachais agus Ardoideachais Bhéal Feirste (IBABF) scéim oiliúna d'fhágóirí scoile ón Ghaeloideachas. Ainmníodh an togra mar scéim phiólótach ó 2001. Thug Dara Tuairisc Thréimhsiúil na RA le fios go raibh seo le príomhshruthú ó Mheán Fómhair 2005. Chuir Forbairt Feirste in iúl do POBAL nár mhíniigh RFF, an Roinn atá freagrach, do cheachtar de na comhpháirtithe a bhí i gceist ina tabhairt, IBABF agus Forbairt Feirste, cad atá i gceist aici le príomhshruthú.

have to leave home as early as 7.00am to be in school for 9.00am and are often not back home until late in the evening.

#### 5.42.vi

CnaG has a strategy to link Irish medium primary schools across the north together in what is described as school communities. The schools in each community will act as feeder schools for secondary schools. Identifying the requirements to make the development of secondary medium education viable, CnaG is working to open additional Irish medium schools that will form part of these networks, making the establishment of Irish medium secondary schools viable across the north.<sup>60</sup> The extra support needed to alleviate the hardship being caused by travel at present, will therefore only be of a temporary nature and should not be considered by education finance managers as commitment that would be a permanent drain on resources.

#### 5.42.vii

POBAL believes that all parents should have a right to have their children learn Irish as a subject as an integral part of the curriculum. There is currently no provision for this in English medium State schools.

### 5.43. Part III Article 8.1.d

- I To make available technical and vocational education in the relevant regional or minority languages; or*
- II to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*
- III to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- IV to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient.*

The West Belfast community based economic development agency Forbairt Feirste has in partnership with Belfast Institute of Further and Higher Education (BIFHE) delivered a training scheme for school leavers from Irish medium education. The project has been designated as a pilot scheme since 2001. The Second UK Periodical Report indicated that this was to be mainstreamed from September 2005. Forbairt Feirste has informed POBAL that DEL, the Department responsible, has not explained to either of the partners involved in its delivery, BIFHE and Forbairt Feirste, what it means by mainstreaming.

<sup>60</sup> Dréacht-Straitéis Tíreolaíochta Agus Ama d'Fhorbairt Earnáil na Gaelscolaíocht, Comhairle na Gaelscolaíochta, Earrach 2005.

<sup>60</sup> Draft Spatial Strategy and Time Table for the Development of the Irish Medium Sector, Comhairle na Gaelscolaíochta, Spring 2005.

## 5.43.i

Thóg Forbairt Feirste buarthaí faoin chor nua seo mar gheall ar easpa eolais. Tá sí éiginnte an mbainfidh an t-athrú leis ann dóigh a maoiníofar an soláthar amháin, nó níos amhrasaí, an athrú é sa dóigh a maoiníofar agus a soláthrófar é. Dar le Forbairt Feirste, thug RFF neamhaird ar iarratais agus athiarratais le haghaidh cruinniú chun an dóigh ar chóir an soláthar seo a chur chun cinn a phlé, cás atá i gcomórtas lena caidreamh leis an Roinn roimh an riail dhíreach agus forfheidmiú an bheartais cúraim agus cothabhála. Roimhe sin bhí airí sásta bualadh leis an ghrúpa agus éisteacht lena thuairim.

## 5.43.ii

Chuir Forbairt Feirste in iúl do POBAL go bhfuil sí féin agus IBABF ar aon fhocal go soláthraíonn a gcomhthathí de bheith ag tabhairt an chláir le cúig bliana anuas slat tomhais luachmhar i gcinneadh a chrutha agus a raoin san am atá le teacht. Arís aontaíonn an dá chomhpháirtí gurb iad "carachtar agus éiteas sainiúil Forbairt" a "sholáthraíonn timpeallacht foghlamtha thacúil do thraenáilaithe" an chloch choirnéil ar ar chóir soláthar a thógáil.<sup>61</sup> Measann an dá chomhpháirtí go bhfuil an ghné phiolótach den mhaoiniú neamhfóirsteanach agus creideann gur gá samhail atá fóirsteanach don chuspóir a fhorbairt go práinneach, ag ligint don soláthar reatha a láidreachtá a fhorbairt, taobh amuigh den tsamhail reatha Jobskills.<sup>62</sup>

## 5.43.iii

D'fhorbair POBAL cúrsa traenála do thraenáilaithe i bhfeasacht teanga le haghaidh aosach óg a fuair Gaeloideachas. Tá an tionscadal faoi láthair gan mhaoiniú. (Feic fosta paragraif 3.02.i – 3.02.ii)

## 5.43.iv

Bhunaigh an Ciste Craoltóireachta Gaeilge scéim ar na mallaibh chun tacú le printísigh a ghlacann le poist le comhlachtaí léirithe teilifíse neamhspleácha. Mairfidh gach printíseacht bliain. D'fháiltigh POBAL roimh an tionscnamh seo agus tá sé ag dúil le rath a bheith air. Thóg muid, áfach, leis an Chiste, an gá atá le straitéisí a fhorbairt chun tacú leis an earnáil léirithe teilifíse neamhspleách Ghaeilge sa tuaisceart chun inmharthanacht na hearnála a chinntiú anseo agus chun sainchúram an Chiste féin a chomhlíonadh. (Feic fosta paragraf 5.76.i)

#### 5.44. Cuid III Airteagal 8.1.e.iii

*Maidir leis an oideachas, gabhann na Páirtithe ar láimh, ar an gcríoch ina n-úsáidtear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach ceann de na teangacha sin, agus gan dochar do theagasc theanga oifigiúil nó theangacha oifigiúla an Stáit sin:*

*más rud é, de thairbhe ról an Stáit i ndáil le hinstiúidí ardoideachais, nach féidir fomhíreanna i agus ii a chur i*

## 5.43.i

Forbairt Feirste has raised concerns about this development because of a lack of information. It is unsure if the change will be concerned simply in how the provision is funded, or, more problematically, a change in how it is funded and delivered. According to Forbairt Feirste, DEL has ignored repeated requests for a meeting to discuss how this provision should be progressed, a scenario that contrasts with its relationship with the Department pre-direct rule and the implementation of the care-and-maintenance policy. Prior to that ministers were prepared to meet with and listen to the group's view.

## 5.43.ii

Forbairt Feirste has informed POBAL that it and BIFHE are in agreement that their shared experience of delivering the programme over the last five years provides a valuable touchstone in determining its future shape and scope. Both partners are further agreed that the "distinctive character and ethos of Forbairt" which "provides trainees with a supportive learning environment" is the cornerstone on which the provision should be built.<sup>61</sup> Both partners consider the pilot aspect of the funding to be inappropriate and believe that a fit for purpose model needs to be developed urgently, allowing the current provision to develop its strengths, outside the current Jobskills model.<sup>62</sup>

## 5.43.iii

POBAL has developed a language-awareness training-for-trainers course for young adults who have received Irish medium education. The project is currently without funding. (See also paragraphs 3.02.i – 3.02.ii)

## 5.43.iv

The Irish Language Broadcasting Fund has recently established a scheme to support apprentices who take up positions with independent television production companies. Each apprenticeship will last a year. This initiative has been welcomed and POBAL looks forward to its success. We have however raised with the Fund the need to develop strategies to support the independent Irish language production sector in the north to ensure the sustainability of the sector here and to fulfil the remit of the Fund itself. (See also paragraph 5.76.i)

#### 5.44. Part III Article 8.1.e.iii

*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: if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university*

<sup>61</sup> Report of an Inspection on Forbairt Feirste, Cigireacht Oideachais agus Oiliúna, Feabhra 2003, leathanach 1.

<sup>62</sup> Is clár é Jobskills a ndéanann RFF bainisteoireacht air chun cuidiú le daoine óga cáilíochtaí agus taithí a fháil a chuideoidh leo fostaíocht a fháil.

<sup>61</sup> Report of an Inspection on Forbairt Feirste, Education and Training Inspectorate, Feb. 2003, page 1

<sup>62</sup> Jobskills is a DEL managed programme to assist young people attain the qualifications and experience that will help them to find employment



*bhfeidhm, soláthar oideachas ollscoile nó foirmeacha eile ardoideachais i dteangacha réigiúnacha nó mionlaigh a chothú agus/nó a cheadú nó saoráidí a chur ar fáil chun staidéar a dhéanamh ar na teangacha sin mar ábhair san oideachas ollscoile nó san ardoideachas.*

Cuireann na hollscoileanna roinnt cúrsaí ollscoile a bhaineann leis an Ghaeilge ar fáil. Ní theagascar aon chúrsa ag an tríú leibhéal i aon réimsí ábhair eile trí Ghaeilge. Dhréachtaigh Gaeloiliúint plean straitéiseach chun an earnáil seo a fhorbairt ach séanadh maoiniú air. Le hairgead síochána AE, bunaíodh cúrsa d'aistritheoirí i gColáiste na Ríona, Béal Feirste.

#### **5.45 Cuid III Airteagal 8.1.f.ii**

*Na teangacha sin a thairiscint mar ábhair don oideachas do dhaoine fásta agus don oideachas leanúnach.*

Riarann roinnt institiúidí breisoideachais agus ardoideachais ar theagasc na Gaeilge i ranganna aosoideachais. Éilíonn na critéir inmhathanachta do ranganna aosoideachais teacht isteach de 12-15 duine do gach rang, áfach. I gceantair thuaithe is féidir é a bheith deacair an líon seo a shroichint agus dá bhrí sin b'fhéidir nach mbeadh ranganna ann. Creideann POBAL gur chóir na critéir inmhathanachta do ranganna Gaeilge a íslíú mar chuid de chur chuige straitéiseach ag cur chun cinn fhoghlaim na teanga i measc aosach.

#### **5.46. Cuid III Airteagal 8.1.h**

*Bunoiliúint agus oiliúint bhreise a chur ar fáil do na múinteoirí is gá chun na míreanna sin ó a go g atá glactha ag an bPáirtí a chur chun feidhme.*

Is é Coláiste Mhuire, a bhfuil an Eaglais Chaitliceach i gceannas air, a stiúran an t-aon oiliúint múinteoirí do mhúinteoirí Gaeloideachais. Ní thagann an líon a cháilíonn leis an éileamh. Mar gheall ar an easnamh múinteoirí, níl ach ceann amháin de na trí mheánscoil in ann an lánchuraclam a chur ar fáil i nGaeilge.

##### **5.46.i**

Cuireann fianaise scéaltach ó áiteanna ar fud thuaisceart na hÉireann i gcéill go bhfuil easnamh oibrithe cúram leanaí cáilithe ag leibhéal na réamhscoile atá líofa i nGaeilge. Tá pá cúntóirí cúram leanaí íseal, ag tosú ag £5.30 san uair.<sup>63</sup> Níl na scoileanna sin atá gan aitheantas reathúil in ann riar ar thuarastail le haghaidh múinteoirí láncháilithe. Tá gá le taighde sa réimse seo agus institiúidí oideachais aird a thabhairt ar na deiseanna gearme sa réimse seo.

*or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects.*

There are a number of university courses pertaining to the Irish language provided by the universities. There are no courses taught at third level in other subject areas through the medium of Irish. Gaeloiliúint drew-up a strategic plan to develop this sector but was denied funding. With EU peace money, a course for translators has been established in Queens University, Belfast.

#### **5.45 Part III Article 8.1.f.ii**

*Offer such languages as subjects of adult and continuing education.*

A number of institutes of further and higher education do provide for the teaching of Irish in adult education classes. However, the sustainability criteria for adult education classes requires an in-take of 12 – 15 people for each class. In rural areas it can often be difficult to reach this number and as a result classes may therefore not be held. POBAL believes that the sustainability criteria for Irish language classes should be lowered as part of a strategic approach to promoting the learning of the language among adults.

#### **5.46. Part III Article 8.1.h**

*To provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party.*

The only teacher training for Irish medium teachers is conducted by the Catholic Church controlled Coláiste Mhuire. The numbers qualifying does not match the demand. On account of the shortfall in teachers, only one of the three secondary schools is able to provide the full curriculum through the medium of Irish.

##### **5.46.i**

Anecdotal evidence from across the north of Ireland, suggests that there is a shortage of qualified child care-workers at pre-school level who have fluency in Irish. Wages for child-care assistants are low, starting at £5.30 per hour.<sup>63</sup> Those schools without statutory recognition are unable to meet the salaries for fully-qualified teachers. There is a need for research in this area and for educational institutions to take cognizance of the career opportunities in this field.

<sup>63</sup> Is é an pá íosta reatha sa RA €3.00 san uair do dhaoine 16-17 bliain, €4.25 do dhaoine 18-21 bliain agus €5.05 do dhaoine 22 bliain agus níos aosta.

<sup>63</sup> The current UK minimum wage is €3.00 per hour for 16-17 year-olds, €4.25 for 18-21 year-olds and €5.05 for 22 year-olds and older.

## 5.46.ii

Chomh maith leis sin chuir CnaG chun suntais an gá atá le forbairt modúil iar-bhunoideachais mar chuid den chúrsa oiliúint múinteoirí.

## 5.46.iii

Thaispeáin Tuairisc CnaG gur beag duine a iarrann cúrsaí oiliúint múinteoirí a chur i gcrích sna heolaíochtaí agus teicneolaíocht a bhfuil cumas sa Ghaeilge acu.<sup>64</sup> Ag admháil cé go bhfuil céimeanna á nglacadh maidir le hoiliúint múinteoirí, táthar le tuiscint nach leor na céimeanna seo i dtaobh an éilimh agus nach mbeidh siad ag teacht leis an fhás leanúnach san earnáil seo. Bhí CnaG páirteach i gcur agus cúiteamh leis na heochairpháirtithe in iarracht an cas a bhogadh chun cinn. Tá éifeacht dhiobhálach ag an easnamh múinteoirí chomh maith ar theagasc na Gaeilge sna meánscoileanna Béarla atá anois san iomaíocht le héileamh méadaitheach le haghaidh múinteoirí a bhfuil cumas Gaeilge acu. Tugann fianaise scéaltach le fios go bhfuil líon áirithe meánscoileanna Béarla nach bhfuil in ann Gaeilge a chur ar fáil mar rogha cheal múinteoirí.

### 5.47. Riachtanais speisialta

D'ainneoin go raibh cigirí ag sainaitheint deacrachtaí chomh fada siar leis na 1990í, níl aon chur chuige straitéiseach i dtaobh riachtanas speisialta.<sup>65</sup> Tá obair á déanamh faoi láthair i bhfoghraíocht theangeolaíoch. In éagmais soláthar cuí riachtanas speisialta do pháistí dátheangacha, tá go leor mearbhaill ar phroifisiúnaigh sláinte agus oideachais a gcaithfidh freagairt do dhúshláin an dátheangachais agus riachtanas speisialta.

## 5.47.i

Tá tábhacht faoi leith leis an easpa eolais straitéisigh riachtanaigh seo ag cur san áireamh go gcreidtear go forleathan go bhfuil forbairt páistí dátheangacha difriúil ó fhorbairt páistí aonteangacha. Níl aon uirlisí diagnóiseacha ann le húsáid i dtaobh páistí Gaeilge nó dátheangacha (Gaeilge-Béarla), agus níl cuid de na seirbhísí atá ar fáil do pháistí aonteangacha, murach iad uile, oiriúnach le haghaidh riachtanais páistí dátheangacha.

## 5.47.ii

Tá taighde<sup>66</sup> ann mar aon le go leor fianaise scéaltaí le tabhairt le fios nach bhfuil comhionannas rogha do thuismitheoirí páistí dátheangacha (Gaeilge-Béarla) a bhfuil riachtanais speisialta sláinte nó oideachais orthu i gcomparáid le thuismitheoirí páistí aonteangacha Béarla. Go deimhin is é ár dtaithí féin go bhfágann páistí earnáil na Gaeilge roimh dóibh a n-oideachas a chríochnú de thairbhe comhairle aineolaí ó raon proifisiúnach. Tá samplaí den chur

## 5.46.ii

CnaG has further highlighted the need for the development of a post-primary module as part of the teacher-training course.

## 5.46.iii

The CnaG report pointed out that few of those who seek to complete teacher-training courses in the sciences and technology have competence in Irish.<sup>64</sup> Acknowledging that while steps are being taken in regard to teacher training, it suggests that these steps do not measure up to the demand and that they will not match the continued growth of the sector. CnaG has been involved in a dialogue with the key partners in an effort to move the situation forward. The teacher-shortage is also having an adverse effect on the teaching of Irish in English medium secondary schools which are now competing with an increasing demand for teachers competent in Irish. Anecdotal evidence suggests that a number of English medium schools are no longer able to provide Irish as an option due to the shortage of teachers.

### 5.47. Special needs

Despite difficulties being identified by school inspectors as far back as the 1990s, there is no strategic approach to special needs.<sup>65</sup> There is work currently being carried out in linguistic phonetics. In the absence of appropriate special needs provision for bilingual children, a great deal of confusion exists among the health and education professionals who are required to respond to the challenges of bilingualism and special needs.

## 5.47.i

This lack of essential strategic information is of particular significance given the fact that the development of bilingual children is widely held to be different from that of monolingual children. There are no diagnostic tools for use in relation to Irish speaking or bilingual (Irish-English) children, and some if not all of the services available to monolingual English speaking children are not appropriate to the needs of bilingual children.

## 5.47.ii

There is research<sup>66</sup> and ample anecdotal evidence to indicate that there is no equality of choice for the parents of bilingual (Irish-English) children experiencing special health or educational needs compared with parents of monolingual English-speaking children. Indeed, our own experience indicates that children leave Irish medium sector before finishing their education because of ill-informed advice from a range of professionals. Examples of the inconsistent

<sup>64</sup> Irish Medium Education and the Costello Report, Comhairle na Gaelscolaíochta, leathanach 24.

<sup>65</sup> A Survey of Provision for Special Education Needs, An Chigireacht Oideachais agus Oiliúna, 1999.

<sup>66</sup> San áireamh: Gorman, T. (2001) Necessities and Priorities: The Irish Speaking Community and the State / Riachtanais agus Tosaíochtaí: Pobal na Gaeilge agus an Stát, Béal Feirste, POBAL, O'Hagan, K. (2000) Cultural Competence in the Caring Professions, Londain, Kingsley. Feic 187-197

Scullion, P. (2002) The Quality of School Life for Irish Medium Pupils, Béal Feirste, Ollscoil na Ríona.

<sup>64</sup> Irish Medium Education and the Costello Report, Comhairle na Gaelscolaíochta, page 24.

<sup>65</sup> A Survey of Provision for Special Education Needs, The Education and Training Inspectorate, 1999

<sup>66</sup> Including: Gorman, T. (2001) Necessities and Priorities: The Irish Speaking Community and the State / Riachtanais agus Tosaíochtaí: Pobal na Gaeilge agus an Stát, Belfast, POBAL, O'Hagan, K. (2000) Cultural Competence in the Caring Professions, London, Kingsley See pages 187-197 Scullion, P. (2002) The Quality of School Life for Irish Medium Pupils, Belfast, QUB. Scullion, P. (2002) The Quality of School Life for Irish Medium Pupils, Belfast, QUB.

chuige neamhsheasmhach i soláthar reatha doiciméadaithe ag proifisiúnaigh a chuaigh i gcomhairle le tuismitheoirí ar séanadh a rogha d'oidreachas Gaeilge orthu de thairbhe nárbh fhéidir acmhainní reatha riar ar riachtanais a bpáiste de bhrí nach raibh siad ar fáil ach i mBéarla amháin. (Feic Aguisín 3)

#### 5.47.iii

Ba chóir páistí bheith i dteideal na gceart céanna beag beann ar theanga. Tá gá le sainsoláthar le haghaidh páistí ó chúlraí dátheangacha a bhfuil riachtanais speisialta oideachais acu. Is gá oibríthe riachtanas speisialta bheith oile sa dátheangachas. Mar chéadchéim, ba chóir lámhleabhar le haghaidh proifisiúnach a sholáthar. Ní mór a leithéid de chéim a leanúint chomh maith le tacaíocht chúí agus oiliúint.

#### 5.47.iv

Bunaíodh Gaelagras um Shainriachtanais Oideachas (GESO) i 1998 chun feachtas faoi sholáthar oideachais speisialta san earnáil Ghaeilge a spreagadh. Thacaigh tuismitheoirí, múinteoirí agus proifisiúnaigh leis. Thug RO deontas do POBAL chun tionscnamh taighde dhá bhliain a dhéanamh faoi riachtanais áirithe oideachais, teangeolaíochas agus sláinte páistí dátheangacha (Gaeilge-Béarla) ó 0-18 bliain. Fáiltimid roimh an tacaíocht seo. Beidh gleic urghníomhach ar son Ranna Rialtais agus eagrais ábhartha de dhíth chun riar ar na riachtanais shainaitheanta chomh luath géar agus is féidir.

### 5.48. An tAthbheithniú ar Riarachán Poiblí

Ba mhaith le POBAL an deis seo a ghlacadh chun a bhuarthaí a chur chun suntais do Choiste na Saineolaithe faoin Athbheithniú leanúnach ar Riarachán Poiblí (ARP) i dTuaisceart Éireann. Is é an aidhm atá leis an ARP struchtúir riaracháin reatha a chúlchóiriú agus a laghdú. I laghdú suntasach ar an riarachán a bhfuil tuairim choitianta ann go bhfuil sé barrthrom, beidh impleachtaí ann do sholáthar seirbhísí oideachais.<sup>67</sup>

#### 5.48.i

Moladh go laghdófar an raidhse eagrais atá freagrach as soláthar oideachais go dtí beirt. Ceann acu siúd bheadh freagracht seirbhísí taca oideachais aige agus bheadh an ceann eile ina eagrais curaclaim agus taca múinteoirí. Má ghlactar leis an phacáiste seo chomhchuíseofaí na feidhmeanna a dhéanann CnaG isteach san eagrais seirbhísí taca oideachais agus laghdófaí ról CnaG go dtí ceann comhairleach. (Feic fosta paragraf 3.04, 3.04.ii agus 5.48 – 5.48.ii)

approach in current provision have been documented by professionals who have consulted parents denied their choice of Irish medium education because their child's needs cannot be met by current resources, as they are available only through English. (See Appendix 3)

#### 5.47.iii

Children should be entitled to the same rights regardless of their language. There is a need for specific provision for children from bilingual backgrounds who have special educational needs. Special needs workers need to be trained in bilingualism. As a first step, a handbook for professionals should be provided. Such a step must also be followed by the proper support, and training.

#### 5.47.iv

Gaeleagras um Shainriachtanais Oideachas (GESO) was established in 1998 to raise awareness about special educational provision in the Irish medium sector. It has enjoyed the support of parents, teachers and health professionals. POBAL has been given a grant by DE to conduct a two year research project into the particular educational, linguistic and health needs of bilingual (Irish-English) children from 0-18 years. We welcome this support. Pro-active engagement on behalf of relevant Government Departments and associated bodies will be crucial in meeting the identified needs in as short a time frame as possible.

### 5.48. The Review of Public Administration

POBAL would like to take this opportunity to highlight its concerns to the Committee of Experts about the ongoing Review of Public Administration in Northern Ireland. The aim of the RPA is to rationalize and reduce current administrative structures. In a considerable down-sizing of the administration which is widely regarded as being top-heavy, there will be implications for the delivery of education services.<sup>67</sup>

#### 5.48.i

It has been proposed that the plethora of bodies currently charged with the provision of education will be reduced to two. One of these would have responsibility for educational support services and the other would be a curriculum and teacher support body. If accepted, this package would see the functions carried out by CanG being subsumed into the educational support services body and CnaG's role being reduced to an advisory one. (See also paragraph 3.04, 3.04.ii and 5.48 – 5.48.ii)

<sup>67</sup> Bhunaigh Tionól Thuaisceart Éireann an ARP sular cuireadh ar fionraí é. Cuirfear a obair i gcrích i gcéimeanna. Foilsíodh a mholtaí ar chomhairlí áitiúla 22 Samhain 2005. Tá an t-athbheithniú fós sa tsiúl agus tá na heochairchinnithe ar na struchtúir nua oideachais le glacadh fós.

<sup>68</sup> The RPA was established by the Northern Ireland Assembly before it was suspended. Its work will be completed in stages. Its proposals on local councils were published on 22 November 2005. The review is still ongoing and the key decisions on the new educational structures remain to be taken.

5.48.ii

Tá imní ar POBAL nach dtaispeánann na moltaí an dóigh a bhforbrófar earnáil na Gaeilge san am atá le teacht agus cé a bheidh freagrach as. Creidimid go gcaithfidh bearta bheith sna moltaí a dhéanfaidh cinnte de go bhfuil guth ag Gaeloideachas ag tábla an dá eagrais.

### 5.49. Tacaíocht Sláinte

Tá géarghá le hoibríthe sláinte atá in ann seirbhís thaca a sholáthar do Ghaelscoileanna. Cé go ndéanann soláthraithe sláinte iarracht shuntasach seirbhís a sholáthar do Ghaelscoileanna nuair is féidir, níl ann ach nach bhfuil go leor eochair-oibríthe ann le cumas Gaeilge. Tá gá le planáil straitéiseach chun réimse lán seirbhísí sláinte a sholáthar do na scoileanna. Bhí soláthar ad hoc i dtéarmaí ama agus áite agus i dtuilleamaí infhaighteach acmhainní pearsanta.

### 5.50. Moltaí POBAL ar Oideachas:

- Go n-achtaítear an tAcht chuimsitheach Gaeilge atá ag POBAL ag cinntiú soláthar soiléir don Ghaeloideachas
- Go n-aithnítear tumoideachas Gaeilge mar chás faoi leith
- Go dtugtar faoi sholáthar do réamhscolaíocht agus meánscolaíocht Ghaeilge mar cheist an-phráinneach
- Gur chóir do sholáthar ligint do na naiscoileanna uile cóimheas foirne/páistí 1-8 a bheith acu, figiúr atá ag teacht níos oiriúnaí le nádúr agus riachtanais an tumoideachais
- Gur gá beartais a bhaineann le meánscolaíocht Ghaeilge bheith bunaithe i sainriachtanais na hearnála. Go ligean an tairseach teachta isteach le haghaidh Gaelscoileanna dóibh aitheantas a ghnóthú i gcomhthéacs riachtanais na hearnála.
- Gur chóir don BBC an lánchuraclam digiteach a sholáthar trí Ghaeilge.
- Go gcuirtear tacaíocht ar fáil do pháistí atá ag freastal ar Ghaelscoileanna a chuireann san áireamh an t-achar níos faide is minic a bhíonn le taisteal acu.
- Go ndéantar taighde ar an raon deiseanna gairme sna réamhscoileanna Gaeilge agus ar na ceisteanna a bhíonn roimh dhaoine a roghnaíonn a leithéid de ghairm
- Go gcomhoibríonn RFF le Forbairt Feirste i bhforbairt samhla le haghaidh oiliúna atá ag teacht le riachtanais na Gaeilge.
- Go dtugtar maoiniú sách oiriúnach le tacú le forbairt agus leanúint chlár traenála POBAL
- Go gcuirtear modúl ar dhátheangachas in oideachas isteach mar chuid den chúrsa traenála múinteoirí

5.48.ii

POBAL is concerned that the proposals do not demonstrate how the Irish medium sector will be developed in the future and who will be responsible for this. We believe that measures need to be included within the proposals that will ensure that Irish medium education has a voice at the table in both bodies?

### 5.49. Health support

There is an acute shortage of health workers who can provide support service to Irish medium schools. Though health providers do make a considerable effort to provide a service in Irish to Irish medium schools where this is possible, there is simply not the enough key workers with a command of Irish. There is a need for strategic planning in order to provide a full range of health services to the schools. Provision has been ad hoc in terms of time and place and at the mercy at the availability of personal resources.

### 5.50. POBAL's recommendations on Education:

- That POBAL's comprehensive Irish Language Act be enacted ensuring clear provisions for Irish medium education
- That Irish language immersion education be recognized as a particular case
- That provision for pre-school and secondary Irish medium education be addressed as a matter of urgent concern
- That provision should allow all naiscoileanna have a staff/child ratio of 1-8, a figure the more appropriately reflects the nature and needs of immersion education
- That policies pertaining to secondary level Irish medium education need to be rooted in the particular requirements of the sector. That the in-take threshold for Irish medium schools allows them to achieve recognition in the context of the needs of the sector
- That the BBC should provide the full digital curriculum through the medium of Irish
- That support be made available for children attending Irish medium schools that takes account of the extra distance they often have to travel.
- That research be carried out on the extent of career opportunities in Irish medium pre-schools and on the issues that those who choose such a career face
- That DEL cooperate with Forbairt Feirste in the development of a model for training that is in keeping with the needs of the Irish language
- That adequate funding be given to support development and continuation of POBAL's training programme
- That a module on bilingualism in education be included as part of the teacher-training course

- Go ndéantar taighde cuimsitheach ar an soláthar reatha traenála do mhúinteoirí Gaelscoileanna a thabharfaidh aird ar an soláthar reatha agus an t-éileamh a bhfuiltear ag brath a bheith ann sna blianta atá le teacht.
  - Go bhforbraítear straitéis chuimsitheach chun riar ar pháistí i nGaeleoidéachas le riachtanais speisialta
  - Go n-úsáidtear an ARP chun freagraí samhlaíocha a fhorbairt i dtaobh soláthar seirbhísí sláinte do Ghaelscoileanna.
  - Go bhfuil an cead ag tuismitheoirí go dteagasctar Gaeilge dá gcuid páistí mar ábhar agus mar bhunchuid den churaclam sa bhunscoil.
  - Go ndéantar soláthar sách cuí le haghaidh theagasc na Gaeilge mar chuid d'fhoghlaim ar feadh an tsaol.
- That comprehensive research be carried out into the current training provision for Irish medium teachers that will cognizance of both current provision and projected demand in the coming years
  - That a comprehensive strategy be developed to cater for children in Irish medium education with special needs
  - That the RPA should be utilised to develop imaginative answers to the provision of health services to Irish medium schools
  - That parents have the right to have their children taught Irish as a subject and as an integral part of the curriculum at primary school
  - That adequate provision be made for the teaching of Irish as part of life-long learning

## An CETRM Cuid III Airteagal 9 Údaráis Bhreithiúnacha

5.51.

Faoi láthair níl daingnithe ag an RA ach Clásal 1.3 de Airteagal 9 a bhaineann le húdaráis bhreithiúnacha. Tugann an clásal seo ar Rialtas na RA na téacsanna reachtúla is tábhachtaí agus na cinn sin ach go háirithe a bhaineann le lucht labhartha na Gaeilge a chur ar fáil as Gaeilge. I dTuairisc eile Choiste na Saineolaithe a eisíodh roimhe, luadh trí phíosa reachtaíochta faoi leith a aistríodh:

- An tOrdú Oideachais (Tuaisceart Éireann) 1988;
- An tOrdú Comhoibrithe Thuaidh-Theas 1999;
- Acht Thuaisceart Éireann 1998.

Ní luaitear aon reachtaíocht eile i dTuairisc Iúil 2005 na RA agus ní fios do POBAL aon obair eile sa ghort seo ó bhí 2002 ann.

5.52.

Sa chéad Tuairisc Thréimhsiúil dá chuid thug Coiste na Saineolaithe faoi deara gurb é an leibhéal cosanta is ísle a roghnaigh an RA agus nach raibh i gceist aici aon Ghaeilge a cheadú sna cúirteanna.<sup>68</sup> Is cúis imní dúinn nár cealaíodh an tAcht um Riar Ceartais (Teanga) Éirinn 1737, a chuireann cosc ar Ghaeilge a úsáid sna cúirteanna, in ainneoin geall á thabhairt ag an RA aon chosc nó aon bhac ar an teanga a chealú. (Féach fosta paragraf 3.06.i)

5.53.

Agus Tuairisc Choiste na Saineolaithe ar fhorfheidhmiú sa tréimhse Iúil 2001–2 á lua, chuir an RA ceangal uirthi féin scóip Airteagal 9 de chuid na CETRM a mheasúnú agus aon chlásail bhreise a d'éireodh as a dhaingniú.<sup>69</sup> Ag deireadh 2003 chuir an GIFC tús le próiseas comhairlithe chun cur chun cinn seirbhísí cúirte trí Ghaeilge a mheas. Ba é príomhchuspóir an chomhairlithe éileamh a mheas. Cuireadh críoch leis an phróiseas in 2004. Ní dhearnadh aon dul chun cinn de dhealramh ó shin i leith.

5.54.

Léireodh taithí idirnáisiúnta gur deacair leibhéal an éilimh a thomhas go cruinn sula gcuirfí seirbhísí i bhfeidhm. Ní nós le daoine rudaí a lorg a bhfuil sé ar eolas acu nach bhfuil ar fáil. Ina theannta sin, nuair nach bhfuil seirbhísí i nGaeilge á gcur chun cinn go hurghníomhach ag an stát, bheadh claonadh ag daoine gan cead cosanta a iarraidh i dteanga eile seachas Béarla ar eagla go mbeadh tionchar aige sin ar an toradh. Is é tuairim POBAL gur ar chrann na Seirbhísí Cúirte a thiteann sé a chinntiú nach mbeadh aon seirbhís a sholáthrófaí trí Ghaeilge ar leibhéal níos ísle ná a mhacasamhail i mBéarla.

## ECRML Part III Article 9 Judicial Authorities

5.51.

Currently the UK has ratified only Clause 1.3 of Article 9, the Article covering judicial authorities. This clause commits the UK Government to make available in Irish the most important national statutory texts and, in particular, those relating to users of the language. In the previous COMEX Report three particular pieces of legislation were mentioned as having been translated:

- The Education Order (Northern Ireland) 1988;
- The North-South Cooperation Order 1999;
- The Northern Ireland Act 1998.

No additional legislation is mentioned in the UK Report of July 2005 and POBAL is unaware of further work in this field since 2002.

5.52.

In its First Periodical Report COMEX noted that the UK had chosen the lowest level of protection and that it had not elected any undertaking providing the use of Irish in the courts.<sup>68</sup> It is a cause of concern to us that in the five years since the signing of the ECRML, the Administration of Justice (Language) Act Ireland 1737, which bans the use of Irish in the courts, has not been rescinded despite UK commitments to remove restrictions and impediments to the language. (See also paragraph 3.06.i)

5.53.

Commenting on the COMEX Report on implementation in the period July 2001–2, the UK committed itself to consider the scope of Article 9 of the ECRML with a view to ratifying further clauses from it.<sup>69</sup> At the end of 2003 a consultation process was started by the ICIG to consider the development of court services through the medium of Irish. The focus of the consultation was to ascertain demand. The process was concluded in 2004. No apparent progress has been made since this time.

5.54.

International experience would tend to show it is difficult to establish accurately the level of demand prior to the provision of services. People are socialised into not asking for what they know is not available. Moreover, when services in Irish are not being pro-actively promoted by the state, there will be a subtle pressure not to seek a hearing in a language other than in English out of fear that this may prejudice the result. POBAL believes that the onus is on Court Services to show that any service provided through the medium of Irish will be neither second-class nor prejudiced.

<sup>68</sup> Cur i bhFeidm na Cairte ag an Ríocht Aontaithe, Coiste na Saineolaithe, 23 Márta 2004, Caibidil 3, paragraf I.

<sup>69</sup> Ibid, Aghuisín II, Ráitis a rinne Rialtas na Ríochta Aontaithe.

<sup>68</sup> Application of the Charter by the United Kingdom, COMEX, 23 March 2004, Chapter 3, paragraph I.

<sup>69</sup> Ibid, Appendix II, Comments by the Government of the United Kingdom.

5.55.

D'iarr an Coimisinéir Maoirseachta ar Cheartas, an Tiarna Clyde, a bhfuil athbhreithniú ar an Choras Ceartais Choiriúil ar siúl aige faoi láthair, úsáid na Gaeilge a mheas i gcomhthéacs níos leithne beartas i leith na Gaeilge sa saol poiblí. Sa cheathrú Tuairisc aige a foilsíodh i Meitheamh 2005, thug sé le fios go raibh réamhthuairisc curtha i gcrích ag fochoiste an GIFC agus gur tugadh cead rialtais an t-ábhar a chur chun tosaigh níos faide. Tá deacrachtaí ann ar fad, de réir na Tuairisce, maidir le gnéithe praiticiúla agus eacnamaíocha an leasaithe.

5.56.

Dealraíonn sé go mbaineann 'deacrachtaí maidir le gnéithe praiticiúla agus eacnamaíocha an leasaithe'<sup>70</sup> a ndearnadh tagairt dóibh i dtuairisc an Tiarna Clyde, le heasaontas atá ann i dtaca cé atá le haon leasú a dhéanfar a mhaoiniú.

5.57.

Is cúis bhuartha, ocht mí dhéag i ndiaidh an chomhairlithe agus cúig bliana i ndiaidh shíniú nna CETRM nár fógraíodh go fóill an dóigh chun cúrsaí a chur chun tosaigh. Níor foilsíodh torthaí an taighde ar úsáid na Gaeilge sna cúirteanna. Is é barúil POBAL gur sin fianaise bhreise go bhfuil gá le hAcht cuimsitheach Gaeilge a chur i bhfeidhm chun déileáil le forbairt seirbhísí cúirte do phobal na Gaeilge

### 5.58. Ag feitheamh le haisghairm an Achta um Riar Ceartais, molann POBAL:

- Go ndéanfaí beart láithreach plean forbartha a dhréachtú chun seirbhísí cúirte trí mheán na Gaeilge a chur ar fáil mar a samhlaíodh i ndrúacht-Acht Gaeilge POBAL.
- Go mbeadh poiblíocht ann a thaispeánfadh go gcuirfí fáilte roimh úsáid na Gaeilge agus comharthaíocht dhátheangach i ngach foirgneamh cúirte san áireamh.
- Go nglacfaí le fianaise scríofa i nGaeilge ó cheart.
- Go mbeadh an ceart ag daoine fianaise a thabhairt i nGaeilge.
- Go n-íocfadh Legal Aid as costais aistrithe mar a dhéanann siad le costais eile dá chineál.
- Go nglacfaí le Gaeilge mar scil bhreise luachmhar san áit oibre.
- Go gcuirfí le chéile bunachar sonraí dlíodóirí a bhfuil cumas acu sa Ghaeilge.
- Go gcuirfí ar fáil i nGaeilge téacsanna móra dlí agus aon reachtaíocht eile de réir mar a dhaingneofar í amach anseo.

5.55.

The Justice Oversight Commissioner, Lord Clyde, who is currently conducting a review of the Criminal Justice System, has called for the consideration of the Irish language to be brought forward in the wider context of policy of the use of Irish in public life. In his fourth Report published in June 2005, he noted the ICIG subgroup had completed a preliminary report and that ministerial approval had been given to move the matter forward. There are, the Report said, continuing difficulties over practical and economic aspects the reform will have.

5.56.

It appears possible that 'difficulties over practical and economic aspects the reform'<sup>70</sup> referred to in Lord Clyde's Report may allude to a dispute as to who will resource any reform.

5.57.

It is a cause of regret that eighteen months after the consultation exercise, and five years after the signing of the ECRML no announcement has been made as to how the matter will be progressed. The results of the research into the use of Irish in the courts have not been published. POBAL contends that this is further evidence of the need to enact a comprehensive Irish Language Act as the mechanism for the development of court services for the Irish speaking community.

### 5.58. In the context of an anticipated repeal of the Administration of Justice Act, POBAL recommends:

- That immediate action be taken to draft a development plan to deliver court services through the medium of Irish as envisaged in POBAL's draft Irish Language Act.
- That there be publicity to show that the use of Irish is welcome including the use of bilingual signage through all court buildings.
- That written evidence in Irish be recognised in its own right.
- That there be a right to present evidence in Irish.
- That translation costs to be carried by legal aid as with other associated legal costs.
- That Irish be viewed as a valued and additional skill in the workplace.
- That a database of solicitors with competency in Irish be collated.
- That key legal texts should be made available in Irish and future legislation made available in Irish as it is drafted.

<sup>70</sup> Lord Clyde, Fourth Report of the Justice Oversight Commissioner, Criminal Justice Review, 16 Meitheamh 2005, leathanach 92.

<sup>70</sup> Lord Clyde, Fourth Report of the Justice Oversight Commissioner, Criminal Justice Review, 16 June 2005, page 92.

## An CETRM Cuid III Airteagal 10 Údaráis Riaracháin & Seirbhísí Poiblí

5.59.

Tá Airteagal 10, ar Údaráis Riaracháin agus Seirbhísí Poiblí, dréachtaithe chun go bhféadfadh cainteoirí teangacha réigiúnacha nó mionlaigh é bheith acu mar bhunchloch agus a gcearta mar shaoránaigh á gcleachtadh acu a oiread agus is féidir ina dteanga féin agus faoi choinníollacha a léiríonn meas ar a rogha sin.

5.60.

Cuid III Airteagal 10.1.a.iv

*Laistigh de cheantair riarthacha an Stáit ina bhfuil call leis na bearta atá sonraithe thíos toisc líon mór na gcónaitheoirí a úsáideann na teangacha réigiúnacha nó mionlaigh agus i gcomhréir leis an gcor ina bhfuil gach teanga, gabhann na Páirtithe ar lámh, a mhéad is féidir sin go réasúnta: a áirithiú go bhféadfaidh úsáideoirí teangacha réigiúnacha nó mionlaigh iarratais i scríbhinn nó ó bhéal a chur faoina mbráid sna teangacha sin.*

Dóibh siúd a dhéanann teagmháil le guthán, táthar ag brath faoi láthair ar chóras glórphoist nach bhfuil ráchairt air nó atá mí-éifeachtach. Léiríodh mí-éifeacht an chórais i suirbhé a rinne POBAL i Meán Fómhair 2003. As measc na rannóg uilig ar chuir muid scairt orthu, ní raibh a fhios ach ag an fháilteoir sa Roinn Oideachais faoin chóras glórphoist. Taispeánann cuid de na freagraí a fuair muid ó na teileafónaithe go raibh easpa tuisceana níos doimhne ann maidir leis an Chairt: "We only speak English here." (Féach Aguisín 5 mar a bhfuil torthaí iomlána an tsuirbhé seo)

5.60.i

Cuireann an teachtaireacht ghlórphoist féin as dóibh siúd atá ag iarraidh seirbhís trí Ghaeilge ar an ábhar go gcríochnaíonn sí leis na focail: "Déanfaimid ár ndícheall dul ar ais chugat chomh luath agus is féidir ach má tá práinn le do ghnó moltar duit dul i dteagmháil leis an Roinn áirithe go díreach i mBéarla." Níl na laigí sa chóras glórphoist úrnua agus dúradh le Comhairle na Saineolaithe fúthu agus iad ar a gcuairt dheireanach i dTuaisceart na hÉireann ag spotseiceáil. Ba é a mhol a dTuairisc dheireanach:

*Agus é i mbun spotseiceála fuair Coiste na Saineolaithe gearáin nach raibh an córas glórphoist ag feidhmiú go sásúil ar an ábhar nach bhfuil an pobal ar a gcompord leis an tseirbhís agus ar an ábhar fosta go mbíonn moill áirithe ann sula bhfaightear freagra do na teachtaireachtaí. Ba é an tuiscint a bhí ag Coiste na Saineolaithe as sin gur measadh nach raibh sa ghlórphost ach an chéad chéim i dtreo teagmháil ó bhéal as Gaeilge. Lena chois sin,*

## ECRML Part III Article 10 Administrative Authorities & Public Services

5.59.

Article 10, on Administrative Authorities and Public Services, is drafted so as to provide the basis for speakers of regional or minority languages to exercise their rights as a citizen to the maximum extent possible through their language and in conditions that respect that choice.

5.60.

Part III Article 10.1.a.iv

*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: to ensure that users of regional or minority languages may submit oral or written applications in these languages.*

For those making contact via telephone, there is currently a dependence on a voicemail system that has proved unpopular and ineffective. The inefficiency of the system was demonstrated in a survey carried out by POBAL in September 2003. Of all the Departments we called, only the receptionist in the DE was aware of the existence of the voicemail. Suggesting that there was a deeper lack of knowledge in regard to the Charter, among the answers we received from the telephonists was: "We only speak English here." (See Appendix 5 for a full record of this survey)

5.60.i

The message for callers to the voicemail is in itself is a further disincentive to those seeking a service through the medium of Irish, ending as it does with the words: "We will try to get back to you as soon as possible but if your business is very urgent you are advised to contact the particular Department directly in English." The failings in the voicemail are not new and were highlighted to COMEX during its last on-the-spot visit to the north of Ireland. Its previous Report commented:

*During the "on-the-spot visit" the Committee of Experts received complaints that the voice-mail was not functioning satisfactorily, partly because the public is uncomfortable with the service, partly because there is a certain delay before receiving a response to the messages. The Committee of Experts got the impression that the voice-mail is considered as a first step towards facilitating oral contact in Irish. Furthermore the Committee of*



*cuireadh in iúl do Choiste na Saineolaithe go raibh na húdaráis ag clárú fostaithe a bhfuil Gaeilge acu taobh istigh de na haonaid riaracháin agus go bhfuil siad ag cur feabhais ar na seirbhísí inmheánacha aistriithe chun níos lú ama a chaitheamh le glórphost as Gaeilge. Cuirfear leis na deiseanna teagmháil a dhéanamh ó bhéal de réir mar a fhorbrófar an cumas sa Ghaeilge agus na seirbhísí inmheánacha i dtaca le haistriúchán agus teanga labhartha de.<sup>71</sup>*

#### 5.60.ii

Bhí POBAL i dteagmháil ar bhonn rialta leis na Rannóga Rialtais i dtaca le soláthar aighneachtaí béil de. In ainneoin go ndearna na Rannóga suirbhé ar a bhfoirne chun pearsanra a aithint a bheadh in inmhe seirbhísí den chineál seo a sholáthar, tá imní orainn nach bhfuair an pearsanra seo a sáith poiblíochta nó ardú céime taobh istigh de struchtúir rialtais nó nár cuireadh an pobal ar an eolas faoi go sásúil. Léiríonn sé sin a olcas a cuireadh i bhfeidhm an CETRM agus cúig bliana i ndiaidh a shíniithe, nach bhfuil aon dul chun cinn déanta maidir leis an ábhar seo.

#### 5.60.iii

Is é taithí POBAL chomh maith nár chuir an Rialtas in iúl mar is ceart dá gcuid gníomhaireachtaí uilig na dualgais a chuireann an CETRM orthu. Faigheann ár n-oifigí iarratais rialta ó gníomhaireachtaí reachtúla ag iarraidh aistriúcháin ar chomhfhreagras uainne. Is sampla amháin an freagra ar ríomhphost a cuireadh chuig an Oifig Thoghcháin ag iarraidh: "Ar an drochuair, níl aon áiseanna aistriúcháin againn. Cuir do theachtairacht ríomhphoist as Béarla le do thoil."<sup>72</sup> I litir ón Oifig Thoghcháin, ba é a scríobh an Príomh-Oifigeach Toghcháin:

De thairbhe nach bhfuil tuiscint agam ar an Ghaeilge, bheadh sé an-chuiditheach dá dtiocfadh leat cumarsáid a dhéanamh liom i mBéarla an t-am ar fad.<sup>73</sup>

I litir eile scríobh sé:

Nuair is féidir le duine Béarla a thuiscint agus labhairt i mBéarla ní dóigh linn go bhfuil sé míréasúnta, ar mhaithe leis an phobal trí chéile, go n-úsáidfeadh siad é sin agus iad ag plé cúrsaí toghcháin.<sup>74</sup>

(Féach fosta paragraf 3.06.iii agus 5.60.iii)

#### 5.60.iv

I gcomhfhreagras (gan dáta) le cainteoir Gaeilge, ba é a dhearbhaigh an Ghníomhaireacht Cheadúnais Teilifíse nach féidir léi seirbhísí trí Ghaeilge a sholáthar. Dúirt an Ghníomhaireacht nach bhfuil aon éileamh ar a leithéid agus nach bhfuil aon reachtaíocht ann a thugann orthu a leithéid a sholáthar:

*Experts was informed that the authorities are registering employees who have a command of Irish within the administrative units and that they are improving the internal translation services in order to shorten the time needed to deal with voice-mail in Irish. The possibilities to take contact orally will be extended as the competence in Irish and the internal services regarding translation and interpretation improve.<sup>71</sup>*

#### 5.60.ii

POBAL has been in regular communication with Government Departments in regard to the provision for oral submissions. While it is the case that Departments have surveyed personnel to identify staff who can provide services through this medium, we are concerned that the presence of these workers has not been sufficiently publicised and promoted either within Government structures or to the public. It is a measure of the poor implementation of the ECRML that five years after its signing, there has been no progress in relation to this issue.

#### 5.60.iii

It is also POBAL's experience that Government has not properly communicated to all its agencies the obligations that the ECRML places them under. Our office receives regular requests from statutory agencies seeking translations of correspondence from us. One example is a reply to an e-mail sent to the Electoral Office asking: "Unfortunately we do not have any translation facilities. Please resend your e-mail in English."<sup>72</sup> In a letter from the Electoral Office, the Chief-Electoral Officer wrote:

As I do not have any understanding of the Irish language, it would be very helpful if you could communicate to me in English at all times.<sup>73</sup>

And in a further letter:

Where a person can understand and communicate in English we feel that it is not unreasonable, in the interests of the whole community, for them to use this when dealing with electoral matters.<sup>74</sup>

(See also paragraph 3.06.iii and 5.60.iii)

#### 5.60.iv

In the course of a correspondence (not dated) with an Irish speaker, the Television Licensing Agency stated that it cannot provide services through the medium of Irish. The Agency said that there is no demand and that there is no legislation compelling it to do so:

<sup>71</sup> Cur i bhFeidm na Cairte ag an Ríocht Aontaithe, Coiste na Saineolaithe, Márta 2004, paragraf 335.

<sup>72</sup> Ríomhphost ó Claire McGrattan san Oifig Thoghcháin chuig POBAL, 29 Aibreán 2005.

<sup>73</sup> Litir ó D.A. Stanley, an Príomhoifigeach Toghcháin chuig Janet Muller, 7 Samhain 2005.

<sup>74</sup> Litir ó D.A. Stanley, an Príomhoifigeach Toghcháin chuig Marcas Mac Ruairi, POBAL, 23 Meán Fómhair 2005.

<sup>71</sup> Application of the Charter in the United Kingdom, COMEX, March 2004, paragraph 335.

<sup>72</sup> E-mail from Claire McGrattan in the Electoral office to POBAL, 29 April 2005.

<sup>73</sup> Letter from D.A. Stanley, the Chief Electoral officer to Janet Muller, 7 November 2005.

<sup>74</sup> Letter from D.A. Stanley, the Chief Electoral officer to Marcas Mac Ruairi, POBAL, 23 September 2005.

Mar gheall ar na fáthanna céanna nach féidir linn seirbhís Ghaeilge a chur ar fáil, níl sé indéanta ár gcuid doiciméad ceadúnais agus fiosrúcháin a phriontáil le marcanna béimnithe a úsáidtear le focail Ghaeilge.<sup>75</sup>

5.60.v

I sampla eile den chineál seo, nuair a bhí cainteoir Gaeilge ag lorg seirbhíse as Gaeilge ón Roinn Ioncaim agus Custam, d'fhiosraigh an ghníomhaireacht Rialtais an cás agus chuaigh ar ais chuig an té a bhí ag cuardach na seirbhíse. D'fhág an Ghníomhaireacht an freagra teileafóin seo a leanas ar inneall freagartha an chainteora Ghaeilge ar 30 Meitheamh 2005:

Ar an drochuair ní féidir an tseirbhís a chur ar fáil ar an ábhar nach féidir linn déanamh cinnte de chaighdeán aon eolais a phléifí ag an agallamh. Lena chois sin, ní bhíonn aistriitheoirí inmheánacha againn de ghnáth. Shíl Ken go mbeadh ár bhfoireann láir i dteagmháil leat. Tá teachtaireacht ríomhphoist seolta agam chucu inniu ag iarraidh orthu dul i dteagmháil lenár bhfoireann áitiúil lena fháil amach cá bhfuil gach rud go díreach.<sup>76</sup>

5.60.vi

Cuireann Treoracha Dea-Chleachtais a d'eisigh an GIFIC in iúl nach bhfuil laincisí ar Rannóg Rialtais comhfhreagras Gaeilge a fhreagairt i nGaeilge ach go mbeadh cleachtas den chineál sin ag teacht le spiorad na CETRM. Gheall bunús na n-aon Rannóg déag do POBAL an cleachtas sin a leanúint. Dúirt triúr acu, RFF, An Roinn Talmhaíochta agus an Roinn Fiontar, Trádála agus Fiontraíochta go ndéanfadh siad iarracht freagra a thabhairt i nGaeilge 'nuair is féidir' ach is é a dúirt RFS nach dtabharfaidh siad freagra i nGaeilge. Tá díomá ar POBAL nár cuireadh i bhfeidhm go huile is go hiomlán an chomhairle a tugadh maidir le freagra a thabhairt i nGaeilge.

### 5.61. Cuid III Airteagal 10.1.c

*Laistigh de cheantair riarthacha an Stáit ina bhfuil call leis na bearta atá sonraithe thíos toisc líon mór na gcónaitheoirí a úsáideann na teangacha réigiúnacha nó mionlaigh agus i gcomhréir leis an gcor ina bhfuil gach teanga, gabhann na Páirtithe ar lámh, a mhéad is féidir sin go réasúnta: a cheadú do na húdaráis riarthacha doiciméid a dhréachtú i dteanga réigiúnach nó mionlaigh.*

Nuair a chinn Aontas na Mac Léinn in Ollscoil na Ríona ar lámhleabhar dátheangach Gaeilge/Béarla a fhoilsiú in 2004, chuir údaráis na hOllscoile, de réir tuairisce, focal isteach sa scéal chun bac a chur leis an scéim. Chuir na mic léinn in iúl do POBAL gur insíodh do bhord oifigeach an Aontais nach ndíolfadh an Ollscoil as costas an lámhleabhair agus gur orthu féin a thitfeadh na costais uilig a d'éireodh as dá leanfadh siad ar aghaidh leis, in ainneoin nár insíodh sin dóibh i scríbhinn.

For the same reasons why we cannot provide a Gaelic service at the present time, it is unfortunately not possible to print our license documents and enquiries with stress marks used with Gaelic words.<sup>75</sup>

5.60.v

In a further example of this, when an Irish speaker was seeking a service in Irish from Revenue and Customs, the Government agency investigated the matter and came back to the person seeking the service. The Agency left the following telephone message on the answering machine of the Irish speaker on 30 June 2005:

Unfortunately the service can't be provided because we can't guarantee the quality of any information that may be discussed at the interview. Also, generally we don't have in-house translators. Ken had believed that our central team were going to be in touch with you. I've now sent an e-mail to them today asking them to contact our local team to see exactly where this is.<sup>76</sup>

5.60.vi

Good-Practice Guidance issued by the ICIG points out that while current commitments do not oblige Departments to reply in Irish to correspondence written in Irish, it would be in accordance with the spirit of the ECRML it do so. The majority of the eleven Departments have given a commitment to POBAL to follow this practice. Three of them, DEL, Agriculture and Enterprise Trade and Investment have said that they will try to reply in Irish "when possible" but the Department of Social Development (DSD) has said that they will not respond in Irish. POBAL regrets that the advice to reply in Irish has not been adopted universally.

### 5.61. Part III Article 10.1.c

*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: to allow the administrative authorities to draft documents in a regional or minority language.*

When the Students' Union of Queen's University Belfast decided to publish a bilingual Irish/English handbook in 2004, the University authorities reportedly intervened to prevent the Union from proceeding with the project. The students have informed POBAL that although the Union's officer board was not given notification of this in writing, they were told verbally that if they proceeded with the handbook the University would not honour the costs and they would be personally liable for the handbook themselves.

<sup>75</sup> Comhfhreagras ó Peter Millward, Bainisteoir Caidrimh le Custaiméirí Ceadúnas Teilifíse chuig Éamonn Ó Gribín, gan dáta.

<sup>76</sup> Teachtaireacht a d'fhág Custaim agus Ioncam ar ghuthán an Ghaeilgeora, Éamonn Ó Gribín, a bhí ar lorg seirbhíse i nGaeilge, 30 Meitheamh 2005.

<sup>75</sup> Correspondence from Peter Millward, Customer Relations Manager TV Licensing, to Éamonn Ó Gribín undated.

<sup>76</sup> Message left by Customs and Revenue on the telephone of Irish speaker Éamonn Ó Gribín, who had been seeking a service in Irish, 30 June 2005.

## 5.61.i

Toghadh a lán ball de Fheidhmeannas na Mac Léinn mar gheall ar fhorógra dátheangach a thug siad agus cheap siad gur bealach a bhí sa lámhleabhar chun na gealltanais a tugadh a chomhlíonadh. Ba é barúil na mac léinn nár thug an Ollscoil aon aird ar an CETRM. Bhí roinnt alt sa nuachtan maidine, an News Letter, inar luadh polaiteoirí aontachtacha á rá go raibh an an lámhleabhar 'frith-aontachtach agus frith-Phrotastúnach amach is amach' agus 'ag dul i dtreo treabhachais.' Thug na mic léinn le fios do POBAL gurb é a dtuairim féin go bhfuil an dearcadh seo ann féin bunaithe ar chlaonta stairiúla i gcoinne na Gaeilge. Ní dhéanfaí na líomhaintí céanna i gcoinne teanga ar bith eile.<sup>77</sup>

## 5.61.ii

Lorg POBAL tacaíocht Bhord Turasóireachta Thuaisceart Éireann chun ábhar léitheoireachta a fhoilsiú i nGaeilge. Is amhlaidh a fhoilsíonn siad ábhar as roinnt teangacha Eorpacha ach ní dhéanann sé a leithéid as Gaeilge. Thug POBAL le fios don Bhord Turasóireachta gur tháinig 374,000 duine as Poblacht na hÉireann ar cuairt chuig an tuaisceart in 2002. Má mheastar gur cainteoirí Gaeilge de bhreis agus 40% de dhaonra Phoblacht na hÉireann féin agus gur féidir an uimhir sin a chur leis na 167,000 cainteoir Gaeilge sa tuaisceart, is deacair aon chiall a bhaint as cinneadh an Bhoird Turasóireachta gan aon rud a fhoilsiú as Gaeilge.

## 5.61.iii

Is deacra fós an cinneadh sin i leith na Gaeilge a thuiscint nuair a chuirtear na figiúir sin i gcomparáid le figiúirí na gcuariteoirí as tíortha na hEorpa. Tháinig 18,000 cuairteoir chuig an tuaisceart ón Fhrainc in 2002. In ainneoin na codarsnachta sna figiúir sin, mheas an Bord Turasóireachta gur cuí bróisiúir faoi eolas turasóireachta a fhoilsiú as Fraincis agus as teangacha Eorpacha eile agus gan a mhacasamhail a dhéanamh i gcás Gaeilge de ag an am céanna. Tá cinneadh den chineál céanna déanta ag Comhairle Cathrach Bhéal Feirste maidir le foilseacháin turasóireachta. Scríobh POBAL chuig an Bhord Turasóireachta faoin ábhar seo agus rinneadh nóta dár gcuid tuairimí.<sup>78</sup>

## 5.61.iv

Thug POBAL le fios do Ghníomhaireacht Staitisticí agus Taighde Thuaisceart Éireann faoin éileamh atá ann foirmeacha daonáirimh bheith ar fáil as Gaeilge amach anseo ach níor thug siad aon ghealltanais é sin a dhéanamh. Táthar i ndáil chomhairle faoi dhaonáireamh 2011 faoi láthair. Ba mhaith le POBAL go mbeadh ceist bhreise ann ag fiafraí de dhaoine cá mhinice a labhraíonn siad Gaeilge, mar a rinneadh i gcás an daonáirimh i bPoblacht na hÉireann.

## 5.61.i

Many members of the Students' Executive had been elected on the basis of a bilingual manifesto and saw the production of the handbook as a natural avenue to pursue that manifesto. The students felt that the University failed to take cognisance of the ECRML. The morning newspaper, the News Letter, carried a number of articles quoting unionist politicians variously describing the proposal for a bilingual handbook as 'overtly anti-unionist anti-Protestant' and 'venturing towards tribalism'. The students have told POBAL that they believe these assertions are themselves grounded in historical prejudices against Irish. The same allegations would be made against no other language.<sup>77</sup>

## 5.61.ii

The Northern Ireland Tourist Board has been lobbied by POBAL to produce material in Irish. It does publish brochures through the medium of several European languages but does not do so in Irish. POBAL has pointed out to the Tourist Board that 374,000 visitors travelled to the north from the Republic of Ireland in 2002. If it is considered that in excess of 40% of the population in the Republic are Irish speakers, a figure that can be added to the 167,000 Irish speakers from the north itself, it is difficult to rationalise the failure of the Tourist Board to publish material in Irish.

## 5.61.iii

The failure to publish information in Irish is even more difficult to understand when these figures are contrasted to the visitor numbers from European countries. There were 18,000 visitors came to the north from France in 2002. Despite the contrast in these figures, the Tourist Board has seen fit to publish tourist information brochures in French and other European languages while simultaneously failing to do so in Irish. The same approach to tourism materials has been adopted by Belfast City Council. POBAL has written to the Tourist Board on this matter and our comments have been noted.<sup>78</sup>

## 5.61.iv

The Northern Ireland Statistics & Research Agency has been informed by POBAL of the demand that future census forms be produced in Irish but it has made no commitment to follow through on this. A consultation on the 2011 census is ongoing. POBAL is seeking the inclusion of an additional question asking people how often they speak Irish, on the lines of a similar question asked in the census of the Republic of Ireland.

<sup>77</sup> The News Letter, 19 Lúnasa 2004, leathanach 8; 24 Lúnasa 2004, leathanach 9; agus 5 Meán Fómhair 2004, leathanach 5.

<sup>78</sup> Litir ó Alan Clarke, Príomhfheidhmeannach Bhord Turasóireachta Thuaisceart Éireann, chuig POBAL, 2 Lúnasa 2004.

<sup>77</sup> The News Letter, 19 August 2004, page 8; 24 August 2004, page 9; and 5 September 2004, page 5.

<sup>78</sup> Letter from Alan Clarke, Chief Executive of the Northern Ireland Tourist Board, to POBAL, 2 August 2004.

5.61.v

An áit a bhfoilsítear doiciméid as Gaeilge, molann POBAL go ndéanfaí iarracht níos fearr an t-eolas sin a scaipeadh níos éifeachtaí agus iad bheith ar fáil chomh forleathan agus chomh furasta agus a bhíonn a mhacasamhail i mBéarla.

### 5.62. Cuid III Airteagal 10.2.b

*I dtaca le húdaráis áitiúla agus réigiúnacha a bhfuil call ar a gcrióch leis na bearta atá sonraithe thíos toisc líon na gcónaitheoirí a úsáideann na teangacha réigiúnacha nó mionlaigh, gabhann na Páirtithe ar láimh: an chaoi a bheith ag úsáideoirí teangacha réigiúnacha nó mionlaigh iarratais i scríbhinn nó ó bhéal a thíolacadh sna teangacha sin.*

Ní dharna ach ceann amháin de na sé chomhairle áitiúla is fiche .i. Comhairle an Lúir agus Mhúrn, pearsanra le Gaeilge a fhostú atá in ann seirbhísí dátheangacha a chur ar fáil.

5.62.i

Faoi mar a chonacthas le Comhairle Cathrach Bhéal Feirste níos luaithe (féach fosta paragraf 5.26.ii – 5.26.ii i dtaca le hIonad Snámha na bhFál), tá leasc ar roinnt comhairlí atá i lámha na nAontachtaithe an CETRM a chur i bhfeidhm i gcásanna faoi leith. Cé go dteastaíonn ón CETRM go gcuirtear an Ghaeilge chun tosaigh go dearfach, tá curtha in iúl ag Comhairle Cathrach Bhéal Feirste do POBAL nach mbeidh siad ag feidhmiú go hurghníomhach ach go mbeidh siad ag freastal ar éileamh amháin. Beidh an leasc seo i dtaobh spiorad na CETRM a chur chun cinn le feiceáil go soiléir arís nuair a bheidh forfheidhmiú Airteagal 10.2.g. faoi chaibidil. (Féach paragraif 5.63, 5.63.vi)

5.62.ii

Is cúis inní do POBAL an leasc seo atá ar chomhairlí an tuaiscirt an CTRM a fhorfheidhmiú ar dhóigh leanúnach agus chomhordaitheach. Mar thoradh ar an RPA, tá inní ar an ghrúpa go mbainfear faoi na beartais agus na cleachtais níos fabharaí atá forbartha ag Comhairle an Lúir agus Mhúrn agus ar leibhéal níos ísle ag roinnt comhairlí eile. Tá an RPA ag iarraidh líon na gcomhairlí áitiúla a laghdú, ó sé cinn is fiche go dtí seacht gcinn. Cuirfear Comhairle an Lúir agus Mhúrn le ceantair Chomhairle eile chun aonad riaracháin níos mó a chruthú ach ní thairgeann na moltaí aon chóras chun dea-chleachtas a choinneáil ag dul ar aghaidh nó a chur chun cinn.

5.62.iii

Cuireann an fhoclaíocht i dtgairt sa Dara Tuairisc Thréimhsiúil de chuid na RA mar a ndeirtear nach bhfuil beartas an Rialtais ag cur in aghaidh comhairlí áitiúla nó údaráis réigiúnacha glacadh le haighneachtaí béil nó scríofa leis an inní atá ar POBAL. Bheadh sé níos cóngaraí do spiorad na Cairte dá mbéadh an RA ag gríosú comhairlí chun gnímh in áit gan aon chosc a chur orthu.

5.61.v

Where documents are produced in Irish, POBAL recommends that greater efforts be made to publicise their existence and to make them as widely and easily available as materials in English.

### 5.62. Part III Article 10.2.b

*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: The possibility for users of regional or minority languages to submit oral or written applications in these languages.*

Only one of the 26 local councils, Newry & Mourne District Council, has employed Irish speaking staff who can provide bilingual services.

5.62.i

As with the case of Belfast City Council outlined earlier (see also paragraph 5.26.ii – 5.26.ii in regard to Falls Swim Centre), a number of unionist-controlled councils appear to have shown reluctance in certain instances to implement the ECRML. Although the ECRML demands resolute action to promote the Irish language, Belfast City Council told POBAL that rather than being pro-active it will be re-active to demand. This reluctance to embrace the spirit of the ECRML will be apparent again when this Report considers the implementation of Article 10.2.g. (See paragraphs 5.63 5.63.vi)

5.62.ii

The lack of resolution to implement the ECRML in a co-ordinated and consistent manner throughout the north's councils is a cause of concern for POBAL. In light of the RPA, the group is concerned that the more favourable policies and practices developed by Newry & Mourne District Council, and to a lesser extent in some other councils, will be undermined. The RPA is seeking to reduce the number of district councils, of which there are currently 26, to seven. Newry & Mourne will be joined with other Council areas to create a larger administrative unit, but the proposals offer no mechanism to ensure the continuance or further development of good-practice.

5.62.iii

POBAL's concern is intensified by the wording of a reference in the Second UK Periodical Report where Government policy is described as not prohibiting local councils or regional authorities from accepting oral or written applications. It would be more in keeping with the spirit of the Charter if the UK were to encourage local councils rather than to passively not prohibit.

5.62.iv

As measc na 26 Comhairle is é beartas 10 gcinn acu comhfhreagras Gaeilge a fhreagairt as Gaeilge agus freagraíonn naoi gcinn acu i mBéarla. Níor fhreagair seacht gComhairle iarratas POBAL ar son eolais ar 24 Lúnasa 2005. Léiríonn cur chuige easnamhach agus míchothrom roinnt mhaith de na Comhairlí i leith na CETRM fianaise bhreise faoina riachtanaí atá Acht Gaeilge don tuaisceart, faoi mar a dhéanann an RPA fosta, a dhéanfaidh athrú radacach ar riar poiblí na háite i láthair na huaire, ach nach dtairgeann aon struchtúr chun an Ghaeilge a chosaint agus a chur chun cinn. (Féach fosta 3.04.i – 3.04.ii agus 5.48 – 5.48.ii)

5.63.

### Cuid III Airteagal 10.2.g

*Itaca le húdaráis áitiúla agus réigiúnacha a bhfuil call ar a gcríoch leis na bearta atá sonraithe thíos toisc líon na gcónaitheoirí a úsáideann na teangacha réigiúnacha nó mionlaigh, gabhann na Páirtithe ar láimh: foirmeacha traidisiúnta cearta de logainmneacha i dteangacha réigiúnacha nó mionlaigh a úsáid nó a ghlacadh in éineacht, más gá, leis an ainm sa teanga oifigiúil nó sna teangacha oifigiúla a cheadú agus/nó a chothú.*

Faoi Airteagal 11 de Ordú Thuaisceart Éireann um Rialtas Áitiúil (Forálacha Éagsúla) 1995, is féidir le comhairlí áitiúla foirmeacha Gaeilge seoltaí a úsáid. Úsáideann Suirbhéireacht Ordánais Thuaisceart Éireann (SOTÉ) na seoltaí seo ar a gcuid léarscáileanna.

5.63.i

Nuair atá seoltaí dátheangacha in úsáid ag comhairlí áitiúla, tugann Treoracha GIFC le fios go mbeadh an CETRM á comhlíonadh ach iad foirm an dara teanga den seoladh a úsáid agus comhfhreagras á sheoladh. Tarlaíonn a leithéid thall is abhus ach gan aon leanúnachas.

5.63.ii

Tá liosta na seoltaí oifigiúla dátheangacha cláraithe ar líonláithreán SOTÉ. Táthar ag súil go gcuirfeadh na comhairlí áitiúla an t-eolas cuí ar aghaidh chuig SOTÉ ach ní dhéanann ach líon beag de na comhairlí amhlaidh. Ciallaíonn sin nach mbíonn a fhios ag Rannóg Rialtais ceartúsáid foirm Ghaeilge ar bith más maith leo a leithéid a úsáid. Tá gá lena fháil amach cad chuige nach bhfuiltear ag cur SOTÉ ar an eolas go sásúil agus é sin a leigheas láithreach.

5.63.iii

Tá córais dhifriúla ag Comhairlí éagsúla maidir le foirmeacha seoltaí Gaeilge a thabhairt chucu. Mar shampla, i roinnt cásanna, ní mór do chónaitheoirí iarratas a chur isteach a thaispeánann go bhfuil trian de na daoine atá ina gcónaí sa tsráid i bhfách leis an mholadh. Nuair atá an t-iarratas seo

5.62.iv

Of the 26 Councils it is the policy of ten of them to reply in Irish to correspondence received in Irish, whilst nine reply in English. Seven Councils did not reply to POBAL's request for information on 24 August 2005. The uneven and lacklustre approach of many of Councils to the ECRML offers further evidence of the need for a comprehensive Irish Language Act for the north, as does the RPA, which will radically alter current public administration, but which at present offers no mechanism for the protection and promotion of the Irish language. (See also paragraph 3.04.i – 3.04.ii and 5.48 – 5.48.ii)

5.63.

### Part III Article 10.2.g

*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: 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.*

Under Article 11 of the Northern Ireland Local Government Order (Miscellaneous Provisions) 1995, local councils can officially adopt the Irish language form of addresses. The Ordnance Survey of Northern Ireland (OSNI) represents these addresses bilingually on mapping.

5.63.i

The ICI Guidance suggests that when district councils have adopted bilingual address names, that it would be in keeping with the ECRML to use the second language form of the address even when they are initiating correspondence. This does happen sporadically but without consistency.

5.63.ii

The list of officially adopted bilingual addresses is recorded on OSNI's website. Local Councils are expected to pass the relevant information to OSNI, however, only a small number of District Councils do so. This means that should a Government Department seek to use the Irish form, it has no means to ascertain which addresses have a legal Irish language form. There is a need to establish why the system of keeping OSNI informed is not operating satisfactorily and to immediately remedy this matter.

5.63.iii

Different Councils have contrasting systems in use for the adoption of the Irish form of addresses. For example in some cases, residents need to raise a petition showing that one third of those living in the street support the proposal. Once this petition has been raised the Council will carry out its

curtha isteach, déanann an Chomhairle suirbhé dá cuid féin lena fháil amach an bhfuil dhá thrian de na cónaitheoirí i bhfách leis. I gComhairle Cathrach Dhoire, má chuireann cónaitheoir amháin iarratas isteach, déanann an Chomhairle suirbhé chun mórán simplí a lorg.

#### 5.63.iv

I roinnt cásanna cuireadh i gcoinne úsáid na bhfoirmeacha Gaeilge. Nuair a cuireadh iarratas isteach i gComhairle Baile Craigavon i bhFeabhra 2005, dhiúltaigh an Chomhairle a dhath a dhéanamh. Ar na hargóintí a bhí ag comhairleoirí in éadan an iarratais, dúradh go mbeadh sé costasach agus go spreagfadh sé daoine eile a mhacasamhail a lorg. Dearbhaíonn miontuairiscí chruinniú Choiste Seirbhísí Timpeallachta na Comhairle ar 12 Aibreán 2005:

Tá molta ag an Chomhairleoir Ó Dúda agus tacaíocht aige ó Bhean Uí Mhealláin go ndéanfar suirbhé chun dearcadh chónaitheoirí Bhóthar Kilwilkie a lorg maidir le cur in airde comhartha Gaeilge. Rinne roinnt ball tagairt do na himpleachtaí airgeadais dá nglacfaí leis an iarratas agus d'iarratais eile dá chineál ar chomharthaí dátheangacha. Ba é barúil an Chathaoirligh go gcuirfeadh suirbhé ar dhearcadh na gcónaitheoirí lena ndóchas nuair nach bhfuil airgead fágtha ar leataobh ag an Chomhairle fána choinne.<sup>79</sup>

#### 5.63.v

Chuir na baill aontachtacha ag an chruinniú in éadan an rúin. Bhí na baill náisiúnacha ar a shon. Agus mórán aontachtach i láthair, theip ar an rún. Cuireann an tOrdú um Rialtas Áitiúil 1995 dualgas ar Chomhairlí dearcadh na gcónaitheoirí áitiúla a lorg agus iarratas acu ar chomhartha sráide dátheangach. Sa chás seo níor thug Craigavon lá airde ar an dualgas sin. (Féach fosta paragraf 3.09.i)

#### 5.63.vi

Tharla cás den chineál céanna arís i gComhairle Baile Bhaile Monaidh a chuir an próiseas chun cinneadh a dhéanamh ar an mhéar fhada in áit dearcadh na gcónaitheoirí áitiúla a lorg. Cuireadh iarratas faoi bhráid Chomhairle Baile Bhaile Monaidh ar 24 Deireadh Fómhair 2005. Dearbhaíonn miontuairiscí an chruinnithe:

Léirigh an Chomhairleoir Storey an dearcadh gur ó tharla go raibh an chumhacht ag an Chomhairle de réir na reachtaíochta gan ainmpláta i dteanga ar bith eile seachas Béarla a chur in airde nach raibh aon iachall ar an Chomhairle a leithéid a dhéanamh. Sna cásanna sin ba é a bharúil nár chóir don Chomhairle nós a dhéanamh nó beartas a bhunú óir mheas sé nach réamhshampla maith a bheadh ann agus nach gcuirfeadh sé nó nach gcuideodh sé le comhbhá nó caidreamh maith sa phobal. Thug sé le fios leis go raibh níos mó daoine ná riamh ina gcónaí sa

own survey seeking two-thirds support. In Derry City Council if one resident makes an application that will be acted upon by the Council, who will carry out a survey seeking a simple majority.

#### 5.63.iv

In some instances there has been resistance to the use of the Irish form. When a request was made in Craigavon Borough Council in February 2005 the Council declined to act on it. Among the arguments raised by councillors against the proposal was that it would be costly and that it might encourage others to seek the same. The minutes of a Council's Environmental Services Committee meeting on 12 April 2005 record:

It was proposed by Councillor O'Dowd, seconded Mrs Mallon, that a survey be undertaken to ascertain the views of the residents of Kilwilkie Road on the erection of a bilingual sign. Several members referred to the financial implications should this request be acceded to and further requests be received for similar signs. The Chairman believed that carrying out a survey amongst the residents would raise expectations when Council had not budgeted for such expenditure.<sup>79</sup>

#### 5.63.v

The unionist members at the meeting voted against the motion. Nationalist members voted for it. With a unionist majority present the motion failed. The 1995 Local Government Order places an obligation on Councils to ascertain local opinion when a request is received for a bilingual street sign. Craigavon in this instance has chosen to ignore that obligation. (See also paragraph 3.09.i)

#### 5.63.vi

This situation has since recurred with Ballymoney Borough Council which, rather than survey local opinion instead has opted to defer the decision-making process. An application had come before Ballymoney Borough Council on 24 October 2005. The minutes of the meeting record:

Councillor Storey expressed the view that since Council's powers to erect a nameplate in any languages other than English is discretionary there was no onus on Council to carry out the function. In these circumstances he believed Council should not proceed to establish a policy or procedure as it was not a good precedent to set and would not contribute or enhance good relations in the community. He also highlighted the increasing number of people resident in the borough from various ethnic groups and the fact that the Council had not sought to

<sup>79</sup> Miontuairiscí chruinniú Choiste Seirbhísí Comshaoil Chomhairle Baile Craigavon, 12 Aibreán 2005, mír ES134/2005.

<sup>79</sup> Minutes of Craigavon Borough Council Environmental Services Committee meeting, 12 April 2005, item ES134/2005.

bhuirg ar de chúlra difriúil eitneach iad agus nár iarr an Chomhairle ainmplátaí sna teangacha dúchais acusan a chur san áireamh. Dhearbhaigh sé gur thug an dlí ar an Chomhairle ainmplátaí i mBéarla a chur in airde agus gur bhain a dhearcadh ar an ábhar le gach teanga eile.

Ba é a mhol an Comhairleoir Storey: Sna cúinsí a pléadh tá airithe againn go bhfuil iarratas againn ó chónaitheoir i bPáirc Carnfinton, Ros Earcáin agus is é is dóigh linn nár chóir don Chomhairle leanúint ar aghaidh agus beartas a bhunú chun ainmplátaí i dteanga ar bith seachas Béarla a chur in airde.

Glacadh leis an rún.<sup>80</sup>

5.63.vii

Tá imní ar POBAL go ndeir an Dara Tuairisc Thréimhsiúil de chuid an RA go dtugann Ordú 1995 cead do Chomhairlí Ceantair ainmneacha dara teanga do sheoltaí a úsáid. Ó tharla an CETRM daingnithe, molaimid go bhfuil Ordú 1995 as dáta agus go bhfuil gá anois le reachtaíocht níos láidre chun úsáid dara ainmneacha a dhéanamh éigeantach mar a bhfuil éileamh orthu.

#### 5.64. Cuid III Airteagal 10.5

*Gabhann na Páirtithe ar láimh úsáid nó glacadh sloinnte sna teangacha réigiúnacha nó mionlaigh a cheadú arna iarraidh sin do na daoine i dtrácht.*

Cé nach bhfuil aon dualgas reachtúil ar dhaoine foirmeacha traidisiúnta a sloinnte a úsáid, faigheann POBAL níos mó gearán faoin ábhar seo ná faoi aon cheann eile. Coinníonn POBAL tuairisc ar na gearáin seo. Is samplaí iad seo a leanas. Ó tharla go bhfoirseofar an Tuairisc seo, ní thugtar ainmneacha na n-éilitheoirí:

Nuair a tharla beirt chainteoirí óga Gaeilge dífhostaithe in 2004 i ndiaidh dóibh a gcuid oideachais a chríochnú, chuir siad isteach ar obair i gcúram páistí. Ach ó tharla a sloinnte i nGaeilge, dhiúltaigh Seirbhís Phóilíneachta Thuaisceart Éireann (SPTÉ) an tseiceáil rialta a dhéanamh orthu agus a chaithfidh gach duine atá ar tí obair le páistí a fháil déanta. Le teaghlach Ghaeilge an bheirt, bhí a sloinnte Gaeilge cláraithe go hoifigiúil agus fuair siad scolaíocht trí Ghaeilge. I gceann amháin de na cásanna níl aon leagan Béarla den ainm ann. De ghnáth glacann an tseiceáil níos lú ná coicís sular admhaigh SPTÉ go raibh na hainmneach Gaeilge ceadmhach. Ní raibh an fostaitheoir a bhí le bheith acu in inmhe fanacht an fad sin gan duine a cheapadh agus b'éigean dó daoine eile a cheapadh. B'éigean don bheirt óg obair eile a fháil.

include street nameplates in their native tongue. He pointed out that the law required Council to erect nameplates in English and that his views on this matter related to all other languages.

Councillor Storey proposed: That in the circumstances outlined the request received from a resident in Carnfinton Park, Rasharkin be noted and that the Council should not proceed to put a policy in place to erect nameplates in a language other than English.

The motion was passed.<sup>80</sup>

5.63.vii

POBAL is concerned that the Second UK Periodical Report describes the 1995 Order as allowing District Councils to adopt second language names for addresses. In light of the ratification of the ECRML, we suggest that the 1995 Order is out of date and that stronger legislation is now needed to make the adoption of second names an imperative where there is demand for the same.

#### 5.64. Part III Article 10.5

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

Despite the lack of a statutory impediment on people using the traditional form of their names, POBAL receives more complaints on this matter than on any other. POBAL keeps a record of these complaints. The following are some examples. As this Report will be made public, the identities of the complainants are not included:

When two young Irish speakers came onto the job market in 2004 after finishing their education, they applied for work in child-care. However, as their names were in Irish the Police Service of Northern Ireland (PSNI) refused to process the application for routine vetting required by all those undertaking work with children. The two came from Irish speaking families, had officially registered with Irish names and had been educated in Irish medium education. In one of the cases there is no English form of the name. Normally clearance is given within a fortnight. However, in this case it was six months before the PSNI conceded that the Irish names were acceptable. The prospective employer was not able to wait this length of time before appointing someone to the position and had to appoint alternatives to the positions. The two young people were forced to find different work.

<sup>80</sup> Miontuairiscí chruinniú Choiste Airgeadais agus Ilchuspóra Chomhairle Baile Bhaile Monaidh, 24 Deireadh Fómhair 2005, mír 335.6.

<sup>80</sup> Minutes of the Ballymoney Borough Council Finance & General Purpose Committee meeting, 24 October 2005, item 335.6.

Níl an tIoncam Intíre, Creidiúnas Páiste agus Árachas Náisiúnta in ann ainmneacha daoine ina bhfuil 'comhartha fada' a chur i scríbhinn agus dá bhrí sin litrítear iad go hearráideach. Tharla deacrachtaí arís agus arís eile le Gníomhaireacht Cheadúnas Tiomána Thuaisceart Éireann (GCTÉ). Ag tagairt do Threoirleabhar Chomhairle na hEorpa 91/439/EEC, dhearbhaigh an Gníomhaireacht gurbh éigean ainmneacha Gaeilge a aistriú go Béarla. I gcás amháin insíodh don iarrthóir go mbeadh moill ann go dtí go bhféadfaí síniú an deimhniitheora a chinntiú.

#### 5.64.i

Bhuail POBAL le GCTÉ chun na gearáin a cuireadh faoinár mbráid a phlé. Dheimhnigh an Gníomhaireacht do POBAL go raibh siad ag glacadh leis an ábhar go dáiríre agus go raibh struchtúir á gcur i bhfeidhm chun a chinntiú nach dtarlódh a leithéid arís. Chuir siad in iúl do POBAL go raibh an cás gnó ullmhaithe acu chun trealamh a cheannach le haghaidh 'comharthaí fada' bheith ar an cheadúnas tiomána. Déanfaimid monatóireacht ar an dul chun cinn seo agus is oth linn a rá gur ghlac sé an oiread sin blianta chun tús a chur le próiseas simplí.

### 5.65. Is iad moltaí POBAL ar Údaráis Riaracháin & Seirbhísí Poiblí:

- Go ndréachtófaí reachtaíocht i bhfoirm Acht cuimsitheach Gaeilge a chuirfidh iachall ar Rannóga Rialtais agus Gníomhaireachtaí Reachtúla struchtúir a chur i bhfeidhm le Gaeilge a chosaint agus a chur chun cinn ina gcuid oibre uilig.
- Go ndaingneofaí an RA a thuilleadh clásal ó Aireagal 10 den CETRM chun a chinntiú go bhfreagrófaí comhfhreagras Gaeilge sa teanga sin.
- Go gcuirfeadh an Rialtas ar siúl feachtas briomhar spreagadh feasachta chun an pobal a chur ar an eolas faoi sheirbhísí a bheadh ar fáil trí Ghaeilge.
- Go mbeadh an maoiniú ag gach gníomhaireacht Rialtais chun cur ar a gcumas comharthaí fada a úsáid ar a gcuid páipéarachais uilig.
- Mar chuid de mholadh POBAL ar son Acht cuimsitheach Gaeilge, go gcuirfí reachtaíocht nua isteach in áit Ordaaithe um Rialtas Áitiúil (Forálacha Éagsúla) (TÉ) 1995 a thabharfadh ar Chomhairlí feidhmiú de réir thoil na gcónaitheoirí agus na céimeanna a ghlacadh chun an toil sin a thomhas i ndiaidh iarratas a fháil.
- Go gcuirfí ar fáil gan aon stró doiciméid mar cheadúnais tiomána, cártaí vótála, teastais agus foirmeacha iarratais as Gaeilge.
- Go gcuirfeadh an RPA i bhfeidhm struchtúir a dhéanfadh cinnte de nach gcuirfeadh na comhairlí nuabhunaithe isteach ar aon bhealach ar an fhreastal a dhéantar ar an Ghaeilge i láthair na huaire ach go gcuirfeadh siad le dul chun cinn seirbhísí cuimsitheacha agus cúí.

The Inland Revenue, Child Credit and National Insurance online do not have the capacity to record people's names use the fada, meaning that they are spelt wrongly. Difficulties have repeatedly arisen with the Driver Vehicle Licensing of Northern Ireland (DVLNI). Quoting European Council Directive 91/439/EEC, the Agency insisted that Irish names be translated into English. In one case the applicant was told that the application would be delayed until the authenticator's signature could be translated into English.

#### 5.64.i

POBAL has met with DVLNI to discuss the complaints brought to our attention. The Agency assured POBAL that it is taking the issue seriously and that measures are being put into place to ensure that there is no repetition. It has informed POBAL that it has prepared the business case that will allow for the purchase of equipment to facilitate the use of the fada on driving licences. We will monitor this development, and find it unfortunate that it has taken so many years to begin the process of adopting a simple service.

### 5.65. POBAL's recommendations on Administrative Authorities & Public Services:

- That legislation be enacted in the form of a comprehensive Irish Language Act to oblige Government Departments and Statutory agencies to take measures to protect and promote the Irish language in all their activities.
- That the UK ratify further clauses from Article 10 of the ECRML to ensure that correspondence in Irish will be answered in that language.
- That Government conducts an energetic awareness raising campaign to inform the public of the existence of services through the medium of Irish.
- That all Government agencies should be resourced so as to facilitate the use of the fada on all documentation.
- As part of POBAL's proposal for a comprehensive Irish Language Act, that the Local Government Order (Miscellaneous Provisions)(NI) 1995 be replaced with new legislation obliging Councils to act according to the will of residents and to take steps to ascertain that will on receipt of a request.
- That documents such as driving licenses, voting cards, certificates and application forms and official documentation be made easily available through the medium of Irish.
- That the RPA puts in place measures that will ensure that the creation of the new council structures will not result in the deterioration of existing provision for the Irish language but that instead will facilitate the development of consistent and appropriate services.



## An CETRM Cuid III Airteagal 11 Na Meáin

5.66.

Cuireadh béim ar thábhacht Airteagal II ar na Meáin sa Tuairisc Mhíithe den CETRM áit a ndearnadh an pointe gur ríthábhachtach am agus spás sách oiriúnach a dhaingniú sna meáin má tá todhchaí teangacha réigiúnacha nó mionlaigh le cosaint. Leanann an Tuairisc: "D'ainneoin na ndeiseanna nua a thairgtear dóibh (teangacha réigiúnacha nó mionlaigh) trí dhul chun cinn i dteicneolaíocht na craoltóireachta, is fíor fós go bhfuil tacaíocht an phobail de dhíth orthu má tá siad le rochtain ar na meáin a bheith acu."<sup>81</sup>

### 5.67. Cuid III Airteagal 11.1.a.iii

*Gabhann na Páirtithe ar láimh, i dtaca le húsáideoirí na dteangacha réigiúnacha nó mionlaigh ar na críocha ina labhraítear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach teanga, a mhéad atá na húdaráis phoiblí inniúil go díreach nó go hindíreach, atá cumhacht acu nó a imríonn siad ról sa réimse seo, agus prionsabal neamhspleáchas agus uathriail na meán á urramú: forálacha leormhaithe a dhéanamh chun go gcuireann craoltóirí cláir ar fáil sna teangacha réigiúnacha nó mionlaigh.*

Ar 24 Márta 2004, mhol Coiste Airí Chomhairle na hEorpa go bhfeabhsódh na húdaráis Bhriotanacha a gcráoltóireacht seirbhíse poiblí.<sup>82</sup> I dtuaisceart Éireann is é dualgas an BBC go príomha teilifís seirbhíse poiblí agus mar sin de faigheann sé cóireáil níos fabhraí i dtéarmaí maoinithe, rogha minicíochtaí craoltóireachta agus íocaíocht trí na táillí ceadúnais. Tá freagracht seirbhíse poiblí ar chraoltóirí eile fosta, áfach, amhail UTV.

5.67.i

Déanann Cairt an BBC cur síos ar an dóigh a riartar an Chorporáid agus an cineál seirbhíse a bhfuiltear ag brath é a chur ar fáil don phobal. Tá athbhreithniú ag dul ar aghaidh faoi láthair ar an Chairt ar mhaithe le hathnuachan. I bPáipéar Glas rialtas na RA ar an athnuachan ní luaitear an Ghaeilge ná aon ghealltanais go bhfeabhsóidh an craoltóir poiblí a chuid seirbhísí trí Ghaeilge, d'ainneoin gealltanais léir-ráite tógáil ar na seirbhísí atá ar fáil trí Bhreatainis sa Bhreatain Bheag agus Gaeilge in Albain. Rinne CnaG cur síos ar an teip soláthar sách oiriúnach a déanamh do Ghaeilgeoirí mar "fhaillí i ndualgas" ina haighneacht do Chomhairliúchán an Pháipéir Ghlais agus chain Gaeilgeoirí<sup>83</sup> go géar í. Tosóidh an chéad chéim eile den chomhairliúchán le foilsiú páipéir bháin go luath i 2006.

<sup>81</sup> Tuairisc Mhíithe ar an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, Preas Chomhairle na hEorpa 1993, paragraf 107.

<sup>82</sup> Moltaí Choiste Airí Chomhairle na hEorpa RecChL (2004)1.

<sup>83</sup> Freagra Chomhairle na Gaelscolaíochta don Consultation on the Green Paper on the Review of the BBC's Royal Charter, Bealtaine 2005.

## ECRML Part III Article 11 Media

5.66.

The importance of Article 11 on the Media is emphasised in the Explanatory Report of the ECRML where it is pointed out that it is vital to secure adequate time and space in the media if the futures of regional or minority languages are to be safeguarded. The Report adds: "Despite the new opportunities offered them [regional or minority languages] by the advances in broadcasting technology, it remains true that to have access to the media they need public support."<sup>81</sup>

### 5.67. Part III Article 11.1.a.iii

*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: to make adequate provision so that broadcasters offer programmes in the regional or minority languages.*

On 24 March 2004, the Council of Europe's Committee of Ministers recommended that the British authorities improve public service broadcasting.<sup>82</sup> Public service television in the north of Ireland is primarily the duty of the BBC which accordingly receives preferential treatment in terms of funding, choice of broadcasting frequencies and the contribution through the licence fees. However, other broadcasters, such as UTV also have a public service responsibility.

5.67.i

The BBC's Royal Charter describes how the Corporation is managed and the type of service it is expected to provide for the public. The Charter is currently being considered for renewal. In the UK government's Green Paper on the renewal there is no mention of the Irish language and no commitment that the public broadcaster will improve services through the medium of Irish, despite a clearly articulated commitment to build on the services provided through Welsh in Wales and Gaidhlig in Scotland. The failure to make equitable provision for Irish speakers has been described as a 'dereliction of duty' by CnaG in its submission to the Green Paper Consultation<sup>83</sup> and has been widely criticised by Irish speakers. The next stage of the consultation will begin with the publication of a white paper in early 2006.

<sup>81</sup> Explanatory Report ECRML, Council of Europe Press 1993, paragraph 107.

<sup>82</sup> Council of Europe Committee of Ministers Recommendation RecChL(2004)1.

<sup>83</sup> Response of Comhairle na Gaelscolaíochta to the Consultation on the Green Paper on the Review of the BBC's Royal Charter, May 2005.

## 5.67.ii

Ag taispeáint drogall seasmhach bogadh ar shiúl ó na contrárthachtaí stairiúla i soláthar do na teangacha difriúla Ceilteacha, tá cleachtas agus reachtaíocht reatha Rialtas na RA maidir leis an Ghaeilge neamhsheasmhach agus ní mór tabhairt fúthu. Faighte ag POBAL faoin reachtaíocht um Shaoráil Faisnéise, tá caiteachas an BBC ar na teangacha sin don bhliain 2003/04 ar taispeáint seo thíos.

## 5.67.ii

Showing a persistent unwillingness to move away from the historic contradictions in provision for the different Celtic languages, current UK Government practice and legislation in relation to Irish is anomalous and must be addressed. Attained by POBAL under Freedom of Information legislation, the BBC's expenditure on these languages for the year 2003/04 is displayed below.

Caiteachas an BBC ar theangacha Ceilteacha				BBC expenditure on Celtic languages			
Teilifís 2003/04				Television 2003/04			
	Caiteachas iomlán	Uaireanta iomlána	Líon cainteoirí iomlán		Total spend	Total hours	Number of speakers
An Bhreatain Bheag	£20.3m/S4C	521	580,000	Wales	£20.3m/S4C	521	580,000
Albain	£2.065m (ar-líne san áireamh)	36	63,444	Scotland	£2.065m (including on-line)	36	63,444
Tuaisceart Éireann	£424,000	8.24	167,490	Northern Ireland	£424,000	8.24	167,490
Raidió 2003/04				Radio 2003/04			
	Caiteachas iomlán	Uaireanta iomlána			Total spend	Total hours	
An Bhreatain Bheag	£9m/Radio	7528		Wales	£9m/Radio	7528	
Albain	£2.95m/Radio na nGaidheal	2782		Scotland	£2.95m/Radio na nGaidheal	2782	
Tuaisceart Éireann	£238,000	256.04		Northern Ireland	£238,000	256.04	

Nóta: Níl Seirbheis nam Meadhanan Gàidhlig sna áireamh i bhfigiúirí a bhaineann le BBC Alba.

Fiú má bhaineann an BBCamach a mhéadú tuartha i gcaoltóireacht Ghaeilge go dtí 10.5 uair an chloig i 2005/06, tá an figiúr seo go suntasach ar chúl a bhfuil ar fáil dár gcomharsana Ceilteacha.

## 5.67.iii

Ina thuairisc dheireanach Statements on Programming for the Nations and Regions, chuir Ofcom, an fairtheoir poiblí a chuir chun suntais san am a chuaigh thart an gá le feabhsuithe i rochtain do chlár Ghaeilge agus feabhsuithe in inneachar na glár, chun suntais go fíor gur tháinig laghdú go dtí cúig huair an chloig ar chlár Ghaeilge ar an teilifís, ón seacht n-uair an chloig an bhliain roimhe.<sup>84</sup> Ag rá go gcreideann sé gur chóir bealach tiomnaithe Gaeilge bheith sa tuaisceart, chuir Ofcom chun suntais nach bhfuil sé oiriúnach gurb iad íocóirí táille ceadúnais i bPoblacht na hÉireann an príomhfhoinsé mhaoinithe do sheirbhís Ghaeilge ó thuaidh.

Note: Figures pertaining to BBC Scotland do not include Gaelic media Services.

Even if the BBC attains its forecast increase in Irish language broadcasting to 10.5 hours in 2005/06, this figure lags significantly behind that offered to our Celtic neighbours.

## 5.67.iii

In its recent report Statements on Programming for the Nations and Regions, Ofcom, the public watchdog which has in the past highlighted the need for improvements in both access to Irish language programming and improvements in the content of programming, it highlighted that in 2004/05 Irish language programming on television actually decreased to five hours, from seven the previous year.<sup>84</sup> Stating that it believes there should be a dedicated Irish language channel in the north, Ofcom pointed out that it is not appropriate that license fee payers in the Republic of Ireland are the primary source of funding for an Irish language service in the north.

<sup>84</sup> Statements on Programming for the Nations and Regions, Ofcom 9 Meitheamh 2005, leathanach 24.

<sup>85</sup> Ibid, leathanach 25.

<sup>84</sup> Statements on Programming for the Nations and Regions, Ofcom 9 June 2005, page 24.

<sup>85</sup> Ibid, pages 25.

5.67.iv

I gcomhairliúchán a rinne Ofcom i 2005, fuair an t-eagras níos mó aighneachtaí maidir leis an dóigh ar chaith an BBC leis an Ghaeilge ná ar aon ábhar eile. Tuairiscionn Ofcom nuair a thóg sé an cheist leis an BBC, gur chosain an BBC a sholáthar trína rá go raibh orthu cuimhneamh ar fhachtóir 'na díothachta' a mbeadh ar chainteoirí aonteangacha cur suas leis trí tuilleadh cláir Ghaeilge a sceidealú.<sup>85</sup> Maíonn POBAL, chomh maith le bheith thíos faoi thairseach inghlactha le haghaidh fhorfheidhmiú Airteagal 11 na CETRM, go sáraíonn argóint an BBC Airteagal 7.2 na CETRM chomh maith. (Feic fosta paragraf 3.03.i agus 3.10.i)

5.67.v

Ní chraolann bealaigh thráchtála theilifíse aon ábhar i nGaeilge.

5.67.vi

Is é cúlra na dteipeanna leanúnacha seo, ar ndóigh, teip na RA an Ghaeilge a chur isteach san Acht Cumarsáide a achtaíodh ina dhlí 17 Iúil 2003, d'ainneoin forálacha láidre a bheith déanta don Bhreatainis sa Bhreatain Bheag agus Gaeilge in Albain san Acht. Is léir go bhfuil go leor le baint amach fós i dtéarmaí láithreacha a thabhairt don Ghaeilge ar theilifís seirbhíse poiblí. Tá POBAL ag athrá a iarratais le haghaidh reachtaíochta láidre a chuirfeadh iallach ar an BBC a ghealltanais don Ghaeilge a chomhlíonadh.

### 5.68.Cuid III Airteagal 11.1.b.ii

*Gabhann na Páirtithe ar láimh, i dtaca le húsáideoirí na dteangacha réigiúnacha nó mionlaigh ar na críocha ina labhraítear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach teanga, a mhéad atá na húdaráis phoiblí inniúil go díreach nó go hindíreach, atá cumhacht acu nó a imríonn siad ról sa réimse seo, agus prionsabal neamhspleáchas agus uathriail na meán á urramú: craoladh cláir raidió go tráthrialta sna teangacha réigiúnacha nó mionlaigh a chothú agus/nó a éascú.*

Ar 24 Márta 2004, mhol Coiste Airí Chomhairle na hEorpa go n-éascódh na húdaráis Bhriotanacha craoladh raidió phríobháidigh i nGaeilge.<sup>86</sup> Tá naoi stáisiún raidió tráchtála ann mar aon le sé stáisiún raidió pobail, Raidió Fáilte san áireamh. Níl muid ar an eolas faoi aon bhearta a ghlac rialtas na RA chun na stáisiúin atá ann, idir na stáisiúin thráchtála agus na cúig stáisiún raidió pobail a chraolann go príomha i mBéarla, a spreagadh chun craoladh Gaeilge a bheith mar chuid dá chroí-chláir.

5.68.i

Craolann BBC Raidió Uladh tríocha nóiméad de raidió Gaeilge gach lá.

5.67.iv

In a consultation carried out by Ofcom in 2005, the body received more submissions in regard to the treatment of Irish by the BBC than on any other subject. Ofcom reports that when it raised the matter with the BBC, the BBC defended its provision by saying that it has to consider the 'deprivation' factor that monolingual English speakers would suffer by scheduling further programmes in Irish.<sup>85</sup> POBAL suggests that, as well as falling below an acceptable threshold for the implementation of ECRML's Article 11, the BBC's argument is also in contravention of the ECRML Article 7.2. (See also paragraph 3.03.i and 3.10.i)

5.67.v

Commercial television channels do not broadcast any material in Irish.

5.67.vi

The background to these continued failings is of course the UK's failure to include the Irish language in the Communications Act that passed into law on 17 July 2003, despite strong provisions being made for both Welsh in Wales and Gàidhlig in Scotland in the Act. It is clear that much remains to be achieved in terms of giving the Irish language a presence on public service television. POBAL reiterates its call for strong legislation to oblige the BBC to fulfil commitments to the Irish language.

### 5.68. Part III Article 11.1.b.ii

*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: to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis.*

On 24 March 2004, the Council of Europe's Committee of Ministers recommended that the British authorities facilitate the broadcasting of private radio in Irish.<sup>86</sup> There are nine commercial radio stations and six community radio stations, including Raidió Fáilte. We are unaware of any measures taken by the UK government to encourage the existing commercial and the five primarily English language community radio stations to include Irish language broadcasting as part of their core programming.

5.68.i

BBC Radio Ulster broadcasts thirty minutes of Irish language radio daily.

<sup>85</sup> Moladh Choiste Airí Chomhairle na hEorpa RecChL(2004)1.

<sup>86</sup> Council of Europe Committee of Ministers Recommendation RecChL(2004)1.

5.68.ii

Bunaíodh Raidió Fáilte, an stáisiún raidió Gaeilge pobail i mBéal Feirste i 1993. Ó shin bronnadh ceadúnas rochtana pobail 5 bliana air (ar 6 Deireadh Fómhair 2005). Freastalaíonn an stáisiún ar mhórchéantar Bhéal Feirste amháin agus níor chóir amharc air mar mhalairt ar sholáthar níos forleithne ar fud na sé chontae. Ní féidir le Raidió Fáilte seirbhís a fhorbairt a bheadh in ann riar ar riachtanais éagsúla phobal Gaeilge Bhéal Feirste gan acmhainní airgeadais agus daonna sách oiriúnach. Go dtí seo ní bhfuair an stáisiún aon mhaoiniú le cuidiú lena fhorbairt.

### 5.69. Cuid III, Airteagal 11.1.d

*Gabhann na Páirtithe ar láimh, i dtaca le húsáideoirí na dteangacha réigiúnacha nó mionlaigh ar na críocha ina labhraítear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach teanga, a mhéad atá na húdaráis phoiblí inniúil go díreach nó go hindíreach, atá cumhacht acu nó a imríonn siad ról sa réimse seo, agus prionsabal neamhspleáchas agus uathriail na meán á urramú: léiriúcháin agus dáileacháin saothair fuaime agus closamhairc sna teangacha réigiúnacha nó mionlaigh a chothú agus/nó a éascú.*

Ina bhfreagra don cheist seo, thuairiscigh an RA bunú an Chiste Craoltóireachta Gaeilge. Rinneadh an gealltanas chun an ciste a bhunú in Aibreán 2003. Sa chéad dul síos leithdháileadh £12 milliún chun cuidiú le léiriú cláir theilifíse trí Ghaeilge. Ar dtús bhí sé beartaithe go gclúdódh an £12 milliún tréimhse trí bliana. Ar 14 Deireadh Fómhair, áfach, choigeartaigh RCEF an tsuim anuas chun tréimhse cúig bliana a chlúdach. (Feic fosta paragraf 3.05 – 3.05.i)

5.69.i

Fágann an coigeartú seo go bhfuil tacaíocht airgid don chiste ag an leibhéal céanna agus an £12 milliún atá le caitheamh ar bhunú acadaimh do Albainis Uladh le linn na tréimhse céanna, ag tabhairt le tuiscint nach bhfuil an RA ag caitheamh leis na teangacha de réir a gcúinsí áirithe ach de réir cúrsaí polaitíochta. Creideann POBAL nach bhfuil sé ag cuidiú le haidhmeanna na CETRM. Tá amhras faoina bhfuil i ndán don Chiste Craoltóireachta i ndiaidh na tréimhse cúig bliana. (Feic fosta paragraf 5.17)

5.69.ii

Fáiltíonn POBAL roimh rún fógartha an Chiste Craoltóireachta an earnáil léirithe neamhspleách Ghaeilge a fhorbairt mar cheann dá eochair-aidhmeanna. Chuir léiritheoirí neamhspleácha chun suntais, áfach, neamhsheasmhachtaí agus rialachán inmheánach a bhacaigh comhlachtaí beaga léirithe ó mhaoiniú a fháil do níos mó ná smaoinemh cláir amháin ag am amháin. Cuireann sé seo amhras in inmharthanacht comhlachtaí san earnáil

5.68.ii

Raidió Fáilte, the community based Irish language radio station in Belfast was established in 1993. It has now been granted a 5 year community access licence (on 6 October 2005), the station of course serves only the greater Belfast area and should not be regarded as a substitute for wider provision across the six counties. Raidió Fáilte cannot develop a service capable of meeting the varied needs of the Belfast Irish speaking community without adequate financial and human resources. To date, the station has been awarded no funding to enable its development.

### 5.69. Part III, Article 11.1.d

*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: to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages.*

In its answer to this question, the UK reported the establishment of the Irish Language Broadcast Fund. The commitment to establish the Fund was made in April 2003. The Fund was originally allocated £12 million to assist in the production of television programming through the medium of Irish. The £12 million was initially meant to cover a three-year period. However, on the 14 October 2004 the sum was re-adjusted downwards by DCAL to cover a period of five years. (See also paragraph 3.05 – 3.05.i)

5.69.i

This readjustment brings monetary support for the Fund into line with the £12 million to be spent on the establishment of an academy for Ulster Scots over the duration of the same period, suggesting that the UK is not treating the languages according to their particular circumstances but rather according to political concerns. POBAL believes that it is not conducive to the aims the ECRML. The future of the Broadcast Fund following this five-year period is uncertain. (See also paragraph 5.17)

5.69.ii

POBAL welcomes the Broadcast Fund's declared intention to develop the Irish medium independent production sector as one of its key aims. Independent producers have, though, highlighted inconsistencies and internal regulation which to date have prohibited small independent companies from receiving funding for more than one programme idea at a time. This places the financial sustainability of companies in

neamhspleách. Chun go n-éireadh leis an Chiste a aidhmeanna a chur i gcrích, is ceist í seo ar chóir a thabhairt fúithi ina hiomláine. Mar thosaíocht, ba chóir don Chiste cur chuige straitéiseach a fhorbairt i dtaobh thaca, fhás agus chothú an bhoinn léirithe neamhspleách ó thuaidh. Ba chóir dó bogadh ar shiúl ó mhaoiniú comhlachtaí móra, an BBC agus léiritheoirí eile nach bhfuil a n-inmharthanacht in amhras.

#### 5.69.iii

Tá sé ag déanamh imní don earnáil neamhspleách go bhfuil suíochán ag an BBC ag Bord an Chiste Léirithe agus mar sin go bhfuil sé in áit a bhfuil sé in ann tionchar a imirt ar chinnithe. Ní mór an gaol atá ag an BBC leis an Chiste a fheiceáil sonraithe níos soiléire agus de réir an chleachtais is fearr. Faoi láthair, tá a dlúthchaidreamh i gcodarsnacht le cumas struchtúrtha na hearnála neamhspleáiche ionchur a dhéanamh ina dhéanamh cinnithe. (Feic fosta paragraif 3.11.i agus 5.67.i)

### 5.70. Cuid III Airteagal.11.e.i

*Gabhann na Páirtithe ar láimh, i dtaca le húsáideoirí na dteangacha réigiúnacha nó mionlaigh ar na críocha ina labhraítear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach teanga, a mhéad atá na húdaráis phoiblí inniúil go díreach nó go hindíreach, atá cumhacht acu nó a imríonn siad ról sa réimse seo, agus prionsabal neamhspleáchas agus uathriail na meán á urramú: cur ar bun agus/nó cothabháil nuachtáin amháin ar a laghad sna teangacha réigiúnacha nó mionlaigh a chothú agus/nó a éascú.*

Ina Thuairisc roimhe, chuir Coiste na Saineolaithe béim ar an ghá le maoiniú poiblí chun nuachtáin i mionteangacha a cothabháil. Dá ainneoin an ráitis sin a bhí ag teastáil, bhí an chuma air gurbh é Rialtas na RA a bhacaigh deontas ó Interreg don nuachtán laethúil Gaeilge, Lá. Mar gheall air sin cailleadh dhá phost agus bhí táirgeadh an nuachtáin i mbaol. Tharla na deacrachtaí i ndiaidh do pholaiteoirí sinsir Aontachtaithe Uladh cur isteach i dteach na dTeachtaí. Fáiltíonn POBAL roimh réiteach an scéil seo, de réir cosúlachta, ar na mallaibh. Bíodh sin mar atá, cuireann an eachtra i gcuimhne go suntasach arís go bhfuil an gá le soláthar maoinithe phoiblí do nuachtán Gaeilge ina oibleagáid dhlíthiúil ar an RA. (Feic fosta paragraif 3.12.ii agus 5.15)

#### 5.70.i

I Lúnasa 2005, d'fhoilsigh oifig an Chéad Aire agus an Leas-Chéad Aire dréacht-thuairisc A Review of Government Advertising in Northern Ireland. Ag amharc ar na samhlacha éagsúla a d'fhéadfadh an Rialtas a úsáid i bhfógraíocht san am a bhí le teacht, teorannaíonn sí a plé do na príomhnuachtáin laethúla Bhéarla. Cé go n-adhmaíonn sí an

the independent sector in doubt. For the Fund to succeed in its aims, this is an issue that needs to be fully addressed. As a priority, the Fund should develop a strategic approach to the support, growth and sustaining of the independent northern production base. It should move away from funding large companies, the BBC or other producers whose sustainability is not in question.

#### 5.69.iii

It has also been a source of concern to the independent sector that the BBC has a position on the Board of the Production Fund and that as such is in a position to potentially influence decisions. The Fund's relationship with the BBC must be seen to be clearly defined and in line with best practice. At present, their close relationship is in contrast with the structural ability of the independent sector to input into decision-making. (See also paragraphs 3.11.i and 5.67.i)

### 5.70. Part III Article.11.e.i

*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: to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages.*

In its previous Report, the Committee of Experts underlined the necessity of public funding to maintain newspapers in minority languages. Despite this welcome statement, in 2004 it appeared that a grant from Interreg for the Irish language daily, Lá, had been blocked by the UK Government. As a result two jobs were lost and production of the paper threatened. The difficulties arose after intervention by senior Ulster Unionist politicians in the House of Commons. POBAL welcomes the recent apparent resolution of this matter. The incident is nonetheless a salient reminder of the need to make the provision of public funding to the Irish medium newspaper a legal obligation for the UK. (See also paragraphs 3.12.ii and 5.15)

#### 5.70.i

In August 2005, the office of the First and Deputy First Minister published a draft report for consultation A Review of Government Advertising in Northern Ireland. Looking at various models that Government might use for future advertising, it restricts its deliberations to the main English speaking dailys. Though it does acknowledge the need for

gá la haghaidh taighde chun riachtanais grúpaí ciníocha eile nach é Béarla a gcéad teanga a bhunú, ní luaitear ar chor ar bith an gá le fógraíocht trí Ghaeilge sa cháipéis seo.

5.70.ii

Bhí £17.2 milliún d'fhógraíocht Rialtais i 2004. Chuaigh £20,000 de sin chuig Lá. Cuireann an fhaillí Lá a chur san áireamh mar fhoins le haghaidh folúntais rialtais an nuachtán faoi mhíbhuntáiste géar airgeadais i gcomórtas lena iomaitheoirí Béarla. Is féidir ciall a bhaint as fosta mar chomhartha nach bhfuil an rialtas daingean foireann Ghaeilge a earcú ná seirbhísí a sholáthar do Ghaeilgeoirí. (Feic fosta paragraf 3.12.ii)

### 5.71. Cuid III Airteagal 11.1.f.ii

*Gabhann na Páirtithe ar láimh, i dtaca le húsáideoirí na dteangacha réigiúnacha nó mionlaigh ar na críocha ina labhraítear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach teanga, a mhéad atá na húdaráis phoiblí inniúil go díreach nó go hindíreach, atá cumhacht acu nó a imríonn siad ról sa réimse seo, agus prionsabal neamhspleáchas agus uathriail na meán á urramú: bearta um chabhair airgeadais atá ann cheana a chur i bhfeidhm ar léiriúcháin chlosamhairc freisin sna teangacha réigiúnacha nó mionlaigh.*

Feic pointí Airteagail a ardaíodh i bparagraf 5.69.

### 5.72. Cuid III Airteagal 11.1.g

*Gabhann na Páirtithe ar láimh, i dtaca le húsáideoirí na dteangacha réigiúnacha nó mionlaigh ar na críocha ina labhraítear na teangacha sin, i gcomhréir leis an gcor ina bhfuil gach teanga, a mhéad atá na húdaráis phoiblí inniúil go díreach nó go hindíreach, atá cumhacht acu nó a imríonn siad ról sa réimse seo, agus prionsabal neamhspleáchas agus uathriail na meán á urramú: tacú le hiriseoirí agus foireann eile a thraenáil do na meáin a úsáideann teangacha réigiúnacha nó mionlaigh.*

Níl aon bhearta á nglacadh chun cuidiú le traenáil iriseoirí don mheán clóite. Cé go dtagraíonn Tuairisc Choiste na Saineolaithe a foilsíodh i Márta 2004 don mholadh go dtig leis an nuachtán Lá fostaithe New Deal a earcú le traenáil go himhneánach, le traenáil fhóirdheontais lá amháin sa tseachtain, chuir Lá in iúl do POBAL go bhfuil a leithéid de shocrú go hiomlán mí-oiriúnach do nádúr a ngnó agus go bhfuil traenáil tríú leibhéal de dhíth le haghaidh iriseoireachta. (Feic fosta paragraf 3.13.i)

research to establish the needs of other racial groups whose first language is not English, there is no mention of the need for advertising through the medium of Irish in the document.

5.70.ii

Government advertising totalled £17.2 million in 2004. £20,000 of that went to Lá. The failure to include Lá as an advertising outlet for government vacancies puts the paper at a severe financial disadvantage when compared to its English language competitors. It can also be interpreted as an indication that government is not serious in its recruitment of Irish speaking staff or in service provision for Irish speakers. (See also paragraph 3.12.ii)

### 5.71. Part III Article 11.1.f.ii

*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: to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages.*

See Article points raised in paragraph 5.69.

### 5.72. Part III Article 11.1.g

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

No measures are being taken to assist the training of journalists for the print media. Although the COMEX Report published in March 2004 refers to the suggestion that the Irish language newspaper Lá can recruit New Deal employees to train in-house, with one day a week subsidised training, Lá has informed POBAL that such an arrangement is wholly unsuited to the nature of their business and that third level training is required for journalism. (See also paragraph 3.13.i)

5.72.i

Le déanaí bhunaigh an Ciste Craoltóireachta Gaeilge scéim chun tacú le printísigh a ghlacann le poist le comhlachtaí léirithe teilifíse neamhspleácha. Mairfidh gach printíseacht bliain. D'fháiltigh POBAL roimh an tionscnamh seo agus táimid ag dréim le rath a bheith uirthi. Tugaimid faoi deara, áfach, chun go n-éireodh lena leithéid de scéim, is gá tacaíocht a thabhairt don earnáil teilifíse neamhspleách ó thuaidh agus cuidiú léi bogadh i dtreo inmharthanachta. (Feic fosta paragraif 3.05.i agus 5.69 – 5.69.iii)

### 5.73. Airteagal 11.2

*Gabhann na Páirtithe ar láimh saoirse a ráthú maidir le glacadh díreach de chraolacháin raidió agus teilifíse as tíortha comharsanacha i dteanga a úsáidtear i bhfoirm chomhionann nó comhchosúil le teanga réigiúnach nó mionlaigh, agus gan cur i gcoinne atarchur craolacháin raidió agus teilifíse as tíortha comharsanacha sa teanga sin. Gabhann siad ar láimh freisin a áirithiú nach gcuirfear aon sriantaí ar an tsaoirse friotail agus ar shaorchúrsaíocht faisnéise sa phreas scríofa i dteanga a úsáidtear i bhfoirm chomhionann nó comhchosúil le teanga réigiúnach nó mionlaigh. Féadfaidh feidhmiú na saoirsí thuasluaite, toisc go bhfuil dualgais agus freagrachtaí ag gabháil leis, a bheith faoi réir foirmiúlachtaí, coinníollacha, sriantaí nó pionóis de shaghas atá forordaithe le dlí agus atá riachtanach i sochaí dhaonlathach, ar mhaithe leis an tslándáil náisiúnta, iomláine chríochach nó sábháilteacht an phobail, chun mí-ord nó coiriúlacht a sheachaint, nó sláinte nó moráltacht a chosaint, chun clú nó cearta daoine eile a chosaint, chun nochtadh faisnéise arna fáil faoi rúndacht a chosc, nó chun údarás agus neamhchlaontacht na mbreithiúna a chothabháil.*

Thosaigh tarchuradóir nua TG4 a fheidhmiú ar Shliabh Duibhise, ar imeall Bhéal Feirste, ó 5 Aibreán 2005. Dhaingnigh seo glacadh níos fearr don stáisiún Gaeilge i gceantar Bhéal Feirste. Dá ainneoin sin tá 30% de thuaisceart na hÉireann nach bhfuil fós in ann glacadh cuí a fháil ar an stáisiún ar theilifís thrastíre. Aontaíonn an rialtóir cumarsáide i dtuaisceart na hÉireann, Ofcom, le measúnú POBAL i litir óna stiúróir Denis Wolinski: "Tá an ceart ar fad agat a rá go bhfuil ceantair i dTuaisceart Éireann nach bhfuiltear in ann TG4 a fháil ó tharchuradóir trastíre."<sup>87</sup> (Feic fosta paragraf 3.14 – 3.14.i)

5.73.i

Ag fáiltiú roimh na feabhsuithe sin a rinneadh, creideann POBAL gur chóir an t-easnamh leanúnach glactha a leigheas gan a thuilleadh moille. Chun rochtain a fháil ar an chomhartha nua is gá aeróg nua a cheannach agus í a fháil curtha in airde. Faigheann POBAL fiosrúcháin rialta ó Ghaeilgeoirí nach bhfuil ar an eolas faoin dóigh le teacht ar

5.72.i

The Irish Language Broadcasting Fund has recently established a scheme to support apprentices who take up positions with independent television production companies. Each apprenticeship will last a year. This initiative has been welcomed and POBAL looks forward to its success. We note however, that for such a scheme to be successful, the northern independent television sector must be supported and helped to move towards sustainability. (See also paragraphs 3.05.i and 5.69 – 5.69.iii)

### 5.73. Article 11.2

*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.*

A new TG4 transmitter has been functioning on Divis Mountain, on the outskirts of Belfast, since 5 April 2005. This has secured improved reception for the Irish language station in the Belfast area. Despite this, 30% of the population of the north of Ireland is still unable to get a proper reception of the station on terrestrial TV. The communications regulator in the north of Ireland, Ofcom, concurs with POBAL's assessment in a letter from its director, Denis Wolinski: "You are quite right in saying that there are areas of Northern Ireland where it is not possible to receive TG4 from a terrestrial transmitter."<sup>87</sup> (See also paragraph 3.14 – 3.14.i)

5.73.i

Welcoming such improvements as have been made, POBAL believes that the continuing reception deficit should be remedied without further delay. In order to access the new signal it is necessary to purchase and have a new aerial erected. POBAL receives regular queries from Irish speakers who are unaware of how to access the improved TG4 service.

<sup>87</sup> Litir ó Denis Wolinski, Stiúrthóir Thuaisceart Éireann Ofcom, chuig POBAL, 10 Samhain 2005.

<sup>87</sup> Letter from Denis Wolinski, Northern Ireland Director of Ofcom, to POBAL, 10 November 2005.

sheirbhís fheabhsaithe TG4. Nuair a chuirtear na feachtais phoiblíochta a d'fhógair teacht isteach stáisiún eile teilifíse bhí láidriú TG4 i dtuaisceart na hÉireann iontach tostach, ag cur mearbhaill faoi infhaighteacht comhartha fheabhsaithe.

#### 5.73.ii

Ó tharla a ghaire atá an t-athrú go dtí craoladh digiteach, tá gá le pleanáil chun tosaigh chun cinnte a dhéanamh de nach bhfuil aon bhriseadh i nglacadh TG4 i dtuaisceart na hÉireann.

#### 5.74. Moltaí POBAL ar na Meáin:

- Go dtabharfar isteach Acht cuimsitheach na Gaeilge ina mbeidh forálacha soiléire do na meáin Ghaeilge
- Go ndéantar soláthar d'ar a laghad stáisiún amháin raidió réigiúnaigh agus go gcuirtear maoiniú ar fáil chun rath craoladh raidió cheantair i nGaeilge a chinntiú
- Go gcuirfead traenáil ar fáil d'iriseoirí sna meáin chlóite trí institiúidí tríú leibhéal oideachais
- Go mbeidh Lá san áireamh i straitéisí fógraíochta Rialtais
- Go n-oibreoidh an Ciste Craoltóireachta Gaeilge le léiritheoirí neamhspleácha mar chomhpháirtithe agus an earnáil bheith páirteach i gcruthú straitéise comhaontaithe le haghaidh fáis agus forbartha san am atá le teacht
- Go bhfeabhsófar rochtain ar TG4 ar theilifís thraistire chun iomlán an tuaiscirt a chlúdach
- Go dtabharfar faoi fheachtais fhaisnéise shuntasacha ar an dóigh le TG4 a fháil

When compared to the promotional campaigns that heralded the introduction of other television stations the boosting of TG4 in the north of Ireland has been very low key, creating confusion about the availability of an improved signal.

#### 5.73.ii

In view of the impending switchover to digital broadcasting, there is a need for advance planning to ensure that there is no interruption to the reception of TG4 in the north of Ireland.

#### 5.74. POBAL recommendations on the Media:

- That a comprehensive Irish Language Act be introduced that will include clear provisions for the Irish language media
- That provision be made for at least one regional Irish language radio station and funding made available to ensure the success of localised radio broadcasting in Irish
- That training for journalists in the print media be made available through third level educational institutions
- That Lá be included in Government advertising strategies
- That the Irish Language Broadcast Fund work with independent producers as partners and involves the sector in the creation of an agreed strategy for future growth and development
- That access to TG4 on terrestrial television be improved to cover the whole of the north
- That significant information campaigns on how to receive TG4 are undertaken



## An CETRM Cuid III Airteagal 12 Imeachtaí agus Áiseanna Cultúrtha

5.75.

Is é cuspóir Airteagal 12 iachall a chur ar údaráis phoiblí gníomhaíocht éifeachtach a dhéanamh chun teangacha réigiúnacha nó mionlaigh a chaomhnú agus a chur chun cinn.

### Airteagal 12.1.a

*Maidir le gníomhaíochtaí agus saoráidí cultúrtha – go háirithe leabharlanna, fisleabharlanna, lárionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus pictiúrlanna, chomh maith le saothar liteartha agus léiriúcháin scannán, foirmeacha coiteanna den fhriotal cultúrtha, féilte agus tionscail chultúir, lena n-áirítear inter alia teicneolaíochtaí nua a úsáid – gabhann na Páirtithe ar lámh, ar an gcríoch ina n-úsáidtear teangacha den sórt sin agus a mhéad atá na húdaráis phoiblí inniúil, atá cumhacht acu nó a imríonn siad ról sa réimse seo: saghsanna friotail agus tionscnaimh is sonracha do theangacha réigiúnach nó mionlaigh a chothú agus taobhú leis na meáin éagsúla chun rochtain ar shaothair arna ndéanamh sna teangacha sin.*

Fáiltíonn POBAL roimh an obair leanúnach atá á déanamh san earnáil seo agus atá liostaithe i nDara Tuairisc Thréimhsiúil na RA.

5.75.i

Thug Tuairisc Choiste na Saineolaithe (Márta 2004) cé go ndearnadh roinnt tionscnamh maidir le hAirteagal 12.1.a go raibh gá fós ann le haghaidh pleanáil bheartas shoiléir.

5.75.ii

D'fhoilsigh Bord Oideachais agus Leabharlann an Oirdheiscirt Beartas Teangacha Pobail le haghaidh seirbhísí leabharlainne i 2005.

5.75.iii

Comhairlíonn an dara dréacht de Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots (Version 2) a d'fhoilsigh GIFC, d'eagraithe féilte cultúrtha (go háirithe iad siúd i gceantair ina labhraítear Gaeilge go coitianta) agus a fhaigheann cúnamh Rialtais, bheith cinnte go riartar ar chainteoirí Gaeilge. Is é an chéad chéim loighiciúil eile cinnte a dhéanamh de go n-aistrítear an beartas ina chleachtas. Ní fios dúinn aon mheicníochtaí, maoiniú, ná craobhscaoileadh faisnéise a chinnteodh go bhfaigheadh eagraithe féilte an teachtaireacht atá istigh sa Treoir agus go n-éascófaí iad lena forfheidhmiú.

## ECRML Part III Article 12 Cultural Activities and Facilities

5.75.

The aim of Article 12 is to get public authorities to take effective action to protect and promote regional or minority languages.

### Article 12.1.a

*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: 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.*

POBAL welcomes the continuing work being carried out in this area and which is listed in the Second UK Periodical Report.

5.75.i

The COMEX Report (March 2004) noted that while a number of initiatives were taken in regard to Article 12.1.a. there nonetheless remained a need for clear policy planning.

5.75.ii

The South Eastern Education & Library Board published a Community Languages Policy for library services in 2005.

5.75.iii

The second draft of the Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots (Version 2) published by the ICIG, advises organisers of cultural festivals (especially in those areas where Irish is spoken commonly) and which receive Government aid, to make sure that Irish speakers are catered for. The next logical step is to ensure the policy is translated into practice. We are unaware of any mechanisms, resourcing, or dissemination of information to ensure that organisers of festivals receive the message contained in the Guidance and are facilitated in its implementation.

## 5.75.iv

Thug an Chomhaie Ealaíon, le cúnamh POBAL, faoi phróiseas comhairliúcháin chun riachtanais Ealaíona na Gaeilge a mheas. Chuir POBAL tuairisc faoi bhráid na Comhairle Ealaíon in Eanáir 2005 agus dúradh leis go gcuirfeadh an Bord gníomhaíochtaí chun cinn i bhfómhar 2005. D'ainneoin fiosruithe ar 28 Meán Fómhair 2005 agus 30 Samhain 2005 maidir le glacadh na moltaí a bhí istigh inti ní bhfuair muid aon eolas maidir le stádas na tuairisce nó na gníomhaíochtaí a bhí le déanamh.

## 5.75.v

Cuireadh in iúl do POBAL gur mian le Comhairle Mhúsaem Thuaisceart Éireann dul i gceann próiseas comhairliúcháin go luath i 2006 chun soláthar treoirilinte ar úsáid mionteangacha a mheas agus go mbeidh Gaeilge san áireamh sa phlé. Gan a bheith ag iarraidh teacht roimh chinnithe an phróisis, tá imní orainn, mar sin féin, nach dtabharfaidh creatlach an phróisis lánaitheantas do staid faoi leith na Gaeilge mar theanga dhúchasach.

## 5.75.vi

Tá gá le déantóirí beartas i dtuaisceart na hÉireann a thuiscint go gcaithfear gníomh daingean leis an Ghaeilge a chur chun cinn a fhorbairt neamhspleách ar an soláthar difriúil do mhionteangacha eitneacha, de réir na CETRM. Cuireann tagairt i mBrollach na CETRM do chaomhnú "teangacha réigiúnacha stairiúla nó mionlaigh na hEorpa, cuid acu atá i mbaol a mbáis sa deireadh" béim ar an tábhacht a bhaineann le caomhnú teangacha dúchasacha.

## 5.75.vii

D'ainneoin na samplaí seo, ní fios dúinn aon phleanáil bheartas teanga straitéiseach sheasmhach mar a mhol Coiste na Saineolaithe. Is ábhar an-imní dúinn gur chlis ar rialtas na RA an CETRM a úsáid mar spreagadh chun reachtaíocht, beartas agus soláthar seirbhíse a fhorbairt. Léiríonn an cliseadh seo an gá atá le hachtú Acht cuimsitheach na Gaeilge

**5.76. Airteagal 12.1.d**

*Maidir le gníomhaíochtaí agus saoráidí cultúrtha – go háirithe leabharlanna, físeabharlanna, lárionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus pictiúrlanna, chomh maith le saothar liteartha agus léiriúcháin scannán, foirmeacha coiteanna den fhriotail cultúrtha, féilte agus tionscail chultúir, lena n-áirítear inter alia teicneolaíochtaí nua a úsáid – gabhann na Páirtithe ar láimh, ar an gcríoch ina n-úsáidtear teangacha den sórt sin agus a mhéad atá na húdaráis phoiblí inniúil, atá cumhacht acu nó a imríonn siad ról sa réimse seo: a áirithiú go ndéantar lamháltas iomchuí ag na comhlachtaí atá freagrach as gníomhaíochtaí cultúrtha de chineálacha*

## 5.75.iv

The Arts Council, with the assistance of POBAL, has also undertaken a consultation process to assess the needs of the Irish language Arts. POBAL presented a report to the Arts Council in January 2005 and was told that the Board would progress actions in the autumn of 2005. Despite inquiries on the 28 September 2005 and on 30 November 2005 as to the adoption of the proposals therein, we have not received any information as to the status of this report or actions to be taken.

## 5.75.v

POBAL has been informed that the Northern Ireland Museums Council intend to engage in a consultation process in early 2006 to consider the provision of guidelines on the use of minority languages and that the Irish will be included in the deliberations. Without wishing to pre-empt the results of the process, we are nonetheless concerned that the framework of the process will not give full recognition to the special position of Irish as an indigenous language.

## 5.75.vi

There is a need for policy makers in the north of Ireland to understand that resolute action to promote Irish must be developed independent of the different provision for ethnic minority languages, in accordance with the ECRML. The importance of protection for indigenous languages is underscored by a reference in the Preamble of the ECRML to the protection of the "historical regional or minority languages of Europe, some of which are in danger of eventual extinction."

## 5.75.vii

Notwithstanding these examples, we are unaware of any strategic, consistent language policy planning as recommended by COMEX. It is a matter of great concern to us that the UK government has failed to use the ECRML as a springboard to develop legislation, policy and service delivery. This failure demonstrates the need to enact a comprehensive Irish language Act.

**5.76. Article 12.1.d**

*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: to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and*

*éagsúla a eagrú agus as tacú leo d'fhonn an t-eolas ar theangacha nó cultúir réigiúnacha nó mionlaigh agus a n-úsáid a ionchorprú sna gnóthais a thionscnaíonn siad nó a gcuireann siad tacaíocht ar fáil dóibh.*

D'eagraigh Pláinéadlann Ard Mhacha, Trian Phádraig agus roinnt ionad cultúrtha eile tionscnaimh rathúla le riar ar earnáil an Ghaeoldeachais. Molann POBAL a gcúnamh agus iarrann ar mhúsaem agus ionaid léirithe eile a n-eiseamláir a leanúint.

5.76.i

Tá ról tábhachtach ag na 26 Comhairle áitiúil ag tacú le féilte ar fud an tuaiscirt. D'éirigh le cuid acu, Comhairle an Lúir agus Mhúrn agus Comhairle Cathrach Dhoire san áireamh, soláthar don Ghaeilge a iomlánú agus a phríomhshruthú i gcláir a bhféilte. Soláthraíonn Comhairle Cathrach Bhéal Feirste tacaíocht do Fhéile an Phobail, lonnaithe in iarthar na cathrach agus a bhfuil sciar dá gníomhaíochtaí i nGaeilge. Lasmuigh de na trí cinn seo, ní fios do POBAL go bhfuil an Ghaeilge le sonrú i bplé Comhairlí eile nuair a bhíonn féilte á n-eagrú cé go bhfuil grúpaí áitiúla Gaeilge gníomhach i réimsí gníomhaíochtaí i roinnt ceantar. (Feic fosta paragraf 5.75.ii)

### 5.77. Airteagal 12.1.e

*Maidir le gníomhaíochtaí agus saoráidí cultúrtha – go háirithe leabharlanna, físeabharlanna, lárionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus pictiúrlanna, chomh maith le saothar liteartha agus léiriúcháin scannán, foirmeacha coiteanna den fhriotail cultúrtha, féilte agus tionscail chultúir, lena n-áirítear inter alia teicneolaíochtaí nua a úsáid – gabhann na Páirtithe ar láimh, ar an gcríoch ina n-úsáidtear teangacha den sórt sin agus a mhéad atá na húdaráis phoiblí inniúil, atá cumhacht acu nó a imríonn siad ról sa réimse seo:*

*beartha a chur ar aghaidh chun a áirithiú go bhfuil ag na heagrais atá freagrach as gníomhaíochtaí cultúrtha de chineálacha éagsúla a eagrú foireann a bhfuil láneolas acu ar an teanga réigiúnach nó mionlaigh i dtrácht mar aon le láneolas ar an teanga/na teangacha atá ag an gcuid eile den phobal.*

Rinne Céad Tuairisc Thréimhsiúil na RA le Coiste na Saineolaithe nóta nach bhfuil cainteoir Gaeilge ar a láimh ag an Chomhairle Ealaíon. Dúirt sí nach raibh an gealltanas seo ach páirt-chomhlíonta. Cé gur cheap an Chomhairle Ealaíon ó shin duine le bheith freagrach as na healaíona Gaeilge agus go ndearna sí taighde ar an soláthar ba mhaith le Gaeilgeoirí, níor fhostaigh sí aon chainteoir Gaeilge agus tá gníomh fós le déanamh ar na moltaí straitéiseacha suntasacha a rinne pobal na Gaeilge mar fhreagra ar chomhairliúcháin na Comhairle Ealaíon trí POBAL.

*use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing.*

The Armagh Planetarium, St Patrick's Trian and a number of other cultural centres have organized successful initiatives to cater for the Irish medium school sector. POBAL praises their contribution and calls on other museums and interpretive centres to follow their example.

5.76.i

All the 26 local Councils play an important role in supporting festivals across the north. Some including Newry & Mourne District Council and Derry City Council have successfully integrated and mainstreamed provision for the Irish language into their festivals' programming. Belfast City Council provides support to Féile an Phobail, based in the west of city and which includes an Irish language element in its activities. Outside these three, POBAL is unaware that the Irish language features in the deliberations of other Councils when festivals are being organized although in a number of areas local Irish language groups are active in a range of activities. (See also paragraph 5.75.ii)

### 5.77. Article 12.1.e

*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:*

*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.*

The First UK Periodical Report by COMEX noted that the Arts Council does not have an Irish speaker at its disposal. It described this commitment as only being partly fulfilled. Though the Arts Council has since appointed someone to be responsible for the language arts and carried out research on the provision Irish speakers would like, there is still no Irish speaker employed by it and the substantial strategic proposals made by the Irish speaking community in response to the Arts Council's consultation through POBAL have as yet to be acted upon.

### 5.78. Cuid III, Airteagal 12.1.f

*Maidir le gníomhaíochtaí agus saoráidí cultúrtha – go háirithe leabharlanna, fisleabharlanna, lárionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus pictiúrlanna, chomh maith le saothar liteartha agus léiriúchán scannán, foirmeacha coiteanna den fhriotail cultúrtha, féilte agus tionscail chultúir, lena n-áirítear inter alia teicneolaíochtaí nua a úsáid – gabhann na Páirtithe ar láimh, ar an gcríoch ina n-úsáidtear teangacha den sórt sin agus a mhéad atá na húdaráis phoiblí inniúil, atá cumhacht acu nó a imríonn siad ról sa réimse seo:*

*ionadaithe do na húsáideoirí de theanga réigiúnach nó mionlaigh a chothú chun bheith rannpháirteach go díreach i saoráidí a sholáthar agus i gníomhaíochtaí cultúrtha a phleanáil.*

Lean an Chomhairle Ealaíon de bheith ag maoiniú roinnt grúpaí ealaíon Gaeilge chun gníomhaíochtaí trí Ghaeilge a sholáthar. Fuair POBAL maoiniú trí bliana chun a ródseó ealaíon Gaeilge a fhorbairt.

### 5.79. Moltaí POBAL ar Ghníomhaíochtaí agus Áiseanna Cultúrtha:

- Go bpríomhshruthaíonn eagrais reachtúla a dhéanann soláthar do na healaíona an Ghaeilge ina bpróisis phleanála agus gníomhaíochtaí de réir Acht na Gaeilge atá molta ag POBAL
- Go gníomhaíonn an Chomhairle Ealaíon i modh straitéiseach ar fhorfheidhmiú na tuairisce a tionsaíodh le haghaidh a bpróisis chomhairliúcháin agus a sholáthair POBAL dóibh in Eanáir 2005.

### 5.78. Part III, Article 12.1.f

*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:*

*to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities.*

The Arts Council has continued to fund a number of Irish language arts groups to deliver activities through the medium of Irish. POBAL has received three year funding to develop its Irish language arts road show.

### 5.79. POBAL's recommendations on Cultural Activities & Facilities:

- That statutory organisations which make provision for the arts mainstream the Irish language in their planning processes and activities in line with POBAL's proposed Irish Language Act
- That the Arts Councils acts in a strategic fashion on the implementation of the report compiled for their consultation process and delivered to them by POBAL in January 2005

## An CETRM Cuid III Airteagal 13 An Saol Geilleagrach agus Sóisialta

5.80.

Istigh in Airteagal 13 den CETRM tá bearta a iarrann, sa chéad chás, deireadh a chur leis na baic nó gníomhaíochtaí eile a chuireann in aghaidh úsáid na dteangacha réigiúnacha nó mionlaigh i gcórais shóisialta nó gheilleagracha, ach os a choinne sin tá roinnt beart dearfach ann chomh maith.

5.81.

Is é Clásal 13.1.d an t-aon chuid de Airteagal 13 a daingníodh don Ghaeilge faoi láthair. Maíonn POBAL go bhfuil géarghá tuilleadh clásal ó Airteagal 13.1 a dhaingniú chun cinnte a dhéanamh de nach ndéantar leatrom ar chainteoirí Gaeilge sa saol sóisialta agus geilleagrach.

5.82.

De réir taighde a cuireadh i gcrích tá trí bliana ó shin, tá an Ghaeilge ina teanga oibre ag níos mó ná 300 duine atá ag obair i mBéal Feirste amháin. Níl aon staitisticí, áfach, maidir le Gaeilgeoirí in ionaid oibre a bhfuil an lámh in uachtar ag an Bhéarla. Thuairiscigh idir fhostaithe agus fhostóirí deacrachtaí a d'éirigh as úsáid na Gaeilge ina leithéid d'ionaid oibre do POBAL ar roinnt ócáidí.

5.83.

Thuairiscigh muid inár n-aighneacht dheireanach chuig Coiste na Saineolaithe gur iarr fostaí san earnáil príobháideach soiléiriú ó Choimisiún Comhionannais Thuaisceart Éireann i ndiaidh gearáin amháin agus gur tugadh an chomhairle seo a leanas:

Fostaithe a labhraíonn Gaeilge i gcomhlúadar daoine eile nach labhraíonn an teanga, is féidir go bhfeicfeadh na daoine eile siúd go bhfuil siad á gcoinneáil amach as an chomhrá, go háirithe i suímh a bhfuil na daoine nach cainteoirí Gaeilge iad ina mionlach nó ina staid leochaileach. I staideanna mar sin is féidir nach í úsáid na Gaeilge í féin, ach an gníomh eisiaimh a tharraing fadhb maidir le dea-thimpeallacht shocair oibre agus d'fhéadfadh sé go maith bheith ina thoisic i líomhaintí leatrom in aghaidh an Ordaithe um Fhostaíocht agus Cóireáil Chothrom.

5.84.

Tá an Chomhairle seo in aghaidh ceart mionlach teanga a dteanga a úsáid gan bhac agus gan eagla cuir isteach, go poiblí nó go príobháideach. Tá an baol ann gurb é an éifeacht a bheidh leis na focail seo fostaithe a spreagadh úsáid na Gaeilge a thoirmeasc san ionad oibre. Cé go dúirt an Coimisiún Comhionannais go raibh 'míthuiscint' ann faoina chomhairle, tá sé fós le fianaise sách cuí a thabhairt go

## ECRML Part III Article 13 Economic and Social Life

5.80.

Article 13 of the ECRML contains measures that, on the one hand, seek to remove constraints or other actions that discourage the use of regional or minority languages in social and economic systems, while, on the other hand, including a number of positive measures.

5.81.

Clause 13.1.d is currently the only part of Article 13 that has been ratified for the Irish language. POBAL believes that there is an urgent need to ratify further clauses from Article 13.1 to ensure that Irish speakers are not discriminated against in economic and social life.

5.82.

According to research carried out three years ago, the Irish language is the working language for more than 300 people working in Belfast alone. There are, however, no statistics concerning Irish speakers in predominantly English language work places. Difficulties arising out of the use of the language in such work places have been reported to POBAL by both employees and employers on a number of occasions.

5.83.

We reported in our last submission to COMEX that following one complaint, an employer in the private sector sought clarification from the Equality Commission of Northern Ireland and was given the following advice:

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 language 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.

5.84.

This advice is contrary to the right of a linguistic minority to use their language freely and without fear of interference, either privately or publicly. There is a danger that the effect of these words will be to encourage employers to ban the use of Irish in the work place. Though the Equality Commission has stated that its advice was 'misunderstood,' it has yet to provide adequate evidence of change or

bhfuil athrú nó soiléiriú ann, go himheánach nó go seachtrach, dá léirmhíniú den CETRM. Chomh déanach le 29 Samhain 2005, bhí baill foirne an Choimisiúin Chomhionannais ag admháil fós d'fhoireann POBAL go raibh easpa tuisceana ann den CETRM.<sup>88</sup> (Feic fosta paragraif 5.25.iii agus 5.26.v)

5.85.

Ó bhí ár dTuirisc dheireanach ann, is eol do POBAL duine amháin a bhí ag obair sa tionscal fáilteachais ar tugadh an bóthar dó, más fíor, as a bheith ag caint i nGaeilge. Tá éisteacht chúirte ar feitheamh fós faoin eachtra. Tá na líomhaintí fós sub judge, ag cosc ar POBAL tuilleadh sonraí a thabhairt ag an am seo.

5.86.

Bhí deacrachtaí chomh maith ag cainteoirí Gaeilge ag obair san earnáil phoiblí. I gcás amháin a bhain le RFS, tugadh casaoid d'oibrí as bheith ag caint ar an ghuthán dá pháiste i nGaeilge agus cuireadh in iúl d'oibríthe san aonad inar fostaíodh é nár chóir an Ghaeilge a úsáid san ionad oibre. Shainaithin an Roinn an t-oibrí roimhe seo mar dhuine a d'fhéadfadh plé leis an phobal i nGaeilge.

5.87.

Chuaigh POBAL i dteagmháil le RFS chun a bhuarthaí a léiriú. Ina freagra ar 2 Samhain 2004, ba é an chéad rud a rinne an Roinn a chinneadh a chosaint ag tabhairt mar údarás beartas chomhdhiseanna SSTÉ: "Tá ceart comhionannas deiseanna ag gach duine mar aon le dea-thimpeallacht shocair oibre agus atmaisféar ina spreagtar gach oibrí a mbuanna éagsúla a chur i bhfeidhm agus nach mothaíonn oibrí ar bith faoi bhagairt ná scanradh air." Lean an freagra: "I bhfeidhmiú an bheartais seo, tuigfidh tú go gcaithfear teacht ar chothromaíocht idir an ceart Gaeilge ná teanga ar bith eile a labhairt agus dea-thimpeallacht shocair oibre."<sup>89</sup>

5.88.

Maíonn POBAL gurb é atá i mbac ar bith ar an Ghaeilge comhbhagairt do dhea-thimpeallacht shocair oibre, pointe nach ndearna RFS sular dhruid sí a litir ag géilleadh gur cuireadh a cinneadh ar ceal.

5.89.

I gcás eile, d'iarr oibrí cléireachachais cúnamh ón Roinn cúrsa Gaeilge a chríochnú. Is cleachtas forleathan é sa Státseirbhís cúnamh a thabhairt d'fhostaithe atá ag iarraidh tabhairt faoi chúrsaí oideachais a chuirfidh chun cinn a bhforbairt phearsanta agus cur leis na scileanna a chuireann siad ar fáil san ionad oibre. Dúradh leis an oibrí cléireachais a thugann seirbhís line thosaigh don phobal, áfach, nach mbeadh aon ábharthacht ag cúrsa Gaeilge lena chuid oibre agus diúltaíodh cead dó. I ndiaidh idirghabhála ó POBAL mar aon le huiríll pholaitiúil cúlaíodh an diúltú.<sup>90</sup>

clarification, internally or externally, of its interpretation of the ECRML. As recently as 29 November 2005, Equality Commission staff members were still acknowledging a lack of understanding of the ECRML to POBAL staff.<sup>88</sup> (See also paragraphs 5.25.iii and 5.26.v)

5.85.

Since our last Report, POBAL is aware of one person working in the hospitality industry who was allegedly sacked from his job for speaking Irish. A court hearing is still pending over the incident. The allegations remains sub judge, precluding POBAL from providing further details at this time.

5.86.

Irish speakers working in the public sector have also experienced difficulties. In one case, involving DSD, a worker was reprimanded for talking on the phone to his child in Irish and workers in the unit in which he was employed were informed that the Irish language should not be used in the workplace. The worker had previously been identified by the Department as someone who could deal with the public in Irish.

5.87.

POBAL contacted the DSD to express our concerns. In its response on 2 November 2004, the Department initially defended the decision quoting the NICS equal opportunities policy: "Everyone has the right to equality of opportunity and to a good and harmonious working environment and atmosphere in which all workers are encouraged to apply their diverse talents and in which no worker feels under threat or intimidated." The reply continued: "In the application of this policy, you will appreciate that a balance has to be struck between the right to speak Irish or any other language and a good harmonious working environment."<sup>89</sup>

5.88.

POBAL contends that any restriction on the Irish language represents an equal threat to a good and harmonious working environment, a point that the DSD failed to note before it closed its letter conceding that the decision had been rescinded.

5.89.

In another case, a clerical worker with the DSD asked for assistance from the Department to complete an Irish language course. It is widespread practice in the Civil Service to provide assistance to employees wishing to undergo education courses that will progress their personal development and add to the skills they offer in the work place. However, the clerical worker who provides a front-line service to the public, was told that an Irish language course would be of no relevance to his work and he was declined permission. Following intervention from POBAL and political representations the refusal was reversed.<sup>90</sup>

<sup>88</sup> Oifigeach Eolais leis an Choimisiún Comhionannais chuig POBAL i bhfreagra ar iarratas ar shoiléiriú a thug an Coimisiún don Roinn Oideachais maidir le fógairt dhá fholúntas a d'éiligh Gaeilge. Ilofa, 29 Samhain 2005. Feic fosta ríomhphost ón RO chuig Janet Muller ó POBAL, dar dáta 29 Samhain 2005.

<sup>89</sup> Litir ó Patricia Donnelly, Oifigeach Deiseanna Comhionannais RFS chuig Janet Muller ó POBAL, 2 Samhain 2004.

<sup>88</sup> An Information Officer with the Equality Commission to POBAL in response to a request on clarification given to the Department of Education by the Commission regarding the advertising of two vacancies requiring fluent Irish, 29 November 2005. See also e-mail from DE to Janet Muller of POBAL, dated 29 November 2005.

<sup>89</sup> Letter from Patricia Donnelly, DSD Equal Opportunities Officer, to Janet Muller of POBAL, 2 November 2004.

5.90.

Bhí deacrachtaí leanúnacha le post gan a bheith seachadta nuair a bhí seoladh i nGaeilge air. Rinne an Royal Mail fíoriarrachtaí seo a shárú agus tá an fhadhb anois go mór ina fadhb áitiúil i roinnt ceantar atá den chuid is mó Aontachtach. Mar sin féin, tá sé thar fóir go gcuirtear isteach ar aon phost de thairbhe gur i nGaeilge atá an seoladh.

5.91.

Reachtáil Forbairt Feirste i mBéal Feirste agus an Gaeláras i nDoire feachtais rathúla chun gnólachtaí a spreagadh Gaeilge a úsáid. Is ENR-anna iad beirt. Ag leibhéal reachtúil ba é an t-aon ghníomhaíocht a bhí ann foilsíú roinnt bróisiúr ar pháirt Fhoras na Gaeilge.

5.92.

D'fháiltigh POBAL roimh an tacaíocht a thug RCEF, RFS agus an Roinn Fiontraíochta, Trádála agus Infheistíochta do bhunú Ceathrún Gaeltachta in Iarthar Bhéal Feirste. Táthar ag súil go n-úsáidfídh an tionscnamh, i gcomhpháirt leis an phobal áitiúil, an Ghaeilge mar mhodh leis an cheantar a athnuachan go gilleagrach. Tarraingíodh an moladh anuas ar dtús i 1998. Thagair Céad Tuairisc na RA dó mar eiseamláir den dóigh a raibh Airteagal 3.1d á chur i bhfeidhm.

5.93.

D'aithin tuairisc Tascfhórsa ar athnuachan gheilleagrach a foilsíodh i 2002 forbairt Ceathrú Gaeltachta mar shaindeis chun an cnuasach de thionscnaimh Ghaeilge a bhí ag fás ar Bhóthar na bhFál i mBéal Feirste a fhorbairt. Bhí sí mar ábhar ar thuairisc eile a choimisiúnaigh RCEF agus a foilsíodh i 2004, Ceathrú Gaeltachta, Bunú Bord Forbartha agus Ceisteanna Bainteacha, a mheas rialachas agus maoiniú an choincheapa. Mhol an tuairisc sin le Clive Dutton bunú mionchomhlacht athnuachana uirbí chun an togra a thiomáin chun cinn, ceapadh Príomhfheidhmeannaigh, soláthar costais tuarastail agus reachtála chomh maith le buiséad oibríúcháin de £220,000 agus buiséad caipitil tosaigh de £750,000.<sup>91</sup>

5.94.

Bliain i ndiaidh fhoilsíú Thuairisc Dutton, níor comhlánaíodh ceann ar bith den chéad 11 céim eile a shaináithin Dutton. Ina theannta sin, is eagal le hionadaithe Gaeilge ar an bhord cúl go mbeidh an togra faoi mhíbhuntáiste sula dtosaíonn sé fiú gan buiséad oibríúcháin agus caipitil. Is ábhar díomá an ráta mall dul chun cinn agus tá sé i gcodarsnacht leis an díograis a léiríonn na Ranna do thograí forbairt gheilleagair eile in áiteanna eile i mBéal Feirste amhail Ceantar Titanic, i gceantar na nduganna ar fógraíodh buiséad breis is £1 billiún dó i nDeireadh Fómhair 2005.<sup>91</sup>

5.90.

There have been persistent difficulties with mail not being delivered when addressed in Irish. The Royal Mail has made genuine efforts to overcome this and the problem is now largely localised to some predominantly unionist areas. It is nonetheless intolerable that any mail be interfered with on account of it being addressed in Irish.

5.91.

Forbairt Feirste in Belfast and the Gaeláras in Derry have conducted successful campaigns to encourage businesses to use the Irish language. They are both NGOs. At a statutory level the only activity has been the publication of some brochures by Foras na Gaeilge.

5.92.

POBAL has welcomed the support given by DCAL, DSD and the Department of Trade and Investment to the establishment of a Gaeltacht Quarter in West Belfast. It is hoped that the project, in partnership with the local community, will utilise the Irish language as a means to economically regenerate the area. The proposal was first mooted in 1998. The First UK Report referred to it as an example of how Article 3.1d is being fulfilled.

5.93.

A Task Force report published in 2002 on economic regeneration recognised the development of a Gaeltacht Quarter as a unique opportunity to develop the clustering of Irish language projects naturally growing on the Falls Road in Belfast. It was subject of a further report commissioned by DCAL and published in 2004, Ceathrú Gaeltachta, The Establishment of a Development Board and Related Issues, that considered the governance and funding of the concept. That report by Clive Dutton recommended the establishment of a mini urban regeneration company to drive the project forward, the appointment of a Chief-Executive, the provision of salary and running costs as well as a £220,000 operating budget and a lead-in capital budget of £750,000.<sup>91</sup>

5.94.

One year following the publication of the Dutton Report, none of the key 11 next steps identified by Dutton have been completed. Furthermore, Irish language representatives on the shadow board fear that with no operating and capital budget the project will be disadvantaged before it even begins. The slow progress is a source of disappointment and contrasts to the enthusiasm that the Departments display for other economic development projects elsewhere in Belfast such as the Titanic Quarter, in the docks area for which a budget of over £1 billion pounds was announced in October 2005.<sup>91</sup>

<sup>90</sup> Litrí ó Alan Shannon, Rúnaí Buan RFS, chuig POBAL 18 Feabhra 2004.

<sup>91</sup> Dutton, Clive, Ceathrú Gaeltachta Bunú Bord Forbartha agus Ceisteanna Bainteacha, dréacht deirídh RCEF, RFS agus an Roinn Fiontar, Trádála agus Infheistíochta, Mí na Nollag 2004.

<sup>90</sup> Letter from Alan Shannon, Permanent Secretary DSD, to POBAL 18 February 2004.

<sup>91</sup> Dutton, Clive, Gaeltacht Quarter, The Establishment of a Development Board and Related Issues, final report of behalf of DCAL, DSD and the Department of Enterprise, Trade and Investment, December 2004.

5.95.

Ina haighneacht de 1 Iúil 200, dúirt an RA go n-éascaítear úsáid na Gaeilge san earnáil phríobháideach/neamhrialtasach ar an bhonn céanna agus a dhéantar in eagraíocht Bhéarla in earnáil fiontraíochta príobháidí nó neamhrialtasach. Is é an príomhphointe, áfach, go bhfuil an rud a dtugann an CETRM gníomh daingean air de dhíth ar an Gaeilge chun a húsáid a spreagadh.

5.96.

Má tá a bhfabhraíocht cheart le bheith faoi na hiarrachtaí gníomhaíochtaí geilleagair a spreagadh sa teanga tá gá le cosaint reachtúil bhaile don Ghaeilge sa saol geilleagrach agus sóisialta.

### 5.97. Moltaí POBAL ar an Saol Geilleagrach agus Sóisialta:

- Mar chuid de Acht na Gaeilge do thuaisceart na hÉireann go mbeadh an ceart ag gach fostaí Gaeilge a úsáid san ionad oibre agus nár chóir go measfaí am ar bith go bhfuil sé seo ag sárú an dlí ná cearta daonna daoine eile
- Go mbeadh an seasamh céanna sa dlí ag conarthaí fostaíochta atá scríofa i nGaeilge agus atá ag conarthaí atá scríofa i mBéarla
- An Cheathrú Gaeltachta a chur chun cinn le maoiniú réalaíoch agus cumhachtaí don Bhord.

5.95.

In its submission of 1 July 2005, the UK stated that the use of Irish in the private/non-Governmental sector is facilitated on the same basis as by English-using private sector enterprise or non-Governmental organisation. The key point is, however, that following years of neglect that the Irish language needs what the ECRML describes as resolute action to encourage its use.

5.96.

If the efforts to encourage economic activity in the language are to achieve their true potential there is a need for domestic legislative protection for the Irish language in economic and social life.

### 5.97. POBAL's recommendations on Economic and Social Life:

- That as part of an Irish Language Act for the north of Ireland all employees should have the right to use the Irish language in the work-place and that at no time should this be deemed to constitute a violation of the law or the civil rights of other people
- That employment contracts written in Irish be regarded in law with the same regard that contracts written in English
- Progress the Gaeltacht Quarter with realistic funding and powers for the Board



## An CETRM Cuid III Airteagal 14 Malartuithe Trasteorann

5.98.

Ag aithint nach ionann i gcónaí teorainneacha agus iomláine thíreolaíoch pobail teangacha réigiúnacha agus mionlaigh, diríonn Airteagal 14 ar chomhoibriú trasteorann chun comhthuisctint a mhéadú.

### 5.99. Cuid III Airteagal 14

*Gabhann na Páirtithe ar láimh:*

- I. *comhaontuithe déthaobhacha agus iltaobhacha atá ann cheana agus atá ina gceangal orthu a chur i bhfeidhm leis na Stáit ina n-úsáidtear an teanga chéanna i bhfoirm chomhionann nó comhchosúil, nó más gá, féachaint le comhaontuithe den sórt sin a thabhairt i gcrích d'fhonn taobhú le tadhail idir úsáideoirí na teanga céanna sna Stáit i dtrácht i dtaca le cultúr, oideachas, faisnéis, gairmoiliúint agus buanoideachas*
- II. *ar mhaithe le teangacha réigiúnacha nó mionlaigh, chun an comhar trasteorann a éascú agus/nó a chur ar aghaidh, go háirithe idir údaráis réigiúnacha nó áitiúla a n-úsáidtear an teanga chéanna i bhfoirm chomhionann nó comhchosúil ar a gcríoch.*

D'fhágfadh naisc theaghlaigh, an struchtúr sóisialta agus gréasáin phobail go mbeadh sé dodhéanta riar ar riachtanais cainteoirí Gaeilge i dtuaisceart na hÉireann scartha ó chainteoirí Gaeilge i bPoblacht na hÉireann. Tháinig an teanga roimh an teorainn agus tá sí os a cionn. Tá forbairt mhór déanta ar naisc thrasteorann idir scoileanna i dtuaisceart na hÉireann agus na Gaeltachtaí sa Phoblacht agus freastalaíonn roinnt mhaith céadta páiste ar scoileanna samhraidh Gaeltachta gach bliain.

5.100.

Ag leibhéal oifigiúil bunaíodh Foras na Gaeilge, a dtacaíonn Rialtas na RA agus Rialtas na hÉireann leis, i 2001 mar ghníomhaireacht thrasteorann. Tá dhá ról aige: Rialtas a chomhairliú ar bheartas agus maoiniú a sholáthar do thograí Gaeilge. Is é ár maíomh, áfach, nach scaoiltear saor rialtas na RA óna shaindualgais maidir leis an CETRM de thairbhe gurb ann do Foras na Gaeilge.

## ECRML Part III Article 14 Transfrontier Exchanges

5.98.

Recognising that borders do not always reflect the geographical integrity of minority and regional language communities, Article 14 focuses on cross border cooperation to enhance mutual understanding.

### 5.99. Part III Article 14

*The Parties undertake:*

- I. *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;*
- II. *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.*

Family links, social structure and community networks would make it impossible to respond to the needs of the Irish speakers in the north of Ireland in isolation from Irish speakers in the Republic of Ireland. The language both predates and transcends the border. Cross border links between schools in the north of Ireland and the Gaeltachtaí (Irish speaking areas designated by the Irish government) in the Republic are highly developed and many hundreds of children attend Gaeltacht summer schools each year.

5.100.

At an official level, Foras na Gaeilge was established in 2001 as a cross border agency, supported by both UK Government and the Irish Government. Its role is two-fold: to advise Government on policy and to provide funding to Irish language initiatives. We contend however that the existence of Foras na Gaeilge does not release the UK government from its specific responsibilities in relation to the ECRML.

5.101.

Is í an Ghaeilge teanga oifigiúil Phoblacht na hÉireann agus mar sin bhain sí amach ar na mallaibh aitheantas oifigiúil mar theanga oibre Aontas na hEorpa. Sa Phoblacht, tá Acht na dTeangacha Oifigiúla 2003 chun sochair na teanga chomh maith. Chun cinnte a dhéanamh de nach dtiteann Gaeilgeoirí i dtuaisceart na hÉireann ar gcúl ar a gcomharsana i dtéarmaí soláthair ba chóir Acht cuimsitheach na Gaeilge a thabairt isteach chun cosaint a thabhairt do Ghaeilgeoirí i dtuaisceart na hÉireann.

5.102.

Faoi láthair tá POBAL ag obair ar thionscnamh chun feasacht teanga a spreagadh ar an dá thaobh den teorainn. Táimid ar lorg cúnamh airgid ó Chiste Síochána agus Athmhuintearais na hEorpa chun an tionscnamh a thabhairt chun cinn.

### 5.103. Moltaí POBAL ar Mhalartuithe Trasteorann:

- Go dtugtar reachtaíocht isteach i dtuaisceart na hÉireann chun caomhnuithe teanga a chomhchuíbhíú ar bhonn uile-Éireann
- Go nglacann Rialtas cur chuige níos straitéisí i dtaobh forbairt comhoibrithe thrasteorann agus forbartha
- Go gcuirtear tacaíocht bhreise ar fáil do thograí agus comhoibriú trasteorann.

5.101.

Irish is the official language of the Republic of Ireland and as such it has recently gained official recognition as a working language of the European Union. In the Republic, the language also benefits from the introduction of the Official Languages Act of 2003. To ensure that Irish speakers in the north of Ireland do not fall behind their neighbours in terms of provision, a comprehensive Irish Language Act should be introduced to give protection to Irish speakers in the north of Ireland.

5.102.

POBAL is currently developing an initiative to promote language awareness on both sides of the border. We are seeking financial assistance from the European Peace and Reconciliation Funds to bring the project forward.

### 5.103. POBAL's recommendations on Transfrontier Exchanges:

- That legislation be introduced in the north of Ireland to harmonise language protections on an all-Ireland basis
- That Government takes a more strategic approach to the development of cross border cooperation and development
- That additional support be made available to cross border projects and cooperation.

## Moltaí POBAL

Sa mhír seo tugaimid le chéile na moltaí éagsúla a rinneadh feadh na Tuairisce seo agus atá deartha chun an Ghaeilge a chaomhnú agus a chur chun cinn.

### Moltaí Ginearálta:

- Moltaí POBAL le haghaidh Acht Gaeilge TÉ a achtú chun an Ghaeilge a chosaint agus a chur chun cinn.
- Gur chóir don RA líon suntasach clásal breise ó Chuid III den CETRM a dhaingniú láithreach don Ghaeilge agus na roghanna a roghnaíodh cheana a uasghrádú sa dóigh is go bhfuil an ionstraim dhaingnithe de réir staid na teanga. Ba chóir na codanna daingnithe a achtú i ndlí baile na RA ar feitheamh fhorfheidhmiú Acht na Gaeilge.

### Moltaí ar Chuid I den CETRM Forálacha Ginearálta:

- Ba chóir do Rialtas na RA tús a chur le feachtas fuinniúil poiblíochta chun an gnáthphobal a chur ar an eolas go bhfuil an CETRM ann agus na buntáistí atá le fáil aisti. Is ar an dóigh seo amháin a lánchumasófar an pobal leas a bhaint as seirbhísí trí Ghaeilge.
- Go dtugann ENR-anna luach breise don tacaíocht, traenáil agus obair chomhordaithe maidir leis an CETRM agus gur chóir obair POBAL sna hearnálacha seo bheith faoi réir tacaíocht airgeadais sách oiriúnach

### Moltaí ar Chuid II den CETRM, Cuspóirí agus Prionsabail:

- Go dtabharfaidh Ranna láithreach faoi cheisteanna daonacmhainne le haghaidh soláthar seirbhíse níos forleithne.
- Go mbunófar glao-aonaid le foireann cainteoirí Gaeilge le bheith ar bheart eatramhach le déileáil le custaiméirí Gaeilge ar son iomlán SSTÉ.
- Go mbunófar soláthar do theanga réigiúnach nó mionlaigh ar dhea-chleachtas idirnáisiúnta agus saor ón chur chuige quid pro quo atá ceangailte le gnóthú cuspóirí polaitiúla.

### Moltaí ar Oideachas:

- Go n-achtaítear an tAcht cuimsitheach Gaeilge atá ag POBAL ag cinntiú soláthar soiléir don Ghaeloideachas
- Go n-aithnítear tumoideachas Gaeilge mar chás faoi leith
- Go dtugtar faoi sholáthar do réamhscolaíocht agus meánscolaíocht Ghaeilge mar cheist an-phráinneach
- Gur chóir do sholáthar ligint do na naiscoileanna uile cóimheas foirne/páistí 1-8 a bheith acu, figiúr atá ag

## POBAL's Recommendations

In this section we bring to together the various recommendations that have been made through this Report and that are designed to protect and promote the Irish language.

### General recommendations:

- That POBAL's proposals for the Irish Language Act NI be enacted to protect and promote the Irish language
- That the UK should immediately ratify a significant number of additional Part III clauses of the ECRML for the Irish language and upgrade the options already selected in order that the ratification instrument is in keeping with the language's situation. The ratified elements should then be enacted into UK domestic law pending the implementation of the Irish Language Act

### Recommendations on Part I of the ECRML General Provisions:

- The UK Government should initiate an energetic promotional campaign to inform the general public as to the existence of the ECRML and the benefits to be accrued from it. It is only in this manner that the public will be fully empowered to avail of services through the medium of Irish.
- That NGOs bring added value to advocacy, training and co-ordination work in relation to the ECRML and that POBAL's work in these areas should be the subject of adequate financial support

### Recommendations on Part II of the ECRML, Objectives & Principles:

- That Departments immediately address human resource issues for wider service provision
- That call-centres staffed by Irish speakers be immediately established to act as an interim measure to deal with Irish speaking customers on behalf of the whole of the NICS
- Provision for regional or minority language be based on international good practice and free from quid pro quo approaches linked to the achievement of political goals

### Recommendations on Education:

- That POBAL's comprehensive Irish language Act be enacted ensuring clear provisions for Irish medium education
- That Irish language immersion education be recognized as a particular case
- That provision for pre-school and secondary Irish medium education be addressed as a matter of urgent concern

teacht níos oiriúnaí le nádúr agus riachtanais an tumoideachais

- Gur gá beartais a bhaineann le meánscolaíocht Ghaeilge bheith bunaithe i sainriachtanais na hearnála. Go ligean an tairseach teachta isteach le haghaidh Gaelscoileanna dóibh aitheantas a ghnóthú i gcomhthéacs riachtanais na hearnála.
- Gur chóir don BBC an lánchuraclam digiteach a sholáthar trí Ghaeilge.
- Go gcuirtear tacaíocht ar fáil do pháistí atá ag freastal ar Ghaelscoileanna a chuireann san áireamh an t-achar níos faide is minic a bhíonn le taisteal acu.

### Moltaí ar Údaráis Bhreithiúnacha:

- Go ndéantar an tAcht um Riar Ceartais a aisghairm
- Go ndéanfaí beart láithreach plean forbartha a dhréachtú chun seirbhísí cúirte trí Ghaeilge a chur ar fáil mar a samhlaíodh i ndrúacht-Acht Gaeilge Pobal.
- Go mbeadh poiblíocht ann a thaispeánfadh go gcuirfí fáilte roimh úsáid na Gaeilge agus comharthaíocht dhátheangach i ngach foirgneamh cúirte san áireamh.
- Go nglacfaí le fianaise scríofa i nGaeilge ó cheart.
- Go mbeadh an ceart ag daoine fianaise a thabhairt i nGaeilge.
- Go n-íocfadh Legal Aid as costais aistrithe mar a dhéanann siad le costais eile dá chineál.
- Go nglacfaí le Gaeilge mar scil bhreise luachmhar san áit oibre.
- Go gcuirfí le chéile bunachar sonraí dlíodóirí a bhfuil cumas acu sa Ghaeilge.
- Go gcuirfí ar fáil i nGaeilge téacsanna móra dlí agus aon reachtaíocht eile de réir mar a dhaingneofar í amach anseo

### Moltaí ar Údaráis Riaracháin agus Seirbhísí Poiblí:

- Go ndrúchtófaí reachtaíocht i bhfoirm Acht cuimsitheach Gaeilge a chuirfidh iachall ar Rannóga Rialtais agus Gníomhaireachtaí Reachtúla struchtúir a chur i bhfeidhm le Gaeilge a chosaint agus a chur chun cinn ina gcuid oibre uilig.
- Go ndaingneofaí an RA a thuilleadh clásal ó Airteagal 10 den CETRM chun a chinntiú go bhfreagrófaí comhfhreagras Gaeilge sa teanga sin.
- Go gcuirfeadh an Rialtas ar siúl feachtas bríomhar spreagadh feasachta chun an pobal a chur ar an eolas faoi sheirbhísí a bheadh ar fáil trí Ghaeilge.
- Go mbeadh an maoiniú ag gach gníomhaireacht Rialtais chun cur ar a gcumas comharthaí fada a úsáid ar a gcuid páipéarachais uilig.
- Mar chuid de mholadh POBAL ar son Acht cuimsitheach Gaeilge, go gcuirfí reachtaíocht nua isteach in áit an Ordaithe um Rialtas Áitiúil (Forálacha Éagsúla) (TÉ) 1995

- That provision should allow all naiscoileanna have a staff/child ratio of 1-8, a figure the more appropriately reflects the nature and needs of immersion education
- That policies pertaining to secondary level Irish medium education need to be rooted in the particular requirements of the sector. That the in-take threshold for Irish medium schools allows them to achieve recognition in the context of the needs of the sector
- That the BBC should provide the full digital curriculum through the medium of Irish

### Recommendations on Judicial Authorities:

- That the Administration of Justice Act be repealed
- That immediate action be taken to draft a development plan to deliver court services through the medium of Irish as envisaged in POBAL's draft Irish Language Act.
- That there be publicity to show that the use of Irish is welcome including the use of bilingual signage through all court buildings.
- That written evidence in Irish be recognised in its own right.
- That there be a right to present evidence in Irish.
- That translation costs to be carried by legal aid as with other associated legal costs.
- That Irish be viewed as a valued and additional skill in the workplace.
- That a database of solicitors with competency in Irish be collated.
- That key legal texts should be made available in Irish and future legislation made available in Irish as it is drafted.

### Recommendations on Administrative Authorities & Public Services:

- That legislation be enacted in the form of a comprehensive Irish Language Act to oblige Government Departments and Statutory agencies to take measures to protect and promote the Irish language in all their activities
- That the UK ratify further clauses from Article 10 of the ECRML to ensure that correspondence in Irish will be answered in that language
- That Government conducts an energetic awareness raising campaign to inform the public of the existence of services through the medium of Irish
- That all Government agencies should be resourced so as to facilitate the use of the fada on all documentation
- As part of POBAL's proposal for a comprehensive Irish Language Act, that the Local Government Order (Miscellaneous Provisions)(NI) 1995 be replaced with new legislation obliging Councils to act according to the will

a thabharfadh ar Chomhairlí feidhmiú de réir thoil na gcónaitheoirí agus na céimeanna a ghlacadh chun an toil sin a thomhas i ndiaidh iarratas a fháil.

- Go gcuirfí ar fáil gan aon stró doiciméid mar cheadúnais tiomána, cártaí vótála, teastais agus foirmeacha iarratais as Gaeilge.
- Go gcuirfeadh an RPA i bhfeidhm struchtúir a dhéanfaidh cinnte de nach gcuirfeadh na comhairlí nuabhunaithe isteach ar aon bhealach ar an fhreastal a dhéantar ar an Ghaeilge i láthair na huairé ach go gcuirfeadh siad le dul chun cinn seirbhísí cuimsitheacha agus cuí.

### **Moltaí POBAL ar na Meáin:**

- Go dtabharfar isteach Acht cuimsitheach na Gaeilge ina mbeidh forálacha soiléire do na meáin Ghaeilge
- Go ndéantar soláthar d'ar a laghad stáisiún amháin raidió réigiúnaigh agus go gcuirtear maoiniú ar fáil chun rath craoladh raidió cheantair i nGaeilge a chinntiú
- Go gcuirfead traenáil ar fáil d'iriseoirí sna meáin chlóite trí institiúidí tríú leibhéal oideachais
- Go mbeidh Lá san áireamh i straitéisí fógraíochta Rialtais
- Go n-oibreoidh an Ciste Craoltóireachta Gaeilge le léiritheoirí neamhspleácha mar chomhpháirtithe agus an earnáil bheith páirteach i gcruthú straitéise comhaontaithe le haghaidh fáis agus forbartha san am atá le teacht
- Go bhfeabhsófar rochtain ar TG4 ar theilifís thraistíre chun iomlán an tuaiscirt a chlúdach
- Go dtabharfar faoi fheachtais fhaisnéise shuntasacha ar an dóigh le TG4 a fháil

### **Moltaí ar Áiseanna agus Gníomhaíochtaí Cultúrtha:**

- Go bpríomhshruthaíonn eagrais reachtúla a dhéanann soláthar do na healaíona an Ghaeilge ina bpróisis phleanála agus gníomhaíochtaí de réir Acht na Gaeilge atá molta ag POBAL
- Go gníomhaíonn an Chomhairle Ealaíon i modh straitéiseach ar fhorfheidhmiú na tuairisce a tiomsaíodh le haghaidh a bpróisis chomhairliúcháin agus a sholáthair POBAL dóibh in Eanáir 2005.

### **Moltaí ar an Saol Geilleagrach agus Sóisialta:**

- Mar chuid de Acht na Gaeilge do thuaisceart na hÉireann go mbeadh an ceart ag gach fostaí Gaeilge a úsáid san ionad oibre agus nár chóir go measfaí am ar bith go bhfuil sé seo ag sárú an dlí ná cearta daonna daoine eile
- Go mbeadh an seasamh céanna sa dlí ag conarthaí fostaíochta atá scríofa i nGaeilge agus atá ag conarthaí atá scríofa i mBéarla
- An Cheathrú Gaeltachta a chur chun cinn le maoiniú réalaióch agus cumhachtaí don Bhord

of residents and to take steps to ascertain that will on receipt of a request

- That documents such as driving licenses, voting cards, certificates and application forms and official documentation be made easily available through the medium of Irish
- That the RPA puts in place measures that will ensure that the creation of the new council structures will not result in the deterioration of existing provision for the Irish language but that instead will facilitate the development of consistent and appropriate services

### **POBAL recommendations on the Media:**

- That a comprehensive Irish Language Act be introduced that will include clear provisions for the Irish language media
- That provision be made for at least one regional Irish language radio station and funding made available to ensure the success of localised radio broadcasting in Irish
- That training for journalists in the print media be made available through third level educational institutions
- That Lá be included in Government advertising strategies
- That the Irish Language Broadcast Fund work with independent producers as partners and involves the sector in the creation of an agreed strategy for future growth and development
- That access to TG4 on terrestrial television be improved to cover the whole of the north
- That significant information campaigns on how to receive TG4 are undertaken

### **Recommendations on Cultural Activities & Facilities:**

- That statutory organisations which make provision for the arts mainstream the Irish language in their planning processes and activities in line with POBAL's proposed Irish Language Act
- That the Arts Councils acts in a strategic fashion on the implementation of the report compiled for their consultation process and delivered to them by POBAL in January 2005

### **Recommendations on Economic and Social Life:**

- That as part of an Irish Language Act for the north of Ireland all employees should have the right to use the Irish language in the work-place and that at no time should this be deemed to constitute a violation of the law or the civil rights of other people
- That employment contracts written in Irish be regarded in law with the same regard that contracts written in English
- Progress the Gaeltacht Quarter with realistic funding and powers for the Board

**Moltaí POBAL ar Mhalartuithe Trasteorann:**

- Go dtugtar reachtaíocht isteach i dtuaisceart na hÉireann chun caomhnuithe teanga a chomhchuíbiú ar bhonn uile-Éireann
- Go nglacann Rialtas cur chuige níos straitéisí i dtaobh forbairt comhoibriú trasteorann agus forbartha
- Go gcuirtear tacaíocht bhreise ar fáil do thograí agus comhoibriú trasteorann.

**POBAL's recommendations on Transfrontier Exchanges:**

- That legislation be introduced in the north of Ireland to harmonise language protections on an all-Ireland basis
- That Government takes a more strategic approach to the development of cross border cooperation and development
- That additional support be made available to cross border projects and cooperation taken

## Aguisín 1 Appendix 1

Dátaí na gcuirinnithe leis na Ranna Rialtais agus polasaithe maidir le freagairt litreacha trí mheán na Gaeilge:

Dates of meetings with Government Department and policies in regard to answering letters through the medium of Irish in Irish:

Roinn Department	Dáta Cruinnithe Date of meeting	An bhfreagrófar litreacha as Gaeilge? Will letters be answered in Irish?
01. Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteacht Poiblí 01. Health, Social Services and Public Health	16 Meán Fómhair 2003 16 September 2003	Freagrófar Yes
02. An Roinn Comhshaoil 02. Environment	8 Márta 2004 8 March 2004	Freagrófar Yes
03. Roinn an Oideachais 03. Education	31 Márta 2004 31 March 2004	Freagrófar Yes
04. Roinn Forbartha Réigiúnaí 04. Regional Development	2 Aibreán 2004 2 April 2004	Freagrófar Yes
05. Roinn Forbartha Sóisialta 05. Social Development	5 Aibreán 2004 5 April 2004	Ní fhreagrófar No
06. Roinn Cultúir, Ealaíon agus Fóillíochta 06. Arts, Culture and Leisure	16 Aibreán 2004 16 April 2004	Freagrófar Yes
07. Roinn Talmhaíochta 07. Agriculture and Rural Development	20 Aibreán 2004 20 April 2004	Ceist á meas Under consideration
08. Oifig an ChéadAire Agus LeasChéad Aire 08. Office of First and Deputy First Minister	28 Aibreán 2004 28 April 2004	Freagrófar Yes
09. Roinn Fostaíochta agus Foghlamtha 09. Education and Learning	10 Bealtaine 2004 10 May 2004	Ceist á meas Under consideration
10. Roinn Airgeadais agus Pearsanra 10. Finance and Personnel	14 Bealtaine 2004 14 May 2004	Déanfar iarracht Try to
11. Roinn Fiontar, Trádála agus Infheistíochta 11. Enterprise, Trade and Investment	20 Bealtaine 2004 20 May 2004	Ceist á meas Under consideration

## Aguisin 2

### Suirbhé POBAL ar chur i bhfeidhm na Cairte Eorpaí do Theangacha Réigiúnacha nó Mionlaigh i dTuaisceart na hÉireann

#### 1.a. An bhfuil a fhios agat gur shínigh Rialtas na Breataine an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh? Cuir ciorcal thart ar an fhreagra ceart:

Tá 33 duine (78.6%)      Níl (9 duine nó 21.4% den suirbhé)

#### 1.b. Má tá a fhios agat, cén áit ar tháinig tú ar an eolas sin?

POBAL 15 duine (45%)    Meán Cumarsáide 13 duine (36.8%)    Rialtas BÁC 1    Roinn Sláinte 1    Eile 3

#### 1.c. An bhfuil eolas agat ar na míreanna sin den Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh a dheimhnigh Rialtas na Breataine don Ghaeilge?

Eolas iomlán 5 duine (12%)      eolas éigin 19 duine (45.2%)      eolas ar bith 18 duine (42.9%)

#### 1.d. Má tá eolas agat, cén áit ar tháinig tú ar an eolas sin?

DCAL 1    Iontaobhas Ultach 1    Na Meáin 4    Roinn Sláinte 1    Rialtas BAC 1    POBAL 10    Eile 2

#### 1.e. Tá dualgas ar an Rialtas an pobal a choinneáil ar an eolas maidir leis an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh. An gcreideann tú go ndearna an Rialtas seo?

Creidim 4 duine    Ní chreidim 37 duine (88%)      Gan barúil 1

#### 1.f. Mínigh d'fhreagra do 1.e:

Samplaí de na freagraí: Níor cuireadh eolas amach; Níl polasaí sofheicthe ann; Níl speis acu.

#### 2.a. Ar mhaith leat seirbhís trí mheán na Gaeilge a fháil agus tú i mbun gnó le comhairlí áitiúla, Ranna Rialtais nó eagraíochtaí reachtúla? Cuir ciorcal thart ar an fhreagra ceart:

Ba mhaith 41 duine (97.6%)      Níor mhaith 1

#### 2.b. Ar iarr tú seirbhís trí mheán na Gaeilge ó aon chomhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil riamh?

D'iarr 12 duine (28.5%)      Níor iarr 30 duine

#### 2.c. Más é gur iarr, an bhfuil barúil agat ar cá mhéad uair ar iarr tú seirbhís trí mheán na Gaeilge. Cuir ciorcal thart ar an fhreagra:

Le bliain anuas (Tá líon na ndaoine a d'iarr idir luibíní):

0    1    2 (2)    3    4 (3)    5 (2)    6 (2)    7    8    9    10 (1)    níos mó ná deich n-uair (3)



## Appendix 2

### Results of POBAL survey on the implementation of the European Charter for Regional or Minority Languages in Northern Ireland<sup>92</sup>

**1.a. Do you know that the British Government ratified the European Charter for Regional or Minority Languages in 2001? Circle the appropriate answer:**

Yes 33 people (78.6%) No (9 people or 21.4% of the survey)

**1.b If you answered yes, where did you learn this?**

POBAL 15 people (45%) Media 13 people (36.8%) Dublin Government 1 Department of Health 1 Other 3

**1.c Are you aware of which Articles from the European Charter for Regional or Minority Languages that the British Government ratified for Irish?**

Comprehensive knowledge 5 people (12%) Some knowledge 19 people (45.2%) No knowledge 18 people (42.9%)

**1.d If you have knowledge, where did you learn this?**

RCEF 1 Iontaobhas Ultach 1 Media 4 Dept Health 1 Dublin Gov. 1 POBAL 10 other 2

**1.e There is an obligation on the Government to keep the community informed in regards to the European Charter for Regional or Minority Languages. Do you believe the Government has done this?**

Yes 4 people No 37 people (88%) No opinion 1

**1.f Explain your answer to 1.e:**

People told POBAL: No information has been provided; There is no policy; They are not interested.

**2.a Would you like to receive services through the medium of Irish from local councils, Government Departments and other statutory organisations? Circle the appropriate answer:**

Yes 41 people (97.6%) No 1 person

**2.b Have you ever asked for a service through the medium of Irish from a local council, Government Department and other statutory organisation?**

Yes 12 people (28.5%) No 30 people

**2.c If so, can you remember how many times you have asked for such. Circle the appropriate answer:**

During the past year (The number of people who asked is shown between the brackets):

0 1 2 (2) 3 4 (3) 5 (2) 6 (2) 7 8 9 10 (1) more than ten times (3)

Roimhe sin:

0 1 (1) 2 (2) 3 4 (3) 5 (1) 6 (1) 7 (1) 8 9 10 (1) níos mó ná deich n-uaire (4)

**2.d Ar scríobh tú litir chuig aon chomhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil trí mheán na Gaeilge ariamh?**

Scríobh 15 duine (35.7%)

Níor scríobh 28 duine

**2.e Cá mhéad uair ar scríobh tú litir as Gaeilge chuig ceann de na heagraíochtaí luaite. Cuir ciorcal thart ar an fhreagra.**

Le bliain anuas:

0 1 (2) 2 (2) 3 4 (2) 5 (2) 6 (2) 7 8 9 (1) 10 níos mó ná deich n-uaire (1)

Roimhe sin:

0 1 (1) 2 (2) 3 4 (4) 5 6 (4) 7 (1) 8 9 10 níos mó ná deich n-uaire (1)

**2.f Ar iarr tú aistritheoir ag aon chruinniú le comhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil ariamh?**

D'iarr 2 duine (4.8%)

Níor iarr 40 duine

**2.g Cá mhéad uair ar iarr tú aistritheoir le:**

Bliain anuas:

0 1 2 (1) 3 4 5 (1) 6 7 8 9 10 níos mó ná deich n-uaire

Roimhe sin:

0 1 2 (1) 3 4 5 6 (1) 7 8 9 10 níos mó ná deich n-uaire

**2.h Ar bhain tú úsáid as an tseirbhís glórphoist atá ag an státseirbhís don Ghaeilge?**

Bhain 3 duine (7.1%)

Níor bhain 39 duine

**2.i Cá mhéad uair ar úsáid tú an tseirbhís glórphoist don Ghaeilge le:**

Bliain anuas:

0 1 2 (2) 3 4 5 6 7 8 9 (1) 10 níos mó ná deich n-uaire

Roimhe sin:

0 1 (1) 2 3 4 5 6 7 8 9 (1) 10 níos mó ná deich n-uaire

**2.j Cad í an bharúil atá agat faoin tseirbhís seo?**

Samplaí de na tagairtí: Measartha maith/lofa/nil sé sásúil/an bhfuil an cumas acu?

Before that:

0 1 (1) 2 (2) 3 4 (3) 5 (1) 6 (1) 7 (1) 8 9 10 (1) more than ten times (4)

**2.d Have you ever written a letter to a local council, Government Department and other statutory organisation in Irish?**

Yes 15 people (35.7%) No 28 people

**2.e How often have you written in Irish to any of the above bodies. Circle the appropriate answer:**

During the past year:

0 1 (2) 2 (2) 3 4 (2) 5 (2) 6 (2) 7 8 9 (1) 10 more than ten times (1)

Before that:

0 1 (1) 2 (2) 3 4 (4) 5 6 (4) 7 (1) 8 9 10 more than ten times (1)

**2.f Have you ever asked for a translator at a meeting with a local council, Government Department and other statutory organisation?**

Asked people 2 (4.8%) Have not asked people 40

**2.g How often have you asked for a translator:**

During the past year:

0 1 2 (1) 3 4 5 (1) 6 7 8 9 10 more than ten times

Before that:

0 1 2 (1) 3 4 5 6 (1) 7 8 9 10 more than ten times

**2.h Have you ever used the Civil Service's Irish language voicemail?**

Yes 3 people (7.1%) No 39 people

**2.i How often have you used the voicemail:**

During the past year:

0 1 2 (2) 3 4 5 6 7 8 9 (1) 10 more than ten times

Before that:

0 1 (1) 2 3 4 5 6 7 8 9 (1) 10 more than ten times

**2.j What is your opinion of this service?**

People told POBAL: Reasonably good/terrible/not satisfactory/Can they do this?

**2.k Ar iarr tú leagan Gaeilge de dhoiciméad ar bith ó chomhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil riamh?**

D'iarr 19 duine (45.2%) Níor iarr 23 duine

**2.l An bhfuair tú aon doiciméad ó chomhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil trí mheán na Gaeilge riamh?**

Fuair 17 duine (40.5%) Ní bhfuair 23 (agus 5 den 21 a d'iarr ceann) Gan freagra 2 duine

**2.m Cén áisíneacht(aí) a sheol doiciméid chugat?**

DCAL, NIO, DSD, DRD, DFD, DoE, an Tionól, Roinn Oideachais, Roinn Sláinte, Comhairle an lúir agus Mhorna, Bord Sláinte, Foras na Gaeilge agus Comhairle Chathair Bhéal Feirste ar fad luaite.

**2.n Más é gur iarr tú seirbhís trí mheán na Gaeilge, an raibh tú sásta le caighdeán na seirbhíse?**

Bhí 5 duine Ní raibh 11 duine (68.75%) as an 16 nó (26.2%) as an 42 duine

**2.o Mínigh d'fhreagra do 2.n:**

Tagairtí do Bhí: Ar a laghad tá seirbhís ann; Thiocfadh í a fheabhsú?; Ní chóir dul as bealach le seirbhís a fháil.

Tagairtí do Ní raibh: Ní bhfuair mé an rud a d'iarr mé; falsacht; Níl mórán daoine le Gaeilge ag obair leis an rialtas; Chuir siad fógra amach i mBéarla; Tháinig siad ar ais chugam i mBéarla; Tháinig siad ar ais rómhall; Mhothaigh mé gur rud dara aicme a bhí ann.

**2.p Más é nár iarr tú, cad chuirge nár iarr tú seirbhís trí mheán na Gaeilge?**

Tagairtí: Cé tá ábalta seirbhís a chur ar fáil?; Drogall seirbhís a iarraidh ar eagla go gcuirfidh sé isteach air an outcome; crá-chroí; Níl mórán muinín sa seirbhís; Níl an t-eolas ag an phobal Gaeilge.

**3.a Agus tú ag iarraidh seirbhíse ó aon chomhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil, ar luaigh tú ariamh gur seirbhís Bhéarla a bhí uait?**

Luaigh 2 duine Níor luaigh 35 duine Gan freagra 5 duine

**3.b Cá mhéad uair ar iarr tú seirbhís trí mheán an Bhéarla. Cuir ciorcal thart ar an fhreagra.**

Le bliain anuas:

0 1 (1) 2 (1) 3 4 5 (2) 6 7 8 9 10 (1) níos mó ná deich n-uair

Roimhe sin:

0 1 2 (1) 3 4 5 6 (1) 7 8 9 10 (1) níos mó ná deich n-uair

**2.k Have you ever asked for a document in Irish from a local council, Government Department and other statutory organisation?**

Yes 19 people (45.2%) No 23 people

**2.l Have you ever received a document in Irish from a local council, Government Department and other statutory organisation?**

Yes 17 people (40.5%) No 23 (including 5 den 19 who asked for one) No answer 2 people

**2.m Which organisation(s) sent a document to you in Irish?**

RCEF, OTÉ, RFS, DRD, DFD, DoE, the Assembly, Dept Education, Dept Health, Newry & Mourne District Council, Health Board, Foras na Gaeilge and Belfast City Council were all mentioned.

**2.n If you have asked for a service through the medium of Irish, were you satisfied with the quality of that service?**

Yes 5 people No 11 (68.75%) as an 16 nó (26.2%) as an 42 people

**2.o Explain your answer to 2.n:**

People told POBAL: At least there is a service; It could be improved?; We should not have to go out of our way to get a service.

On the negative side they said: I never received what I asked for; Laziness; There are not many Irish speakers working for the Government; They only sent notice out in English; They replied to me in English; They replied too late; I felt it was a second class service.

**2.p If you have never asked for a service in Irish, why not?**

People told POBAL: Who is able to provide a service in Irish?; I was reluctant to ask for the service in Irish in case it would prejudice the out-come; Nuisance; I have no faith in the service; The community is unaware of these services.

**3.a When seeking a service from local councils, Government Departments and other statutory organisations, did you tell them that you want a service in English?**

Yes 2 people No 35 No answer 5 people

**3.b How often have you asked for a service in English. Circle the appropriate answer:**

During the past year:

0 1 (1) 2 (1) 3 4 5 (2) 6 7 8 9 10 (1) more than ten times

Before that:

0 1 2 (1) 3 4 5 6 (1) 7 8 9 10 (1) more than ten times

**3.c Ar scríobh tú litir chuig aon chomhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil trí mheán an Bhéarla ariamh?**

Scríobh 20 duine      Níor scríobh 17 duine      Gan freagra 4 duine

**3.d Cá mhéad uair ar scríobh tú litir as Béarla chucu. Cuir ciorcal thart ar an fhreagra.**

Le bliain anuas:

0    1    2 (6)    3    4 (2)    5 (2)    6    7    8    9    10 (4)    níos mó ná deich n-uaire (4)

Roimhe sin:

0    1 (2)    2 (1)    3    4 (2)    5 (2)    6    7    8    9    10 (5)    níos mó ná deich n-uaire (6)

**3.e Ar iarr tú doiciméad ar bith i mBéarla ó chomhairle áitiúil, Roinn Rialtais nó eagraíocht reachtúil riamh?**

D'iarr 9 duine      Níor iarr 29 duine      Gan freagra 4 duine

**4.a An bhfuil a fhios agat gur féidir leagan Gaeilge de d'ainm a úsáid agus tú i mbun gnó le comhairlí áitiúla, Ranna Rialtais agus eagraíochtaí reachtúla?**

Tá 31 duine      Níl 11 duine

**4.b An raibh fadhbanna agat ariamh ag baint úsáide as leagan Gaeilge de d'ainm?**

Samplaí de na tagairtí: Go minic; Cónaím i gceantar atá leithcheal don Ghaeilge; Mílitríú; Fuaimniú; I gColáiste an tSruháin Mhílis; Cuma ar daoine go gcuireann sé isteach orthu; Ní aithnítear an síniú fada.

**5.a An bhfuil a fhios agat gur féidir leagan Gaeilge de do sheoladh a úsáid?**

Tá 34      Níl 8

**5.b An bhfuil a fhios cad mar a oibríonn an córas le leagan Gaeilge de do sheoladh a chlárú go hoifigiúil?**

Tá 11      Níl 31

**5.c An raibh fadhbanna agat ariamh ag baint úsáide as leagan Gaeilge de do sheoladh?**

Samplaí de na tagairtí: Go minic; Faighim post Gaeilgeoirí eile ainneoin go bhfuil seoladh agus cód poist s'acu i gceart; Cuireadh litreacha chuig an áit mhícheart; Bhí, blianta fada ó shin; An bhfuil an Chairt níos tábhachtaí ná Alt 11 den Ord Rialtas Aitiúil Soláthar Meascra (Tuaisceart na hÉireann) 1995?; Chuaigh litir amháin chun na Fraince; I Lios na gCearrbhach; Tháinig litir ar ais le 'address unknown' scríofa air; Aistríodh an seoladh go Béarla ar an chlúdach; Go hannamh; Bhí, mar aithníonn Comhairle Caisleán Riabhach é; Gach uair a bhainim úsáid as. 78.6% a dúirt go mbíonn fadhbanna acu

Ní dúirt ach naonúr nach mbíonn fadhbanna acu.

3.c Have you ever written to a local councils, Government Departments and other statutory organisations in English?

Yes 20 people                      No 17 people      No answer 4 people

3.d How often have you written to local councils, Government Departments and other statutory organisations in English. Circle the appropriate answer:

During the past year:

0    1    2 (6) 3    4 (2) 5 (2) 6    7    8    9    10 (4) more than ten times (4)

Before that:

0    1 (2) 2 (1) 3    4 (2) 5 (2) 6    7    8    9    10 (5) more than ten times (6)

3.e **Have you ever asked for a document in English from local councils, Government Departments and other statutory organisations?**

Yes 9 people                      No 29 people      No answer 4 people

4.a **Are you aware that you can use the Irish form of your name while you conduct business with local councils, Government Departments and other statutory organisations?**

Yes 31 people                      No 11 people

4.b **Have you ever had problems using the Irish form of your name?**

People told POBAL: Often; I live in an area which is unwelcoming for things Irish; Mis-spelling; Mis-pronounced; In Stranmillis College; It seems to annoy people; They do not recognise the fada.

5.a **Are you aware that you can use the Irish form of your address?**

Yes 34 people                      No 8 people

5.b **Do you know how to get the Irish form of your address adopted officially?**

Yes 11 people                      No 31 people

5.c **Have you ever had problems using the Irish form of your address?**

People told POBAL: Often; I get the post for other Irish speakers even though the address and the post-code are clearly written; Letters are sent to the wrong place; Yes, years ago; Is the Charter more important than Article 11 of the Local Government (Miscellaneous Provisions) (Northern Ireland) Order 1995?; One letter went to France; In Lisburn; A letter came back with 'address unknown' written on it; The address was changed to English on the envelope; Seldom; Yes, because Castlereagh District Council does not recognise it; Every time I use it in Irish. 78.6% of respondees said that they have problems.

Only nine people said that they have no problems.

## 6.a An gcreideann tú go bhfuil an stát ag comhlíonadh na gcoimítmintí a éiríonn as an Chairt Eorpach?

Creidim 2 duine      Ní chreidim 33 duine (78.6%)      Níl barúil agam 7 duine (16.7%)

## 6.b Cad chuige

Tagairt ar chreidim: Tá siad, mar go bhfuil na dualgaisí chomhbunúsach sin.

Tagairtí ar Ní chreidim: Níl eolas á chur ar fáil le daoine a spreagadh; Tá siad ag déanamh an méid is lú; Níl suim acu; Ní féidir liom mo chuid ghnó a dhéanamh leis an stát trí mheán na Gaeilge; Tá fadhbann ag mo chlann gach uair a dhéanann siad iarracht ainmneacha s'acu a usáid; Easpa dáiríreachta; Ní thugann siad an tacíocht agus a tugann siad don Bhreatnais agus don Ghaidhlig; Níl na Ranna eagraithe le comhfhreagas fhreagairt in am réasúnta; Níor cuireadh in iúl dom ariamh cad iad na seirbhísí agus cearta atá i gceist; Cuireann siad an Ghaeilge ar chomhchém le hAlbainis –Uladh; Tá an Roinn Sláinte ag déanamh méid airithe ach go gineáralta tá siad chomh holc le Baile Átha Cliath; Troid atá ann i gconaí; Níl ach Alt 10 comhlíonta acu; Tá siad iomlán i gcoinne spiorad na Cairte; Is féidir níos mó a dhéanamh; Níl ann ach an béal ban.

## 7. An bhfuil aon phointe eile a ba mhaith leat a dhéanamh?

Ba mhaith liom go mbeadh TG4 ar fáil ar NTL.

Tá Acht na Gaeilge de dhíth.

Caithfidh an stát fógraí a chur ar an teilifís leis an scéal faoin Chairt a chur in iúl don phobal.

Feicfead tabhacht na Cairte san fhadtéarma.

Ba chóir daoine a chur ar an eolas.

Gan POBAL níl aon eagraíocht ar son cearta na Gaeilge.

Tá fadhbanna tras-teorainn chomh maith.

Dá mhéid rachairt ar na seirbhísí is amhlaidh a thioctas biseach orthu.

Má tá seirbhísí ann iarrfaidh daoine iad.

Cad iad na heagras a chuireann fáilte roimh an Ghaeilge?

Tá reachtaíocht níos láidre de dhíth – Acht Gaeilge.



**6.a Do you believe that the State is fulfilling its commitments under the Charter?**

Yes 2 people                      No 33 people (78.6%)      No opinion 7 people (16.7%)

**6.b Why?**

Those who replied 'yes' told POBAL said: They are fulfilling them because the obligations are so basic. Those who replied no told POBAL said: Information is not being made available to encourage people; They are adopting a minimalist approach; They are not interested; I cannot do my business with the state through the medium of Irish; My family has difficulties every time they try to use their name; There is a lack of serious effort; They do not give the same level of support that they give to Welsh and to Scottish Gàidhlig; The departments are not organised so as to give responses in a reasonable time; I have never been informed about exactly what services are available; They place Irish on the same level as Ulster Scots; The Department of Health is doing a certain amount but they are as bad as Dublin; It is always a fight; They have only fulfilled Article 10; They are completely opposed to the spirit of the Charter; They could do better; They only give lip-service.

**7. Would you like to make any other points?**

I would like to get TG4 on NTL.

We need an Irish Language Act.

The State should place television advertisements to promote the Charter.

We will see the importance of the Charter in the long-term.

People should be given the information.

Except for POBAL, there is no organisation fighting for the rights of Irish speakers.

There are cross-border problems as well.

The greater the demand the more the services will improve.

If there are services available people will ask for them.

Which organisations welcome Irish speakers?

We need stronger legislation – an Irish Language Act.

## Aguisín 3

Fianaise scéaltach a chuir réimse leathan proifisiúnach ar fáil do GESO ar na deacrachtaí a bhí ag tuismitheoirí páistí le riachtanais speisialta.

### CÁSANNA

#### Cás-staidéar 1

Bhí mé i ndiaidh mo thríú leanbh a bheith agam agus fáthmheasadh go raibh deacrachtaí foghlamtha troma air. Tá sé 11 mí d'aois agus tá moill lena clocha míle.

Tá cúpla trí bliana agam atá faoi láthair ag an naiscoil agus bhí mé ag súil go rachadh gach duine de mo pháistí go dtí an Ghelscoil agus oideachas Gaeilge a fháil.

Tá mé páirteach le roinnt mhaith proifisiúnach atá ag cuidiú liom le mo mhac ach ní dóigh liom go ndéanfaidh sé dul chun cinn go leor le hoideachas a fháil i scoil sa phríomhshruth agus mar sin nach mbeadh sé in ann dul ar Ghaelscoil. Tá mé ag smaoineamh go dáiríre cé acu ba chóir nó nár chóir dom mo chúpla a chur ar an Ghaelscoil nó d'fhéadfadh sé bheith ina mhíbhuntáiste do mo mhac. Tá a fhios agam nach bhfuil soláthar ar bith ann do riachtanais speisialta trí Ghaeilge.

#### Cás-staidéar 2

Tá ceathrar páistí agam. Tá áit i ndiaidh bheith curtha ar fáil do mo dhara páiste san aonad teanga áitiúil de thairbhe go bhfuil sainlagú teanga air. San aonad teanga beidh dianteagasc agus teiripe urlabhra agus teanga aige, rud a rachadh chun sochair dó. Ach níl sé ar fáil ach i mBéarla. Rachaidh sé ar ais go dtí an Ghaelscoil, áfach, fós, don chuid eile den tseachtain.

Níl a fhios agam cad é mar atá sé ag dul a dhéileáil leis seo, go háirithe de thairbhe go bhfuil an oiread sin deacrachtaí aige lena theanga. Sílim gurbh fhéidir gurbh fhearr dúinn uile dá rachadh mo chuid páistí uile chug scoil Bhéarla atá gar dúinn, sa dóigh is gur lú a mhothóidh mo bhuachaillín difriúil, ar a laghad.

Níl aon ábhair mheasúnaithe ná pacáistí cóireála ar fáil i nGaeilge ón Roinn Oideachais ná Sláinte.

## Apendix 3

Evidence that has been made available to GESO by the parents of children with special needs.

### SCENARIOS

#### Case Study 1

I have just had my third baby and he has been diagnosed as having severe learning difficulties. He is currently 11 months and his milestones are very delayed.

I have three year old twins who are currently at the Irish language nursery school and I had hoped that all of my children would go to the Irish language school and be educated through the medium of Irish.

I am involved with a large number of professionals who are helping me with my son but I do not feel that he will make sufficient progress to be educated in mainstream school and would therefore not be able to go to the Irish school. I am seriously considering whether or not I should send my twins to the Irish speaking school as this could be a big disadvantage for my son. I am aware that there is no provision for special needs through the medium of Irish.

#### Case Study 2

I have four children. My second child has just been offered a place in the local language unit because he has specific language impairment. In the language unit he will have intensive teaching and speech and language therapy which would be very good for him. But it is only available in English. However he will still go back to the Irish school for the rest of the week.

I do not know how he is going to cope with this, particularly as he is having such difficulties with his language. I think it might be better for all of my children to go to an English speaking school which is near us, so that at least my little boy will feel less different.

There are no assessment materials or treatment packages available in Irish from either Education or Health.

### Cás-staidéar 3

Tá m'íníon trí bliana bodhar amach is amach. Comhairlódh dom go mbeidh sí ag freastal ar an Aonad Lagéisteachta. Ba mhaith liom í freastal ar an Ghaelscoil áitiúil, leis an bheirt pháistí eile atá níos sine, ach beidh sin do-dhéanta de thairbhe nach bhfuil aon sainchúnadh acu do pháistí le lagéisteacht ann.

Níl mé sásta faoin staid seo ach i ndeireadh na dála, caithfidh mé an rud is fearr a dhéanamh do mo pháiste. Tá imní orm go mothóidh sí níos difriúla ná mar a mhothaíonn sí cheana féin. Níl an t-aonad fiú gar don bhaile agus ní bheidh cairde scoile aici inár gceantar. Beidh uirthi taisteal gach lá ar an bhus, rud a dhéanfaidh difear eile idir í féin agus a deartháir agus deirfiúr.

### Cás-staidéar 4

Dúirt teiripeoir urlabhra agus cuairteoir teaghlach le máthair páiste a bhfuil fáthmheas Siondróm Asperger déanta air (roimh aois scoile) a bhí ag iarraidh a páiste is óige a chur ar an aonad Gaelscoile i gceantar tuaithe (freastalaíonn a beirt pháistí eile ar an scoil seo) gan a páiste a chur ar an bhunscoil, nó dhéanfadh sé díobháil don pháiste. Shocraigh an mháthair dul in aghaidh na comhairle seo agus a páiste a chur ar an bhunscoil. Tá sé i rang beag le páistí eile in P1 agus chuir an mháthair in iúl dom cé chomh sásta atá sí lena dhul chun cinn agus an t-áthas atá uirthi gur chuir sí ann é.

### Cás-staidéar 5

Go díreach inné (23.6.04) bhí mé ag caint le múinteoir aonaid Ghaeilge, a fuair scairt ghutháin ó dhochtúir maidir le páiste ina rang. Tá an páiste in P2 agus tá sé fós á mheasúnú. Go fóill féin níl aon 'lipéad' curtha ar an pháiste agus is eol don scoil agus don tuismitheoir go bhfuil fadhbanna foghlamtha go pointe áirithe ag an pháiste, agus tá siad ag obair le chéile le cuidiú leis an pháiste. Fiú amháin agus gan aon mheasúnú críochnaithe go fóill, dúirt an dochtúir 'nár chóir' don pháiste 'bheith ar Ghaelscoil'.

### Cás-staidéar 6

Rinneadh fáthmheas ar an pháiste ba shine i dteaghlach go raibh riachtanais speisialta aige in P2 i nGaelscoil. Chomhairligh síceolaithe oideachais agus teiripeoirí urlabhra do na tuismitheoirí nach riarfaí ar dheacrachtaí an pháiste sa Ghaelscoil, agus go deimhin ba dhóchúla go ngéarófaí iad. Mhol na proifisiúnaigh go bhfreastalódh an páiste ar scoil aonteangach. Ghlac na tuismitheoirí lena gcomhairle, agus cé gur mhian leo a mbeirt pháistí níos óige (nach raibh

### Case Study 3

My three year old daughter is profoundly deaf. I have been advised that she will be attending the Hearing Impaired Unit. I would like her to attend the local Bunscoil, with her two older siblings, but this will not be possible as they have no specialist help for children with hearing impairment there.

I am not happy about this situation but at the end of the day, I have to do what is best for my child. I am concerned that this will make her feel even more different than she already feels. The unit is not even near our home and she will have no school friends in our area. She will have to travel to school on the bus which will make a further difference to her from her brother and sister.

### Case Study 4

The mother of a child already diagnosed with Asperger's Syndrome (before school-age) who wanted to send her youngest child to an Irish-medium unit in a rural area (her two other children also attend this school) was told by the child's speech and therapist and family visitor not to send her child to the bunscoil, that it would harm the child. The mother decided to go against this advice, and sent her child to the bunscoil. He is in a small class with other children in P1 and the mother reported to me how delighted she is with his progress and how glad she is she sent him there.

### Case Study 5

Just yesterday (23.6.04) I was talking to the teacher of a IM unit, who had received a phone call from a GP regarding a child in her class. The child is in P2 and is still being assessed. As yet no 'label' has been attached to the child and the school and parent are very aware the child has learning difficulties of some degree, and are working together to help the child. Even though assessment has not been completed, the GP told the teacher the child 'shouldn't be at a Gaelscoil'.

### Case Study 6

The eldest child in a family was diagnosed as having special needs in P2 at a Gaelscoil. Educational psychologists and speech therapists advised the parents that the child's difficulties would not be catered for in the Gaelscoil, and in fact would probably be exacerbated. The professionals recommended the child attend a monolingual school. The parents accepted their advice, and although they would have liked their two younger children (who did not have Special

riachtanais speisialta orthu) freastal ar oideachas Gaeilge, shocraigh siad na páistí uile a chur ar scoil aonteangach, le hiad uile a choinneáil le chéile.

### Cás-staidéar 7

Dúirt teiripeoir urlabhra in lontaobhas cheantar ár scoile le máthair duine dár bpáistí gur chóir dá mac freastal ar an scoil Bhéarla de thairbhe nach raibh oideachas Gaeilge oiriúnach dó mar gheall ar a dheacrachtaí urlabhra. Bhain sé seo dá muinín sa tseirbhís teiripe urlabhra, ní inár scoil.

Education Needs) to attend IME, they decided to send all children to the monolingual school, to keep them all together.

### Case Study 7

A speech therapist in our school's area Trust told the mother of one of our pupils that her son should attend the English medium school as Irish medium education was not suitable for him because of his speech difficulties. This undermined her confidence in the speech therapy service, not in our school.

## Aguisín 4

Torthaí suirbhé POBAL ar chóras ghlórphoist de chuid Stát-Seirbhís Thuaisceart Éireann:

An Suirbhé

Roinn Comhshaoil

Sorry, what's the name?

"Sorry, I don't understand you." [repeatedly]

"We only speak English here."

Roinn Fiontar, Trádála & Infheistíochta

"There 's no Gaeilge here."

[Cuireadh ar aghaidh mé go dtí seirbhísí leabharlainne, áit ar iarradh orm fanacht, agus fanacht agus fanacht agus fanacht arís. Chuir mé an glacadóir síos].

Roinn Forbartha Réigiúnaí

"No I don't speak Irish."

"I can't speak Irish."

"Can you give me a name."

"I cannot understand Gaeilge."

Roinn Cultúir, Ealaíon agus Fóillíochta

"Sorry I don't speak Irish but I'll try to get someone to help you ... I'll put you through to an Irish translator. I'm sorry, I'm only getting a voicemail ... Do you want to call back ... Sorry for this delay ... One moment please ... Sorry for this delay ... [moill fhada] ...sorry, sorry, sorry ... I wasn't sure if I had another number or not. [Voicemail bainte amach agus teachtaireacht fágtha].

Roinn Forbartha Sóisialta

"Hold the line for me please ... Hold the line please ...

[Aistrithe, ag glao, ag glao. Faighean an líne bás].

Roinn Ardoideachais agus Breisoideachais, Oiliúna agus Fostaíochta

"I don't understand Irish ... Hold ... Have you got a name?

[caint sa chúlra] Hold on, I am going to let you speak to someone .... Sorry to keep you ... One moment please ...hold, hold, hold ... I'm just trying to get someone ... Sorry for the long delay ... Sorry, I'm going to transfer you now."

[Voicemail as Béarla]

An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí

[Switchboard] "Sorry this is the wrong Department. I'll transfer you.

[Oifig an Aire] Sorry this is the wrong Department. I'll transfer you.

## Appendix 4

Results of POBAL Survey on the NICS voicemail system provided for those who wish to make oral submissions in Irish.

The Department of the Environment

"Sorry, what's the name?"

"Sorry, I don't understand you." [repeatedly]

"We only speak English here."

Department of Enterprise Trade & Investment

"There 's no Gaeilge here."

[I was forwarded to Library Services where I was asked to wait, and wait, and wait and wait and wait again. I put the receiver down].

Department of Regional Development

"No I don't speak Irish."

"I can't speak Irish."

"Can you give me a name."

"I cannot understand Gaeilge."

Department of Culture Arts and Leisure

"Sorry I don't speak Irish but I'll try to get someone to help you ... I'll put you through to an Irish translator. I'm sorry, I'm only getting a voicemail ... Do you want to call back ... Sorry for this delay ... One moment please ... Sorry for this delay ... [a long delay] ...sorry, sorry, sorry ... I wasn't sure if I had another number or not. [The voicemail comes on the line].

Department of Social Development

"Hold the line for me please ... Hold the line please ... [The phone is transferred. It rang and rang before the line died].

Department of Education and Learning

"I don't understand Irish ... Hold ... Have you got a name?

[voices in the background] Hold on, I am going to let you speak to someone .... Sorry to keep you ... One moment please ...hold, hold, hold ... I'm just trying to get someone ... Sorry for the long delay ... Sorry, I'm going to transfer you now." [An English language voicemail comes on the line]

Department of Health, Social Services and Public Safety

[Switchboard] "Sorry this is the wrong Department. I'll transfer you.

[Minister's Office] Sorry this is the wrong Department. I'll transfer you.

"Bear with me ... I need to make an inquiry ... This is the number of the voicemail – 9025 8971." [Scairt mé agus d'fhág mé an teachtaireacht].

An Roinn Talmhaíochta

"Sorry?" ... What section is that? ... That's probably the ministers office ... No we have no facility for that ... I have no idea who is responsible ... I'll try to find out. Please hold. .... I'll transfer you [Cuirtear tríd go dtí DCAL mé] I'll put you through to someone in Ian Pearson's private office ... It may be Central Coordination. I'll find out. [Tagann an Voicemail ar an líne].

An Roinn Oideachais

"I'm sorry I don't speak Irish. There is a unit in DCAL. I will put you through. [Tagann an voicemail ar an líne].

An Roinn Airgeadais agus Pearsanra

"I'm not sure ... That is probably Equal Opportunities. I'll start there ...Sorry I'm just checking ... I'll be with you in one minute ... There is a voicemail service. I'll transfer you.

"Bear with me ... I need to make an inquiry ... This is the number of the voicemail – 9025 8971." (I rang and left a message)

Department of Agriculture

"Sorry?" ... What section is that? ... That's probably the ministers office ... No we have no facility for that ... I have no idea who is responsible ... I'll try to find out. Please hold. .... I'll transfer you [I am put through to DCAL] I'll put you through to someone in Ian Pearson's private office ... It maybe Central Coordination. I'll find out. [The voicemail comes on the line].

Department of Education

"I'm sorry I don't speak Irish. There is a unit in DCAL. I will put you through. [The voicemail comes on the line].

Department of Finance and Personnel

"I'm not sure ... That is probably Equal Opportunities. I'll start there ...Sorry I'm just checking ... I'll be with you in one minute ... There is a voicemail service. I'll transfer you."

## Aguisín 5

Suirbhé POBAL ar na Comhairlí Áitiúla agus a gcuid beartas maidir le freagra a thabhairt i nGaeilge do chomhfhreagras a fuair siad i nGaeilge:

Comhairle Baile Aontroma	Níor freagraíodh an cheist
Comhairle Cathrach agus Ceantair Ard Mhacha	Ní fhreagraíonn
Comhairle Baile na hArda	Freagraíonn
Comhairle Baile an Bhaile Mheánaigh	Níor freagraíodh an cheist
Comhairle Baile Bhaile Monaidh	Ní fhreagraíonn
Comhairle Ceantair Dhroichead na Banna	Freagraíonn
Comhairle Baile Charraig Fheargais	Níor freagraíodh an cheist
Comhairle Cathrach Bhéal Feirste	Freagraíonn
Comhairle Baile an Chaisleáin Riabhaigh	Níor freagraíodh an cheist
Comhairle Baile Chúil Raithin	Ní fhreagraíonn
Comhairle Ceantair na Coirre Críocháí	Freagraíonn
Comhairle Baile Craigavon	Ní fhreagraíonn
Comhairle Ceantair an Dúin	Freagraíonn
Comhairle Cathrach Dhoire	Freagraíonn
Comhairle Baile Dhún Geanainn agus Thír Eoghain Theas	Ní fhreagraíonn
Comhairle Ceantair Fhear Manach	Freagraíonn
Comhairle Baile Latharna	Níor freagraíodh an cheist
Comhairle Baile Léim an Mhadaidh	Ní fhreagraíonn
Comhairle Cathrach Lios na gCearrbhach	Ní fhreagraíonn
Comhairle Ceantair Mhachaire Fiolta	Níor freagraíodh an cheist
Comhairle Ceantair Shruth na Maoile	Níor freagraíodh an cheist
Comhairle an Iúir agus Mhúrn	Freagraíonn
Comhairle Baile Bhaile na Mainistreach	Ní fhreagraíonn
Comhairle Baile an Dúin Thuaidh	Ní fhreagraíonn
Comhairle Ceantair na hÓmaí	Freagraíonn
Comhairle Ceantair an tSratha Báin	Freagraíonn

## Appendix 5

POBAL survey on the District Councils and their policies in relation to replying in Irish to correspondence received in Irish:

Antrim Borough Council	Query not answered
Armagh City & District Council	No
Ards Borough Council	Yes
Ballymena Borough Council	Query not answered
Ballymoney Borough Council	No
Banbridge District Council	Yes
Carrickfergus Borough Council	Query not answered
Belfast City Council	Yes
Castlereagh Borough Council	Query not answered
Coleraine Borough Council	No
Cookstown District Council	Yes
Craigavon Borough Council	No
Down District Council	Yes
Derry City Council	Yes
Dungannon and South Tyrone Borough Council	No
Fermanagh District Council	Yes
Larne Borough Council	Query not answered
Limavady Borough Council	No
Lisburn City Council	No
Magherafelt District Council	Query not answered
Moyle District Council	Query not answered
Newry & Mourne District Council	Yes
Newtownabbey Borough Council	No
North Down Borough Council	No
Omagh District Council	Yes
Strabane District Council	Yes



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Foras na Gaeilge

