



Comhairle Lár Uladh

Mid Ulster Council

Measúnú ar Thionchar

Comhoinannais

Equality Impact Assessment

Lúnasa 2015

August 2015

Cúlra | Background:

Is é Conradh na Gaeilge fóram daonlathach phobal na Gaeilge agus saothraíonn an eagraíocht ar son na teanga ar fud na hÉireann uile agus timpeall na cruinne.

Is í príomhaidhm na heagraíochta an Ghaeilge a athréimniú mar ghnáth-theanga na hÉireann.

Ó bunaíodh é ar 31 Iúil 1893 tá baill an Chonartha gníomhach ag cur chun cinn na Gaeilge i ngach gné de shaol na tíre, ó chúrsaí dlí agus oideachais go forbairt meán cumarsáide agus seirbhísí Gaeilge.

Tá Conradh na Gaeilge roghnaithe ag Foras na Gaeilge, an foras uile oileánda ag feidhmiú ar son an dá Rialtas thuaidh agus theas leis an nGaeilge a chur chun cinn, mar cheann de na sé cheanneagraíocht atá maoinithe acu leis an nGaeilge a fhorbairt ar oileán na hÉireann. Go príomha, tá Conradh na Gaeilge roghnaithe le tabhairt faoi chosaint teanga, ionadaíocht agus ardú feasachta ar an Ghaeilge.

Tá 180 craobh agus iomaí ball aonair ag Conradh na Gaeilge, agus bíonn baill uile an Chonartha ag saothrú go dian díograiseach chun úsáid na Gaeilge a chur chun cinn ina gceantair féin. Tá breis eolais faoi obair an Chonartha le fáil ag www.cnag.ie.

Conradh na Gaeilge is a democratic forum for the Irish language community. The organisation works on behalf of the Irish language throughout the island of Ireland and around the world.

The main aim of the organisation is to see Irish used as the ordinary language in Ireland.

From its establishment on the 31st July 1893, members of Conradh na Gaeilge have been active in promoting the Irish language in every aspect of this country's life, from legal matters, to education, to developments in the media and Irish language services.

Conradh na Gaeilge has been appointed by Foras na Gaeilge, the all island body responsible for the promotion of the Irish language, as one of the six lead organisations funded to develop the Irish language across the island. Primarily, the role of Conradh na Gaeilge is to protect the language, and to act as representatives and to raise awareness of the language.

There are 180 branches and many individual members of Conradh na Gaeilge. All members of Conradh na Gaeilge work hard to develop the use of Irish in their own areas. More information about the work of Conradh na Gaeilge is available at www.cnag.ie.

Intreoir | Introduction:

Mar atá ráite sa chaipéis chomhairliúcháin féin, tá fás súntasach déanta ar phobal na Gaeilge cheantar Chomhairle Lár Uladh le blianta beaga anuas. Dar leis an daonáireamh I 2011, tá eolas ar an Ghaeilge de chineál éigin ag 17.41% den daonra. Tá sé seo níos airde ná an 11% le leibhéal éigin de Ghaeilge sna sé chontae ina iomlán, rud a léiríonn an tábhacht a bhaineann leis an teanga sa cheantar. Mar a fhásann agus a fhorbraíonn an teanga, tá éileamh ar sheirbhísí a fháil ón Chomhairle tríd an Ghaeilge ag fás fosta. I suirbhé a rinneadh i mí Eanáir 2011 ag Millward Brown, ag obair i gcomhpháirtíocht le Conradh na Gaeilge, d'aontaigh 63% de na daoine a cuireadh faoi agallamh ó thuaidh gur chóir go mbeadh Gaeloideachas ar fáil do dhaoine ar mhaith leo é, agus ní raibh ach 11% de dhaoine a d'eaontaigh leis an cheist seo. Ar a bharr sin, d'aontaigh 61% de na daoine sa suirbhé gur chóir go mbeadh níos mó tacaíochta curtha ar fáil ón Stát don Ghaeilge, agus níor aontaigh 18% leis sin. Léiríonn na staitisticí seo, chomh mhaith leis na torthaí eile sa suirbhé a léirigh tacaíocht leathan do chur chun cinn na teanga, an dea-thoil agus an tacaíocht atá ann don teanga fud fad na sé chontae.

As is noted in the consultation document, the Irish language community in the Mid Ulster Council area has grown significantly in recent years. According to the 2011 census, 17.41% of the population of Mid Ulster have some knowledge of Irish. This is considerably higher than the 11% of the north as a whole who have some level of Irish, which illustrates how popular the language is in the area. As the community grows and develops, the demand for access to services from the Council in the Irish language is also growing. In a survey that was carried out by Millward Brown in partnership with Conradh na Gaeilge in January 2015, 63% of those interviewed in the north agreed that Irish-medium education should be available to those who wish to avail of it, with only 11% disagreeing with this question. In addition, 61% of those in the survey agreed that more support should be made available from the state for the Irish language, with 18% disagreeing. These statistics, among the other results of the survey which all showed broad support for the promotion of the language, show the support and good will which exists in relation to the Irish language right across the north.

Leis na dualgais atá ar an Chomhairle ón Chairt Eorpach do Theangacha Mionlaigh agus Réigiúnacha agus atá sa Chreatlach le Mionlaigh Náisiúnta a Chosaint a chomhlíonadh, caithfidh Comhairle Lár Uladh polasaí Gaeilge cuimsitheach a chur i bhfeidhm, a chuireann riachtanais teanga atá ag na daoine sa cheantar san áireamh. Ó 2001, chuir an CETRM dualgais ar chomhairlí áitiúla úsáid na Gaeilge i saol poiblí a spreagadh, agus le húsáid na Gaeilge i mbealaí difriúla a éascú. De réir Comhairle na Saineolaithe CETRM (2014), a luaigh an buaireamh atá ann, chuirfeadh teacht le chéile na n-ollchomhairlí isteach ar ról na Gaeilge sna comhairlí, agus mhol siad dóibh bheith cúramach nach dtarlódh é sin. Tá imní ar Chonradh na Gaeilge gur shocraigh an chomhairle measúnú tionchair ar chomhionannais a dhéanamh ar an Pholasaí Gaeilge i dtús báire. Mar atá ráite i roinnt conradh idirnáisiúnta éagsuil, agus mar a léirítear trí éagsúlacht phobal na Gaeilge, ní féidir le cur i bhfeidhm céimeanna leis an Ghaeilge a chur chun cinn cur isteach ar dhuine ar bith. Áfach, mar gheall gur shocraigh an Chomhairle dul síos an bhóthar seo, mothaímid gur choir go gcaitear leis an pholasaí Gaeilge don Chomhairle i gcomhthéacs na n-oibleagáidí idirnáisiúnta atá ann maidir le teanga na Gaeilge agus comhairlí áitiúla.

The Mid Ulster Council needs to adopt a comprehensive Irish language policy, which fully takes into consideration the needs of those in the area in relation to the language, in order to fulfil the obligations found in the European Charter for Regional and Minority Languages (ECRML) and the Framework for the Protection of National Minorities. Since 2001, the ECRML has placed obligations on local councils to encourage the use of the Irish language in public life, and to accommodate the use of the language in a variety of different ways. The ECRML Committee of Experts (2014) noted the concern that existed that the amalgamation of the local councils could lessen the role that the Irish language had to play in local councils, and strongly urged the authorities to ensure that this did not occur. Conradh na Gaeilge are concerned that the council have decided to equality screen the adaption of an Irish Language Policy in the first instance. As stated by various international treaties and endorsed by the diverse makeup of the Irish Language community, the implementation of measures aimed at promoting Irish cannot have an 'adverse impact' on anyone. However, given that the council has decided to go down this route, we feel that the EQIA should ensure that it considers the proposed Irish language policy for the Mid Ulster Council in the context of the international obligations which exist in relation to the promotion of the Irish language in local councils.

Tá na hoibleagáidí leathan eile atá ann i dtaca leis an Ghaeilge a thagann ó réimse leathan foinsí leagtha amach sa cháipéis chomhairliúcháin cheánna féin, le Comhaontú an Chéasta 1998, Comhaontú Chill Rímhín 2006, Cairt an Aontas Eorpaigh do Chearta Bunúsacha, an Creatlach Náisiúnta le Mionlaigh a Chosaint, an Conradh Idirnáisiúnta ar Chearta Eacnamaíochta, Sóisialta agus Cultúrtha agus an Coinbhinsiún Eorpach ar Chearta Daonra san áireamh.

The consultation document has already outlined the wide range of other obligations which exist in relation to the Irish language coming from previous agreements and sources of human rights, including the Good Friday Agreement 1998, the St. Andrew's Agreement 2006, the EU Charter of Fundamental Rights, The National Framework for the Protection of Minorities, the International Covenant on Economic, Social and Cultural rights and the European Convention on Human Rights.

Dea Chaidrimh agus Comhionannas | Good Relations and Equality:

Sna blianta a chuaigh thart, nascadh ceisteanna a bhí bainte le teanga na Gaeilge le ceisteanna dea-chaidrimh. Níor chóir go gcaitear le cúrsaí a bhaineann leis an Ghaeilge mar rud atá bainte le 'dea-chaidrimh' i gcónaí. Mar gheall nach bhfuil aon sainmhíniú dleathach atá soiléir ar cad is brí le 'dea-chaidrimh,' ciallaíonn sé seo go ndéantar cinntithe faoin Ghaeilge ar bhonn ad hoc, bunaithe ar dearcthaí suibiachtúla, agus is féidir leis seo cur isteach ar fhorbairt na teanga agus srian a chur ar na cearta atá ag Gaeilgeoirí. Léiríonn an cinneadh a rinne Comhairle an Iúir, Mhúrn agus an Dúin ar na mallaibh le caitheamh le cinntithe maidir leis an Ghaeilge ar bhonn comhionannas in áit ar bhonn dea-chaidrimh amháin gur féidir é seo a dhéanamh, agus go mbeidh sé seo le gach píos reachtaíochta comhionannais agus leis na haidhmeanna dea-chaidrimh atá ann faoi láthair.

In the past, questions relating to the Irish language have been linked to questions of good relations. Issues relating to the Irish language should not always be regarded as a good relations issue, as the fact that 'good relations' has no clear, legal definition here means that decisions relating to the language can be made on an ad hoc basis based on subjective views, which can often be detrimental to the growth of the language and to the rights of Irish speakers. The decision recently taken by the Newry, Mourne and Down District Council to consider matters relating to the Irish language on the basis of equality instead of solely as a matter relating to good relations shows that it is possible to do this, and to remain compatible with all equality legislation and good relations aims which currently exist.

Dátheangachas | Bilingualism:

Pointe amháin atá tábhachtach sa cháipéis chomhairliúcháin ná:

“While the policy aspires to promote the Irish language, it also embraces bilingualism... It will therefore be possible to access all Council services in English.”

Léiríonn sé seo go soiléir nach gcuirfidh cur i bhfeidhm an pholasaí seo isteach go diúltach ar dhaoine nár mhaith leo seirbhísí trí Ghaeilge a úsáid, agus nach mbeidh aon ghrúpa faoi na ceannteidil Alt 75 faoi mhíbhuntáiste mar gheall ar chur i bhfeidhm polasaí Gaeilge. Ag teacht ó dhearcadh Alt 75, deir paragraph 4.1 den chaipéis comhairliúcháin, ‘those who are more likely to benefit from the policy at this time (i.e. those with an existing knowledge of Irish) are from a Catholic community background, and these people tend to be young.’ Áfach, ní chuireann an buntáiste seo isteach ar bhealach ar bith ar dhaoine nár mhaith leo seirbhísí trí Ghaeilge a úsáid. Deimhníonn an prionsabal dátheangachais seo ach mbeidh aon úsáideoir seirbhísí faoi mhíbhuntáiste mar gheall go bhfuil seirbhísí ar fáil trí Ghaeilge, nó mar gheall go bhfuil Gaeilge le feiceáil ar litríocht nó ar chomharthaíocht na Comhairle. Ní bhaineann cúlra creidimh phobal na Gaeilge le cur i bhfeidhm céimeanna le cinntiú go cloítear le hoibleagáidí dleathacha agus le dea chleachtas i bhforbairt mionteangacha.

An important point to note in the policy document is that:

“While the policy aspires to promote the Irish language, it also embraces bilingualism... It will therefore be possible to access all Council services in English.”

This clearly shows that the implementation of this policy will in no way have a negative effect on the way in which those who do not wish to use the Irish language access services, and that no group under any of the Section 75 headings will be disadvantaged because of the implementation of an Irish language policy. Paragraph 4.1 of the consultation document notes that from a Section 75 perspective, ‘those who are more likely to benefit from the policy at this time (i.e. those with an existing knowledge of Irish) are from a Catholic community background, and these people tend to be young.’ However, this benefit in no way disadvantages those who do not wish to use services through Irish. This principle ensures that no service user will find themselves disadvantaged by the inclusion of Irish language services or by the increased visibility of Irish language in the Council’s signage or literature. The religious background of the Irish language community is irrelevant to the implementation of measures ensuring legal obligations and good practice relating to developing minority languages are met.

Seirbhísí as Gaeilge | Services in Irish:

Agus buairimh ann go mothaíonn daoine áirithe, bíodh siad ina ndaoine aonaracha nó i ngrúpa faoi léith, go gcuireann úsáid na Gaeilge sa chomhairle isteach orthu ar bhealach ar bith, (cuirtear síos ar é seo sa cháipéis chomhairliúcháin mar ‘chill factor’) is féidir dul i ngleic leis seo trí chomhoibriú leis na grúpaí seo agus eolas a chur ar fáil ar cén fáth atá na seirbhísí seo á cur ar fáil. Leoga, mar atá ráite sa cháipéis fosta, is cosúil go bhfuil ardú i bhfeiceálacht na Gaeilge an-éifeachtach mar bhealach le léiriú an dóigh nach ndéanfaidh seirbhísí Gaeilge aon difear do dhaoine nach bhfuil ag iarraidh iad a úsáid.

Maidir leis an bhuaireamh atá ann go gcuirfidh seirbhísí Gaeilge isteach ar luas na seirbhísí eile, ba chóir go n-aithnítear go dtiteann aistriúchán cáipéisí na Comhairle faoi na hoibleagáidí atá ann faoin Chairt Eorpach do Theangacha Mionlaigh agus Réigiúnacha. Léirigh an Chairt seo a cé comh tábhachtach agus atá seo gur féidir le saoránaigh teacht ar cháipéisí óna gcomhairle sa teanga a roghnaíonn siad, agus mar gheall air seo níor chóir go gcuirfeadh na buairimh seo isteach ar na cearta atá ag Gaeilgeoirí faoin Chairt seo. Ar a bharr sin, is minic go mbíonn aistriúcháin eolais na Comhairle m.s. foirmeacha iarratais, comharthaí sráide nó bileoga eolais, rud éigin atá le déanamh uair amháin, agus mar sin ní bheidh aon tionchar fadtéarmach aige seo ar sholáthar seirbhísí na Comhairle.

Where there is any concern that some people, whether they are individuals or particular groups, feel as though the inclusion of Irish in any way impacts upon them, referred to in the consultation as a ‘chill factor,’ these concerns can be dealt with through working with these groups to provide them with information on why these services are being delivered. In fact, as is also noted in the document, the increased visibility of the language throughout the council area would likely prove to be a very effective way of demonstrating how little impact the inclusion of Irish language services will have upon those who do not wish to avail of them.

In relation to the concern that the inclusion of services through Irish could slow down the provision of services, it should be noted that the translation of Council documents into Irish falls under the obligations that exist under the European Charter for Regional and Minority Languages. This Charter has highlighted the importance of ensuring that citizens are able to access information from their council in the language of their choice, and so these concerns should not override the rights guaranteed to Irish speakers under this Charter. In addition to this, in many cases the translation of information from the council, e.g. application forms, street signs or brochures will be a one off event, and so couldn’t have any long term impact on the provision of council services.

Is féidir dul i ngleic go furasta le haon bhuaireamh atá ann maidir le dea-chaidrimh a chosaint idir ball foirne. Léiríonn an sampla ó Choimisinéir Teanga na Breataine Bige atá luaite istigh sa chaipéis chomhairliúcháin an cur chuige a bhí acu leis na buairimh cheánna agus cad é mar is féidir dul i ngleic leis seo:

“The Commissioner has published a comprehensive guide to recruitment, training and development to ensure that public authorities in Wales can meet their commitments in relation to the conduct of business in Welsh... whilst ensuring that current staff are not disadvantaged.”

Ar a bharr seo, cuirfidh na haidhmeanna atá leagtha síos sa pholasaí go mór de chaidrimh go mór chun cinn fud fad cheantar na comhairle, mar gheall go mbeidh níos mó tuisceanna agus caoinfhulaingthe ann. Má dhéanann an stat, sa chás seo, na comhairlí áitiúla neamhaird ar a gcuid dualgas i dtaca leis an teanga, déanfar seo an teanga a imeallú a thuilleadh, agus láidreofaí é seo an meon go mbaineann an Ghaeilge le pobail áirithe. Dar leis an chomhairle, tá siad ag déanamh iarrachta an meon seo a athrú. Cuirfidh na hiarrachtaí ‘le éadulaingt a laghdú agus le tuisceant ar an Ghaeilge a chur chun cinn’ go mór leis seo. Ar a bharr seo, cuideoidh na hiarrachtaí na hainmneacha baile fearainn a chosaint le daoine áitiúla tuisceant níos fearr a bheith acu ar an Ghaeilge ar na naisc atá aici leis an cheantar áitiúil.

Any concerns which exist in relation to the maintenance of good relations between staff members can be easily overcome. The example given in the consultation document of the Welsh Language Commissioner’s approach to these same concerns shows clearly how this can be done:

“The Commissioner has published a comprehensive guide to recruitment, training and development to ensure that public authorities in Wales can meet their commitments in relation to the conduct of business in Welsh... whilst ensuring that current staff are not disadvantaged.”

Furthermore, the objectives set out in the policy will all contribute greatly to the promotion of good relations throughout the entire council area through increased understanding and tolerance. If the state, in this instance, Local Councils neglect their duties relating to the language, it further isolates and confines the language to certain communities and entrenches certain negative views around Irish that the council has stated it is trying to change. The initiatives ‘to reduce intolerance and promote understanding of the Irish language’ will very clearly contribute to this. In addition to this the preservation of townland names will increase residents’ understanding of the links that their areas have with the languages.

San achoimre a scríobh an Coimisiún Comhionannais don chomhairliúchán ar pholasaí teanga do Chomhairle Mhachaire Fíolta I 2014, deir siad:

“There is little concrete evidence to suggest that the introduction of the policy will necessarily cause either a deterioration in service delivery or harm to the good and harmonious nature of the working environment.”

Leanann sé seo ar aghaidh le rá gur féidir dul i ngleic le haon deacrachtaí a thagann aníos trí phleanáil chúramach. Ní laghdaíonn na coinníollacha seo ar bhealach ar bith an gá atá ann polasaí láidir don Ghaeilge a chur i bhfeidhm sa chomhairle.

In the summary of the Equality Commission’s submission to the consultation on a language policy for Magherafelt Council in 2014, it stated:

“There is little concrete evidence to suggest that the introduction of the policy will necessarily cause either a deterioration in service delivery or harm to the good and harmonious nature of the working environment.”

This goes on to note that any possible issues that may arise can be dealt with through appropriate planning. The fact that these things need to be taken into account in no way lessens the need to implement a robust policy for the Irish language within the Council.

Conclúid | Conclusion:

Ní bheadh aon tionchar diúltach ar dhuine ar bith atá ina chonaí i gceantar Chomhairle Lár Uladh nó níos faide ar shíúil. Beidh an polasaí seo ag cur i bhfeidhm cosaanta ar chearta atá ag mionlach cheana féin, agus mar gheall air seo cuirfidh sé seo le dea-chaidrimh trí mheas agus trí aitheantas a thabhairt do na daoine siúd a bhfuil cinneadh déanta acu a saol a bheith acu trí Ghaeilge. Ina theannta sin, tá bealaí le dul i ngleic le gach deacracht gur féidir le teacht aníos mar gheall ar an chosaint atá istigh sa pholasaí cheánna féin.

I bhfad ó droch-thionchar a bheith ag an pholasaí seo ar cheantar na Comhairle, tá an polasaí seo riachtanach le cinntiú go mbeidh fáil cothrom ag Gaeilgeoirí ar seirbhísí trí Ghaeilge. Agus easpa reachtaíochta i bhfeidhm leis an teanga a chosaint, tá sé rí-thábhachtach go bhfuil comhairlí áitiúla cinnte gur féidir le Gaeilgeoirí na cearta idirnáisiúnta atá leagtha síos in san CETMR agus na foinsí eile atá ráite thuas trí sheirbhísí Gaeilge a úsáid.

The provision of council services through Irish would not in any way have a negative impact on anyone living in the Mid Ulster Council area or further afield. This policy will be giving effect to rights which already exist to safeguard a minority, and therefore will contribute to good relations through ensuring that due respect and recognition is given to those in the community who have chosen to live their lives through Irish. In addition to this, any perceived potential adverse effects have already been mitigated against in the protections that are to be put in place.

Far from having a negative impact on equality in the council area, this policy is necessary in order to ensure that Irish speakers have equal access to services through Irish. In the absence of legislation offering protection to the language, it is essential that the local councils ensure that the international rights for Irish speakers which exist in the ECRML and the range of other sources as outlined above are realised through the provision of these services.