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Subject: Annual Report 2011

Garda management failed to comply with the law when eight out of nine Gardaí assigned to serve in Gaath Dobhair in the heart of the Donegal Gaeltacht could not carry out their duties through Irish, according to an investigation by An Coimisinéir Teanga, Seán Ó Cuirreáin.

A report of an investigation (formal inquiry), published today in An Coimisinéir Teanga's Annual Report for 2011, found that the Garda Commissioner failed to comply in this instance with a provision of An Garda Síochána Act 2005 which requires that members of the force stationed in the Gaeltacht should be sufficiently competent in Irish to enable them to use it with ease in carrying out their duties. A further statutory provision of An Garda Síochána's language scheme under the Official Languages Act was also breached.

The investigation arose from a complaint from a native Irish speaker who was unable to conduct his business through Irish with Gardaí in Gaath Dobhair.

The investigation, which commenced in February 2011, was temporarily set aside when Garda authorities increased to three the number of Irish speakers assigned to the station. However, the investigation was recommenced when no further progress was reported and a formal finding of non-compliance was made by An Coimisinéir Teanga in December 2011.

An Coimisinéir Teanga made a series of recommendations to be implemented by the Garda authorities within a nine-month period to ensure full compliance with the statutory requirements.

Speaking at the launch of his Annual Report for 2011, An Coimisinéir Teanga, Seán Ó Cuirreáin, said that the status of Irish as a community language in the Gaeltacht was more vulnerable now than at any time in the past and that the State can hardly expect the Irish language to survive as a community language in the Gaeltacht if it continues to force people in those areas to carry out their business with the State through English.

An Coimisinéir Teanga's Office dealt with 734 new complaints about difficulties with state services in general through Irish during 2011, an increase of 5% on the previous year. Half of the complaints came from Dublin City and County and a further 21% came from Gaeltacht areas. The vast majority of complaints were resolved informally without resorting to statutory investigations.

An Coimisinéir Teanga also published a special report today which he has now laid before both Houses of the Oireachtas. The report relates to the Department of Social Protection which was found to be in breach of statutory language provisions but failed to take corrective action. Two separate investigations found that the Department did not comply properly with its statutory language obligations with regard to the awarding of bonus marks for proficiency in Irish and English in specific internal promotion competitions.

The system for the awarding of bonus marks for proficiency in the two languages was established in 1975 to replace the previous system of "compulsory" Irish. The investigation found that the Department had a statutory duty to award bonus marks for competence in Irish and English to suitably qualified candidates and that the Department was in breach of this provision when it limited the award of the bonus marks to candidates who had progressed to the final stage of promotion competitions. "The flawed approach adopted by the Department appears to be mirrored across the Civil Service and is clearly partly to blame for the marginalisation of Irish within the workforce in the sector," according to An Coimisinéir Teanga.

The Department did not appeal An Coimisinéir Teanga's findings to the High Court on a point of law as permitted by legislation, but, neither did it implement the recommendations of the investigations. "In reporting this matter to both Houses of the Oireachtas, I have concluded my work on the issue and it now falls to the Oireachtas to take whatever course of action, if any, it deems appropriate in the circumstances" said Mr. Ó Cuirreáin.

In addition to its ombudsman service, the Office of An Coimisinéir Teanga also carried out a series of audits of Government departments and other public bodies during 2011 to verify compliance with provisions of language legislation.

The Office also published a series of recommendations in relation to amending provisions of the Official Languages Act which is being reviewed as part of the programme for Government.

Mr. Ó Cuirreáin said that the system of confirming language schemes which is at the heart of the Official Languages Act has all but collapsed. During 2011, the Minister for Arts, Heritage and the Gaeltacht confirmed only one new language scheme.

In total, 105 language schemes have been confirmed by the Minister to date, but by the end of 2011, 66 of these had expired. This means that no second scheme has been confirmed for two thirds of public bodies. While the first scheme remains in force, no plan was put in place for an increase in the supply of services through Irish from those public bodies.

At least 20% of the language schemes had expired for more than three years and a further 20% for more than two years.

The following were among the public bodies whose language schemes had expired for more than three years at the end of 2011: the Office of the President, the Arts Council, Office of the Ombudsman, the Courts Service, Galway County Council, the Revenue Commissioners, and the Department for Education and Skills.

In addition to the above, 28 other public bodies had been asked to prepare a first draft scheme but by the end of 2011 these schemes were not yet confirmed by the Minister for Arts, Heritage and the Gaeltacht. In the case of ten of those, more than five years had elapsed since they were initially asked to prepare a draft scheme. The report also notes that four years and seven months had elapsed since the HSE on a national basis was requested to prepare a draft language scheme and almost three years had passed since An Post was asked to do likewise. More than two years had passed since the Office of the Houses of the Oireachtas, RTÉ and the National Roads Authority were asked to prepare draft language schemes.

By year end, no language scheme had been confirmed for the Department of Arts, Heritage and the Gaeltacht, which was formally established on June 1st 2011.

“There can be but one conclusion: this important element of the language legislation is now, for all intents and purposes, in crisis,” according to An Coimisinéir Teanga.

(ENDS)

Please see also *Sample Cases 2011*

The Annual Report is published primarily in electronic format and is available at www.coimisineir.ie.

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