

**An Chairt Eorpach do Theangacha
Réigiúnacha nó Mionlaigh**
Feidhmiú na Cairte i leith na Gaeilge 2005-08

**The European Charter for Regional or
Minority Languages**
The Implementation of the Charter with
| Regard to the Irish Language 2005-08

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Gluais

IBABF	Institiúid Bhreisoideachais agus Ardoideachais Bhéal Feirste
PSÁBF	Páirtíocht Straitéise Áitiúla Bhéal Feirste
CCSE	Comhairle Choiste Saineolaithe na hEorpa
CnaG	Comhairle na Gaelscolaíochta
RCEF (CEF)	An Roinn Cultúir, Ealaíon agus Fóillíochta
RO	An Roinn Oideachais
RFF	An Roinn Fostaíochta agus Foghlama
RFS	An Roinn Forbartha Sóisialta
CETRM	An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh
GESO	Gaeleagras um Shainriachtanais Oideachais
GIFC	An Grúpa Idir-rannach ar Fheidhmiú na Cairte
COI	An Ciste Oideachais Imeachta
SSTÉ	Státseirbhís Thuaisceart na hÉireann
ENR	Eagras Neamhrialtasach
OTÉ	Oifig Thuaisceart na hÉireann
SOTÉ	Suirbhéireacht Ordanáis Thuaisceart na hÉireann
GLOR	Grúpa Leithdháilte Oideachais Réamhscoile
ARP	Athbhreithniú Riaracháin Phoiblí

Glossary

BIFHE	Belfast Institute of Further & Higher Education
BLSP	Belfast Local Strategic Partnership
COMEX	Council of Europe's Committee of Experts
CnaG	Comhairle na Gaelscolaíochta
DCAL (CAL)	Department of Culture, Arts and Leisure
DE	Department of Education
DEL	Department of Employment and Learning
DSD	Department of Social Development
ECRML	European Charter for Regional or Minority Languages
GESO	(Organisation for Irish Medium Educational Needs)
ICIG	Interdepartmental Charter Implementation Group
IEF	Integrated Education Fund
NICS	Northern Ireland Civil Service
NGO	Non-Governmental Organisation
NIO	Northern Ireland Office
OSNI	Ordnance Survey of Northern Ireland
PEAG	Pre-school Education Allocation Group
RPA	Review of Public Administration

1. Réamhrá

1.01.

Tá áitithe ag POBAL thar dhá thuarascáil fhaireacháin roimhe seo gur díspeagadh na deiseanna a thairg daingniú Chairt na hEorpa do Theangacha Réigiúnacha nó Mionlaigh (an CETRM) ag an RA ag daingniú lag, easpa threorach straitéisí agus gan na cuir chuige a chomhordú. Is é cuspóir an CETRM, dar linn, bheith ina ionstraim fhorásach, a dhéanfadh freastal ar riachtanais fhorbraíochta an phobail. Tá léirithe againn sna tuarascálacha roimhe seo gur ag dul i ndéine atá daingniú lag na Cairte le himeacht ama agus fás ár bpobail.

1.02.

Tá áitithe de shíor againn gur cur chuige íostach don teanga Ghaeilge a ghabh an RA d'aon turas chuici féin nuair a roghnaigh sí gan ach 36 clásal den CETRM a dhaingniú. Éilíonn an CETRM féin go roghnódh stáit na clásail agus na roghanna a fhóireas do gach teanga ina ndlínse agus creidimid go sáraíonn ionstraim dhaingnithe an RA an treoir seo.¹ Thairis sin, mar a léiríodh i dtuarascálacha POBAL in 2002 agus 2005² dhaingnigh an RA ina lán cásanna na roghanna is laige sna clásail seo.

1.03.

Roimhe seo, tharraing muid aird ar áit aimhrialta reachtach na Gaeilge sa Tuaisceart i gcomparáid leis an Bhreatainis sa Bhreatain Bheag agus an Ghàidhlig in Albain. Is in olcas a chuaigh sí sin le linn an tríú chúrsa fhaireacháin. I nDeireadh Fómhair 2006, thug rialtas an RA an gealltanas aonchiallach a leanas i gComhaontú Chill Rímhinn, 'Tabharfaidh an Rialtas isteach Acht Gaeilge ag léiriú eispéireas na Breataine Bige agus na hÉire agus oibreoidh sé leis an Fheidhmeannas nua le forbairt na Gaeilge a mhéadú agus a chosaint' (Rialtais an RA agus na hÉireann, 13ú Deireadh Fómhair 2006). Ach, níor chomhlíon rialtas an RA an gealltanas sin, agus ina áit sin ghlac sé cur chuige ba chúis le comhairliúcháin a sháraigh spríocdháta athbhunú na déabhlóide. Bhí fógartha cheana féin ag rialtas an RA sa chás nach dtabharfaí isteach an reachtaíocht faoi athbhunú Thionól TÉ, go bhfágfaí Acht na Gaeilge faoi na forais chineachta.³

Ba léir go mbeadh móramh ina leithéid sin de shocrú ag

¹ An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, Cuid 1, "Áirítear sa tsolúbthacht seo na mórdhifríochtaí i gcásanna de facto teangacha réigiúnacha nó mionlaigh" agus,

"Ba é ról na stát, gan roghnú achomair a dhéanamh idir na roghanna seo, ach a lorg do gach teanga réigiúnach nó mionlaigh an fhocláíocht is fearr a fhóireann d'airíona agus do staid fhorbartha na teanga sin"

² Feidhmiú na Cairte i leith na Gaeilge, Iúil 2001-Iúil 2002

Aighneacht le POBAL chuig Coiste na Saineolaithe ar an Chairt, POBAL 2002 agus

Feidhmiú na Cairte i leith na Gaeilge, Iúil 2002- Iúil 2005

Aighneacht le POBAL chuig Coiste na Saineolaithe ar an Chairt, POBAL 2005. Tá na Tuarascálacha le fáil ina n-íomláine ar shuíomh gréasáin POBAL, www.pobal.org

³ Westminster, Taifead Imeachtaí Oifigiúla Hansard, 22ú Samhain 2006, faoin cheannteideal The Sewel Convention

1. Foreword

1.01.

POBAL has argued over two previous monitoring reports that the opportunities presented by the ratification by the UK government of the European Charter for Regional or Minority Languages (ECRML) have been minimised by weak ratification, a lack of strategic direction and a failure to co-ordinate approaches. The ECRML is intended, we believe, as a progressive instrument, capable of the meeting the developing needs of the community. We have pointed out in our previous reports that as time passes and our community grows, the weakness of the Charter ratification becomes increasingly dire.

1.02.

We have consistently argued that in choosing to ratify only 36 clauses of the ECRML for the Irish language, the UK adopted a consciously minimalist approach to the Irish language. 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.¹ In addition, as shown in POBAL's reports in 2002 and 2005² the UK Government has in many cases also ratified the weakest options within these clauses.

1.03.

Previously, we have highlighted the anomalous legislative position of the Irish language in the North in comparison with Welsh in Wales and Gaelic in Scotland. This has been worsened during the third monitoring cycle. In October 2006, the UK government made the following unequivocal commitment in the St Andrews' Agreement, 'The Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish Language' (UK and Irish Governments, 13th October 2006). However, the UK government has not fulfilled this commitment, adopting instead an approach which resulted in consultations overrunning the target date for the re-establishment of devolution. The UK government had previously announced that in the event of legislation not being introduced by the restoration of the NI Assembly, the Irish Language Act would be a matter for the devolved institutions.³

¹ 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"

² 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, POBAL 2002 and

The Implementation of the Charter with Regard to the Irish Language, July 2002-July 2005

Submission by POBAL to the Committee of Experts on the Charter, POBAL 2005. The Reports are available in full on POBAL's website, www.pobal.org

³ Westminster, Hansard Record of Official Proceedings, 22nd November 2006, Under heading the Sewel Convention

páirtithe aontachtacha a dhearbhaigh go poiblí, arís agus arís eile, go raibh rún acu reachtaíocht ar son na teanga a mhilleadh. Thacaigh torthaí dhá chomhairliúchán rialtais go millteanach le reachtaíocht cheartabhunaithe (Féach fosta 5.05.ix, 5.05.xi). Ba phríomchúis í teip rialtas an RA i gcomhlíonadh a ghealltanais leis an mheon doicheadh méadaitheach don Ghaeilge sna forais chineachta.

1.04

D'oibrigh leibhéal méadaithe an doichill don Ghaeilge sa Tuaisceart tionchar ar an chomhthéacs agus an mhodh ina mbreathnaítear agus ina gcuirtear i bhfeidhm an CETRM. An feidhmiú a bhí cheana féin fadálach éiginnte chuaigh sé in olcas mar gheall ar naimhdeas don Ghaeilge taobh istigh de ranna áirithe de na forais pholaitiúla. D'oibrigh cuir chuige dhiúltacha pháirtithe polaitiúla tionchar ar a seal ar státseirbhísigh. Ba é an trua é dá ndéanfaí earra gan aird den CETRM do chur chuige gan chomhordú agus go minic íostach nárbh fhéidir a fheidhmiú sna cúirteanna agus a gcaitear go minic leis mar earra gan aird i gcomórtas le reachtaíocht intíre.

1.05

Tá fianaise ar threoracht atá ag fás leis an CETRM a chomhthoghadh ar mhaithe le héilimh ar chosaintí agus fhorálacha feabhsaithe don Ghaeilge a chur ar ceal. Creideann POBAL go gcaithfear dúshlán daingean a thabhairt faoin smaoineamh gur féidir an CETRM a lua le cur chuige forásach don Ghaeilge a chosc. D'úsáid Airí CEF i ndiaidh a chéileis an CETRM leis an diúltú s'acu le reachtaíocht Ghaeilge a achtú a chosaint. Mar shampla, dúirt an tAire CEF Edwin Poots, agus é ag diúltú reachtaíocht Ghaeilge a achtú,

Is treoir Eorpach í An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh, agus caithfidimid seasamh léi, fiú mura mian linn é. Leoga, léiríonn ár ngníomhartha go bhfuilimid ag déanamh níos mó ná seasamh léi. Ní gá dúinn reachtaíocht a thabhairt isteach le hoibriú taobh istigh dá creat.⁴

Dúirt comharba Poots, an tAire Cultúir, Ealaíon agus Fóillíochta, Gregory Campbell, go mbeadh an CETRM mar 'bhuntaca' faoi straitéis a roinne i leith na Gaeilge, ach nach mbeadh sí saintreorach agus go soláthrófaí í taobh istigh de na hacmhainní atá ann cheana. Thairis sin, dúirt an tAire Campbell fosta ag cruinniú de Choiste CEF i dTionól TTÉ in 2008,

Is é a thuigim go bhfuil ceangaltais chairt na hEorpa – i leith na Gaeilge agus Albainis Uladh – á gcomhlíonadh ar fud an RA, Tuaisceart na hÉireann san áireamh. Tá na ceangaltais sin á gcomhlíonadh, fiú gan reachtaíocht teanga ná Acht Gaeilge.⁵
(Féach fosta 2.08.iii, 2.09.vii, 2.10.x)

⁴ Tionól TÉ, Taifead Oifigiúil imeachtaí Hansard, 16ú Deireadh Fómhair 2007, Acht na Gaeilge

⁵ Tionól TÉ, Taifead Oifigiúil imeachtaí Hansard, Cruinniú Choiste Cultúir, Ealaíon agus Fóillíochta, 4ú Nollaig 2008

It was clear that unionist parties who had publically and repeatedly declared their intention to smash legislation for the language would have a majority in any such arrangement. The results of two government consultations were overwhelmingly supportive of rights-based legislation (See also 5.05.ix, 5.05.xi) The failure of the UK government to fulfill its commitment has been a key factor in an increasingly hostile climate within the devolved institutions to the Irish language.

1.04

The increased level of hostility towards Irish in the North has impacted upon the context and manner in which the ECRML is viewed and implemented. What has already been a slow and uncertain implementation has now been compounded by hostility to Irish within certain sections of the political institutions. Negative party political approaches in turn impact upon civil servants. It would be unfortunate were the ECRML to become a cipher for an unco-ordinated and often minimalist approach unenforceable in the courts and often treated as having little significance in comparison with domestic legislation.

1.05

There is evidence of a growing tendency to co-opt the ECRML in order to neutralize demands for improved protections and provisions for Irish. POBAL believes that the view that the ECRML can be cited to prevent a progressive approach for the Irish language must be firmly challenged. Successive CAL Ministers have now used the ECRML to justify their refusal to enact Irish language legislation. For example, CAL Minister Edwin Poots, refusing to enact Irish language legislation said,

The European Charter for Regional or Minority Languages is a European directive, so we must abide by it, even if we do not wish to. Indeed, through our actions, we are more than abiding by it. We do not need to introduce legislation to work within its framework.⁴

Poots' successor, Minister for Culture, Arts and Leisure, Gregory Campbell, stated that his departmental strategy for the Irish language will be 'underpinned' by the ECRML, but it will be non-prescriptive and deliverable within existing resources. In addition, Minister Campbell also commented at a meeting of the CAL Committee in the NI Assembly in 2008,

My understanding is that the European charter's commitments – in respect of Irish and Ulster Scots – have been met throughout the UK, including Northern Ireland. Those commitments have been met, even without a language strategy or an Irish Language Act.⁵
(See also 2.08.iii, 2.09.vii, 2.10.x)

⁴ NI Assembly Hansard Official record of proceedings, 16th October 2007, Irish Language Act

⁵ NI Assembly, Hansard Official record of proceedings, Meeting of the Culture, Arts and Leisure Committee, 4th December 2008

1.06

Is é dearcadh POBAL go luíonn an fhreagracht lena chinntiú nach mbíonn an Ghaeilge faoi réir shrianta nó chonstaicí éagóracha ar rialtas an RA ós rud é go bhfuil oibleagáidí conartha ar rialtas an RA ina leith seo faoin CETRM, faoi Chreatchoinbhinsiún Cosanta Mionlach Náisiúnta, faoin Chúnant Idirnáisiúnta ar Chearta Sibhialta agus Polaitiúla (CICSP), faoin Chúnant Idirnáisiúnta ar Chearta Geilleagracha, Sóisialta agus Cultúrtha sa bhreis ar a shainoibleagáidí eile faoi Chomhaontú Aoine an Chéasta agus Chomhaontú Chill Rímhinn.

1.07

Creideann POBAL gur srianadh agus constaic éagórach é feidhmiú leanúnach Acht Riartha Ceartais (Teanga) (Éirinn) 1737 ar fhorbairt na Gaeilge faoi chuid II Airteagal 7 den CEFRM. Le linn Athbhreithniú Bhreithiúnais Acht 1737 san Ardchúirt i mBéal Feirste 27ú agus 28ú Deireadh Fómhair 2008, luaigh abhcóide Oifig Thuaisceart na hÉireann cé go n-aibhsíonn tuarascáil 2007 CCSE 'contrárthacht' fhéideartha idir feidhmiú leanúnach an Achta agus Comhaontú Aoine an Chéasta, ní deir tuarascáil CCSE go sáraíonn Acht 1737 an CETRM. Dúirt sé fosta ó fuarthas amach gur chomhlíon rialtas an RA bunús a chuid oibleagáidí faoin CETRM, nach raibh aon choimhlínt idir feidhmiú leanúnach Acht 1737 agus an CETRM. Dar linn, is féidir nár mhiste do CCSE an cheist seo a shoiléiriú.

1.08

I dtaca le craoltóireacht sa tréimhse faireacháin seo, níor tugadh aghaidh ar theip leanúnach rialtas an RA a dhualgas i leith na Gaeilge a aithint i reachtaíocht agus soláthar craoltóireachta. Tá an bás á bhagairt ar Chiste Craoltóireachta na Gaeilge. Tharla sé seo le linn na tréimhse céanna inar seoladh bealach úr digiteach don Ghàidhlig in Albain (BBC Alba). Arís, is i léire tá an éagothroime i reachtaíocht agus in acmhainniú na dteangacha Chuid III ag dul. (Mar a luaigh muid i dtuarascálacha eile, níl an Ghaeilge luaite in Acht Cumarsáide 2003 nó i gCairt Ríoga BBC 2005 – cé go ndearnadh tagairtí leitheadacha mar is cuí don Bhreatnais agus don Ghàidhlig.)

1.09

Dar le POBAL, níor feidhmíodh ceann ar bith den dá mholadh i leith na Gaeilge atá i dtuarascáil CCSE 2007. I bhfírinne, i dtaca leis na meáin chlóite, creidimid gur sáraíodh forálacha an CETRM. (Féach fosta 2.09.viii, 2.10.xi, 9.04, 9.04.i) Mar a luadh, níor foilsíodh beartas cuimsitheach don teanga Ghaeilge. Ina áit sin, is cosúil go nascaíodh aon straitéis de chuid an Tionóil an Ghaeilge le hAlbainis Uladh ar dhóigh a dhéanfas dochar don Ghaeilge, i sárú bhrollach an CETRM féin faoin dóigh a gcaitear le teangacha de réir a gcúinsí agus tabharfar neamhaird ar shainbharúil CCSE 2007 gur chóir an Ghaeilge agus Albainis Uladh a dhinascadh. (Féach fosta 1.05, 2.09.vii, 2.10.x, 8.03.vii, 9.01.vi, 9.01.vii)

1.06

It is POBAL's view that the responsibility to ensure that the Irish language is not subject to undue restrictions or obstacles to its development lies with the UK government since the UK government has treaty obligations in this regard under the ECRML, under the Framework Convention for the Protection of National Minorities, under the International Covenant on Civil and Political Rights (ICPPR), under the International Covenant for Economic, Social and Cultural Rights in addition to its other specific obligations under the Good Friday Agreement and the St Andrews' Agreement.

1.07

POBAL believes that the continuing operation of the 1737 Administration of Justice (Language) Act (Ireland) represents an undue restriction and obstacle to the development of the Irish language under Part II Article 7 of the ECRML. During the Judicial Review of the 1737 Act in the High Court at Belfast on 27th and 28th October 2008, counsel for the Northern Ireland Office noted that whilst the 2007 COMEX report highlights a possible 'contradiction' between the continuing operation of the Act and the Good Friday Agreement, the COMEX report does not state that the 1737 Act contravenes the ECRML. He further stated that since the UK government had been found to have fulfilled the bulk of its obligations under the ECRML, there was no conflict between the continued operation of the 1737 Act and the ECRML. We feel that the COMEX may find it useful to clarify this issue.

1.08

In respect of broadcasting in this monitoring period, the ongoing failure of the UK government to recognize its duty towards the Irish language in broadcasting legislation and broadcasting provision has not been addressed. The Irish Language Broadcasting Fund has been threatened with termination. This has occurred in the same period in which a new digital channel for Gaelic in Scotland (BBC Alba) has been launched. Again, the disparity in legislation and resourcing of the 3 Part III languages is increasingly obvious. (As we have noted in previous reports, the Irish language is not mentioned in either the 2003 Communications Act or the 2005 Royal Charter for the BBC – although both Welsh and Gaelic are subject of appropriately extensive references.)

1.09

In POBAL's view, neither of the two recommendations in respect of Irish contained in the COMEX report 2007 have been implemented. In fact, in respect of the print media, we believe that the ECRML's provisions have been breached. (See also 2.09.viii, 2.10.xi, 9.04, 9.04.i) As noted, a comprehensive policy for the Irish language has not been published. Instead, it appears that any Assembly strategy will seek to link the Irish language with Ulster Scots in a way that will be detrimental to Irish, in contravention of the ECRML's own preamble regarding treatment of languages according to their circumstances and will ignore the specific opinion of the COMEX in 2007 that policies for Irish and Ulster Scots should be de-linked. (See also 1.05, 2.09.vii, 2.10.x, 8.03.vii, 9.01.vi, 9.01.vii)

1.10

Is é a áitíonn POBAL gur in olcas go suntasach a chuaigh stádas agus an dóigh a gcaitear leis an Ghaeilge ón chúrsa deiridh faireacháin. Leoga, i ndiaidh gheallanas rialtas an RA a tugadh i gComhaontú Chill Rímhinn go dtabharfaí isteach Acht Gaeilge, cuireadh in áit an laige i bhfeidhmiú an CETRM a luadh cheana féin, teip shuntasach ar an chuid is fearr de, i gceannaireacht ó rialtas an RA i leith chur chun cinn daingean na Gaeilge. Ar an chuid is measa de, braitheadh diúltú rialtas an RA a ghealltanais a chomhlíonadh mar chomhartha go bhféadfaí an Ghaeilge a ionsaí ar bhonn leanúnach ar son aidhmeanna polaitiúla.

1.10

It is POBAL's contention there has been a significant worsening in the status and treatment of the Irish language in general since the last monitoring cycle. Indeed, following the St Andrews Agreement commitment by the UK government to introduce the Irish Language Act, the inertia in the implementation of the ECRML that has been previously reported has been replaced by, at best, a significant failure in leadership from the UK Government in respect of the resolute promotion of the Irish language. At worst, the refusal of the UK government to fulfill its commitment has been perceived as a signal that the Irish language can be made the subject of continued attack for political goals.

2. Freagra POBAL ar Thríú Tuarascáil an RA ar Fheidhmiú na Cairte

2.01

Iarradh ar rialtas an RA a Thríú Tuarascáil a sholáthar ar 1ú Iúil 2008. Ach, níor cuireadh isteach í go dtí 26ú Bealtaine 2009, mí dhéag déanach. I gcás na Gaeilge, níl sa Tuarascáil ach eolas ar na 6 pharagraf sa CETRM a bhaineann le hábhair ‘fhorchoimeáda’. Níor tugadh aon eolas ar na 30 paragraf eile a bhaineann le hábhair ‘chineachta’. Deir rialtas an RA arís agus arís eile go leanfaidh tuilleadh eolais i ‘dtuarascáil bhreise’ ó Fheidhmeannas TÉ. Go bhfios dúinn níor cuireadh a leithéid de thuarascáil ar fáil.

2.02

Is ábhar an-tromchúiseach é an teip seo i dtuairisciú. Tarraingíonn sé amhras ar an chóras faireacháin sa CETRM féin, agus mar sin, ar an mheicníocht fhorfeidhmithe. Creidimid go bhfuil rialtas an RA ag sárú a éileamh atá ina gceangal dlí faoi Chuid IV den CETRM.

2.03

Deir comhfhreagras⁶ chuig POBAL nach bhfuil eolas i dtuarascáil an RA ar ábhair a bhaineann le hábhair chineachta Fheidhmeannas TÉ, ‘cionn is nár faomhadh go fóill é.’ Luann an litir gur chuir RCEF dréacht-tuairimí ar fáil d’Oifig an Chéad-Aire agus an LeasChéad-Aire (OCALCA) ar 10ú Aibreán 2009, timpeall 9 mí i ndiaidh an spriocama tuairiscithe. Bheadh sé de réir phrótacail an Tionóil, dá ndiúltódh RCEF do leasuithe molta leis an dréacht-tuarascáil, nach bhfoilseofaí an cháipéis ó tharla nár thángthas ar chomhaontú.

2.04

Is é a chreideann POBAL gur chomhartha é an teip sa tuairisciú ag Tionól TÉ de na teannais dhomhain-fhréamhaithe i bhfeidhmiú an CETRM agus sa dóigh a gcaitear leis an Ghaeilge sa riarachán polaitiúil ó bunaíodh an déabhlóid i 2007.

2.05

Síorionsaithe ar an Ghaeilge ag páirtithe aontachtacha sa Tionól (agus i gComhairlí áitiúla srl) fuair siad spreagadh ó ghníomhartha rialtas an RA roimh an déabhlóid, nuair a úsáideadh tiomantas Chill Rímhinn ar reachtaíocht Ghaeilge a achtú mar ghléas malartaithe i gcaibidlíocht pholaitiúil.

2.06

Theip ar rialtas an RA, ar bhonn leanúnach, aghaidh a thabhairt ar an dochar a rinneadh don teanga Ghaeilge ó 2007. Is comhartha é nár éirigh leis tuairisc iomlán a thabhairt ar fheidhmiú an CETRM ag RA sa Tríú Cúrsa, den mhéid ar lig sé dá fhreagracht i gcur chun cinn ‘daingean’ na Gaeilge a chinntiú, dá bhfuil sé ceangailte i gComhaontú Aoine an Chéasta agus sa CETRM.

⁶Comhfhreagras 2ú Bealtaine 2009, ó Aire CEF Gregory Campbell, chuig Janet Muller, PF, POBAL.

2. POBAL’s response to the UK’s Third Report on the Application of the Charter

2.01

The UK government was required to provide its Third Report on 1st July 2008. However, it was not submitted until 26th May 2009, eleven months late. In the case of the Irish language, the Report contains information only on the 6 paragraphs of the ECRML that relate to ‘reserved’ matters. There is no information on the other 30 paragraphs of the ECRML relating to ‘devolved’ matters. The UK government repeatedly states that further information will follow in ‘a supplementary report’ from the NI Executive. To the best of our knowledge no such report has been made available.

2.02

This reporting failure is an extremely serious matter. It compromises the monitoring process within the ECRML itself, and therefore the mechanism for enforcement. We believe that the UK government is in breach of its legally binding requirements under Part IV of the ECRML.

2.03

Correspondence⁶ to POBAL states that the UK report does not contain information relating to devolved NI Executive matters, ‘as it has not yet been agreed.’ The letter notes that DCAL provided draft comments to the Office of the First and Deputy First Minister (OFMDFM) on 10th April 2009, some 9 months after the deadline for reporting. It would be in line with Assembly protocols that if proposed amendments to the draft report were rejected by DCAL, that, agreement not having been reached, the document would not be issued.

2.04

It is POBAL’s belief that the reporting failure at the NI Assembly is symptomatic of deep-rooted tensions in the application of the ECRML and in the treatment of the Irish language within the political administration since the re-establishment of devolution in 2007.

2.05

Consistent attacks upon the Irish language by unionist parties within the Assembly (and in local Councils etc) have been encouraged by the actions of the UK government prior to devolution, when the St Andrews’ commitment to enact Irish Language legislation was used as a bartering tool in political negotiations.

2.06

The UK government has consistently failed to address the damage done to the Irish language since 2007. Its inability to report fully on the UK application of the ECRML in the Third Cycle is an indication of the extent to which it has relinquished its responsibility to ensure the ‘resolute’ promotion of the Irish language, to which it commits in the Good Friday Agreement and the ECRML.

⁶Correspondence 2nd May 2009, from CAL Minister Gregory Campbell, to Janet Muller, CEO, POBAL.

2.07

Tarraingíonn easpa tuairisciú mionsonraithe 30 paragraf den CETRM amhras ar an iarratas ar eolas ó CCSE, a rinneadh sa Dara Tuarascáil aige (2007). San eolas a iarradh tá:

- Cuid II, Airteagal 7, parag 3, na bearta a rinneadh le hurraim, tuiscint agus caoinfhulaingt TRM a huimsiú in oideachas agus oiliúint (CCSE 2007, l. 18, parag 160)
- Cuid III, Airteagal 8 (Oideachas): tuilleadh eolais aoi líon na ndaltaí a bhaineann leas as cúrsaí OTG (CCSE 2007, l.50, parag 442); bearta a rinneadh le múinteoirí a oiliúint chun freastal ar an éileamh méadaithe ar OMG (CCSE 2007, l. 51, parag. 448); eolas sainiúil ar theagasc na Gaeilge taobh amuigh de TÉ (CCSE 2007, l. 51, parag 449).
- Cuid III, Airteagal 10 (Údaráis Riaracháin): paragraf 1, cé acu bunaíodh nó nár bunaíodh córas d'iarratais bhéil nó scríofa i nGaeilge (CCSE 2007, l. 52, parag 453); paragraf 2, arbh fhéidir iarratais a chur isteach i nGaeilge agus bearta a spreagadh údaráis áitiúla chun glacadh leo (COMEX 2007, l. 52, parag 460); arbh fhéidir Gaeilge a úsáid i dtionóil áitiúla agus bearta a rinneadh lena húsáid a spreagadh (CCSE 2007, l. 53, parag 463); ar bunaíodh córas i gcomhair ghlacadh le haighneachtaí i nGaeilge (CCSE 2007, l. 53, parag. 470).
- Cuid III, Airteagal 11 (Na Meáin): tuilleadh eolais ar an chóras agus an chomhaontú cistithe do TG4 (CCSE 2007, l. 54, parag 481); léiriú shaothar éisteachta agus closamhairc craoltóireachta seachtraí (CCSE 2007, l. 55, parag 487); an bhfuil na meicníochtaí cistithe atá ann cheana ar fáil fosta do léirithe closamhairc i nGaeilge agus ar feadh cá fhad (CCSE 2007, l. 55, parag 491); an bhfuil cúrsa iriseoireachta Bhaile Iordáin (Ollscoil Uladh) go fóill ann agus an bhfaigheann iriseoirí Gaeilge tacaíocht i gclárú le cúrsaí i bPÉ (CCSE 2007, l. 56, parag 494).
- Cuid III, Airteagal 12 (Gníomhaíochtaí agus Saoráidí Cultúrtha): na bearta a rinneadh le cinntiú go bhfuil baill foirne sa Chomhairle Ealaíon agus lánchumas Gaeilge acu; an bhfuil córas ann le cinntiú go bhfostaíonn an Chomhairle Ealaíon agus comhlachtaí eile cultúrtha foireann labhartha Gaeilge (CCSE 2007, l. 57, parag 510); bearta a rinneadh leis an Ghaeilge a chur chun cinn ar thóir bheartas cultúrtha ar an choigríoch (CCSE 2007, l. 58, parag 518).
- Cuid III, Airteagal 13 (Saol Geilleagrach agus Sóisialta): eolas uasdátaithe ar an Cheathrú Ghaeltachta a sholáthar.

Luann tuarascáil neamhchríochnaithe an RA bunús na n-ábhar seo bheith 'cineachta' agus ní thugann aon eolas orthu. Creideann POBAL gur seo sárú bunúsach dhualgais thuairiscithe ar scála córasach.

2.07

The lack of detailed reporting on 30 paragraphs of the ECRML compromises the request for information from the COMEX, made in its Second Report (2007). The requested information includes:

- Part II, Article 7, parag 3, the steps taken to include respect, understanding and tolerance of RMLs in education and training (COMEX 2007, p. 18, parag 160)
- Part III, Article 8 (Education): more information regarding the number of pupils taking advantage of IM courses (COMEX 2007, p.50, parag 442); measures taken to train teachers to meet increased demand for IME (COMEX 2007, p. 51, parag. 448); specific information on the teaching of Irish outside NI (COMEX 2007, p. 51, parag 449).
- Part III, Article 10 (Administrative authorities): paragraph 1, whether a system had been established for oral and written applications in Irish (COMEX 2007, p. 52, parag 453); paragraph 2, the possibility to submit applications in Irish and steps to encourage local authorities to accept them (COMEX 2007, p. 52, parag 460); the possibility of using Irish in local assemblies and the steps taken to encourage its use (COMEX 2007, p. 53, parag 463); whether a system had been established for acceptance of submissions in Irish (COMEX 2007, p. 53, parag. 470).
- Part III, Article 11 (The Media): more information on the funding system and funding agreement for TG4 (COMEX 2007, p. 54, parag 481); production of audio and audio visual works outside broadcasting (COMEX 2007, p. 55, parag 487); whether the existing funding mechanisms are available also for audiovisual productions in Irish and to what extent (COMEX 2007, p. 55, parag 491); whether the Jordanstown (University of Ulster) journalism course still exists and whether Irish language journalists receive support if taking courses in the RoI (COMEX 2007, p 56, parag 494).
- Part III, Article 12 (Cultural activities and facilities): what measures have been taken to ensure the Arts Council has staff with full command of Irish; whether there is a system to ensure Irish-speaking staff are employed at the Arts Council and other cultural bodies (COMEX 2007, p. 57, parag 510); measures taken to promote Irish in pursuit of cultural policy abroad (COMEX 2007, p.58, parag 518).
- Part III, Article 13 (Economic and Social Life): provide updated information on the Gaeltacht Quarter.

The incomplete UK report refers to the majority of these matters as 'devolved' and provides no information on them. POBAL believes that this is a fundamental breach of reporting duty on a systematic scale.

2.08.i

I réamhált thuarascáil an RA tá freagraí ar roinnt saincheistean, ar a n-áirítear eolas ábhartha stairiúil agus bunreachtúil a nochtadh le déanaí, eolas aitheantais agus déimeagrafach ar theangacha RM san RA agus critéir shainmhíniú chainteoirí TRM; staidreamh ar theangacha ar bith neamhchríche; agus ráitis fhorlíontacha bheartais ghinearálta le déanaí a bhaineann le cosaint TRM. In ainneoin gur tugadh ceistean caighdeánaithe, i mbunús alt na réamhthuarascála, níl an t-eolas a bhaineann leis an Ghaeilge in Éirinn chomh mionsonraithe leis an eolas a bhaineann le TRM eileis an RA. Ar I. 6 a tharlaíonn an t-aon eisceacht, a bhaineann le cúrsaí bunreachtúla, a chuireann síos ar ábhair nár dhéabhlóidigh rialtas an RA do Thionól TÉ. Sainmhíonann an t-alt seo ábhair ‘fhorchoimeáda’ (‘a ndéanfaí reachtaíocht de ghnáth orthu i bParlaimint an RA ach a dtiocfadh leis an Tionól reachtaíocht a dhéanamh orthu le haontú an Státrúnaí’, [RA 2009, I. 6]) agus ábhair “eisceithe” (‘nach dtiocfadh reachtaíocht shubstainteach a dhéanamh orthu ach ag Parlaimint an RA.’ [RA 2007, I. 6]).

2.08.ii

Ar I. 16, maidir le heolas forlíontach ar ‘ráitis ghinearálta an Stáit s’agat’, admhaíonn rialtas an RA faoi Chomhaontú Chill Rímhinn ‘gur cheangail sé ar rialtas an RA Acht Gaeilge a thabhairt isteach’ ach deir sé ‘gur aistríodh freagracht as seo go dtí Tionól TÉ ar athbhunú na déabhlóide’. Creideann POBAL gur ar rialtas an RA go fóill atá an fhreagracht as oibleagáidí conartha a rinne rialtas an RA, sa chás go dteipfeadh ar fhorais dhéabhlóidithe iad a fheidhmiú. Mar seo a bhí an cás i dtaca le hAcht na Gaeilge.

2.08.iii

Rinneadh tagairt fosta don dualgas le hoibriú le Feidhmeannas TÉ le forbairt na Gaeilge a mhéadú agus a chosaint. (Luann leath. 17 ceangal den chineál céanna le hoibriú leis an Fheidhmeannas le teanga, oidhreacht agus cultúr Albainis Uladh a mhéadú agus a fhorbairt). Cuireadh Tionól TÉ ar fionraí ó 2002-2007, tréimhse chúig bliana. Is suntasach, le linn thríú tréimse faireacháin an CETRM (ó Iúil 2005) gur i gComhaontú Chill Rímhinn amháin a bhí an t-aon ráiteas beartais i leith na Gaeilge ón RA. Níor comhlíonadh an gealltanas le reachtaíocht Ghaeilge a achtú, agus is ábhar suntasach buartha é go mbeidh an dualgas le straitéis a ghabháil leis an Ghaeilge a ‘mhéadú’ (atá i gComhaontú Chill Rímhinn 2006) dírithe i bhfirinne ar a chinntiú go socrófar forbairt agus acmhainniú na Gaeilge ar aon leibhéal le cuid Albainis Uladh, ainneoin riachtanais agus chúinsí éagsúla na Gaeilge. An tAire CEF Gregory Campbell a rinne an ráiteas seo a leanas ag cruinniú de chuid Choiste CEF Thionól TÉ i 2008,

2.08.i

The preliminary section of the UK report contains responses to a number of specific questions, including recent relevant historical and constitutional information, identification and demographic information of RML languages within the UK and criteria for definition of speakers of RMLs; statistics on any non-territorial languages; and supplementary recent general policy statements concerning the protection of RMLs. In spite of the provision of standardised questions, in the majority of sections of the preliminary report, the information relating to Irish in Ireland is less-detailed than that regarding other UK RMLs. The only exception to this occurs on p. 6, in relation to constitutional matters, which gives a description of the matters not devolved to the NI Assembly by the UK government. This section defines both “reserved” matters (‘which would normally be legislated on within the UK Parliament but on which the Assembly may legislate with the consent of the Secretary of State’, [UK 2009, p. 6]) and “excepted” matters (‘on which substantive legislation can only be passed at the UK Parliament.’ [UK 2007, p. 6]).

2.08.ii

On p. 16, in respect of supplementary information on ‘general statements on the policy of your State’, the UK government acknowledges that the St Andrews Agreement, ‘committed the UK government to introduce an Irish Language Act’ but states that ‘responsibility for this transferred to the NI Assembly on the restoration of devolution’. POBAL believes that treaty obligations made by the UK government remain UK government responsibility in the event of failure of devolved institutions to implement them. This has been the case in relation to the Irish Language Act.

2.08.iii

A reference is also made to the duty to work with the NI Executive to enhance and protect the development of the Irish language. (Page 17 of the report notes a similar commitment to work with the Executive to enhance and develop the Ulster Scots language, heritage and culture). The NI Assembly was suspended from 2002-2007, a period of five years. It is significant that during the third monitoring period of the ECRML (from July 2005) the only UK policy statement in respect of Irish was contained within the St Andrews Agreement. The commitment to enact Irish language legislation has not been fulfilled, and there are significant concerns that the duty to adopt a strategy to ‘enhance’ the Irish language (contained in the 2006 St Andrews’ Act) will in fact be directed at ensuring that the development and resourcing of Irish is set at the same level as that of Ulster Scots, in spite of the different needs and circumstances of Irish. The following comment was made by then CAL Minister Gregory Campbell at a meeting of the NI Assembly Cal Committee in 2008,

Tabharfaidh an Roinn aghaidh ar an cheist ag glacadh leis go bhfuil dhá leibhéal éagsúla gnóthachtála ann, fá láthair. Ba é cuspóir na straitéise a chinntiú go n-íoslaghdóidh, go laghdóidh agus, thar am, go n-imeoidh an difreálach. Tá aon straitéis amháin an oiread sin níos tábhachtaí i mbaint amach an chuspóra sin, seachas dhá chur chuige éagsúla a ghabháil faoi rud atá ina cheist teanga/chultúrtha.⁷ (Féach fosta 1.05, 1.09, 2.09.vii, 2.10.x)

2.09 Tuairisciú an RA ar Chuid 1

Éilíonn na ceisteanna eolas ar an príomhacht/na príomhachtanna dlí nó na forálacha a mheasann an stát a bheith 'riachtanach' i gcomhair fheidhmiú an CETRM, san áireamh cóipeanna dá leithéid sin achtanna agus forálacha, mionsonraí agus cóipeanna d'aon reachtaíocht nua nó de cháipéisí beartais i leith TRM, agus cásdlí nó imeachtaí eile dlíthiúla nó riaracháin; na heagrais dhlíbhunaithe a bhfuil cúram chosanta agus fhorbartha TRM orthu; liosta eagrais a ndeachthas i gcomhairle leo in ullmhú na tuarascála tréimhsí; na bearta a rinneadh de réir Airteagal 6, le tuilleadh eolais a scaipeadh ar chearta agus dhualgais a bhaineann leis an CETRM; agus mionsonraí achoimrithe na mbeart a rinneadh le moltaí Choiste na nAí a chur i ngníomh.

2.09.i

Tá an tuairisciú ar an chéad chuid de Cheist 1 sa roinn seo, i dtaca le hachtanna/forálacha dlíthiúla, agus cásdlí, fabhtach agus neamhiomlán. Níor eagraíodh an t-eolas ach faoi dhá fhotheideal (Beartas agus Reachtaíocht). Ní dhéantar aon phlé struchtúrtha ar fhorálacha nó chásdlí i leith cheann ar bith de na TRM. Thairis sin, is cosúil gur thiomsaigh freagróirí éagsúla eolas de réir chritéar éagsúil i dtaca le TRM eagsúla. Mar sin, nuair nach bhfuil aon tagairt sa roinn ar an Ghaeilge do reachtaíocht nó do bheartas ar bith a tharla roimh an chúrsa faireacháin (mar shampla Acht Riartha Ceartais (Teanga) (Éire) 1737; Comhaontú Aoine an Chéasta 1998, Ordú Oideachais TÉ 2000, Comhráiteas Aibreán 2003, gealltanais Chomhaontú Chill Rímhinn 2006 le reachtaíocht Ghaeilge a achtú srl) sna ranna ar an Mhanainnis tá tagairtí a théann siar go 1993; ar an Ghàidhlig in Albain siar a fhad le 1980, 1986, 1990 agus 1996; ar an Bhreatnais siar go 1942, 1967, 1993, 1996, 1999, 2001, 2002 agus 2004.

2.09.ii

Faoin fhotheideal 1a) Beartas, an t-eolas a tugadh ní bhaineann sé ach le Gaeilge Mhanann agus le hAlbainis in Albain.

2.09.iii

Faoin fhotheideal 1b) Reachtaíocht, ní bhaineann an t-eolas atá tugtha faoin Ghaeilge agus faoi Albainis Uladh ach le tagairtí in Acht Chill Rímhinn 2006 le straitéisí a ghabháil.

The Department will approach the issue with an acceptance that there are two different levels of attainment, at the moment. The strategy's drive will be to ensure that that differential minimises, decreases and, over time, disappears. A single strategy is even more important in trying to achieve that objective, rather than taking two different approaches to what is a language/cultural issue.⁷

(See also 1.05, 1.09, 2.09.vii, 2.10.x)

2.09 UK reporting on Part 1

The questions require information on the main legal act(s) or provisions which the state considers 'essential' for the implementation of the ECRML, including copies of such acts and provisions, details and copies of any new legislation or policy documents in respect of RMLs, and case law or other legal or administrative developments; the legally established organisations charged with protection and development of RMLs; a list of organisations consulted in the preparation of the periodical report; the measures taken in accordance with Article 6, to make better known the rights and duties pertaining to the ECRML; and summarised details of measures taken to put into action the recommendations of the Committee of Ministers.

2.09.i

The reporting on the first part of Question 1 in this section, in respect of legal acts / provisions, and case law is flawed and partial. Information is organised under only two sub-titles (Policy and Legislation). There is no structured discussion of provisions or case law in respect of any of the RMLs. In addition, it appears that different respondents have compiled information according to different criteria in respect of different RMLs. Thus, whilst there is no reference in the section on Irish to any policy or legislation pre-dating the monitoring cycle (for example the 1737 Administration of Justice (Language) Act (Ireland); the 1998 Good Friday Agreement, the 2000 NI Education Order, the Joint Statement April 2003, the 2006 St Andrews Agreement commitment to enact Irish Language legislation etc) the sections on Manx contain references dating back to 1993; on Gaelic in Scotland dating back to 1980, 1986, 1990 and 1996; on Welsh dating back to 1942, 1967, 1993, 1996, 1999, 2001, 2002 and 2004.

2.09.ii

Under the sub-heading 1a) Policy, the only information given relates to Manx Gaelic and Scots in Scotland.

2.09.iii

Under sub heading 1b) Legislation, the information given for Irish and Ulster Scots relates only to the references in the 2006 St Andrews Act to adopt strategies.

⁷ Tionól TÉ taifead oifigiúil imeachtaí Hansard, cruinniú Choiste CEF 4ú Nollaig 2008

⁷ NI Assembly Hansard official record of proceedings, CAL Committee meeting 4th December 2008

Níl tagairt déanta d'fhorálacha don Ghaeilge, do bheartais ná don ghealltanas le hAcht na Gaeilge a achtú. Ná níl aon tagairt don éisteacht Ardchúirte ar 21ú Aibreán 2008 a dheonaigh Athbhreithniú Breithiúnach do Chaoimhín Mac Giolla Chatháin maidir le hAcht Riartha Ceartais (Teanga) (Éirinn) 1737.

2.09.iv

Ceist 2, a ainmníonn na heagrais a bunaíodh go dleathach le TRM a chosaint, tá sí fosta neamhréireach, le 8 neagras luaite don Choirnis, 11 don Mhanainnis, 6 don Albainis, 16 don Ghàidhlig in Albain, 4 don Bhreatnais agus 1 an ceann don Ghaeilge agus d'Albainis Uladh.

2.09.v

Ceist 3, ar na heagrais a ndeachthas i gcomhairle leo in ullmhú na tuarascála tréimhsí, ní dhéanann sí aon tagairt don Ghaeilge ná d'Albainis Uladh i dTuaisceart na hÉireann cé go bhfuil mionsonraí tugtha ag baint le TRM eile in áiteanna eile. Is é dearcadh POBAL gur tharla seo ar an ábhar nach ndearnadh aon chomhairliú, go háirithe le haon ENR Gaeilge.

2.09.vi

Ceist 4, ar aird níos leitheadaí a tharraingt ar bhearta faoin CETRM, tugann sí eolas ar gach TRM ach an Ghaeilge agus Albainis Uladh, ag rá go dtabharfar 'tuilleadh sonraí ar a ndearnadh' i 'dtuarascáil bhreise' an riaracháin chineachta, tuarascáil nár faomhadh fós ag Feidhmeannas TÉ agus nach féidir mar sin a chur ar fáil. Léiríonn an méid seo na coinníollacha neamhghnácha deacra a bhaineann le feidhmiú an CETRM sa Tuaisceart. Thairis sin, ó nár thagair sé ach do thuarascáil ón riarachán cineachta amháin, is cosúil go n-adhmaíonn rialtas an RA nach ndearnadh aon ghníomh sa tríú cúrsa faireacháin, idir Lúnasa 2005 – Bealtaine 2007 nuair a bhí Riail Dhíreach ó Westminster i bhfeidhm i dTuaisceart na hÉireann, le haird níos leitheadaí a tharraingt ar bhearta an CETRM. Agus ní dhearna Rialtas an RA aon bheart ó bhunú na bhforas cineachta. Thig le POBAL a dhearbhu nach ndearnadh aon bheart le linn thréimhse an fhaireacháin ag Westminster ná ag an Tionól cineachta le haird níos leitheadaí a tharraingt ar bhearta an CETRM.

2.09.vii

Ceist 5, a choimre ar bhearta a rinneadh i bhfreagairt ar dhá mholadh Choiste na nAirí. Seachnaíonn freagra an RA ceist fhorbairt bheartais chuimsithigh d'fhorbairt na Gaeilge trí thagairt arís do thuarascáil bhreise an riaracháin chineachta, nár athbhunaíodh go dtí Bealtaine 2007, breis agus dhá bhliain ó rinne an Coiste a mholadh. (Féach fosta 1.05, 1.09, 2.08.iii, 2.10.x) Mar a luadh faoin dualgas reachtach faoi Acht Chill Rímhinn 2006, d'éirigh ábhar imní faoin chur chuige i dtreo straitéise molta don Ghaeilge go n-úsáidí é leis na naisc idir an Ghaeilge agus Albainis Uladh a theannadh tuilleadh seachas freastal ar riachtanais oibiachtúla POBAL labhartha na Gaeilge. Tá ráite anois ag triúr Aire CEF gurb é cuspóir na straitéise cistiú agus soláthar a chothromú beag beann ar dhála difriúla na Gaeilge agus Albainis Uladh. Tá an t-agallamh a leanas taifeadta in Hansard ó chruinniú choiste CEF i 2008,

There is no reference to provisions for Irish, to policies or to the commitment to enact the Irish language Act. Nor is there any reference to the High Court hearing on 21st April 2008 granting a Judicial Review to Caoimhín Mac Giolla Cathain in the matter of the 1737 Administration of Justice (Language) Act (Ireland).

2.09.iv

Question 2, which names the legally established organisations working to protect RMLs is also inconsistent, with 8 organisations cited for Cornish, 11 for Manx, 6 for Scots, 16 for Gaelic in Scotland, 4 for Welsh and 1 each for Irish and Ulster Scots.

2.09.v

Question 3, on the organisations consulted in the preparation of the periodical report makes no reference to consultation on Irish or Ulster Scots in the North of Ireland although details are given for all other RMLs elsewhere. It is POBAL view that this is because no consultation has taken place, certainly not with Irish Language NGOs.

2.09.vi

Question 4, on making the measures under the ECRML better known gives information for all RMLs except for Irish and Ulster Scots, stating that 'further detail on what has been done' will be provided in 'the supplementary report' of the devolved administration, a report which has not been agreed by the NI Executive and therefore cannot be supplied. This indicates the exceptionally difficult circumstances regarding the application of the ECRML in the North. In addition, by referring to a report from the devolved administration alone, the UK government appears to acknowledge that in the third monitoring cycle, between August 2005 – May 2007 when Direct Rule from Westminster was in place in Northern Ireland, no actions were taken to make the ECRML measures better known. Nor has the UK government taken any action since the establishment of the devolved institutions. POBAL can assert that no actions have been taken during the monitoring period by either Westminster or the devolved Assembly to make better known the provisions of the ECRML.

2.09.vii

Question 5, a summary of measures taken in response to the two recommendations of the Committee of Ministers. The UK response sidesteps the issue of the development of a comprehensive policy for the development of the Irish language by referring again to the supplementary report of the devolved Assembly, which was not re-established until May 2007, more than two years after the Committee made its recommendation. (See also 1.05, 1.09, 2.08.iii, 2.10.x) As noted in respect of the legislative duty under the St Andrews' Act 2006, the approach to a proposed strategy for the Irish language has given rise to concerns that it will be used to further tighten the linkages between the Irish language and Ulster Scots rather than to meet the objective needs of the Irish speaking community. Three consecutive CAL Ministers have now all stated that the strategy's purpose will be to equalise funding and provision irrespective of the different circumstances of Irish and Ulster Scots. The following exchange is recorded in Hansard from a meeting of the CAL committee in 2008,

Cathaoirleach

Ar dhóigh amháin, tá daoine ag rá gur cúldoras é an straitéis le tacaíocht airgeadais don Ghaeilge a laghdú agus gur seo an fíorchuspóir atá agat. Mar choiste scrúdain, caithfidh an cineál seo ábhair a iniúchadh.

Aire CEF

Go maith agus tá mé lán sásta bheith oscailte don sórt sin iniúchta. Níl rún agam cúldoirse a úsáid – tá rún agam cead isteach a éileamh tríd an doras tosaigh. D’imigh na laethanta sin – ní chaithfear feasta le daoine mar lucht ísealchéime agus, mar dhuine a fuair an ide sin, níl mé ag dul a dhéanamh sin. Is é an cheist go raibh éagothroime sheanbhunaithe i gcistiú.⁸ (Féach fosta 1.05, 1.09, 2.8.iii, 2.10.x)

2.09.viii

Níor tairgeadh aon eolas ar thacaíocht mhéadaithe do mheáin chlóite na Gaeilge. Foras na Gaeilge a d’fhógair an scoithphointe i gcistiú don nuachtán Gaeilge, Lá Nua, i ndiaidh an chúrsa faireacháin, ach is léir ar chomhfhreagras le comhaltáí Boird nár cuireadh aon chistiú breise ar fáil don pháipéar ó 2005-8, agus go háirithe ó mhí Feabhra 2008 nuair a d’fhulaing an páipéar géarchéim airgeadais, a fuair tréan poiblíochta, mar gheall ar chistiú uireasach agus nár tugadh aghaidh ar cheist dea-rochtain airgead rialtais ó fhógraíocht. Creideann POBAL go sáraíonn cealú cistiú do Lá Nua ní amháin an CETRM, ach fosta reachtaíocht chistithe Fhoras na Gaeilge féin, a cheanglaíonn air, i reachtaíocht intíre, forálacha an CETRM a chur chun cinn maidir leis an Ghaeilge i dTuaisceart na hÉireann. (Féach fosta 1.09, 2.10.xi, 9.04, 9.04.i)

2.09.ix

Cé gur ábhair ‘fhorchoimeáidta’ iad iarratais ar eolas a bhaineann le Cuid II (Airteagal 7, parag 3, na bearta a rinneadh le hurraim, tuiscint agus caoinfhulaingt do na TRM a chuimsiú san oideachas agus oiliúint) agus cuid díobh a bhaineann le Cuid III, Airteagal 11 (Na Meáin), is uireasach an t-eolas orthu a chuireas rialtas an RA ar fáil.

2.10 Tuirisciú i gcás Chuid II

Is suntasach mar atá an tuirisciú uireasach go háirithe i gcás Chuid II, Airteagal 7. Níor admhaigh tuarascáil an RA an t-athrú ar dhála na Gaeilge sa Tuaisceart ó nár thug sé isteach reachtaíocht theanga Gaeilge, agus an meath suntasach ó shin sa dóigh a gcaitear leis an Ghaeilge sna forais chineachta. Níor thug sé faoi bhearta d’aon sórt a chuimseodh ‘urraim, tuiscint agus caoinfhulaingt’ den Ghaeilge san oideachas nó san oiliúint. Ní thugann sé eolas ar shocruithe i gcomhair cistithe do TG4 cé gur iarr CCSE go háirithe go ndéanfaí sin sa dreas faireacháin seo.

2.10.i

Ábhar imní againn é nach n-áiríonn tuarascáil an RA (l. 22) aon rud ar chor ar bith a bheith ‘riachtanach’ i gcomhair fheidhmiú an CETRM don Ghaeilge.

⁸Hansard Taifead Oifigiúil imeachtaí, Coiste CEF, 4ú Nollaig 2008

Chairperson

In one sense, people are saying that the strategy is a backdoor way of reducing financial support for the Irish language and that that is your true objective. As a scrutiny committee, we must scrutinize such matters.

The Minister of CAL

Yes and I am quite happy to be open to that scrutiny. I do not intend to use back doors – I intend to demand entry through the front door. Those days are over – people are not going to be treated as second class any more and, as one who was, I am not going to do that. The issue is that there has been a traditional disparity in funding.⁸ (See also 1.05, 1.09, 2.8.iii, 2.10.x)

2.09.viii

There is no information offered on increased support to the Irish language print media. The cut-off point for funding to the Irish language newspaper, Lá Nua, was announced by Foras na Gaeilge after the third monitoring cycle period, but it is clear from correspondence with Board members that no additional funding was made available to the paper from 2005-8, and in particular from February 2008 when the paper suffered a well-publicised financial crisis due to inadequate funding and the failure to address the issue of fair access to government revenue from advertising. POBAL believes that the ending of funding for Lá Nua not only contravenes the ECRML, but also Foras na Gaeilge’s own founding legislation, which binds it, in domestic legislation, to promote the provisions of the ECRML in respect of Irish in the North of Ireland. (See also 1.09, 2.10.xi, 9.04, 9.04.i)

2.09.ix

Whilst the requests for information regarding Part II (Article 7, parag 3, the steps taken to include respect, understanding and tolerance of RMLs in education and training) and some of those regarding Part III, Article 11 (The Media) are ‘reserved’ matters, the UK government provides inadequate information on them.

2.10 Reporting in respect of Part II

Inadequate reporting is particularly significant in the case of Part II, Article 7. The UK report fails to acknowledge the changed circumstances of the Irish language in the North since its failure to introduce Irish language legislation, and the considerable deterioration since in the treatment of Irish within the devolved institutions. It has undertaken no steps to include ‘respect, understanding and tolerance’ of Irish in education or training. It does not provide information on funding arrangements for TG4 in spite of the specific request from the COMEX that it should do so in this reporting cycle.

2.10.i

It is a matter of concern to us that the UK report (p. 22) lists nothing at all as ‘essential’ to the implementation of the ECRML for Irish.

⁸Hansard Record of Official proceedings, CAL Committee meeting, 4th December 2008

2.10.ii

Ní tugann an RA samplaí ar bith de chásdlí ábhartha le déanaí. Ag fágáil ar lár, mar sin de, cásanna Aodhan Ó Connolly v. Botanic Inns Ltd agus Máire Nic an Bhaird i 2007. I 2005, briseadh Aodhan O'Connolly, doirseoir i dtábhairne i mBéal Feirste, as Gaeilge a labhairt le custaiméirí ainneoin gur áitíodh air roimhe sin teangacha eile a labhairt mar ba chúil le turasóirí nó le custaiméirí eile. Thángthas ar shocrú ar 2ú Márta 2006 faoi bhriseadh O'Connolly. (Féach fosta 11.03)

Máire Nic an Bhaird, (26ú Feabhra 2007), múinteoir, cuireadh iompar mí-ordúil ina leith. D'áitigh foireann chosanta Iníon Nic an Bhaird gur gabhadh í as Gaeilge a labhairt lena cairde sa tsráid. Éigiontaíodh í ar achomharc ar 14ú Meán Fómhair 2007.

2.10.iii

Ní thagraíonn an RA ach oiread do chinneadh in Aibreán 2008 le hAthbhreithniú Breithiúnach a dheonú ar fheidmiú leanúnach Acht Riartha Ceartais (Teanga) (Éirinn)⁹ 1737. Ag cuimhneamh ar ráitis CCSE i dtuarascáil 2007, is cosúil gur faillí an-tromchúiseach a rinneadh ansin. (Féach fosta .1.07, 2.09.iii, 2.10.iv, 5.06.i, 7.03, 7.04)

2.10.iv

Deir an RA (l.96) nach gcreideann sé, 'gur ann d'aon idirdhealú, eisiamh, srian nó tosaíocht faoi úsáid na Gaeilge.' Ach, mar a luadh thuas, is mian le POBAL aird a tharraingt ar ráiteas CCSE faoi Airteagal 7, (beartais, reachtaíocht agus cleachtas) ar fheidmiú leanúnach Acht Riartha Ceartais (Teanga) (Éirinn) 1737.

Thairis sin, moltaí le déanaí faoi Bhille Teorainneacha agus Inimirce san RA bhunaigh siad eisiamh míchuí na Gaeilge mar cháilíocht i gcomhair saoránachta, eisiamh atá ann cheana féin in Acht Inimirce 2002 an RA. Tá ráite sa mholadh faoi Bhille Teorainneacha agus Inimirce RA gur teanga ceann de na factóirí le saoránacht a chinneadh. Deir sé go sonrath go gcaithfidh siad siúd atá ag iarraidh saoránacht a léiriú go bhfuil eolas acu ar Bhéarla, NÓ ar an Ghàidhlig nó ar an Bhreatnais. Níor tugadh an Ghaeilge san áireamh. (Féach fosta 5.05.xvii, 5.06.vi)

2.10.ii

The UK gives no examples of recent relevant case law. Thereby omitting the cases of Aodhan Ó Connolly v. Botanic Inns Ltd and Máire Nic An Bhaird in 2007. In 2005, Aodhan O'Connolly a doorman in a Belfast pub and restaurant was dismissed for speaking Irish to customers in spite of being previously encouraged to use other languages as appropriate with tourists and other customers. A settlement was reached on 2nd March 2006 regarding O'Connolly's dismissal. (See also 11.03)

Máire Nic an Bhaird, (26th February 2007), a teacher, was charged with disorderly conduct. Ms Nic an Bhaird's defence team contested that she was arrested for speaking Irish to companions in the street. She was acquitted on appeal on 14th September 2007.

2.10.iii

The UK also fails to refer to decision in April 2008 to grant a Judicial Review of the continuing operation of the Administration of Justice (Language) Act (Ireland).⁹ In the light of the comments of the COMEX in the 2007 report, this appears a particularly serious omission. (See also .1.07, 2.09.iii, 2.10.iv, 5.06.i, 7.03, 7.04)

2.10.iv

The UK (p.96) states that it, 'does not believe that there are any unjustified distinctions, exclusions, restrictions or preferences relating to the use of Irish.' However, as noted above, POBAL wish to draw the COMEX's attention under Article 7, (policies, legislation and practice) to the continuing operation of the 1737 Administration of Justice (Language) Act (Ireland).

In addition, recent proposals for a UK Borders and Immigration Bill have perpetuated undue exclusion of the Irish language as a qualification of citizenship, an exclusion present under the UK Immigration Act 2002. The proposal for a UK Borders and Immigration Bill says that one of the determining factors for citizenship is language. It specifically states that those seeking citizenship need to show knowledge of English, OR of Scottish Gaelic or Welsh. The Irish language has not been included. (See also 5.05.xvii, 5.06.vi)

⁹Tugadh cead an tAthbhreithniú Breithiúnach a dhéanamh in Aibreán 2008. Éisteadh é i nDeireadh Fómhair 2008, agus tugadh breithiúnas ar 8 Iúil 2009. Thug an Breitheamh Treacy breith i bhfabhar OTÉ. Dúirt sé ina bhreithiúnas nach dtabharfadh sé rialú ar cé acu sáraíonn feidmiú leanúnach an Achta an CETRM nó nach sáraíonn. Seoladh achomharc.

⁹Permission to take the Judicial Review was granted in April 2008. It was heard in October 2008, and judgment given on 8 July 2009. Judge Treasey found in favour of the NIO. He comments in his judgment that he will not rule on whether or not the continuing operation of the Act contravenes the ECRML. An appeal has been launched.

2.10.v

Thairis sin, níor achtaigh an RA an CETRM isteach sa dlí intíre. Áiríonn POBAL moladh Chomhairle Eacnamaíoch agus Shóisialta na Náisiún Aontaithe (CESNA), 'is cuma cén córas trína n-ionchorpraítear dlí idirnáisiúnta san eagar dlí intíre (monasaíocht nó déachas), i ndiaidh dhaingniú ionstraime idirnáisiúnta, tá páirtí an Stáit faoi oibleagáid dhlíthiúil a leitheid sin d'ionstraim a chomhlíonadh agus lánéifeacht a thabhairt di ina eagar dlíthiúil intíre.'¹⁰ Deirimid le meas gurbh fhéidir go ndéanfaidh CCSE an moladh seo a athdhearbhú.

2.10.vi

I gcúrsaí faireacháin roimhe seo, thagair CCSE do dhifriochtaí reachtacha idir teangacha Chuid III san RA. Ina chéad tuarascáil, d'admhaigh an RA féin na difriochtaí seo. Ón am sin, áfach, achtaíodh Acht na Gàidhlig 2005 in Albain agus tá tuilleadh reachtaíochta beartaithe don Bhreatnais sa Bhreatain Bheag. Mar sin, fiú dá dtuilleadh rialtas an RA an CETRM a dhaingniú i ndlí an RA, ní réiteofaí na difriochtaí déileála agus cosanta idir teangacha Chuid III. Iarrann POBAL mar sin de ar CCSE a mholadh go gcomhlíonfaidh an RA gealltanais Chill Rímhinn le reachtaíocht don teanga Ghaeilge a achtú. Dá ndéanfaidh, bheadh CCSE ar aon dul le moladh CESNA go ndéanfaidh ceachtar acu, 'páirtí an Stáit nó riarachán cineachta i dTuaisceart na hÉireann Acht Gaeilge a achtú'¹¹.

2.10.vii

Thairis sin, is mian linn a áireamh go bhfuil an Ghaeilge go fóill eisiata ó fhorálacha craoltóireachta i reachtaíocht an RA, ní hionann agus an Ghàidhlig in Albain agus an Bhreatnais sa Bhreatain Bheag.

2.10.viii

Ní thagraíonna tuarascáil an RA (l. 53) ach do cheist amháin chraoltóireachta, staid TG4 i ndiaidh aistriú go digiteach. Ach, ní insíonn sé go bhfuil straitéis aige nó fiú go ndéanfaidh sé beart lena chinntiú go mbeidh TG4 ar fáil ina dhiaidh seo.

2.10.ix

Ní thugann an RA tuairim shásúil ar an bhgairt ar chistiú leantach don Chiste Craoltóireachta Gaeilge. Chríochnaigh cistiú don chomhlacht seo i 2008, agus cé gur deonaíodh síneadh (£6 mhilliún thar dhá bhliain) cuirfear críoch air seo le linn cheathrú tréimhse faireacháin an CETRM, gan aon ghealltanais ar thacaíocht leantach stáit. (Féach fosta 9.01.viii, 9.01.ix, 9.03, 9.03.i, 9.03.ii, 12.03)

¹⁰ Comhairle Eacnamaíoch agus Sóisialta na Náisiún Aontaithe, C/E.12/GBR/CO/5, 22 Bealtaine 2009, Breithniú tuairiscí a thug páirithe Stáit isteach faoi Airteagail 16 agus 17 an Choinbhinsiúin, Tuairimí Deiridh an Choiste ar Chearta Eacnamaíocha, Sóisialta agus Cultúrtha, parag 13

¹¹ Comhairle Eacnamaíoch agus Sóisialta na Náisiún Aontaithe, C/E.12/GBR/CO/5, 22 Bealtaine 2009, ibid, parag 37.

2.10.v

In addition, the UK has not enacted the ECRML into domestic law. POBAL notes the recommendation of the Economic and Social Council of the United Nations (UNESCO) that, 'irrespective of the system through which international law is incorporated in the domestic legal order (monism or dualism), following ratification of an international instrument, the State party is under a legal obligation to comply with such an instrument and to give it full effect in its domestic legal order.'¹⁰ We respectfully suggest that the COMEX might reiterate this recommendation.

2.10.vi

In previous monitoring rounds, the COMEX has commented on legislative disparities between Part III languages in the UK. In its first report, the UK has itself acknowledged these disparities. Since this time, however, the Gaelic Language Act 2005 has been enacted in Scotland and there is further legislation planned for Welsh in Wales. Therefore, even if the UK government should agree to ratify the ECRML within UK law, the disparity of treatment and protection between the Part III languages would not be resolved. POBAL therefore asks the COMEX to recommend the fulfilment by the UK of the St Andrews' commitment to enact Irish language legislation. In so doing, the COMEX would be in line with the recommendation of the UNESCO that either, 'the State party or the devolved administration in Northern Ireland, adopt an Irish Language Act'¹¹.

2.10.vii

In addition, we wish to note that the Irish language remains excluded from broadcasting provisions in UK legislation, unlike Gaelic in Scotland and Welsh in Wales.

2.10.viii

The UK report (p. 53) makes reference to only one broadcasting issue, the position of TG4 following digital switchover. However, it gives no indication that it has a strategy or even that it will take steps to ensure that TG4 is available after this.

2.10.ix

The UK makes no adequate comment on the threat to continued funding for the Ciste Craoltóireachta Gaeilge / Irish Language Broadcast Fund. The funding for this body ended in 2008, and although an extension was granted (£6 million over two years) this will end during the fourth monitoring cycle of the ECRML, with no commitment to continued state support. (See also 9.01.viii, 9.01.ix, 9.03, 9.03.i, 9.03.ii, 12.03)

¹⁰ United Nations Economic and Social Council, E/C.12/GBR/CO/5, 22 May 2009, Consideration of reports submitted by States parties under Articles 16 and 17 of the Covenant, Concluding Observations of the Committee on Economic, Social and Cultural Rights, parag 13

¹¹ United Nations Economic and Social Council, E/C.12/GBR/CO/5, 22 May 2009, ibid, parag 37.

2.10.x

Áiríonn an RA (l.45.) Acht Chill Rìmhinn 2006 a leagann dualgas ar an Fheidhmeannas straitéis don Ghaeilge a ghabháil. Ach, fá dheireadh an tríú tréimhse faireacháin, níor foilsíodh aon straitéis a mhéadóadh forbairt na Gaeilge. Beirt Aire CEF i ndiaidh a chéile, Edwin Poots agus Gregory Campbell den DUP, chuir siad ar aon in iúl nach gcuirfeadh aon chistiú breise ar fáil i gcomhair straitéise don Ghaeilge agus go nascaíodh siad go foirmiúil, beartas agus cistiú don Ghaeilge agus d'Albainis Uladh. Ag cruinniú Tionóil ar 31ú Eanáir 2008, nuair a bhí Edwin Poots ina Aire CEF, dúirt Nelson McCausland, atá anois ina CTR agus ina Aire CEF,

Caithfidh comhaltaí cuimhneamh ar, agus thagair an tAire go neamhdhíreach do, choincheap na comhthodhcháí, ina mbeadh comhionannas, ilghnéitheacht agus idir-neamhspleáchas rithábhachtach. Tá éagsúlacht teanga agus chúltúir ann, ach caithfidh a chinntiú go mbíonn comhionannas cultúrtha idir an dá thraidisiún teanga. Caithfidh idir-neamhspleáchas a bheith ann fosta le deighilt a sheachaint.¹²

Ag cruinniú de Choiste CEF i 2008, dúirt an Aire CEF san am Gregory Campbell,

Chuir mé in iúl go soiléir níos mó ná uair amháin go bhfeictear dom go bhfuil an difríocht thraidisiúnta idir an cistiú don Ghaeilge agus d'Albainis Uladh do bhuanaithe go huile agus go hiomlán. Tá sí dochosanta agus do bhuanaithe, agus ní bheidh mé i gceannas uirthi – ní dhéanfaidh mé é. Tá sin curtha in iúl go soiléir agam.¹³
(Féach fosta 1.05, 1.09, 2.08.iii, 2.09.vii, 2.10.xi,)

2.10.xi

I dtaca leis na meáin chlóite, mar a luadh d'fhógair Foras na Gaeilge i mí Feabhra 2008 deireadh le cistiú don nuachtán Gaeilge Lá Nua. Creidimid go sáraíonn an cinneadh seo Airteagal 11(ii) an CETRM mar a daingníodh¹⁴ agus ciallaíonn sé go bhfuil Foras na Gaeilge ag sárú na reachtaíochta intíre faoinar bunaíodh é, ó éilíonn sé sin air an teanga Ghaeilge a chur ar aghaidh i bhfoirmeacha scríofa agus labhartha araon i dTuaisceart na hÉireann i gcomhthéacs an CETRM. B'éigean do Lá Nua druidim i mí na Nollag 2008 ag cailleadh 8 bpost. (Féach fosta 2.09.viii, 9.04, 9.04.i)

2.10.x

The UK notes (p.45.) the 2006 St Andrews Act which places a duty on the Executive to adopt a strategy for the Irish language. However, by the end of the third monitoring period, no strategy to enhance the development of the Irish language had been published. Two successive CAL Ministers, the DUP's Edwin Poots and Gregory Campbell, have both indicated that no additional funding will be made available for a strategy for the Irish language and that it will formally link policy and funding for the Irish language with Ulster Scots. At a meeting of the Assembly on 31st January 2008, at the time when Edwin Poots was CAL Minister, the following comment from MLA and now current CAL Minister, Nelson McCausland,

Members must keep in mind, and the Minister touched indirectly on, the concept of a shared future, to which equality, diversity and interdependence are crucial. Linguistic and cultural diversity exist, but we must ensure that there is cultural equality between the two linguistic traditions. There must also be interdependence to avoid segregation.¹²

At a meeting of the CAL Committee in 2008, then CAL Minister Gregory Campbell said,

I have made it clear on a number of occasions that I regard the traditional disparity between funding for the Irish language and Ulster Scots as totally and utterly unsustainable. It is untenable, unjustifiable and unsustainable, and I will not preside over it – I will not do it. I have made that clear.¹³
(See also 1.05, 1.09, 2.08.iii, 2.09.vii, 2.10.xi,)

2.10.xi

In respect of the print media, as noted Foras na Gaeilge announced in February 2008 an end to funding for the Irish language newspaper Lá Nua. We believe that this decision contravenes Article 11(ii) of the ECRML as ratified¹⁴ and means that Foras na Gaeilge is in contravention of the domestic legislation under which it was established, since this requires it to promote the use of the Irish language in both written and spoken forms in Northern Ireland in the context of the ECRML. Lá Nua was forced to close down in December 2008 with the loss of 8 posts. (See also 2.09.viii, 9.04, 9.04.i)

¹² Tionól TÉ Tailfead Oifigiúil Imeachtaí Hansard, Cruinniú Choiste CEF, 3ú Eanáir 2008

¹³ Tionól TÉ Tailfead Oifigiúil Imeachtaí Hansard, Cruinniú Choiste CEF, 4ú Nollaig 2008

¹² NI Assembly Hansard Official Record of Proceedings, CAL Committee meeting, 31st January 2008

¹³ NI Assembly Hansard Official Record of Proceedings, CAL Committee meeting 4th December 2008

2.10.xii

Tagraíonn tuarascáil an RA (l. 94, 103) do bhunú An Fhoras Teanga ach áiríonn gur faoi Fheidhmeannas TÉ atá a dhualgais agus ar an ábhar sin, nach féidir a thuilleadh eolais a thairiscint go dtaga an 'tuarascáil bhreise'. Ag cuimhneamh ar fhreagracht rialtas an RA maidir le feidhmiú an CETRM, agus corprú an CETRM i reachtaíocht bhunaithe Fhoras na Gaeilge, is cosúil go bhfuil déabhlóidiú na freagrachta uilig maidir le Foras na Gaeilge chuig na forais chineachta aimhrialta.

2.10.xiii

Tuairiscíonn an RA (l. 69) go bhfuil Cóid Chúirtéise i leith na Gaeilge ag OTÉ, Ioncam agus Custaim AM agus Seirbhís Chúirteanna TÉ. Ach, ní léiríonn sé nach féidir Gaeilge a úsáid sna cúirteanna mar gheall ar Acht Riartha Ceartais (Teanga) (Éire) 1737 a bheith go fóill i bhfeidhm.

2.10.xiv

Tuairiscíonn an RA (l. 70) gur thionóil Seirbhís Póilíneachta TÉ (SPTÉ) cruinniú poiblí amháin (9 lá sular cuireadh isteach tuarascáil an RA) le linn an tréimhse faireacháin 3 bliana le hateangaireacht ón Ghaeilge agus go dtugann Oifig Ombudsman na bPóilíní (OOPTÉ) san áireamh gearáin a dhéanamh i nGaeilge (l. 69). Thairis sin, deir sé go bhfostaíonn Seirbhís Príosún TÉ (SPTÉ), beirt mhúinteoir pháirtaimseartha 'ag an phríomhbhunaíocht phríosúin s'acu' (l. 81).

2.11 Tuairisciú ar Chuid III

Ní phléann tuarascáil an RA (l. 118) ach Airteagal 8(2) (Oideachas). Deir sé go bhfuil Gaeilge ar fáil ar leibhéal GCSE, A-leibhéal agus leibhéal ollscoile san RA, ach ní thugtar aon eolas ar an áit ina dtarlaíonn sé seo, nó ar an phatrún críochoantaithe. Tá R-chomhfhreagras faighte ag POBAL a luann an tÚdarás Forbartha Cáilíochtaí agus Curaclaim ag rá, "Níl an Ghaeilge ar an churaclam náisiúnta Sasanach. Ní raibh sí riamh ina cuid den churaclam náisiúnta Sasanach. Is féidir í a ghlacadh ar leibhéal GCSE mar ábhar roghnach."¹⁵

2.11.i

I leith na bhforálacha eile don oideachas, agus Airteagal 9 (Údaráis Bhreithiúnacha), comhairlíonn rialtas RA go bhfuil 'tuarascáil bhreise le theacht.'

2.10.xii

The UK report refers (p. 94, 103) to the establishment of An Foras Teanga / The Language Board but notes that its duties fall under the NI Executive and that it cannot therefore offer further information pending the 'supplementary report'. Given the responsibility of the UK government in respect of the implementation of the ECRML, and the incorporation of the ECRML into the founding legislation of Foras na Gaeilge, the devolving of all responsibility in respect of Foras na Gaeilge to the devolved institutions appears anomalous.

2.10.xiii

The UK records (p. 69) that the NIO, HM Revenue and Customs and the NI Courts Service all have Codes of Courtesy in relation to Irish. However, it does not clarify that since the 1737 Administration of Justice (Language) Act (Ireland) continues to operate, Irish cannot be used in the courts.

2.10.xiv

The UK reports (p. 70) that the Police Service of NI (PSNI) has held one public meeting (7 days before the submission of the UK report) during the 3 year monitoring period with interpretation from Irish and that the Office of the Police Ombudsman (OPONI) allows for complaints to be made in Irish (p. 69). In addition, the NI Prison Service (NIPS), it states, employs two part-time teachers of Irish 'at its main prison establishment' (p. 81).

2.11 Reporting on Part III

The UK report (p. 118) discusses only Article 8(2) (Education). It states that Irish is available as a GCSE, A level and university level in the UK, but gives no information as to where this is the case, nor what is the pattern of take-up. E-correspondence has been obtained by POBAL which quotes the Qualifications and Curriculum Development Authority saying, "Irish is not on the English national curriculum. It has never been part of the English national curriculum. It is possible to take it at GCSE as an optional subject."¹⁵

2.11.i

In the matter of the other provisions for education, and for Article 9 (Judicial Authorities), the UK government advises that there is a 'supplementary report to follow.'

¹⁴Éilíonn sé seo ar rialtas an RA 'Cruthú agus/nó cothabháil nuachtáin amháin ar a laghad sa teanga réigiúnach nó mionlaigh a spreagadh agus/nó a éascú.'

¹⁵R-chomhfhreagras ó T. Birtill, dar dáta 17ú Meán Fómhair 2009

¹⁴This requires the UK government 'To encourage and / or facilitate the creation and /or maintenance of at least one newspaper in the regional or minority language.'

¹⁵E-correspondence from T. Birtill, dated 17th September 2009

2.11.ii

An rud céanna a deir tuarascáil an RA maidir le hAirteagal 10 (Údaráis Riaracháin) agus deir sé arís gur glacadh le Cóid Chúirtéise i 3 roinn rialtais ar fud an RA. Luann an rannóg seo (l. 118) gur ábhar cineachta é an dlí a bhaineann le sráidainmneacha agus atreoraíonn an léitheoir, mar sin, chuig an ‘tuarascáil bhreise’. Tá áirithe ag POBAL sa Dara Tuarascáil againn chuig CCSE (2005) go bhfuil fadhb ag baint le feidhmiú an CETRM i dtaca le sráidainmneacha agus d’iarr muid go n-athrófaí Acht Rialtais Áitiúil 1995. Níos faide anonn sa tuarascáil seo tabharfaimid tuilleadh mionsonraí ar na fadhbanna a d’éirigh (Féach fosta 8.05.ii - vii)

2.11.iii

I leith an tsaoráid ghlórphoist, luann tuarascáil an RA go n-oibríonn Seirbhís Chúirteanna TÉ seirbhís aistriúcháin do cháipéisí agus ‘nach bhfuarthas aon iarratas ar aistriúcháin go dtí an Ghaeilge le trí bliana anuas’ (l. 119). Mar a luafaimid níos faide anonn, tá fianaise ann nár críochnaíodh go dtí seo aistriú na dtrí phíosa reachtaíochta amháin ar tugadh fúthu, agus tá trína cheile suntasach sa státseirbhís agus i measc an phobail fá cá háit a bhfaighfí téacsanna mar sin. Thairis sin, ó tá úsáid na Gaeilge cosctha go héifeachtach sna cúirteanna, is léir go n-oibríonn sé seo tionchar ar an éileamh ar aistriú reachtaíochta. (Féach fosta 7.05)

2.11.iv

Maidir le hAirteagal 11 (Na Meáin) admhaíonn tuarascáil an RA (l. 119), ‘nach bhfuil ceanglas reachtúil ar chraoltóirí i dTÉ cláir Ghaeilge a sholáthar’. Áiríonn POBAL go ndeir an RA go n-éiríonn easpa cheanglas reachtúil do chlár Ghaeilge as Comhaontú Idir-rialtas CAC (2ú Márta 2005) nuair a leathnaíodh rochtain theoriciúil TG4 go dtí an Tuaisceart. Is cosúil go maíonn sé seo nach dtugann rialtas an RA a dhath do chistiú TG4 agus go n-úsáideann sé é le riachtanas cosanta reachtúla do chraoltóireacht Ghaeilge a shéanadh. Ag cuimhneamh ar an difríocht idir forálacha reachtacha do chraoltóireacht Bhreataine agus Ghaidhlig (difríocht a leathnaigh ó thuarascáil deiridh CCSE), agus gur tharla Acht Cumarsáide an RA roimh Chomhaontú Idir-rialtas CAC, déarfadh POBAL gurbh fhéidir gur seo ábhar nár mhiste do CCSE a thaiscéaladh tuilleadh le rialtas an RA. (Féach fosta 2.11.v, 2.11.vi, 9.01.xi,12.03)

2.11.v

Déantar tagairt do ghlacadh TG4 sa Tuaisceart trí tharchuradóir Dhubhaise (l. 120) ach ní thugtar aon cháipéisíocht thacúil faoi ghlacadh feabhsaithe, nó chun tacú le líon roctana 90% de theaghlaigh. Ní fios do POBAL aon taighde bheith á dhéanamh ar an ábhar seo idir 2005-08.

2.11.vi

Deir an RA (l. 120) go bhfuil sé ag obair ar ‘rochtain leitheadach’ TG4 i ndiaidh an Aistriú go Digiteach i 2012. Ní thugann sé aon eolas ar conas a dhéanfaidh sé seo, ná ní thugann sé aon ghealltanas ar é a chinntiú.

2.11.ii

The UK repeats this in respect of Article 10, (Administrative Authorities) and states again that Codes of Courtesy have been adopted in 3 UK-wide government Departments. This section (p. 118) notes that the law governing street names is a devolved matter and thereby refers the reader to the ‘supplementary report’. POBAL has noted in our Second Report to the COMEX (2005) that the implementation of the ECRML in relation to street names is problematic and we have called for the 1995 Local Government Act to be changed. We shall detail later in this report some of the difficulties being encountered. (See also 8.05.ii - vii)

2.11.iii

In relation to the voicemail facility, the UK report notes that the NI Courts Service operates a translation service for documents and that ‘no requests have been received for translations into Irish in the past three years’ (p. 119). As we shall note later, there is evidence that the translation of the only three pieces of legislation undertaken to date has not been completed, and there is considerable confusion within the civil service and amongst the public as to where such texts can be obtained. Furthermore, since the use of Irish is still effectively banned in the courts, this clearly impacts on the demand for translations of legislation. (See also 7.05)

2.11.iv

In relation to Article 11 (The Media) the UK report (p. 119) acknowledges that, ‘there is no statutory requirement for broadcasters in NI to deliver Irish language programming’ POBAL notes that the UK states that the lack of statutory requirements for Irish language broadcasting arises from the GFA Intergovernmental Agreement (2nd March 2005) when theoretical access to TG4 was extended to the North. This would appear to imply that the UK government contributes nothing to the funding of TG4 and makes use of it to negate the need for legislative protection for Irish language broadcasting. Given the disparity in legislative provisions for Welsh language and Gaelic broadcasting (a disparity which has widened since the previous COMEX report), and the fact that the UK Communication Act pre-dates the GFA Intergovernmental Agreement, POBAL would suggest that this might be a matter which the COMEX would like to explore further with the UK government. (See also 2.11.v, 2.11.vi, 9.01.xi,12.03)

2.11.v

Reception of TG4 in the North by means of the Divis transmitter (p. 120) is referred to but no supporting documentation is given as to improved reception, or to support the accessibility figure of 90% of households. POBAL is not aware of any research being carried out between 2005-08 on this matter.

2.11.vi

The UK says (p. 120) that it is working on ‘widespread availability’ of TG4 after the Digital Switchover in 2012. It does not offer any information as to how it will do this, nor does it make any commitment to ensuring it.

2.11.vii

Tagraíonn an rannóg seo de thuarascáil an RA fosta do chistiú breise ón BBC do chraoltóireacht Ghaeilge, nach leor é, dar le POBAL, agus do ghealltanas BBC raidió ‘sliotáin thíolaicthe a choinneáil’ do chlár Ghaeilge. Áiríonn POBAL maidir le BBC raidió gur gearradh an sliotán iomráiteach Gaeilge Caschlár ina dhá leath i 2006 (go leathuair), agus gur tugadh an leath eile den am craelta d’Albainis Uladh.

2. 11.viii

Forálacha Airteagail 11 a bhaineann leis na meáin chlóite agus le hoiliúint iriseoirí, na cinn a bhaineann le hAirteagail 12 (Gníomhaíochtaí Cultúrtha) agus 13 (An Saol Sóisialta agus Geilleagrach), beidh siad le fáil, deir an tuarascáil, sa ‘tuarascáil bhreise le theacht.’

2.11.ix

Airteagal 14 (Malartuithe Trasteorann), tuarascáil rialtas an RA tagraíonn sé do Fhoras na Gaeilge ach ní thig leis aon sonraí faoi a thabhairt. Tagraíonn sé fosta de ranpháirteachas an RA sa Chomhairle Bhriotanach-Éireannach. Ní thugann tuarascáil an RA, áfach, aon fhianaise a léireodh obair an CBÉ nó a dea-éifeacht ar an chomhoibriú agus an tuiscint ar fud an RA.

3.0

Creideann POBAL gur ábhar an-tromchúiseach é an ganntanas eolais ón RA agus ón Tionól cineachta. Dar linn, is comhartha soiléir é nach bhfuil cosaint teanga sa Tuaisceart ag obair ar mhodh ‘foirmiúil’ ainneoin an CETRM. Iarraimid go mbreithneoidh CCSE an teip sa tuairisciú mar cheist ann féin, fá choinne pictiúr is iomláine a chruthú d’fhíorscéal fheidhmiú an CETRM taobh istigh d’atmaisféar cúng doicheallach Thuaisceart na hÉireann. Táimid ionbharúla gur in olcas go suntasach a chuaigh dála agus íde na Gaeilge sa chúrsa faireacháin seo. B’uafásach an tubaiste é dá gcuirfí i gcontúirt measúnú beacht CCSE den chás seo trí easpa eolais agus níos measa arís dá gcaillfeadh an pobal muinín in éifeachtacht an CETRM feasta mar gheall ar chumas lagaithe CCSE na dála reatha a léirmhíniú.

2.11.vii

This section of the UK report also refers to additional funding from the BBC for Irish language broadcasting, which POBAL deems inadequate and to the commitment of BBC radio to ‘maintaining dedicated slots’ for Irish language programming. POBAL notes in respect of BBC radio that in 2006, the popular Irish language Caschlár slot, was cut by half (to half an hour) with the other half of the air-time then being allocated to Ulster Scots.

2. 11.viii

The provisions of Article 11 relating to the print media and training of journalists, those relating to Articles 12 (Cultural Activities) and 13 (Social and Economic Life) will be contained, the report says, in the ‘supplementary report to follow.’

2.11.ix

Article 14, (Transfrontier Exchanges), the UK government refers to Foras na Gaeilge but is unable to give any detail on it. It also refers to UK participation in the British-Irish Council. However, the UK report gives no evidence to illustrate the work of BIC or its beneficial effects on UK-wide co-operation and understanding.

3.0

POBAL believes that the lack of information from the UK and the devolved Assembly is a very serious matter. In our opinion, it is a clear indication that language protection in the North is not operating in a ‘normal’ manner in spite of the ECRML. We request that the COMEX assess the reporting failure as a distinct issue in itself, in order to form a more complete picture of the reality of the application of the ECRML within the contested and hostile atmosphere of the North of Ireland. It is our opinion that the circumstances and treatment of the Irish language have deteriorated significantly in this monitoring cycle. It would be extremely unfortunate if the accurate assessment by the COMEX of this situation were to be compromised by lack of information and worse still if any weakened ability of the COMEX to interpret current conditions meant that the community lost confidence in any future effectiveness of the ECRML.

3. Forbheathnú Fheidhmiú an CETRM sa tréimhse Iúil 2005-2008

3.01.

Ainneoin gur fháiltigh muid roimh dhaingniú an CETRM ag an RA, d'aibhsigh POBAL arís agus arís eile lagdhaingniú an CETRM i leith na Gaeilge, easpa chomhordaithe straitéisí agus an teip leis an CETRM a fheidhmiú ar mhodh forásach ar aon dul le méadú i líon na nGaeilgeoirí sa Tuaisceart, méadú i líon na nGaelscoileanna agus ar aon dul le nádúr forásach an CETRM féin.

3.02.

Is suntasach gur thug rialtas an RA, i mí Deireadh Fómhair 2006, gealltanais maidir le reachtaíocht Ghaeilge i gComhaontú Chill Rímhinn, nuair a dhearbhaigh sé 'Acht Gaeilge a thabhairt isteach'. Go sea, theip ar rialtas an RA an gealltanais seo a chomhlíonadh agus dhiúltaigh Tionól TÉ é a dhéanamh. Ar 16ú Deireadh Fómhair 2007, dúirt Aire CEF an ama, Edwin Poots nár 'cuireadh ina luí orm gur gá reachtaíocht Ghaeilge a thabhairt isteach.'¹⁶ Nuair a fiafraíodh de ar 4ú Deireadh Fómhair 2008 cá huair a bhí beartaithe aige an reachtaíocht a achtú, dúirt a chomharba, Gregory Campbell, 'Níl rún agam é a dhéanamh.'¹⁷ Ar cheapadh an tríú Aire CF, luaigh na meáin go raibh Nelson McCausland 'chun tosaigh i mbeartas an DUP ag infheistiú in earnáil Albainis Uladh chun cuidiú léi breith ar earnáil mhór na Gaeilge.'¹⁸ In agallamh leis an BBC i ndiaidh a cheaptha, dúirt Nelson McCausland go leanfadh sé d'fheidhmiú an chur chuige chéanna i leith na Gaeilge a bhí leagtha síos ag a réamhtheachtaithe DUP san Aireacht. (Féach fosta 1.03, 1.05, 1.10, 2.08.ii, 2.09.iii, 2.10.vi, 4.05, 5.05.ii, vii-xi, xiii-xvi, 5.06.i, 5.06.v, 12.04)

3.03.

Breithneoidh na caibidlí seo a leanas Cuid I, Cuid II agus Cuid III an CETRM ar a seal, ag díriú ar na hachair sin inar aithin POBAL an feidhmiú a bheith gan éifeacht.

3. Overview of the Implementation of the ECRML in the period July 2005-2008

3.01.

In spite of welcoming the ratification of the ECRML by the UK, POBAL has consistently highlighted the weak ratification of the ECRML in respect of Irish, the lack of strategic co-ordination and the failure to implement the ECRML in a progressive manner in line with increases in the numbers of Irish speakers in the North, increases in the numbers of Irish-medium schools and in line with the progressive nature of the ECRML itself.

3.02.

It is significant that in October 2006, the UK government gave a commitment in respect of Irish language legislation in the St Andrews' Agreement, when it stated that it would 'introduce an Irish Language Act'. To date, the UK government has failed to fulfil this commitment and the NI Assembly has refused to do so. On 16th October 2007, the then CAL Minister, Edwin Poots said that he was 'unpersuaded of the need to introduce Irish language legislation.'¹⁶ When asked on 4th December 2008 when he intended to enact the legislation, his successor, Gregory Campbell stated, 'I do not intend to do so.' On being appointed the third CAL Minister, the media commented that Nelson McCausland was 'at the forefront of the DUP policy of investing in the Ulster-Scots sector to help it catch up with the large Irish language sector.' In an interview with the BBC following his appointment, Nelson McCausland stated that he would continue to implement the same approach to Irish established by his DUP predecessors in the Ministry. (See also 1.03, 1.05, 1.10, 2.08.ii, 2.09.iii, 2.10.vi, 4.05, 5.05.ii, vii-xi, xiii-xvi, 5.06.i, 5.06.v, 12.04)

3.03.

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.

¹⁶ Taifead oifigiúil Hansard imeachtaí, Tionól TÉ, Máirt 16ú Deireadh Fómhair 2007, Ráiteas ón Aire: Toradh an phróiseas Comhairliúcháin Reachtaíochta Gaeilge Mholta.

¹⁷ Taifead oifigiúil imeachtaí Hansard, Coiste ar Chultúr, Ealaíona agus Fhóillíocht Thionól TÉ, 4ú Nollaig 2008, Straitéis Teanga.

¹⁸ Belfast Telegraph, 23 Meitheamh 2009, Stephen McCaffrey, Greens and Irish language activists hope for change in DUP direction.

¹⁶ Official Hansard record of proceedings, NI Assembly, Tuesday 16th October 2007, Ministerial Statement: Outcome of the Proposed Irish-Language Legislation Consultation process

¹⁷ Official Hansard record of proceedings, NI Assembly Committee on Culture, Arts and Leisure, 4th December 2008, Language Strategy

¹⁸ Belfast Telegraph, 23 June 2009, Stephen McCaffrey, Greens and Irish language activists hope for change in DUP direction

4. Tuairisc ar Thorthaí POBAL An CETRM Cuid I Forálacha Ginearálta

4.01

Cuid I, Airteagal 6:

Geallann na Páirtithe a chinntiú go gcuirfear na húdaráis, na heagrais agus na daoine bainteacha ar an eolas fá na cearta agus na dualgais a dhearbhaíonn an Chairt seo.

Ainneoin na hoibleagáide a leagtar amach go soiléir in Airteagal 6 de Chuid I, go ngabhfaidh ‘na páirtithe’ .i. na stáit dhaingnithe, de chúram orthu féin gach dream bainte a chur ar an eolas fá na cearta agus dualgais a éiríonn as an CETRM, níor thug an RA faoi aon tionscnamh le pobal na Gaeilge a chur ar an eolas faoi sheirbhísí mheán Gaeilge atá ann. Sa dá thuarascáil uainn go sea d’aibhsigh muid an easpa eolais. Sa tríú dreas faireacháin, ní heol dúinn gur chuir OTÉ, rialtas an RA nó Tionól TÉ mar chomhlacht ráitis phoiblí, fógraí, preaseisiúintí, scéalta nuachta, fógraí poiblí nó aon chineál eolais ar fáil do Ghaeilgeoirí le seirbhísí atá ann a phoibliú. Rinne POBAL teagmháil rialta leis na Ranna i dTuaisceart na hÉireann ag iarraidh iad a spreagadh le dul a phlé he hobair réamhghníomhach feasachta.

4.02

Maraon leis na Ranna Rialtais, tá suas le 148 eagrais éagsúil agus comhlachtaí reachtúla gaolmhara a dhéanann suas an earnáil phoiblí i dTuaisceart na hÉireann. Trí faireachán an CETRM agus trí theagmhálacha leanúnacha leis an earnáil phoiblí, d’fhoghlaim POBAL gur go hiomlán mí-éifeachtach atá seoladh eolais taobh thall de na Ranna a fhad lena gcomhlachtaí reachtúla gaolmhara. Arís sa tréimhse faireacháin seo, dhéileáil POBAL le gearáin a bhain le ceisteanna chomh bunúsach le húsáid ainmneacha, seoltaí agus áite Gaeilge. (Féach 8.05.i-ix, 8.06.i)

4.03

Is é rialtas láir an RA i Londain sa deireadh atá freagrach as feidhmiú an CETRM. De réir teoirice, gníomhaíonn Oifig Thuaisceart na hÉireann (OTÉ) ina chainéal comhoibrithe idir na Ranna Ábhartha Whitehall. An Roinn Cultúir, Ealaíon agus Fóillíochta (RCEF) a dhréachtaíonn bunús thuarascáil an RA i leith an Tuaiscirt. Tá grúpa idir-rannach bunaithe ag Státseirbhís TÉ (SSTÉ), An Grúpa Idir-rannach ar Fheidhmiú na Cairte (GIFC) le heolas agus deachleachtas atá an CETRM a mhalartú. An RA mar sin féin, atá freagrach as aon fhaillí i bhfeidhmiú an CETRM agus ní na ranna féin ná a gcomhlachtaí gaolmhara.

4.04

Fuair POBAL cóipeanna de chomhfhreagras dar dáta 26/11/08 ó Keane Clyde ag Oifig Choigríche agus Chomhlathais (OCC) i Londain a d’admhaigh gurb é Roinn Cultúir, Ealaíon agus Fóillíochta (RCEF) sa Tuaisceart a dhréachtaíonn bunús ionchuir TÉ i dtuarascáil an RA. Cé gur eagraigh RCEF imeacht comhairliú poiblí amháin ar 9 Meán Fómhair 2004 ar an cháipéis Guidance for Departments on the ECRML, níor tionóladh cruinnithe ar bith eile. Ná ní dheachaigh RCEF i gcomhairle le ENRanna Gaeilge fána dtuairimí ar fheidhmiú na Cairte. Ní heol do

4. Report on POBAL’s Findings ECRML Part I General Provisions

4.01

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.

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 ECRML, the UK has undertaken no initiatives to inform the Irish speaking community of the existence of Irish medium services. In our two reports to date we have highlighted the lack of information. In the third monitoring cycle, we are not aware of any public statements, advertisements, press releases, news stories, public notices or any form of information being provided to Irish speakers by the NIO, by the UK Government or by the NI Assembly as a body 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.

4.02

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 ineffective. Again in this monitoring period, POBAL has dealt with complaints relating to issues as basic as the use of Irish language names, addresses and place names. (See 8.05.i-ix, 8.06.i)

4.03

It is UK central Government in London that is ultimately responsible for the implementation of the ECRML. In theory, the Northern Ireland Office (NIO) acts as a conduit for liaison with the relevant Whitehall Departments. The Department of Culture, Arts and Leisure (DCAL) drafts the majority of the UK report in respect of the North. The NI Civil Service (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.

4.04

POBAL received copies of correspondence dated 26/11/08 from Keane Clyde at the Foreign and Commonwealth Office (FCO) in London acknowledging that in the North, it is the Department of Culture, Arts and Leisure (DCAL) that drafts the majority of the NI input into the UK report. Although DCAL organised one public consultation event on 9 September 2004 on the document Guidance for Departments on the ECRML, no further meetings have been held. Neither has DCAL formally consulted with Irish language NGOs as to their views on the implementation of the Charter. POBAL is

POBAL aon chuireadh a theacht ó RCEF le dul i gcomhairle le heagrais Ghaeilge ar aon cheist a bhaineann leis an CETRM. POBAL a thionscnaigh aon teagmháil a tharla idir POBAL agus RCEF nó GIFC.

4.05

Mar a luadh sa rannóg roimhe seo, theip ar dhualgais thuairiscithe an RA sa tríú tréimhse faireacháin, agus níor tugadh isteach aon tuarascáil ó RCEF chuig Comhairle na hEorpa. Áitíonn POBAL gur seo míosúr den chur chuige an-deighilte don Ghaeilge taobh istigh d'fhorais pholaitiúla TÉ agus seachas gníomhú ina éadan seo, ba é a rinne beartas agus cleachtas rialtas an RA é a mhéadú ar son chuspóirí leathana polaitiúla a bhaineann leis an déabhlóid.¹⁹ (Féach fosta 1.03, 1.05, 1.10, 2.08.ii, 2.09.iii, 2.10.vi, 5.05.ii, vii-xi, xiii-xvi, 5.06.i, 5.06.v, 12.04)

4.06

Tá an cur chuige don CETRM i ranna an Tionóil anois bunaithe ar dhearcadh an Aire. Na hAireachtaí sin a raibh ceannaireacht níos báula orthu rinne siad bearta beaga áirithe le gealltanais faoin CETRM a chomhlíonadh ar mhodh ba chruinne (mar shampla, freagra i nGaeilge a chur ar chomhfhreagras a scríobhadh i nGaeilge; rannóga áirithe de shuíomhanna gréasáin roinne a chur i nGaeilge srl). Molaimid na hiarrachtaí seo le cloí le nádúr forásach an CETRM. Ach, ní thig leis an chur chuige ad hoc seo ag ranna áirithe aghaidh a thabhairt ar imeallú na Gaeilge taobh istigh de na forais pholaitiúla. I bhfírinne, b'fhéidir go méadóidh sé de thaisme an t-imeallú, trí úsáid na Gaeilge a theorannú go príomha do na hAireachtaí sin atá faoi rialú páirtithe polaitiúla náisiúnacha. Thairis sin, méadaíonn sé seachrán an phobail fá na seirbhísí atá ar fáil agus cá háit.

4.07

Síneann an cur chuige páirtí pholaitiúil don CETRM thar ranna rialtais agus isteach i gComhairlí áitiúla, áit ar tharla aiséirí in ionsaithe ar úsáid na Gaeilge labhartha agus scríofa sa saol poiblí. Ba shampla de seo ceist úsáid an lógó dhátheangaigh i gComhairle Baile Léim a' Mhadaidh. Bhí an lógó, atá ina chuid de bheartas na Comhairle ar an Ghaeilge, in úsáid le cúig bliana gan agóid. Ach, i 2008, d'éirigh conspóid fána úsáid ar éidí agus cé go bhfuil beartas na Comhairle go fóill dearfach, mhéadaigh deighiltí mar gheall ar an phoiblíocht dhiúltach fá infheictheacht phoiblí na Gaeilge. Ina lán ceantar, suíomh na Gaeilge i gcomhthéacs an Dea-Chaidrimh méadaíonn sé an mothú go bhfuil an Ghaeilge achrannach agus go gcaithfear í a chothromú trí chur chuige quid pro quo, nó go díreach gan bacadh léi (Féach fosta 5.03, 5.06.ii, iii, 8.05.i, 9.01.vi-vii.). Faoin chur chuige seo tá léirmhíniú mícheart fhorálacha Alt 75 (Dualgas Comhionannais) a nascann an Ghaeilge le haon reiligiún amháin agus a bhaineann an chiall as sin gurb ionann forálacha Gaeilge agus leithcheal in éadan na bpríomhghrúpaí reiligiún eile.

not aware of any invitations emanating from DCAL to Irish language organisations to consult on any issue relating to the ECRML. Any contact between POBAL and DCAL or the ICIG has been at the instigation of POBAL.

4.05

As noted in the previous section, UK reporting duties have failed in the third monitoring period, and no report has been submitted from DCAL to the Council of Europe. POBAL contends that this is a measure of the deeply divided and divisive approach to the Irish language within the political institutions in NI and that rather than counteract this, UK government policy and practice has exacerbated it for broad political ends related to devolution.¹⁹ (See also 1.03, 1.05, 1.10, 2.08.ii, 2.09.iii, 2.10.vi, 5.05.ii, vii-xi, xiii-xvi, 5.06.i, 5.06.v, 12.04)

4.06

The approach to the ECRML within Assembly departments is now based upon the attitude of the Minister. Those Ministries with more sympathetic leadership have taken some small measures to fulfil obligations under the ECRML in a more rounded manner (for example, responding in Irish to correspondence written in Irish; including some sections of departmental websites in Irish etc). We commend these attempts to conform to the progressive nature of the ECRML. However, this ad hoc approach by certain departments cannot address the marginalisation of the Irish language within the political institutions. In fact, it may inadvertently increase marginalisation, by restricting the use of Irish primarily to those Ministries under the control of nationalist political parties. In addition, it increases public confusion as to what services are available and where.

4.07

The party political approach to the ECRML extends beyond government departments and into local Councils, where there has been a resurgence of attacks on the use of Irish in written and spoken forms in public life. An example of this has been the issue of the use of the bilingual logo in Limavady Borough Council. The logo, as part of the Council's policy on the Irish language has been in use for five years without complaint. However, in 2008, controversy arose over its use on uniforms and whilst the Council's policy remains positive, the negative publicity around the public visibility of Irish has increased divisions. In many areas, the contextualising of Irish language provisions within Good Relations policy increases the perception that Irish is problematic and must be counterbalanced by a quid pro quo approach, or simply not attempted (See also 5.03, 5.06.ii, iii, 8.05.i, 9.01.vi-vii.) Underlying this approach is the incorrect interpretation of Section 75 (Equality Duty) provisions which links the Irish language with one religion and then extrapolates from this that Irish language provision is tantamount to

¹⁹Hain, P., 20 Márta 2007, Preaseisiúint ó oifig an Státrúnaí

¹⁹Hain, P., 20 March 2007, Press release from Secretary of State's office

Tá seo á dhaingniú cionn is nár achtaíodh forálacha an CETRM sa dlí intíre ó tá claonadh i státseirbhísigh agus i bhfeidhmeannaigh eile tús áite a thabhairt d'Alt 75. Léiríonn sé seo an gá atá le straitéisí níos éifeachtaí ón RA le dualgais faoin CETRM a chur in iúl agus le meon dearfach d'fheidhmiú a chruthú. Tá dualgas soiléir fosta ar Choimisiún Comhionannais TÉ tabhairt faoi athbhreithniú cuimsitheach na comhairle a thairgeann sé i leith sholáthar don Ghaeilge faoi Alt 75 agus faoin CETRM. Tugann an tuarascáil seo tuilleadh eolais ar na deacrachtaí láithreacha i gcomhairlí a bhaineann le húsáid áitainmneacha dúchais, comharthaíocht sráide, comharthaíocht phoiblí agus ceistanna eile sa rannóg s'againn de Chuid III, Airteagal 10.

4.08

Ba bhreá le POBAL obair chur chun cinn agus eolas agus oiliúint ar an CETRM a dhéanamh i gcomhoibriú leis na Ranna. Creidimid go gcuirimid mar ENR luach breise sa chineál seo oibre. Ach, ní chreidimid go dtiocfadh le haon ENR, dá éifeachtaí, oibleagáidí rialtais a chomhlíonadh ó nach socraíonn ENR cumhachtaí reachtúla agus déanta beartas rialtas agus comhlachtaí rialtais. Ach mar ENR, caithfear POBAL a acmhainniú leis an obair seo a dhéanamh. Ar an drochuair, is corraí a d'éirigh staid chistithe na n-eagras Gaeilge sa tríú tréimhse faireacháin. Le linn tionchar an ghéarchoir gheilleagraigh dhomhanda a aithint, tá ábhar dlisteanach imní ann san aeráid láithreach pholaitiúil go mbeidh tosca eile ag oibriú tionchair ar athbhreithnithe i gcistiú d'ENRanna mar POBAL le saineolas, cuntas teiste leanúnach i measúnú neamhspleách beartas, cleachtas agus reachtaíocht rialtais a oibreoidh tionchar diúltach ar fhaireachán agus ar ionchur ón POBAL.

discrimination against the other primary religious grouping. The failure to enact the provisions of the ECRML into domestic legislation compounds this since civil servants and other functionaries incline to give predominance to Section 75. This illustrates the need for more effective UK strategies to communicate the duties under the ECRML and to create a positive atmosphere for implementation. The NI Equality Commission also has a clear duty to undertake comprehensive review of the advice it offers in respect of provision for the Irish language under Section 75 and under the ECRML. This report details further information on current difficulties within councils relating to the use of traditional place names, street signage, public signage and other issues in our section on Part III, Article 10.

4.08

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. However, 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. As an NGO, POBAL nonetheless needs to be resourced in order to carry out this work. Unfortunately, the funding position of Irish language organisations in the third monitoring period has become increasingly insecure. Whilst recognising the impact of the global economic crisis, in the current political climate there are legitimate concerns that funding reviews of NGOs like POBAL with expertise, a continuous track record of independent evaluation of government policy, practice and legislation may be influenced by other factors and that this will impact negatively on monitoring and community input.

5. An CETRM Cuid II Cuspóirí agus Prionsabail

5.01

Ceanglaíonn Cuid II den CETRM ar an rialtas déileáil le teangacha de réir staid agus dhála gach ceann acu. Tá áirithe ag POBAL i dtuarascálacha faireacháin roimhe seo nach mar sin a tharlaíonn sa Tuaisceart. Sa tríú tréimhse faireacháin, áfach, ag cuimhneamh ar dhála áirithe na teanga, is in olcas a chuaigh an difríocht i gcistiú agus in íde na Gaeilge, agus de réir a chéile tá éifeachtaí diúltacha nascadh beartais agus cistithe don Ghaeilge le cuid Albainis Uladh, ainneoin a leibhéil dhifriúla forbartha, ag éirí níos lárnaí ar gach leibhéal sa chur chuige taobh istigh de na forais pholaitiúla.

5.02

I 2007, rinne an Páirtí Aontachtach Daonlathach (an páirtí is mó anois i dTionól Thuaisceart na hÉireann) feachtas ar fhorógra ina a raibh gealltanas le cur in éadan reachtaíocht Ghaeilge²⁰ agus ceann eile a chinnteodh ‘cistiú méadaithe’ d’Albainis Uladh agus a chinnteodh ‘nár chóir tús áite bheith ag an Ghaeilge maidir le cistiú.’²¹ Creideann POBAL go bhfuil an cur chuige seo, ar doichead agus cur in éadan fhorbairtí don Ghaeilge ar lámh amháin é agus ar an lámh eile cur chun cinn díréireach Albainis Uladh, i gcoinne litir agus spiorad an CETRM.

5.03

Sa tuarascáil deiridh againn, d’áirigh POBAL gur leath an cleachtas le soláthar Gaeilge agus Albainis Uladh a chothromú trí struchtúir Rialtais chomh fada sin is go rabhthas ag comhairliú d’eagrais Ghaeilge Albainis Uladh a chuimsiú ina gcuid clár ealaíon srl dá mba mhian leo tacaíocht deontais a fháil. Tá an cleachtas seo anois corpraithe go forleathan i gcur chuige ‘Dea-Chaidrimh’ na bhforas polaitiúil. Creidimid gur míthuiscint bhunúsach den CETRM é bheith ag tacú leis seo, trína nglacann comhlachtaí poiblí agus rialtais cur chuige quid pro quo do sholáthar seirbhíse agus cistithe. Ós rud é go bhfuil an teanga Ghaeilge níos forbartha, agus go bhfuil Gaelscoileanna ann agus pobal Gaeilgeoirí atá ag fás ag úsáid na teanga gach lá, is gnách gurb é a thoradh seo go dtiocfaidh níos mó iarratas ar chistiú ó POBAL na Gaeilge. Mar sin, leis an chur chuige ‘cuóta’ is ansa a chomhlíonadh féadfaidh cuid de chomhlachtaí poiblí/rialtais socrú ar chistiú do thograí Gaeilge a shrianadh agus iad gníomhach ag cistiú tograí a bhfuil ceangal de chineál éigin acu le hAlbainis Uladh chun cothrom saorga a choinneáil. (Féach fosta 5.04, 5.05.ii, 5.05.iii, 5.05.iv, 8.05.i, 9.01.vi, 9.01.vii)

5. ECRML Part II Objectives and Principles

5.01

Part II of the ECRML commits government to treating languages according to their individual situation and circumstances. POBAL has noted in previous monitoring reports that this is not the case in the North. In the third monitoring period, however, the disparity in the funding and treatment of Irish, given the particular circumstances of the language have worsened, and the negative effects of linking policy and funding for Irish to that of Ulster Scots, in spite of their different levels of development, has become increasingly central to approaches within the political institutions at all levels.

5.02

In 2007, the Democratic Unionist Party (now the largest party in the NI Assembly) campaigned on a manifesto which included one commitment to oppose Irish language legislation²⁰ and another to ensure ‘enhanced funding’ for Ulster Scots and that ‘Irish and Gaelic culture should not be allowed to dominate funding.’²¹ POBAL believes that this approach, on the one hand hostility and opposition to developments for Irish and on the other disproportionate promotion of Ulster Scots is contrary to both the letter and the spirit of the ECRML.

5.03

In our last report, POBAL noted that the practice of counter-balancing provision for Irish and Ulster Scots had permeated Government structures to the extent that Irish language organisations were being advised to include Ulster Scots in arts programmes etc if they wished to receive grant support. This practice has now become widely incorporated into the ‘Good Relations’ approach of the political institutions. We believe that contributing to this is a fundamental misunderstanding of the ECRML, whereby public and government bodies take a quid pro quo approach to service or funding provision. Since the Irish language is more developed, since there are Irish medium schools and a growing population of Irish speakers using the language each day, this tends to mean that there are more applications for funding from the Irish speaking community. Thus, in order to fulfil the preferred ‘quota’ approach some public / government bodies may choose to restrict funding to Irish language projects whilst actively seeking to fund projects with some form of Ulster Scots connection in order to maintain an artificial balance. (See also 5.04, 5.05.ii, 5.05.iii, 5.05.iv, 8.05.i, 9.01.vi, 9.01.vii)

²⁰ 2007 Fórógra PAD, Getting it Right, I. 25

²¹ 2007 Fórógra PAD, I. 60

²⁰ 2007 DUP Manifesto, Getting it Right, p. 25

²¹ 2007 DUP Manifesto, p. 60

5.04

Baineann an cur chuige seo fosta le soláthar seirbhísí agus comharthaíochta, le húsáid eolais ar an Ghaeilge mar chritéar éigeantach nó inmhiannaithe fostaíochta agus, mar a luaigh muid sa tuarascáil dheireanach uainn, is é fosta an cur chuige a mholann RCEF mar bhunús don Treoir a d'éisigh RCEF i 2005 i leith fheidhmiú fhorálacha Airteagal 10 d'Albainis Uladh cé nach mbaineann siad ach leis an Ghaeilge faoi dhaingniú an RA. (Féach fosta 4.04, 10.01.ii)

5.05

Cuid II Airteagal 7.1.c

Maidir le teangacha réigiúnacha nó mionlaigh, taobh istigh de na críocha ina n-úsáidtear na teangacha sin agus de réir chás gach teanga, bunóidh na Páirtithe a mbeartais, a reachtaíocht agus a gcleachtais ar na spriocanna agus na prionsabail a leanas: an gá le beart díogbháilte leis na teangacha réigiúnacha nó mionlaigh a chur chun cinn ar mhaithe lena gcosaint.

5.05.i

I 2007, d'fhoilsigh Gníomhaireacht TÉ um Staidreamh agus um Thaighde moltaí do Dhaonáireamh 2012 ina raibh dréachtmholadh don chéad uair ar cheist faoi Albainis Uladh.²² In éineacht, chuir Comhairle Lucht Éisteachta an BBC aighneacht chuig lontaobhas an BBC inar dhúirt sé murb ionann agus craoltóireacht Ghaeilge, ní bhíonn craoltóireacht Albainis Uladh ina cúis le díláithriú chlár Béarla ós rud é go bhfuil sí intuigthe ag aon duine atá eolach ar Bhéarla, 'ach ar an cheann is difreáilte den scála.'²³ Agus gan sainmhínte aitheanta agus chaighdeánaithe foclóra, comhréire, gramadaí srl d'Albainis Uladh ann, léiríonn an dá chur chuige seo an acmhainn i gcomhair bhréagnú bunúsach beartais i socrú soláthair shásúil. Caithfidh an RA aghaidh a thabhairt air seo má tá sé lena ghealltanais déileáil le gach teanga de réir a dála a chomhlíonadh. Caithfidh an RA ansin soiléiriú agus comhordú leis na forais chineachta lena chinntiú go mbíonn an fhreagairt s'acu fosta sasúil agus seasmhac.

5.05.ii

Rialaíonn Alt 75 d'Acht Thuaisceart na hÉireann 2000 soláthar comhionannais i dTuaisceart na hÉireann. Níl aon tagairt ann do theangacha. Tá ráite ag Coimisiún Comhionannais TÉ nach gcreideann sé gurb é an tAcht Comhionannais Aonair atá molta an mheicníocht is fóirsteanáil leis an Ghaeilge a chosaint, is gurbh fhearr leis ina áit sin reachtaíocht neamhspleách Ghaeilge. Mhol Coimisiún Comhionannais TÉ chomh maith roimhe seo Acht Teanga Gaeilge agus tá comhairle curtha isteach anois aige chuig rialtas an RA maidir le Bille Ceart do TÉ a mholann fosta achtú an CETRM isteach sa dlí intíre.

²² Molann an dréacht-cheist a fhiafraí an bhfuil eolas ag an fhreagróir ar Albainis Uladh agus an dtig leis/léi Albainis Uladh a léamh, a scríobh, a labhairt agus a thuiscint.

²³ Comhairle Lucht Éisteachta TÉ an BBC, Athbhreithniú Teangacha Dúchais Mionlaigh, Aighneacht an Chomhairle Lucht Éisteachta chuig an lontaobhas, Pointe E, Díláithriú Clár Béarla

5.04

This approach also pertains to provision of services and signage, to the use of knowledge of Irish as an essential or as a desirable employment criteria and as we have noted in our previous report, it is also the approach advised by DCAL as the basis of the Guidance issued by DCAL in 2005 in respect of the application of Article 10 provisions to Ulster Scots even though they apply only to Irish under the UK ratification. (See also 4.04, 10.01.ii)

5.05

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.

5.05.i

In 2007, the NI Statistics and Research Agency published proposals for the 2012 Census which included a draft proposal for the first time of a question on Ulster Scots.²² Simultaneously, the BBC Audience Council made a submission to the BBC Trust in which it stated that unlike Irish language broadcasting, Ulster Scots broadcasting does not cause displacement of English language programmes since it is comprehensible to anyone with knowledge of English, 'except at the most differentiated end of the scale.'²³ In the absence of recognised and standardised definitions of vocabulary, syntax, grammar etc for Ulster Scots, these two approaches illustrate the potential for fundamental policy contradiction in determining appropriate provision. This must be addressed by the UK if it is to fulfil its commitments to treat each language according to its circumstances. The UK must then clarify and co-ordinate with devolved institutions to ensure that their response is also appropriate and consistent.

5.05.ii

Section 75 of the Northern Ireland Act 2000 governs equality provision in the North of Ireland. It contains no reference to language. The NI Equality Commission has stated that it does not believe the proposed Single Equality Act to be the most appropriate mechanism to protect the Irish language, preferring instead free-standing Irish language legislation. The NI Human Rights Commission has also previously recommended an Irish Language Act and has now submitted advice to the UK government in respect of a Bill of Rights for NI which also proposes the enactment of ECRML into domestic legislation.

²² The draft question proposes asking if the respondent has knowledge of Ulster Scots and if s/he can read, write, speak and understand Ulster Scots.

²³ BBC Audience Council NI, Indigenous Minority Languages Review, Audience Council Submission to the Trust, Point E, Displacement of English-Language Programmes

5.05.iii

Díríonn an Coimisiún sa chéad áit ar Alt 75 agus reachtaíocht eile intíre, ina n-áirítear an tAcht Caidhreamh Idir Ciníochá. Is cosúil gur doiligh ag an Choimisiún cosaintí idirnáisiúnta an CETRM don Ghaeilge a shocrú sa chreat seo. Ní thagraíonn Dréachtphlean Corpráideach 2006-9 an Choimisiúin Comhionannais don Ghaeilge ná don CETRM.²⁴ Roinnt uaireanta, léirigh POBAL ábhar imní fá chruinneas na comhairle a thairg an CC i gcúrsaí a bhaineann leis an Ghaeilge i gcomharthaíocht, i gcritéir oibre agus san áit oibre.

5.05.iv

Thairis sin forálann Dualgas Comhionannais, Alt 75, do chomhionannas idir roinnt grúpaí sóisialta, ina n-áirítear idir caitlicigh agus protastúnaigh. I gcoitinne, creideann Gaeilgeoirí gur chóir go mbeadh an Ghaeilge ar fáil ag cách. Ach tharla, ó thaobh daonra de, gur gnách le Gaeilgeoirí bheith ina gcuid den POBAL caitliceach, agus tharla nach dteagasctar Gaeilge i scoileanna protastúnacha sa Tuaisceart, táthar a mhaíomh go forleathan go gciallaíonn Alt 75 gurb ionann soláthar do Ghaeilgeoirí agus leithcheal ar phrotastúnaigh. (Diúltaíonn Gaeilgeoirí don mhíniú seo, agus áiríonn siad fosta nach mbraítear, go frithchosúil, nach ionann faillí i soláthar do Ghaeilgeoirí agus leithcheal ar chaitlicigh). Oibríonn an trína chéile seo ar leibhéal beartais tionchar ar chleachtas agus neartaíonn sé an claonadh le ceisteanna faoin Ghaeilge a atreorú trí ranna agus aonaid 'Dea-Chaidrimh', ag sainmhíniú na teanga, mar sin, i gcomhthéacs inarbh féidir soláthar don Ghaeilge a chrosadh ar an chúis go bhfuil sí 'deighilteach' nó í a chur i gcomhthéacs quid pro quo. Ní bhraítear an fhaillí i soláthar don Ghaeilge sa saol poiblí nó lena hinfheictheacht a mhéadú bheith 'deighilteach', ag athneartú, mar sin, an status quo trína bhfuil úsáid na Gaeilge go fóill imeallaithe.

5.05.v

Tá áitithe ag POBAL go bhfuil oibleagáid idirnáisiúnta ann reachtaíocht a dhéanamh san áit ar oiriúnach agus ar gá. Ach, níor achtaigh rialtas an RA forálacha an CETRM isteach sa reachtaíocht intíre, agus níor fhreagair sé ar dhóigh ar bith nithiúil aighneachtaí ó POBAL agus eile gur chóir dóibh sin a dhéanamh. Ar na fíormhallaibh, d'iarr Coiste Eacnamaíoch agus Sóisialta NA achtú ionstraimí idirnáisiúnta isteach i ndlí intíre an RA²⁵ (Féach fosta 2.10.v, 2.10.vi, 5.05.xvi).

5.05.iii

The primary focus of the Equality Commission is Section 75 and other domestic legislation, including the Race Relations Act. It appears difficult for the Commission to fit the international protections of the ECRML for Irish into this framework. The Equality Commission's Draft Corporate Plan 2006-9 makes no reference to the Irish language or to the ECRML.²⁴ On a number of occasions, POBAL has raised concerns in relation to the accuracy of advice offered by the EC in matters concerning the Irish language in signage, in job criteria and in the work place.

5.05.iv

In addition the Equality Duty, Section 75, provides for equality among a number of social groups, including between Catholics and Protestants. Generally, Irish speakers believe that the Irish language should be available to all. However, since demographically, Irish speakers tend to belong to the Catholic community, and since Irish is not taught in Protestant schools in the north, Section 75 is being widely interpreted to mean that provision for Irish speakers constitutes discrimination against Protestants. (Irish speakers reject this interpretation, and also note that paradoxically, the failure to provide services for Irish speakers does not appear to be interpreted as discrimination against Catholics.) This confusion at a policy level impact upon practice and compounds the tendency to refer issues pertaining to the Irish language through 'Good Relations' departments and units, thus defining the language in a context which may tend to encourage either the vetoing of provision for Irish on the grounds that it might be 'divisive' or to set it in the context of a quid pro quo approach. The failure to provide for the use of Irish in public life or to increase its visibility is not viewed as 'divisive', thus reinforcing the status quo whereby the use of Irish remains marginalised.

5.05.v

POBAL has argued that there is an international obligation to legislate where appropriate and necessary. However, the UK government has not enacted the provisions of the ECRML into domestic legislation, and has not responded in any concrete manner to submissions from POBAL and others that they should do so. Most recently, the UN Economic and Social Committee has called for the enactment of international instruments into domestic law within the UK²⁵ (see also 2.10.v, 2.10.vi, 5.05.xvi).

²⁴ Comhionannas do Chách: Dul Chun Cinn Leanúnach i dTimpeallacht, Plean Corpráideach 2006-2009, Coimisiún Comhionannais TÉ, Samhain 2005.

²⁵ Comhairle Eacnamaíoch agus Sóisialta NA, E/C.12/GBR/CO/5, 22ú Bealtaine 2009, alt 13

²⁴ Equality for All: Continuing Progress in a Changing Environment, Corporate Plan 2006-2009, Equality Commission NI, November 2005.

²⁵ UN Economic and Social Council, E/C.12/GBR/CO/5, 22nd May 2009, parag 13

5.05.vi

I nDeireadh Fómhair 2006, d'fhoilsigh POBAL moltaí i gcomhair dhaingniú treisithe an CETRM don Ghaeilge. Mar a luadh, sa cháipéis seo tá an moladh gur chóir na paragraif agus na fopharagraif atá ann cheana agus na cinn nua-dhaingnithe a achtú isteach sa reachtaíocht intíre.²⁶ Cuireadh cóipeanna de na moltaí chuig David Miliband (an tAire FCO), chuig Shaun Woodward (Státrúnaí TÉ), chuig Aire Cultúir, Ealaíon agus Fóillíochta (CEF) an ama, Edwin Poots agus chuig baill uilig Choiste CEF ag Tionól TÉ. Bhí teacht poiblí forleathan ar na moltaí. Ní tháinig aon ghealltanais ó rialtas an RA nó ó Aire CEF le seo a chur chun cinn.

5.05.vii

Ar iarratas POBAL, rinne an POF Janet Muller láithriú foirmiúil do GFCI ar 24ú Eanáir 2008 faoi na moltaí. Ar iarratas POBAL, bhuail an ENR fosta le hAire CEF, Edwin Poots (3ú Deireadh Fómhair 2007) agus lena chomharba, Gregory Campbell (30ú Meán Fómhair 2008) agus rinne láithriú do Choiste CEF ag Tionól TÉ ar cheistanna a bhaineann le hAcht na Gaeilge, craoltóireacht i nGaeilge agus na moltaí a bhaineann leis an CETRM.

5.05.viii

I nDeireadh Fómhair 2006, in Aguisín B Chomhaontú Chill Rímhinn (Deireadh Fómhair 2006), thug rialtas an RA an gealltanais a leanas:

Tabharfaidh an Rialtas isteach Acht Gaeilge a léireoidh eispéreas na Breataine Bige agus na hÉireann agus oibreoidh leis an Fheidhmeannas nua le forbairt na Gaeilge a mhéadú agus a chosaint.

Níor comhlíonadh an gealltanais seo, áfach. Dúirt rialtas an RA mura n-achtófaí an reachtaíocht roimh athbhunú Thionóil TÉ, gurb é an Tionól nua a chaithfeadh reachtú. Ach, mar a áiríodh, sa bhreis ar Fhoróga 2007 an PAD²⁷ bhí an iomad ráiteas poiblí eisithe ag na páirtithe polaitiúla aontachtacha á rá go gcrosfadh siad aon reachtaíocht Ghaeilge. Is é a áitíonn POBAL gur léir do rialtas an RA gurb éadócha go mór go ngabhfaidh Tionól cineachta an reachtaíocht.

5.05.vi

In October 2006, POBAL published proposals for a strengthened ratification of the ECRML for Irish. As noted, this document includes the proposal that both the existing and newly ratified paragraphs and sub-paragraphs should be enacted into domestic legislation. Copies of the proposals were sent to David Miliband (Minister FCO), to Shaun Woodward (NI Secretary of State), to the then Minister for Culture, Arts and Leisure (CAL), Edwin Poots and to all members of the CAL Committee at the NI Assembly. The proposals were made widely available publicly. No commitment has been made from either the UK government or the CAL Minister to progress this.

5.05.vii

At POBAL's request, CEO Janet Muller made a formal presentation to the ICIG on 24th January 2008 regarding these proposals. At POBAL's request, the NGO also met Minister CAL, Edwin Poots (3rd October 2007) and his successor, Gregory Campbell (30th September 2008) and made a presentation to the CAL Committee at the NI Assembly on issues around the Irish language Act, broadcasting in Irish and the proposals in relation to the ECRML.

5.05.viii

In October 2006, in Appendix B of the St Andrews' Agreement (October 2006), the UK government makes the following commitment:

The Government will introduce an Irish Language Act reflecting on the experience of Wales and Ireland and work with the incoming Executive to enhance and protect the development of the Irish Language.

This commitment has not, however been fulfilled. The UK government stated that should the legislation not be enacted before the re-establishment of the NI Assembly, it would fall to the new Assembly to legislate. However, as noted in addition to the 2007 DUP Manifesto²⁷ the unionist political parties had already issued numerous public statements stating their intention to veto any Irish language legislation. It is POBAL's contention that it was clear to the UK government that the legislation was extremely unlikely to be adopted in a devolved Assembly.

²⁶ POBAL 2007, Moltaí i gcomhair Dhaingniú Treisithe an CETRM, www.pobal.org

²⁷ Forógra PAD 2007, Getting it Right, I. 25

²⁶ POBAL 2007, Proposals for a Strengthened Ratification of the ECRML, www.pobal.org

²⁷ DUP Manifesto 2007, Getting it Right, p. 25

5.05.ix

Torthaí dearfacha a bhí ar chéad chomhairliúchán RCEF ar Acht Molta na Gaeilge. De réir RCEF, 668 aighneacht substainteach a fuarthas agus 5000 ainm ar achainithe. Dúirt RCEF,

Léiríonn sé seo leibhéal suntasach spéise sna ceisteanna a tógadh sa pháipéar. Díobh sin a thug freagra, bhí a mórghnús (93 fán chéad) i bhfabhar glacadh le reachtaíocht Ghaeilge; agus mionlach beag freagróirí ag easaontú leis an mholadh. B'fhearr leo sin a bhí i bhfabhar cur chuige cearta-bhunaithe. Iad sin a bhí in éadan (7 fán chéad) luaigh siad ceisteanna costais agus go mbeadh an reachtaíocht deighilteach go polaitiúil.²⁸

In áit an reachtaíocht a achtú, thug RCEF isteach páipéar eile comhairliúcháin, le sprioclíne 12 seachtain rud a d'fhág go sáródh sé an dáta a ceapadh d'athbhunú na déabhlóide.

5.05.x

Scríobh POBAL chuig Príomhaire an RA le comhlíonadh ghealltanas an RA a iarraidh agus lena mheabhrú dó go dteastódh reachtaíocht ag Westminster i gcás roinnt ábhar a bhain leis an reachtaíocht a bhí molta agus nárbh fhéidir iad a thabhairt isteach ar leibhéal cineachta fiú dá mba mhian leis an Tionól sin a dhéanamh. Ach, d'fhreagair an RA go buan ó shin ag leagan freagrachta as an reachtaíocht ar Thionól TÉ ainneoin ráiteas soiléir roimh an athbhunú agus ina dhiaidh nach bhféadfadh aon amhras fá rún na bpáirtithe aontachtacha.

5.05.xi

Ainneoin feachtais mhéadaithe in éadan na reachtaíochta, sa dara comhairliúchán ar Acht na Gaeilge, léirigh figiúirí RCEF gur thacaigh an mórán leis an reachtaíocht. In achoimre a foilsíodh ar 16ú Deireadh Fómhair 2007, dúirt an tAire CEF de chuid PAD, Edwin Poots, go raibh 68% de fhreagraí ar an dara comhairliúchán i bhfabhar achtú na reachtaíochta.

5.05.xii

Ó athbhunú na déabhlóide, tá ráite go poiblí ag beirt Aire Cultúir, Ealaíon agus Fóillíochta as d'éis a chéile ag Tionól TÉ nach n-achtóidh siad Acht na Gaeilge ag an leibhéal cineachta. Ar 16ú Deireadh Fómhair 2007, dúirt an tAire Edwin Poots 'nár cuireadh ina luí orm gur gá reachtaíocht Ghaeilge.' Ar 4ú Nollaig 2008, dúirt an tAire úr, Gregory Campbell ag freagairt na ceiste 'Cá huair atá rún ag an Aire Acht Gaeilge a thabhairt isteach, le go mbeidh cothroime idir an Bhreatain Bheag, Albain agus Tuaisceart na hÉireann?', 'Níl rún agam é a dhéanamh.'²⁹ Tá roinnt tuairimí díultacha fá Acht na Gaeilge nochta san am a d'imigh ag an tríú Aire, Nelson McCausland. (Féach fosta 1.03, 1.05, 1.10, 2.08.ii, 2.09.iii, 2.10.vi, 4.05, 5.05.ii, vii-xi, xiii-xvi, 5.06.i, 5.06.v, 12.04)

²⁸ RCEF 13 Márta 2007, Páipéar Comhairliúcháin ar Reachtaíocht Ghaeilge Molta do TÉ, an Roinn Cultúir, Ealaíon agus Fóillíochta, Réamhrá, l. 6

²⁹ Gregory Campbell, 4ú Nollaig 2008, Coiste CEF, Stormont

5.05.ix

The results of the first DCAL consultation on the Proposed Irish Language Act were positive. According to DCAL, 668 substantive submissions were received and 5000 names on various petitions. DCAL said,

This reflects a significant level of interest in the issues raised in the paper. Of those who responded, the overwhelming majority (93 per cent) favoured the adoption of Irish language legislation; while a small minority of respondents strongly disagreed with the proposal. Those in favour preferred a rights-based approach. Those against (7 per cent) cited cost issues and the perception that legislation would be politically divisive.²⁸

Instead of enacting the legislation, DCAL produced another consultation paper, with a 12 week deadline which meant that it would ongoing beyond the date set for the re-establishment of devolution.

5.05.x

POBAL wrote to the UK Prime Minister to call for the fulfilment of the UK commitment and to point out that a number of matters relating to the proposed legislation would require legislation at Westminster and could not be introduced at a devolved level even if the Assembly so wished. However, the UK government has consistently responded by placing responsibility for the legislation on the NI Assembly in spite of clear statements before and after its re-establishment that leave no doubt of the intentions of the unionist parties.

5.05.xi

In spite of an enhanced campaign against the legislation, the second consultation on the Irish language Act, DCAL's figures also show that the majority supported the legislation. In a summary published on 16th October 2007, the DUP CAL Minister Edwin Poots stated that 68% of responses to the second consultation favoured the enactment of legislation.

5.05.xii

Since the re-establishment of devolution, two successive Ministers for Culture, Arts and Leisure at the NI Assembly have stated publically that they will not enact the Irish Language Act at the devolved level. On 16th October 2007, Minister Edwin Poots stated that he 'was not persuaded of the need for Irish Language legislation.' On 4th December 2008, the new Minister, Gregory Campbell in response to the question 'When does the Minister intend to introduce an Irish language Act, so that there is parity between Wales, Scotland and the North of Ireland?' stated, 'I do not intend to do so.'²⁹ The third Minister, Nelson McCausland, has in the past made a number of negative comments about the Irish Language Act. (See also 1.03, 1.05, 1.10, 2.08.ii, 2.09.iii, 2.10.vi, 4.05, 5.05.ii, vii-xi, xiii-xvi, 5.06.i, 5.06.v, 12.04)

²⁸ DCAL 13 March 2007, Consultation Paper on Proposed Irish language Legislation for NI, Department of Culture, Arts and Leisure, Introduction, p. 6

²⁹ Gregory Campbell, 4th December 2008, CAL Committee, Stormont

5.05.xiv

Bhí an méid seo a leanas le rá ag An Choiste Comhairleach ar an Chreatchoinbhinsiún do Chosaint Mionlach Náisiúnta (CCCMN) i 2007,

Tá an Coiste Comhairliúcháin ag gríosú an Rialtais agus Thionól TÉ lena chinntiú nach mbíonn próiseas glactha Acht na Gaeilge faoi stiúir ag cúrsaí polaitiúla agus go léireoidh sé chomh fada agus is féidir riachtanais POBAL na Gaeilge mar a leagadh amach sna freagraí a cuireadh isteach chuig próiseas comhairliúcháin an Rialtais.³⁰

5.05.xv

Luaigh Coiste na Saineolaithe (CCSE) ina thuarascáil, Márta 2004³¹ na difríochtaí i gcur chuige an RA do reachtaíocht don Bhreatnais sa Bhreatain Bheag, don Ghàidhlig in Albain agus don Ghaeilge sa Tuaisceart. Is mian linn an modh a aibhsíú inar dhoimhnigh faillí rialtas an RA i 2006-7 i gcomhlíonadh an ghealltanais le reachtaíocht Ghaeilge a achtú an deighilt ina bheartas, ina chleachtas agus ina reachtaíocht i leith na dtrí theanga Chuid III seo. Tá an Bhreatnais sa Bhreatain Bheag agus an Ghàidhlig in Albain faoi réir chosaintí cuimsitheacha dlíthiúla. Is cur chuige é ar chóir fáilte a chur roimhe go rachadh bearta réamhrechtacha a ligfeadh do Thionól na Breataine Bige Acht úr Breatnaise a ghabháil, gan chonstaic trí ranna Westminster le linn 2007-8. Is comharthaí eile den athrú don Ghàidhlig in Albain cur i láthair na gcéad Phleananna Teanga faoi Acht na Gàidhlig. Ciallaíonn sé seo, ó dhaingniú an CETRM ag an RA i 2000, go ndearnadh gníomhartha substainteacha maidir le reachtaíocht neartaithe intíre i gcás dhá cheann de thriúr de na teangacha Chuid III a aithníonn an RA, rud a leathnaíonn mar sin an bhearna leis an Ghaeilge.

5.05.xvi

Mar a luadh, d'aibhsigh Comhairle Eacnamaíoch agus Sóisialta na NA fosta an difríocht i gcosaintí reachtacha don Bhreatnais, do Ghàidhlig agus don Ghaeilge. Áiríonn an Coiste,

Is ábhar imní don Choiste é nach bhfuil aon chosaint go fóill ann i leith na Gaeilge i dTuaisceart na hÉireann, cé go bhfuil an Bhreatnais agus an Ghàidhlig á gcosaint ag Acht na Breatnaise 1993 agus Acht na Gàidhlig (Albain) 2005, fá seach. (airt. 15 agus 2)

Molann an Coiste go ngabhfadh an páirtí Stáit, nó an riarachán cineachta i dTuaisceart na hÉireann, Acht Gaeilge, ag iarraidh teangacha mionlaigh agus oidhreacht chultúrtha a chaomhnú agus a chur chun cinn, agus iarrann an Coiste ar an pháirtí Stáit eolas mionsonraithe ar an dul chun cinn a sholáthar ina chéad tuarascáil tréimhsiúil eile.³²

³⁰ An Coiste Comhairleach ar CCCMN, ACFC/OP/II(2007)003, leath. 35, parag 190

³¹ Tuarascáil CCSE, Márta 2004, "...difríochtaí i gcur chuige agus i gceanglas na n-údarás i dTuaisceart na hÉireann, in Albain agus sa Bhreatain Bheag i leith bheartas teangacha réigiúnacha nó mionlaigh. Athraíonn an tacaíocht phraiticiúil is pholaitiúil do gach teanga."

³² Náisiúin Aontaithe, Comhairle Eacnamaíoch agus Sóisialta, 22 Bealtaine 2009, E/C.12/GBR/CO/5, leath. 10, alt 37

5.05.xiv

The Advisory Committee on the Framework Convention for the Protection of National Minorities (FCPNM) made the following comment in 2007,

The Advisory Committee encourages the Government and the NI Assembly to ensure that the process of adopting the Irish language Act is not dominated by political considerations and reflects as far as possible the needs of the Irish-speaking population as set out in the responses submitted to the Government's public consultation process.³⁰

5.05.xv

The Committee of Experts (COMEX) noted in its report of March 2004³¹ the disparities in the UK approach to legislation for Welsh in Wales, for Gaelic in Scotland and for Irish in the North. We wish to highlight the manner in which the failure of the UK government in 2006-7 to fulfill the commitment to enact Irish language legislation has deepened the divide in its policy, practice and legislation towards these three Part III languages. Welsh in Wales and Gaelic in Scotland are subject to comprehensive legal protections. The progression, without obstacle, through Westminster departments of pre-legislative measures during 2007-8 to enable a new Welsh Language Act to be adopted by the Welsh Assembly is an approach to be welcomed. The production of the first Language Plans under the 2005 Gaelic Language Act are also signs of change for Gaelic in Scotland. This means that since the 2000 UK ratification of the ECRML, in the case of two out of three of the Part III languages recognized by the UK, there have been substantial actions in respect of strengthened domestic legislation, thus widening the disparity in respect of the Irish language.

5.05.xvi

As noted, the UN Economic and Social Council have also highlighted the disparity in legislative protections for Welsh, Gaelic and Irish. The Committee notes,

The Committee is concerned that there is still no protection in respect of the Irish language in Northern Ireland, whereas the Welsh and the Gaelic languages are protected by the Welsh Language Act 1993 and the Gaelic Language (Scotland) Act 2005, respectively. (arts. 15 and 2)

The Committee recommends that the State party, or the devolved administration in Northern Ireland, adopt an Irish Language Act, with a view to preserving and promoting minority languages and cultural heritage, and invites the State party to provide detailed information on the progress made in its next periodic report.³²

³⁰ Advisory Committee on the FCPNM, ACFC/OP/II(2007)003, page 35, parag 190

³¹ 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."

³² United Nations, Economic and Social Council, 22 May 2009, E/C.12/GBR/CO/5, page 10, parag 37

5.05.xvi

Mar a thuairiscigh muid roimhe seo, ní leor Ordú Rialtais Áitiúil (Forálacha Ilchineálacha) (TÉ) 1995 le húsáid áitainmneacha dúchais, úsáid chomharthaíocht sráide dátheangach nó Gaeilge nó ainmniú eastát nó sráideanna úra i nGaeilge a éascú. Ba chóir reachtaíocht níos fóirsteanáí a chur ina áit. Creideann POBAL gurbh fhearr a dhéanfaí sin mar chuid d'Acht cuimsitheach Gaeilge mar a gheall Rialtas an RA i 2006 i gComhaontú Chill Rimhinn. (Féach fosta 2.11.ii, 8.05.ii-vii)

5.05.xvii

Buanaíonn Bille Teorainneacha agus Inimirce (2008) an RA easpa aitheantais don Ghaeilge ó aithníonn sé i measc critéar eile i gcomhair saoránachta eolas ar an Bhreatnais agus an Ghàidhlig, agus nach n-aithníonn sé an Ghaeilge. (Féach fosta 2.10.iv, 5.06.vi)

5.06

Cuid II Airteagal 7.2

Féachfaidh na Páirtithe le haon idirdhealú, eisiamh, srianadh nó tosaíocht éagórach a bhaineann le húsáid teanga réigiúnaí nó mionlaigh agus atá dírithe ar a cothabháil nó a forbairt a dhímholadh nó a chur i gcontúirt, a dhíchur mura bhfuil sé déanta cheana féin acu. Cinneadh ar bhearta ar leith i bhfabhar teangacha réigiúnacha nó mionlaigh atá dírithe ar chothú comhionannais idir úsáideoirí na dteangacha sin agus an chuid eile den POBAL nó a thugann san áireamh mar is cuí a dála sainiúla ní bhraitear sin ina ghníomh leithcheala ar úsáideoirí teangacha is forleithheadúla.

5.06.i

Mar a luadh, in Aibreán 2008, cheadaigh an Ardchúirt i mBéal Feirste Athbhreithniú Breithiúnach ar fheidhmiú leanúnach Acht Riartha Ceartais (Teanga) (Éire) 1737 a choisceann úsáid aon teanga ach Béarla i gcúirteanna an Tuaiscirt. Is é éifeacht an Achta seo go bhfuil cosc iomlán ar úsáid na Gaeilge amháin, ós rud é go n-éascaítear teanga mionlach eitneach ar bhonn rialta le hateangaireacht sna cúirteanna. Achtanna dlíthiúla den chineál céanna aisghairmeadh breis agus céad bliain ó shin iad i Sasana, in Albain agus sa Bhreatain Bheag sa chás is déanaí.

Is léir ón sliocht seo as Miontuairiscí an 16ú cruinniú ag GIFIC ar 27ú Aibreán 2007, cé gur pléadh aisghairm Acht 1737, nach ndearnadh aon ghníomh dearfach. Tógann an sliocht seo as na miontuairiscí ceisteanna tábhachtacha fán mheicníocht le aisghairm an Achta a chinntiú agus fána ceangal le hAcht na Gaeilge atá molta,

22. Ag freagairt cheist eile fá Alt 9 Chairt na hEorpa agus Acht 1737, is ar Rialtas an RA agus ní ar aon Riarachán de chuid TÉ atá freagracht as aisghairm an Achta. Ní léir go fóill conas a aisghairmfear é, agus is féidir go gcaithfear an dréacht-reachtaíocht Ghaeilge a athdhréachtú má tá sí le haisghairm an Achta a chumhdach.³³

³³GIFIC, Miontuairiscí 16ú Chruinniú, Aoine 27ú Aibreán 2007, Interpoint, Béal Feirste

5.05.xvi

As we have previously reported, the 1995 Local Government Order (Miscellaneous Provisions)(NI) is inadequate to facilitate the use of traditional place names in Irish, the use of bilingual or Irish language street signage or the naming in Irish of new estates or streets. It should be replaced with more appropriate legislation. POBAL believes this can best be done as part of a comprehensive Irish language Act as promised by the UK government in 2006 in the St Andrews' Agreement. (See also 2.11.ii, 8.05.ii-vii)

5.05.xvii

The UK Borders and Immigration Bill (2008) perpetuates the lack of recognition of the Irish language since it recognises among other criteria for citizenship knowledge of Welsh and Scottish Gaelic, but does not recognise Irish. (See also 2.10.iv, 5.06.vi)

5.06

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.

5.06.i

As noted, in April 2008, the High Court in Belfast granted leave for a Judicial Review of the continuing operation of the 1737 Administration of Justice (Language) Act (Ireland) which prohibits the use of any language other than English in the courts of the North. This Act effectively places a blanket ban on the use of the Irish alone, since ethnic minority languages are in fact facilitated through interpretation on a very regular basis in the courts. Similar legal Acts in England, Scotland and Wales were repealed over one hundred years ago in the most recent case.

It is clear from this extract from the Minutes of the 16th meeting of the ICIG on 27th April 2007, that although the repeal of the 1737 Act had been under discussion, no positive action had been taken. This extract from the minutes raises important issues about the mechanism for ensuring the repeal of the 1737 Act and its connection with the proposed Irish Language Act,

22. In response to another query about Article 9 of the European Charter and the 1737 Act, current responsibility for repeal of the Act rests with the UK Government and not any NI Administration. How it will be repealed is not yet clear, and the draft Irish Language legislation may have to be re-drafted if it is to cover the Act's repeal.³³

³³ICIG, Minutes of 16th Meeting, Friday 27th April 2007, Interpoint, Belfast

In Aibreán 2008, tugadh cead do Ghaeilgeoir de chuid Bhéal Feirste, Caoimhín Mac Giolla Chatháin, Athbhreithniú Breithiúnach a ghlacadh ar fheidhmiú leanúnach Acht Riartha Ceartais (Teanga) (Éirinn) 1737. Roimhe sin d'iarr an tUas. Mac Giolla Chatháin cead le hiarratas ar cheadúnas siamsaíochta d'imeacht Gaeilge a chur i nGaeilge cuig na cúirteanna. Nuair a diúltaíodh an cead sin faoi Acht 1737, d'iarr agus fuair an tUas. Mac Giolla Chatháin cead le hAthbhreithniú Breithiúnach a thabhairt. D'áitigh an tUas. Mac Giolla Chatháin³⁴ go mbunaíonn feidhmiú leanúnach Acht 1737 de facto idirdhealú agus srianadh éagórach in éadan úsáid na Gaeilge sa saol poiblí. D'áitigh an t-iarratasóir go sáraíonn sé Airteagal 14 agus Airteagal 6 d'Acht Ceart Daonna 2000 de chuid an RA, An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh agus reachtaíocht eile idirnáisiúnta, Comhaontú Aoine an Chéasta (CAC) agus Comhaontú Chill Rímhinn. D'áitigh an t-iarratasóir go ráthaíonn CAC comhurráim d'aitheantais Bhriotanach agus Éireannach araon i dTuaisceart na hÉireann agus go mbréagnaíonn feidhmiú leanúnach Acht 1737 gné theangach an aitheantais Éireannaigh. D'áitigh sé thairis sin go ndearna rialtas an RA sraith gníomhartha, ar a n-áirítear daingniú an CETRM, agus síniú Chomhaontú Chill Rímhinn, a d'ardaigh an t-ionchas go leagfaí constaicí ar úsáid na Gaeilge sa saol poiblí agus príobháideach. Le linn imeacht na cúirte d'fhiafraigh an breitheamh ceannais d'abhcóidí na Corónach an raibh siad ag glacadh leis gur constaic ar úsáid na Gaeilge é Acht 1737. Ba é freagra na Corónach nár ghlac siad leis sin.

Ina bhreithiúnas, deir an Breitheamh Treacey,

...gan aird ar cibé rún a bhí ar chúl Acht 1737 nuair a achtaíodh é tá d'éifeacht lena choinneáil go gcoinníonn sé in áit rud is ionann agus toirmeasc iomlán ar úsáid na Gaeilge in imeachtaí uilig na cúirte. Níl d'éisceacht theoriciúil ann ach cás ina mbeadh cainteoir agus gan aige ach Gaeilge ina pháirtí in imeachtaí agus go dteastódh ateangaire uaidh ar an dóigh chéanna le haon pháirtí eile gan Bhéarla. ³⁵

Deir sé thairis sin go mbeadh sé mífhóirsteanach ag an Chúirt a dhearbhuí cé acu sháraigh nó nár sháraigh úsáid bhuan Acht 1737 an CETRM.³⁶

In April 2008, a Belfast Irish speaker, Caoimhín Mac Giolla Cathain was granted leave to take a Judicial Review of the continuing operation of the 1737 Administration of Justice (Language)(Ireland) Act. Mr. Mac Giolla Cathain had previously sought permission to apply in Irish to the courts for an entertainments licence for an Irish language event. This permission having been refused under the 1737 Act, Mr. Mac Giolla Cathain sought and was granted permission to bring a Judicial Review. Mr. Mac Giolla Cathain argued³⁴ that the continuing operation of the 1737 Act constitutes de facto an unjust distinction and restriction against the use of the Irish language in public life. The applicant argued that it is in contravention of Article 14 and Article 6 of the UK Human Rights Act 2000, of the European Charter for Regional or Minority Languages and other international legislation, the Good Friday Agreement (GFA) and the St Andrews' Agreement. The applicant argued that the GFA guarantees parity of esteem to both the British and Irish identities in Northern Ireland and that the continuing operation of the 1737 Act contradicts the language element of Irish identity. He further argued that the UK government has committed to a series of actions, including the ratification of the ECRML, and the signing of the St Andrews' Agreement, which give rise to the expectation that obstacles to the use of Irish in public and private life would be removed. During the course of the court hearing the presiding judge specifically asked the Crown whether it accepted that the 1737 Act was an obstacle to the use of the Irish Language. The Crown response was that it did not accept this.

In his judgement, Judge Treacey comments,

...irrespective of whatever intention lay behind the 1737 Act at the time of its enactment its retention has the effect of maintaining in place what amounts to a de facto absolute prohibition on the use of Irish in all court proceedings. The only theoretical exception would be where an Irish only speaker who was a party to proceedings required an interpreter in the same way as any other non-English speaking party. ³⁵

He further states that it would be inappropriate for the Court itself to determine whether or not the ECRML had been breached by the continuing use of the 1737 Act.³⁶

³⁴ Caoimhín Mac Giolla Chatháin, TRE 7587

³⁵ Caoimhín Mac Giolla Chatháin, *ibid*, alt 29

³⁶ C. Mac Giolla Chatháin, *ibid*, alt 39

³⁴ Caoimhín Mac Giolla Catháin, TRE 7587

³⁵ Caoimhín Mac Giolla Catháin, *ibid*, parag 29

³⁶ C. Mac Giolla Catháin, *ibid*, parag 39

I 2008, chaith rialtas an RA acmhainní suntasacha ar chosaint láidir fheidhmiú leanúnach an Achta seo i dTuaisceart na hÉireann. Déarfadh POBAL nár mhiste do CCSE athchuart a thabhairt ar a thráchtairacht 2007 ar fheidhmiú leanúnach an Achta seo agus é a shoiléiriú, ní amháin maidir le Comhaontú Aoine an Chéasta, ach leis an CETRM fosta. (Féach fosta 1.07, 2.09.i, iii, 2.10.iii, iv, xiii, 5.06.i, 7.03, 7.04)

5.06.ii

Mar a luadh, an cleachtas taobh istigh de chomhlachtaí rialtais áitiúil agus poiblí a chuireann soláthar do Ghaeilgeoirí i gcomhthéacs 'Dea-Chaidrimh', maíonn sé go bhfuil úsáid na Gaeilge amhrasach inti féin ach go bhfeictear úsáid sholáthair Béarla amháin bheith neodrach. Is léir nach leor an cur chuige d'fheidhmiú an CETRM go dtí seo le haghaidh a thabhairt ar an bhraistint mhíbhuntáisteach ollmhór seo.

5.06.iii

Is é an toradh atá ar an chur chuige 'Dea-Chaidrimh', ar an chuid is fearr de, dearcadh quid pro quo agus ar an chuid is measa crosadh éifeachtach ar úsáid na Gaeilge labhartha nó scríofa sa saol poiblí. Tá mionsonraí samplaí de seo i gcás úsáid áitainmneacha dúchais, comharthaíocht sráide, lógónna i gcritéir fhostaíochta srl sna rannáin romhainn. (Féach fosta 5.03, 5.06.ii, 8.05.i, 9.01.vi-vii.)

5.06.iv

Mar a luadh, nuair nár achtaíodh forálacha an CETRM isteach sa reachtaíocht intíre cruthaíodh dúbailteacht áirithe i gcur chuige chomhlachtaí poiblí agus rialtais maidir leis an CETRM i gcomparáid le forálacha intíre mar Alt 75. Feictear iad seo bheith níos ábhartha ó thig iad a fheidhmiú trí na cúirteanna.

5.06.v

Mar a thuairiscigh muid roimhe seo, ní leor Ordú Rialtais Áitiúil (Forálacha Ilchineálacha) (TÉ) 1995 le húsáid áitainmneacha dúchais i nGaeilge, úsáid chomharthaíocht sráide dhátheangach nó Ghaeilge nó ainmniú eastát nó sráideanna úra i nGaeilge a éascú. Ba chóir reachtaíocht níos fóirsteanáí a chur ina áit. Creideann POBAL gurbh fhearr a dhéanfaí seo mar chuid d'Acht cuimsitheach Gaeilge mar a gheall rialtas an RA i 2006 i gComhaontú Chill Rímhinn. (Féach fosta 2.11.ii, 5.05.xvi, 8.05.ii-vii)

5.06.vi

Buanaíonn Bille Teorainneacha agus Inimirce (2008) an RA easpa aitheantais don Ghaeilge ó aithníonn sé i measc critéar eile i gcomhair saoránachta eolas ar an Bhreatnais agus an Ghàidhlig, agus nach n-aithníonn sé an Ghaeilge. (Féach fosta 2.10.iv, 5.05.xvii)

In 2008, the UK government has expended considerable resources on robustly defending the continuing operation of this Act in the North of Ireland. POBAL would suggest that the COMEX might like to revisit and clarify its 2007 commentary on the continuing operation of this Act in respect not simply of the Good Friday Agreement, but also of the ECRML. (See also 1.07, 2.09.i, iii, 2.10.iii, iv, xiii, 5.06.i, 7.03, 7.04)

5.06.ii

As noted, the practice of contextualizing provision for Irish speakers within 'Good Relations' within local government and public bodies implies that the use of Irish is in itself problematic whereas the use of English-only provision is seen as neutral. The approach to implementation of the ECRML to date has proven inadequate to address this overwhelmingly disadvantageous perception.

5.06.iii

The 'Good Relations' approach leads at best to a quid pro quo attitude and at worst to the effective veto on the use of Irish in spoken and written forms in public life. Examples of this in the case of use of traditional place names, street signage, logos, in employment criteria etc are detailed in coming sections. (See also 5.03, 5.06.ii, 8.05.i, 9.01.vi-vii.)

5.06.iv

As noted, the failure to enact the provisions of the ECRML into domestic legislation creates a certain duality in approaches by public and government bodies in respect of the ECRML in comparison with domestic equality provisions such as Section 75. These latter are seen as being of greater relevance since they are enforceable through the courts.

5.06.v

As we have previously reported, the 1995 Local Government Order (Miscellaneous Provisions)(NI) is inadequate to facilitate the use of traditional place names in Irish, the use of bilingual or Irish language street signage or the naming in Irish of new estates or streets. It should be replaced with more appropriate legislation. POBAL believes this can best be done as part of a comprehensive Irish language Act as promised by the UK government in 2006 in the St Andrews' Agreement. (See also 2.11.ii, 5.05.xvi, 8.05.ii-vii)

5.06.vi

The UK Borders and Immigration Bill (2008) perpetuates the lack of recognition of the Irish language since it recognises among other criteria for citizenship knowledge of Welsh and Scottish Gaelic, but does not recognise Irish. (See also 2.10.iv, 5.05.xvii)

6. An Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh Cuid III Airteagal 8: Oideachas

6.01

Cuid III den CETRM, ina bhfuil seacht n-alt san iomlán, cuireann sí ar fáil sainbhearta leis na teangacha réigiúnacha nó mionlaigh a shainíonn na rialtais dhaingnithe a chur chun cinn. Breathnóidh na rannáin a leanas na bearta seo ar a seal san áit a mbaineann siad leis an teanga Ghaeilge. Díreofar ar na hachair sin a thuilleann breithniú ar leith, dar le POBAL.

6.02.

Baineann an chéad Alt i gCuid III, Airteagal 8, le bearta a thacaíonn le hoideachas trí mheán na Gaeilge. Dhaingnigh an RA ocht gclasál éagsúla ó Airteagal 8 don Ghaeilge. Ina thuarascáil Márta 2007, mheas CCSE iad seo uilig bheith comhlíonta. Is cosúil seo bheith bréagnaitheach, i bhfianaise na tuairime seo sa tuarascáil,

Tá cuma mhaith ar fhorbairt an Ghaeloideachais, ach tá ábhar imní fós ann maidir le heasnamh i bhfreastal ar an éileamh atá ag fás, go háirithe le hábhair theagaisc, oiliúint mhúinteoirí agus faireachán. Is ábhar suntasach imní é do theangacha uilig Chuid III easpa leanúnachais ó bhunoideachas go hiar-bhunoideachas.³⁷

6.03

Is eanáil atá ag fás í eanáil an Ghaeloideachais. Creideann POBAL gur chóir géarscrúdú a dhéanamh le fáil amach an bhfuil gníomhartha rialtas an RA agus an RO chineachta ag comhlíonadh na hearnála forásaí seo.

6.04

Cuid III Airteagal 8.1.a

Maidir le hoideachas, geallann na Páirtithe, taobh istigh den chríoch ina n-úsáidtear a leithéidí sin teangacha, de réir dhála gach ceann de na teangacha seo, agus gan dochar do theagasc theanga(cha) oifigiúil an Stáit:

- i. oideachas réamhscoile a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó
- ii. cuid shubstainteach d'oideachas réamhscoile a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó
- iii. ceann de na bearta a fhorálar faoi i agus ii thuas a fheidhmiú ar a laghad do na daltaí sin a n-iarrfadh a muintir é agus a meastar gur leor a líon.

³⁷ Comex 2007, An Chairt Eorpach ar Theangacha Réigiúnacha nó Mionlaigh: Feidhmiú na Cairte san RA, 2ú Cúrsa Faireacháin; Strasbourg, 14ú Márta 2007, leath 62, point G

6. European Charter for Regional or Minority Languages Part III Article 8: Education

6.01

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.

6.02.

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 2007, COMEX judged all of these to be fulfilled. This appears contradictory, given the comment in the report,

The development of Irish Medium education is promising, but concerns remain with regard to shortcomings in meeting the growing demand, especially with regard to teaching materials, teacher training and mentoring. The lack of continuity from primary to secondary education is of considerable concern for all Part III languages.³⁷

6.03

The IM education sector is a growing one. POBAL believes that close examination should be given as to whether the actions of the UK Government and the devolved DE still constitute fulfilment of this rapidly developing sector.

6.04

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.

³⁷ Comex 2007, The European Charter for Regional or Minority Languages: Application of the Charter in the UK, 2nd Monitoring Cycle; Strasbourg, 14th March 2007, pg 62, point G

Sa scoilbhliain 2008/09 bhí 46 náiscoil Ghaeilge réamhscoil ann, méadú dhá scoil déag ó Chomhaontú Aoine an Chéasta. Den líon seo, ní raibh aitheantas reachtúil ach ag trí cinn acu ach is scoil thábhachtach fhriothálach gach ceann acu do bhunscoileanna Gaeilge. Cuireann siad ar fáil dhá bhliain de thumoideachas, tugann siad deis ar dóigh do thuismitheoirí aonteangacha tuiscint a fháil den oideachas dátheangach sula ndéanfaidh siad ceanglas tréimhse is faide don Ghaeloideachas. Tá soláthar náiscoil ríthábhachtach do na bunscoileanna a chothaíonn siad.

6.04.i

Tá na scoileanna neamhreachtúla anois ag brath ar chistiú ó Iontaobhas na Gaelscolaíochta (InaG). Ní chuireann an cistiú ar fáil fuascailt fhadtréimhseach do na deacrachtaí a chaithfeas coistí deonacha a shárú le Gaeiloideachas réamhscoile a mhaoiniú, ná ní thig a rá go gcomhlíonann sé oibleagáidí rialtas an RA.

6.04.ii

Cuirtear cistiú rialtais ar fáil do náiscoilleana neamhreachtúla trí na Boird Oideachais agus Leabharlainne, via an Grúpa Comhairleach Oideachais Réamhscoile (GCOR), ar £1,445.00 an páiste don scoilbhliain iomlán. Fiú agus an dá fhoinsé seo nasctha, InaG agus GCOR, ní leor i gcónaí iad leis na náiscoilleana a chothabháil. Cuirtear cúnamh GCOR ar fáil do pháistí nuair a shroicheann siad aois a ceathair, ach tosaíonn an tumoideachas i dTuaisceart na hÉireann ag aois a trí.

6.04.iii

Mar chuid den togra tumoideachais a chuireann an Gaeiloideachas ar fáil, cláraíonn páistí ag aois a trí lena gcumas teanga a mhéadú. Is fearr a thuigfead a thábhacht seo nuair a chuimhnítear nach as teaghlaigh labhartha Gaeilge a lán de na páistí. Ní théann cúnamh GCOR chun sochair do na páistí seo, cúnamh nach bhfuil ar fáil ach do pháistí ceithre bliana d'aois. Bhí náiscoilleana mar sin de ag brath ar righneas a gcoistí bainistíochta le fanacht i mbun oibre. Tá na náiscoilleana thíos le heaspa chistithe agus iad in iomaíocht le naíonraí reachtúla. Is mórchonstaic iad deacrachtaí cistithe ar fhorbairt na hearnála agus mar sin de, ní shroicheann a lán de na scoileanna a lánacmhainn, mar gheall ar thionchar na constaice ar íomhá an Ghaeloideachais agus ar iontaoibh na dtuismitheoirí ann.

6.04.iv

San earrach is gnách leithdháileadh chistiú GCOR a shocrú, bunaithe ar an iontráil a thig leis na náiscoilleana a dhearbhu le linn mhí Eanáir na bliana céanna. Tá teorainn ar mhéid an airgid agus mura ndearbhóidh na réamhscoileanna a gcuid figiúirí in am, d'fhéadfadh siad a bheith thíos leis. Tharla roinnt cásanna i gceantar Bhord Oideachais agus Leabharlainne an Oirthuaiscirt inar diúltaíodh cistiú GCOR do Ghaelscoileanna mar gheall ar an ardéileamh ar áiteanna i roinnt scoileanna Béarla. Tá áitithe ag CnaG gur in áit uathúil atá réamhscoileanna Gaeilge nach bhfuil ag fáil chistiú GCOR ó tharla go mbíonn thuismitheoirí in áit áirithe gan soláthraí eile Gaelscolaíochta. Tháinig feabhsú, áfach, sa chur chuige a ghabh na Boird Oideachais agus Leabharlainne i dtaca le leithdháileadh bhreis áiteanna cistithe do sholáthar

In the school year 2008/09 there were 46 Irish medium pre-school nursery schools, known as náiscoilleana, an increase of twelve since the Good Friday Agreement. Of this number, only three 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 bilingual education before making a longer-term commitment to Irish medium education. Náiscoil provision is vital to the primary schools they feed.

6.04.i

The non-statutory schools are now dependent upon funding from Iontaobhas na Gaelscolaíochta (InaG). The funding does not 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 fulfilment of the obligations of the UK Government.

6.04.ii

Government funding is provided for the non-statutory náiscoilleana through the Education & Library Boards, via the Pre-school Education Advisory Group (PEAG), at £1,445.00 per child for the full school year. Even when these two sources are combined, InaG and PEAG, they are not always sufficient to maintain the náiscoilleana. 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.

6.04.iii

As part of the immersion project that Irish medium education provides, children enrol 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. Náiscoilleana have therefore relied on the fund-raising tenacity of their management committees to remain operational. This lack of funding places the náiscoilleana 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.

6.04.iv

Allocation of PEAG funding is normally decided in the spring, based on the in-take which nursery schools can confirm during January of the same year. 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 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 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. There has, however, been an improvement in the approach that is taken by the Education and Library Boards as regards the allocation or reallocation of additional funded places to IM

réamhscoile Gaeilge. Tháinig sé seo de bharr athrú i gcritéir a d'éisigh an Roinn Oideachais a chuireann an soláthar Gaelscolaíochta láithreach agus úr níos airde i gcritéir GCOR i gcomhair leithdháileadh bhreis áiteanna cistithe ná soláthar scolaíochta trí Bhéarla. Ciallaíonn sé seo go ndéanfar áiteanna a thug soláthraithe ar ais do GCOR a ath-leithdháileadh san ord a leanas, de réir critéir a shocair an Roinn Oideachais

- a) iarratais ar bhreis áiteanna ó sholáthraithe Gaelscolaíochta atá sa chlár fá láthair
- b) iarratais ar chuimsiú sa chlár ó sholáthraithe úra Gaelscolaíochta a shroich na critéir san am ar fhoilsigh an Bord na critéir iontrála
- c) iarratais ar bhreis áiteanna ó sholáthraithe scolaíochta Béarla i gceantair nach bhfuil soláthraithe eile ann
- d) iarratais ó sholáthraithe eile

Ciallaíonn sé seo anois nach bhfuil leithdháileadh (i gcás soláthair úir) nó ath-leithdháileadh (i gcás soláthair láithreach) áiteanna cistithe don soláthar Gaelscolaíochta faoi dhiscreid GCOR níos mó i ngach ceantar BOL ar an ábhar go bhfuil dualgas ar gach GCOR cloí le critéir an RO. Is cosúil, áfach, go bhfuil neamhréir éigin ar fud na 5 BOL i dtaca le feidhmiú na gcritéir seo san áit a dtugann cuid de na BOL tús áite do sholáthraithe (OTB nó OTG) a bhfuil baint acu le Surestart agus a chuireann an critéir seo os cionn na gcritéir thuasluaite. Molann POBAL gur chóir na critéir a shocair an RO a fheidhmiú ar fud na BOL, gan eisceacht.

6.04.v

Is cosúil fosta neamhréir éigin i measc BOL maidir le léirmhíniú ath-leithdháileadh áiteanna cistithe agus leithdháileadh bhreis áiteanna cistithe. Ní leithdháileann cuid de na BOL áiteanna athuair do sholáthar úr nó láithreach Gaeilge ach má tá breis áiteanna ann i ndiaidh an ath-leithdháilte, de réir mar a chríochnaítear áiteanna a leithdháileadh do sholáthar láithreach (Béarla agus Gaeilge) ón bhliain roimhe, ach i BOL eile feidhmítear na critéir thuasluaite ar dtús, sula socraítear ath-leithdháileadh. Is é an cur chuige deiridh an ceann is cóir do gach BOL a chleachtadh nó ligean sé soláthar úr isteach sa Chlár Leathnú Oideachais Réamhscoile; ach cuireann feidhmiú na gcritéir thuasluaite i ndiaidh ath-leithdháileadh áiteanna don soláthar iomlán láithreach bac mór ar an soláthar úr Gaeilge dul isteach sa chlár mar de ghnáth sa chéim seo den ath-leithdháileadh ní bhíonn breis áiteanna ann. Ba é seo cleachtas BOLOT an áit le linn 2007-8 ar ceileadh áiteanna GCOR ar naíscoil i BOLOT, rud a chruthaigh géarchéim chistithe don scoil.³⁸ Ar deireadh, tuismitheoirí arbh fhearr leo a gcuid páistí a chur ar Ghaelscoil, fághtar iad agus gan de rogha acu ach an páiste a chur chuig grúpa réamhscoile Béarla.

³⁸ Naíscoil Chon Rí Uladh (An Baile Meánach)

pre-school provisions. This has been brought about by a change in criteria issued by the Department of Education which places IM provisions both current and new higher in PEAG criteria for allocation of additional funded places than English-medium provisions. This means that places returned to PEAG by providers will be reallocated in the following order, as per criteria set by the Department of Education

- a) requests for additional places from Irish-medium providers currently in the programme
- b) requests for inclusion in the programme from new Irish-medium providers who met the criteria at date when admissions criteria were published by the Board
- c) requests for additional places from English-medium providers in areas where no other providers exist
- d) requests by other providers

This now means that allocation (in the case of new provision) or reallocation (in the case of current provision) of funded places to Irish-medium provision is no longer at the discretion of the PEAG in each ELB area owing to the fact that each PEAG is duty bound to adhere to DE criteria. There does, however, still appear to be some inconsistency throughout the 5 ELB's regarding the application of these criteria where some ELB's prioritise providers (EM or IM) with links to Surestart and place this criterion before the abovementioned criteria. POBAL recommends that the criteria as set out by FDE should be implemented throughout all ELB's, without exception.

6.04.v

There also appears to be some inconsistency amongst ELB's regarding the interpretation of reallocation of funded places and the allocation of additional funded places. Some ELB's only reallocate places to new or current IM provision if additional places exist after reallocation, as per places allocated to current (EM and IM) provision from previous year has been completed, whereas in other ELB's the abovementioned criteria is applied first, before reallocation has been decided. The latter approach is the approach which should be in practice by all ELB's as this allows new provision to enter the Pre-school Education Expansion Programme whereas the implementation of the abovementioned criteria after reallocation of places to all current provisions greatly inhibits new IM provision entering the programme as usually by the stage of reallocation no additional places exist. This has been the practice of the NEELB were during 2007-08 a naíscoil in the NEELB was denied PEAG places, a matter that has created a funding crisis for the school. ³⁸ 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.

³⁸ Naíscoil Chon Rí Uladh (Ballymena)

6.04.vi

Is ionann na critéir a chaithfeas náiscoilleana a chomhlíonadh le haitheantas reachtúil a bhaint amach ón RO agus na cinn a bhaineann le scoileanna Béarla, iontráil 26 páiste móide fianaise go bhfuil sé seo inbhuanaithe. D'áiteodh POBAL, ar an ábhar go mbíodh an Gaeloideachas faoi mhíbhuntáiste go stairiúil gur chóir gurbh ionann critéir aitheantais do náiscoilleana agus do bhunscoilleana Gaeilge – 12 páiste sa bhliain i gceantair tuaithe agus 15 sa bhliain i gceantair uirbeacha. D'fhágfadh sé sin gléas ar na scoileanna múinteoir láncháilithe a cheapadh agus ardchaighdeán teagaisc a chinntiú.

6.04.vii

I dtuarascáil 2005 uainn, dúirt POBAL go raibh deacrachtaí ag InaG, a bunaíodh i mí Feabhra 2001 mar thoradh ar ghealltanais a tugadh i gComhaontú Aoine an Chéasta tacu leis an Gaeloideachas, mar gheall ar ghanntanas chistiú rialtais. Ón am sin, lean an rialtas ag déanamh faille i mbunú Chiste Inbhuanaine Gaeloideachais, ar nós an Chiste Oideachais Imeachais (COI) atá ann cheana, a chuirfeadh ar chumas InaG earnáil an Gaeloideachais sa Tuaisceart a fhorbairt. Ní miste a chur in iúl nuair a bunaíodh InaG, go raibh 23 bunscoil Ghaeilge ann, 13 acu gan chistiú ROTÉ. D'inis InaG do POBAL go gcreideann sé nach féidir a rá, go dtí go mbunófar Ciste Inbhuanaine Gaeloideachais le leoracmhainní, go bhfuil ROTÉ ag comhlíonadh a dhualgais. Ainneoin na ndeacrachtaí seo, bhí InaG forghníomhach ag tiomsú airgid ó thabhartais agus ghníomhaíochtaí tiomsaithe airgid, aonair agus pobail. Thoiligh ROTÉ an cistiú a tógadh ar an dóigh seo (fá thuairim £320,000) a mheaitseáil.

6.04.viii

De réir fhigiúirí ROTÉ, tá soláthar reachtúil réamhscoile ar fáil sa Tuaisceart ag 70% de pháistí san earnáil OTB, ach ag 17% amháin de pháistí san earnáil OTG.³⁹ Páistí san earnáil OTG nach bhfuil soláthar reachtúil ar fáil acu (83%), faigheann siad soláthar réamhscoile i naíolanna deonacha OTG nach bhfaigheann an leibhéal céanna cistithe le soláthar reachtúil, ní thig leo seirbhísí tacaíochta a fháil do pháistí le Sainriachtanais agus níl siad i dteideal múinteoir cáilithe a fhostú. Cé gur éirigh le hiarratas InaG ar £500,000 ó Foras na Gaeilge le dáileadh ar thograí réamhscoile OTG, ní comhlíonadh sásúil dualgas rialtais é an cistiú tráthúil seo.

6.05

Cuid III Airteagal 8.1.b

- i. bunoidreachas a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó;
- ii. páirt shubstainteach den bhunoidreachas a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó
- iii. a fhoráil, sa bhunoidreachas, go múinfear na teangacha ábhartha réigiúnacha nó mionlaigh mar chuid dhílis den churaclam; nó

³⁹ Tuarascáil ar Atbhreithniú an Oideachais trí Mheán na Gaeilge, ROTÉ 2008

6.04.vi

The enrolment criteria that náiscoilleana need to fulfil in order to achieve statutory recognition from DE is the same for that as pertains to English medium schools, an in-take of 26 children plus evidence that this is sustainable. POBAL contends that because Irish medium education has been historically disadvantaged that the criteria for recognition of náiscoilleana 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.

6.04.vii

In our 2005 report, POBAL stated that InaG, which was established in February 2001 arising out of commitments made in the Good Friday Agreement to support Irish medium education, was experiencing difficulties due to lack of government funding. Since this time, government has continued to fail in the establishment of an IM Sustainability Fund, similar to the existing Integrated Education Fund (IEF) and which would enable InaG to develop the IM sector in the North. It should be pointed out that when InaG was established, there were 23 IM primary schools, 13 of them without DENI funding. InaG has informed POBAL that it believes that until an IM Sustainability Fund is established and adequately resourced, it cannot be said that DENI is fulfilling its duty. In spite of these difficulties, InaG has been pro-active in raising funds from donations and individual and community fundraising activities. The DENI agreed to match the funding (approx £320,000) collected by these means.

6.04.viii

According to DENI figures, statutory pre-school provision is available in the North to 70% of children in the EM sector, but only to 17% of IM children.³⁹ Children in the IM sector for whom statutory provision is not available (83%), receive pre-school provision in voluntary IM nurseries which do not receive the same level of funding as statutory provision, cannot access support services for children experiencing Special Needs and are not entitled to employ a qualified teacher. Whilst InaG has successfully applied for £500,000 from Foras na Gaeilge to distribute to IM pre-school projects, this welcome funding does not represent satisfactory fulfilment of government duties.

6.05

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

³⁹ Review of Irish Medium Education Report, DENI 2008

- iv. ceann de na bearta a fhorálar faoi i go iii thuas a fheidhmiú ar a laghad do na daltaí sin a n-iarrrfadh a muintir é agus a meastar gur leor a líon.

Ó thuarascáil POBAL 2005, fuair gach ceann de na 31 soláthar bunscoile reatha faomhadh deontaschúnta an RO, rud is ábhar gairdis. Ach, caithfear fosta a admháil go bhfuil easpa leanúnachais agus/nó pleanála ann ó fiú nuair a fhaigheann scoileanna stádas deontaschúnta, gur minic nach dtagann feabhsú ar a gcóiríocht.

6.05.i

Is gnáthfhadhb ina lán scoileanna OTG droch-chóiríocht nach bhfuil oiriúnach don fheidhm. Is toisc mhór í an droch-chóiríocht nach ligeann do bhunús mór na scoileanna neamhspleácha OTG an tairseach tógála chaipiteal 15 i gceantair tuaithe agus 20 i gceantair uirbeacha a bhaint amach thar tréimhse 3 bliana gan bhriseadh. Cuireann an chóiríocht nach bhfuil oiriúnach don fheidhm bac ar thuismitheoirí ó OTG a roghnú. Déarfadh duine, mar sin de, go bhfuil cúl á chur ar fhás OTG mar gheall ar chóiríocht neamhleor. Tá aitheanta ag an Tuarascáil ar Athbhreithniú an Oideachais trí Mheán na Gaeilge, 2008⁴⁰ a chuir críoch ar a comhairliúchán le déanaí, go dteastaíonn gníomh láithreach fá dhroch-chóiríocht sna scoileanna atá ann cheana. Tá imní ar POBAL, áfach, nár tugadh aon mhionsonraí sa mholadh a léiríonn an dóigh a rachadh an RO i gceann cheist na cóiríochtaí easnamhaí. Creideann POBAL go gcaithfidh an RO a léiriú go soiléir ina beartas conas atá sí ag brath tabhairt faoin fhadhb seo nó tá an chontúirt ann go bhfanfaidh an fhadhb gan fhuascailt. Níl sé soiléir ach oiread san Athbhreithniú ar OTG cad is brí i Moladh Uimhir II le “ba chóir don RO a chinntiú go n-aithnítear go soiléir riachtanais chóiríochta na mbunscoileanna Gaeilge atá ann cheana”⁴¹ ná níl sé soiléir ón mholadh cad é a tharlóidh nuair a aithneoidh an RO an méid sin nó cén gníomh a leanfaidh é. Le aghaidh a thabhairt ar cheist na droch-chóiríochta ba chóir go n-aithneodh an RO an méid blianta atá scoileanna OTG bunaithe ó bhliain a mbunaithe agus ní ó bhliain a n-aitheanta, mar a dhéantar anois. Agus, ba chóir go n-aithneodh an RO sa chás nach bhfuil ach aon scoil OTG amháin i gceantar áirithe nach ionann an breithmheas eacnamaíoch a theastaíonn ó scoileanna OTG is a theastaíonn ó scoileanna OTB. Ba chóir a aithint go mbeidh gá leanúnach le soláthar OTG sa cheantar sin feasta, is cuma cad é a tharlóidh fá scoileanna eile OTB sa cheantar, nó fá dhála an phobail sin.

⁴⁰ ROTE 2008

⁴¹ Athbhreithniú Thuarascáil OTG 2008: 76; Moltaí 8: Ceisteanna fá Chóiríocht Bhunscoileanna atá ann.

- 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.

Since POBAL’s 2005 report, all of the 31 current primary provisions have received DE grant-aided approval, something which is to be welcomed. However, it must also be recognised that there appears to be a lack of continuity and / or planning since even when schools receive grant-aided status, there is often no improvement to their accommodation.

6.05.i

Poor accommodation that is not fit for purpose is a common problem for many IM schools. Inappropriate school accommodation is a major factor in preventing the vast majority of stand-alone IM schools from meeting the capital build threshold of an enrolment of 15 in rural areas and 20 in urban areas over an unbroken 3 year period. Accommodation that is not fit for purpose in itself inhibits parents choosing IME. One could, therefore, say that IME is obstructed in growing due to inadequate accommodation. The Review of Irish-medium Education Report, 2008⁴⁰ which has recently completed its consultation has recognised the immediate need to take action in relation to poor accommodation in schools already established. POBAL is, however, concerned that no details have been given in the recommendation to show how DE would address the issue of deficient accommodation. POBAL believes that there is a need for DE to clearly show in its policy how it intends to tackle this issue as there is the danger that it will remain unresolved. It is also not clear within the Review of IME what is meant in Recommendation Number II that “DE should ensure the accommodation needs of existing Irish-medium primary schools are clearly identified”⁴¹ nor is it clear from the recommendation on what will happen as a result of this identification by DE or what action will ensue from it. In order to address the issue of poor accommodation DE should recognise the number of years IM schools have been established from the year of their establishment rather than from the year of their recognition, as is currently the case. Moreover, DE should recognise that where there is only one IM school in a given area that IM schools do not have the same need for an economic appraisal that EM schools have. It should be acknowledged that there will be a continued need for IM provision in that area in the future, irrespective of what occurs in relation to other English-medium schools in the area, or to the circumstances of that community.

⁴⁰ DENI 2008

⁴¹ Review of IME Report 2008: 76; Recommendation 8: Existing Primary Schools’ Accommodation Issues

6.05.iii

Tá imní fosta ar POBAL nár luadh na heagrais tacaíochta OTG sa mholadh seo. Cé gur dreasacht é an socrú cóiríochta le scoileanna a mhealladh i treo cónaidhme, ní fuascailt é, ann féin, ar fhadhbanna cóiríochta. Creideann POBAL gur chóir go gcinnteodh an RO go gcuirfear cistiú ar fáil do InaG a chuirfeadh ar a gcumas cóiríocht shásúil scoile a sholáthar do scoileanna nach bhfoireann aon réiteach eile dóibh. Tá cóiríocht oiriúnach ríthábhachtach do sholáthar bhunoideachais chuí inbhuanaithe agus ba chóir tús áite a thabhairt don cheist agus í a réiteach ar mhaithe le leas dhaltáí OTG.

6.05.iv

I dtaca go háirithe le bunú soláthair úir bhunscoile OTG, cé go mbeadh dála difriúla ag scoileanna difriúla, is fíor go fóill, 8 mbliana i ndiaidh shíniú an CETRM go bhfuil dualgas bhunú agus chothabháil Ghaelscoileanna sna míonna agus blianta is luaithe soghonta ina saol ag brath ar ardleibhéil ionchuir dheonaigh agus ardtiomantais ó ENRanna, thuismitheoirí agus ón POBAL áitiúil. Thiocfadh a áitiú, mura ndéantar beart diongbháilte fán ábhar seo, gurbh é a shílfeas cuid daoine fán oideachas trí Ghaeilge nach rogha é ach acu siúd is láidre tiomantas, teacht aniar agus seiftiúlacht.

6.05.v

Is ábhar dídhreasaithe an próiseas láithreach le bunscoileanna Gaeilge a aithint ag daoine ar mhaith leo go bhfaigheadh a gcuid páistí oideachas trí mheán ba Gaeilge. Le bunú an Údarás Oideachais agus Scileanna úir i mí Eanáir 2010, in áit na mBord Oideachais agus Leabharlainne agus, a mbeidh stiúir mhéadaithe aige ar mholtaí forbartha, is ábhar imní é go mbeidh an próiseas le bunscoileanna Gaeilge a aithint ina dhídhreasú níos measa ná atá anois.

6.06

Cuid III Airteagal 8.1.c

- i. meánoideachas a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó;
- ii. páirt shubstainteach den mheánoideachas a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó
- iii. a fhoráil, sa mheánoideachas, go múinfeadh na teangacha ábhartha réigiúnacha nó mionlaigh mar chuid dhílis den churaclam; nó
- iv. ceann de na bearta a fhoráil faoi i go iii thuas a fheidhmiú ar a laghad do na daltaí sin a n-iarrfadh a muintir é agus a meastar gur leor a líon.

Tá dhá iar-bhunscoil Ghaeilge i dtuaisceart na hÉireann, Coláiste Feirste i mBéal Feirste atá aitheanta ag an RO agus Coláiste Speirín ar an Chorr Chríochach a dhiúltaigh an RO a aithint. Tá soláthar iar-bhunscoile fosta in Ard Mhacha ag Coláiste Chaitríona a bhfuil sruth Gaeilge ceangailte leis. Ar na heochaircheistean a gcaithfidh an RO amharc orthu tá na critéir do bhunú iar-bhunscoileanna Gaeilge, acmhainní agus córas iompair. Cuireadh moladh forbartha isteach do dhruidim Choláiste Dhoire i gCathair

6.05.iii

POBAL is also concerned that the IM support organisations are not mentioned in this recommendation. Although the accommodation arrangement is an incentive to attract schools towards federation, it is not, in itself, a solution to accommodation problems. POBAL believes that DE should ensure that funding is made available to the InaG to enable them to provide satisfactory school accommodation for schools where no other solutions suit them. Appropriate accommodation is crucial to providing appropriate and sustainable primary education and the issue should be prioritised and resolved in the interest of IM pupils.

6.05.iv

In specific relation to the establishment of new IM primary provision, whilst individual circumstances may be different for different schools, it remains the case 8 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.

6.05.v

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. With the establishment of the new Education and Skills Authority in January 2010, which will replace the Education and Library Boards and, which will have more control over development proposals, it is a source of concern that the process of giving official recognition to Irish medium primary schools may be an even greater disincentive than is currently the case.

6.06

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 are two Irish medium post-primary schools in the north of Ireland, Coláiste Feirste in Belfast which is recognised by DE and Coláiste Speirín in Cookstown which has been refused recognition by DE. There is also IM post-primary provision in Armagh at Coláiste Chaitríona which has an Irish medium stream attached to it. Key issues that need to be addressed by DE include the criteria for the establishment of Irish medium post-primary schools, resources and transport. A development

Dhoire i 2008 ó measadh an soláthar seo gan a bheith inbhuanaithe.

6.06.i Critéir

Is ábhar deacrachta don earnáil na critéir a chaithfidh iar-bhunscoil Ghaeilge a chomhlíonadh sula dtig léi aitheantas sásúil a bhaint amach. Iarrtar iontráil 50 páiste sa bhliain. Ó bhunaítear bunscoileanna úra friothála leis seo a bhaint amach ina lán ceantar, b'fhéidir go nglacfaidh sé roinnt blianta sula sroichfí an figiúr sin. In Oirthear Thír Eoghain, mar ar dhiúltaigh an RO do mholadh forbartha ó Choláiste Speirín, fán am a mbainfear amach an critéir inbhuanaithe meánscoile i mbliain áirithe, beidh breis agus 400 páistí áitiúla tar éis dul trí bhunscoileanna OTG gan deis a fháil ar leanúint dá n-oideachas ar leibhéal iar-bhunscoile taobh istigh den soláthar OTG. Is ionann na critéir inbhuanaithe don soláthar iar-bhunscoile agus na cinn do scoileanna imeasctha, ar scoileanna OTB iad a ghlacann páistí ó chúlraí éagsúla reiligiúin. Ach, ní hionann agus an earnáil OTG, féadann meánscoileanna imeasctha roinnt mílte páistí ar fud an tuaiscirt a ghlacadh nár fhreastail bunscoileanna imeasctha.⁴² Fágann sé seo cé gurb ionann na critéir don dá earnáil, gur deacra don Ghaelscoil na critéir a shásamh ná don scoil san earnáil imeasctha.

6.06.ii

Tá an earnáil OTG fá láthair i gContae Thír Eoghain, Ard Mhacha agus an Dúin sa chéim a bhfuil géarlíon daltaí ag fágáil an tsoláthair bhunscoile ach nach bhfuil deis acu leanúint dá n-oideachas OTG ar leibhéal iar-bhunscoile. I gcás Choláiste Speirín i dTír, cuireadh moladh forbartha fá dhó i láthair an RO agus diúltaíodh dó an dá uair ag fágáil 44 dalta gan rogha OTG iar-bhunscoile acu i Meán Fómhair 2009 agus 36 dalta i 2010. Chuir an moladh forbartha chun tosaigh aonad satailíte a bhunú ar champas seachtrach le Coláiste Feirste i mBéal Feirste. Tá an chuma air seo go bhfuil sé cosúil ina nádúr le samhail atá inghlactha fá láthair ag an RO, ina mbeadh aonad OTG nasctha le scoil OTB sa cheantar, ach go bhfuil de bhuntáiste aige go nascfaidh sé scoileanna OTG le chéile, cé go bhféadfadh siad a bheith scartha píosa óna chéile. I gcás Ard Mhacha, níl an t-aonad OTG atá nasctha le scoil OTB, Coláiste Chaitríona, in ann déileáil leis an éileamh ar bhreis áiteanna OTG, rud a fhágfas 43 dalta féideartha gan rogha iar-bhunscoile OTG i Meán Fómhair 2009 agus 59 dalta i 2010. Méadóidh an líon gach bliain ina dhiaidh sin.

proposal for the closure of Coláiste Dhoire in the City of Derry was submitted in 2008 since this provision was deemed unsustainable.

6.06.i Criteria

The criteria to be fulfilled by an Irish medium post-primary school before it can achieve 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, where a development proposal by Coláiste Speirín has been refused by DE, by the time the secondary school sustainability criterion is reached in a given year, in excess of 400 local children will have already passed through IM primary schools and not have had an opportunity to continue their education at post-primary level within DE recognised provision. The sustainability criterion for IM post-primary provision is the same as that for integrated schools, which are EM schools that draw children from different religious backgrounds. However, unlike the IM sector, integrated secondary schools can draw in several thousands of pupils across the north who did not attend integrated primary schools.⁴² This means that even though the criterion is the same for both sectors, it is more difficult for Irish medium to satisfy the criteria than it is for the integrated sector.

6.06.ii

The IM sector is currently at a stage in Counties Tyrone, Armagh and Down where there is a critical mass of pupils leaving primary provision but who are unable to continue IM education at post-primary level. In the case of Coláiste Speirín in Tyrone, a development proposal has twice been submitted to DE and has been refused approval on both occasions leaving 44 pupils without the choice of IM post-primary in September 2009 and 36 pupils in 2010. The development proposal put forward the establishment of a satellite unit on an external campus of Coláiste Feirste in Belfast. This proposal would appear to be similar in nature to a model currently acceptable to DE, where an IM unit would be attached to a neighbouring EM school, except that it has the advantage of linking IM schools together, even though this might be over some distance. In the case of Armagh, the IM unit attached to the EM school, Coláiste Chaitríona is unable to cope with demand for further IM places, leaving a potential 43 pupils without the choice of IM post-primary in September 2009 and 59 pupils in 2010. Numbers will increase in each subsequent year.

⁴² Ní héigean do pháistí freastal ar bhunscoil imeasctha le háit a ghnóthú ar mheánscoil imeasctha.

⁴² There is no requirement for children to attend an integrated primary school to win a place at an integrated secondary school.

6.06.iii

I gcás Cho. an Dúin, tá daltaí as dhá bhunscoil sa cheantar ag imeacht cheana féin as bunoidreachas OTG gan deis ar iar-bhunoideachas OTG acu. I Meán Fómhair 2009, fágfaidh 14 dalta gan soláthar iarbhunscoile agus imeoidh 25 dalta i 2010 mura gcuirtear soláthar ar fáil. Is roghanna réadúla iad roghanna scoil neamhspleách OTG in Ard Mhacha, aonad satailíte de Choláiste Feirste i dTír Eoghain agus aonad OTG nasctha le scoil OTB i gCo. an Dúin ach éilíonn siad uilig go ndéanfadh an RO le solúbthacht a dualgas i leith spreagadh agus éascú OTG. Teastóidh buiséad bunaithe ó gach ceann de na soláthair iarbhunoideachais seo chun forbartha sna luathbhlianta. Cruthaíonn a n-iontrálacha sna seacht mbliana romhainn a n-inbhuaine agus ba chóir mar sin go mbreathnódh an RO forbairt an OTG iarbhunscoile go difriúil ach go cothrom de réir riachtanais. Fá láthair, is cosúil gur cur chuige dolúbtha atá ag an RO do OTG iarbhunscoile nach bhfreagraíonn do riachtanais na hearnála.

6.06.iv Acmhainní

Tá easpa acmhainní teagaisc ag cothú deacrachtaí ar fad do mheánscoileanna Gaeloideachais. D'aithin Tuarascáil Athbhreithnithe Oideachas trí Ghaeilge 2008 an géarghanntanas acmhainní san earnáil OTG. Caithfear acmhainní OTG a sholáthar in éineacht agus ar na caighdeáin chéanna leo siúd a fhaigheann an earnáil OTB. Fá láthair ní mar sin atá agus BOL agus CCEA ag cur acmhainní ar fáil. Agus ábhair á n-ullmhú, is gá breis ionchuir a lorg ó chleachtóirí san earnáil i dtaca le dearadh agus inneachar.

6.06.v

Is gá leaganacha Gaeilge de thograí oideachasúla an RO agus ESA srl., a chur ar fáil le go dtig le múinteoirí iad a phlé i nGaeilge agus na coincheapa a fháil i nGaeilge, rud a chuirfeas go mór lena bhforbairt teanga. Ní mar sin atá fá láthair. Tá easpa gan freastal fosta ábhar atá i ngnáthúsáid a chur ar fáil i nGaeilge. Thiocthadh seo a éascú trí úsáid leaganacha leictreonacha i nGaeilge leis na costais a choinneáil íseal. Tá gá le straitéis mheántréimhse lena chinntiú go mbeidh gach ábhar tacaíochta ar fáil i nGaeilge. Níl sin ann fá láthair.

6.06.vi

Ba chóir go bhfaigheadh an earnáil iarbhunscoile OTG ardtosaíocht nó teastóidh ábhair don leibhéal seo chun tacú le soláthar iarbhunscoile agus le hathruithe curaclaim.

6.06.vii

Ós ar Fhoras na Gaeilge atá freagracht reachtúil as acmhainní, agus as an earnáil OTG, ba chóir go dtiocfadh tuilleadh cistithe ó Fhoras na Gaeilge le freastal ar an ghéareaspa acmhainnithe san earnáil OTG.

6.06.viii

Áiríonn tuarascáil POBAL 2005 go gcuireann an BBC eochairthacaíocht dhigiteach churaclaim ar fáil don oideachas trí Ghaeilge i dtuaisceart na hÉireann. Bhí CnaG ag plé leis an BBC ag iarraidh go gcuirfí an curaclam digiteach ar fáil trí mheán na Gaeilge. D'inis CnaG do POBAL go bhfuil an BBC fá láthair ag diúltú don iarratas ar

6.06.iii

In the case of Co. Down two primary schools in the area already have pupils leaving IM primary without a realistic option of IM post-primary. In September 2009, 14 pupils will leave without post-primary provision and 25 pupils will leave in 2010 if no provision is established. The options of a stand-alone IM school in Armagh, a satellite unit of Coláiste Feirste in Tyrone and an IM unit attached to an EM school in Down are all realistic options but require DE to exercise with greater flexibility its duty to encourage and facilitate the development of IME. Each of these post-primary provisions will require an appropriate set-up budget to develop in their early years. The enrolments over the next 7 years prove their sustainability and hence the development of IM post-primary should be viewed differently but equally according to need by DE. At present, DE appears to have an inflexible approach to post-primary IME that does not respond to the needs of the sector.

6.06.iv Resources

Lack of teaching resources continues to present difficulties to the Irish medium secondary schools. The Review of Irish-medium Education Report, 2008 has recognised the severe shortage of resources within the IM sector. IM resources need to be provided at the same time and to the same standards as those provided for the EM sector. At present this is often not the case when ELBs and CCEA are making resources available. When materials are being prepared more input needs to be invited from practitioners in the sector in respect of design and content.

6.06.v

Irish language versions of DE, ESA etc., educational projects need to be provided so that teachers can discuss them in Irish and acquire the concepts in Irish, which will greatly enhance their language development. This is currently not the case. There is also an unmet need for materials which are in current use by teachers to be available in Irish. This could be facilitated by the usage of electronic versions in Irish to keep printing costs low. There is a need for a medium-term strategy to ensure that all support material is provided in Irish. This does not currently exist.

6.06.vi

The needs of the post-primary IM sector should be given high priority as resources will be required for this level to support new post-primary provision and changes to the curriculum.

6.06.vii

As Foras na Gaeilge has statutory responsibilities for resources, and for the IM sector, more funding should come from Foras na Gaeilge to make up for the severe lack of resourcing within the IME sector.

6.06.viii

POBAL's 2005 report notes that the BBC provides key digital curricular support for education through Irish 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

sholáthar oideachais trí Ghaeilge ar leibhéal iarbhunscoile. Seo dearcadh an BBC go fóill. Tá áitithe ag an chraoltóir nach leor an líon atá ag freastal ar scoileanna oideachais trí Ghaeilge le go mbeadh an soláthar inmharthana i dtaca le luach ar airgead agus ionchuir. Glacfaidh sé roinnt blianta ar ndóigh leis an churaclam digiteach a fhorbairt agus is é an rud nach dtig leis an BBC go fóill a admháil, go mbeidh in earnáil fáis oideachais méadú suntasach ar an líon daltaí a bheas ag fáil oideachais trí mheán na Gaeilge, fán am a mbeidh an curaclam digiteach ar fáil ar líne.

6.06.iv Iompar

Is ábhar imní ar fad í ceist an iompair do dhaltaí san oideachas OTG, i gceantair tuaithe go háirithe. Tá beartais an RO leagtha amach i gCiorclán Uimhir 1996/41 School Transport, 31ú Deireadh Fómhair 1996 ('An Ciorclán'). Tuigtear do POBAL gur ardaíodh feidhmiú an bheartais seo ag tuismitheoirí, agus i gcomhfhreagras ar 23ú Eanáir 2008 agus 14ú Aibreán 2008 idir Choimisiún Ceart Daonna TÉ agus an RO. Go sea, in ainneoin teagmháil leanúnach, is cosúil nár fuasclaíodh an fhadhb. Éilíonn Airteagal 23 d'Ordú Oideachais (TÉ) 1997 ar Bhoird soláthar iompair a shocrú nó ar dhóigh eile freastal daltaí ar scoileanna deontaschúnta a éascú. Ach, i mbeartas an RO ní luaitear ach Ordú Oideachais agus Leabharlann (TÉ) 1986. Is cosúil nár uasdátaíodh an beartas ar aon dul le Comhaontú Aoine an Chéasta, nó le hOrdú Oideachais (TÉ) 1998 a aithníonn an dualgas le hoideachas OTG a spreagadh in Airteagal 89 nó i gCuid III den CETRM.

Leagann an Ciorclán béim ar sheachaint 'chaiteachais mhíreasúnta phoiblí' agus deir gur sin 'dúshraith socruithe' fá cé a gheobhas soláthar iompair agus cén cruth a bheas air. Is cosúil go dtugann sé cur in iúl intíre d'fhorchoimeádas seanbhunaithe an RA (1952) le hAirteagal 2, Prótacal 1 de Choinbhinsiún na hEorpa ar Chearta an Duine (CECD), ar cuireadh tuilleadh éifeachta leis ag Sceideal 3, Cuid II d'Acht Ceart Daonna 1998 (ACD). Tá POBAL barúlach go bhfuil ionchas faoin reachtaíocht intíre agus idirnáisiúnta, an CETRM san áireamh, go ndéanfaidh comhlachtaí stáit bearta dearfacha dírithe ar scrios bhacainní ar shealbhú chearta cultúrtha agus teanga.

Tá curtha in iúl ag an RO do CCDTÉ go ndéantar an chuid is mó de chaiteachas chostas iompair pháistí ar thurais fhada chun na scoile san earnáil scoile gramadaí iarbhunscoile OTB. Feidhmítear an gléas cúnata seo ar an dóigh chéanna i ngach earnáil, ag glacadh leis go gcinnteoidh sé go ndéanfar an soláthar ar mhodh neamhleatromach. Is léir áfach nach gcinntíonn an cur chuige seo comhionannas toraidh, go háirithe san earnáil OTG, áit ar lú i bhfad líon na scoileanna (32 ar bhunleibhéal OTG, i gcomparáid le breis agus 1,000 ar bhunleibhéal OTB). Ar iar-bhunleibhéal, níl ach trí áit a chuireann ar fáil OTG. Tá eochairdhifríochtaí fosta idir na hearnálacha OTG agus Imeasctha, rud a fhágas nárbh oiriúnach an cur chuige amháin a ghlacadh. Fá láthair, is é an toradh ar bheartas an RO go meastar réasúnta é cúnaimh iompair a chur ar fáil do scoileanna gramadaí OTB i bhfad ar shiúl ach chan don scoil/aonad OTG is cóngaraí.

provision for Irish medium education at post-primary level. The BBC is still of this opinion. The broadcaster has argued that there was 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 still 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.

6.06.iv Transport

The issue of transport for pupils in IM education, particularly in rural areas, continues to give cause for concern. DE policy is set out in Circular Number 1996/41 School Transport, 31st October 1996 ('The Circular'). POBAL understands that the implementation of this policy has been raised by parents, and in correspondence on 23rd January 2008 and 14th April 2008 between the NI Human Rights Commission and DE. To date, in spite of ongoing contact, the problem does not seem to have been resolved. Article 23 of the Education (NI) Order 1997 requires Boards to arrange provision of transport or otherwise facilitate attendance of pupils at grant-aided schools. However, only the earlier 1986 Education and Libraries (NI) Order is referenced in DE policy. It appears that the policy has not been updated in line with the Good Friday Agreement, the Education (NI) Order 1998 which recognises the duty to encourage IM education in article 89 or Part III of the ECRML.

The Circular places emphasis on avoidance of 'unreasonable public expenditure' and states that should be 'the basis for decisions' as to who receives transport provision and what form this takes. This appears to give domestic expression to the UK's long-standing reservation (1952) to Article 2, Protocol 1 of the European Convention of Human Rights (ECHR), given further effect in Schedule 3, Part II of the Human Rights Act 1998 (HRA). POBAL is of the opinion that there is an expectation under the domestic and international legislation, including the ECRML, for state bodies to take positive measures aimed at eliminating barriers to the enjoyment of cultural and linguistic rights.

DE has indicated to the NIHRC that the bulk of expenditure in respect of transport costs for children undertaking long journeys to school is incurred within the post-primary EM grammar school sector. The means of assistance is applied in the same way to all sectors, based on the assumption that this will ensure that provision is made in a non-discriminatory fashion. It is clear however that this approach does not ensure equality of outcome, especially in the IM sector which has far fewer schools (32 at IM primary level, compared with over 1000 at EM primary level). At post-primary level, there are only 3 locations which can provide IM. There are also key differences between the IM and Integrated sectors, which means that adopting the same approach may not be appropriate. At present, the outcome of DE policy is that it is considered reasonable to provide viable transport assistance to distant EM grammar schools but not to the nearest IM school / unit.

Chuir an RO in iúl go dtoileoidh sí íocaíochtaí éigin a thabhairt in áit iompair suas le dhá uair an ráta ticéid thréimhsigh do thuismitheoirí dháltaí OTG. Ach ní léir an fhoirmle ar a bhfuil sé seo bunaithe agus is gné amháin i measc cinn eile costas an iompair (infhaighteacht agus rialtacht an iompair, gá le hathrú, fad ama an turais srl).

Tá áitithe ag CCDTÉ go bhfuil cleachtas an RO sa chúrsa seo bunaithe ar easpa airde ar an reachtaíocht idirnáisiúnta, an CETRM san áireamh.

6.06.vi

Creideann POBAL gur chóir go mbeadh ceart ag gach thuismitheoir go bhfoghlaimedh a gcuid páistí Gaeilge mar ábhar mar chuid dhílis den churaclam. Níl sé sin ar fáil fá láthair i scoileanna Béarla an stáit.

6.07

Cuid III Airteagal 8.1.d

- i. oideachas teicniúil agus gairmoideachas a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó;
- ii. páirt shubstainteach den oideachas teicniúil agus den ghairmoideachas a chur ar fáil sna teangacha ábhartha réigiúnacha nó mionlaigh; nó
- iii. a fhoráil, san oideachas teicniúil agus sa ghairmoideachas, go múinfeadh na teangacha ábhartha réigiúnacha nó mionlaigh mar chuid dhílis den churaclam; nó
- iv. ceann de na bearta a fhoráil faoi i go iii thuas a fheidhmiú ar a laghad do na daltaí sin a n-iarraidh a muintir é agus a meastar gur leor a líon.

6.07.i

Mar a tuairiscíodh i ndá thuarascáil POBAL chuig CCSE roimhe seo, ba é Forbairt Feirste an ENR a chuir ar fáil an t-aon soláthar oideachais OTG iar-16 ó 1999. Samhláíodh ó thús é ina scean i mbéal bearna don soláthar teoranta in áiteanna eile, ach rinneadh príomhshruithú ar an chúrsa iar-16 OTG i Meán Fómhair 2007. Téann cistiú ó RFF anois go dtí Coláiste Cathrach Bhéal Feirste (CCBF), ar tugadh FBABF roimhe seo air, agus ní fhaigheann Forbairt Feirste cistiú don chuid seo dá cuid oibre. Tá an soláthar iomlán don aoisghrúpa iar-16 anois i lámha CCBF.

6.07.ii

Ar bhonn bhliain ar bhliain atá an cistiú ón RFF go dtí CCBF agus ligeann sé do CCBF Comhordaitheoir Bhreisoideachais Trí Ghaeilge (CBTG) a fhostú. Is é ról an Chomhordaitheora a chinntiú go riartar ar riachtanais dháltaí OTG iar-16. Cistíodh an post ar dtús ó Mheán Fómhair 2007 go Meán Fómhair 2008. Tá cistiú bliana eile dearbhairte ó Mheán Fómhair 2008 go Meán Fómhair 2009. Ní chuireann an RFF cistiú sa bhreis ar fáil don Chomhordaitheoir le cúrsaí OTG a fhorbairt. Mar sin, ní chaitheann an Comhordaitheoir ach buiséad láithreach CCBF le cúrsaí úra a cheapadh agus a sholáthar. Dáiríre, mar sin, ó 2007 cuireann an RFF níos lú cistithe ar fáil d'fhorbairt an tsoláthar OTG iar-16 ná a rinne roimh an príomhshruithú. Déanta na fírinne, tá an cistiú gearrtha fá bhreis agus 50% ag an RFF.

DE has indicated willingness to make available some payments in lieu of transport of up to twice the sessional ticket rate to parents of IM pupils. However it is unclear upon what formula this is based and cost of transport is one factor among others (availability and regularity of transport, necessity to change, journey time etc).

NIHRC have argued that DE's practice on this matter is based on insufficient regard to international legislation, including the ECRML.

6.06.vi

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.

6.07

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.

6.07.i

As reported in POBAL's two previous reports to the COMEX, Forbairt Feirste was the NGO providing the only IM post-16 education provision available since 1999. Originally envisaged as a stop-gap for limited provision elsewhere, the post-16 IM course was mainstreamed in September 2007. Funding from DEL now goes to Belfast Metropolitan College (BMC), previously known as BIFHE, and Forbairt Feirste no longer receives funding for this aspect of its work. All provision for the post-16 age group now rests entirely with BMC.

6.07.ii

Funding from DEL to the BMC is on a year-on-year basis and allows BMC to employ an Irish Medium Further Education Co-ordinator (IMFE). It is the Co-ordinator's role to ensure that the needs of IM post-16 students are met. The post was initially funded from September 2007 to September 2008. A further year of funding has been confirmed from September 2008 to September 2009. DEL do not provide the Co-ordinator with additional funding to develop IM courses. Therefore, the Co-ordinator disposes only of the existing BMC budget to devise and deliver new courses. In effect, therefore, since 2007 DEL commits less funding to the development of IM post-16 provision than they did prior to mainstreaming. In real terms, DEL has cut funding by over 50%.

6.07.iii

Mar a luadh inár dtuarascálacha roimhe seo chuig CCSE, ní gá gurbh í formáid chlár Forbairt Feirste ab oiriúnaí (.i. Jobskills⁴³). Ó 2007, cheap an CCBG soláthar éigin dírithe do dhaltáí OTG iar-16 go háirithe (an chuid is mó acu a thagann trí Choláiste Feirste, iarbhunscoil OTG Bhéal Feirste). Bhunaigh CCB agus Forbairt Feirste (trí ról an CCBG) meitheal OTG iar-16 i 2007 agus i gcomhar leis an earnáil tá riachtanais OTG iar-16 aitheanta ag an mheitheal seo. I gcomhthéacs cuíchóirithe atá ró-aidhmeannach agus ciorruithe i soláthar oideachais faoi thuarascálacha Bain agus Costello, is eagal nach riarfar ar na riachtanais sin.

6.07.iv

Go dtí an bhliain seo dhírigh soláthar CCBF agus Forbairt Feirste den chuid is mó ar riar ar dhaltáí ar shiúl ó thimpeallacht na scoile agus ar iad a chlárú i gcláir BO ar fud CUB. Ach, le blianta beaga anuas, d'oibrir fíorais ón taobh amuigh tionchar ar an soláthar a theastaíonn ón earnáil. Is é an chéad cheann de na fíorais seo gur tugadh isteach creat teidlithe agus béim orthu seo:

- a) daltaí a choinneáil ar scoil i ndiaidh 16 trí réimse níos leithne roghanna a sholáthar taobh istigh de thimpeallacht na scoile
- b) forbairt pháirtíochtaí thar réimse eagrais ach go háirithe idir scoileanna agus coláistí BO.

Is é an dara fíoras gur fhás an earnáil oideachais OTG. Chuir an fás seo le méadú géar ar líon na ndaltaí iar-16 a riarfaí orthu san earnáil. I 2006 níor riaradh ach ar 17 dalta iar-16 ag Coláiste Feirste, i 2008 d'éirigh an líon go 68 dalta sa tséú bliain íochtair amháin. Táthar ag tuar gur líon níos mó ná 100 dalta a gheobhas oideachas i mbliain a sé agus a seacht fá 2012.

Sa chomhthéacs seo, chuir an Comhordaitheoir OTG suas moladh úr trí shnáithe le riar ar dhaltáí TGT iar-16:

- 1) soláthar do dhaltáí OTG trí chlár reatha Forbairt mar a rinneadh sna blianta roimhe seo
- 2) soláthar do dhaltáí OTG ar mhaith leo filleadh ar an scoil le A-leibhéal nó a gcómhaith a dhéanamh in ábhair nach mbíodh ar fáil acu trí OTG (moladh COTB)
- 3) soláthar do dhaltáí OTG ar mhaith leo filleadh ar an scoil le meascán A-leibhéal agus cúrsaí gairmoideachais a dhéanamh (moladh SGO).

Tá na trí shnáithe uilig cuimsithe ag CCB sa soláthar le tosú i Meán Fómhair 2008 faoi threoir an Chomhordaitheora BO OTG. 53 dalta san iomlán atá cláraithe ar cheann amháin de na trí shnáithe do 2008/2009. Mar seo a leanas atá mionsonraí an tsoláthair seo:

⁴³ Clár faoi bhainistiú an RFF é Jobskills chun cuidiú le daoine óga i ngnóthú na gcáilíochtaí agus na scileanna a chuideos leo fostaíocht a aimsiú.

6.07.iii

As noted in our previous reports to COMEX, the format of the Forbairt Feirste programme in the initial years was not necessarily the most appropriate (i.e. Jobskills⁴³). Since 2007, the IM FE Co-ordinator has devised some targeted provision primarily for post-16 IM pupils (the majority of whom come through Coláiste Feirste, Belfast's post-primary IM school). BMC and Forbairt Feirste (through the IMFM Co-ordinators role) set up an IM post-16 working group in 2007 and this group in conjunction with the sector has now identified post-16 IM needs. When taken in the context of over-reaching rationalisation and cut-backs in educational provision under the Bain and Costello reports, there are fears that adequate provision will not be made to meet these needs.

6.07.iv

Until this year the BMC and Forbairt Feirste provision concentrated mainly on providing for the students away from the school environment and enrolling them in FE programmes throughout BMC. However, in the last few years, the type of provision needed by the sector has been influenced by other outside factors. The first of these factors is the introduction of the entitlement framework and the emphasis on:

- a) keeping students at school post 16 by providing a larger range of options within the school environment
- b) developing partnerships across a range of organisations but primarily between schools and with FE colleges.

The second factor is the growth of the IM education sector. This growth has contributed to a sharp increase in the number of post 16 students to be accommodated within the sector. In 2006 only 17 students were accommodated at Coláiste Feirste post-16, in 2008 this number rose to 68 students in the lower sixth year alone. It is predicted that the number of students to be educated in the sixth and seventh years within the school by 2012 will be more than 100.

Within this context, the IM Co-ordinator put in place a new three-strand proposal to accommodate IM post-16 students:

- 1) providing for IM students through the current Forbairt programme as has been the case in previous years
- 2) providing for IM students wishing to return to school to do A-levels or equivalent in subjects not previously available to them through IM (the BTEC proposal)
- 3) providing for IM students wishing to return to school to do a mix of A-level and vocational courses (VEP provision).

All three strands have been included by BMC in provision to begin in September 2008 under the guidance of the IM FM Co-ordinator. A total of 53 students are enrolled on one of the three strands for 2008/2009. The details of this provision are as follows:

⁴³ Jobskills is a DEL managed programme to assist young people attain the qualifications and experience that will help them to find employment

Snáithe 1) Clár lánaimseartha Forbairt

- 19 dalta atá cláraithe ar sholáthar lánaimseartha Forbairt don bhliain 2008-2009. Déanann na daltaí seo roinnt gairmchúrsaí ar a n-áirítear Cúram Páistí, Obair Shúgartha, Riarachán agus Teiripe Scéimhe. Déanann gach dalta fosta A-leibhéal i nGaeilge agus is i suíomhanna Gaeilge a bíos Socrúcháin Oibre. Leanfaidh an snáithe seo ina chuid thábhachtach den soláthar OTG iar-16 amach anseo. Freastalaíonn sé ar mhic léinn ar mhaith leo an scoil a fhágáil ach leanúint den bhreiseoideachas. Is trí Ghaeilge agus Bhéarla ar a seal a bíos an soláthar seo.

Snáithe 2) Soláthar COTB

- 9 mac léinn atá ag déanamh chlár píolótach Spóirt COTB ar Leibhéal 3 do 2008/2009. Gairmábhair é seo ar chómhaithe le leibhéal 'A' amháin.
- 7 mac léinn atá ag déanamh chlár Dráma COTB ar Leibhéal 3 do 2008/2009. Gairmábhair é seo ar chómhaithe le leibhéal 'A' amháin.

Díríonn Snáithe 2 ar mhic léinn ar mhaith leo fanacht ar scoil ach nach raibh ar fáil acu roimhe seo ach réimse teoranta ábhar acadúil. Tugtar an dá ábhar úr seo 50% trí Ghaeilge agus 50% trí Bhéarla fá láthair agus sprioc theagasc 100% trí Ghaeilge fá 2010. Ba é an snáithe seo an toradh is suntasaí a bhain le soláthar OTG iar-16 le 15 bliain anuas. Don chéad uair, ó thosaigh Coláiste Feirste i 1991, forbraíodh páirtíocht le foras cáiliúcháin seachas CCSM. D'oibrigh an comhordaitheoir OTG go dlúth leis an fhoras cáiliúcháin Edexcel i bhforbairt an dá ghairmchúrsa úra seo trí mheán na Gaeilge. Is é a thoradh seo go mbeidh réimse ábhar ar fáil ag mic léinn OTG sna cúig bliana romhainn, nach raibh ar fáil roimhe seo tríd an Ghaeilge.

Tá an Comhordaitheoir OTG fá láthair ag obair ar fhorbairt 2 ghairmábhair eile trí Ghaeilge don bhliain 2009/2010, i dTaisteal agus Turasoireacht agus T.E. Tá an Comhordaitheoir fosta ag pleanáil ábhar Meánbhunaithe i nGaeilge a thabhairt chun tosaigh don bhliain 2011. Le déanaí, chuir an tAire Oideachais cuidiú airgeadais ar fáil a chuideos le dlús a chur faoi imeachtaí a bhaineann le forbairt churaclaim OTG. Seolfar an cuidiú airgeadais seo trí CCSM agus is tábhachtach a chinntiú go gcuideoidh sé le forbairt réimse fheabhsaithe chúrsaí OTG 14-19.

Snáithe 3) SGO/soláthar scoite

- 9 mac léinn atá ag déanamh an tsoláthar Cúram Leanaí L2 do 2008/2009
- 6 mac léinn atá ag déanamh an tsoláthar Scéimhe L2 do 2008/2009
- 6 mac léinn atá ag déanamh an tsoláthar Foirgníochta L2 do 2008/2009.

Díríonn an soláthar seo ar mhic léinn ar mhaith leo filleadh ar an scoil ach ar spéis leo gairmábhair a dhéanamh atá dírithe ar fhostaíocht. Faoin snáithe seo tá clár forbartha ag an Chomhordaitheoir OTG trína gcaithfidh mic léinn 50% dá gcuid ama ar scoil agus 50% dá gcuid ama ar choláiste BO. Ach, teastaíonn dul cun cinn eile sa snáithe seo nó níl ceann ar bith de na hábhair seo ar tairisciunt fá láthair trí Ghaeilge.

Strand 1) Forbairt full-time programme

- 19 students are enrolled on the full-time Forbairt Provision for 2008-2009 year. These students do a number of vocational courses including Child Care, Playwork, Administration and Beauty Therapy. Each student also does an A-level in Irish and Work Placements are in Irish medium settings. This strand will continue to be an important part of the IM post 16 provision in the future. It accommodates students who wish to leave school but continue with further education. This type of provision is partly through Irish and partly through English.

Strand 2) BTEC Provision

- 9 students are doing a pilot BTEC Sports programme at Level 3 for 2008/2009. This is a vocational subject equivalent to one 'A' level.
- 7 students are doing a pilot BTEC Drama programme at Level 3 for 2008/2009. This is a vocational subject equivalent to one 'A' level.

Strand 2 is aimed at students who wish to stay at school but have previously only had a limited range of academic subjects available to them. Both these new subjects are delivered 50% through Irish and 50% through English at present with the goal of 100% teaching through Irish by 2010. This strand has been the most significant development in relation to post 16 IM provision in the past 15 years. For the first time, since Coláiste Feirste began in 1991, a partnership has developed with an awarding body other than CCEA. The IM co-ordinator has worked closely with awarding body Edexcel in developing these two new vocational courses through the medium of Irish. This means that over the next five years a range of subjects will be available to IM students, subjects previously not available through Irish.

The IM Co-ordinator is currently working to develop a further 2 vocational subjects through Irish for the 2009/2010 year, in Travel and Tourism and I.T. The Co-ordinator also plans to bring forward a Media-based subject in Irish for the 2011 year. The Minister of Education has recently provided financial help which will help speed up developments in relation to IM curriculum development. This financial help is to be channelled through CCEA and it is important to ensure that it will assist in developing an improved range of IM 14-19 courses.

Strand 3) VEP/discrete provision

- 9 students are doing Child Care L2 provision for 2008/2009
- 6 students are doing Beauty L2 provision for 2008/2009
- 6 students are doing Construction L2 provision for 2008/2009

This provision is aimed at students who wish to return to school but are interested in doing a vocational subject which is aimed at employment. Under this strand the IM Co-ordinator has developed a programme through which students spend 50% of their time at school and 50% of their time at FE college. However, further developments are needed within this strand as none of the vocational subjects on offer are currently available through Irish.

Soláthar feasta:

Ainneoin dul chun cinn i gcúrsa faireacháin 2005-8, níl an earnáil OTG sa riocht go dtig léi glacadh le líon méadaithe iar-16 nó an réimse cúrsaí a theastaíonn a sholáthar, ar a n-áirítear leibhéal 'A', COTB agus NVQ. Is gá plean fadtréimhse a fhorbairt agus a chur in áit roimh an chéad mhéadú eile atá tuartha sa líon, le theacht fá 2012. Níl patrún láithreach an chistithe ó bhliain go bliain fabhrach don dul chun cinn seo.

Fosta, áithnítear go gcaithfear sainoiliúint a bhunú atá dírithe ar nascadh Gaeilgeoirí óga le riachtanais áit oibre. Go sea, tugadh faoin réamhobair, ach tá níos mó acmhainní airgeadais agus daonna a dhíth.

D'imigh naoi mbliana ó bunaíodh clár Forbairt Feirste an chéad uair. Mar gheall ar dheacrachtaí a achoimríodh i dtuarascálacha POBAL roimhe seo, is le 18 mí anuas a rinneadh aon dul chun cinn suntasach a bhain le freastal ar fhíor-riachtanais mhic léinn OTG iar-16. Bhí an dul chun cinn seo faoi réir ísealchistithe leanúnach agus cinntíonn an t-amhras fá bhronntaí aon bhliana go bhfuil an clár go fóill neamhdhaingean. B'ionann críoch ar chistiú an chlár seo i Lúnasa 2009 agus críoch ar sholáthar iomlán OTG iar-16. Cé gur tarraingíodh glanphictiúr an riachtanais, tá neart go fóill le déanamh. Is é dearcadh POBAL go gcaithfidh an ROF leoracmhainní a sholáthar a éascóidh tuilleadh forbartha san achar seo ar bhonn is fadtréimhsí ná an bronnadh cistithe aon bhliana atá anois ann. Fosta, caithfidh ROF agus CCB araon a ghealladh go dtabharfar tús áite do sholáthar OTG iar-16 feasta agus ar bhonn leanúnach.

6.08

Cuid III Airteagal 8.1.e.iii

I dtaca le hoideachas, geallann na Páirtithe, sna dúichí ina n-úsáidtear a leithéidí seo teanga, de réir chás gach ceann de na teangacha seo, agus gan dochar do theagasc theanga(cha) oifigiúla an Stáit:

más amhlaidh, mar gheall ar ról an Stáit maidir le forais ardoideachais, nach féidir fopharagraif i agus ii a fheidhmiú, go spreagfaidh agus/nó go gceadóidh siad soláthar oideachas ollscoile nó foirmeacha eile ardoideachais i dteangacha réigiúnacha nó mionlaigh nó áiseanna i gcomhair staidéir ar na teangacha seo mar ábhair ollscoile nó ardoideachais;

Tá roinnt ábhar ann a bhaineann leis an Ghaeilge á soláthar ag na hollscoileanna. Níl cúrsaí ar bith tríú leibhéal in aon achar eile ábhair á dteagasc trí mheán na Gaeilge.

6.09

Cuid III Airteagal 8.1.f.ii

A leithéidí sin teangacha a thairiscint mar ábhair oideachais aosaigh nó leanúnaigh.

Tá roinnt foras breisoideachais agus ardoideachais ann a sholáthraíonn teagasc Gaeilge i ranganna oideachais aosaigh. Ach, éilíonn na critéir inbhuaine do ranganna oideachais aosaigh iontráil 12 – 15 duine do gach rang. I gceantair tuaithe is doiligh go minic an líon seo a shroicheadh agus dá dheasca seo is féidir nach mbeidh ranganna ann. Creideann POBAL gur chóir na critéir

Future provision:

In spite of advances in the monitoring cycle 2005-8, the IM sector is not in a position to accommodate increased numbers of post-16s or to provide the range of courses necessary, including at 'A' level, BTEC and NVQ. There is a need for a long term plan to be developed and put in place before the next predicted increase in numbers, due by 2012. The current pattern of year-to-year funding mitigates against this development.

In addition, it is recognised that specific training geared to linking young Irish speakers with work-place needs must be established. To date, preliminary work has been undertaken, but greater and financial and human resources are needed.

It is now nine years since the Forbairt Feirste programme was first established. Due to difficulties outlined in previous POBAL reports, it is only in the past 18 months that significant progress has been made in relation to meeting the actual needs of IM post 16 students. These developments have been subject to continual under-funding and the doubt which surrounds one-year grant awards means that the programme remains insecure. An end to the funding of this programme in August 2009 would in effect be the end of all post-16 IM provision. Although a clear picture of need has now been drawn, much remains to be done. It is POBAL's view that DEL must provide adequate resources to facilitate further development in this area on a longer-term basis than the current one-yearly grant award. In addition, both DEL and BMC must commit to the future and continuing prioritizing of IM provision for post-16s.

6.08

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, subparagraphs i and ii cannot be applied, to encourage and/or allow the provision of university 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.

6.09

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

inbhuaine do ranganna Gaeilge a íslíú mar chuid de chur chuige straitéiseach do chur chun cinn theagasc na Gaeilge i measc daoine fásta.

6.10

Cuid III Airteagal 8.1.h

bunoiliúint agus breisoiliúint a sholáthar do na múinteoirí a theastaíonn leis na cinn sin de pharagraif a go g a nglacann an Páirtí leo a fheidhmiú.

Coláiste Mhuire atá faoi stiúir na hEaglaise Caitlicí an t-aon fhoras a chuireas ar fáil oiliúint do mhúinteoirí a oibríonn trí mheán na Gaeilge. Níl an líon a cháilíonn ag cur leis an éileamh. Mar gheall ar an easnamh múinteoirí, níl ach ceann amháin de na trí mheánscoil in ann an curaclam iomlán a sholáthar trí mheán na Gaeilge.

6.10.i

Fianaise starógach thar thuaisceart na hÉireann maíonn sí go bhfuil ganntanas oibrithe cáilithe chúram páistí ar leibhéal réamhscoile atá líofa sa Ghaeilge. Ní thig leis na scoileanna sin nach bhfuair aitheantas reachtúil tuarastail mhúinteoirí láncháilithe a íoc. Teastaíonn taighde sa réimse seo agus is gá go n-aithneodh forais oideachais deiseanna gairme sa réimse.

6.10.ii

Tharraing CnaG aird arís ar an ghá atá le forbairt mhodúl iar-bhunscoile mar chuid den chúrsa oiliúna múinteoirí.

6.10.iii

Thug tuarascáil CnaG le fios nach bhfuil cumas sa Ghaeilge ach ag beagán de na daoine a dhéanann cúrsaí oiliúna múinteoirí sna heolaíochtaí agus sa teicneolaíocht.⁴⁴ Aithníonn sí go bhfuil bearta á ndéanamh i dtaca le hoiliúint mhúinteoirí, ach maíonn sí nach ndéanann na bearta seo freastal ar fhás leanúnach na hearnála. Bhí CnaG páirteach in agallamh leis na heochairpháirtithe in iarracht le cúrsaí a bhogadh chun cinn. Tá tionchar dochrach fosta ag an ghanntanas múinteoirí ar theagasc na Gaeilge i meánscoileanna Béarla atá anois ag plé le héileamh méadaithe ar mhúinteoirí a bhfuil cumas Gaeilge acu. Maíonn fianaise starógach go bhfuil roinnt scoileanna Béarla ann nach dtig leo Gaeilge a thairiscint mar rogha mar gheall ar ghanntanas múinteoirí.

for Irish language classes should be lowered as part of a strategic approach to promoting the learning of the language among adults.

6.10

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.

6.10.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. 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.

6.10.ii

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

6.10.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.⁴⁴ 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.

⁴⁴ Irish Medium Education and the Costello Report, Comhairle na Gaelscolaíochta, leath. 24.

⁴⁴ Irish Medium Education and the Costello Report, Comhairle na Gaelscolaíochta, page 24.

6.11 Sainriachtanais

I 2008, chríochnaigh POBAL togra dhá bhliain taighde a chistigh an RO ar Shainriachtanais an Pháiste Dhátheangaigh (Gaeilge-Béarla). Tá an tuarascáil deiridh, ina ndéantar roinnt eochairmholtaí, anois á breithniú ag an RO.

6.11.i

Ag éirí as luath-thorthaí an taighde, tá tuilleadh cistithe faighte ag POBAL ón Chomhairle um Oideachas Gaelscolaíochta agus Gaeltachta, ENR suite sa deisceart, do thogra bliana taighde ar Riachtanais Oiliúna agus Tacaíochta Mhúinteoirí in OTG Thuaidh agus Theas agus sa Ghaeltacht. Táthar ag dúil le foilsiú thorthaí an taighde seo go luath i 2010.

6.11.ii

Is gá go mbeadh an oiliúint oiriúnach faighte ag oibríthe sláinte agus seirbhíse sóisialta a oibríonn le daltaí OTG. Seo ceann de na ceisteanna fadtréimhse agus tromchúise ag tuismitheoirí agus údaráis Ghaelscoileanna. Go fóill ní dhéanann gairmithe aon idirdhealú idir riachtanais bhreise foghlama ar an lámh amháin agus, ar an lámh eile, cumas nó toilteanas an pháiste tabhairt faoi thascanna i mBéarla. Is minic a tharlaíonn go gcuirtear deacrachtaí foghlama páistí síos don tumoideachas agus go leagtar an locht ar iad a bheith ag foghlaim tríd an dara teanga. Faigheann na tuismitheoirí droch-chomhairle lena bpáistí a tharraingt amach as an chóras OTG. Níl aon fhianaise ann a mhaíonn go spreagann nó go méadaíonn an tumoideachas deacrachtaí foghlama.

6.11.iii

Tá géarghá le seirbhísí SRO agus seirbhísí Riachtanais Bhreise Oideachais don oideachas OTG. Mar shampla, níor cuireadh ar fáil mar ba cheart Oideachas Seachas Oideachas Scoile (OSOS) do pháistí OTG.

6.11.iv

Ó tharla nach bhfuil leorchóras tacaíochta ann fá láthair do pháistí SRO san earnáil OTG, is gá daoine a oiliúint a bhfuil Gaeilge acu agus taithí in OTG, thar réimse leathan SRO. Ba chóir múinteoirí OTG a shuí ar bhonn sabóideach i scoileanna nó in aonaid SRO. Thiocfadh a gcur ar fáil ansin ar bhonn taistil do scoileanna de réir riachtanais scoileanna. Bheadh de bhuntáiste ag an chur chuige seo múinteoirí filladh ar a sainscoileanna le saineolas agus taithí a thiocfadh leo a úsáid ina scoileanna féin. Ar an dóigh seo thiocfadh caidre múinteoirí a fhorbairt ar fud na hearnála agus saineolas acu thar réimse SRO.

6.11.v

Ba chóir sparánachtaí a chur ar fáil do scoileanna le múinteoirí a oiliúint i sainréimsí riachtanais. Tá gá le straitéis délitearthachta do pháistí le deacrachtaí foghlama a bhaineann le litearthacht. Caithfeadh sé seo a bheith struchtúraithe agus i gcomhréir le teagasc agus sealbhú Béarla agus Gaeilge.

6.11 Special needs

In 2008, POBAL completed a two-year research project funded by DE into the Special Needs of the Bilingual (Irish-English) Child. The final report, which makes a number of key recommendations, is currently under consideration by DE.

6.11.i

Arising from the early results of the research, POBAL has secured further funding from Comhairle um Oideachas Gaelscolaíochta agus Gaeltachta, a southern-based NGO, for a one year research project on the Training and Support Needs of Teachers in IME North and South and in the Gaeltacht. It is expected that the results of this research will be published early in 2010.

6.11.ii

It is essential that health and social service workers who work with IM pupils have received the appropriate training. This is one of the most long-running and serious issues for parents and Irish-medium school authorities. As yet professionals make no differentiation between additional learning requirements on the one hand and, on the other hand, the child's ability or willingness to undertake tasks in English. It is often the case that IM children's learning difficulties are attributed to immersion education and the blame placed on the fact that they are learning through a second language. Parents are wrongly advised to withdraw their children from the IM system. There is no evidence to suggest that immersion education causes learning difficulties or that it exacerbates learning difficulties.

6.11.iii

There is an urgent need for SEN services and Additional Educational Needs' services for IM education. For example, Education other than at School (EOTAS) has not been properly provided for IM children.

6.11.iv

As no adequate support system exists at present for SEN children in the IM sector, it is necessary to train people who have Irish and experience of IME, across a broad range of SEN. IM teachers should be located on a sabbatical basis in SEN schools or SEN units. They could then be made available on a peripatetic basis to schools according to the needs of schools. This approach would have the advantage of teachers returning to their specific schools with specific expertise and experience which they could use in their own schools. Though this method a cadre of teachers could be developed throughout the sector with expertise across a range of SEN.

6.11.v

Bursaries should be made available to schools to train teachers in specific areas of need. There is a need for a biliteracy strategy for children with learning difficulties associated with literacy. This needs to be structured and consistent with the teaching and acquisition of English and Irish.

6.11.vi

Teastaíonn comhoibriú idir ÚOS, an RO agus na ranna agus rannóga eile Rialtais lena chinntiú go gcuirtear seirbhísí íogaire earnála ar fáil do pháistí OTG.

6.12 Athbhreithniú an Riaracháin Phoiblí

Is mian le POBAL an deis seo a thapú lena ábhair imní a aibhsiú do Choiste na Saineolaithe fá Athbhreithniú leanúnach an Riaracháin Phoiblí i dTuaisceart na hÉireann. Is é aidhm an ARP struchtúir reatha riaracháin a réasúnú agus a chiorrú, i laghdú suntasach méide riaracháin a mheastar a bheith barrthrom. Beidh tionchar aige ar sholáthar sheirbhísí oideachais.⁴⁵

6.12.i

Tá molta go laghdófar go beirt raidhse na gcomhlachtaí atá freagrach fá láthair as soláthar an oideachais. Bheadh freagracht as seirbhísí tacaíochta oideachasúla ar cheann acu seo agus an ceann eile ina chomhlacht tacaíochta curaclaim agus múinteora. Má ghlactar leis an phacáiste seo, chomhchuímeofaí na feidhmeanna a dhéanann CanG sa chomhlacht seirbhísí tacaíochta oideachasúla agus is ról comhairleach a bheadh feasta ag CnaG.

6.12.ii

Tá POBAL imníoch nach léiríonn na moltaí conas a fhorbrófar earnáil na Gaeilge feasta agus cé a bheas freagrach as seo. Creidimid go gcaithfear bearta a chuimsiú sna moltaí a chinnteos go mbeidh guth ag earnáil an Ghaeloideachais ag tábla an dá chomhlacht.

6.13 Tacaíocht Sláinte

Tá géarghanntanas oibrithe sláinte a dtig leo seirbhís tacaíochta a sholáthar do Ghaelscoileanna. Cé go ndéanann soláthraithe sláinte iarracht shonrach le seirbhís i nGaeilge a sholáthar do Ghaelscoileanna san áit ar féidir, is é clár na fírinne nach leor a bhfuil d'eochairoibrithe ann a bhfuil Gaeilge acu. Tá gá le pleanáil straitéiseach le réimse iomlán seirbhísí sláinte a chur ar fáil do na scoileanna. Ad hoc a bhí an soláthar i dtaca le ham agus le háit agus fá réir infhaighteacht acmhainní pearsanta.

6.11.vi

Co-operation is required between ESA, DE and other Governmental departments and divisions to ensure that sectorally sensitive services are provided for IM children.

6.12 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.⁴⁵

6.12.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.

6.12.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?

6.13 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.

⁴⁵ Tionól Thuaisceart na hÉireann sular fionraíodh é a bhunaigh ARP. I gcéimeanna a dhéanfar a chuid oibre. Foilsíodh a chuid moltaí fá chomhairlí áitiúla ar 22 Samhain 2005. Tá an t-athbhreithniú go fóill i mbun oibre agus tá a eochairchinntí ar na struchtúir úra oideachais go fóill le déanamh.

⁴⁵ 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.

7 CETRM Cuid III

Airteagal 9: Údaráis Bhreithiúnacha

7.01

Fá láthair níl daingnithe ag an RA ach Clásal 1.3 d'Airteagal 9, an tAirteagal a chumhdaíonn údaráis bhreithiúnacha. Ceanglaíonn an tAirteagal seo ar Rialtas an RA na téacsanna reachtúla náisiúnta is tábhachtaí a chur ar fáil i nGaeilge agus, go háirithe, iad sin a bhaineann le húsáideoirí na teanga. I dTuarascáil CCSE roimhe seo luadh trí phársa saineúla reachtaíochta a bheith aistrithe:

- Ordú Oideachais (Tuaisceart na hÉireann) 1998;
- Ordú Comhoibrithe Thuaidh-Theas 1999;
- Acht Thuaisceart na hÉireann 1998.

Ní luaitear aon reachtaíocht bhreise i dTuarascáil an RA mí Iúil 2008 agus ní heol do POBAL go ndearnadh obair bhreise sa réimse seo ó 2002.

7.02

Ina Chéad Thuarascáil Thréimhsiúil luaigh CCSE gur roghnaigh an RA an leibhéal ab ísle cosanta agus nár chinn sé ar aon bheart lena n-úsáidfí Gaeilge sna cúirteanna.⁴⁶

7.03

Ina Dhara Thuarascáil Thréimhsiúil, tagraíonn CCSE d'feidhmiú leanúnach Acht Riartha Ceartais (Teanga) (Éire) 1737. (Féach fosta 1.07, 2.09.iii, 2.10.iv, 5.06.i, 7.04). Is ábhar imní dúinn nár aisghairmeadh sna blianta ó síníodh an CETRM Acht Riartha Ceartais (Teanga) (Éire) 1737, a choisceann úsáid na Gaeilge sna cúirteanna, ainneoin cheanglais an RA le srianta agus constaicí ar an teanga a chur i leataobh. (Féach fosta faoi Chuid II, Airteagal 7)

7.04

Ag tagairt do Thuarascáil CCSE ar fheidhmiú sa tréimhse Iúil 2001-2, cheangail an RA air féin scóip Airteagal 9 an CETRM a bhreithniú féachaint le tuilleadh dá chlásail a dhaingniú.⁴⁷ Obair a tosaíodh i 2003-4 ar sholáthar seirbhísí cúirte trí mheán na Gaeilge, bhí stad curtha uirthi fá dheireadh an dara cúrsa faireacháin. Creideann POBAL go diongbháilte gur srian éagórach é Acht Riartha Ceartais (Teanga) (Éire) 1737 ar úsáid na Gaeilge, agus go bhfuil an reachtaíocht seo go hiomlán neamhréireach le staid na Teanga Gaeilge faoin CETRM agus mar theanga oifigiúil den Aontas Eorpach. D'iarrfaimis mar sin ar CCSE tacú lenár n-éileamh ar aisghairm na reachtaíochta seo ag cuimhneamh gur aisghairmeadh cheana féin í i ngach cuid eile den Ríocht Aontaithe agus d'Éirinn. (Féach fosta 1.07, 2.09.iii, 2.10.iv, 5.06.i, 7.03)

⁴⁶ Feidhmiú na Cairte ag an Ríocht Aontaithe, CCSE, 23 Márta 2004, Caibidil 3, paragraf I.

⁴⁷ Ibid, Aguisín II, Tuairimí a nocht Rialtas na Ríochta Aontaithe.

7 ECRML Part III

Article 9: Judicial Authorities

7.01

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

No additional legislation is mentioned in the UK Report of July 2008 and POBAL is unaware of additional work in this field since 2002.

7.02

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.⁴⁶

7.03

In its Second Periodical report, COMEX comment on the continuing operation of the 1737 Administration of Justice (Language) Act (Ireland). (See also 1.07, 2.09.iii, 2.10.iv, 5.06.i, 7.04) It is a cause of concern to us that in the 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 repealed despite UK commitments to remove restrictions and impediments to the language. (See also under Part II, Article 7)

7.04

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.⁴⁷ Work commenced in 2003-4 on provision of court services through the medium of Irish had ceased by the second monitoring cycle. POBAL is firmly of the view that the 1737 Administration of Justice (Language) Act (Ireland) is an unjustified restriction on the use of Irish, and that this legislation is entirely inconsistent with the position of the Irish Language under the ECRML and as an official language of the European Union. We would therefore invite COMEX to endorse our call for the repeal of this legislation bearing in mind that it has already been repealed in all other parts of the United Kingdom and Ireland. (See also 1.07, 2.09.iii, 2.10.iv, 5.06.i, 7.03)

⁴⁶ Application of the Charter by the United Kingdom, COMEX, 23 March 2004, Chapter 3, paragraph I.

⁴⁷ Ibid, Appendix II, Comments by the Government of the United Kingdom.

7.05

Tá eolas faighte ag POBAL a bhaineann le teagmháil a rinne Gaeilgeoir aonair le RCEF agus ROTÉ araon. Bhí an duine seo ag iarraidh chóip Ghaeilge d'Ordú Oideachais 1998. An chóip aistrithe, nuair a aimsíodh í, bhí sí gan phrofu. ⁴⁸ D'imigh seacht lá eile sular cuireadh chuig an iarratasóir í le nóta ag rá gurbh é an leagan Béarla an ceann údarásach. ⁴⁹ Sa bhreis ar chur i gcrích neamhiontaofa aistriúcháin fiú íosmhéid teacsanna dlí, is léir nach eol don phobal ná do chomhlachtaí rialtais conas na trí théacs atá ar fáil i nGaeilge a aimsiú. Is cosúil tagairt an RA ina Thríú Tuarascáil Thréimhsiúil d'easpa éilimh ar théacsanna aistrithe (Féach fosta 2.11.iii) a bheith mailíseach, agus íorónach ag cuimhneamh ar an chosc iomlán éifeachtach ar an Ghaeilge sna cúirteanna a ghiorraíonn go soiléir an t-éileamh ar aistriúchán dlíthiúil. Is suntasach fosta é ós cosúil go maíonn sé nach ndéanfar aistriú eile go Gaeilge ar bhonn atrátha, ach go bhfuil sé ina stad nó éileamhthreoraithe. Ag cuimhneamh ar nádúr íostach an ghealltanais a tugadh, an bheagfhógraíocht, nádúr neamhchríochnaithe na hoibre go dtí seo agus an chosc de facto ar an Ghaeilge sna cúirteanna, áitíonn POBAL gur seo cur chuige atá go hiomlán mí-oiriúnach.

7.05

POBAL has obtained information relating to contact by an individual Irish speaker with both DCAL and DENI. The individual was seeking a copy in Irish of the Education Order 1998. The translated copy, once located, had not been proofed. ⁴⁸ This took a further seven days prior to being sent to the applicant with a note stating that the English version was the authoritative one. ⁴⁹ In addition to the apparently unreliable completion of translation of even a minimal number of legal texts, it is clear that neither the public nor government bodies are made aware of how to access the three available texts in Irish. The UK's reference in its Third Periodical Report to lack of demand for translated texts (see also 2.11.iii) appears mischievous, and rather ironic given the effective blanket ban on the use of Irish in the courts which clearly curtails the demand for legal translation. It is also significant since it appears to imply that the translation of further legislation into Irish will not be carried out on a rolling basis, but is static or demand-led. Given the minimalistic nature of the commitment made, its poor advertising, the incomplete nature of the work carried out to date and the de facto ban on Irish in the courts, POBAL contends that this is an entirely inappropriate approach.

⁴⁸ Scairt ghutháin ó Hilda Emerson, Aonad Tacaíochta Bainistíochta, ROTÉ chuig duine den phobal, 8 Aibreán 2008

⁴⁹ Nóta, le síniú 'Kim' thar ceann Hilda Emerson ROTÉ le cóip den téacs aistrithe, 15 Aibreán 2008.

⁴⁸ Phone call from Hilda Emerson, Management Support Unit, DENI to member of public, 8 April 2008

⁴⁹ Note, signed 'Kim' on behalf of Hilda Emerson DENI with copy of translated text, 15 April 2008

8 CETRM Cuid III

Airteagal 10: Údaráis Riaracháin & Seirbhísí Poiblí

8.01

Tá Airteagal 10, ar Údaráis Riaracháin agus Seirbhísí Poiblí, dréachtaithe le bonn a sholáthar do chainteoirí teangacha réigiúnacha nó mionlaigh ar a dtig leo a gcearta mar shaoránaigh a chleachtadh an fad is faide is féidir trína dteanga agus i ndála a thugann meas ar an rogha sin.

8.02

Cuid III Airteagal 10.1.a.iv

Taobh istigh de cheantair riaracháin an Stáit ina gcosnaíonn líon na gcónaitheoirí is úsáideoirí teangacha réigiúnacha nó mionlaigh iad na bearta atá sainithe thíos agus de réir chás gach teanga, geallann na Páirtithe, chomh fada agus is féidir go réasúnta: 'a chinntiú go bhféadfaidh úsáideoirí teangacha réigiúnacha nó mionlaigh aighneachtaí béil nó scríofa a chur isteach sna teangacha seo.'

8.02.i

I 2007, áiríonn CCSE gearáin leanúnacha fá úsáid áis an ghlórphoist le déileáil le scairteanna gutháin i nGaeilge, agus fán ghá atá le seirbhís níos fearr maidir le hiarratais scríofa.⁵⁰ Tugann sin orthu a mheas nár comhlíonadh an gealltanais ach sa bheag. Tuairiscíonn Coiste na Saineolaithe, Mhaigh na húdaráis gur faoi dhiscreíd gach údarás áitiúil a bhí sé seirbhís Ghaeilge a chur ar fáil. Mhóthaigh Coiste na Saineolaithe go dteastaíonn tuilleadh teorach ó na húdaráis ar an cheist seo.⁵¹

8.02.ii

An mhuintir sin a dhéanfadh teagmháil ghutháin, tá siad i muinín chóras glórphoist a chruthaigh a bheith gan iarraidh, gan éifeacht agus in amanna gan a bheith ann.

8.02.iii

Sheol POBAL amach litreacha chuig gach roinn Rialtais áitiúil i mí Feabhra 2008 ag cur roinnt ceisteanna a bhain le feidhmiú an CETRM i dtaca le seirbhísí agus soláthar Gaeilge. As 11 roinn Rialtais níor fhreagair ach ceathrar, d'fhreagair na Ranna Comhshaoil, Cultúir agus Forbartha Réigiúnaí i nGaeilge, agus an Roinn Fiontar i mBéarla.

Chuir POBAL an litir chéanna arís i mí na Samhna 2008 chuig na 7 roinn nár fhreagair céadlitir POBAL. Níor fhreagair ach roinn amháin, an Roinn Airgeadais, i nGaeilge agus i mBéarla araon. Is ionann seo is a rá nár fhreagair ach níos lú ná leath na ranna rialtais fiosrú POBAL ar fheidhmiú an CETRM.

⁵⁰ An Chairt Eorpach ar Theangacha Réigiúnacha nó Mionlaigh: Feidhmiú na Cairte san RA, 2ú Cúrsa Faireacháin; Strasbourg, 14ú Márta 2007, leath 52, 53, parag 451, 452, 468

⁵¹ Ibid, leath 52, parag 460

8 ECRML Part III

Article 10: Administrative Authorities & Public Services

8.01

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.

8.02

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.'

8.02.i

In 2007, the COMEX notes continuing complaints about the use of a voice-mail facility to field telephone calls in Irish, and the need for a better service regarding written applications⁵⁰ This leads them to conclude that the undertaking is only partly fulfilled. The Committee of Experts report, The authorities claimed that it was at each local authority's discretion to provide an Irish language service. The Committee of Experts gained the impression that there is a need for more direction from the authorities on this matter.⁵¹

8.02.ii

For those making contact via telephone, there is currently a dependence on a voicemail system that has proved unpopular, ineffective and at times non-existent.

8.02.iii

POBAL sent out letters to all local Government departments in February 2008 asking a number of questions relating to the implementation of the ECRML in respect to the Irish language services and provision. Of the 11 Government departments only 4 answered, the Departments of Environment, Culture and Regional Development in Irish, and the Department of Enterprise answered in English.

POBAL re-sent the same letter in November 2008 to the 7 departments who had not responded to POBAL's earlier letter. Only 1 department answered, the Department of Finance, in both Irish and English. This meant that fewer than half of all the government departments answered POBAL's query into to the implementation of the ECRML.

⁵⁰ The European Charter for Regional or Minority Languages: Application of the Charter in the UK, 2nd Monitoring Cycle; Strasbourg, 14th March 2007, pg 52, 53, parag 451, 452, 468

⁵¹ Ibid, pg 52, parag 460

8.03.

Cuid III Airteagal 10.1.c

Taobh istigh de cheantair riaracháin an Stáit ina gcosnaíonn líon na gcónaitheoirí is úsáideoirí teangacha réigiúnacha nó mionlaigh iad na bearta atá sainithe thíos agus de réir chás gach teanga, geallann na Páirtithe, chomh fada agus is féidir go réasúnta: ligean do na húdaráis riaracháin cáipéisí a dhréachtú i dteanga réigiúnach nó mionlaigh.

8.03.i

Inniu is ceann de na chéad phoirt chuarda agus teagmhálacha á lorg, na suíomhanna gréasáin. Rinne POBAL suirbhé ar shuíomh gréasáin gach roinn rialtais i mí an Mhárta 2009 a lorg: chomharthaí infheicthe Gaeilge ar shuíomhanna gréasáin, dheiseanna teagmhála i nGaeilge nó trí Ghaeilge, agus cháipéisíocht a bheadh ar fáil i nGaeilge. Aimsir an tsuirbhé, bhí naisc theanga Gaeilge ar a leathanaigh baile ag dhá roinn, Oideachas agus Talmhaíocht, ach níor léir aon Ghaeilge ar an naonúr eile.⁵²

8.03.ii

Roinn amháin rialtais, an Roinn Cultúir, a thairgeann deis do Ghaeilgeoirí teagmháil a dhéanamh i nGaeilge trína seirbhís glórphoist. Tairgeann an Roinn Talmhaíochta eolas teagmhála i nGaeilge, ach ní liostaítear aon seirbhís thiomnaithe Ghaeilge ghutháin. Ní thairgeann na naoi ranna eile aon eolas ná deiseanna teagmhála tríd an Ghaeilge.

8.03.iii

Tá dornán beag cáipéisí ar fáil i nGaeilge ar shuíomh gréasáin 3 ranna, an Roinn Forbartha Sóisialta, an Roinn Oideachais agus an Roinn Talmhaíochta. (Féach Aguisín 1 mar a bhfuil lántaifead an tsuirbhé seo).

8.03.iv

Rinne POBAL suirbhé ar shuíomh gréasáin gach comhairle áitiúil a lorg: chomharthaí infheicthe Gaeilge ar shuíomhanna gréasáin, dheiseanna teagmhála i nGaeilge nó trí Ghaeilge, agus cháipéisíocht a bheadh ar fáil i nGaeilge. Ní raibh suíomh gréasáin iomlán dátheangach ag aon cheann de na 26 comhairle. Bhí Gaeilge le feiceáil ar leathanaigh baile shuíomh gréasáin 3 cheann de na comhairlí: suíomh dátheangach atá ag an Iúr, cé go bhfuil a lán leathanach nach bhfuil fáil orthu ach i mBéarla. Leathanach amháin i nGaeilge atá ag Dún Geanainn agus an Chorr Chríochach. Thairg trí chomhairle aistriúchán suíomh gréasáin i suas le teanga dhéag ach chan i nGaeilge.

8.03.v

Ní fhógraíonn ceann ar bith de na comhairlí go poiblí deis teagmhála tríd an Ghaeilge sa liosta ginearálta teagmhála. Bhí seirbhís glórphoist ag Béal Feirste agus bhí teagmhálacha oifigeach Gaeilge ag Comhairlí Dhún Geanainn agus Léim a' Mhadaidh, ach bhí siad siúd i bhfolach i léarscáileanna láithreáin ghréasáin.

⁵² Ó rinneadh an tsuirbhé, d'oibrigh POBAL le cuid de na Ranna leis an chás seo a fheabhsú. Ach go fóill níl aon chur chuige leanúnach ann d'úsáid na Gaeilge ar fud iomlán na Ranna.

8.03.

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.

8.03.i

Nowadays one of the first ports of call when seeking contacts is through websites. POBAL surveyed all government department websites in March 2009 for: visible signs of Irish on websites, contact opportunities in Irish or through Irish, and documentation available in Irish. At the time of the survey, two departments, Education and Agriculture, had Irish language links on their homepages, but no Irish was visible on the other nine.⁵²

8.03.ii

Only 1 government department, The Department of Culture, offers Irish speakers the chance to make contact in Irish, through its voicemail service. The Department of Agriculture offers contact information in Irish, but no dedicated Irish language phone service is listed. The other 9 departments offer no information on contact opportunities through Irish.

8.03.iii

A small number of documents are available in Irish on only 3 department websites, the Department for Social Development, the Department of Education and the Department of Agriculture. (See Appendix 1 for a full record of this survey)

8.03.iv

POBAL surveyed all local council websites for: visible signs of Irish on websites, contact opportunities in Irish or through Irish, and documentation available in Irish. None of the 26 councils had a totally bilingual website. 3 councils had Irish visible on their website homepage: Newry has a bilingual site, although many pages were available in English only. Dungannon and Cookstown have a single page in Irish. Three councils offered translation of websites in up to eleven languages but not Irish.

8.03.v

None of the councils advertise publically a contact opportunity through Irish in the general contacts list. Belfast had a voicemail service and Dungannon and Limavady Councils had Irish language officer contacts, but these were found buried away in website site maps.

⁵² Since the survey, POBAL has worked with some Departments to improve this situation. There remains however no consistent approach or use of Irish through all the Departments

8.03.vi

Ar shuíomh gréasáin chomhairle amháin de na 26 comhairle a d'aimsigh POBAL cáipéisí Gaeilge, Comhairle Dhoire, agus bhain a mbunús siúd le próiseas comhairliúcháin Ghaeilge na Comhairle. Chuir Comhairlí an Bhaile Mheánaigh, Bhaile Monaidh agus an Dúin cáipéisíocht ar fáil i dteangacha seachas Béarla, ach chan i nGaeilge. (Féach Aguisin 2 mar a bhfuil lántaifead an tsuirbhé seo).

8.03.vii

Creidimid go bhfuil saincheist ag baint leis an cheist atá molta do Dhaonáireamh 2011 maidir le cruinneas agus le hAlbainis Uladh, ar an ábhar nach bhfuil ann go fóill aon mhíniú nó leorshaothar oifigiúil ar chorpas Albainis Uladh a nglactar go forleathan leo agus, mar sin, nach róshoiléir cad is cainteoir Albainis Uladh ann. Tá an fhadhb á méadú cionn is gur cosúil go bhfuil tuairimí éagsúla ag comhlachtaí éagsúla poiblí fá nádúr an leanúntais idir Bhéarla agus Albainis Uladh, leithéid an Athbhreithniú ar Theangacha Dúchais Mhionlaigh a rinne Comhairle Lucht Éisteachta an BBC, a deir:

Díláithriú clár Béarla: Admhaíonn an Chomhairle go dtig le toisc dhíláithriú do lucht éisteachta a bheith ann nuair a chuirtear clár Ghaeilge i sceideal in áit chlár Béarla. Tá Albainis Uladh inrochtana den chuid is mó ag an ghnáthlucht éisteachta, ach ag ceann ard-difreálte an speictrim theangeolaíoch agus mar sin is lú de cheist í.⁵³

Tá scríofa ag POBAL chuig an Oifig Daonáirimh le rá go bhfeictear dúinn go dtiocfadh leis na débhríochtaí seo comhthiomsú eolais chruinn a chur ó mhaith agus mholfaimis go tréan go gcuirfí an moladh le ceist ar Albainis Uladh a chuimsiú a chur siar go dtí go mbeidh sainmhíniú aitheanta ann ar an rud a idirdhealaíonn idir chainteoir Béarla agus chainteoir Albainis Uladh, nó leoga, idir chainteoir Béarla le corrfhocail Albainis Uladh agus duine le cumas gramadach agus foclóir oifigiúil aitheanta a úsáid mar is ceart.

8.03.viii

In earrach 2007 d'eisigh Oifig an Chéad-Aire agus an LeasChéad-Aire foilseachán cur ar aghaidh darbh ainm 'Your Government – Making it Work'. Ar 7ú Meitheamh 2007 chuir POBAL r-phost chuig OCALCA ag iarraidh cóipeanna i nGaeilge. Chuir POBAL scairt ar OCALCA ar 7/7/07, 8/7/07 agus 20/7/07 ar an ábhar seo. Ar 24/7/07 chuir POBAL r-phost arís ag iarraidh an fhoilseachán i nGaeilge agus ag tabhairt le fios go gcuideodh foilseachán i nGaeilge lena léiriú go bhfuil an Tionól ann do gach duine. Fuair POBAL r-phost níos moille an lá sin ag rá go raibh an cheist á próiseáil ar bhonn práinne. Níor chuala POBAL focal ó OCALCA ó shin ar an cheist.

8.03.vi

POBAL found Irish language documents on only 1 of the 26 council websites, Derry Council, and these almost all related to the Council's Irish language consultation process. Ballymena, Ballymoney and Down Councils provided documentation in languages other than English, but not in Irish. (See Appendix 2 for a full record of this survey)

8.03.vii

We believe that there is a specific issue in relation to the proposed question for the 2011 Census in relation to accuracy and Ulster Scots because there is still no widely accepted official definition or adequate work on the corpus of Ulster Scots and there is therefore a lack of clarity on what constitutes a speaker of Ulster Scots. This problem is compounded by the fact that different public bodies appear to take a different stance in relation to the nature of the continuum between English and Ulster Scots, such as the BBC Audience Council's Indigenous Minority Language Review, which states:

Displacement of English-language programmes: Council acknowledges there can be a displacement factor for audiences when Irish Language programmes are scheduled in place of English Language programmes. Ulster Scots is largely accessible to mainstream audiences, except at the highly differentiated end of the linguistic spectrum and so this is much less an issue.⁵³

POBAL has written to the Census Office to say that it appears to us that these ambiguities may endanger the collation of accurate information and we strongly suggest that the proposal to include a question on Ulster Scots be deferred until such time as there is an accepted definition of what differentiates a speaker of English from one of Ulster Scots, or indeed an English speaker with isolated words of Ulster Scots from a person with the ability to correctly use an agreed official grammar and vocabulary.

8.03.viii

In spring 2007 the Office of the First Minister and Deputy First Minister released a promotional publication entitled 'Your Government – Making it Work'. On the 7th June 2007 POBAL e-mailed OFMDFM requesting copies in Irish. POBAL rang OFMDFM on the 7/7/07, 8/7/07 and 20/7/07 in this regard. On 24/7/07 POBAL e-mailed again requesting the publication in Irish and pointing out that publications in Irish would help to show that the Assembly is there for everyone. POBAL received an e-mail from OFMDFM later that day to say that the issue was being processed as a matter of urgency. POBAL have not heard from the OFMDFM on the matter since.

⁵³ Athbhreithniú ar Theangacha Dúchais Mionlaigh Chomhairle Lucht Éisteachta an BBC: Leath. 8, E
http://www.bbc.co.uk/northernireland/audiencouncil/docs/iml_submission_1st.pdf

⁵³ The BBC Audience Council's Indigenous Minority Language Review: Page 8, E
http://www.bbc.co.uk/northernireland/audiencouncil/docs/iml_submission_1st.pdf

8.04.

Cuid III Airteagal 10.2.b

Maidir le húdaráis áitiúla agus réigiúnacha a bhfuil líon na gcónaitheoirí ar a gcríocha is úsáideoirí teangacha réigiúnacha nó mionlaigh iad ar dhóigh a gcosnódh na bearta atá sainithe thíos, geallann na Páirtithe an méid thíos a cheadú agus/nó a spreagadh:

deis ag úsáideoirí teangacha réigiúnacha nó mionlaigh iarratais bhéil nó scríofa a chur isteach sna teangacha seo.

8.04.i

Léiríodh mí-éifeacht an chóras glórphoist ar leibhéal chomhairle contae i suirbhé a rinne POBAL i mí Feabhra 2009. Chuaigh POBAL i dteagmháil ghutháin le gach comhairle contae le ceist fá imeachtaí i gceantar na comhairle. Sna comhairlí uilig níor thuig an chéad teagmhálaí an Ghaeilge agus dúirt an chéad teagmhálaí i seacht gcinn de na comhairlí nach raibh áiseanna Gaeilge ag an chomhairle. Aon chomhairle amháin, an tIúr agus Múrna, a d'fhreagair an fiosrúchán i nGaeilge. Bhí POBAL in ann teachtaireacht a fhágáil ar inneall freagartha i 9 gcomhairle, a raibh teachtaireacht thaifeadta Gaeilge ag 5 acu, i mBéarla amháin ag 4. Go dtí seo tugadh freagra ar thrí cinn de na fiosrúcháin seo a fágadh ar inneall freagartha, iad uilig i mBéarla: Fear Manach (2 lá níos moille), Baile Nua na Mainistreach (3 lá níos moille), Creagabhann (7 lá níos moille). (Féach Aguisin 3 mar a bhfuil lántaifead an tsuirbhé seo)

8.04.ii

Chuir POBAL litreacha amach chuig na Comhairlí áitiúla uilig i 2007, 2008 agus 2009.

Lúnasa 2007

I Lúnasa 2007 chuaigh POBAL i dteagmháil phoist leis na comhairlí áitiúla uilig i nGaeilge ag fiosrú fá sheirbhísí a bhí ar fáil do Ghaeilgeoirí ina gceantar féin agus ar eagraigh nó ar bheartaigh an Chomhairle imeachtaí ar bith Gaeilge. D'fhreagair 19 de na 26 comhairle. 9 bhfreagra a bhí i nGaeilge, 10 i mBéarla. D'fhreagair Baile Monaidh:

Níl seirbhís gutháin do Ghaeilgeoirí ag Comhairle Bhaile Monaidh agus ní eagraítear imeachtaí ar bith ar leith do phobal na Gaeilge sa cheantar.⁵⁴

Feabhra 2008

I bhFeabhra 2008 rinneadh teagmháil phoist i nGaeilge le gach comhairle áitiúil agus cuireadh roinnt ceisteanna a bhain lena soláthar Gaeilge faoin CETRM, aistriú agus comhfhreagras scríofa agus gutháin tríd an Ghaeilge, agus cheartúsáid ainmneacha agus seoltaí i nGaeilge.

D'fhreagair 17 de na 26 comhairle. Bhí 10 bhfreagra i nGaeilge, 7 i mBéarla.

Den chuid a d'fhreagair, ar bhonn beartais ní fhreagróidh Baile Monaidh, Carraig Fhearghais, Aontroim, Cúil Raithin, Creagabhann agus Tuaisceart an Dúin litreacha i nGaeilge ach i mBéarla. Deir Comhairle Chúil Raithin, más aisteach, i bhfreagra ar litir POBAL i nGaeilge 'líofa' go mbíonn:

I mBéarla a bíos freagraí ar Ghaeilge scríofa; ach, corruair, má bhíonn líofacht Ghaeilge ag an fhaighteoir.⁵⁵

⁵⁴ Comhfhreagras r-phoist, 28ú Meitheamh 2007, chuig POBAL ón Oifigeach Tograí Corparáide, Comhairle Bhaile Monaidh.

⁵⁵ Comhfhreagras, 11ú Márta 2008, ó Cheannasaí na Seirbhísí Riaracháin, Comhairle Baile Chúil Raithin le Janet Muller, POBAL.

8.04.

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.

8.04.i

The inefficiency of the voicemail system was demonstrated at local council level in a survey carried out by POBAL in February 2009. POBAL contacted all local councils by phone with a query on events in the council area. In all councils the first contact didn't understand Irish and the first contact in 7 of the councils said that the council had no Irish language facilities. The query was addressed through Irish in only 1 council, Newry and Mourne. POBAL was able to leave a message on an answering machine in 9 councils, 5 of which had a recorded message in Irish, 4 in English only. To date three of these queries left on an answering machine have been addressed, all of them through English: Fermanagh (2 days later), Newtownabbey (3 days later), Craigavon (7 days later).

(See Appendix 3 for a full record of this survey)

8.04.ii

POBAL sent out letters to all local Councils in 2007, 2008 and 2009.

August 2007

In August 2007 contacted all local councils by post in Irish asking what services were available to Irish speakers in their particular areas and if Irish language events had been organised or were planned by the Council. 19 of the 26 councils replied. 9 replies were in Irish, 10 in English. Ballymoney Council replied:

Ballymoney Council does not have a telephone service for Irish language speakers and there are no events organized specifically for the Irish language community in the area.⁵⁴

February 2008

In February 2008 all local councils were contacted by post in Irish and asked a number of questions relating to their Irish language provision under the ECRML, translation and correspondence in writing and by telephone through Irish, and proper use of names and addresses in Irish. 17 of the 26 councils replied. 10 replies were in Irish, 7 in English.

Of those who replied, Ballymoney, Carrickfergus, Antrim, Coleraine, Craigavon and North Down Council, as a matter of policy, will only reply in English to letters written in Irish. Coleraine Council curiously stated in reply to POBAL's letter in 'fluent' Irish that:

The replies to written Irish are in English; unless, exceptionally, the recipient is fluent in Irish.⁵⁵

⁵⁴ E-mail correspondence, 28th June 2007, to POBAL from Corporate Project Officer, Ballymoney Council

⁵⁵ Correspondence, 11th March 2008, from Head of Administrative Services, Coleraine Borough Council to Janet Muller, POBAL

Nollaig 2008

I mí na Nollaig 2008 chuathas i dteagmháil phoist le gach comhairle áitiúil agus cuireadh roinnt ceisteanna orthu ag baint lena soláthar Gaeilge faoin CETRM, iomlán na cáipéisíochta a bhaineann le CETRM, iomlán na cáipéisíochta a bhaineann leis an Athbhreithniú ar Riarachán Poiblí maidir le seirbhísí agus soláthar Gaeilge agus mionsonraí ról na n-oifigeach Gaeilge agus athruithe ar a ról de bharr an Athbhreithniú ar Riarachán Poiblí. D'fhreagair 15 de na 26 comhairle. Bhí 4 freagra i nGaeilge, 7 i mBéarla agus bhí 4 dátheangach.

8.04.iii

Níor fhreagair Comhairle Dhroichead na Banna ceann ar bith de na 3 litir a chuir POBAL chucu idir 2007 agus 2009.

8.04.iv

Ghéaraigh foclaíocht i dtagairt i nDara Tuarascáil Thréimhsiúil an RA ar imní POBAL, áit ar dúradh fá bheartas an Rialtais nach gcoiscfeadh sé ar chomhairlí áitiúla ná ar údaráis réigiúnacha glacadh le hiarratais bhéil nó scríofa i nGaeilge. B'fhearr i bhfad a chuirfí le spiorad an CETRM dá spreagfadh an RA comhairlí áitiúla go dearfach seachas gan iad a chosc go foighdeach.

8.04.v

Sheol Feidhmeannas Thuaisceart na hÉireann an tAthbhreithniú ar Riarachán Poiblí (ARP) i mí Meithimh 2002 mar scrúdú cuimsitheach ar na socrúithe do riar agus do sholáthar sheirbhísí poiblí. Mhol sé an chead uair go laghdófaí na 26 comhairle áitiúil go 7 ach leasaíodh sin i 2008 go 11. Tá na struchtúir úra le cur in áit i 2011. Is eagal linn, más fíor do chomhfhreagras idir POBAL agus na comhairlí áitiúla, nár pléadh an ARP go foirmiúil ag aon chomhairle maidir le seirbhísí Gaeilge agus le feidhmiú an CETRM in eagar úr na gcomhairlí. Is ábhar imní fosta nach dtairgeann na moltaí aon ghléas a chinnteodh leanúnachas nó forbairt bhreise an dea-chleachtais agus go mbainfí an bonn de na beartais agus na cleachtais fhabhracha a d'fhorbair Comhairle Ceantair an Lúir agus Mhúrn, agus a forbraíodh fad áirithe i gcomhairlí eile.

8.04.vi

Seasann 4 oifigeach Gaeilge thar ceann 6 cinn de na 26 comhairle. Tá a gceann féin ag Doire agus Lúir Cinn Trá, agus roinneann Léim a' Mhadaidh/Machaire Fíolta agus an Chorr Chríochach/Dún Geanainn oifigeach fá seach. D'iarr POBAL sonraí poist agus eolas eile ar ról na 4 oifigeach Gaeilge atá i gceist ar na comhairlí ábhartha. De réir an eolais a fuarthas is iad príomhdhualgais na n-oifigeach Gaeilge an Ghaeilge a chur chun cinn taobh istigh den Chomhairle agus i gceantar na Comhairle, agus cáipéisíocht na comhairle a sholáthar agus a aistriú go Gaeilge.

Is ábhar imní fad áirithe ag POBAL go n-iarrtar ina sonraí poist ar oifigh an Lúir agus Dhoire cultúr Albainis Uladh a chur chun cinn:

Scéimeanna a thionscnamh agus a sholáthar le gnéithe uilig oidhreacht, thraidisiún, chultúr agus theanga Albainis Uladh a chur chun cinn. (Sonraí poist oifigeach Gaeilge an Lúir: 1.18)

December 2008

In December 2008 all local councils were contacted by post in Irish and asked a number of questions relating to their Irish language provision under the ECRML, all documentation relating to the ECRML, all documentation relating to the Review of Public Administration in regard to Irish language services and provision and details on the role of Irish language officers and changes to their role under due to the Review of Public Administration. 15 of the 26 councils replied. 4 replies were in Irish, 7 in English and 4 were bilingual.

8.04.iii

Banbridge Council answered none of the 3 letters sent to them by POBAL between 2007 and 2009.

8.04.iv

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 ECRML if the UK were to encourage local councils rather than to passively not prohibit.

8.04.v

The Review of Public Administration (RPA) was launched by the Northern Ireland Executive in June 2002 as a comprehensive examination of the arrangements for the administration and delivery of public services. It originally proposed that the 26 local councils be reduced to 7 but this was amended in 2008 to 11. The new structures are to be put in place in 2011. We are concerned that according to correspondence between POBAL and local councils the RPA has not been discussed formally by any council in respect to Irish language services and the implementation of the ECRML in the new council setup. It is also concerned that the proposals offer no mechanism to ensure the continuance or further development of good-practice and that more favourable policies and practices developed by Newry & Mourne District Council, and to a lesser extent in some other councils, will be undermined.

8.04.vi

6 of the 26 councils are represented by 4 Irish language officers. Derry and Newry have their own, while Limavady / Magherafelt and Cookstown / Dungannon share an officer respectively. POBAL requested job descriptions and other information on the role of the 4 Irish language officers in question from the relevant councils. According to the information received the Irish language officers main duties are to promote Irish within the Council and in the Council area, to provide and translate council documentation into Irish.

It is of some concern to POBAL that Newry and Derry officers are required in their job description to promote the Ulster Scots culture:

Initiate and deliver schemes to promote all aspects of Ulster Scots heritage, tradition, culture and language. (Newry Irish language officer job description: 1.18)

Tionscnaimh/cláir/imeachtaí a chur ar cois agus a bheith páirteach iontu a dhíreodh ar fheasacht agus urraim theanga, chultúr agus oidhreacht na Gaeilge agus Albainis Uladh a chur chun cinn. (Sonraí poist oifigeach Gaeilge Dhoire: Dualgais)

Creideann POBAL gurbh fhearr a dhéanfaí freastal ar chur chun cinn na Gaeilge dá ndíreofaí dualgais na n-oifigeach Gaeilge ar an Ghaeilge amháin, agus go láimhseofaí cur chun cinn cultúr eile ar leithligh.

8.04.vii

Ní raibh aon cheann de na comhairlí in ann a rá, ná níor phléigh siad mar ba cheart, cén tionchar a d'oibreodh athruithe faoin ARP ar shainchúram, bhuiséad nó ar phost féin na n-oifigeach Gaeilge. Faoi na hathruithe teorann atá molta beidh na comhairlí uilig ina bhfuil oifigigh Ghaeilge faoi réir athrú. Is ábhar imní é go dtiocfaidh Comhairle Léim a' Mhadaidh, a oibríonn beartas forásach Gaeilge fá láthair, le chéile le Cúil Raithin, Baile Monaidh agus an Mhaoil, 3 cinn de na comhairlí is lú fuinneamh i dtaca le soláthar Gaeilge i gceantair a gcomhairlí.

8.05.

Cuid III Airteagal 10.2.g

Maidir le húdarais áitiúla agus réigiúnacha a bhfuil líon na gcónaitheoirí ar a gcríocha is úsáideoirí teangacha réigiúnacha nó mionlaigh iad ar dhóigh a gcosnódh na bearta atá sainithe thíos, geallann na Páirtithe an méid thíos a cheadú agus/nó a spreagadh:

úsáid nó gabháil, más gá i gcomhar leis an ainm sa teanga oifigiúil/sna teangacha oifigiúla, fhoirmeacha dúchais agus cearta áitainmneacha i dteangacha réigiúnacha nó mionlaigh.

8.05.i

Tháinig Comhairle Léim a' Mhadaidh faoi Mheasúnacht Tionchair Chomhionannais i ndiaidh do roinnt ball foirne gearán a dhéanamh fá Ghaeilge a bheith mar chuid de lógó éide na Comhairle. I 2003 a tháinig beartas dátheangach na Comhairle faoi pháipéarachas na Comhairle i bhfeidhm i 2003 agus idir sin agus 2008 ní dhearnadh aon gearán foirmiúil leis an Chomhairle fán bheartas dátheangach. Leathnú ar an bheartas a fhad le lógónna éide na Comhairle i 2008 ba chúis leis an ghearán agus anois tá molta ag an Chomhairle, ag díriú ar chomhsheasmhacht feasta a chinntiú, leathnú breise ar an bheartas a fhad le 'héidí, feithiclí uilig na Comhairle agus ábhair eile den chineál sin taobh amuigh de bheartas láithreach na Comhairle'⁵⁶ Thionscnaigh an Chomhairle an mheasúnacht seo faoi Alt 75 d'Acht Thuaisceart na hÉireann ar an bhonn má tá Gaeilge ar lógó na Comhairle go n-oibreofaí 'tionchar dochrach orthu siúd ó chúlra Protastúnach/Aontachtach...' agus '... go mb'fhéidir go n-oibreodh sé ar shláinte phearsanta, shábháilteacht nó

Instigate and participate in initiatives / programmes / events aimed at promoting awareness and respect of the Irish and Ulster Scots language, culture and heritage. (Derry Irish language Officer job description: Duties)

POBAL believe that the promotion of the Irish language would be better served if the duties of Irish language officers focused on the Irish language only, and that promotion of other cultures should be handled separately.

8.04.vii

None of the councils were able to say or had discussed properly how changes under the RPA may affect the remit, budget or the post itself of the Irish language officers. Under proposed boundary changes all councils in which there are Irish language officers will be subject to change. It is worrying that Limavady Council, which currently has a progressive Irish language policy, will come together with Coleraine, Ballymoney and Moyle, 3 of the least active councils in respect to Irish language provision in their council areas.

8.05.

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.

8.05.i

Limavady Council has undergone an Equality Impact Assessment after a number of its staff complained about the inclusion of Irish on the Council uniform logo. The Council's bilingual policy came into operation in respect to Council stationery in 2003 and between then and 2008 no formal complaints were made to the Council regarding the bilingual policy. An extension of the policy to Council uniform logos in 2008 caused the complaint and now the Council, aiming to ensure future consistency, has proposed a further extension of the policy to 'all Council uniforms, vehicles and other such materials outside current Council policy'⁵⁶ The Council has instigated this assessment under Section 75 of the Northern Ireland Act on the grounds that having Irish on the Council logo 'may have an adverse impact on those from a Protestant / Unionist background...' and '... may impact on his or her personal health, safety or well-being', and they are

⁵⁶ Dréacht-thuarascáil do Chomhairliúchan Mheasúnacht Tionchair Chomhionannais Léim a' Mhadaidh, Eanáir 2009: Leath. 8, 9.

⁵⁶ Limavady Council Equality Impact Assessment Draft Report for Consultation, January 2009: Pg. 8,9.

fholláine', agus tá siad ag moladh rogha an diúltaithe d'oibríthe atá in éadan an lógó dátheangach a chaitheamh. Diúltaíonn POBAL don tuiscint sin go mb'fhéidir go mbeadh 'tionchar dochrach' ag leagan Gaeilge áitainm mar gheall ar chúlra polaitiúil nó reiligiúin duine nó go gcuirfeadh sé i mbaol 'sláinte phearsanta, sábháilteacht nó folláine'.⁵⁷ Céim ar gcúl atá anseo, dar linn, a spreagfadh iarrachtaí eile le teorainn a chur ar infheictheacht rótheoranta na Gaeilge i gceantar na Comhairle.

8.05.ii

Éiríonn an cheist fá fhadhbanna le hiarratais ar ardú chomharthaíocht sráide dátheangach sna Comhairlí a léirigh de ghnáth naimhdeas don Ghaeilge. Sampla de seo iad iarrachtaí a rinneadh le háitiú ar Chomhairle an Bhaile Mheánaigh sráidainmneacha dátheangacha a ardú ar dhá shráid i gceantar na Comhairle, Bóthar Bhaile Uí Scolláin, agus grúpa Gaeilge ar an Charraigín, Gleann Fhreachail, bailigh siad sínithe ar dtús fá thógáil chomhartha dhátheangaigh ag Páirc an Iarnróid, an Carraigín. 80% de na cónaitheoirí a shínigh an achainí, iad uilig i bhfách le comhartha dátheangach. Cuireadh an t-iarratas seo chuig an Chomhairle agus cuireadh ar an chlár oibre i 2005 é. I 2006 d'fhiafraigh an comhairleoir Paul Mc Glinchy fá chonas a bhí an t-iarratas ag dul chun cinn ach rinneadh neamhiontas de. Dhá bhliain anonn (17.11.08) d'ardaigh an comhairleoir Monica Digney an cheist ag cruinniú den Chomhairle agus fuair sí 'íde béil' ó chomhairleoirí eile. Dúradh léi go raibh beartas sráidainmneacha na Comhairle go fóill á dhréachtú agus go raibh comhairle dlí á lorg. D'iarr POBAL an dréachtbheartas ar Chomhairle an Bhaile Mheánaigh (i litir agus ar r-phost) ach ní bhfuair aon fhreagra. Níos moille anonn d'éirigh linn cóip den dréachtbheartas agus de bhreithmheas dlíthiúil ar an bheartas a fháil a cuireadh chuig an Chomhairle i mí Lúnasa 2006! Tá neamhiontas á dhéanamh d'iarratais ar chomharthaíocht sráide dátheangach agus sa deireadh á séanadh sin ar chónaitheoirí cheantar Chomhairle an Bhaile Mheánaigh.

8.05.iii

D'fhoghlaim cónaitheoirí Bhaile Monaidh, i ndiaidh gur éirigh leo tabhairt ar an Chomhairle beartas ainmniú sráide a ghabháil, gur dhiúltaigh comhairleoirí aontachtacha cloí leis an bheartas. Nuair a rinne cónaitheoirí athiarratas ar chomharthaíocht dhátheangach i Meán Fómhair 2007 dhiúltaigh cruinniú Comhairle don iarratas agus d'iarr an Comhairleoir PAD Roy Wilson go gcuirfí a ainm ar taifead i gcoinne, agus dúirt: "Ba mhaith liom go ndéanfadh comhairleoirí diansmaoineamh ar a vóta. Tá leatrom á imirt ar phobal Protastúnach Ros Earcáin ag bratacha agus suaitheantais nach leis an tír seo iad. Má leanaimid le comharthaí ainm i nGaeilge bainfimid an Briotanachas uilig amach as an sráidbhaile."⁵⁸ Glacadh leis an iarratas sa deireadh ar chúl doirse druidte nuair a mhol na cónaitheoirí agóid dhlíthiúil.

proposing an opt-out choice to workers who are against wearing the bilingual logo. POBAL reject the assumption that the Irish language version of a place name can have an 'adverse impact' due to a persons political or religious background or that it may endanger 'personal health, safety or well-being'.⁵⁷ We see this as a retrograde step which would encourage further attempts to limit the already very restricted visibility of the Irish language within the Council area.

8.05.ii

The issue of problems with requests for the erection of bilingual street signage comes up in the Councils which have shown themselves to be generally hostile to the Irish language. An example of this is attempts to have Ballymena Council erect bilingual street names in two streets in the Council area, Ballyscullion Road and. An Irish language group in Cargan, Glenravel first collected signatures on the adoption of a bilingual sign for Railway Park, Cargan. 80% of residents signed the petition, all in favour of a bilingual sign. This request was submitted to the Council and put on its agenda in 2005. In 2006 councillor Paul Mc Glinchy enquired as to how the request was progressing but was ignored. Two years later (17.11.08) councillor Monica Digney raised the issue at a Council meeting and was 'verbally abused' by other councillors. She was told that the street names policy was still being drafted and that legal opinion was being sought. POBAL requested the draft policy from Ballymena Council (both by letter and e-mail) but received no answer. We subsequently managed to get a copy of the draft policy and a legal appraisal on the policy which was sent to the Council in August 2006! Requests for bilingual street signage are being ignored and ultimately denied to residents of Ballymena Council area.

8.05.iii

Ballymoney residents found that after they managed to get the Council to adopt a street naming policy unionist councillors refused to adhere to the policy. When residents reapplied for bilingual signage in September 2007 a Council meeting rejected the application with DUP Councillor Roy Wilson requesting that his name be recorded in opposition, saying: "I want councillors to think hard about their vote. The Protestant people of Rasharkin are discriminated against by flags and emblems that don't belong to this country. If we go ahead with Irish name signs we'll take all Britishness out of the village."⁵⁸ The application was eventually accepted behind closed doors when a legal challenge was suggested by residents.

⁵⁷ Measúnacht Tionchair Chomhionannais Chomhairle Léim a' Mhadaidh, Dréacht-Tuarascáil i gcomhair Chomhairliúcháin, Eanáir 2009: Leath. 19,20.

⁵⁸ Chronicle Bhaile Monaidh. 7.11.2007

⁵⁷ Limavady Council Equality Impact Assessment Draft Report for Consultation, January 2009: Pg. 19,20.

⁵⁸ Ballymoney Chronicle. 7.11.2007

8.05.iv

D'fhaomh Comhairle Chúil Raithin a mbeartas ainmniú sráide i 2009 ach bhí cónaitheoirí ag éileamh an bheartais seo ó 2005 agus mothaíonn siad gur mhoilligh Comhairle Chúil Raithin d'aonturas ar an cheist seo thar an am sin. Áirimid go gceadaíonn an beartas go mbreithneofaí tuairimí neamhchónaitheach agus b'ábhar buartha ag POBAL an méid sin.⁵⁹

8.05.v

An chluas bhodhar a fuair achainithe ó chónaitheoirí agus Chomhairleoirí áitiúla go dtabharfaí Loch Cuan, ainm Gaeilge Strangford Lough, Contae an Dúin, ar lógó Áisíneacht an Locha ainneoin go dtiocfadh leo a thaispeáint go raibh an t-ainm Gaeilge i ngnáthúsáid, agus gurb é sin an t-ainm a thugann cainteoirí Gaeilge sa cheantar ar an loch.

8.05.vi

Ó Mheitheamh 2004 tá cónaitheoirí Lána an Tulaigh Bhric, Coillidh Chanannáin, Ard Mhacha ag iarraidh ar an chomhairle áitiúil comharthaíocht dhátheangach a chur suas ar an lána. Dhiúltaigh Comhairle Ard Mhacha, ag rá nach raibh aon bheartas acu agus go gcaithfeadh siad suirbhé dá gcuid féin a dhéanamh, ainneoin gur léirigh suirbhé a rinne na cónaitheoirí 100% a bheith i bhfabhar. Faomhadh beartas ainmniú sráide Chomhairle Ard Mhacha sa deireadh i Meán Fómhair 2007 ach 2 bhliain ón fhaomhadh sin tá cónaitheoirí go fóill ag féachaint leis na comharthaí dul suas.

8.05.vii.

Ainneoin líon mór aighneachtaí chuig comhairliúchán Choimisiún Críocha Áitiúla TÉ ar mholtaí athbhreithnithe d'ainmneacha ceantar agus bardaí ag iarraidh go n-aithneofaí leaganacha dúchais Gaeilge áiteanna a d'fhreagródh d'ainmneacha ceantar agus bardaí, dhiúltaigh an coimisinéir ainmniú dátheangtach ainmneacha ceantar agus bardaí. Ag lua an CETRM, dúirt sé go raibh deacracht aige:

...a theacht ar chinneadh dochloíte " go bhfuil líon na gcónaitheoirí is úsáideoirí na dteangacha sin ar dhóigh a gcosnódh é " nó an bhfuil " éileamh oiriúnach... ann

Dúirt sé fosta:

" Deacracht eile é nach bhfuil na frásaí seo sainmhínithe" .⁶⁰

⁵⁹Beartas Ainmniú Sráide agus Uimhriú Sealúchais Chomhairle Baile Chúil Raithin.

http://www.colerainebc.gov.uk/content_gfx/other/Street%20Naming%20Policy%20June%202009.pdf

⁶⁰Athbhreithniú Chríocha Rialtais Áitiúil TÉ, Tuarascáil Mholtaí Athbhreithnithe, Feabhra 2009, Richard H. Mackenzie CB, Coimisinéir Chríocha Rialtais Áitiúil.

8.05.iv

Coleraine Council approved their street naming policy in 2009 but residents have been this policy since 2005 and feel that Coleraine Council have deliberately stalled on this issue over that time. We note that in the policy allows the views of non-residents to be taken into consideration and this would be a worry to POBAL.⁵⁹

8.05.v

Appeals by residents and local Councillors to have Loch Cuan, the Irish name for Strangford Lough, County Down, used by the Lough Agency logo fell on deaf ears even though they were able to show that the Irish name was in common use, and was the name used by Irish speakers in the area for the lough.

8.05.vi

Since June 2004 the residents of Tullybrick Lane, Middletown, Armagh have been asking the local council to erect bilingual signage on their lane. Armagh Council refused, saying that they had no policy and needed to carry out their own survey, despite a residents' survey that showed 100% in favour. Armagh Council's street naming policy was eventually approved in September 2007 but 2 years since that approval residents are still trying to get the signs erected.

8.05.vii.

Despite a large number of submissions to the NI Local Boundaries Commission's consultation on revised recommendations for district and ward names asking that the traditional Irish language versions of places corresponding to district and ward names should be recognised, the commissioner refused to recommend the bilingual naming of district and ward names. Citing the ECRML, he said that he had difficulty:

...in reaching a conclusive finding as to whether " the number of residents who are users of such languages is such to justify it" or that there is " appropriate demand...

He adds that:

" A further difficulty is that these phrases are not defined" .⁶⁰

⁵⁹Coleraine Borough Council Street Naming and Property Numbering Policy.

http://www.colerainebc.gov.uk/content_gfx/other/Street%20Naming%20Policy%20June%202009.pdf

⁶⁰Review of NI Local Government Boundaries, Revised Recommendations Report, February 2009, Richard H. Mackenzie CB, Local Government Boundaries Commissioner

8.05.viii.

Léirigh baill foirne an Roinn Fiontar (RFTI) ganntanas tuisceana nuair a diúltaíodh do chlárú na naiscoileanna Náiscoil Mhachaire Rátha agus Náiscoil Charn Tóchair i Lúnasa 2007 ar an bhonn ‘nach raibh aistriúchán Béarla i gcuideachta na n-ainmneacha agus na seoltaí a moladh’. D’fhiosraigh POBAL seo agus fuair litir a thagair d’Acht na gCuideachtaí (Tuaisceart na hÉireann) 2006 (Airt. 1103): ‘Caithfear cáipéisí a dhréachtú agus a sheachadadh i mBéarla’. Scríobh POBAL ansin chuig RFTI ag míniú gur Gaeilgeoirí a shocraigh an t-ainm agus nach raibh aistriúchán Béarla air. Thairis sin thagair POBAL do bheartas Royal Mail gur leor seoladh ceart (i nGaeilge) agus postchód i gcomhair sheacadadh poist. Ghlac RFTI sa deireadh le clárú na n-ainmneacha agus an tseoladh poist ar 14/09/2009, ach thug le fios go gcaithfí gach cáipéisíocht eile a bheith i mBéarla.⁶¹

8.05.ix

Deir rannóg na leathfhocal, ‘Treoirínte Aitheantas Branda’, B-Bhranda Chomhairle Cathrach Bhéal Feirste:

Tabhair do d’aire: beidh ár n-aitheantas branda agus ár leathfhocail i gcónaí le feiceáil i mBéarla.⁶²

Creideann POBAL gurb ionann seo agus cosc de facto ar an teanga Ghaeilge agus fosta gur diúltú é an t-ainm a bhí riamh ar an chathair, Béal Feirste, a aithint.

8.06

Cuid III Airteagal 10.5

Geallann na Páirtithe úsáid nó gabháil ainmneacha teaghlaigh i dteangacha réigiúnacha nó mionlaigh a cheadú, ar iarratas ó dhaoine lena mbaineann.

8.06.i

Arís is arís eile bhuail POBAL le deacrachtaí a bhain le húsáid leaganacha Gaeilge ainmneacha. I gcás amháin, bhí deacracht ag ball den phobal le húsáid fhoirm a chéad ainm i nGaeilge (Seán, in áit John) cé gur mhian leis litriú Béarla a shloinne a choinneáil. Ainneoin litir ón dochtúir teaghlaigh ag dearbhú a aitheantais agus gur Seán⁶³ a tugadh riamh air, dhiúltaigh an Ghníomhaireacht Cheadúnaithe Tiománaí agus Feithicle glacadh lena iarratas ar cheadúnas tiomána. Le hidirghabháil POBAL réitíodh an cás, ach is cosúil gur seo fíor-dhrochshampla d’fhadhb leanúnach sa ghníomhaireacht seo.

⁶¹ D’éirigh an fhadhb chéanna i 2009, nuair a fuair an chuideachta chéanna cáipéisíocht ag éileamh go gcuirfí a seoladh agus mionsonraí eile ar fáil i mBéarla sula dtiocfadh glacadh lena dtuairisceáin. Sheol Teach na gCuideachtaí an litir chucu ag úsáid fhoirm Bhéarla an tseolta amháin, nár chuir an chuideachta ar fáil agus gurb é an t-eolas beacht a iarradh sa litir chéanna.

⁶² Treoirínte Aitheantas Branda B-Bhranda Chomhairle Cathrach Bhéal Feirste, I. 17

⁶³ Ba seo tarlúint measartha choitianta san am a d’imigh nuair ba mhian le tuismitheoirí a bpáistí a chlárú faoi litriú Gaeilge a n-ainm roghnaithe agus go bhfaigheadh siad amach gur sa leagan Béarla a cuireadh an t-ainm ar fhoirmeacha oifigiúla. Ar an ábhar gur chreid siad nach nglacfaí le leaganacha Gaeilge, d’úsáid cuid tuismitheoirí an litriú Béarla ar cháipéisíocht oifigiúil, cé gurb é leagan Gaeilge an ainm a úsáidtear ar son gach cuspóir eile.

8.05.viii.

Lack of understanding of the Irish language was shown by staff at the Department of Enterprise (DETI) when registration of nursery schools Náiscoil Mhachaire Rátha agus Náiscoil Charn Tóchair was rejected in August 2007 on the grounds of that they were not accompanied by an English translation of the proposed names and address’. POBAL queried this and received a letter referring to The Companies (Northern Ireland) Act 2006 (Art. 1103): ‘Documents must be drawn up and delivered in English’ POBAL then wrote to DETI explaining that the name was decided upon by Irish speakers and had no English translation. Furthermore POBAL referred to Royal Mail’s policy that a correct address (in Irish) and postcode were sufficient for delivery of post. DETI eventually accepted registration of the names and postal address on 14/09/2009, but stressed that all other documentation must be in English.⁶¹

8.05.ix

Belfast City Council’s B Brand ‘Brand Identity Guidelines’ taglines section states:

Please note: our brand identity and taglines will always appear in English.⁶²

POBAL believe that this amounts to a de facto ban on the Irish language in addition to a failure to recognize the name in Irish by which the city is traditionally known, Béal Feirste.

8.06

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.

8.06.i

POBAL has repeatedly encountered difficulties in relation the use of Irish language versions of names. In one case, a member of the public had difficulty using the form of his first name in Irish (Seán, instead of John) even though he wished to retain the English language spelling of his surname. In spite of a letter from his family doctor confirming his identity, and that he has always been known as Seán,⁶³ the Driver and Vehicle Licensing Agency refused to accept his application for a driving licence. POBAL’s intervention resolved the situation, but this appears to be a particularly bad example of an ongoing problem within this agency.

⁶¹ The same problem has arisen in 2009, with the same company receiving documentation requiring the provision of address and other details in English before its returns can be accepted. Companies House has addressed the letter to them using the English form of the address only, which was not supplied by the company and which is the exact information required in the same letter.

⁶² Belfast City Council B Brand Identity Guidelines, p. 17

⁶³ This has been a relatively common occurrence in the past where parents wishing to register their children under the Irish spelling of their chosen name would find it had been entered on official forms in the English-language version. The belief that Irish language versions would not be accepted has also meant some parents use the English spelling for official documentation, whereas the Irish version of the name is the one used for all other purposes.

9 CETRM Cuid III

Airteagail 11: Meáin

9.01

Cuid III Airteagal 11.1.a.iii

Geallann na Páirtithe, d'úsáideoirí na dteangacha réigiúnacha nó mionlaigh taobh istigh de na críocha ina labhraítear na teangacha sin, de réir chás gach teanga, chomh fada is atá na húdaráis phoiblí, go díreach nó go hindíreach, inniúil, an chumhacht acu nó páirt sa réimse seo, agus le meas ar phrionsabal neamhspleáchas agus uathriail na meán:

leorfhóráil a dhéanamh go dtairgfídh craoltóirí cláir sna teangacha réigiúnacha nó mionlaigh.

9.01.i

Ar an BBC go príomha atá an dualgas i dTuaisceart na hÉireann as teilifís sheirbhíse poiblí agus faigheann an BBC mar sin cóir fhabhrach i dtéarmaí cistithe, rogha mhinicíochtaí craoltóireachta agus an cion trí na táillí ceadúnais. Ach, tá freagracht sheirbhíse poiblí fosta ar chraoltóirí eile, mar UTV.

9.01.ii

Le linn an tríú cúrsa faireacháin, níor sholáthair UTV craoltóireacht ar bith trí mheán na Gaeilge.

9.01.iii

Ina thuarascáil, Margadh na Cumarsáide 2007; 2 Cumarsáid i dTuaisceart na hÉireann, d'áirigh Ofcom an easpa shainchosanta reachtaí don chraoltóireacht Ghaeilge:-

Níl aon cheanglas reachtúil ar chraoltóirí Thuaisceart na hÉireann clársceidealú Gaeilge a sholáthar. Ach, tá aitheantas Rialtais Ghaeilge agus Albainis Uladh araon ann, chomh maith le saincheangaltais ar chraoltóireacht Ghaeilge, i gComhaontú Aoine an Chéasta (1998).2

9.01.iv

I 2006, deonaíodh an Chairt Ríoga don BBC do thréimhse eile dheich mbliana. Mar a luadh sa tuarascáil uainn roimhe seo, sa Chairt tá saintagairtí do chraoltóireacht i mBreatain sa Bhreatain Bheag agus i nGàidhlig in Albain. Ainneoin ionchur láidir chomhlachtaí Gaeilge don phróiseas comhairliúcháin, níl tagairtí ar bith don Ghaeilge sa Chairt, a foilsíodh i nDeireadh Fómhair 2006.

9.01.v

D'áirigh Páipéar Bán an BBC 2006 ar Chairt Ríoga an BBC go mbeidh ar Bhord Iontaobhais agus Fheidhmeannais an BBC 'comhaltaí tiomanta do leas na Sasana, na hAlban, na Breataine Bige agus Thuaisceart na hÉireann.' Deir sé fosta '...go gcuimseoidh sé soláthar i dteangacha dúchais mionlaigh thar réimse ardán – tá luach ar leith san idirlíon i dtacú leis na teangacha seo.' Is cosúil go luíonn an ráiteas deireanach seo go díreach le fógra an BBC go bhfuil sé le hábhar a scaoileadh faoi chlár Jam an BBC. Leanann sé air 'tá sé fá láthair ag infheistiú i dTionscnamh úr Foghlama Teanga don Bhreatain, Ghaeilge agus Ghàidhlig agus i gCiste úr Chraoltóireachta Gaeilge, agus cuireann sé ar fáil fosta seirbhísí in Albainis Uladh.'

9 ECRML Part III

Article 11: Media

9.01

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.

9.01.i

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.

9.01.ii

During the third monitoring period, UTV did not provide any programmes through the medium of Irish.

9.01.iii

In its report, the Communications Market 2007; 2 Communications in Northern Ireland, Ofcom noted the lack of specific legislative protection for Irish language broadcasting:-

There is no statutory requirement for Northern Ireland broadcasters to deliver Irish language programming. However, there is Governmental recognition both of Irish and Ulster Scots, as well as specific commitments to Irish language broadcasting, in the Belfast/Good Friday Agreement (1998).2

9.01.iv

In 2006, the Royal Charter for the BBC was granted for a further ten year period. As noted in our previous report, the Charter contains specific references to broadcasting in Welsh in Wales and Gaelic in Scotland. In spite of strong input to the consultation process by Irish language bodies, there are no references to the Irish language in the Charter, published in October 2006.

9.01.v

The 2006 BBC White Paper on the BBC Royal Charter noted that the BBC Trust and Executive Board will 'include members dedicated to the interests of England, Scotland, Wales and Northern Ireland.' It further states that it will '...include provision in indigenous minority languages across a range of platforms – the internet has particular value in supporting these languages.' This last statement seems to directly correspond with the BBC's announcement that it is to release content under its BBC Jam programme. It goes on to say that 'it is currently investing in a new Language Learning Initiative for Welsh, Irish and Gaelic and a new Irish Language Broadcast Fund, and also provides services in Ulster Scots.'

9.01.vi

Thagair POBAL roimhe seo (Féach fosta 8.03.vii) d'iomrall dealraitheach beartais fán dóigh a gcaitheann comhlachtaí éagsúla a raibh ról dualgais phoiblí acu leis an Gaeilge agus le hAlbainis Uladh. Ina aighneacht don BBC ar chlár theanga mionlaigh i TÉ, deir Comhairle Lucht Éisteachta an BBC go bhfuil ar lontaobhas an BBC; -

..freagracht do ghach cuid den lucht éisteachta agus gur mian leis tionchar sholáthair níos mó Ghaeilge agus Albainis Uladh a thuiscint, mar dhíláithriú chlár Bhéarla sna sceidil, ar lucht éisteachta nach bhfuil eolas acu ar na teangacha sin.

Áitíonn POBAL go n-ardaíonn argóint an BBC ceisteanna suntasacha fán dóigh a dtugann an BBC faoina fhreagracht don Ghaeilge faoi Airteagal 11 an CETRM, ach go sáraíonn an argóint fosta Airteagal 7.2.

Deir an Chomhairle fosta,

... go dtig le toisc dhíláithriú do lucht éisteachta a bheith ann nuair a chuirtear clár Ghaeilge i sceideal in áit chlár Béarla. Tá Albainis Uladh inrochtana den chuid is mó ag an ghnáthlucht éisteachta, ach ag ceann ard-difreáilte an speictrim theangeolaíochta agus mar sin is lú de cheist í.

Bheifí ag dúil go dtiocfadh de bharr an dearbhú go bhfuil Albainis Uladh intuigthe ag bunús lucht éisteachta, anailís níos doimhne ar na himpleachtaí beartais maidir le clár nó ar a laghad sainmhíniú ar cad é an rud é cion Albainis Uladh i gclár an BBC. Gan a leithéid de shainmhíniú bheith ann, is doiligh leibhéal an tsoláthair a mheas, agus is léir go bhfuil impleachtaí eile ann do dhéantóirí eile beartais, san áireamh mar a luadh, i dtéarmaí ceisteanna daonáirimh agus chomhthiomsú eolais eile staidrimh. San áit a bhfuil beartas agus planáil teanga in abar coimhlinte stairiúla agus polaitiúla, mholfaimis nár mhiste do CCSE breithniú a spreagadh ar an cheist seo i gcomhthéacs an chleachtais idirnáisiúnta is fearr.

9.01.vii

In Athbhreithniú Craoltóireachta Seirbhíse Poiblí Ofcom – Céim 2: Ag Ullmhú do Thodhchaí Dhigiteach, dúirt Coiste Comhairleach Ofcom do Thuaisceart na hÉireann ‘...gur chóir go n-aithneofaí tuairisciú imeachtaí cultúrtha Albainis Uladh mar chion Albainis Uladh...’

Agus POBAL ag creidbheáil gur tábhachtach cultúr a bhaineann le TRM, is ríthábhachtach idirdhealú a dhéanamh idir chlársceidealú teanga sa TRM agus chlársceidealú cultúrtha sa teanga cheannasach. Gan an idirdhealú seo, gheobhadh cainteoirí an TRM cláraitheoirí ag áitiú gur cuid é soláthar sa teanga cheannasach amháin den soláthar ‘teanga’ a beartaíodh le freastal ar chainteoirí TRM ar leith. I ndála ar leith an Tuaiscirt, mar a ndéantar go minic comparáid atá dochrach d’fhorbairt na teanga Gaeilge, is tábhachtach go ndéanfaí soiléir cad é an rud é clársceidealú teanga. Má tá comparáid le déanamh, caithfear macasamhail a chur i gcomparáid le macasamhail. Níor chóir clársceidealú a bhaineann le hAlbainis Uladh agus i mBéarla a chothromú le clársceidealú sa Ghaeilge, ach le clársceidealú cultúrtha a bhaineann le Gaeilge agus a dhéantar i mBéarla. Ach ní

9.01.vi

POBAL has referred previously (see also 8.03.vii) to apparent policy confusion about the treatment of Irish and Ulster Scots by different bodies with a public duty role. In its submission to the BBC on minority language programming in NI, the BBC’s Audience Council NI states that the BBC Trust has; -

..a responsibility to all sections of the audience and wishes to understand the impact of additional provision for Irish and Ulster Scots on audiences who do not have a knowledge of these languages, such as the displacement of English-language programmes in the schedules.

POBAL contends that as raising significant questions as to the manner in which the BBC approaches its responsibility to Irish under the ECRML’s Article 11, the BBC’s argument is also in contravention of Article 7.2.

The Council also states,

...there can be a displacement factor for audiences when Irish language programmes are scheduled in place of English language programmes. Ulster-Scots is largely accessible to mainstream audiences, except at the highly differentiated end of the linguistic spectrum and so this is much less of an issue.

The assertion that Ulster Scots is comprehensible to most audiences is one which one might expect could lead to a more in-depth analysis of the policy implications in respect of programming or at least to a definition of what then constitutes Ulster-Scots language content in BBC programming. In the absence of such a definition, it is difficult to measure the level of provision, and there are clear implications for other policy makers, including as noted in terms of the census questions and collation of other statistical information. Where language policy and planning is mired in historical and political conflict, we would suggest that the COMEX might wish to give encourage consideration of this issue in the light of best international practice.

9.01.vii

In Ofcom’s Public Service Broadcasting Review – Phase 2: Preparing for the Digital Future, Ofcom’s Advisory Committee for Northern Ireland stated that ‘...coverage of Ulster Scots cultural activities should be acknowledged as Ulster Scots content...’

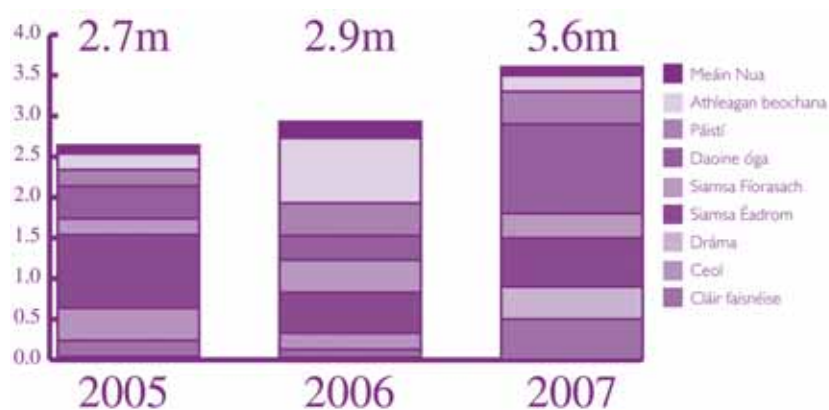
POBAL believes that whilst the culture associated with a RML is important, it is crucial to differentiate between linguistic programme in the RML and cultural programming in the dominant language. Without this distinction, speakers of RMLs could find programmers arguing that provision made only in the dominant language is part of ‘language’ provision intended to serve a distinct RML. In the particular circumstances of the North, where there is often comparison made that is detrimental to the development of the Irish language it is important that there should be clarity as what constitutes language programming. If comparison is to be done, like must be compared with like. Cultural programming relating to Ulster Scots and in English should not be counterbalanced with programming in the Irish language, but with cultural programming relating to Irish and made

hionann tuairisciú ‘cultúrtha’ den chineál sin agus tuairisciú teanga, .i. craoltóireacht sa teanga dhúchais féin, nó craoltóireacht do chroíphobal na teanga dúchais. Is féidir go bhfuil luach ann féin, ach níor chóir é a lua mar chomhlíonadh oibleagáidí dlíthiúla intíre nó idirnáisiúnta maidir le soláthar craoltóireachta i dteangacha dúchais, ná níor chóir é a chistiú ón bhuiséad do chraoltóireacht sa teanga dhúchais.

9.01.viii

I 2005, bhí infheistíocht i gclársceidealú Gaeilge ar leibhéal an-íseal ar fad sa Tuaisceart mar a léiríodh inár dtuarascálacha roimhe seo. Mhéadaigh tionscnamh an Chiste Craoltóireachta Gaeilge (CCG) infheistíocht i gclársceidealú teilifíse Gaeilge agus an t-aschur fosta.

Tá an t-aschur de réir seánra ó 2005 – 2007 ag CCG óna thionscnamh á léiriú sa tábla seo.



Nóta: Bunaíodh Meáin Nua mar chatagóir, agus cuireadh an infheistíocht do chlársceidealú ceoil sna catagóirí Siamsa Fíorasach agus Siamsa Éadrom.

Fáiltíonn POBAL roimh an dul chun cinn seasmhach atá déanta ag CCG ach admhaímid fosta go bhfuil dushláin shuntasacha roimhe mar gheall ar é a bheith gan bhonn reachtúil nó reachtach dá bhuanú agus ar an atmaisféar doicheallach fá láthair.

9.01.ix

I 2007, d’fhógair Ofcom an méid seo:

Infheistíocht shuntasach in aschur teilifíse Breatnaise, Gàidhlig agus Gaeilge i 2006

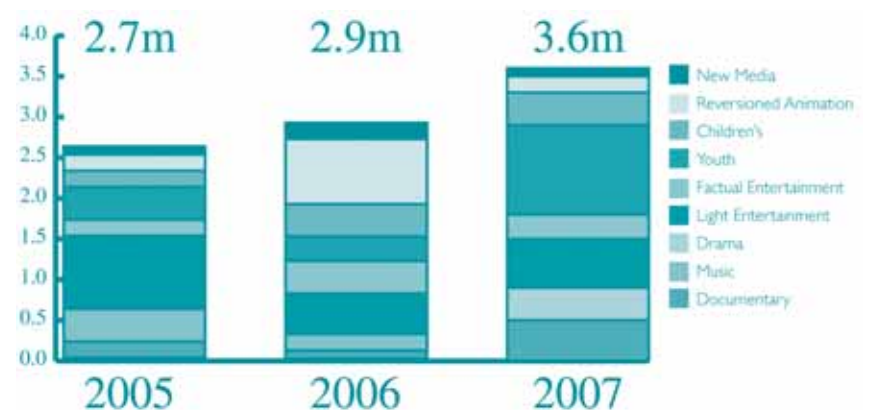
Tá lucht féachana sa Bhreatain Bheag, in Albain agus i dTuaisceart na hÉireann thuas le haschur agus/nó seirbhísí i dteangacha atá sainiúil dá náisiún. Chaith S4C, atá ar fáil ar an cheathrú bealach analógach sa Bhreatain Bheag (agus ar ardáin dhigiteacha), £65m i 2005 ar réimse leathan seánraí do bhreathnóirí Breatnaise; sholáthair an BBC fosta 10 n-uair d’aschur Breatnaise á gcistiú ón táille ceadúnais. Ciste coimisiúnaithe beagnach £7m a bhí ag Seirbhís na Meán Gàidhlig in Albain i 2005/06 le léiriú an aschuir Ghàidhlig ar BBC agus ITV1 a éascú; tá beartaithe aige (i gcuideachta BBC) bealach lánfhorbartha a

in English. Such ‘cultural’ coverage, however, is not synonymous with linguistic coverage, i.e. broadcasting in the indigenous language itself, or broadcasting for the core indigenous language community. Whilst it may have value in itself, it should not be cited as fulfilment of domestic or international legal obligations in respect of broadcasting provision in indigenous languages, nor should it be funded from a budget for indigenous language broadcasting.

9.01.viii

In 2005, investment in Irish language programming was at a very low level indeed in the North as shown in our previous reports. The inception of the Ciste Craoltóireachta Gaeilge / Irish Language Broadcast Fund (ILBF) has increased both investment in and output of Irish language television programming to some extent.

Output by genre from 2005 – 2007 by the ILBF since its introduction is shown in the following table.



Note: New Media was established as a new category, while investment for music programming has been put into Factual Entertainment and Light Entertainment categories.

POBAL welcomes the steady progress made by the ILBF but acknowledges that there are considerable challenges facing it due to the lack of statutory or legislative basis for its continuation and the hostile climate at present.

9.01.ix

In 2007, Ofcom announced the following:

Significant investment in Welsh, Gaelic and Irish language television output in 2006

Viewers in Wales, Scotland and Northern Ireland benefited from output and/or services in languages specific to their nation. S4C, which is available on the fourth analogue channel in Wales (and on digital platforms), spent £65m in 2005 on a broad range of genres for Welsh-speaking viewers; the BBC also supplied 10 hours of Welsh language output funded from the licence fee. The Gaelic Media Service in Scotland had a 2005/06 commissioning fund of nearly £7m in 2005/06 to facilitate the production of Gaelic language output on

sheoladh. Buiséad £12m atá ag an Chiste Craoltóireachta Gaeilge i dTuaisceart na hÉireann, á spré thar cheithre bliana, le clársceidealú Gaeilge a choimisiúnú.⁶⁴

Léiríonn na figiúirí seo leathnú is ábhar buartha in éagothroime an tsoláthair, na cosanta agus an chistithe don chraoltóireacht Ghaeilge sa Tuaisceart i gcomparáid leis an Bhreatnais sa Bhreatain Bheag agus an Ghàidhlig in Albain. Fosta, tá an CCG amteoranta, agus gan chosaint reachtach don chraoltóireacht i nGaeilge (ní hionann agus an Bhreatnais sa Bhreatain Bheag agus an Ghàidhlig in Albain) tá an chraoltóireacht Ghaeilge agus an CCG féin fágtha gan chosaint ar luaineacht chistithe agus chleachtais.

I mí na Nollag 2008, chuir buiséad TÉ dlús le géarchéim don CCG nuair nár leithdháil sé aon chistiú dá bhuanú thar mhí an Mhárta 2009. Gan chosaint reachtach ann, cuimsíodh an cheist sa mhargáil fá cheisteanna déabhlóide ar phóilíneacht agus cheartas agus ar fheidhmiú Thionól TÉ. Cé go bhfuarthas dhá bhliain eile cistithe don CCG (a fhad le Márta 2011), níor tugadh aon ghealltanas don bhuanú thar an tréimhse sin, rud a fhágas an CCG arís eile oscailte don bhrú polaitiúil. San atmaisféar seo, is deacair don CCG leorpheanáil a dhéanamh d'fhorbairt fhadtréimhseach na hearnála craoltóireachta sa Tuaisceart. Déanta na fírinne, tá tacaíocht airgeadais don chraoltóireacht Ghaeilge i staid leanúnacha ghéarchéime. (Féach fosta 9.01.ix, 9.03, i, ii, 12.03)

9.01.x

Treisióinn an tuairim seo a leanas ón BBC leis an imní go spreagfadh an CCG an BBC le neamart a dhéanamh ina fhreagracht airgeadais don Ghaeilge, in áit tacú le haschur breise Gaeilge.

Níor dearbhaíodh cistiú CCG thar Aibreán 2009 agus is féidir go gcaithfidh an BBC breathnú arís ar leibhéal a infheistíochta sa Ghaeilge má tharraingítear siar nó má laghdaítear tacaíocht Rialtais.⁶⁵

9.01.xi

Mar a áiríodh inár dtuarascáil roimhe seo, tá ráite ag Ofcom go gcreideann sé gur chóir go mbeadh bealach tiomnaithe don Ghaeilge sa Tuaisceart. Tá curtha in iúl aige fosta nach bhfuil sé oiriúnach gurb iad íocóirí táille ceadúnais i bPoblacht na hÉireann an phríomhfhoinsé chistithe do sheirbhís Ghaeilge sa tuaisceart (trí TG4). Ní thig soláthar a n-íocann an rialtas Éireannach as a úsáid le héilimh rialtas na Breataine a chúiteamh i leith Chraoltóireachta Seirbhíse Poiblí trí mheán na Gaeilge. Cinntí a dhéantar ar chaiteachas poiblí agus ar chistiú do TG4 a dhéanann an rialtas Éireannach amháin, b'fhéidir go n-oibreodh siad tionchar míchuí ar Ghaeilgeoirí an Tuaiscirt nach léir na bealaí atá acu le dul i bhfeidhm ar chinntí den chineál sin. (Féach fosta 2.11.v, 2.11.vi, 9.01.xi, 12.03)

⁶⁴ Margadh na Cumarsáide 2007 Náisiúin agus Réigiúin na Ríochta Aontaithe – Ofcom, leathanach 9

⁶⁵ Preasoifig BBC Thuaisceart na hÉireann (Fógraíonn BBC Thuaisceart na hÉireann cistiú breise don Ghaeilge agus d'Albainis Uladh, 24.04.2008)

the BBC and ITV1; it plans (with the BBC) to launch a fully-fledged channel. The Irish Language Broadcast Fund in Northern Ireland has a budget of £12m, spread over four years, to commission Irish language programming.⁶⁴

These figures show a worrying widening of the disparity in provision, protection and funding for Irish language broadcasting in the North in comparison with Welsh in Wales and Gaelic in Scotland. In addition, the ILBF is time limited, and the absence of legislative protection for broadcasting in Irish (unlike Welsh in Wales and Gaelic in Scotland) leaves Irish language broadcasting and the ILBF itself vulnerable to fluctuations in funding and practice.

In December 2008, the NI budget precipitated a crisis for the ILBF since it did not allocate any funding for its continuation beyond March 2009. In the absence of legislative protection, the issue was incorporated into the bargaining around devolution issues on policing and justice and the functioning of the NI Assembly. Whilst a further two years of funding was secured for the ILBF (until March 2011), no assurances have been given of continuation after this period, leaving the ILBF once more open to political pressure. In this climate, it is difficult for the ILBF to plan adequately for the long-term development of the Irish language broadcasting sector in the North. In effect, financial support for Irish language broadcasting is in an ongoing state of crisis. (See also 9.01.ix, 9.03, i, ii, 12.03)

9.01.x

The concern that rather than representing additional Irish language output the ILBF might encourage the BBC to neglect its own financial responsibility to the Irish language may be underlined by the following comment from the BBC,

ILBF funding has not been secured beyond April 2009 and it may be necessary for the BBC to look again at the level of its investment in Irish if Government support is withdrawn or reduced.⁶⁵

9.01.xi

As noted in our previous report, Ofcom has stated that it believes there should be a dedicated Irish language channel in the North. It has also 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 (through TG4). Provision paid for by the Irish government cannot be used to offset British government requirements in terms of Public Service Broadcasting through the medium of Irish. Decisions made on public expenditure and funding for TG4 made by the Irish government alone may impact unduly on the North's Irish speakers for whom the pathways to influence any such decisions are unclear. (See also 2.11.v, 2.11.vi, 9.01.xi, 12.03)

⁶⁴ The Communications Market 2007 Nations and Regions United Kingdom – Ofcom, page 9

⁶⁵ BBC Northern Ireland Press Office (BBC Northern Ireland announces additional funding for Irish and Ulster-Scots, 24.04.2008)

9.01.xii

In 2008, d'fhógair an BBC i gcomhar le Seirbhís na Meán Gàidhlig a rún le seirbhís teilifíse Gàidhlig, ar a dtabharfaí BBC Alba, a sheoladh. Fá láthair, cuireann Feidhmeannas na hAlban ar fáil cistiú £11.9m sa bhliain. Tugann an BBC fosta tacaíocht airgid (£2.5m sa bhliain) agus cabhair chomhchineáil. Is imeacht dearfach agus ábhar fáilte don Ghàidhlig in Albain tionscnamh BBC Alba, ach aibhsíonn sé an bhearna atá ag leathnú i soláthar don chraoltóireacht Ghaeilge sa Tuaisceart agus an soláthar do na teangacha eile Chuid III a aithníonn an RA faoin CETRM.

9.01.xiii

Éilíonn POBAL arís eile reachtaíocht láidir le craoltóireacht Ghaeilge sa Tuaisceart a chosaint agus a shanmhíniú.

9.02

Cuid III Airteagal 11.1.b.ii

Geallann na Páirtithe, d'úsáideoirí na dteangacha réigiúnacha nó mionlaigh taobh istigh de na críocha ina labhraítear na teangacha sin, de réir chás gach teanga, chomh fada is atá na húdaráis phoiblí, go díreach nó go hindíreach, inniúil, an chumhacht acu nó páirt sa réimse seo, agus le meas ar phrionsabal neamhspleáchas agus uathriail na meán:

craoladh cláir raidió sna teangacha réigiúnacha nó mionlaigh a spreagadh agus/nó a éascú ar bhonn rialta.

Mar a áiríodh inár dtuarascáil roimhe seo, tá naoi stáisiún raidió tráchtála sa Tuaisceart agus sé stáisiún raidió pobail, lena n-áirítear Raidió Fáilte. Ní heol dúinn aon bheart a bheith déanta ag rialtas an RA leis na cúig stáisiún raidió tráchtála, Béarla den chuid is mó, a spreagadh le craoltóireacht Ghaeilge a áireamh mar chuid dá gcroí-chlársceidealú.

9.02.i

Craolann BBC Raidió Uladh tríocha bomaite de raidió Gaeilge gach lá.

9.02.ii

Is é Raidió Fáilte, an stáisiún raidió Gaeilge pobalbhunaithe a cuireadh suas i mBéal Feirste i 1993. Ar 6ú Deireadh Fómhair 2005, deonaíodh ceadúnas rochtana pobail 5 bliana dó. Ní fhreastalaíonn an stáisiún ar ndóigh ach ar mhórcheantar Bhéal Feirste (raon 5km) agus ní thig é a mheas ina ionadaí ar sholáthair níos leithne thar na sé chontae. Tá sé le fáil ar an idirlíon, ach mar gheall ar shrianta geografacha agus easpa chistithe níl sé in ann tuairisciú leanúnach sásúil cheisteanna agus imeachtaí taobh amuigh de cheantar Bhéal Feirste a cur ar fáil fá láthair. Fostaíonn an stáisiún 4 ball foirne, agus tá 30 láithreoir deonach aige, a léiríonn eatarthu breis agus 50 uair de bhunchláir Ghaeilge sa tseachtain. Fuair Raidió Fáilte íocaíocht amháin £15,000 ó Chiste Raidió Pobail Ofcom ó athsheoladh é i 2006. Faigheann Raidió Fáilte fosta cistiú ón chomhlacht cistithe trasteorann Foras na Gaeilge ach fiú agus sin san áireamh, tá an soláthar agus an cistiú do raidió Gaeilge i dTuaisceart na hÉireann uireasach agus i bhfad níos ísle ná an méid a chuirtear ar fáil don chraoltóireacht raidió i mBreatnais agus i nGàidhlig. Agus ní léir cad a tharlóidh nuair a bheas an ceadúnas caite i 2011.

9.01.xii

In 2008, the BBC in partnership with the Gaelic Media Service announced its intention to launch a Scottish Gaelic TV service, known as BBC Alba. The Scottish Executive currently provides funding of £11.9m per annum. The BBC also provides support in cash (£2.5m per annum) and assistance in kind. The inception of BBC Alba, whilst a welcome positive development for Gaelic in Scotland, serves to emphasise the growing gap in provision for broadcasting for Irish in the North and that for the other Part III languages recognized by the UK under the ECRML.

9.01.xiii

POBAL reiterates its call for strong legislation to protect and define Irish language broadcasting in the North.

9.02

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.

As noted in our previous report, there are nine commercial radio stations in the North 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.

9.02.i

BBC Radio Ulster broadcasts thirty minutes of Irish language radio each day.

9.02.ii

Raidió Fáilte, the community based Irish language radio station in Belfast established in 1993. On 6th October 2005, it was granted a 5 year community access licence. The station of course serves only the greater Belfast area (5km range) and cannot be regarded as a substitute for wider provision across the six counties. It is available on the internet, but the practical geographic restrictions and lack of funding means it cannot provide adequate ongoing coverage of issues or events outside the Belfast area at present. The station employs 4 staff, and has 30 volunteer presenters, between them producing 50+ hours of original Irish language programming per week. Raidió Fáilte received one payment of £15,000 from the Ofcom Community Radio Fund since its re-launch in 2006. Raidió Fáilte also receives funding from the cross border funding body Foras na Gaeilge but even with that, the provision and funding for Irish language radio in Northern Ireland is inadequate and is vastly lower than that provided for radio broadcasting in Welsh and Scots Gaelic. Nor is it clear what will happen when the 5 year licence ends in 2011.

9.03

Airteagal 11.1.d

Geallann na Páirtithe, d'úsáideoirí na dteangacha réigiúnacha nó mionlaigh taobh istigh de na críocha ina labhraítear na teangacha sin, de réir chás gach teanga, chomh fada is atá na húdaráis phoiblí, go díreach nó go hindíreach, inniúil, an chumhacht acu nó páirt sa réimse seo, agus le meas ar phrionsabal neamhspleáchas agus uathriaíl na meán: léiriú agus dáileadh shaothair fhuaimne agus chlosamhairc sna teangacha réigiúnacha nó mionlaigh a spreagadh agus/nó a éascú ar bhonn rialta.

Ina fhreagra ar an cheist seo, labhair an RA riamh ar bhunú an Chiste Craoltóireachta Gaeilge. Mar a áiríodh, tá teorainn ama agus bhuiséid ar an CCG. I bhforálacha Dhréachtbhuiséad Thuaisceart na hÉireann i mí na Nollag 2007 ní dhearnadh foráil ar bith do bhunú an Chiste Craoltóireachta. Glacadh leis an Dréachtbhuiséad i mí Eanáir 2008 gan aon athrú ann. D'fhógair Aire Cultúir, Ealaíon agus Fóillíochta an ama sin, Edwin Poots PAD nach raibh an t-airgead ag a roinn leis an CCG a chuimsiú ina bhuiséad thar sprioclíne Mhárta 2009. Seachadadh an cinneadh ansin chuig an Aire Airgeadais, Peter Robinson PAD⁶⁶, a dúirt nach raibh aon fhoráil sa bhuiséad do chraoltóireacht Ghaeilge. Cuireadh druidim an bhuiséid ar ceal tar éis bhrú ó ghrúpaí, chomhlachtaí teilifíse agus pholaiteoirí náisiúnacha a d'agair rialtas na Breataine agus eile. Tá fógraithe ó shin ag Príomhaire an RA, Gordon Brown, go gcuirfeair airgeadas úr ar fáil le cistiú an CCG a bhunú, ach, gan ann ach £3 mhilliún sa bhliain, ar feadh 2 bhliain eile thar dháta an Mhárta 2009.

9.03.i

Ag freagairt don mhéid a fuair an CCG, i 2007, dúirt Léiriúcháin an Tobair, comhlacht neamhspleách léiriúcháin Ghaeilge, i bhfreagairt do chomhairliúchán Teanga Mhionlaigh BBCTÉ,

Siúd is go dtuigtear nach dtarlóidh aschur laethúil teilifíse thar oíche, ba chóir do BBCTÉ toiseacht ar chaidreamh úr leis an earnáil neamhspleách léiriúcháin dúchais Ghaeilge le plan gníomhaíochta a fhorbairt chun freastal ar an éileamh a aibhsíodh sa phróiseas comhairliúcháin seo. Ba chóir an Ciste Craoltóireachta Gaeilge a úsáid chun cuidiú le hathbhunú an chothrom ach níor chóir go mbeadh an BBC ag brath ar an CCG lena cheangaltais airgeadais a íoc. Tá buiséad an CCG an-bheag agus ba chóir don BBC leibhéal inghlactha dá bhuiséad a imfháilú i gcomhair léiriúcháin teilifíse Gaeilge in-teach agus ón earnáil neamhspleách araon. Tá an earnáil seo úr, óg agus gann ar acmhainní ach tá cuntas teiste cruthaithe aici as soláthar chlár ardcháilíochta do TG4 a ainmníodh i gcomhair dhuaiseanna.

⁶⁶ Ceapadh Peter Robinson ina Chéad-Aire i ndiaidh seo

9.03

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 has previously reported on the establishment of the Irish Language Broadcast Fund. As noted, the ILBF is time-limited and budget-limited. The Northern Ireland Executive's Draft Budget provisions in December 2007 made no provision for the continuance of the Broadcasting Fund. The Draft Budget was signed off in January 2008 with no changes made to it. The then DUP Minister for Culture, Arts and Leisure, Edwin Poots announced that his department did not have the funds to include the ILBF in its budget beyond the March 2009 deadline. The decision was then passed to the DUP Minister of Finance, Peter Robinson,⁶⁶ who reported that the budget did not contain any provision for Irish language broadcasting. The closure of the fund was only avoided after pressure from Irish language groups, television companies, and Nationalist politicians who appealed to, among others, the British government. UK Prime Minister, Gordon Brown, has since announced that new finance will be made available to continue funding the ILBF, however, only to the amount of £3 million per annum, and only for a further 2 years beyond the March 2009 date.

9.03.i

Responding to the amount received by the ILBF, in 2007, An Tobar Productions, an Irish language independent production company, pointed out, in response to the BBCNI Minority language consultation,

While it is understood that a daily television output will not happen overnight, BBCNI should enter into a new relationship with the indigenous Irish Language independent production sector in the North with view to developing an action plan for meeting the demand highlighted in this consultation process. The Irish Language Broadcast Fund should be utilised in helping to address the balance but BBCNI should not depend on the ILBF to meet its financial commitments. The budget of the ILBF is very small and BBCNI should ring fence an acceptable level of its budget for Irish language television production both in house and from the independent sector. This sector is new young and under resourced but it has a proven track record of delivering high quality and award nominated programming for TG4.

⁶⁶ Peter Robinson was later appointed First Minister

9.03.ii

Ina Athbhreithniú Craoltóireachta Seirbhíse Poiblí, Céim 2: Ag Ullmhú do Thodhchaí Dhigiteach, deir Ofcom ‘...tá cistiú poiblí do chlársceidealú Gaeilge i dTuaisceart na hÉireann go fóill éiginnte san fhadtréimhse.’ Agus, ‘...tá imní á mothú fá ghanntanas comhsheasmhachta agus cothromais, agus in amanna, cinnteachta, sna socrúithe reatha do sholáthar cistithe atá in áit i gcodanna éagsúla den RA.’⁶⁷

9.04

Cuid III Airteagal 11.e.i

Geallann na Páirtithe, d’úsáideoirí na dteangacha réigiúnacha nó mionlaigh taobh istigh de na críocha ina labhraítear na teangacha sin, de réir chás gach teanga, chomh fada is atá na húdaráis phoiblí, go díreach nó go hindíreach, inniúil, an chumhacht acu nó páirt sa réimse seo, agus le meas ar phrionsabal neamhspleáchas agus uathriail na meán: cruthú agus/nó cothabháil nuachtáin amháin ar a laghad sna teangacha réigiúnacha nó mionlaigh a spreagadh agus/nó a éascú ar bhonn rialta.

Mar a áiríodh i dtuarascáil CCSE 2007, sa cháipéis A Review of Government Advertising in Northern Ireland, a d’fhoilsigh Oifig an Chéad-Aire agus an LeasChéad-Aire, níor ceadaíodh aon fhograíocht phoiblí don nuachtán Gaeilge Lá Nua.

9.04.i

Nuair nár cuireadh Lá Nua san áireamh mar asraon fógraíochta d’fholúntais rialtais fágadh an páipéar faoi mhíbhuntáiste trom airgeadais i gcomparáid lena iomaitheoirí Béarla. I 2005, fuair Lá Nua conradh Foras na Gaeilge le nuachtán laethúil i nGaeilge a tháirgeadh, fuair sé €230k (méid ba lú go maith ná a d’iarr Lá Nua, agus i gcomhair aschuir mhéadaithe ná an ceann a réamh-mheasadh san iarratas) ó mhí na Nollag 2006 go mí na Nollag 2008.⁶⁸ Ach, níor leor an méid sin leis na costais a ghlanadh agus bhí Lá Nua ag brath go mór ar airgead breise a d’éirigh leis a fháil ó INTERREG dá oifig i dTír Chonaill. Chríochnaigh an deontas sin i mí Iúil 2007. I mí Feabhra 2008, faoi ualach caiteachas suntasach £2,000 sa tseachtain lena fhoilsitheoirí, Grúpa Meán Bhéal Feirste, chuaigh Lá Nua chuig Foras agus d’iarr cead le bheith ina pháipéar ar an ghréasán amháin nó go bhfaigheadh sé cistiú breise. Níor leithdháil Foras na Gaeilge cistiú breise agus bhagair go stadfaí an cúnamh deontais iomlán dá stadfadh Lá Nua a eagrán cló. Dá bharr seo, le costais a laghdú tuilleadh, b’éigean do Lá Nua méid an eagrán chló a laghdú agus iomarcaíochtaí a dhéanamh. Gan chistiú breise ó fhoinsí stáit, lean an páipéar ar instealltaí beaga de thacaíocht ón POBAL.

Go mall i 2008, dúirt Foras go gcisteodh sé páipéar amháin seachtainiúil Gaeilge. De réir Ghrúpa Meán Bhéal Feirste, ba nuachtán laethúil Lá Nua, agus sa cháilíocht

⁶⁷ Dara Athbhreithniú Craoltóireachta Seirbhíse Poiblí Ofcom, Céim 2: ag ullmhú do thodhchaí dhigiteach, leathanaigh 84 & 85, paragraif 5.88 & 5.90

⁶⁸ San am céanna, chistigh Foras na Gaeilge an nuachtán móréilimh seachtainiúil Gaeilge, Foinse, lonnaithe i gConamara le deontas bliantúil €300,000, méid ba réadúla d’ualach ab éadroime i bhfad. I 2009, druideadh Foinse fosta i ndiaidh díospóide le Foras na Gaeilge faoi chistiú.

9.03.ii

In its Public Service Broadcasting Review, Phase 2: Preparing for the Digital Future, Ofcom states ‘...public funding for Irish language programming in Northern Ireland remains uncertain in the long term.’ It continues, ‘...there is a perceived concern at the lack of consistency and equity, and sometimes certainty, in the current arrangements for funding delivery which are in place in different parts of the UK.’⁶⁷

9.04

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.

As noted in the 2007 COMEX report, the document A Review of Government Advertising in Northern Ireland, published by the office of the First and Deputy First Minister, excluded the Irish language newspaper Lá Nua from receipt of public advertising.

9.04.i

The failure to include Lá as an advertising outlet for government vacancies put the paper at a severe financial disadvantage when compared to its English language competitors. In 2005, Lá Nua won a Foras na Gaeilge contract to produce a daily newspaper in Irish, receiving €230k (considerably less than Lá Nua had applied for, and for an increased output to that projected in the application) from December 2006 to December 2008.⁶⁸ However, this was insufficient to cover costs and Lá Nua depended heavily on additional funds it was able to pull down from INTERREG for its Donegal office. This grant ended in July 2007. In February 2008, suffering considerable losses of £2,000 per week to its publishers, Belfast Media Group, Lá Nua approached Foras and asked to be allowed to become a web-only paper or to be given additional funding. Foras na Gaeilge did not allocate more funding and warned that all grant aid would be stopped if Lá stopped its print edition. As a result, to further lower costs, Lá Nua was forced to reduce the size of the print edition and made redundancies. In the absence of any additional funding from state sources, the paper continued with small injections of community support.

In late 2008, Foras said it would fund one weekly Irish language paper only going forward. According to Belfast Media Group, Lá Nua was a daily newspaper, and as such, had no interest in bidding for this weekly contract.

⁶⁷ Ofcom's Second Public Service Broadcasting Review, Phase 2: preparing for the digital future, pages 84 & 85, paragraphs 5.88 & 5.90

⁶⁸ At the same time, Foras na Gaeilge funded the popular weekly Irish language newspaper, Foinse, located in Conamara to the amount of €300,000 annual grant, a more realistic figure for a much less onerous burden. In 2009, Foinse was also closed after a dispute with Foras na Gaeilge over funding.

sin, nach raibh suim aige i dtairiscint a dhéanamh don chonradh seachtainiúil sin. Mhol sé arís, in aisce, d'Fhoras páipéar laethúil ar líne a chistiú. Agus é ag cailleadh tuairim is ar €10,000 sa mhí, b'éigean do Lá Nua stad den táirgeadh nuair a chríochnaigh a chonradh ag deireadh mhí na Nollag. Cailleadh ocht bpost ón fhiontar ba mhó Gaeilge san earnáil phríobháideach i dTÉ.

Creideann POBAL go sáraíonn cinneadh Fhoras na Gaeilge an cistiú a scor Airteagal 11(ii) den Chairt mar a daingníodh í, a gheallann,

Cruthú agus/nó cothabháil nuachtáin amháin ar a laghad sa teanga réigiúnach nó mhionlaigh a spreagadh agus/nó a éascú ar bhonn rialta.

Sa bhreis ar ionstraim idirnáisiúnta, an CETRM, a shárú, creidimid go bhfuil Foras na Gaeilge, mar gheall ar an chinneadh le cistiú Lá Nua a stad, ag sárú na reachtaíochta intíre faoinár bunaíodh é, ó éalaíonn sí seo air úsáid na Gaeilge i bhfoirm scríofa agus labhartha a chur chun cinn i dTuaisceart na hÉireann i gcomhthéacs an CETRM. (Féach fosta 2.10.xi, 9.04)

9.05

Cuid III Airteagal 11.1.f.ii

Geallann na Páirtithe, d'úsáideoirí na dteangacha réigiúnacha nó mionlaigh taobh istigh de na críocha ina labhraítear na teangacha sin, de réir chás gach teanga, chomh fada is atá na húdarais phoiblí, go díreach nó go hindíreach, inniúil, an chumhacht acu nó páirt sa réimse seo, agus le meas ar phrionsabal neamhspleáchas agus uathriail na meán: na bearta i gcomhair chúnaimh airgeadais atá ann a fheidhmiú fosta do léiriúcháin chlosamhairc sna teangacha réigiúnacha nó mionlaigh.

Féach 9.03, 9.03.i, 9.03.ii

9.06

Cuid III Airteagal 11.1.g

Geallann na Páirtithe, d'úsáideoirí na dteangacha réigiúnacha nó mionlaigh taobh istigh de na críocha ina labhraítear na teangacha sin, de réir chás gach teanga, chomh fada is atá na húdarais phoiblí, go díreach nó go hindíreach, inniúil, an chumhacht acu nó páirt sa réimse seo, agus le meas ar phrionsabal neamhspleáchas agus uathriail na meán: tacú le hoiliúint iriseoirí agus bhaill eile foirne do mheáin a úsáideann teangacha réigiúnacha nó mionlaigh.

Níl sainbhearta ar bith á ndéanamh a chuideodh le hoiliúint iriseoirí dá bhfuil fágtha de na meáin chlóite Ghaeilge ná do raidió pobail Gaeilge. Tacaíonn an Ciste Craoltóireachta Gaeilge le printisigh a thógann poist le cuideachtaí léiriúcháin neamhspleách teilifíse. Mar a d'áirigh muid roimhe seo, le go n-éireodh le scéim den chineál sin, chaithfí tacú le hearnáil neamhspleách teilifíse an tuaiscirt agus cuidiú léi bogadh i dtreo inbhaine. Ag cuimhneamh ar an fhad ama a theastódh le hearnáil léiriúcháin lánfhásta neamhspleách a fhorbairt, san atmaisféar láithreach, is cosúil sin a bheith dóchasach. (Féach fosta 9.03, 9.03.i, 9.03.ii)

It again unsuccessfully proposed to Foras that it fund a daily paper online. Losing around €10,000 per month, Lá Nua was forced to stop production when its contract was complete at the end of December. Eight jobs were lost from the biggest private sector Irish language enterprise in NI.

POBAL believe that Foras na Gaeilge's decision to end funding is in contravention of Article 11(ii) of the Charter as ratified, which undertakes,

To encourage and / or facilitate the creation and /or maintenance of at least one newspaper in the regional or minority language.

In addition to being in contravention of the international instrument, the ECRML, we believe that the decision to end funding for Lá Nua means that Foras na Gaeilge is in contravention of the domestic legislation under which it was established, since this requires it to promote the use of the Irish language in both written and spoken forms in Northern Ireland in the context of the ECRML. (see also 2.10.xi, 9.04)

9.05

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 9.03, 9.03.i, 9.03.ii

9.06

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 specific measures are being taken to assist the training of journalists for the remaining Irish language print media or for Irish language community radio. The Irish Language Broadcasting Fund supports apprentices who take up positions with independent television production companies. As we have noted previously, for such a scheme to be successful, the northern independent television sector must be supported and helped to move towards sustainability. Given the length of time required to develop a fully-fledged independent production sector, in the climate this seems optimistic. (See also 9.03, 9.03.i, 9.03.ii)

Airteagal 11.2

Geallann na Páirtithe saoirse chun glacadh díreach chraoltaí raidió agus teilifíse ó thíortha comharsanacha i dteanga a úsáidtear i bhfoirm chomhionann nó chosúil le teanga réigiúnach nó mionlaigh a ráthu, agus gan cur in éadan athchur chraoltaí raidió agus teilifíse ó thíortha comharsanacha i dteanga den chineál sin. Thairis sin geallann siad a chinntiú nach gcuirfear aon srianta ar shaoirse cainte agus ar shaorscaipeadh eolais sa phreas scríofa i dteanga a úsáidtear i bhfoirm chomhionann nó chosúil le teanga réigiúnach nó mionlaigh. B'fhéidir go mbeadh cleachtadh na saoirsí thuasluaite, ós rud é go ngabhann dualgais agus freagrachtaí leis, faoi réir ghnás, choinníollacha, shrianta nó phionós den chineál a ordaíonn an dlí agus atá riachtanach i sochaí dhaonlathach, ar son leasa slándála náisiúnta, sláine críche nó sábháilteachta poiblí, i gcomhair chosc mí-oird nó coire, i gcomhair chosaint shláinte nó shuáilcí, i gcomhair chosaint chluí nó chearta daoine eile, i gcomhair chosc nochtadh eolais a fuarthas i modh rúin, nó i gcomhair údarás agus neamhchlaontacht na mbreithiúna.

Tá tarchuradóir úr TG4 ag feidhmiú ar Dhubhais, ar imeall Bhéal Feirste, ó 5 Aibreán 2005. Chinntigh sé seo glacadh feabhsaithe an stáisiún teilifíse i gceantar Bhéal Feirste. Á ainneoin seo, tá 30% de dhaonra thuaisceart na hÉireann nach dtig leo go fóill glacadh ceart an stáisiúin a fháil ar theilifís thrastíre. Aontaíonn an rialtóir cumarsáide i dtuaisceart na hÉireann, Ofcom, le measúnacht POBAL i litir óna stiúrthóir, Denis Wolinski: "Tá an ceart ar fad agaibh a rá go bhfuil ceantair i dtuaisceart na hÉireann nach féidir TG4 a fháil iontu ó tharchuradóir trastíre." ⁶⁹

9.07.i

I ngeall ar an aistriú romhainn amach go craoltóireacht dhigiteach, tá gá le réamhphleanáil lena chinntiú nach dtarlóidh aon chur isteach ar ghlacadh TG4 i dtuaisceart na hÉireann. Is ábhar buartha é, agus an RA ag rá go bhfuil sé ag scrúdú ceisteanna fá rochtain fhorleathan TG4 iaraistriú, nach ndéanann sé moladh ar bith daingean nó gealltanais a chinnteodh réiteach sásúil. (Féach fosta 2.10.viii, 2.11.vi)

⁶⁹ Litir ó Denis Wolinski, Stiúrthóir Thuaisceart na hÉireann Ofcom, chuig POBAL, 10 Samhain 2005.

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." ⁶⁹

9.07.i

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. It is a matter of concern that whilst the UK reports that it is examining issues around widespread access to TG4 post-switchover, it makes no firm proposals or commitments to guarantee an adequate resolution. (See also 2.10.viii, 2.11.vi)

⁶⁹ Letter from Denis Wolinski, Northern Ireland Director of Ofcom, to POBAL, 10 November 2005.

10 CETRM Cuid III Airteagal 12: Gníomhaíochtaí agus Áiseanna Cultúrtha

10.00

Airteagal 12.1.a

I dtaca le gníomhaíochtaí agus áiseanna cultúrtha – go háirithe leabharlanna, físeabharlanna, ionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus pictiúrlanna, chomh maith le saothar liteartha agus léiriú scannáin, foirmeacha dúchais urlabhra chultúrtha, féilte agus na tionscail chultúrtha, san áireamh inter alia úsáid nuatheicneolaíochtaí – geallann na Páirtithe, taobh istigh de na críocha ina n-úsáidtear teangacha den chineál seo agus a fhad is atá na húdaráis poiblí inniúil, go bhfuil cumhacht acu nó ról acu sa réimse seo:

cineálacha urlabhra agus tionscnaimh a bhaineann go háirithe le teangacha réigiúnacha nó mionlaigh a spreagadh agus na modhanna éagsúla aimsiú saothair sna teangacha sin a chothú.

10.01.i

Tá torthaí CCSE ina dtuarascálacha roimhe seo go bhfuil ganntanas follasach pleanála lárnaíthe treorach ann i dtaca leis an cheist seo go fóill le feiceáil sa tríú tréimhse faireacháin.

10.01.ii

I dtaca le dara dréacht Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots (Leagan 2) a d'fhoilsigh GIFC, ní fios dúinn go ndearnadh aon iarracht ar chor ar bith le hobair a chur i gcrích ar chuimsiú na Gaeilge i bhféilte cultúrtha. Cumainn agus grúpaí aonair Ghaeilge a bhfuil sainchúram orthu sna healaíona Gaeilge, caithfidh siad cibé dul chun cinn a thig leo a dhéanamh lena chinntiú go mbeidh seirbhísí do Ghaeilgeoirí ar fáil. Murab ionadh leat é, tá an soláthar go fóill neamhsheasmhach agus ad hoc. Ní heol dúinn aon mheicníocht, acmhainníú nó scaipeadh eolais a bheith ann le cinntiú go bhfaighidh eagraithe féilte an teachtaireacht atá sa Treoir agus éascú lena cur i bhfeidhm.

10.01.iii

Ainneoin chomhairliúchán 2005 ar na healaíona Gaeilge thar ceann an Chomhairle Ealaíon, is cosúil nár leor an tacaíocht ar leibhéal na ceannaireachta i gcomhair fheidhmiú na moltaí.

10.01.iv

Phléigh POBAL an soláthar do Ghaeilgeoirí in athfheistiú ionchais larsmalann Uladh i 2005. Ní dhearnadh aon chomhairliúchán eile agus tá an iarsmalann le hathoscailt i nDeireadh Fómhair 2009. Agus seo á scríobh, níor cuireadh aon eolas ar fáil do Ghaeilgeoirí fá na bearta, más ann dóibh, a cuireadh in áit.

10.02

Airteagal 12.1.d

I dtaca le gníomhaíochtaí agus áiseanna cultúrtha – go háirithe leabharlanna, físeabharlanna, ionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus

10 ECRML Part III Article 12: Cultural Activities and Facilities

10.00

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.

10.01.i

The COMEX findings of previous reports that there is a conspicuous lack of centralized planning of direction in relation to this issue remains evident in the third monitoring period.

10.01.ii

In relation to the second draft of the Guidance on Meeting UK Government Commitments in Respect of Irish and Ulster Scots (Version 2) published by the ICIG, we are not aware of any attempts whatsoever to carry through further work on the inclusion of Irish in cultural festivals. Individual Irish language associations and groups with a specialist remit in the Irish language arts have to make whatever inroads they can to ensure that services for Irish speakers are available. Not surprisingly, provision remains patchy and ad hoc. 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.

10.01.iii

In spite of the 2005 consultation on the Irish language arts on behalf of the Arts Council, there appears to have been inadequate support at a leadership level to result in the application of proposals.

10.01.iv

POBAL discussed provision for Irish speakers in the prospective refurbishment of the Ulster Museum in 2005. No further consultation has been carried out and the museum is due to reopen in October 2009. At the time of writing, no information has been made available to Irish speakers as to what measures, if any, have been put in place.

10.02

Article 12.1.d

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

pictiúrlanna, chomh maith le saothar liteartha agus léiriú scannáin, foirmeacha dúchais urlabhra chultúrtha, féilte agus na tionscail chultúrtha, san áireamh inter alia úsáid nuatheicneolaíochtaí – geallann na Páirtithe, taobh istigh de na críocha ina n-úsáidtear teangacha den chineál seo agus a fhad is atá na húdaráis poiblí inniúil, go bhfuil cumhacht acu nó ról acu sa réimse seo: a chinntiú go ndéanfaidh na comhlachtaí atá freagrach as eagrú nó as tacú le gníomhaíochtaí cultúrtha de chineálacha éagsúla liúntas cuí le heolas agus le húsáid theangacha agus chultúir réigiúnacha nó mionlaigh a chuimsiú sna himeachtaí a thionscnaíonn siad nó lena dtacaíonn siad.

D'eagraigh Pláinéadlann Ard Mhacha agus roinnt ionad cultúrtha eile tionscnaimh rathúla le riar ar earnáil na Gaelscolaíochta. Molann POBAL a gcion agus iarrann ar iarsmalanna agus ionaid léirithe eile déanamh amhlaidh.

10.02.i

Mar sin féin, ní hionann cáilíocht, ábhar agus comhsheasmacht don soláthar atá ar fáil. Ní bhíonn cur chuige trédhearcach don Ghaeilge ag gach ceann de na comhlachtaí sin a d'eagraigh roinnt imeachtaí roimhe seo, rud is ábhar imní go mb'fhéidir go n-oibreoidh iarracht den chomharthacht tionchar ar chlár leathnaithe soláthair amach anseo.

10.02.iii

Tá páirt thábhachtach ag na Comhairlí áitiúla uilig ag tacú le féilte ar fud an tuaiscirt. Ní fios do POBAL an dtugtar an Ghaeilge san áireamh i ndíospóireachtaí Comhairlí agus na féilte á n-eagrú cé go mbíonn grúpaí Gaeilge áitiúla i roinnt ceantar gníomhach i réimse imeachtaí. Ó cuireadh deireadh le cistiú Ródseó Ealaíon amtheoranta POBAL i 2008, is cosúil nár bhog na Comhairlí i dtreo tionscnaimh seachas freagairt d'íarratais ó ghrúpaí Gaeilge.

10.03

Airteagal 12.1.e

I dtaca le gníomhaíochtaí agus áiseanna cultúrtha – go háirithe leabharlanna, físeabharlanna, ionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus pictiúrlanna, chomh maith le saothar liteartha agus léiriú scannáin, foirmeacha dúchais urlabhra chultúrtha, féilte agus na tionscail chultúrtha, san áireamh inter alia úsáid nuatheicneolaíochtaí – geallann na Páirtithe, taobh istigh de na críocha ina n-úsáidtear teangacha den chineál seo agus a fhad is atá na húdaráis poiblí inniúil, go bhfuil cumhacht acu nó ról acu sa réimse seo: bearta a chur chun cinn lena chinntiú go mbeidh faoina láimh ag na comhlachtaí atá freagrach as eagrú nó as tacú le gníomhaíochtaí cultúrtha baill foirne a bhfuil lánchumas acu ar na teangacha réigiúnacha nó mionlaigh atá i gceist, chomh maith le teanga(cha) an chuid eile den POBAL.

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 use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing.

The Armagh Planetarium 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.

10.02.i

Nonetheless, such provision as is available varies in quality, content and consistency. Not all of those bodies who have organized some events in the past have a transparent approach to the Irish language, giving rise to unease that a degree of tokenism may impact upon future, expanded programme of provision.

10.02.iii

All the 26 local Councils play an important role in supporting festivals across the north. POBAL is unaware that the Irish language features in the deliberations of Councils when festivals are being organized although in a number of areas local Irish language groups are active in a range of activities. Since the ending of funding for POBAL's time-limited Irish language Arts Road show in 2008, councils do not appear to have moved to initiate rather than simply respond to requests from Irish language groups.

10.03

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.

Is cosúil gur tarraingíodh siar, gan aon mhiniú poiblí, na pleananna le post Oifigeach Ealaíon Gaeilge a fhógairt i 2007. Cé go bhfuil roinnt oifigeach éifeachtach ag an Chomhairle Ealaíon, ní cainteoir Gaeilge duine ar bith acu nó aon saineolas, ról nó sainchúram acu do na Gaelealaíona.

10.04.

Airteagal 12.1.f

I dtaca le gníomhaíochtaí agus áiseanna cultúrtha – go háirithe leabharlanna, físeabharlanna, ionaid chultúrtha, iarsmalanna, cartlanna, acadaimh, amharclanna agus pictiúrlanna, chomh maith le saothar liteartha agus léiriú scannáin, foirmeacha dúchais urlabhra chultúrtha, féilte agus na tionscail chultúrtha, san áireamh inter alia úsáid nuatheicneolaíochtaí – geallann na Páirtithe, taobh istigh de na críocha ina n-úsáidtear teangacha den chineál seo agus a fhad is atá na húdarais poiblí inniúil, go bhfuil cumhacht acu nó ról acu sa réimse seo: rannpháirtíocht dhíreach ag ionadaithe úsáideoirí teanga réigiúnaí nó mionláigh áirithe i soláthar áiseanna agus i bpleanáil ghníomhaíochtaí cultúrtha a spreagadh.

Lean an Chomhairle Ealaíon de chistiú roinnt ghrúpaí ealaíon Gaeilge le gníomhaíochtaí a sholáthar trí mheán na Gaeilge. Ach, laghdaíodh cistiú do na healaíona i gcoiteann sa tréimhse seo, agus a thionchar sin ar ghrúpaí Gaeilge. Tá i bhfad níos mó gníomhaíochtaí sóisialta, cultúrtha agus ealaíon á soláthar ar leibhéal an phobail ná a aithníonn nó a eascaíonn comhlachtaí poiblí ar dhóigh straitéiseach nó fhorásach.

The plans to advertise an Irish language Arts officer post in 2007 appears to have been withdrawn with no clear public explanation. Whilst the Arts Council has a number of effective officers, none are Irish speakers or have any specialist knowledge, role or remit for the Irish language arts.

10.04.

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. However, funding has been reduced for the arts in general in this period, with Irish language groups being affected. There is far more social, cultural and arts activity being provided at a community level than is recognised or supported in a strategic and developmental way by public bodies.

11 CETRM Cuid III

Airteagal 13: An Saol Geilleagrach agus Sóisialta

11.00

In Airteagal 13 den CETRM tá bearta a fhéachann, ar láimh amháin, le sriantachtaí nó gníomhaíochtaí eile a leagan a dhímholann úsáid theangacha réigiúnacha nó mionlaigh i gcórais gheilleagracha nó shóisialta, agus, ar an láimh eile, a chuimsíonn roinnt beart dearfach.

11.01

Fá láthair is é Clásal 13.1.d an t-aon chuid d’Airteagal 13 a daingníodh don Ghaeilge. Creideann POBAL go bhfuil géarghá le daingniú tuilleadh clásal ó Airteagal 13.1 lena chinntiú nach ndéanfar leatrom ar Ghaeilgeoirí sa saol geilleagrach agus sóisialta.

11.02

I dtuarscálacha POBAL roimhe seo aithníodh claonadh atá i gCoimisiún Comhionannais TÉ úsáid na Gaeilge i bhfoirmeacha labhartha agus scríofa a chur i gcomhthéacs a bheith amhrasach, deighilteach agus go bhféadfadh sí a bheith mídhleathach faoi fhorálacha intíre Comhionannais. Mhothaigh muid conspóid faoi chomhairle a tugadh nár chóir Gaeilge a labhairt san áit oibre. Tá ráite ó shin ag an Choimisiún gur baineadh ‘míthuiscint’ as an chomhairle sin. Le linn an tríú chúrsa faireacháin, 29 Samhain 2005, bhí baill foirne an Choimisiún Comhionannais go fóill ag admháil easpa tuisceanna den CETRM d’fhoireann POBAL, mar a tuairiscíodh i dtréimhse fhorluí an dara tuarascáil faireacháin s’againn. Ach, cé go mbíonn an Coimisiún de ghnáth níos faichillí ina chomhairle scríofa tá measarthacht den fhianaise starógach ann go gcuireann comhairle bhéil a thugann baill foirne agus pearsanra sinsearach an Choimisiúin leis an dearcadh gur teanga dheighilteach amhrasach í an Ghaeilge ar chóir a húsáid i bhfoirm scríofa agus labhartha sa saol poiblí a sheachaint.

11.03

I 2005, cuireadh chun bealaigh doirseoir i dtábhairne Béal Feirsteach as Gaeilge a labhairt le custaiméirí ainneoin gur gríosáíodh roimhe sin é le teangacha eile a labhairt mar ba chúí le turasóirí agus custaiméirí eile. In Aodhán Ó Connolly v. Botanic Inns Ltd thángthas ar shocrú ar 2ú Márta 2006 fá bhriseadh Uí Chonghaile. (Féach fosta 2.10.ii)

11.04

Chuir POBAL fáilte cheana féin roimh an tacaíocht a thug RCEF, RFS agus an Roinn Fiontar, Trádála agus Infheistíochta do bhunú Cheathrú na Gaeltachta in Iarthar Bhéal Feirste. Ach, is mór idir an tacaíocht airgeadais agus rialtais atá ar fáil don togra seo agus céim fhadálach a fhorbartha agus tograí eile forbartha i gceantar Bhéal Feirste, san áireamh togra ilbhiliún punt Cheathrú an Titanic agus togra Cheathrú na hArdeaglaise.

11.05

Má tá na hiarrachtaí le gníomhaíocht gheilleagrach a spreagadh sa teanga le theacht i gcrann mar is ceart tá gá le cosaint reachtach don Ghaeilge sa saol geilleagrach agus sóisialta.

11 ECRML Part III

Article 13: Economic and Social Life

11.00

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

11.01

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.

11.02

In previous reports POBAL has noted the tendency for the NI Equality Commission to contextualise the use of Irish in spoken and written forms in public life as problematic, divisive and potentially illegal under domestic Equality provisions. We have noted controversy over advice that Irish should not be spoken in the workplace. The Commission has since stated that this advice was ‘misunderstood.’ During the third monitoring cycle, in 29 November 2005, Equality Commission staff members were still acknowledging a lack of understanding of the ECRML to POBAL staff, as reported in the overlap period of our second monitoring report. However, whilst in its written advice, the Commission is generally more measured now there is considerable anecdotal evidence that verbal advice given by Commission staff and senior personnel adds to the view that Irish is a divisive and problematic language whose use in written and spoken forms in public life is best avoided.

11.03

In 2005, a doorman in a Belfast pub and restaurant was dismissed for speaking Irish to customers in spite of being previously encouraged to use other languages as appropriate with tourists and other customers. In Aodhán Ó Connolly v. Botanic Inns Ltd a settlement was reached on 2nd March 2006 regarding Connolly’s dismissal. (See also 2.10.ii)

11.04

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. However, the financial and government support available to this project and the very slow pace of its development is in contrast to other development projects in the Belfast area including the multi-billion pound Titanic Quarter project and the Cathedral Quarter project.

11.05

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.

12 CETRM Cuid III Airteagal 14: Malartuithe Trasteorann

12.00

Cuid III Airteagal 14

Geallann na Páirtithe:

- a. na comhaontuithe déthaobhacha agus ilthaobhacha atá ann a nascann iad leis na Stáit ina n-úsáidtear an teanga chéanna i bhfoirm ionann nó chosúil a fheidhmiú, nó más gá féachaint le comhaontuithe den chineál a scor, ar bhealach a chothódh teagmhálacha idir úsáideoirí na teanga céanna sna Stáit atá i gceist i réimsí cultúir, oideachais, eolais, gairmoiliúna agus buanoideachais;
- b. ar mhaithe le teangacha réigiúnacha nó mionlaigh, comhoibriú trasteorann a éascú agus/nó a chur chun cinn, go háirithe idir údaráis réigiúnacha nó áitiúla a n-úsáidtear an teanga chéanna i bhfoirm chomhionann nó chosúil ina gcríocha.

Moltaí a rinneadh i 2008 a bhain le ciorruithe seirbhíse poiblí i bPoblacht na hÉireann (Coimisiún Mhic Cárthaigh, ar tugadh fosta An Bord Snip air) cáineadh iad as cur isteach as compás ar sheirbhísí Gaeilge, Foras na Gaeilge san áireamh, TG4, agus tograí agus cistiú Gaeltachta. Tá ardfhorbairt déanta ar naisc thrasteorann idir scoileanna i dtuaisceart na hÉireann agus sna Gaeltachtaí (limistéir Ghaeilge sainithe ag an rialtas Éireannach) agus bíonn na céadta páistí ag freastal ar scoileanna samhraidh Gaeltachta achan bhliain. Moltaí le híocaíochtaí a laghdú ar beag cheana féin iad le mná sa Ghaeltacht a chuireas cóiríocht ar fáil do dhaltáí le linn chúrsaí samhraidh rachaidh siad i bhfeidhm ar chainteoirí agus ar fhoghlaimeoirí Gaeilge sa Tuaisceart. An moladh le cistiú don eagrais uile-Éireann Comhairle um Ghaeloideachas agus Ghaelscolaíochta (COGG) a scor, eagrais ba chúis le, i measc oibre eile, táirgeadh téacsleabhar scoile sa leagan Gaeilge a labhraítear i dTír Chonaill (PÉ) agus i dTuaisceart na hÉireann, rachaidh sé i bhfeidhm fosta ar OTG sa Tuaisceart.

12.01

Tá fianaise áirithe ann go bhfuil an dearcadh i gcónaí i rannóga den rialtas Éireannach gur chóir eagrais Ghaeilge Thuaidh agus Thuas a scor nó a chónascú. Má tá sé sin ar na bacáin éileoidh sé comhaontú an Chomhairle Aireachta Thuaidh/Theas.⁷⁰ (Féach fosta 12.02) Ach, níor foilsíodh aon cháipéisíocht nó réasúnaíocht a thacódh leis an dearcadh go mbeadh sé seo ag cur le gealltanais faoin CETRM nó go gcuireann sé síos ar an phróiseas faoina 'scorfaí' eagrais Ghaeilge nó a cheadódh comhairliúchán foirmiúil nó plé poiblí.

⁷⁰ Miontuairiscí chruinniú an Roinn Gnóthaí Pobail, Tuaithe agus Gaeltachta leis an Ghrúpa Speisialta ar Rialú Caiteachais, 8ú Aibreán 2009

12 ECRML Part III Article 14: Transfrontier Exchanges

12.00

Part III Article 14

The Parties undertake:

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

Proposals in 2008 in relation to public service cut-backs in the Republic of Ireland (The McCarthy Commission, also known as An Bord Snip) have been criticised as disproportionately affecting Irish language services, including Foras na Gaeilge, TG4, and Gaeltacht projects and funding. 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. Proposals to reduce already small payments to women in the Gaeltacht who accommodate students during summer courses will impact on Irish speakers and learners in the North. The proposed ending of funding to the all-Ireland organisation Comhairle um Gaeiloideachas agus Gaelscolaíochta (COGG) which has been responsible for, among other work, the production of school text books in the version of Irish spoken and written in Donegal (RoI) and in the North of Ireland will impact upon IME in the North also.

12.01

There is some evidence that a view exists within sections of the Irish government that Irish language organisations North and South should be either collapsed or amalgamated. If this is to happen it will require the agreement of the North South Ministerial Council.⁷⁰ (See also 12.02) However, no written documentation or rationale has been published to support the view that this will be in line with commitments under the ECRML or to outline the process which the 'collapsing' of Irish language organisations will be undertaken or to allow for formal consultation and public deliberation.

⁷⁰ Minutes of Department of Community, Rural and Gaeltacht Affairs with Special Group on Expenditure Control, 8th April 2009

12.02

Is doiligh mar sin tionchar chuid ar bith de mholtaí den chineál sin a mheas. Níor chóir feidhmiú RA an CETRM agus a fhaireachán leanúnach ag ENRanna a lagú.

12.03

Moladh eile a chuir Coimisiún Mhic Cárthaigh chun tosaigh ba é cistiú díreach rialtas na hÉireann do TG4 a scor agus cistiú ón táille cheadúnais a chur ina áit. Ag cuimhneamh ar an iomaíocht do chistiú den chineál sin ó chraoltóirí eile Éireannacha, tá POBAL buartha go n-oibreodh sé seo tuilleadh tionchair ar an soláthar atá ar fáil ag Gaeilgeoirí sa Tuaisceart, ós rud é go háirithe nach fios conas a bheas cistiú amach anseo ó rialtas an RA agus ó fhorais chineachta don Chiste Craoltóireachta Gaeilge. (Féach fosta 2.08, 2.10, 2.10.viii, 2.11.iv-vi, 9.01.xi, 9.03.i, 9.07, 9.07.i, 12.00)

12.04

Is í an Ghaeilge teanga oifigiúil Phoblacht na hÉireann agus i 2007 fuair sí aitheantas mar theanga oifigiúil oibre de chuid Aontas na hEorpa. Sa Phoblacht, is sochar don teanga é Acht na dTeangacha Óifigiúla 2003. Lena chinntiú nach mbeadh Gaeilgeoirí i dtuaisceart na hÉireann ar chúl a gcomharsan i dtaca le soláthar, ba chóir Acht cuimsitheach Gaeilge a thabhairt isteach le cosaint a thabhairt do chainteoirí Gaeilge i dtuaisceart na hÉireann.

12.02

It is difficult therefore to assess the impact of any such possible proposals. The UK implementation of the ECRML should not be compromised and neither should its effective monitoring by NGOs.

12.03

A further proposal of the McCarthy Commission has been to replace direct Irish government funding for TG4 and replace it instead through the licence fee. Given the competition for such funding from other Irish state broadcasters, POBAL is concerned that this will further impact on the Irish language television provision available to Irish speakers in the North, especially given uncertainty over future funding from the UK government and devolved institutions for the Irish Language Broadcast Fund. (See also 2.08, 2.10, 2.10.viii, 2.11.iv-vi, 9.01.xi, 9.03.i, 9.07, 9.07.i, 12.00)

12.04

Irish is the official language of the Republic of Ireland and in 2007 it gained official recognition as an Official 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.

Aguisíní Appendices

Aguisín 1

Suirbhé POBAL ar an Teanga Ghaeilge i Suíomhanna Gréasáin Ranna Rialtais Áitiúil

Roinn	Gaeilge ar an leathanach baile	Teagmháil tríd an Ghaeilge	Cáipéisí i nGaeilge
Roinn an Chéad-Aire agus an LeasChéad-Aire	Níl	Níl	Níl
An Roinn Talmhaíochta agus Forbartha Tuaithe	Tá lógó na Roinne i mBéarla, i nGaeilge agus in Albainis Uladh. Tá roinnt buneolais ar fáil i nGaeilge.	Tá eolas teagmhála ar fáil trí Ghaeilge, ach níl seirbhís thiomanta ghutháin liostaithe.	CCanna, Tá beartais theanga agus gnáis ghearáin ar fáil trí Ghaeilge. Cáipéis fosta ar Athbheithnithe Talmhaíochta.
An Roinn Cultúir, Ealaíon agus Fóillíochta	Tá lógó na Roinne i mBéarla, i nGaeilge agus in Albainis Uladh.	Seirbhís ghlórphoist trí Ghaeilge	Níl
An Roinn Oideachais	Tá roinnt nasc Gaeilge ar an leathanach baile.	Níl	Tá roinnt bheag cáipéisí le fáil i nGaeilge.
An Roinn Fostaíochta agus Foghlama	Níl	Níl	Níl
An Roinn Fiontar, Trádála agus Infheistíochta	Níl	Níl	Níl
An Roinn Comhshaoil	Níl	Níl	Níl
An Roinn Airgeadais agus Pearsanra	Níl	Níl	Níl
An Roinn Sláinte, Seirbhísí Sóisialta agus Sábháilteachta Poiblí	Tá lógó na Roinne i mBéarla, i nGaeilge agus in Albainis Uladh.	Níl	Níl
An Roinn Forbartha Réigiúnaí	Níl	Níl	Níl
An Roinn Forbartha Sóisialta	Níl	Níl	Tá trí cháipéis ar fáil i nGaeilge.

Appendix 1

POBAL Survey on Irish Language in Local Government Department Websites Suirbhé POBAL ar an Ghaeilge ar Láithreáin Gréasáin na Ranna Rialtais

Department	Irish on homepage	Contact through Irish	Documents in Irish
Department of the Minister and deputy First Minister	No	No	No
Department of Agriculture and Rural Development	Department logo is in English, Irish and Ulster Scots. Some basic information is available through Irish.	Contact information is available through Irish, but no dedicated phone service is listed.	FAQs, Language policies and complaints procedures are available through Irish. Also a document on Agricultural Reviews.
Department of Culture, Arts and Leisure	Department logo is in English, Irish and Ulster Scots.	Voicemail service through Irish	No
Department for Education	There are a number of Irish Language links on the home page	No	A small number of documents are available in Irish
Department for Employment and Learning	No	No	No
Department of Enterprise, Trade and Investment	No	No	No
Department of the Environment	No	No	No
Department of Finance and Personnel	No	No	No
Department of Health, Social Services and Public Safety	Department logo is in English, Irish and Ulster Scots.	No	No
Department for Regional Development	No	No	No
Department for Social Development	No	No	Three documents available in Irish

Aguisín 2 Cóip leasaithe de leathanaigh 78-79

Suirbhé POBAL ar an Ghaeilge ar Shuíomhanna Gréasáin na gComhairlí Áitiúla

Comhairle	Gaeilge ar an leathanach baile	Teagmháil tríd an Ghaeilge	Cáipéisí i nGaeilge
Comhairle Baile Aontroma	Níl	Níl	Níl
Comhairle Baile na hArd	Níl	Níl	Níl
Comhairle Cathrach agus Ceantair Ard Mhacha	Níl	Níl	Níl
Comhairle Baile an Bhaile Mheánaigh	Níl	Níl	Níl. Aistriúchán le fáil i dteangacha eile ach chan i nGaeilge
Comhairle Baile Bhaile Monaidh	Níl	Níl	Níl. Aistriúchán le fáil i dteangacha eile ach chan i nGaeilge
Comhairle Ceantair Dhroichead na Banna	Níl	Níl	Níl
Comhairle Cathrach Bhéal Feirste	Níl	Thig uimhir ghlórphoist a aimsiú ach ní gan dua	Níl
Comhairle Baile Charraig Fhearghais	Níl. Aistriúchán le fáil in 8 dteanga ach chan i nGaeilge	Níl	Níl
Comhairle Baile an Chaisleáin Riabhaigh	Níl. Aistriúchán le fáil i 9 dteanga ach chan i nGaeilge	Níl	Níl
Comhairle Baile Chúil Raithin	Níl	Níl	Níl
Comhairle Ceantair na Coirre Críochaí	Leathanach baile dátheangach	Níl	Níl
Comhairle Baile Chreagabhann	Níl	Níl	Níl
Comhairle Cathrach Dhoire	Níl	Níl	Cáipéisí ar fáil i nGaeilge a bhaineann le comhairliúchán ar sholáthar Gaeilge sa Chomhairle. Ceann fosta a bhain le himeachtaí.
Comhairle Ceantair an Dúin	Níl	Níl	Cáipéisí le fáil in 8 dteanga ach chan i nGaeilge
Comhairle Baile Dhún Geanainn agus Dheisceart Thír Eoghain	Leathanach amháin i nGaeilge	Teagmháil trí Ghaeilge le fáil ach tríd an léarscáil láithreáin amháin	Aistriú cáipéisí á thairiscint i nGaeilge ar iarratas.
Comhairle Ceantair Fhear Manach	Níl	Níl	Níl
Comhairle Baile Latharna	Níl	Níl	Níl
Comhairle Baile Léim a' Mhadaidh	Níl	Teagmháil trí Ghaeilge le fáil ach trí chuardach sa léarscáil láithreáin amháin	Níl
Comhairle Cathrach Lios na gCearrbhach	Níl	Níl	Níl
Comhairle Ceantair Mhachaire Fíolta	Níl	Níl	Níl
Comhairle Ceantair na Maoile	Aistriúchán le fáil in 11 teanga ach chan i nGaeilge	Níl	Níl
Comhairle Ceantair an Iúir agus Mhúrn	Tá an suíomh dátheangach (Béarla /Gaeilge) ach tá a lán de na leathanaigh Ghaeilge bán	Níl	Níl
Comhairle Baile Bhaile Nua na Mainistreach	Níl	Níl	Níl
Comh. Baile an Dúin Thuaidh	Níl	Níl	Níl
Comhairle Ceantair na hÓmaí	Níl	Níl	Níl
Comhairle Ceantair an tSraitha Báin	Níl	Níl	Níl

Appendix 2 Amended copy of pages 78-79

POBAL Survey on Irish Language in Local Council Websites

Council	Irish on homepage	Contact through Irish	Documents in Irish
Antrim Borough Council	No	No	No
Ards Borough Council	No	No	No
Armagh City and District Council	No	No	No
Ballymena Borough Council	No	No	No. Documents in other languages available but not in Irish
Ballymoney Borough Council	No	No	No Documents in other languages available but not in Irish
Banbridge District Council	No	No	No
Belfast City Council	No	Voicemail number can be found but not easily	No
Carrickfergus Borough Council	No. Translation available in 8 languages but not in Irish	No	No
Castlereagh Borough Council	No. Translation available in 9 languages but not in Irish	No	No
Coleraine Borough Council	No	No	No
Cookstown District Council	Bilingual Homepage	No	No
Craigavon Borough Council	No	No	No
Derry City Council	No	No	Irish documents available that relate to a consultation on Irish Language provision in the Council. Also one relating to events.
Down District Council	No	No	Documents in 8 other languages available but not in Irish
Dungannon and South Tyrone Borough Council	Single page in Irish	Contact through Irish available but only through search in site map	Translation of documents in Irish is offered on request.
Fermanagh District Council	No	No	No
Larne Borough Council	No	No	No
Limavady Borough Council	No	Contact through Irish available but only through search in site map	No
Lisburn City Council	No	No	No
Magherafelt District Council	No	No	No
Moyle District Council	Translation available in 11 languages but not in Irish	No	No
Newry and Mourne District Council	Site is bilingual (English/Irish) but many Irish pages are blank	No	No
Newtownabbey Borough Council	No	No	No
North Down Borough Council	No	No	No
Omagh District Council	No	No	No
Strabane District Council	No	No	No

Aguisín 3 Cóip leasaithe de leathanaigh 80-81

Suirbhé POBAL ar chórais na gcomhairlí áitiúla do dhaoine ar mhian leo aighneachtaí a dhéanamh ó bhéal

Ceist curtha sa Ghaeilge ar dtús agus ansin sa Béarla nuair ba ghá

Comhairle	"An dtig liom caint le duine i nGaeilge, le do tholl"	"An dtig liom seirbhísi Gaeilge a úsáid?"	Glórphost	Gaeilge
Comhairle Baile Aontroma	Pardon	Hold on.....Who exactly are you looking for – I would like to have my query addressed through Irish, Hold on.....Could I ask what this is in relation to - events, I'll just put you through to events.		
Comhairle Baile na hArda	Sorry	Bear with me.....who are you looking for - I would like to have my query addressed through Irish, we do have a facility, I'll put you through to development.....no-one there, I'll just check.....I'm just checking with our HR (human resources) department.....we'll get someone to ring you back		
Comhairle Cathrach agus Ceantair Ard Mhacha	Pardon	I don't speak Irish, is it about regeneration? It's in relation to events, but I would like to have my query addressed through Irish, I could put you through to the 'Trian', there may be somebody there who speaks Irish, do you have a telephone service in Irish?, I'll just put you through to the 'Trian'.		
Comhairle Baile an Bhaile Mheánaigh	Sorry	Someone in the Council? I'm not sure if that's possible, I could put you through to equality, could I ask what it's in relation to? - Events, I'll put you through to events but I'm not sure about the language		
Comhairle Baile Bhaile Monaidh	Pardon	Hold the line.....What's it about? Events, I'll put you through to someone. Cuireadh chun cainte le hinneall freagartha (i mBéarla)	Béarla	
Comhairle Ceantair Dhroichead na Banna	Sorry	One moment.... Hello resources, could I avail of your Irish language services?, I don't think there's anyone in the building who speaks Irish, Do you have an Irish Language phone service? No, I don't think so.		
Comhairle Cathrach Bhéal Feirste	Sorry	'One moment.....' Cuireadh chun cainte le hinneall freagartha marar fágadh an teachtaireacht i nGaeilge	Gaeilge	
Comhairle Baile Charraig Fhearghais	Sorry	I'm sorry, we don't.		
Comhairle Baile an Chaisleáin Riabhaigh	Pardon	I'll put you through to our Human Resources Department..... could I avail of your Irish language services?, Sorry we don't have that.		
Comhairle Baile Chúil Raithin	Sorry	Hold one second.....hold please.....the lady who deals with that is not in her office at the moment, would you like her to ring you back? Yes.		
Comhairle Ceantair na Coirre Críocháí	Sorry	I'll give you the name and number of our Irish Language Officer: 86769949	Gaeilge	Oifigeach Gaeilge as oifig ach inneall freagartha as Gaeilge ar fáil
Comhairle Baile Chreagabhann	Sorry	sorry did you wish to speak to someone in particular, I would like to have my query dealt with in Irish, I can put you through to an answering machine and they can have it translated, OK Cuireadh chun cainte leis an roinn imeachtaí. Inneall freagartha (Béarla)	Béarla	
Comhairle Cathrach Dhoire	Sorry	I'll put you through to the Irish Language Officer		As Oifig
Comhairle Ceantair an Dúin	Pardon	We don't have one		
Comhairle Baile Dhún Geanainn agus Dheisceart Thír Eoghain	Sorry	Certainly. I'll put you through to our Irish Language officer	Gaeilge	Oifigeach Gaeilge as oifig ach inneall freagartha as Gaeilge ar fáil
Comhairle Ceantair Fhear Manach	Hello	Certainly. I'll put you through.	Béarla	
Comhairle Baile Latharna	Sorry	No we don't have one.		
Comhairle Baile Léim a' Mhadaidh	Sorry	I'll put you through to our Irish Language officer		As Oifig
Comhairle Cathrach Lios na gCearrbhach	Sorry	I'm sorry, we don't.		
Comhairle Ceantair Mhachaire Fiolta	You want our Irish Language officer?	I'll put you through to our Irish Language officer		As Oifig
Comhairle Ceantair na Maoile	Pardon	No, there's nothing like that here		
Comhairle Ceantair an Lúir agus Mhúrn	Pardon	Hold the line.....I'll put you through to our Irish Language Department		Diríodh ar mo cheist as Gaeilge
Comhairle Baile Bhaile Nua na Mainistreach	Sorry, could you repeat that	One moment.....hello corporate services, could I avail of your Irish language services?, We do have a voicemail service, I'll put you through.....I have a number for that: 02890340040	Gaeilge	
Comh. Baile an Dúin Thuaidh	Pardon	We don't have that facility here		
Comhairle Ceantair na hÓmaí	Hello	I'll give you the number for our direct line for minority languages: 82256214	Gaeilge	
Comhairle Ceantair an tSratha Báin	Pardon	Yes, hold on one second.....we don't have anyone available at present with Irish, but you could use our voicemail service, OK	Béarla	

Appendix 3 Amended copy of pages 80-81

POBAL survey of local council systems for those who wish to make oral submissions in Irish

Question put firstly in Irish and then in English when necessary

Council	"An dtig liom caint le duine i nGaeilge, le do tholl"	"Can I avail of services in Irish"	Voicemail	Irish speaker
Antrim Borough Council	Pardon	Hold on.....Who exactly are you looking for – I would like to have my query addressed through Irish, Hold on.....Could I ask what this is in relation to - events, I'll just put you through to events.		
Ards Borough Council	Sorry	Bear with me.....who are you looking for - I would like to have my query addressed through Irish, we do have a facility, I'll put you through to development.....no-one there, I'll just check.....I'm just checking with our HR (human resources) department.....we'll get someone to ring you back		
Armagh City and District Council	Pardon	I don't speak Irish, is it about regeneration? It's in relation to events, but I would like to have my query addressed through Irish, I could put you through to the 'Trian', there may be somebody there who speaks Irish, do you have a telephone service in Irish?, I'll just put you through to the 'Trian'.		
Ballymena Borough Council	Sorry	Someone in the Council? I'm not sure if that's possible, I could put you through to equality, could I ask what it's in relation to? - Events, I'll put you through to events but I'm not sure about the language		
Ballymoney Borough Council	Pardon	Hold the line.....What's it about? Events, I'll put you through to someone. Put through to answering machine in English asking to leave message.	English	
Banbridge District Council	Sorry	One moment.... Hello resources, could I avail of your Irish language services?, I don't think there's anyone in the building who speaks Irish, Do you have an Irish Language phone service? No, I don't think so.		
Belfast City Council	Sorry	'One moment.....' Put through to answering machine where message was left in Irish	Irish	
Carrickfergus Borough Council	Sorry	I'm sorry, we don't.		
Castlereagh Borough Council	Pardon	I'll put you through to our Human Resources Department..... could I avail of your Irish language services?, Sorry we don't have that.		
Coleraine Borough Council	Sorry	Hold one second.....hold please.....the lady who deals with that is not in her office at the moment, would you like her to ring you back? Yes.		
Cookstown District Council	Sorry	I'll give you the name and number of our Irish Language Officer: 86769949	Irish	Irish Language Officer not in office but answering machine asked in Irish for message to be left
Craigavon Borough Council	Sorry	sorry did you wish to speak to someone in particular, I would like to have my query dealt with in Irish, I can put you through to an answering machine and they can have it translated, OK Put through to events dept answering machine in English	English	
Derry City Council	Sorry	I'll put you through to the Irish Language Officer		Out of Office
Down District Council	Pardon	We don't have one		
Dungannon and South Tyrone Borough Council	Sorry	Certainly. I'll put you through to our Irish Language officer	Irish	Irish Language Officer not in office but answering machine asked in Irish for message to be left
Fermanagh District Council	Hello	Certainly. I'll put you through.	English	
Larne Borough Council	Sorry	No we don't have one.		
Limavady Borough Council	Sorry	I'll put you through to our Irish Language officer		Out of Office
Lisburn City Council	Sorry	I'm sorry, we don't.		
Magherafelt District Council	You want our Irish Language officer?	I'll put you through to our Irish Language officer		Out of Office
Moyle District Council	Pardon	No , there's nothing like that here		
Newry and Mourne District Council	Pardon	Hold the line.....I'll put you through to our Irish Language Department		Had my query addressed in Irish
Newtownabbey Borough Council	Sorry, could you repeat that	One moment.....hello corporate services, could I avail of your Irish language services?, We do have a voicemail service, I'll put you through.....I have a number for that: 02890340040	Irish	
North Down Borough Council	Pardon	We don't have that facility here		
Omagh District Council	Hello	I'll give you the number for our direct line for minority languages: 82256214	Irish	
Strabane District Council	Pardon	Yes, hold on one second.....we don't have anyone available at present with Irish, but you could use our voicemail service, OK	English	



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