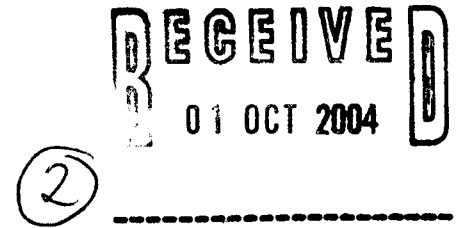




Dáta: 28 Meán Fómhair 2004

The Single Equality Bill Team
Seomra E3.18
OFMDFM
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Béal Feirste
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A chairde,

In iata leis an litir seo tá aighneacht POBAL ar an Bhille Chomhionannas.

Is mise le meas,

Marcas Mac Ruairí
Comhordaitheoir Straitéiseach
POBAL

Aighneacht POBAL ar an phróiseas comhairliúchán ar an Bhille Singil Comhionannais

Cúlra

Is as Comhaontú Aoine an Chéasta a d'eascair an Bille Singil Comhionannais. Bhunaigh an Comhaontú sin dhá dhá eilimint scartha agus le hacmhainniú sainithe den Bhord Teanga uile-Éireann. Tháinig an bunú sin roimh daingniú na Cairte Eorpaí do Theangacha Réigiúnacha nó Mionlaigh a fhad le Cuid III don Ghaeilge amháin i dTuaisceart Éireann. Leis an dá ghníomh sin, d'aithin Rialtas na Breataine dála uathúla na teanga Gaeilge sa Tuaisceart.

Tá an Ghaeilge ar ceann de na teangacha is sine san Eorap, le stair gan briseadh ag dul siar thar na céadta. Agus í faoi bhrú i rith na hama d'fhulaing sí naimhdeas, leatrom agus idirdhealú. Is teanga faoi bhagairt fós í. Caithfidh reachtaíocht comhionannais bheith acmhainneach go leor le dul i ngleic leis an bhagairt sin.

A bhúi le coimítmint is díograis phobal na Gaeilge, agus go minic in éadan gach iarracht an stáit, táimid san áit anois go bhfuil 167,000 duine in ann a rá go bhfuil eolas acu ar an Ghaeilge. Agus muid ag snámh i gcónaí in éadan an tsrutha, táimid tar éis infrastruchtúr bunúsach a chruthú, córas oideachais ón réamhscoil go dtí an tríú leibhéal san áireamh, infrastruchtúr a dhéanann taca do leathnú ár bpobail. Tá líon na páistí atá ag fáil a gcuid oideachas trí mheán na Gaeilge ag tarraingt ar 4,000. Leis an ráta fáis láithreach, beidh 10,000 acu ann le teacht an bhliain 2010.

Is é taithí lucht na Gaeilge le blianta beaga anuas go bhfuil oifigiúlachas ag nascú forbairt na Gaeilge le forbairt Albainis Uladh, ar mhaithe le comhionannas.

Creideann POBAL, ní amháin go bhgfuil sé seo docharach d'fhorbairt na Gaeilge, ach gurb é an toradh a bheidh leis ná an éagóir a d'fhulaing Gaeilgeoirí sa am a chuaigh thart a bhuanú. I rith comhdhála a d'eagraigh an Roinn Ealaíon, Cultúir agus Fóillaíochta le déanaí, i gcomhar leis an Ghrúpa Idir Ranna ar Chur i bhFeidhm na Cairte, dúirt an saineolaí dlí Dónal Ó Riagáin nach bhfuil an scéal seo ar leas ceachtar den teanga, Gaeilge ná Albainis Uladh.

San aighneacht seo, déanaimid argóint nach féidir forbairt na Gaeilge a nascadh le teanga ar bith eile ná canúint. Is ionann cleachtas dá leithéid agus comhionannas a shéanadh.

Dar le POBAL gur chóir don Bhille Singil Comhionannais riachtanais pobal na Gaeilge ó thuaidh a mheas. Ba chóir don chosaint a thugtar do Ghaeilgeoirí bheith bunaithe ar na caighdeáin a bheireann reachtaíocht idirnáisiúnta dúinn, reachtaíocht a dhearbhaigh an Ríocht Aontaithe.

Luíonn sé le ciall go ndéanfadh an Bille Singil Comhionannais na hoibleagáidí a éiríonn as an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh agus eile a thabhairt isteach sa dlí intíre.

Ó choimitmintí idirnáisiúnta go combhionannas teanga

Tá lear reachtaíochta idirnáisiúnta a bhaineann le cearta teanga. Soláthraíonn an reachtaíocht seo an caighdeán idirnáisiúnta. Tá cúis na dteangacha dúchasacha bunaithe ar roinnt dála: na cásanna dlíthiúla, stairiúla agus teangeolaíoch; neart an phobail a úsáideann teanga áirithe, agus an cúram ar leith a mheastar ba chóir a dhéanamh ar theangacha atá faoi bhagairt.

Chomh maith le Comhaontú Aoine an Chéasta agus an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh ar luadh thuas, dhearbhaigh Rialtas na Breataine:

*An Choinbhinsiún Eorpach do Chearta Daonna, agus
An Creachoinbhinsiún um Chosaint Mionlach Náisiúnta.*

Ar na cáipéisí eile ina bhfuil cosaint teanga tá na cinn a choimisiúnaigh an Eagraíocht ar Shlándáil agus Chomhoibriú san Eoraip, ar a bhfuil:

*Moltaí Osló Maidir le Cearta Teanga Mionlach Náisiúnta,
Moltaí na Háige Maidir le Cearta Oideachais Mionlach Náisiúnta;*

agus cáipéisí de chuid na Náisiún Aontaithe:

*An Dearbhú ar Chearta Daoine a Bhaineann le Mionlaigh Náisiúnta nó Eitneacha,
Reiligiúin agus Teanga.*

San Aontas Eorpach ritheadh a lán rún de chuid Pharlaimint na hEorpa, ar a raibh *Teangacha agus Cultúr Réigiúnacha, Teangacha Mionlach agus Mionlaigh Theanga agus Chultúrtha.*

Baineann na Coinbhinsiúin, Cairteanna agus Comhaontaithe seo leis an Ríocht Aontaithe agus ba chóir polasaí teanga a bhunú ar an treoir a thugann siad. Ba chóir dréachtú an Bhille Singil Combhionannais na hoibleagáidí a éiríonn as an reachtaíocht idirnáisiúnta seo a phosadh le riachtanas an phobail i dTuaisceart Éireann.

Comhionannas

Baineann coincheap an chomhionannais le cothrom na féinne a thabhairt do dhaoine de réir riachtanas s'acu seachas a bheith ag plé leo mar ab ionann iad, nó ag caitheamh an luach chéanna airgid ar dhaoine a bhfuil riachtanais difriúla acu. I gcomparáid le fir, daoine bána agus Béarlóirí, d'fulaing mná, mionlaigh eitneacha, daoine ar an mhíchumas agus Gaeilgeoirí go stairiúil. Fulaíonn na grúpaí seo agus eile míbhuntaiste go fóill. Déanann prionsabal an chomhionannais dúshlán a thabhairt don oidhreacht seo le héagóir an ama a chuaigh thart a chur ina ceart.

Aithníonn an Chairt Eorpach do Theangacha Réigiúnacha nó Mionlaigh seo nuair a deir sí san Alt tosaigh de Chuid II gur chóir polasaithe agus reachtaíocht a fhorbairt de réir dáil na dteangacha féin. Leanann Cuid II ar aghaidh le míniú nár chóir céimeanna ar leith le teangacha faoi bhagairt a chosaint ná a chur chun cinn, nár chóir na céimeanna sin a mheas mar rud a dhéanann idirdhealú ar an mhórphobal:

“Gabhann na Páirtithe ar láimh aon idirdhealú, eisiamh, srianadh nó fabhar nach bhfuil bunús leo a dhíchur, mura bhfuil sé déanta acu cheana, a bhaineann le teanga réigiúnach nó mionlaigh a úsáid agus arb é is aidhm dóibh cothabháil nó forbairt na teanga sin a dhíspeagadh nó a chur i gcontúirt. Beartha speisialta a ghlacadh, ar mhaithe le teangacha réigiúnacha nó mionlaigh, arb é is aidhm dóibh comhionannas a chur ar aghaidh idir úsáidí na dteangacha sin agus an chuid eile den phobal nó a thugann aird chuí ar a ndálaí sonracha, níl sé le meas mar ghníomh a idirdhealaíonn i gcoinne úsáidí na dteangacha is mó úsáid.”

Ceadaíonn dlí dúchasach agus idirnáisiúnta comhionannas bunaithe ar riachtanais. Ba chóir freastal ar a riachtanais de réir a ndála.

In aon phróiseas athmhuintearais nó tógáil comhionannais ó thuaidh, tá gá le bearta atá acmhainneach go leor leis na bacanna a chuirtear i gcoinne forbairt na Gaeilge a sháru. Thairis sin arís, tá gá le straitéisí atá dian go leor le dul i ngleic leis an leibhéal d’eisiamh a fhulaingíonn Gaeilgeoirí.

Ní mór a chinntiú go bhfreagraíonn an gníomh agus an t-acmhainniú dár ndála uathúla agus go ngníomhaítear go follasach chun an Ghaeilge a chosaint is a chur chun cinn, go neamhspleách ar theangacha eile, canúintí nó modhanna cumarsáide.

Dar le POBAL go gcaithfidh aon Bhille Singil Comhionannais freastal ar riachtanais phobal na Gaeilge. Is féidir na coimhíntí idirnáisiúnta ar chomhionannas atá thuas luaite a thabhairt isteach sa dlí intíre tríd an Bhille Singil Comhionannais.

Ní chreidimid, agus muid ag áitiú chás ar leith na Gaeilge, go ndéanaimid díspeagadh ar dhóigh ar bith ar cheart chun seirbhísí aon ghrúpa eile teanga - mionlaigh eitneacha, díograiseoirí Albainis Uladh nó úsáidí teanga comharthaí na Breataine nó na hÉireann. Is mór linn éagsúlacht teanga agus éagsúlacht chultúrtha. Ba chóir freastal ar achan grúpa de réir a ndála féin.

Ceart labhartha

Táthar ann sa lá atá inniu a chreideann gur chóir bac a chur ar an Ghaeilge ar mhaithe le comhionannas. Is míthuiscint iomlán é seo ar an chiall atá le comhionannas.

Ba chóir cead a bheith ag Gaeilgeoirí labhairt lena gcéile ina dteanga féin áit ar bith a bhfuil said. Ba chóir seirbhísí a bheith acu ina dteanga féin. Ní chóir go mbeadh cead ag lucht an tseicteachais Béarla a bhrú ar Ghaeilgeoirí.

Ba chóir don Bille Singil Comhionannais an scéal a réiteach agus deireadh a chur leis an idirdhealú seo.

Seirbhísí cúirte

Is gné lárnach é de sholáthar córa go bhfuil cead ag daoine faistnéis a thabhairt ar a son féin. Is ionann séanadh an chirt le faisnéis a thabhairt i dteanga an duine féin, is ionann sin agus an chóir féin a shéanadh.

Dar le POBAL go mbeadh aon Bhille Singil Comhionannais lochtach a fhad is nach soláthraíonn sé comhionannas i seomra na cúirte.

Moltaí

Mar gheall ar an idirdhealú agus an dochar a d'fhulaing an Ghaeigle thar na céadta, idirdhealú a mhaireann fós, dar le POBAL go bhfuil cosaint chomhionannais de dhíth ar Ghaeilgeoirí. Ba chóir do Bille Singil Chomhionannais treoir a ghlacadh ón chleachtas idirnáisiúnta mar luadh thuas, agus soláthar cuimsitheach a thabhairt do gach teanga de réir a dhála féin

Chomh maith leis seo, iarrann POBAL:

- Nach gceanglófaí forbairt na Gaeilge le forbairt teangacha eile, canúintí ná modhanna eile cumarsáide;
- Go gcosnófaí an Ghaeilge agus go gcuirfí chun cinn go gníomhach í de réir a dála féin, réiteach coimhlinte agus an leatrom stairiúil a d'fhulaing sí;
- Go dtabharfaí gealltanais poiblí go ndaingneofaí tuilleadh Clásal don Ghaeilge faoi Chuid III;
- Go gcorrófar an Chairt i ndlí intíre;
- Go mbunófaí buanhrúpa faireacháin ar an Chairt, ar a mbeadh comhionadaíocht ó eochaireagrais Ghaeilge sna hearnálacha neamhrialtasacha agus rialtasacha nó leathrechtúla, chomh maith le heochairimreoirí in earnáil an rialtais;
- Go ndruchtófaí agus go n-achtófaí Acht Teanga Gaeilge taobh istigh de thréimhse thrí bliana, Bille a dhéanfaidh sainmhíniú ar an chosaint atá de dhíth ar an teanga ón stát;
- Go mbunófaí Oifig Choimisinéara Gaeilge ó thuaidh.

The Single Equality Bill Team
Room E3.18
OFMDFM
FREEPOST NATA17679
Belfast
BT4 3BR

Date: 28 September 2004

Dear Sirs,

Please find enclosed POBAL's submission on the Equality Bill.

Yours sincerely,

Marcas Mac Ruairí
Strategic Co-ordinator
POBAL

POBAL's submission on the consultation process for the Single Equality Bill

Background

The Single Equality Bill derived from The Good Friday Agreement. That Agreement established two separate elements with the specified resourcing of the All-Ireland Language Board. This establishment came about before the ratification of the European Charter for Regional or Minority Languages up to Part III for Irish only in Northern Ireland. With those two actions, the British Government recognised the unique circumstances of the Irish language in Northern Ireland.

The Irish language is one of the oldest languages in Europe with an unbroken linguistic history dating back over centuries. Continuously suppressed, it suffered hostility, inequality and discrimination. It is still a language under threat. Equality legislation must be resourceful enough to tackle this threat.

Thanks to the commitment and devotion of the Irish language community, and often against every attempt of the state, we are now in a position where 167,000 people are able to say that they have knowledge of the Irish language. Whilst always fighting against the odds, we have now created a basic infrastructure including an education system from pre-school to third level, an infrastructure that supports the expansion of our community. The number of children being educated through the medium of Irish is approaching 4,000. With the current growth rate, there will be 10,000 by 2010.

It has been the experience of the Irish language community in recent years that officialism is linking the development of Irish with the development of Ulster-Scots for the sake of equality.

POBAL believes that not only is this harmful for the Irish language but it will also result in the perpetuation of the injustice that Irish speakers have suffered in the past. During a convention organised by DCAL recently in conjunction with the Interdepartmental Charter Implementation Group, legal expert Dónal Ó Riagáin said that this case would not benefit either of the languages, Irish or Ulster-Scots.

In this submission, we make the argument that the development of the Irish language cannot be linked with any other language or dialect. A practice of this kind equates to the denial of equality.

POBAL believes that the Single Equality Bill should assess the needs of the Irish language community in the north. The protection given to Irish speakers should be based on the standards which international legislation gives us, legislation which the United Kingdom ratified.

It would stand to reason if the Single Equality Bill would introduce the obligations arising from the European Charter for Regional or Minority Languages into the municipal law.

From international commitments to language equality

There is a raft of international legislation regarding language rights. This legislation provides the international standard. The case for indigenous languages is based on a number of factors: the legal, historical and linguistic cases; the strength of a community using a given language and the special consideration which it is recognized must be given to languages that are under threat.

As well as the Good Friday Agreement and the European Charter for Regional or Minority languages mentioned above, the British Government ratified:

*The European Convention on Human Rights and
The Framework Convention for the Protection of National Minorities*

Other documents that contain language protection are those commissioned by the Organisation on Security and Co-operation in Europe including:

*The Oslo Recommendations Regarding the Linguistic Rights of National Minorities,
The Hague Recommendations Regarding the Education Rights of National Minorities;*

and other documents from the United Nations:

The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious or Linguistic Minorities.

Within the European Union there have been numerous resolutions to the European Parliament including *Regional Languages and Cultures, Minority Languages and Linguistic and Cultural Minorities.*

These Conventions, Charters and Agreements relate to the United Kingdom and a language policy should be based on the guidance they give. The drafting of the Single Equality Bill should marry the obligations arising from this international legislation to the needs of the community in Northern Ireland.

Equality

The concept of equality relates to providing fairplay to people according to their needs instead of dealing with them as though they were the same or spending the same amount of money on people who have different needs. Women, ethnic minorities, people with disabilities and Irish speakers have suffered historically in comparison to men, white people and English speakers. These groups and others still suffer a disadvantage. The principle of equality challenges this heritage in order to put right past injustice.

The European Charter for Regional or Minority recognizes this when it states in the Article at the beginning of Part II that a policy and legislation should be developed according to the particular circumstances of a language. Part II continues with an explanation that specific steps should not be taken to protect or promote languages

which are under threat, should these steps not be assessed as something which makes a distinction between the population.

“The Parties undertake to eliminate, if they have not yet done so, any unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger the maintenance or development of a regional or minority language. The adoption of special measures in favour of regional or minority languages aimed at promoting equality between the users of these languages and the rest of the population or which take due account of their specific conditions is not considered to be an act of discrimination against the users of more widely-used languages.”

Indigenous and international law allows for equality based on requirements. Needs should be catered for according to their own particular circumstances.

In any reconciliation process or equality building in the north, measures are required that are resourceful enough to overcome the obstacles facing the development of the Irish language. Moreover, there is a need for a strategy that is strong enough to tackle this level of exclusion which Irish speakers suffer.

It must be ensured that action and resourcing caters for our unique factors and that the promotion and protection of the Irish language is clearly actioned independent of other languages, dialects and means of communication.

POBAL believes that any Single Equality Bill must cater for the needs of the Irish language community. The abovementioned international commitments could be introduced to the municipal law through the Single Equality Bill.

We do not believe that in arguing the special case for the Irish language, that we reduce in any way the rights of access to services of any other linguistic grouping, be they ethnic minorities, Ulster-Scots enthusiasts or the users of British or Irish sign language. We are in favour of linguistic diversity and cultural diversity. Each group must be catered for according to their own needs.

Spoken right

There are people today who believe that the Irish language should be blocked for the sake of equality. This is a complete misunderstanding of the meaning of equality.

Irish speakers should be allowed to speak to each other in their own language regardless of where they are. They should have services in their own language. Sectarian elements should not be allowed to force English on Irish speakers.

The Single Equality Bill should rectify this case and end this discrimination.

Court service

It is a central aspect to justice provision that people are allowed to give evidence on their own behalf. The denial of the right to give evidence in a person's own language equates to the denial of justice itself.

POBAL believes that any Single Equality Bill would be defective if it does not provide equality in the courtroom.

Recommendations

As a result of the discrimination and the harm that the Irish language has suffered for centuries now, discrimination that still exists, POBAL believes that Irish speakers need equality protection. The Single Equality Bill should take guidance from the international practice, as mentioned above, and make inclusive provision for each language according to its own circumstances.

In addition to this, POBAL request:

- That the development of the Irish language should not be tied with the development of other languages, dialects or forms of communication;
- That the Irish language is protected and actively promoted according to its own particular circumstances, conflict resolution and the historic discrimination it suffered;
- That a public promise is given that additional clauses for the Irish language from Part III of the Charter are ratified;
- That the Charter is incorporated into municipal law;
- That a permanent monitoring group for the Charter is established in which there would be joint representation from key Irish language organisations in the government, non-government and semi-statutory sectors as well as key players from the government sector;
- That an Irish Language Act is drafted and enacted within a three year period, a Bill which would define the protection required from the State for the language;
- That an Office of the Ombudsman for the Irish language is established in the north.