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**Subject: Annual Report 2012**

Senior management at An Garda Síochána are organising an overhaul of procedures for dealing with the public through Irish following an investigation by An Coimisinéir Teanga into an incident in Dublin where a young man, who attempted to conduct his business through Irish when stopped by Gardaí in relation to a road traffic matter, found himself arrested and escorted in handcuffs to a Garda station where he was detained until a Garda was found who could deal with him through Irish.

This is one of the cases investigated last year by An Coimisinéir Teanga, Seán Ó Cuirreáin, and detailed in his Annual Report for 2012 which was released today.

An Coimisinéir Teanga found that An Garda Síochána had failed in this instance to comply with a statutory commitment which recognises the right of the public to conduct business with the force in either official language, Irish or English.

An Coimisinéir Teanga noted a Garda attitude in his investigation, notwithstanding the constitutional status of Irish, that Irish speakers should be dealt with as if they were speakers of a foreign language. The discourse during the investigation placed “using Irish” and “dealing with foreign nationals” in the same space, he said.

The person detained in the case was not involved in an accident nor were there any allegations made concerning speeding or driving under the influence of alcohol.

An Coimisinéir Teanga said that he was struck during the investigation by the fact that Gardaí who had received their education within this country’s schools system and had finished their training in Templemore some short years previously had insufficient command of Irish to ask a driver when stopped at the roadside “Cad is ainm duit?” or seek his address through Irish. Additionally, there was no adequate support system in place to facilitate their interaction with a member of the public who sought in this situation to conduct his business through Irish.

“The positive attitude of the Garda Commissioner and senior management to the implementation of the recommendations I made on foot of this investigation is a matter of some satisfaction to me and it appears that they sought to introduce systematic change in order to avoid a repetition of similar incidents. This involves promoting language awareness and training as well as the development of new practices and a protocol in this area,” he said.

## **Not a vintage year**

During 2012, the Office of An Coimisinéir Teanga dealt with 756 cases of difficulties or problems accessing state services through Irish – the largest number of complaints from the public to the Office since its establishment. This represented an increase of 3% on the number of cases in the previous year. The vast majority of cases were resolved by means of informal negotiations with the relevant state bodies or by providing advice to the complainant.

A total of 13 formal investigations were commenced during 2012. Findings of breaches of individual elements of language legislation were made against An Garda Síochána; the Department of Justice and Equality; the Department of Public Expenditure and Reform; the Department of the Environment, Community and Local Government; Ordnance Survey Ireland; the Health Service Executive; the Central Bank of Ireland; the National Transport Authority; the University of Limerick; Ennis Town Council; Donegal County Council; and Kildare County Council.

“2012 was not a vintage year for the promotion of the Irish language in the public sector, and for every one step forward there appeared to have been two steps backwards,” according to An Coimisinéir Teanga.

While statistics from the most recent Census showed a positive trend from the previous one, with a 7% increase in the number of people who have Irish and those who use it daily, there was considerable concern among Irish speakers about the future of the Irish language and serious apprehension about the State’s efforts in its protection and promotion.

## **Language schemes**

Three quarters of language schemes (statutory language plans) agreed for state bodies under the Official Languages Act had expired without renewal by the end of 2012 with a quarter of them out of date for three years or more.

“Only 9 language schemes were agreed or renewed during 2012, and at that annual rate of renewal the current schemes might not be fully replaced for twelve years,” said An Coimisinéir Teanga.

In 10 other cases, more than 6 years have elapsed since the Minister for Arts, Heritage and the Gaeltacht requested state bodies to prepare draft language schemes but they remain to be agreed.

A further significant step was taken during 2012 that could prove a dangerous precedent with regard to the language scheme system: for the first time ever, a scheme was amended to cancel an obligation that had previously been confirmed when a member of the public complained that the state body in question was not in compliance with this obligation.

The language scheme was that of the Department of Justice and Equality, and the obligation involved was a fairly innocuous one that cost little and was relatively simple to implement: a requirement that the “Fit for viewing” section of video/ DVD labels supplied by the Irish Film Classification Office be produced in bilingual format.

The Department itself had identified this commitment as a priority in its language scheme, and rather than ensuring its implementation, a complaint from a member of the public resulted eventually in the removal of the commitment.

“I informed the Department of Arts, Heritage and the Gaeltacht that it was unacceptable if a state body which was unhappy with a complaint or which had a finding made against it could successfully appeal to the Department to be granted the annulment of such an obligation that was previously confirmed in a language scheme. This would be a significant regression and a restriction of the principles concerning the public’s language rights as confirmed in language schemes and would be an additional blow to the credibility of the language scheme system as operated by the Department,” according to An Coimisinéir Teanga.

### **Traffic signs**

On foot of a series of complaints from an individual about traffic signs in English only in Ennis, Co. Clare, the Office of An Coimisinéir Teanga conducted a formal investigation during 2012. Ennis Town Council had indicated that it had intended dealing with a historic problem of traffic signs which were not in compliance with statutory language requirements in a planned programme on a gradual basis over a period of time, but a reduction in both financial and personnel resources as a result of the economic crisis left much of the issue unresolved.

It was significant that the Council had initiated its own audit of the number of traffic signs not in compliance with the statutory language regulations, and in one half of the town alone 332 signs were identified whose validity was in doubt; on that basis, there may be up to 650 invalid public signs in Ennis town. A significant expenditure of state resources allocated for bilingual signage was used for signage in English only in these cases, notwithstanding the statutory obligations that were being breached.

“It is probable that Ennis is in no way unique in this regard and that other areas may also not always have complied with the legislation concerning bilingual signage, but Ennis Town Council’s own audit gives an overview of the scale of the problem. A person could be forgiven for suspecting in certain cases that it may have happened that a policy of ‘personal convenience’ might have been in conflict with the requirement to comply with long established obligations confirmed in statutory regulations. Local authorities require the public to comply with the law in regard to the payment of rent and rates, refuse and household charges, and other fees. Equally, local authorities themselves are also obliged to ensure their own compliance with the

law, including regulations concerning bilingual traffic signage,” said An Coimisinéir Teanga.

### **Competence in Irish**

An absence of staff with competence in both official languages of the State is one of the main factors restricting state bodies in their delivery of services to the public in Irish as well as in English. During 2012, the Minister for Public Expenditure and Reform informed An Coimisinéir Teanga that the responsibility for the training and evaluation of competence in Irish in the Civil Service, previously vested in Gaileagras, would be transferred to the Department of Arts, Heritage and the Gaeltacht from the beginning of 2013. An Coimisinéir Teanga suggested in a report on an investigation that such a move would be merely a pretence and a waste of time if it simply reinforced again the same defective arrangements which have patently failed in over 40 years to ensure that there is an adequate number of staff with competence in Irish at various levels throughout the Civil Service. The Minister for Public Expenditure and Reform has agreed that the transfer of services to the Department of Arts, Heritage and the Gaeltacht would provide an opportunity to reform the current practices and that his own department was committed to finding the mechanisms which would ensure that departments could access or develop the skills to provide their services in a bilingual manner.

### **Merger**

A Government decision was announced in November 2011 to merge the functions of the Office of An Coimisinéir Teanga with the Office of the Ombudsman as part of the *Public Service Reform Plan*. It was re-announced in November 2012 that the merger would go ahead and that the statutory powers and functions of An Coimisinéir Teanga under the Official Languages Act 2003 would be transferred to the Ombudsman but would be delegated back to An Coimisinéir Teanga by amending legislation which was not yet published by the end of 2012. An Coimisinéir Teanga would continue to be appointed statutorily, be based in the Gaeltacht and would continue to perform the current functions of An Coimisinéir Teanga in an independent manner under the Official Languages Act. “I have formally asked the Department of Arts, Heritage and the Gaeltacht to allow my Office to have sight of the draft statutory amendments and to publish the results of the public consultation process on the review of the Official Languages Act as a prelude to any discussion on the matter,” said Seán Ó Cuirreáin.

(ENDS)

The Annual Report is published primarily in electronic format and is available at

[www.coimisineir.ie](http://www.coimisineir.ie).

Further information:

Damhnait Uí Mhaoldúin (091) 504 006 or 0872197946 or [eolas@coimisineir.ie](mailto:eolas@coimisineir.ie)