

ANNUAL REPORT 2006

To the Minister for Community, Rural and Gaeltacht Affairs

In accordance with Section 30 of the Official Languages Act 2003, this report for the year 2006 is being presented by An Coimisinéir Teanga.

Seán Ó Cuirreáin
An Coimisinéir Teanga
March 2007

“The Government believes that the Irish language is of particular importance for the people, society and culture of Ireland. As a spoken community language, Irish is unique to this country and is, therefore, of crucial importance to the identity of the Irish people and to world heritage.”

Preamble to the Government Statement on the Irish Language 2006

“The Government also aims to ensure that in public discourse and in public services the use of Irish or English will be, as far as practical, a choice for the citizen to make and that over time more and more people throughout the State will choose to do their business in Irish.”

Vision section of the Government Statement on the Irish Language 2006

“The special status given to the Irish Language in the Constitution and in legislation such as the Official Languages Act 2003, the Education Act 1998, the Planning and Development Act 2000 and the Broadcasting Act 2001, will be upheld.”

“The Official Languages Act will be fully implemented. The right of the public to use Irish in dealings with the State and with other bodies will be developed and the appropriate arrangements to deliver this will be put in place.”

Objectives of the Government Statement on the Irish Language 2006

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MISSION STATEMENT

“Protecting Language Rights”

To provide an independent quality service whilst fulfilling our statutory obligations to ensure State compliance in relation to language rights.

To ensure fairness for all by dealing, in an efficient, professional and impartial manner, with complaints regarding difficulties accessing public services through the medium of Irish.

To provide clear and accurate information:

- to the public in relation to language rights, and
- to public bodies in relation to language obligations.

FOREWORD

Word and Deed

2006 was the second full year in operation for Oifig an Choimisinéara Teanga, although the full provisions of the Official Languages Act 2003 only came in to force in the middle of that year.

The legislation had not yet, however, reached its full effect, nor will it, until regulations in relation to the use of Irish in advertising, signage, stationery and public announcements are made under the Act and until a significant percentage of public bodies have agreed language schemes under the Act.

2006 was an important year for Oifig an Choimisinéara Teanga and for Irish language issues in general.

Significant milestones during the year included the publication of the Government vision statement on the Irish language – the first such statement in c.40 years – the publication of the first language rights charter, the commencement of all the provisions of the language legislation, the completion of arrangements for the commencement of official working status for Irish in the European Union on 1 January 2007, the continuation of the sociolinguistic study of the Gaeltacht, the 10th anniversary of the launch of the newspaper Foinse and of TG4 as well as the 20th anniversary of the launch of the RTÉ Raidió na Gaeltachta morning news programme “Adhmhaidin.”

There was a substantial increase in every aspect of the work of Oifig an Choimisinéara Teanga during the year.

The total number of complaints, problems and difficulties brought to the attention of the Office in 2006 increased by 47% compared to the previous year. This did not necessarily reflect a decrease in the provision of public services through Irish, but rather an increase in public awareness of the right to access certain public services through Irish which led to complaints where problems or difficulties were encountered.

It would certainly appear that there has been an enhancement in the provision of customer services through Irish in many state organisations as awareness of the provisions of the language legislation increases.

However, many of the complaints directed to the Office during 2006 – and the SELECTED CASES in this report detail a small number of them – reflect at times and in specific instances a significant gap between word and deed in relation to Irish language issues.

At a stage when the language enjoys constitutional protection, with legislation enacted and a significant vision statement issued by the Government, it might appear difficult to believe that members of the public would be refused inclusion on the register of electors under the Irish version of their addresses, that there would be an extensive delay in the publication of the Irish language

version of very important child protection guidelines, that the validity of enactments in relation to natural heritage protection would be left in doubt or that the provision of certain services in foreign languages (a worthwhile endeavour in itself) would take precedence over the provision of such services in Irish.

It should be noted, however, that only a certain proportion of the complaints to the Office during 2006 were in relation to specific breaches of the Official Languages Act while other problems and difficulties were of a more general nature concerning interactions through Irish with state organisations at this introductory stage of the legislation. The interim strategy of the Office, until the legislation has full effect, is to provide as much help as possible within the “spirit” of the legislation to those who encountered problems and difficulties in accessing state services in Irish.

The assistance provided to the Office by many state bodies in resolving such complaints during 2006 is greatly appreciated.

It is, however, unfortunate that in a limited number of cases a minimalist approach was adopted in relation to the level of services provided through Irish reflecting an absence of any generosity of spirit in relation to customer services in the first official language of the state.

At a time when the range and quality of customer services through Irish provided by state organisations is being enhanced, it is evident to this Office that a more proactive approach is called for in informing customers of their option of doing at least some of their business through Irish.

If customers are unaware that they really have an option in relation to their choice of language it is difficult to foresee an increase in the demand for services in Irish.

The perception all too often is that such services in Irish are provided reluctantly, grudgingly, or unwillingly and to avail of them will cause inconvenience or additional hassle.

On the other hand, members of the public have often left their language choice and rights aside on the basis that they sense that such requests may cause discomfort, anxiety or even anger.

However, there is no doubt that if a place and space is to be created in public administration for the Irish language then there is a need to be more proactive in the provision of customer services in Irish in order to stimulate the public demand for such services.

The substantial increase of 45% during 2006 in the number of requests to the Office for advice or briefings by state organisations in relation to their language obligations reflects a positive note.

It is also worth emphasising again and again that no additional benefit or advantage is sought by those who would choose to do their business through Irish and that the services at issue are already available without question to those whose language of choice is English.

It would be perceived as fundamentally just in the case of an official language of a state, that if there is a right to acquire or learn the language then it ordinarily follows that there must also be a right to use that language in dealing with the state system.

BACKGROUND INFORMATION

2006 was the first year of the operation of the Office of An Coimisinéir Teanga in which all the provisions of the Official Languages Act 2003 were in force.

Any provision of the legislation not already commenced by ministerial order came in to effect on 14 July 2006. That meant that from that date on, every provision of the Act had statutory basis although it did not mean that the legislation was yet in full effect.

The Minister for Community, Rural and Gaeltacht Affairs is authorised under the Act to make regulations and to have language schemes confirmed.

By the end of 2006 regulations had not yet been made under section 9(1) of the Act in relation to the use of Irish and English in the advertising, stationery, oral announcements and signage of state organisations although draft regulations were published and brought before the Houses of the Oireachtas.

During the year additional language schemes under the Act confirmed by the Minister brought to 43 the number in place by the end of 2006. This covered a total of 71 public bodies.

There are, however, almost 650 public bodies under the aegis of the legislation and although the same urgency need not apply to having schemes confirmed in the case of smaller public bodies which may not have much dealings with large sections of the public it is clear that a significant number of language schemes have yet to be agreed and confirmed.

The full effect of the legislation cannot be evaluated until the regulations are made under the Act and language schemes confirmed in a very significant share of state organisations.

Historical background of the Office

The President formally appointed me as Coimisinéir Teanga on the 23 February 2004 on the advice of Government following a resolution passed by Dáil Éireann and Seanad Éireann recommending the appointment.

The process of establishing the new Office began soon afterwards and a report on the work done in this first ten month period until the end of 2004 is available in the Inaugural Report 2004. An account of the activities in the following year is available in the Annual Report 2005.

The Office of the Coimisinéir Teanga is a independent statutory Office whose responsibility it is to monitor the manner in which the State's public bodies comply with the provisions of The Official Languages Act 2003, and to take all necessary measures to ensure that public bodies fulfil their obligations under the Act.

The Office investigates complaints from the public in cases where it is believed that public bodies may have failed to fulfil their obligations under the Official Languages Act 2003 or under any other enactment which deals with the use or status of Irish.

The Office provides advice to the public about their language rights and to public bodies about their obligations under the Act. The primary objective of the Act is to ensure the provision of additional and higher quality services through Irish by the public service.

It is expected that the implementation of the Act will create new space for the language within the public administration of the country. It forms one element of the State's support of the language, the main thrust of which is to promote Irish in education, broadcasting, the arts, Gaeltacht life and in public life generally.

SPEECHES, LECTURES AND SEMINARS

It is one of the functions of the Office to provide information to the public regarding their language rights under the Act and to public bodies regarding their obligations under the Act.

An extensive programme of events was undertaken during the year involving addresses, lectures and seminars on language related topics at various public occasions.

During the year I spoke at 35 public functions and I would like to thank all those who invited me to participate in these various events.

The following is a list of the main events in which I participated during 2006:

20 January 2006

Lecture at a conference of the Association of University Language Centres in Queens University, Belfast.

21 January 2006

Address and questions/answers session at a national seminar of branches of Conradh na Gaeilge, Galway.

24 January 2006

Evening lecture for students in National University, Cork.

24 January 2006

Public lecture and questions/answers session in University College, Cork.

08 February 2006

Lecture organised by An Cumann Gaelach, University College Dublin.

27 February 2006

Address at the official launch of “Seachtain na Gaeilge 2006”, Dublin.

09 March 2006

Address and questions/answers session at a course in Áras Mháirtín Uí Chadhain, An Cheathrú Rua, Co. Galway.

14 March 2006

Address and questions/answers session at a seminar for public bodies preparing draft language schemes, Dublin.

22 March 2006

Address and questions/answers session at a seminar for the support network of public bodies who have language schemes confirmed, Dublin.

24 March 2006

Address and questions/answers session at a seminar for public bodies at Tóstal na Gaeilge 2006, Galway.

24 March 2006

Opening address at Tóstal na Gaeilge 2006, Galway.

20 April 2006

Opening address at the centenary celebration of Coláiste Uladh, Gort an Choirce, Co. Donegal.

24 April 2006

Address and questions/answers session at a seminar for new public bodies brought under the remit of the Official Languages Act 2003.

03 May 2006

Address at lunchtime function in Dublin Institute of Technology, Dublin.

08 May 2006

Address and questions/answers session at a seminar for the support network of public bodies who were preparing draft language schemes, Dublin.

09 May 2006

Lecture and questions/answers session at a seminar organised by South Dublin County Council, Tallaght, Dublin.

12 May 2006

Lecture and questions/answers session at a seminar organised by Munster language planning group in conjunction with Oireachtas na Bealtaine, Tralee, Co. Kerry.

13 May 2006

Address and questions/answers session at a planning issues seminar organised by Fóram Dhuibhneach, An Daingean, Co. Kerry.

23 May 2006

Address at the annual awards ceremony, Pobalscoil Ghaoth Dobhair, Co. Donegal.

24 May 2006

Lecture and questions/answers session at a seminar organised by Óglaigh na hÉireann, Renmore, Galway.

02 June 2006

Lecture and questions/answers session at a seminar organised by Glór na nGael, Newcastle West, Limerick.

14 June 2006

Opening address at International Academy of Linguistic Law conference, National University of Ireland, Galway.

28 June 2006

Address at the public launch of the Language Rights Charter, An Spidéal, Co. Galway.

13 September 2006

Lecture and questions/answers session at seminar organised by Gaeleagras na Seirbhíse Poiblí, An Cheathrú Rua, Co. Galway.

27 September 2006

Address and questions/answers session for the Association of Chief Executives of State Agencies, Dublin.

18 October 2006

Lecture and questions/answers session at seminar for public bodies organised by Elucidate Ltd., Dublin.

07 November 2006

Address at presentation of An Coimisinéir Teanga gold medals in Fiontar, Dublin City University, Dublin.

09 November 2006

Lecture at Translation Studies course, National University of Ireland, Galway.

16 November 2006

Lecture and questions/answers session at staff conference of the Department of Social and Family Affairs.

17 November 2006

Opening address at the education conference of Gaelscoileanna Teo., Maynooth, Co. Kildare.

28 November 2006

Bord na Gaeilge lecture 2006/7, National University of Ireland, Galway.

30 November 2006

Address and questions/answers session at international conference organised by Pobal, Belfast, Co Antrim.

08 December 2006

Lecture and questions/answers session for M.A. course in Bilingual Practice in Fiontar, Dublin City University, Dublin.

13 December 2006

Address and questions/answers session at meeting of the Culture, Welsh Language and Sport Committee of the National Assembly of Wales, Cardiff, Wales.

14 December 2006

Lecture and questions/answers session at staff conference of the Welsh Language Board, Cardiff, Wales.

MEDIA

The Office works closely with the media in the provision of public information and I appreciate the media cooperation in this area.

I was contacted on 98 occasions during the year by journalists for interviews or briefings on aspects of the work of the Office, the implementation of the Official Languages Act and on other related topics.

As usual, much of the media interest during the year came from journalists working through the medium of Irish and I offer my thanks to them in particular.

The media outlets that conducted interviews or sought information during the year included:

Nuacht TG4, RTÉ Raidió na Gaeltachta, The Irish Times, Foinse, Irish Examiner, Irish Independent, Lá, RTÉ Radio 1, Nuacht RTÉ, BBC World Service, Kyodo News (Japan), Connacht Tribune, Today FM, Raidió na Life, BBC Radio Ulster, BBC Northern Ireland, RTÉ 1, Sunday Business Post, Highland Radio, Donegal Democrat, Midwest Radio, The Kingdom, Irish Daily Mail.

I would like to thank all the journalists who showed such interest in the work of the Office during 2006 and who helped to progress that work through their reports in English and in Irish.

REGIONAL VISITS

As a national Office that is situated in the Galway Gaeltacht, it is important that members of staff should be available, from time to time, to meet the public through regional visits to other areas around the country.

It is the policy of the Office to arrange these visits to coincide with significant events in the Irish language calendar.

Visits of this nature give members of the public the opportunity to raise issues about language rights or to discuss difficulties in obtaining services through Irish.

The following are the regional visits which were organised during 2006:

Galway City: 24-25 March 2006
– during Tóstal na Gaeilge, 2006.

Dundalk, Co Louth: 7-8 April 2006
– during Ard-Fheis Chonradh na Gaeilge.

Cavan: 7-9 April 2006
– during Gaelfest.

Tralee, Co. Kerry: 11-14 May 2006
– during Oireachtas na Bealtaine.

Roscommon: 20-22 October 2006
– during Éigse de hÍde.

Derry: 1-5 November 2006
– at Féile an Oireachtais, 2006.

Dublin City: 21 December 2006
– during an Irish language event in Farmleigh House.

LANGUAGE RIGHTS CHARTER

In preparation for the full implementation of the provisions of the Official Languages Act on 14 July 2006 my Office launched a Language Rights Charter published as a bilingual poster at a function in An Spidéal, Co. Galway on 28 June 2006.

Ten basic rights accorded in law to Irish speakers in dealing with state organisations are published in the charter. They include the right to use Irish in court proceedings and documentation, in the Houses of the Oireachtas, in correspondence, and in specific key documents and mailshots issued by state organisations.

Copies of the charter were distributed to all state bodies, and to schools, libraries and other public buildings as part of a campaign to increase awareness of language rights and to create further opportunities for the use of Irish in the public affairs of the country.

20,000 copies of the charter were distributed in total, with copies included with editions of the newspapers Foinse and Lá.

The first copy of the Language Rights Charter was presented to Cecilia Keaveney T.D., Chairman of the Joint-Oireachtas Committee whose remit covers Irish language affairs. At the launch, the Minister for Community, Rural and Gaeltacht Affairs, Éamon Ó Cuív T.D., presented copies to representatives of a number of state bodies including government departments, An Garda Síochána, the Revenue Commissioners, local authorities, as well as Irish language and Gaeltacht organisations.

Representatives of the Joint- Committee were present at the launch and held discussions on the introduction of the full provisions of the language legislation and on the work of the Office.

Subsequent to the publication of the charter, The Irish Times/Ireland.com ran a news opinion poll to gauge public reaction to it.

“Will the publication of Ireland’s first language rights charter encourage the use of Irish in the public sphere?” was the question asked.

More than two out of three of those who voted in the opinion poll felt it would have a positive effect. 68% said that the publication of the charter would encourage the use of Irish in the public sphere while 32% felt that it would not.

GOLD MEDALS

In October 2006 I welcomed the graduation of the first group to complete an MA degree in Bilingual Practice in Fiontar, Dublin City University, a university course with which my Office is associated.

Certificates and degrees were awarded to ten people and particular recognition was given to two who were awarded gold medals – Bonn Óir an Choimisinéara Teanga – for jointly receiving the highest marks in their postgraduate theses.

The aim of the MA course, of which Dr. Peadar Ó Flatharta is director, is to train staff working in the public and voluntary sectors in the management and delivery of quality bilingual customer service, and in particular to respond to the requirements of the Official Languages Act.

This programme will provide participants with the knowledge and skills necessary to ensure that the public is provided with a quality bilingual service according to international standards.

I am pleased my Office is associated with this course as it has as its basis the promotion of the provisions of the Official Languages Act 2003.

The gold medals and €1,000 for the year 2006 were awarded jointly to Pádraig Ó Ceithearnaigh and Bláthnaid Ní Ghréacháin.

An tUasal Ó Ceithearnaigh, who is Acting Director of Comhdháil Náisiúnta na Gaeilge, conducted a study on the functioning of the Planning and Development Act 2000 in the areas of An Spidéal and Na Forbacha in the Galway Gaeltacht.

Iníon Uí Ghréacháin, who is Chief Executive of Gaelscoileanna, conducted research on language planning and the role of Gaelscoileanna in the community.

I am particularly pleased that the winning theses will be published on the University's website so that the general public can access the research.

I believe it is very important that research of the type inspired by this course is conducted on every aspect of language affairs and that it be made publicly available in order to add to our understanding.

STAFF DEVELOPMENT

A small number of staff were appointed to establish this Office in 2004, coupled with a Government decision that staffing levels would be reviewed in 18 months when the functioning and workload of the Office became clearer.

A significant amount of time and energy was spent on this review, primarily in the first number of months in 2006.

The Department of Community, Rural and Gaeltacht Affairs and I agreed that an independent consultancy company should be employed to conduct this staff review.

We also agreed the terms of reference for the review, the aim of which was to make recommendations with respect to the number, grade and structure of staff which would be necessary over a certain timescale to enable the Office to fulfil its statutory functions in a cost effective manner.

A consultancy company was appointed following a public tendering process.

The consultants conducted an in-depth audit of every aspect of the Office's work and consulted the Department of Community, Rural and Gaeltacht Affairs as well as many other offices which deal with ombudsman or investigative functions or with matters of compliance.

I appreciate greatly the cooperation that was given to the independent consultancy company in conducting this review and take this opportunity to publicly thank all those who generously helped with the project.

The consultants made recommendations concerning the minimum number of staff that would be required to fulfil the statutory obligations placed on the Office by the Oireachtas. They also made recommendations on staff grades and on the most cost effective and efficient structure.

The final report was submitted to the Minister for Community, Rural and Gaeltacht Affairs on the 6th April 2006. Negotiations concerning staffing issues were nearing completion at the end of 2006.

SUPPORT NETWORK

During the year 2006 my Office was active in the establishment of a support network for public companies who are implementing confirmed language schemes.

The system of languages schemes is at the core of the Act and it is in those statutory schemes that public bodies confirm the steps which are to be taken by them – in addition to the direct provisions and regulations of the Act – to develop their supply of customer services through Irish in an organised manner over a three year period.

My Office provides administrative support to the network which met twice during the year to discuss issues in relation to the implementation of their schemes and other provisions of the Act.

Amongst those who assisted with the work of the network were Foras na Gaeilge, The Department of Community, Rural and Gaeltacht Affairs and Gaeleagras and I appreciate that assistance.

The support network should assist public bodies to learn from one another and promote cooperation. The network should also assist in developing best practice in respect of language issues amongst the public bodies.

AWARENESS CAMPAIGN

My Office organised a television advertising campaign during 2006 to:

- Highlight the commencement on the 14th July 2006 of all provisions of the Official Languages Act 2003,
- Mark the launch of the Language Rights Charter, and
- Encourage the public to utilise additional services through Irish as they became available from public bodies.

The television advertisements were broadcast primarily during TG4's Irish language programme schedule and, to a limited extent, during Irish language programmes on RTE.

Youth

During the year 2006 my Office continued our efforts, within our staffing limitations, to distribute information regarding language rights amongst the younger generations, particularly those attending Irish language Summer Schools in Gaeltacht areas.

2006 saw the largest participation to date of young people in such summer courses.

In the summer of 2006 members of my Office visited 29 Irish Colleges throughout the Gaeltacht to distribute information brochures, prepared with the cooperation of young people, on the Official Languages Act, language rights and the functions of the Office.

WEBSITE

The website www.coimisineir.ie serves as a “one stop shop” or central information point in relation to everything that pertains to the Official Languages Act 2003 and to the Office of An Coimisinéir Teanga.

Work continued on developing the site during the year to ensure that it always carries accurate and up to date information on every aspect of the legislation and the work of the Office.

During the period 1 January 2006 to the end of December 2006 there was a net increase of 50% over the previous year in the number of “hits” made on the website.

A substantial increase in visits to the site came with the publication of our Annual Report 2005 in March of 2006 and from then to the end of the year 8,310 people downloaded bilingual copies of that report.

This amount was in addition to copies distributed on CD-Rom to public bodies, members of the Oireachtas and the media.

A large number of visits was made to the website in June 2006 (the date of the publication of the Language Rights Charter) and again in July 2006 (the coming into effect of all the provisions of the Act).

ADVICE TO PUBLIC BODIES

It is one of the functions of this Office to provide advice or other assistance to public bodies, who come within the scope of the legislation with regard to their obligations under the Act.

This is done through the delivery of lectures and seminars, through the media, through the development of a bilingual internet site www.coimisineir.ie and through the publication and distribution of information packs.

The more advice and clear accurate information that is provided to public bodies regarding their obligations under the Act, the easier it will be to ensure compliance with the provisions of the Act.

Requests for briefings, advice or clarification from public bodies in relation to their obligations under the Act are always welcome.

During 2006 this Office was contacted by officials of public bodies on 223 separate occasions with specific questions or seeking comprehensive briefings on their obligations under the Act. This marked an increase of 45% on the previous year.

Year	2004	2005	2006
Number of cases during the year where public bodies requested advice about their obligations under the Act.	113	153	223

NEW PUBLIC BODIES

The list of public bodies under the remit of the Official Languages Act 2003 was amended by statutory instrument during 2006.

34 new public bodies were brought under the aegis of the legislation while 21 others were removed because, for the most part, they were no longer operational.

My Office provided information packs to new public bodies which came under the scope of the legislation and offered them additional briefing opportunities, if they so wished, on their obligations under the Act.

My Office also took part in an introductory seminar for these new public bodies which was organised by the Department of Community, Rural and Gaeltacht Affairs.

INTERNATIONAL COOPERATION

During the year, my Office continued to develop relations with comparable overseas organisations particularly with those involved in the area of language planning.

CANADA

My Office has established a particular link with the Office of the Official Languages Commissioner in Canada and during the year the newly appointed Commissioner, Mr Graham Fraser and the Deputy-Commissioner, Dr. Gérard Finn visited my Office in An Spidéal, Co. Galway to discuss and develop the cooperation between us.

Mr Fraser is the sixth Language Commissioner in Canada since the Office was first established in 1970.

We have agreed an annual exchange of a staff member for a period of one week to increase our understanding of each others work practices as a tool towards establishing norms of best practice.

As part of this exchange, a senior official of the Office of the Official Languages Commissioner in Ottawa, Mr Gilbert Langelier, spent a week working in my Office in An Spidéal in November 2006 and an invitation has been issued to my Office to allow a member of staff to work for a week next year in the Canadian Commissioner's Office.

WALES

We are also developing our relationship with the Welsh Language Board.

During the year 2006, with both the Chair and Chief Executive of the Welsh Language Board, I gave evidence to the Culture, Welsh Language and Sports Committee of the National Assembly for Wales in Cardiff.

The Assembly is evaluating the administration of the institutions involved with promoting the Welsh language, and discussing the feasibility of establishing a Dyfarnydd – an adjudicator or language commissioner.

I also addressed a staff seminar of the Welsh Language Board in Cardiff.

SCOTLAND

During the year 2006 I also met with Ailean Caimbeul, Bòrd na Gàidhlig's Chief Executive in Scotland, during his visit to the West of Ireland. Bòrd na Gàidhlig was established as a statutory body in February 2006 as a result of the Gaelic Language (Scotland) Act 2005.

Bòrd na Gàidhlig's main function is to increase the number of people who speak and use Gàidhlig in Scotland.

SOUTH AFRICA

I met with Mr. Silboniso S. Edward Sambo, Senior Legal Advisor to the Pan South African Language Board, during his visit to Galway. The Board functions within a system which recognises 11 official languages.

OTHER

During 2006 I met with many language experts from around the world when I officially opened the congress of the International Academy of Linguistic Law in the National University of Ireland, Galway. This was the first time this international conference was convened in Ireland. Up to 100 experts from 25 countries (including the USA, China, India, Russia, Turkey, Finland, Canada, and Ireland) delivered lectures in English, Irish or French on the theme “The challenges of enacting and implementing language legislation.”

BRITAIN AND IRELAND

During the year my Office became an associate corporate member of the British and Irish Ombudsman Association – an association focused on improving relationships and understanding amongst those engaged with ombudsman schemes.

ACCREDITED TRANSLATORS PANEL

In July 2006 Foras na Gaeilge – the all-island Irish language promotional body – announced the membership of the first ever panel of 54 accredited Irish language translators.

The establishment of this panel was of particular importance in ensuring that public bodies would have easy access to a list of translators in whom they could have full confidence in their ability and standard of work.

Foras na Gaeilge explained that the new system was devised and implemented through a collaboration of all the main public organisations involved with Irish language translation – those responsible for publishing, creating new terminology and translating statutory and parliamentary texts – co-ordinated by Foras na Gaeilge. The agreed approach involved the adoption of a high and fair standard for translation and a transparent process for setting and correcting public examinations according to an Foras.

It is intended to assess the work of the members of this public panel on an on-going basis and they will be obliged to re-sit the accreditation examination once every five years. New members will be added to the panel on a regular basis over time.

The creation of the panel is a substantial step forward, since prior to this public bodies had often complained that they could not be fully confident of the quality of Irish language translations available to them in the absence of an accreditation service of this nature. Foras na Gaeilge deserve our thanks for their work in this area.

LANGUAGE SCHEMES UNDER THE ACT

Central to the Official Languages Act 2003 is the system to prepare, confirm and implement language schemes. This system gives public bodies the opportunity to identify and organise their priorities for the improvement of services through Irish.

During the year 2006 the Minister for Community, Rural and Gaeltacht Affairs confirmed 21 additional schemes under the Act covering a total of 36 public bodies.

Since the legislation was enacted 43 language schemes have commenced covering a total of 71 public bodies.

In addition to this, 49 draft schemes were due for submission to the Minister for Community, Rural and Gaeltacht Affairs by different public bodies for approval during the year 2006.

During the year the Minister for Community, Rural and Gaeltacht Affairs also directed 19 further public bodies to prepare draft schemes for submission during 2007.

Schemes under the Act are statutory language plans aimed at increasing the number and standard of services available through Irish in an organised and measured way over a period of time.

During the year my Office began a review process of every scheme that was a year or more in force and received cooperation from the public bodies in question.

The aim of this project was to identify any problems associated with the implementation of the provisions of the scheme and to make the management of public bodies aware of these difficulties so that they could take the necessary steps to ensure compliance with their statutory obligations.

This is a very important aspect of the work of this Office which will be further developed when the necessary staff resources are available.

In light of our experience in 2006 it is clear to this Office that public bodies may need to pay more attention to communicating with their own staff and with the public regarding the provisions of the schemes that they have agreed.

This lack of communication is the most significant weakness noted at this introductory stage. It could leave some members of staff of public bodies unaware of their specific language obligations as agreed in their schemes and the public unaware of the services through Irish to which they are entitled.

Confirmed before the end of 2006

Name of Public Body

Commencement Date

of the scheme

Department of Community, Rural and Gaeltacht Affairs	22/09/2004
Oifig an Uachtaráin Office of the President	28/04/2005
Office of the Commission for Public Service Appointments	30/05/2005
Office of the Ombudsman and Office of the Information Commissioner	01/07/2005
The Department of Arts, Sport and Tourism	01/07/2005
The Arts Council	01/07/2005
County Donegal Vocational Education Committee	01/07/2005
Office of the Director of Public Prosecutions	01/07/2005
Kerry Local Authorities	26/07/2005
The Courts Service	31/07/2005
Waterford County Local Authorities	01/08/2005
The Department of Environment, Heritage and Local Government	15/08/2005
County Galway Local Authorities	23/08/2005
Department of the Taoiseach	01/09/2005
Health Service Executive, Western Area	01/09/2005
National University of Ireland, Maynooth	19/09/2005
Galway-Mayo Institute of Technology	28/09/2005
Office of the Revenue Commissioners	01/10/2005
National University of Ireland, Galway	01/10/2005
Donegal Local Authorities	01/10/2005
The Public Appointments Service	03/10/2005
The Referendum Commission	from the date on which the next Commission is established
The Department of Education and Science	01/12/2005
The Department of Finance	01/02/2006
Dublin City University	03/04/2006
Kerry Education Service	15/05/2006
University of Limerick	01/06/2006

The Department of Agriculture and Food	01/06/2006
The Department of Justice, Equality and Law Reform	30/06/2006
Dublin City Council	13/07/2006
County Galway Vocational Education Committee	01/08/2006
Meath Local Authorities	01/09/2006
Galway City Council	01/09/2006
The Defence Forces	01/09/2006
The Department of Communications, Marine and Natural Resources	02/09/2006
Fingal Local Authorities	01/10/2006
Central Bank and Financial Services Authority of Ireland	01/12/2006
University College Cork	01/12/2006
The Department of Foreign Affairs	01/12/2006
South Dublin County Council	20/12/2006
Mayo County Local Authorities	22/12/2006
Leitrim County Council	01/01/2007
Local Government Computer Services Board	02/01/2007

Draft schemes to be prepared by the end of 2006

49 other public bodies were required to submit draft schemes for confirmation by the Minister for Community, Rural and Gaeltacht Affairs during or by the end of 2006, as follows:

- Church of Ireland College of Education
- The Department of Health and Children
- National Library of Ireland
- Ordnance Survey Ireland
- Sligo Local Authorities
- Chief State Solicitor's Office
- National Museum of Ireland
- Chester Beatty Library
- The Heritage Council
- Westmeath Local Authorities
- Cork Local Authorities
- Cork City Council
- Roscommon Local Authorities
- Limerick City Council
- Limerick County Council
- The Commissioners of Public Works
- Office of the Data Protection Commissioner
- Equality Authority
- The Equality Tribunal
- The Companies Registration Office
- Office of the Registrar of Friendly Societies
- Office of the Director of Corporate Enforcement
- State Examinations Commission
- Office of the Comptroller and Auditor General
- An Bord Pleanála
- Legal Aid Board
- The National Lottery
- Cork City Vocational Education Committee
- Cork County Vocational Education Committee
- Dublin City Vocational Education Committee
- Institute of Technology Tallaght
- Institute of Technology Tralee
- National Concert Hall
- National Gallery of Ireland
- Abbey Theatre (National Theatre Society Limited)
- Higher Education Authority
- Institute of Public Administration
- Western Development Commission
- Central Statistics Office
- Foras Áiseanna Saothair (FÁS)
- Department of Transport
- Department of Defence
- Dún-Laoghaire / Rathdown County Council
- Clare Local Authorities

- Tipperary North Local Authorities
- Tipperary South Local Authorities
- Local Government Management Services Board
- Galway City Vocational Education Committee
- County Clare Vocational Education Committee

Other Draft schemes

During 2006 the Minister for Community, Rural and Gaeltacht Affairs instructed the following public companies to prepare draft schemes to present to him in 2007:

- Comhairle
- Irish Film Board
- Dublin Vocational Education Committee
- The Health Service Executive
- Office of the Director of Consumer Affairs
- Foras na Mara
- Letterkenny Institute of Technology
- Teagasc
- Laois Local Authorities
- Offaly Local Authorities
- Monaghan Local Authorities
- Wicklow Local Authorities
- Wexford Local Authorities
- Kildare Local Authorities
- Longford Local Authorities
- Waterford City Council
- Kilkenny Local Authorities
- Louth Local Authorities
- Cavan Local Authorities

Draft schemes to be confirmed by the Minister of Community, Rural and Gaeltacht Affairs

- Department of Social and Family Affairs
- The North Western Health Board
- The Land Registry and Registry of Deeds

Statistics – Schemes:

Year	Schemes	Public Bodies Included
2004	1	1
2005	21	34
2006	21	36

Statistics – Draft schemes

Year	Draft Schemes	Public Bodies Included
2005	16	25
2006	71	129

COMPLAINTS: DIFFICULTIES AND PROBLEMS – STATISTICS

611 New Complaints in 2006

During the year 2006, my Office dealt with 611 new cases in which members of the public considered they had reason to complain because of difficulties or problems associated with getting service through Irish from public bodies.

In 285 of those cases, specific advice was given to the complainant. In a further 354 cases (including 28 cases from 2005) steps were taken to try and resolve the cause of the complaint – often based on the “spirit of the legislation” rather than on the basis of actual obligations arising from the provisions of the Act. Some 294 of these cases were finalised during the year, leaving 60 others to be brought forward to 2006.

Amongst the most common complaints were: forms in English only (19%), difficulty with the use of name and/or address in Irish (16%), lack of Irish on road signs (16%), replies in English to correspondence in Irish (14%), lack of Irish on signage or advertisements (6%), leaflets or circulars in English only (5%), publications in English only (3%), absence of Irish on websites (3%) and official identity cards in English only (1%).

More than a third of the complaints came from Co. Dublin (38%) and another 46% came from the following ten counties – Galway (17%), Donegal (7%), Waterford (4%), Wicklow (4%), Kerry (4%), Cork (3%), Leitrim (3%), Meath (2%), Cavan (1%) and Clare (1%).

Almost a third of the complaints came from the Gaeltacht (30%) with the remainder from areas outside the Gaeltacht (70%).

It should be mentioned that only some of the complaints received during the year referred to breaches of legal obligations under The Official Languages Act 2003, and that some related to difficulties and general problems of attempting to transact business through Irish with State institutions at the time that this new legislation was being introduced. It was an interim strategy of this Office until the legislation came into full effect to deal with these problems and complaints under the ‘spirit’ of the legislation in order to provide as much assistance as possible to people who felt they had grounds for complaint.

There would be little sense in continuing with this strategy in future when the Act is fully in force – when the regulations are made under the Act in respect of the use of Irish in advertising, signage, stationery and oral announcements and when a sizeable percentage of language schemes are confirmed under the Act.

COMPLAINTS: DIFFICULTIES AND PROBLEMS - STATISTICS

Complaints in 2006

New complaints 2006	611
Complaints brought forward from 2005	28
Total complaints– problems and difficulties	639

	2004	2005	2006
Advice provided in relation to complaints	93	176	285
Complaints examined and resolved	176	246	294
Complaints brought forward	35	28	60
TOTAL	304	450	639

An analysis of the various cases is provided in statistics and illustrations which follow:

Percentage of Complaints by Type

	2004	2005	2006
Forms in English only	13%	21%	19%
Problem with use of name and/ or address in Irish	7%	14%	16%
Lack of Irish on road signs	6%	13%	16%
Replies in English to correspondence in Irish	16%	10%	14%
Lack of Irish on signage/advertisements	9%	6%	6%
Leaflets or circulars in English only	9%	4%	5%
Publications in English only	8%	4%	3%
Lack of Irish on website	-	4%	3%
Official identity cards in English only	2%	3%	1%
Other (individual issues)	30%	21%	17%
TOTAL	100%	100%	100%

Complaints by County

	2004	2005	2006
Dublin	35%	36%	38%
Galway	15%	17%	17%
Donegal	5%	4%	7%
Waterford	3%	2%	4%
Wicklow	-	-	4%
Kerry	7%	9%	4%
Cork	7%	6%	3%
Leitrim	-	-	3%
Meath	-	3%	2%
Cavan	-	3%	1%
Clare	4%	2%	1%
Others	24%	18%	16%
TOTAL	100%	100%	100%

Complaints: Gaeltacht and non-Gaeltacht

	2004	2005	2006
An Ghaeltacht	26%	34%	30%
Non-Ghaeltacht	74%	66%	70%
TOTAL	100%	100%	100%

Complaints by Type of Public Body

	2004	2005	2006
Government Departments	26%	30%	27%
Local Authorities	23%	20%	28%
Health Authorities	7.5%	7%	6%
Other State Organisations	43.5%	43%	39%
TOTAL	100%	100%	100%

SUMMARY OF SELECTED CASES

REGISTER OF ELECTORS

Work on a new register of electors under the aegis of the local authorities and the Department of the Environment, Heritage and Local Government was in progress during 2006. A number of complaints were made to my Office with regards to issues of policy, and customor practice in relation to the use of Irish in this project.

Most of the complaints related to local authorities who told people, in areas outside the Gaeltacht, that they should provide their home address in English if they wished to be included on the register of electors. Included here were people who had a long established practice of using the Irish version of their names and addresses at all times.

If this ruling were accepted it would mean that this section of the public would be obliged to provide an address in English in order to ensure that they were registered to vote in the next election.

I understood that the Minister for the Environment, Heritage and Local Government had made regulations in relation to the register of electors and that none of those regulations had restricted the use of addresses in Irish outside the Gaeltacht. In spite of this, certain local authorities were of the opinion that they had the endorsement of the Department in their refusal to allow members of the public to provide their addresses in Irish.

Since the problem had arisen with a number of different local authorities I decided to raise the matter, in writing, with the Minister Environment, Heritage and Local Government on 27 November 2006.

I suggested to the Minister that it would appear that the practice conflicted totally with the established state policy in relation to the language.

I referred also to the constitutional position of the language as the first national language, the support promised to the language in the public sector under the Official Languages Act 2003, the status of the language as an official working language of the European Union and the vision statement of the Government in relation to Irish (2006).

I noted that the right to use a name and address in Irish here was so basic and long established that it is probable that no particular provision was made for it in the legislation as it was never considered that any part of the public sector would refuse such a simple request.

I suggested to the Minister also that if one could not use an address in Irish to register on the list of electors that it was pointless making a case that addresses in Irish should be recognized at all, or ensuring that signage, nameplates or other indicators were bilingual throughout the country.

In addition, I considered that, as it was likely that the Register of Electors would be used as a basis for the organisation of the census, as well as for other listings, this practice of using addresses in English only, outside of the Gaeltacht, would introduce and establish an English language format in areas where a certain element of bilingualism was found previously.

In reply, the Minister for Environment, Heritage and Local Government wrote as follows on the 30 November.

“Firstly I must clarify that electors are fully entitled to submit their names and addresses in Irish to a local authority. My Department ensures that local authorities make forms available bilingually, or that forms are available in both official languages.

For this reason, no local authority should refuse to accept a name or address in Irish.

However, certain questions arise as regards the compilation of the register itself. When the register is being set up an address is not written out for every person on the register, instead an alphabetical list of the townlands is compiled for each electoral district and people’s names are listed within those townlands. In the Gaeltacht the lists of townlands are in Irish only; outside the Gaeltacht the lists are in English only.

You must understand that these are not really addresses but a method of categorising the register on a sensible basis and in a way in which local authorities can control the organisation of the register. For example, the name of the house or other aspects of the address are not entered even if these are part of the address used by the individual person.

Also, as it happens, people frequently use different versions of their street name or their townland, in English or in Irish, in the Gaeltacht and outside the Gaeltacht. However, only one version is used in the register, again because of the need to have one definitive version.

The computer programme used to compile the register of electors is provided by the Local Government Computer Services Board.

I will forward your letter to the Board as they may be able to introduce further bilingualism into the register itself, however one of the problems that will have to be addressed is the provision of a complete list of official placenames in Irish: something that is not currently available outside the Gaeltacht.” (Trans)

In the reply that I sent to the Minister I welcomed the confirmation that people were not prohibited from using their names and addresses in Irish when providing information in order to register with the local authority on the register of electors.

However, I distinguished between this and the method used by the local authority of organising the register of electors alphabetically by townland, in English, throughout the country, apart from the Gaeltacht.

I also said as follows:

“If this system were accepted and maintained it would appear that it would be a pretence and a complete waste of time for individuals to submit their addresses in Irish for this purpose when they register as the local authority will list them in English only in the register of electors.

I believe that there is a strong probability, unless I am greatly mistaken, that this system will ensure that it is the address in English that will be used for voting cards issued to the public outside the Gaeltacht, for any other information about the election sent to them and even for information leaflets distributed by the parties and the other candidates.

I believe that with the excellent information technology and computer skills of which this country is justly proud that it could not be beyond the ability of the state to deal with this issue of listing on the register of electors while giving recognition to the constitutional position of the language.” (Trans)

I referred also to the point made by the Minister that complete lists of official placenames were not available outside the Gaeltacht and reminded him that nine Placenames Orders had been made for areas outside the Gaeltacht by the Minister for

Community, Rural and Gaeltacht Affairs under the Official Languages Act 2003. Official lists are available for the names of the provinces and counties, major centres of population and districts and for placenames in the following counties: County Tipperary, County Offaly, County Monaghan, County Limerick, County Louth and County Kilkenny.

In addition Dublin City Council, following consultation with the Placenames Commission, has confirmed and published official versions of all streetnames in Dublin City.

I also suggested to the Minister that any steps he takes to ensure the development of a system which would provide equality for that section of the population which would wish to use their addresses in Irish for this purpose would be very beneficial.

Apart from an acknowledgement from the Minister that this letter was under consideration, no further progress was made in this case by the end of 2006.

HERITAGE PROTECTION

The attention of my Office was drawn to certain statutory instruments made by the Minister for Environment, Heritage and Local Government which concerned the protection of natural heritage in specific Gaeltacht areas.

It is a statutory requirement, in accordance with Section 33(2)(a) of the Official Languages Act and the Placenames (Ceantair Ghaeltachta) Order 2004 which came into effect on 28 March 2005, that the Irish version of any official Gaeltacht placename be used in “in any Act of the Oireachtas passed after the operative date or **any statutory instrument** made after that date under any Act.”

The same section of the Official Languages Act 2003 specifies that in the case of officially recognised Gaeltacht placenames the English language version of the placename shall no longer have any force and effect in “any statutory instrument made after that date under any Act.”

It appeared that statutory instruments had been made in relation to natural heritage protection in certain Gaeltacht areas since 28 March 2005 but use had been made of the English language versions of placenames, which no longer had any force or effect in these particular circumstances.

Examples of statutory instruments in which such placenames had been used include SI 584 of 2005 (which related to the areas of Maigh Cuilinn, An Spidéal and Na Forbacha in Co. Galway) and which came into effect on the 20 September 2005, as well as SI 460 of 2005 (which related to the area of Carna, Co. Galway) and SI 489 of 2005 (which related to the area of Poll an tSómais, Co. Mayo) and which came into effect on 27 July 2005.

I drew the attention of the Minister for Environment, Heritage and Local Government to the matter in February 2006 and said that it appeared that it would be difficult to argue that any statutory instrument made after 28 March 2005 would have any force or effect, if it did not comply with Section 33 of the Official Languages Act and with the Placenames (Ceantair Ghaeltachta) Order 2004.

In a letter of 18 May 2006 the Minister said that he hoped to be able “to reissue the incorrect statutory instruments within three months” and that the same error would not arise again.

I was disappointed to discover at the end of 2006, more than seven months after the issuing of that letter, that it appeared that the matter had not been corrected. This omission meant that it would be difficult to make a case that there was any legal basis to the heritage protection that the areas in question were thought to have. This situation could have major repercussions not only in relation to heritage protection but also in matters of planning and development.

It should also be noted that it would appear that no public notice was issued to say that these statutory instruments were defective and they remained available to the public, throughout the year 2006, on the website of the Department of Environment, Heritage and Local Government along with many other statutory instruments whose validity was not in question.

CHILD PROTECTION

My Office was in touch with the Department of Education and Science during 2006 in relation to a delay in the publication of an Irish version of very important guidelines on child protection. The absence of this publication in Irish could have had serious implications either for the implementation of child protection guidelines or language affairs in certain schools.

The communication with the Department of Education and Science was based on a complaint to my Office from a post primary Gaeltacht school which was fully committed to the implementation of a child protection programme but wondered why it was felt that the matter should be addressed in English.

It appeared that the Department of Education and Science had distributed a key document on child protection to all post primary schools during the 2004/05 school year and by September 2005 additional copies had been despatched to all schools in order to provide each member of staff with a personal copy.

It is hardly possible to imagine a more sensitive or important issue for any school.

The document “Child Protection Guidelines for post primary schools” was provided in English only, even in the case of Gaeltacht or other schools functioning through Irish.

A bilingual circular was issued in September 2005 advising boards of management to formally adopt the guidelines as soon as possible as schools’ official policy and to take the appropriate measures to implement them.

Schools were reminded that a half-day closure was permissible to allow staff to familiarise themselves with the guidelines and it was suggested this should happen before the end of the first term in 2005/06.

It was suggested that school staff for this purpose should include everyone participating either professionally or voluntarily in the functioning of the school.

Since an Irish language version of the document was not available at this stage the options open to each school functioning through Irish was to arrange the discussion and the implementation of the guideline through English, to produce an unofficial or “home” translation or to postpone the matter until an Irish language version was provided.

It would be most unlikely that many schools would wish to postpone such a sensitive and highly important matter.

It would also be difficult to imagine each school preparing their own unofficial translation at a time when schools would suggest that they are already overburdened.

The other option would be to accept that the custom and practice which is rooted in a school’s ethos should be set aside and that this important matter be dealt with through English by staff including those involved in a voluntary capacity or as members of the board of management.

It appeared that no provision of the Official Languages Act 2003 placed a statutory obligation on the Department of Education and Science in relation to the publication of such guidelines through Irish or bilingually unless such were agreed in a language scheme under section 11 of the Act.

It appeared to me, however, that a case could be made that the guidelines should be published in Irish under Section 7(2)(d) of the Education Act 1998 where a statutory function obliges the Minister for Education and Science “to provide support services through Irish to recognised schools which provide teaching through Irish and to any other recognised school which requests such provision” and where support services are defined in Section 2 of the Act to include “guidance and counselling services” and “staff advisory services.”

The Department of Education and Science informed me initially that an Irish language version of the 36 page guidelines document – issued in English in the 2004/05 schoolyear – would be sent to the printers in January 2006 and issued to schools in February.

The Department explained the delay as follows:

“The delay in providing the Irish version of guidelines occurred because of the sensitivity and the complexity of the subject. In fact the preparation of the English version took nearly two years of consultation and detailed word for word analysis and consideration of the text.

The same applied to the translation where two translation services checked the original translation and confirmed it before the Department was satisfied with the text.

The Guidelines are based on “Children First: National Guidelines for the Protection and Welfare of Children” published by the Department of Health and Children in 1999 and should be read in conjunction with Children First. The terms used in the Guidelines conform as closely as possible with the terms in Children First. The translation of the Guidelines to Irish was a complex matter since there is no Irish language version of Children First.” (Trans)

The guidelines in Irish were still not published, however, in February 2006 as intended.

Following further correspondence the Department of Education and Science explained the additional delay to my Office in June 2006:

“It was the Department’s intention to issue the Irish version of the Child Protection Guidelines to all post primary schools last February. However, with the publication of the Ferns Report it was decided to issue another circular (0062/2006) to all schools specifically highlighting the problem of child protection. To ensure the simultaneous publication of that circular with the Guidelines, a delay occurred in issuing the documentation to schools. However, the circular and copies of the Child Protection Guidelines were issued earlier this month to all post primary schools.”
(Trans.)

Therefore, the guidelines first issued in English in the 2004/2005 schoolyear were eventually distributed in Irish at the end of the 2005/06 schoolyear.

Since little retrospective benefit could be gained from this matter, I hoped that it would focus the Department’s attention on the issue in the expectation that such lapses could be prevented in the future.

My Office reminded the Department again in June 2006 of its obligations to schools teaching through Irish contained in Section 7(2)(d) of the Education Act 1998. The Department confirmed that the matter had been taken into account.

WEBSITES

A complaint was made to my Office during 2006 regarding the lack of recognition given to the Irish language on the Bus Éireann website – which is primarily in English – despite a certain amount of information being given in five other European languages.

The complainant was struck by this sentence on the website – “Information on Bus Éireann services is available in English, French, German, Italian, Spanish and Polish Languages.”

Although no one could fault an information service being available in as many languages as possible, I thought it a pity that little effort was made to provide some element of service in the first official language to the Gaeltacht population and to Irishspeakers in general, even if there was no precise statutory obligation to do so at the time.

My Office did explain to the complainant, however, that under the Official Languages Act 2003 Bus Éireann (as part of Córas Iompar Éireann) was not statutorily required to deal with the issue of the use of Irish on their website until such time as a draft language scheme was being prepared under section 11 of the Act.

Moreover, although it was firmly recommended to state organisations in Guidelines published by the Department of the Taoiseach under the title “Publication on the Web” (October 1999) to provide services on their websites that would give equal status to both the English and Irish languages, there was no statutory obligation in place to adhere to these guidelines.

Therefore, it was under the “spirit” of the legislation that my Office raised this complaint with the management of Bus Éireann.

Bus Éireann accepted the argument that the Irish language should not be marginalised on the website when a certain amount of information was available in French, German, Italian, Spanish and in Polish as well as in English and agreed that that information which was available in these five foreign languages should be provided in the Irish language also. This was duly done.

Bus Éireann said there would be serious financial implications for the company if they were obliged to provide all sections of the website in the Irish language and they acknowledged that it would be in the context of the preparation of a draft language scheme that they would focus on the additional development of services in the Irish language on the website.

A similar complaint was made to my Office shortly before the end of 2006. It appeared that a series of documents relating to the education system was not available in the Irish language on the Department of Education and Science website despite these documents being available together in German, Latvian, Lithuanian, Polish, Spanish and in Russian as well as in English.

It was apparent from the website that these documents contained basic information on the education system which was directed at new parents here. The documents related to a wide range of subjects including parents as joint partners in education, guidelines on dealing with bullying, systems of appeal etc.

When my Office raised this question with the Department of Education and Science we were informed that the majority of these documents had already been translated into Irish.

The Department understood it would be desirable that Irish language versions of the documents that were available in foreign languages would be also collated on the website and provided in association with the English language versions to aid those members of the public whose language of choice is Irish. They confirmed that they would do this.

STATE EXAMINATIONS

A complaint was made to my Office during 2006 about the system which grants bonus marks, in certain sections of the state examinations, to applicants who answer in Irish.

The Minister for Education and Science's regulations in relation to the granting of such marks are available in the booklet "Rules and Programmes for Secondary Schools" which is issued under the powers granted to the Minister in the Education Acts 1878 -1998.

The complainant claimed that no extra marks were being granted to candidates who provided answers in Irish to written sections of the examination such as projects, research work or other tasks which are undertaken by candidates outside the formal setting of the exam hall.

In relation to bonus marks the current regulations say –

“A candidate who answers in Irish at the written examination in the various subjects set out below may be given bonus marks in addition to the marks gained in the subject

It appears, however, that the regulation is being interpreted as meaning that bonus marks should not be given in the case of a project or other task as it is not a “written examination.” However, the Education Act defines examination papers to include “projects or practical exercises ...which candidates are required to complete.”

I considered that it would be a positive action on behalf of the language within the education system to obtain clarification in relation to the relevant regulations in order to ensure that work in Irish on projects of this kind attracted the same bonus marks as are granted in the rest of the examination.

When I raised this question with the Minister for Education and Science, I reminded her that it was my understanding that there was continuous pressure on teachers in Gaeltacht schools and in Gaelscoileanna to allow pupils to undertake examination projects of this kind in English, as pupils perceived that the extra work involved in undertaking such projects in Irish was not recognised with additional marks. And there is extra work involved because the main sources of information are available in English only. In addition, where the pupils are learners of Irish they are under additional pressure in preparing projects or research work in their second language.

I reminded her also that the situation could be perceived as being unfair to those pupils answering in Irish that did not receive bonus marks and it could appear that the system of bonus marks was being eroded as a result of the increase in the proportion of projects and other research studies forming part of the examinations.

There has been a considerable increase in the number of subjects that have projects or other tasks as a central part of the relevant state examination and up to 60% of the marks are allotted to them in certain cases. In the case of the Leaving Certificate Examination in History and Geography 20% of the marks go for the Research Report and in Home Economics 20% are assigned to the Report of Course Work.

In the Junior Certificate in CSPE 60% of the marks are allotted to the Research Project and in Science 25% is assigned to the Report on Course Work.

I understand that it is intended that in future the Junior Certificate will be based completely on project work and that the Leaving Certificate will involve additional project work.

Written work is undoubtedly a central part of the presentation in the case of such projects, for example, in the history syllabus for the Leaving Certificate 20% of the marks are allocated to a report on the research study and most of those marks (12%) are for a long essay.

Previously the research study itself was part of the formal written examination and the bonus marks were granted then for the historical research study.

I thought that what had happened may have been just a simple anomaly that had arisen because the regulation had not been revised to take account of the increased project work as part of the state examinations.

It was clear that it might have been a matter for concern that help would be available to pupils on the Irish language element of such projects or research studies and as a result that this part of their examination work might not be exclusively the student's own work.

However this doubt could also arise in the case of the substantive work on the project in English and to avoid this there are authentication procedures in use which can confirm that the candidate's project consists exclusively of his or her own work.

The Minister for Education and Science decided to forward my correspondence to the State Examinations Commission to consider and said:

“The Commission has set up a working group to investigate a broad range of questions in relation to the granting of bonus points in Irish. Among the questions that will be discussed are whether the system for the award of bonus points should be widened to include every examination subject that does not come under the system at present or if it should be implemented in certain cases only. I have asked the State Examinations Commission to report to me as soon as the work of the study group is complete.”

In October 2006 the Minister for Education and Science confirmed to me that the relevant working group would provide its report on the matter to the State Examinations Commission and to her as Minister for Education and Science in the year 2007.

DRIVING TEST

A variety of complaints were made to my Office during the year concerning various difficulties encountered by members of the public in their efforts to take the examination in Irish to obtain a driving license.

The Department of Transport advises that people may use their choice of language, Irish or English, for both the theory test and the actual driving test itself.

In one case in June the application for the driving theory test was returned as the incorrect fee had been paid. A letter in English to the applicant said: "Incorrect fee received as of 12/12/05 fee €35.60." However the applicant had stringently followed directions given in a pre-recorded telephone message in Irish in which it was clearly stated that "The theory test costs €34."

It was stated on the Irish language form that information regarding current fees could be found on the pre-recorded message. It appears, however, that the Irish language version of the prerecorded message had not been amended over a six month period.

Further complaints were made again to my Office during the year that copies of the Rules of the Road were not available in the Irish language (see Annual Report 2005). It emerged that an Irish language version has not been available since 1993. My Office was initially informed that a new Irish language or bilingual version would be available "some time in the summer" (2005), and subsequently that was amended to "a deadline in August 2005." At the end of that year it was said that this would be available "in the autumn of 2006." At the end of 2006 no Irish language or bilingual version of the Rules of the Road had yet been published.

Other complaints were directed to my Office concerning the driving theory testing process and the lack of persons with Irish available at the specific official telephone number which is advertised as providing a service "through Irish."

A certain amount of the work involved in this area is conducted by a private company on behalf of the Department of Transport.

However the Department does confirm that this company is obliged to provide services through Irish.

During the year a Department of Transport official conducted an independent examination of the driving theory test service available through Irish and said in a letter to my Office that “I, myself, was not satisfied with the service I received in Irish either” (Trans).

He promised to take steps to rectify the situation.

Later in the year the company that administers the driving theory test system on behalf of the Department of Transport informed my Office that it understood the problem and apologised for any difficulties with the Irish language service. Commenting on a particular incident they also said:

“We understand completely that there are obligations and responsibilities on us to offer this service and we are dedicated to offering a service of this kind to all our applicants with Irish.

We will endeavour to provide a team of up to three people with Irish in our call centre at all times. At the same time, for a number of different reasons, including people resigning and a high turnover of staff with Irish we were not able to provide this service on the day in question. The situation was rectified three days later when a new member of staff with Irish was recruited.” (Trans)

We were also informed that “this aspect of the service shall be reviewed on an ongoing basis to ensure needs are met.” (Trans)

As a result of new statutory arrangements which came into effect during 2006 the driving test system no longer falls under the remit of the Department of Transport but under a newly-formed statutory body, the Road Safety Authority.

This new public body had not yet been brought under the remit of the Official Languages Act 2003 by the end of 2006 and as a result this Office would not have the authority to raise any language related issues with that organisation.

NO REPLY

A person from Dublin made a complaint to my Office concerning the lack of services through Irish in a case that pertained to administrative issues in a local office of the Health Service Executive.

This person was acting as an executor of a will in the case of a relative who had died and wanted to make certain arrangements in relation to matters of probate.

The complainant wrote in Irish with queries to the office of the Health Service Executive in question on the 15 January 2006.

When a response had not been received after three months the complainant called the office in question and spoke in English. The complainant claimed that the office readily indicated an awareness of the query but was told “bluntly” that the letter had not been answered as it was in Irish. “There is no one here who understands Irish,” the complainant claims to have been told.

Since the complainant was informed that it was due to the letter being in Irish that no response had issued, my Office raised the matter with the Health Service Executive under Section 9(2) of the Official Languages Act.

Section 9(2) of the Act directs that –

“Where a person communicates in writing or by electronic mail in an official language with a public body, the public body shall reply in the same language.”

This section of the Act does not require every employee in every state organisation to have Irish or the ability to personally deal with letters or emails in Irish but it does require the development of a system within each such organisation to ensure that written communications in Irish are replied to in the same language.

In response to the complaint, the Health Service Executive apologised sincerely for the delay in responding to the letter and said that they were very disappointed at the manner in which the complainant had been treated. It was also said that the HSE was a very large organisation within which many changes were underway. It was confirmed on the 23 June 2006 that arrangements had been made to answer the complainant’s queries in Irish.

My Office informed the complainant of this and the explanation was accepted. On the 20 August 2006 the complainant contacted my Office again to say that no response had yet been received to the original queries from the Health Service Executive.

When my Office contacted the Health Service Executive again we were sent a copy of the reply in Irish which had been issued by the Executive on the 21 June 2006 but which had apparently still not reached its destination.

DRAFT DEVELOPMENT PLANS

A complaint was made to my Office in 2006 that the amended draft development plan which was being prepared by Donegal County Council was not available in Irish and that it had been circulated to the public in English only.

Several complaints on the same topic followed from individuals, committees and associations who were operating in the Donegal Gaeltacht.

I was led to understand that the first draft of the development plan had been published simultaneously in English and Irish as is required under section 10 of the Official Languages Act 2003.

This section directs public bodies that come under the scope of the legislation – including Donegal County Council – to publish “any document setting out public policy proposals” simultaneously in each of the official languages notwithstanding any other enactment.

It is very clear that draft plans developed by local authorities are considered public policy proposals in the context of section 10 (a) of the Act and the statutory instrument which brought this section into force clearly makes reference to them.

The first draft of the plan was made available by Donegal County Council in both English and Irish simultaneously in full compliance with their obligations under section 10 of the Act.

It is evident, however, that amended versions of this draft plan must also be made available simultaneously in both official languages to comply with the provisions of the legislation.

If the legislation was not complied with, there would be a danger that serious questions could be raised in the future concerning the validity of a plan not prepared in a manner which was consistent with statutory requirements.

If the chain of validity is broken in the preparation of statutory plans it would be difficult to assess the implications.

From the information I received from Donegal County Council it was clear that there was no doubt as to the resolve of the Council to prepare the draft development plan in keeping with all statutory provisions.

The Council confirmed to me that a number of submissions had been received in Irish concerning the draft plan, that these were dealt with, and that information sessions and workshops had been organized in the Donegal Gaeltacht. However the publication of the amended draft plan in English only was due to time constraints and the amount of translation required on sizeable texts within a tight timeframe.

In my opinion, the Council found a solution which was reasonable and sensible and which ensured there could be no doubt concerning the statutory validity of the work they were undertaking. They extended the period of time for which the amended draft plan would be available for public consultation and ensured the English and Irish language versions would be available simultaneously in this new timeframe.

This new arrangement gave individuals and Gaeltacht committees and associations the opportunity to examine and discuss the amended draft plan in their choice of language.

I believe, however, that the appropriate authorities may wish to reflect on the view expressed by the County Council that the time limits imposed by the Planning and Development Act create practical difficulties that have to be overcome in order to ensure compliance with their statutory language obligations and at the same time ensure that there are no flaws in the validity of statutory plans of this type.

MAPS

A complaint was made to my Office during the year concerning the absence of the Irish language version of town placenames in certain newly published maps by Ordnance Survey Ireland.

The complainant felt the Irish language should not be marginalised in this manner by giving recognition only to the English language versions of the towns in maps issued by this state agency.

The functions of the state agency in question are specified in the Ordnance Survey Ireland Act 2001. However article 34 of the Official Languages Act amends the Ordnance Survey Ireland Act 2001 by putting the following in the place of section (h) of Paragraph 4 (2):

“(h) to depict placenames and ancient features in the national mapping and related records and databases in the Irish language or in the English and Irish languages.”

This provision was brought into force on the 30 October 2003 by S.I. Number 518 of 2003.

This requires that placenames and ancient features should be named in Irish or bilingually (Irish and English) on official maps and that English only versions may not be published.

In light of this provision my Office contacted Ordnance Survey Ireland.

Ordnance Survey Ireland explained that in the case of the specific complaint the product was launched on a pilot basis and its inclusion in the organisation's product line would depend on public response and feedback.

Ordnance Survey Ireland confirmed that they would fulfil all obligations under the Official Languages Act 2003 in any definitive version of the specific publication and in the organisation's future publications.

PLANNING AND DEVELOPMENT

A complaint was made to my Office on behalf of an action group, concerned with planning issues in the Gaeltacht, in relation to the implementation of section 10 (c) of the Planning and Development Act 2000 by Galway County Council.

The complainant said although he was satisfied with the provisions to protect the linguistic heritage and culture of the Gaeltacht outlined in the County Galway Development Plan 2003-2009, he was concerned with the actual implementation of this provision.

He suggested that a condition was usually attached to certain planning permissions which prohibited the commencement of development until a legal agreement had been made under section 47 of the Planning and Development Act 2000 in relation to the percentage of houses in schemes reserved for those proficient in Irish.

He further suggested that certain developments had, however, been commenced without this agreement being in place under section 47. He gave a specific example in which he claimed buildings were under construction despite An Bord Pleanála having specifically laid down stipulations in an appeal judgment that prohibited the commencement of the development until such time as a "language clause" had been agreed in this case.

The fundamental issue was a disregard for one of the conditions of the planning permission authorised by An Bord Pleanála that a legal agreement be made in respect of the percentage of houses to be sold to Irish-speakers before development was commenced.

The complainant believed the practice of allowing development to proceed without the necessary language clause being agreed, completely undermined that condition in the planning permission, the County Development Plan generally and section 10(2)(m) of the Planning and Development Act 2000.

My Office has the authority to carry out investigations under section 21(f) of the Official Languages Act in the case of allegations that “any provision of any other enactment relating to the status or use of an official language was not or is not being complied with” and enactment is defined in section 2(1) of the Act “a statute or an instrument made under a power conferred by a statute.’

Section 10(2)(m) of the Planning and Development Act 2000 relates to the status and use of the Irish language and this provision is reflected in the provisions of the County Galway Development Plan 2003-2009.

As it was the practical implementation of provisions of the development plan and specific planning permission under this plan which was cause for complaint in this case, it appeared to me that my Office did not have statutory authority in this case to carry out an investigation.

I decided, however, that it would be proper to inform the County Council of the substance of this complaint in the hopes the Council would have an interest in resolving the issue under the “spirit” of the Act.

The Council did not give any impression it intended to make any amendments in this case but said that a Gaeltacht Plan was being prepared and that they would in that light “*examine again the functioning of these conditions, as was done on a regular basis.*” (Trans).

CENSUS 2006

2006 was a census year for the Central Statistics Office and a number of complaints were made to my Office during the year in respect of difficulties certain members of the public had in dealing with matters related to the census through the medium of Irish.

I should say that it would appear to me that the Central Statistics Office readily accepted that services should be provided in Irish and they advised my Office that they had made every effort to deal with people in their language of choice.

During the year 2006 there was no language scheme under the Official Languages Act 2003, confirmed by the Minister for Community, Rural and Gaeltacht Affairs in the case the Central Statistics Office which would specify the obligations on that Office in relation to the provision of services through Irish (additional to the direct provisions of the Act). As a result of that it was on the basis of cooperation that my Office sought and received every assistance from the Central Statistics Office to resolve complaints from the public.

My Office had regular contact with an Irish speaking official of the Central Statistics Office who was assigned to their Helpline during the census campaign. That official did his utmost to resolve all difficulties in relation to service through Irish in an appropriate and sensible manner.

Amongst the main difficulties were: English versions only of census forms distributed in some Gaeltacht areas, Irish version of the form not offered in Gaeltacht areas and in areas outside the Gaeltacht, enumerators who had not got an Irish version of the census form when it was requested, delays to the form because the Irish version was requested and in some cases, the address (or townland) filled in by the enumerator in advance in English.

In the correspondence, which took place with my Office after the census, the following was said on behalf of the Central Statistics Office in reference to one complaint :

“I would prefer if the difficulties you mentioned had not arisen but they did despite our policies.

And it wasn't that we hadn't stressed the question of Irish during our training courses. We made every effort to employ Irish speakers in the Gaeltacht but they were not always available. If they were, it would stand to reason that we would use them.”
(Trans)

As regards the practice of only actively offering the English version of the census form to the public it was said on behalf of the Central Statistics Office that the enumerators were obliged to carry both the Irish and English versions of the form and that the head of the household had the choice as to which version of the form they required.

As regards the concept that an active offer would always be made so that everybody would understand that they had a real choice between the Irish and English versions the Central Statistics Office said that they didn't think that "*it would be at all practical based on the numbers.*" (Trans)

ROAD SIGNS

The established pattern of complaints to my Office in relation to the use of Irish on various road signs throughout the country continued in 2006. Most of the complaints related to errors in the Irish versions of placenames or to signs in English only.

The policy of the state in relation to the use of Irish on road signs is one of the most visible public manifestations of the state's support for the language.

My Office does not have statutory authority to deal officially with complaints in relation to the use of Irish on road signs (apart from those with Gaeltacht placenames) as a result of the structure of the legislation that regulates this matter.

I referred to this issue in the Inaugural Report of the Office (2004).

This Office would have the authority to conduct an official investigation in a situation where a local authority was not complying with an enactment in regard to the status or use of Irish.

However, the legal basis for the use of Irish on road signage is not governed by an enactment (Act or Statutory Instrument).

Circulars and a manual (“Traffic Signs Manual”) published in 1996 as a general order under the Road Traffic Act 1961, provided local authorities with comprehensive guidance from the Department of the Environment in relation to road signs. This matter is now under the direction of the Department of Transport.

This Office regularly contacts local authorities under the “spirit” of the legislation in relation to complaints about the use of Irish in their signs and reminds them of their language duties under the Department’s circulars and manual but we cannot take any other official step and can only seek their cooperation in tackling complaints from the public.

Among those who contacted me about this matter during the past year was a journalist who organised a competition in conjunction with a local radio station to find the worst examples of errors in Irish on road signs. Within a short period, he was sent many example of errors, perhaps the worst of which was a road sign that gave “GarNimh” in place of “Gaillimh” as the Irish version of “Galway”.

During the year most local authorities and the National Roads Authority displayed a very positive attitude in many instances with regard to the taking of appropriate steps to correct basic Irish language errors, when contacted by my Office.

However it is obvious that this is a continuing and widespread problem which probably cannot be solved satisfactorily without a once off national audit, a correction programme to completely eliminate errors on road signs throughout the country and the establishment of an effective system to ensure the erection of new signs is not authorised until their accuracy has been verified.

FINANCIAL MATTERS

A budget of €731,000 was provided for the Office for the year 2006. The accounts of the Office have been submitted to the Comptroller and Auditor General for audit in accordance with Section 8(2) of the Second Schedule of the Official Languages Act 2003.

As soon as may be after the audit, a copy of those accounts, or of such extracts from those accounts as the Minister for Community, Rural and Gaeltacht Affairs may specify, together with the report of the Comptroller and Auditor General on the accounts, shall be presented to the Minister. Copies of the documents shall be laid before each House of the Oireachtas. They will be published also on the Office's website.

STAFF AND CONTACT DETAILS

STAFF

Seán Ó Cuirreáin – An Coimisinéir Teanga

Damhnait Uí Mhaoldúin – Office Manager

Órla de Búrca – Higher Executive Officer

Cáit Uí Mhaoilriain – Executive Officer

Ciarán Ó Ráighne – Clerical Officer

Laura Pathe – Clerical Officer

CONTACT

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The Irish language version is the original text of this report.

