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## EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

### APPLICATION OF THE CHARTER IN THE UNITED KINGDOM

#### 4<sup>th</sup> monitoring cycle

- A. Report of the Committee of Experts on the Charter
- B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the United Kingdom

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making recommendations for improving its language legislation, policy and practices. The central element of this procedure is the Committee of Experts, set up under Article 17 of the Charter. Its principal purpose is to report to the Committee of Ministers on its evaluation of compliance by a Party with its undertakings, to examine the real situation of regional or minority languages in the State and, where appropriate, to encourage the Party to gradually reach a higher level of commitment.

To facilitate this task, the Committee of Ministers adopted, in accordance with Article 15, paragraph 1, an outline for periodical reports that a Party is required to submit to the Secretary General. The report should be made public by the State. This outline requires the State to give an account of the concrete application of the Charter, the general policy for the languages protected under Part II and, in more precise terms, all measures that have been taken in application of the provisions chosen for each language protected under Part III of the Charter. The Committee of Experts' first task is therefore to examine the information contained in the periodical report for all the relevant regional or minority languages on the territory of the State concerned.

The Committee of Experts' role is to evaluate the existing legal acts, regulations and real practice applied in each State for its regional or minority languages. It has established its working methods accordingly. The Committee of Experts gathers information from the respective authorities and from independent sources within the State, so as to attempt to obtain a fair and just overview of the real language situation. After a preliminary examination of an initial periodical report, the Committee of Experts submits, if necessary, a number of questions to each Party to obtain supplementary information from the authorities on matters it considers insufficiently developed in the report itself. This written procedure is usually followed up by an on-the-spot visit by a delegation of the Committee of Experts to the State in question. During this visit the delegation meets bodies and associations whose work is closely related to the use of the relevant languages, and consults the authorities on matters that have been brought to its attention. This information-gathering process is designed to enable the Committee of Experts to evaluate more effectively the application of the Charter in the State concerned.

Having concluded this process, the Committee of Experts adopts its own report. This report is submitted to the Committee of Ministers, together with suggestions for recommendations that the latter may decide to address to the State Party.

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## **A. Report of the Committee of Experts on the application of the Charter in the United Kingdom**

adopted by the Committee of Experts on 21 June 2013  
and presented to the Committee of Ministers of the Council of Europe  
in accordance with Article 16 of the Charter

### **Chapter 1 Background information**

#### **1.1. Ratification of the Charter by the United Kingdom**

1. The United Kingdom signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 2 March 2000, and ratified it on 27 March 2001. It entered into force on 1 July 2001. The instrument of ratification and subsequent declarations are set out in Appendix I of this report.

2. The authorities of the United Kingdom presented their fourth periodical report to the Secretary General of the Council of Europe on 11 March 2013, 10 months after it was due. This is the second time that the UK authorities submitted the periodical report after a substantial delay. In addition the report is incomplete, lacking information about the situation in Northern Ireland. The delay has hampered the process of timely and effective application of charter provisions throughout the UK.

3. This fourth evaluation report is based on the information obtained by the Committee of Experts from the fourth periodical report of the UK as well as through meetings held with representatives of speakers of regional or minority languages in the UK and the UK authorities during the on-the-spot visit, which took place from 29 April to 2 May 2013. The Committee of Experts also received an extensive number of comments from bodies and associations legally established in the UK, submitted pursuant to Article 16 paragraph 2 of the Charter. This information was very helpful in the course of evaluating the application of the Charter and the Committee of Experts would like to express its appreciation to these organisations for their valuable contribution and participation in the monitoring process.

4. The present report contains detailed observations which the UK authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a fourth set of recommendations to be addressed to the UK by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.

5. This present fourth report was adopted by the Committee of Experts on 21 June 2013.

#### **1.2. Presentation of the regional or minority language situation in the United Kingdom: update**

6. The Committee of Experts refers to the relevant paragraphs of the first, second and third evaluation reports<sup>1</sup> for basic information on the situation of regional or minority languages in the UK. The regional or minority languages covered under the Charter in the UK are Welsh, Scottish Gaelic, Irish, Scots, Ulster Scots and Cornish. Manx Gaelic in the Isle of Man is also covered under the Charter. Welsh, Scottish Gaelic and Irish have been granted protection under Part III of the Charter, as stated in the instrument of ratification.

7. New developments will be dealt with under Part II and Part III, where appropriate. The results of the 2011 census concerning the number of speakers of regional or minority languages in the UK are partly known. There is information on the census results in Wales, but not for the other languages included in the census.<sup>2</sup> In the 2011 census, 19% (562,000) of Welsh residents aged three and over reported being able to speak Welsh, while in the 2001 Census 20.8% of the population (582,000) had reported being able to speak Welsh. Although the overall decline is not great, there have been worrying falls in numbers of speakers in the

<sup>1</sup> First evaluation report of the Committee of Experts on the application of the European Charter for Regional or Minority Languages in the United Kingdom, ECRML (2004) 1 ; Second evaluation report on the application of the European Charter for Regional or Minority Languages in the United Kingdom, ECRML (2007) 2. Third evaluation report on the application of the European Charter for Regional or Minority Languages in the United Kingdom, ECRML (2010) 4.

<sup>2</sup> <http://wales.gov.uk/topics/statistics/headlines/population2013/2011-census-welsh-language-data/?lang=en>

traditionally strong areas of North and West Wales, with two counties (Ceredigion and Carmarthenshire) becoming less than 50% Welsh-speaking for the first time in history.

#### *Cornish*

8. At the time of the last report, the Cornish Language Partnership (CLP) had commissioned a survey of speakers which gave a figure of 699 speakers at three levels of competency. The survey did not claim to capture all speakers but to provide a baseline. The CLP survey is not due to be updated until 2013, but the Partnership continues to monitor numbers in classes and the number taking and passing examinations in the language. These statistics show a steady but modest increase.

#### *Scots*

9. In its second evaluation report, the Committee of Experts noted that there was only an estimate of the number of speakers of Scots and stressed the need for an assessment of the number of speakers as an essential basis for developing a comprehensive language policy. In the fourth periodical report the United Kingdom authorities stated that detailed information based on the 2011 census is not yet available.

### **1.3. Particular issues arising in the evaluation of the application of the Charter in the United Kingdom**

10. As mentioned in the first evaluation report, the responsibility for the practical implementation of the Charter lies within the devolved administrations, with the exception of the Cornish language and those undertakings that lie directly within the competence of the central authorities. The UK Government nevertheless has the final responsibility under international law for the implementation of the Charter. During the on-the-spot visit the Cornish Language Partnership drew the attention of the Committee of Experts to the lack of engagement of the UK Government concerning the development of the Cornish language. The UK Government does not introduce measures to promote the Cornish language nor remove barriers to progress.

11. Apart from Northern Ireland (see paragraph 12), the Committee of Experts notes that the fourth periodical report is more coherent and informative and deals with most of the relevant issues that had been raised in the previous monitoring round. The fourth periodical report provides more targeted information related to questions raised by the Committee of Experts in the framework of the third evaluation report.

12. Information about Irish and Ulster Scots in the fourth periodical report is still confined to those areas which remain the sole competence of the UK Government in London. Areas which have been devolved to Northern Ireland are not included. It was explained to the Committee of Experts that the responsibility for preparing these relevant parts of the report was that of the Northern Ireland power-sharing Executive. According to the authorities it was again not possible to agree within the Executive on the relevant text to be included in the report. The Committee of Experts regrets that the periodical report does not include important information relating to one Part III and one Part II language. It reminds the UK Government that it is its duty under the Charter to submit a complete report on time and expects that the forthcoming report will comply in full with Article 15 of the Charter.

***The Committee of Experts strongly urges the UK authorities to comply with their obligation to report on the application of the Charter in accordance with Article 15 of the Charter.***

13. The devolution settlement in Northern Ireland presents obstacles to the promotion and the protection of regional or minority languages to the extent that there is no political consensus on the contribution to be made by the Northern Ireland Government. The responsibility of competence with regard to regional or minority languages was devolved to the Northern Ireland Assembly. Nevertheless, no legislation promoting the Irish language has been adopted. The Committee of Experts was informed that this is because of the need to obtain consensus within the power sharing administration.

14. The Committee of Experts is of the opinion that legislation is needed for the protection of the Irish language.

***The Committee of Experts strongly urges the authorities to provide an appropriate legislative base for the protection and promotion of Irish in Northern Ireland.***

15. During the on-the-spot visit the Committee of Experts observed that amongst speakers there was a spirit of mutual understanding between those wishing to promote the Irish language and the promotion of Ulster Scots. There was a realisation that the situation and needs of the two languages were different. The

Committee of Experts was particularly encouraged by initiatives taken by the Minister for the Department of Culture, Arts and Leisure (DCAL) to bring the two language communities together. This spirit of mutual tolerance and understanding appears to the Committee of Experts to be a valuable platform on which to build a political consensus.

## **Chapter 2 Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2010)4)**

### **Recommendation No.1:**

*“continue to take resolute action for the protection and promotion of Scottish Gaelic in all areas, and in particular strengthen Scottish Gaelic education, especially through the training of teachers and the production of teaching and learning materials;”*

16. Efforts to promote the Scottish Gaelic language continue, with considerable support and goodwill from the Scottish Executive. The development of the television channel BBC Alba has, in particular, been a success. Nevertheless, in the field of education considerable practical difficulties remain. There have been initiatives in relation to teacher training and teaching materials, but there is still a serious shortage of teachers, and there is a need for further resolute action in this area.

### **Recommendation No.2:**

*“adopt and implement a comprehensive Irish language policy, preferably through the adoption of legislation”.*

17. No steps have been taken to implement this recommendation. Promotion of the Irish language remains, regrettably, a highly contentious issue in Northern Ireland.

### **Recommendation No.3:**

*“ensure that health and social care facilities offer services in Welsh”.*

18. Following consultations with interested parties during 2010 the Welsh Government decided to develop a strategic framework to strengthen Welsh language provision within health and social services. The framework was published in November 2012 and it confirmed the Government’s commitment to strengthen Welsh language services to service users and their families with the focus of the work being on developing front line services. Notwithstanding these positive developments, there remains considerable concern about the situation on the ground, and the Welsh Language Commissioner has launched a statutory investigation into the whole question on the use of Welsh in health and social services.

### **Recommendation No.4:**

*“adopt a strategy to enhance and develop Ulster Scots, in co-operation with the speakers”.*

19. The position of Ulster Scots has improved since the previous monitoring round, thanks largely to the work of Tha Boord o Ulstèr-Scotch (Ulster-Scots Agency), which has had a proactive role in developing a strategy for Ulster Scots, based on firm language planning grounds.

## **Chapter 3 The Committee of Experts' evaluation in respect of Parts II and III of the Charter**

### **3.1. Evaluation in respect of Part II of the Charter**

20. The Committee of Experts will not comment on those provisions of Part II for which no major issues were raised in the third evaluation report and for which the Committee of Experts has not received any new significant information. Under Part II, this concerns Article 7, paragraph 5. The Committee of Experts reserves, however, the right to evaluate the implementation of this provision again at a later stage.

#### **Article 7 - Objectives and principles**

##### **Paragraph 1**

*In respect of regional or minority languages, within the territories in which such languages are used and according to the situation of each language, the Parties shall base their policies, legislation and practice on the following objectives and principles:*

- a. *the recognition of the regional or minority languages as an expression of cultural wealth;*

##### **Cornish**

21. According to the fourth periodical report, the Cornwall County Council has a policy in place which recognises the distinctiveness of Cornwall and the place of the language in contemporary culture and heritage and undertakes to provide information on the language and supports development initiatives. Work undertaken by the Cornish Language Partnership in schools aims to place the language in a cultural and historical context, and resources produced draw on historic and contemporary culture for their frame of reference.

##### **Manx Gaelic**

22. According to the fourth periodical report, in 2012 the Manx Heritage Foundation's Manx Language Development Officer produced an updated review for the language. It is hoped that key partners will meet on a regular basis to implement a long-term strategy for Manx Gaelic.

##### **Scots**

23. In the course of the third monitoring round, the Committee of Experts had noted a stronger recognition of the Scots language. Since then, further positive developments can be noted. In the fourth periodical report, the authorities mention the first Government-funded research into public attitudes to the Scots language which can be seen as being recognition of the language's importance to contemporary Scotland. The digitalisation and cataloguing of recordings from all over Scotland were also mentioned.

##### **Scottish Gaelic**

24. According to the fourth periodical report, 46 public bodies have been given notification from *Bòrd na Gàidhlig* to prepare a Gaelic Language Plan. The Bord's Gaelic Usage Committee will take the lead in creating strong links between the National Plan and each authority's Gaelic Language Plan. In the last state report, the authorities mention the realisation of a study called "Public Attitude towards the Gaelic Language" which can be interpreted as recognition of the language's importance to contemporary Scotland. They also mention the digitalisation and cataloguing of recordings from all over Scotland.

##### **Irish**

25. During the on-the-spot visit, the Committee of Experts was informed by the DCAL, that it supports an Irish Language Act and that there are proposals for an Irish Language Bill. However, these proposals have not led to any concrete results as yet.

- b. *the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;*

##### **Cornish**

26. According to the fourth periodical report, following the establishment of the unitary authority, Cornwall Council accepted the role of a lead partner and accountable body and provided representation from each of the political groupings on the council. The administrative borders of Cornwall remain the same as those for the previous County Council.

27. During the on-the-spot visit, the Committee of Experts met with the Cornish Language Partnership which generally viewed the structural change positively, since it strengthens the position of Cornish. However, the Partnership deplored the limited financial support provided by UK authorities which is inadequate to effectively reverse the language shift in respect of a critically endangered language such as Cornish.

#### *Irish*

28. During the previous monitoring cycles, the Committee of Experts was informed of a plan to reduce the number of 26 district councils in Northern Ireland. Some councils with a favourable Irish language policy were concerned that merging into a larger council may diminish the favourable promotion of Irish. The fourth periodical report does not make any mention of this issue.

29. During the on-the-spot visit, the Committee of Experts was informed that on 22 April 2013 the transfer of powers to local councils was agreed. This will enable the transfer of a package of functions to the 11 new councils from central government departments in April 2015. The package, which will also give the new councils more wide-ranging powers and responsibilities, has now been agreed by the Executive. Powers will transfer in planning, road, urban regeneration, community development, housing, local economic development and local tourism.

30. NGOs expressed their concerns to the Committee of Experts that the changing of local council areas and amalgamating of some councils with others is likely to impact on Irish language provisions and policies, including in the existing council areas where Irish Language Officers are currently employed.

31. The Committee of Experts therefore reiterates its concern and urges the authorities to ensure that the new administrative divisions will not be less favourable to the existing minority language protection.

#### *Welsh*

32. Representatives of Welsh speakers explained that new legislation (The Local Government (Wales) Measure 2011) gave the Welsh government the power to enforce the amalgamation of councils. They expressed concern that changes could jeopardise the use of Welsh.

*c. the need for resolute action to promote regional or minority languages in order to safeguard them;*

#### *Cornish*

33. According to the fourth periodical report, action has been guided by the Cornish Language Development Strategy, adopted in 2005, which was endorsed by the UK Government as providing the framework for implementing Part II of the Charter. In 2008, the government renewed and increased its financial support and Cornwall Council renewed support, with additional in-kind support through the hosting of the Partnership office and staff. In 2011 government funding was renewed on a tapering basis of annual payments of £140,000, £120,000 and £100,000 with the proviso that central funding may cease after that date. This decision was taken in light of the need to find savings in public expenditure to address the deficit.

34. The Committee of Experts is concerned that the abolition of the central government's funding might severely hamper the protection and promotion of Cornish. It encourages the UK authorities to engage in a constructive dialogue with the Cornish Language Partnership in order to review the financial contributions provided in light of the needs presented by the representatives of the Cornish language community.

#### *Irish*

35. During the on-the-spot visit, the Committee of Experts was informed by the Minister of the DCAL, that, under the current monitoring round, draft proposals for a strategy for the Irish language and a separate strategy for Ulster Scots were put out for public consultation. The strategy will require cross-party support from the Northern Ireland Executive and Assembly before it can be adopted.

#### *Scots*

36. In the fourth periodical report, the authorities mention that the Scots Language Working Group was set up to advise Ministers on the profile and needs of the Scots language. The Group published its report and recommendations, setting out proposals to enhance the status of Scots and promote the use of all its dialects. The work of the Group focused on sectors that have the potential to increase the use and status of Scots, including education, broadcasting, publishing, literature and the arts.

37. During the on-the-spot visit, the Committee of Experts was informed that mainstreaming the Scots language in literature classes has been promoted successfully.

#### *Scottish Gaelic*

38. During the on-the-spot visit, the Committee of Experts was informed of increased interaction at local level to provide for improved exchange of information and pooling of existing resources between local authorities in connection with the promotion of Gaelic.

#### *Ulster Scots*

39. As well as the strategy mentioned at paragraph 35 above, there have been positive developments for Ulster Scots. During the on-the-spot visit, the Committee of Experts was impressed by the work done by Tha Boord o Ulstèr-Scotch (Ulster-Scots Agency) to broaden the acceptance and the use of Ulster-Scots in everyday life. The NGO representatives flagged the need for qualified teachers in order to be able to revitalise Ulster-Scots within mainstream society in Northern Ireland.

#### *Welsh*

40. In December 2010, the National Assembly of Wales approved the Welsh Government-proposed Welsh Language (Wales) Measure, which became law in February 2011. A new Welsh Language Strategy as well as a new Welsh-medium Education Strategy were published in the course of the fourth monitoring round. The Measure provided official status for Welsh in Wales and created an entirely new regime for the use of Welsh by public authorities and others responsible for delivering services to the public. The Welsh Language Board was abolished, and in its place the office of the Welsh Language Commissioner (Comisiynydd y Gymraeg) was established. Under the Measure, an elaborate process has been created, under which the Welsh Ministers can create Welsh Language Standards, which the Commissioner is then able to impose on public authorities and others. Standards can cover not only the use of Welsh in the delivery of services, but also in the development of policy. For the Welsh Government and Local Authorities, standards can include obligations about promoting the Welsh language. The Commissioner has powers to investigate any breach of standards and to impose sanctions for breach. There is currently an impasse, since the Welsh Ministers have rejected draft standards proposed by the Commissioner, but the Welsh Government anticipates that the standards will be in force by November 2014.

41. In the meantime, the statutory language schemes previously monitored by the Welsh Language Board remain in force, and are monitored by the Commissioner. As bodies which now have such schemes become subject to binding standards, their schemes fall away. The Measure also gives the Commissioner various powers relating to the Welsh language which are similar to the promotion and advisory powers of the Welsh Language Board, and additional powers to conduct inquiries and investigations, including a specific power to investigate restrictions on the freedom to use Welsh. Most of the Board's previous functions in respect of promoting the Welsh language (e.g. through funding) are however now being exercised by the Welsh Government directly.

- d. *the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;*

42. The Committee of Experts will deal with the situation of Welsh, Scottish Gaelic and Irish under the relevant undertakings of Part III below.

#### *Cornish*

43. The fourth periodical report lists a range of ways in which the use of the Cornish language has been encouraged and facilitated in public life.

44. The CLP makes intensive use of social media, including both Facebook and Twitter, to disseminate information and engender interest. Moreover, a number of projects have been organised which highlight Cornish and place it in a cultural context.

45. New learning resources have been produced by the Partnership including a follow-up publication to the Key Stage One resources identified in the last report. Activity packs for schools have been produced, based around Christmas, St Piran's Day and Cornish Drama, while the language organisations continue to produce a range of publications for all levels of ability.

46. As for the media, the BBC continues to provide a 5-minute news bulletin in Cornish. A series for learners consisting of twelve 5-minute programmes has been produced by the CLP in association with My Cornwall TV and released as a DVD. A second series has been prepared and is currently being broadcast.

Radio an Gernewegva, a web-based provider dependent on voluntary effort, produces half an hour of reporting and music in Cornish each week. Discussions with community radio stations are under way with the aim of producing some content in the near future.

#### *Manx Gaelic*

47. According to the fourth periodical report, Manx Radio, partly funded by the government, provides two weekly programmes in Manx Gaelic and three other weekly programmes that are partly in Manx Gaelic and partly in English. In addition, selected Manx Radio news items are translated into Manx once a week and are made available as text and as sound files on the Manx Radio website.

48. The authorities also mentioned in their report that the Members of the Isle of Man's parliament, Tynwald, are permitted to use relevant customary words and phrases in Manx Gaelic, provided that the meaning of those words or phrases is either well understood or the Member provides a translation into English if requested to do so by the presiding officer. A significant number of the Members of Tynwald do now use such words and phrases in Manx Gaelic during parliamentary proceedings.

49. The Manx Heritage Foundation continues to support the use of the Manx language. It has an integrated social media presence (website, YouTube channel, twitter feed) and, in November 2012, it launched a Manx Gaelic application for smartphones and tablets. It continues to produce material in Manx for both adult and young readers and, in conjunction with yn Cheshaght Ghailckagh, runs a Manx Language week in the autumn which includes lectures and social events in the language. It also has a programme of digitalisation of archives, records and other resources. And the Cooncil ny Gaelgey, which operates as a sub-committee of the Manx Heritage Foundation, continues to provide authoritative Manx versions of the titles of Government Departments, street names etc. and the creation of new words and phrases in Manx Gaelic. These terms are available at: [www.learnmanx.com](http://www.learnmanx.com). This website has been upgraded in recent years so that it now provides a comprehensive resource for users of the language.

#### *Scots*

50. In the third evaluation report, the Committee of Experts considered that efforts were needed to encourage and sustain Scots as a community language and to support and create conditions for Scots-speakers to value and use their language, and especially strengthen the position of Scots within existing language communities.

51. In the fourth periodical report, the authorities reported on various steps taken in the course of the reporting period, such as:

- an Audit on the Scots language which provided baseline data for further research, discussions or policy;
- research on public attitudes to Scots;
- the establishment of a Scots Language Working Group, which consists of representatives from the Scots language community and who already published a report and recommendations;
- the realisation of a Scots language conference;
- the inclusion of a question on the Scots language in the Census of 2011 of which the results will be available in June 2013. In order to make the census more successful a campaign to raise awareness on the Scots language question took place and a website was developed;
- the opening of a museum (Robert Burns Birthplace Museum) and a project featuring more than 5,000 artefacts, including original manuscripts;
- the organisation of the General Teaching Council for Scotland Awards to formally recognise the work of a group of teachers on Scots.

#### *Ulster Scots*

52. In the fourth periodical report, the authorities referred to a new Ulster-Scots Broadcasting Fund that was established in 2010.

- e. *the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different language;*

53. There continues to be good collaboration between the agencies and bodies established to promote regional or minority languages in the UK and there are various initiatives to promote contact between the speakers.

54. The fourth periodical report states that the Cornish Language Partnership maintains links with different language organisations and has taken part in various seminars and conferences. The Welsh Language Board provided financial support to the London Welsh School during the 2011/2012 financial year and hosted the secretariat for the Network to Promote Linguistic Diversity with the aim of debating issues of common interest to regional or minority languages across Europe.

*f. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;*

55. The teaching and study of Part III languages will be examined in detail in the next section.

#### *Cornish*

56. According to the information provided by the authorities in the fourth periodical report, a Saturday pre-school in the Camborne Redruth area teaches children and parents concurrently and will be able to extend provision to children who may attend without their parents. Moreover, the CLP's Education Officers have also established contact with the Cornwall Pre-School Learning Alliance and preschools are now showing an intention to incorporate Cornish into their activities. According to the authorities, resources established for Key Stage One have in fact proved effective with pre-school classes. During the on-the-spot-visit, the Committee of Experts was made aware that pre-school education will be maintained despite cuts in funding, but any additional costs will have to be borne by the parents.

57. The authorities stated in the fourth periodical report that there is a continuing and growing demand for the use of Cornish in primary education, which is met by the use of community educators and a resource pack that enables teachers to organise a basic programme for themselves. In-service training to teachers and support staff in a number of primary schools has allowed the regular teaching of short programmes in 'Preparation, Planning and Assessment' time. Collaboration with partners has allowed the embedding of Cornish into a variety of school-based projects and allowed the provision of in-house training to a number of non-school based educators. Further resource materials have been published for this sector.

58. In their fourth periodical report, the authorities reported that Cornish is used in secondary education only as a part of a wider languages day or initiative addressing equality, diversity and inclusion issues. Only one or two schools offer it in a limited way and support is needed to encourage schools to make time in the curriculum for Cornish. During the on-the-spot-visit, the Committee of Experts was made aware that funding is decreasing while the demands expressed by parents are increasing; under these circumstances it will be exceedingly difficult to provide for adequate teaching facilities at secondary level.

59. From a general point of view, it is stated in the fourth periodical report that a mentoring scheme is in place for volunteers who wish to improve their teaching skills and become 'community educators'. Furthermore, a partnership has been formed with a local further education college to produce a public access virtual learning environment for students and teachers which is now well under way.

#### *Manx Gaelic*

60. According to the information provided by the authorities in the fourth periodical report, Mooinjer Veggey operates two Manx Gaelic playgroups and four 'part Manx Gaelic' nurseries. It also runs the Bunscoill Ghelgagh and employs an Education Officer, a Pre-School Support Officer and a Writer/Resource Officer. Mooinjer Veggey is partly government funded and partly funded from fees and charitable donations.

61. According to the fourth periodical report, in 2011/12 there were 78 children attending the Bunscoill Ghelgagh or Manx-medium school where they receive their education entirely through Manx. On leaving the Bunscoill, children have the opportunity to learn three subjects through Manx at the secondary school within whose catchment area the Bunscoill lies. At two of the five secondary schools, Manx is an optional timetabled subject for children in the 11-14 year old age group. Examination assessed courses, at general and advanced level (GCSE and A-level) in the language are available to all pupils, although in some schools these are studied as an extracurricular subject. In addition to teaching, Yn Unnid Gaelgagh/Manx Language Unit prepares resources including language courses, story books, computer-based teaching materials and games for use in all schools.

62. During the on-the-spot-visit, the Committee of Experts was informed that the authorities envisage opening a second secondary school in order to meet increasing demands expressed by the parents and pupils.

63. The authorities also report that a weekly youth group for children over 11 years of age is being run by the Department of Education and Children in conjunction with the Manx Heritage Foundation. This youth group has now been running for three years. The Manx Youth Group *Possan Aeglagh* is based at Peel and also will be meeting in Douglas to meet the needs of its members. In 2011 the Holiday Venture Scheme *Possan Souree* was also run.

#### *Scots*

64. Scottish Studies is being developed as a strand in the curriculum in order to improve the knowledge of Scottish history and culture. During the on-the-spot-visit, the Committee of Experts was made aware that for the moment there is no recent Scots Grammar book and that a revised Scots Grammar book and a concise Scots Dictionary will be prepared.

- g. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;*

#### *Cornish*

65. According to the information reported by the authorities, adult class provision has remained steady, and two classes are currently maintained under the Adult Education system. The Cornish Language Partnership support to private classes has moved focus from paying for accessible venues to supporting the teachers. The CLP is also beginning to regulate these classes to ensure a common level of administration, advice on teaching practices and in the longer term to ensure quality control. According to the authorities, geographical distribution is adequate. The authorities also reported that the CLP has two part-time education staff. The focus now needs to be on building teaching skills and training new teachers to join the volunteer workforce. During the on-the-spot visit the Committee of Experts was made aware that adult education remains a difficult sector, funding and support available has been qualified as a piece-meal approach, heavily depending on volunteer efforts.

66. The authorities also report that intensive weekend courses have been created for beginner, intermediate and accomplished speakers aimed at increasing fluency, on top of the existing online courses, the production of a series of short films, half an hour of Cornish-speaking programmes per week by Radio an Gernnewegva, several new learning resources published by the voluntary language associations and the examinations that are organised. The Cornish Language Board continues to prepare and administer examinations at four grades, while the Asset language accredited exams are being taken by a growing number of students.

#### *Manx Gaelic*

67. In the fourth periodical report, the Committee of Experts was informed of the establishment of an integrated Adult Language education programme.

#### *Scots*

68. In the third evaluation report, the Committee of Experts asked for more concrete information about the practical possibilities to learn Scots, especially regarding out-of-school learning opportunities. The fourth periodical report states that some measures are taken to offer teachers the teaching of Scots as a Continuing Professional Development Programme.

#### *Scottish Gaelic*

69. In the fourth periodical report, the authorities add that a Gaelic learners' website ([www.learngaelic.net](http://www.learngaelic.net)) was launched in October 2011. This site combines both new material and already existing material and contains Gaelic learning support materials for all levels. The Scottish Government was the principal funder of this resource.

#### *Ulster Scots*

70. In the third evaluation report, the Committee of Experts noted that according to the representatives of the Ulster Scots-speakers, none of the colleges that provide further and adult education offer Ulster Scots language classes. No new information was brought to the attention of the Committee of Experts in the fourth periodical report.

71. During the on-the-spot-visit, the Committee of Experts was informed that summer schools and festivals were organised with the help of the Ulster-Scots Academy in order to promote Ulster Scots as a language.

### *Welsh*

72. According to the information reported by the authorities, all Welsh-medium statutory nursery and primary provision is open to children who come from non-Welsh-speaking homes. In addition, the Welsh Government continues to provide funding to local authorities for latecomers' centres that provide intensive Welsh courses for children who have had no previous contact with the Welsh language. Moreover, Welsh for Adults continues to be one of the largest adult learning programmes in Wales. Since the last monitoring round, two specific courses for families have been developed.

73. During the on-the-spot visit concern was raised by Welsh language NGOs about what the latest census figures reveal about the areas where the language has traditionally been strong. According to the NGOs the figures suggest that the number of people not speaking Welsh moving into these areas is causing a shift in the linguistic balance, which might cause serious detriment to the sustainability of Welsh as a community language. In the past, such newcomers have successfully integrated into the local communities through acquiring Welsh, often with the assistance of special teaching programmes made available by the authorities. In respect of the latest figures, however, the concern is that the resources dedicated to these methods may not be adequate, because of the scale of the population movement involved. The Committee of Experts invites the authorities to comment on this issue in the next periodical report.

*h. the promotion of study and research on regional or minority languages at universities or equivalent institutions;*

### *Cornish*

74. In the fourth periodical report, the authorities reported that the undergraduate Cornish Studies provision at the University of Exeter was no longer offered, though the postgraduate research programme continued through the Institute of Cornish Studies. The Cornish Language Partnership did not commission further research and concentrates its resources on teaching and learning. Research into the language itself is being carried out through the Partnership's volunteer working groups for corpus studies and signage. Further research and publications on an academic level remain an aim for the future. During the on-the-spot visit, the Committee of Experts received no specific comments concerning research facilities at university level, but the Cornish representatives expressed their concern about the lack of engagement by central authorities in London as regards providing additional resources needed.

### *Welsh*

75. In March 2011 the National Welsh-language College (Coleg Cymraeg Cenedlaethol) was established with the aim to develop and broaden the range of Welsh-medium study opportunities at universities in Wales. The Committee of Experts looks forward to receiving additional information on the studies that are being carried out concerning the Welsh language. (See Part III)

*i. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.*

### *Cornish*

76. According to the fourth evaluation report, over the past three years the Cornish Language Partnership has taken part in various types of transnational exchanges, *inter alia* in the North American Association of Celtic Language Teachers. The authorities also reported the possibility of having a linguistic exchange programme with Brittany. The Committee of Experts looks forward to receiving further information on these linguistic exchanges in the next periodical report.

### *Welsh*

77. According to the fourth evaluation report, the Welsh Government continues to fund the Welsh Language Teaching Project in the Chubut province of Argentina; the CyMAL, a division of the Welsh Government, has promoted co-operation between museums, archives and libraries in Wales and Welsh museums, archives and libraries in Patagonia.

## **Paragraph 2**

*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 it. 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.*

### *Irish*

78. The Committee of Experts still considers the active prohibition of the use of Irish in court as a restriction relating to the use of the language. The UK authorities have not provided any justification for this restriction. Moreover, the Committee of Experts notes that applicants for citizenship in the UK as well as for residency can take their citizenship and residency test in English, Welsh or Scottish Gaelic, but not in Irish. No justifications for this were provided by the authorities in the fourth periodical report. During the on-the-spot visit the Committee of Experts received information that nothing has been done to comply with these provisions under the Charter with respect to Irish.

### **Paragraph 3**

***The Parties undertake to promote, by appropriate measures, mutual understanding between all the linguistic groups of the country and in particular the inclusion of respect, understanding and tolerance in relation to regional or minority languages among the objectives of education and training provided within their countries and encouragement of the mass media to pursue the same objective.***

79. The Committee of Experts was concerned to learn that speakers of regional minority languages continued to be portrayed in a negative way in the media. No information was provided by the authorities about steps taken to combat this problem.

80. According to the fourth periodical report, and as regards Cornish, some actions continue to be taken to promote mutual respect. No information has been reported as to the other languages.

### **Paragraph 4**

***In determining their policy with regard to regional or minority languages, the Parties shall take into consideration the needs and wishes expressed by the groups which use such languages. They are encouraged to establish bodies, if necessary, for the purpose of advising the authorities on all matters pertaining to regional or minority languages.***

81. In general it appears that the authorities at the level of devolved government in the UK have developed a pattern of close consultations with representatives of speakers of minority languages. However, evidence suggests that there is virtually no such consultation at the level of central government.

### **3.2. Evaluation in respect of Part III of the Charter**

82. In this section, the Committee of Experts will focus on problematic areas and new developments in the protection and promotion of Welsh, Scottish Gaelic and Irish. It will therefore not assess the implementation of provisions which were fulfilled in the previous monitoring cycle(s), apart from such undertakings where the Committee of Experts has received new relevant information. The following provisions will not be commented upon:

In the case of Welsh:

- Article 8, paragraph 1.e.iii; f.ii; g; h;
- Article 9, paragraph 1.a.ii; a.iii; b.ii; b.iii; c.ii; c.iii; d; paragraph 2.b.
- Article 10, paragraph 1.b; c; paragraph 2.g; paragraph 4.a; paragraph 5;
- Article 11, paragraph 1.d; e. f.ii; i; paragraph 2; paragraph 3;
- Article 12, paragraph 1.a; b; c; d; e; f; g; h; paragraph 2;
- Article 13, paragraph 1.a; c; paragraph 2.b; e.

In the case of Scottish Gaelic:

- Article 8, paragraph 1. e.iii; f.iii; i paragraph 2;
- Article 9, paragaph 1.b.iii;
- Article 10, paragraph 2.e; paragraph 5;
- Article 11, paragraph 1.b.ii;c.ii; d;e.ii; f. ii; g; paragraph 2;
- Article 12, paragraph 1.a;d; f; g; h; paragraph 2; paragraph 3;
- Article 13, paragraph 1.a; c;
- Article 14, a; b.

In the case of Irish:

- Article 8, paragraph 1.d.iv; e.iii ; f.ii; g; paragraph 2;
- Article 10, paragraph 5;
- Article 11, paragraph 1. d; g, paragraph 2;
- Article 12, paragraph 1.a; d; f; h; paragraph 2;
- Article 13, paragraph 1.d;
- Article 14, a; b.

83. For these provisions, the Committee of Experts refers to the conclusions reached in its previous report but reserves the right to evaluate the situation again at a later stage.

84. Finally the paragraphs and sub-paragraphs that are quoted in bold italics are the obligations chosen by the United Kingdom.

#### **3.2.1. *The Welsh language***

##### **Article 8 – Education**

###### **Paragraph 1**

*With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:*

###### **Pre-school Education**

- a. i. ***to make available pre-school education in the relevant regional or minority languages;***

85. In the third evaluation report the Committee of Experts considered the undertaking fulfilled.

86. In the fourth periodical report the authorities stated that from the term following their third birthday, all 3 and 4-year-olds are entitled to a free part-time (minimum of 10 hours a week), Early Years Foundation Phase place. Through the Foundation Phase and its statutory curriculum, children will have the opportunity to acquire and progressively improve their Welsh-language skills through the Language Literacy and Communication Skills Area of Learning (in Welsh-medium settings) or the Welsh Language Development Area of Learning (in English-Medium settings where Welsh is taught as a second language). The Foundation Phase is delivered through a mixed economy of providers in the maintained sector (i.e. schools) and the non-maintained voluntary sector, which predominantly consists of Mudiad Meithrin (an organisation which

receives grant funding) in the Welsh Medium sector. Mudiad Meithrin is a Welsh language nursery education provider which runs around 1000 community based pre-school and mother and toddler groups.

87. During the on-the-spot visit some NGOs expressed concerns that local authorities are not sufficiently involved and actively supporting Welsh Medium Education. The concerns voiced indicate that local authorities are not planning ahead enough in order to meet demands expressed by parents in terms of nursery schools and pre-school education capacities.

88. The Committee of Experts asks the authorities to provide for a more structured approach when planning for additional nursery and pre-school education in order for needs to be met.

89. The Committee of Experts considers that the undertaking remains fulfilled.

### ***Primary Education***

***b. i. to make available primary education in the relevant regional or minority languages;***

90. In the third evaluation report, the Committee of Experts reminded the authorities that this undertaking requires Welsh medium education wherever the situation on the ground justifies it. There is still evidence of substantial unmet demand in parts of Wales for Welsh medium primary education.

91. In the fourth periodical report, the Committee of Experts was informed by the authorities that Primary Welsh Medium and bilingual models of provision are available to parents or guardians who so desire it for their children in all 22 local authorities. In January 2011, there were 419 Welsh Medium primary schools, where Welsh is the sole/main medium of instruction, and 48 bilingual schools, where Welsh-medium provision is used for part of the curriculum. Welsh as a second language was taught in all 968 English-Medium schools, and assessed at the end of Key Stage 2 (11 years old).

92. Since the last report, 14 authorities have undertaken parental surveys of demand for Welsh Medium education. As a result, 10 new schools or seed classes have opened since 2009 and 5 schools or seed classes were planned to open from 2012 onwards. The Committee of Experts considers this to be a very positive development. The gap between demand for and provision of Welsh-medium primary education nevertheless remains large in many counties. The Committee acknowledges that bridging the gap is not something that can be achieved overnight but is confident that the authorities in Wales are taking their responsibilities seriously in order to increase the offer.

93. One of the key elements of Welsh Medium Education Strategy was the introduction of a new planning framework for Welsh Medium education led by the Welsh Government and delivered by local authorities. This new system replaced the Welsh Education Schemes under the Welsh Language Act 1993. From December 2011, each local authority was expected to present an annual Welsh in Education Strategic Plan (WESP) to the Department for Education and Skills including an assessment of the demand for Welsh-medium education in those areas where choice exists between Welsh Medium and English-Medium education and the nature of their plans to address that demand.

94. The WESPs have now been placed on a statutory footing as part of the School Standards and Organisation (Wales) Act 2013. The relevant provisions have not yet, however, come into force. This requires an order of the Welsh Ministers.

95. The Welsh Government continues to invest annually in the production of Welsh and bilingual teaching and classroom learning resources to support the teaching and learning of Welsh as a subject, first and second language, and other subjects through the medium of Welsh. The resources are learner classroom materials that the commercial market fails to provide and are available in a variety of media (print, online, CD-ROMs, DVDs). Materials are commissioned across the whole range of curriculum areas taught in schools, and for pupils of all abilities, including the provision of materials for those with special educational needs. Original resources are commissioned as well as the translation/adaptation of existing published materials into Welsh.

96. To assist with the work of producing Welsh language resources, the Welsh Government has also supported the production of an on-line educational terminology service. It was launched in 2012, and may be accessed at [www.termiaduraddysg.org](http://www.termiaduraddysg.org).

97. During the on-the-spot visit the Committee of Experts was informed that there will be substantial cuts in spending by local authorities and that therefore the opening of new schools will become increasingly difficult.

98. The Committee of Experts welcomes the approach chosen by the Welsh Government to require local education authorities to comply with increasing demands for Welsh Medium education, and the statutory basis for making and implementing Welsh education strategic plans. The Committee of Experts asks the authorities to provide for targeted information on this undertaking in the next periodical report.

99. The Committee of Experts is impressed by the work done by Welsh Government in promoting Welsh Medium primary education. However, based on the information that there is still a substantial unmet demand for Welsh Medium primary education, the Committee of Experts considers that the undertaking is partly fulfilled.

### ***Secondary Education***

- c. i. ***to make available secondary education in the relevant regional or minority languages;***

100. In the third evaluation report the Committee of Experts commended the authorities for measures taken to improve the offer of Welsh Medium secondary education and encouraged them to pursue their efforts further to overcome the problems identified. It considered the undertaking partly fulfilled.

101. According to the fourth periodical report the problem of continuity between primary and secondary education still seems to persist. The Committee of Experts notes that these problems should be addressed by the authorities and steps should be taken to overcome these difficulties.

102. Welsh-medium or bilingual secondary education is available throughout Wales to varying degrees. There are 32 Welsh-medium schools in the secondary sector and 24 bilingual schools, where Welsh Medium provision is used for part of the curriculum. One additional Welsh Medium secondary school was opened in 2012 as the third such school in Cardiff. Welsh as a second language is taught in all 165 English Medium schools.

103. Welsh in Education Strategic Plans will also require local authorities to outline their plans for Welsh Medium and bilingual secondary education for approval and monitoring by the Welsh Government.

104. During the on-the-spot-visit representatives from NGOs were critical of the fact that strategic plans were very slow in being released. They were also concerned that new consortium arrangements might put Welsh Medium secondary schools at a disadvantage. They felt that Welsh Medium education was seen within the civil service and also at local authority level as being a “bolt on” rather than as an integral part of education. The provision of Welsh-medium secondary education nevertheless remains patchy in many parts of Wales and absent in some counties.

105. The Committee of Experts notes the progress made in relation to Welsh Medium secondary education. However in the light of the information received, the Committee of Experts considers that the undertaking remains partly fulfilled and urges the authorities to strengthen their efforts to meet the demands for Welsh Medium secondary education and to ensure continuity between primary and secondary education offer.

### ***Technical and vocational education***

- d. i. ***to make available technical and vocational education in the relevant regional or minority languages; or***
- ii. ***to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or***
- iii. ***to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or***
- iv. ***to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient***

106. In the third evaluation report the Committee of Experts admitted that progress in this field is slowly increasing. It considered the undertaking partly fulfilled.

107. Technical and vocational qualifications are delivered by schools, Further Education (FE) colleges and through Work-based Learning providers. The amount of provision provided through the medium of Welsh or bilingually is increasing, particularly in relation to meeting the requirements of the Learning and Skills (Wales) Measure 2009, which requires vocational options to be offered to 14-19 year olds.

108. The fourth periodical report contains detailed information about new developments in technical and vocational education including special grants projects. The Committee of Experts commends the authorities on the steps taken. Nevertheless, during the on-the-spot visit the representatives of the speakers' NGOs were critical of what they saw as being insufficient offering of vocational training.

109. The Committee of Experts considers that the undertaking is fulfilled. Nevertheless the Committee of Experts points to the concerns raised by the NGOs mentioned above and asks the authorities to comment explicitly on the concerns raised, in the next periodical report. It encourages the authorities to continue to increase the delivery of technical and vocational qualifications in Welsh.

### ***Monitoring***

- i. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public*

110. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

The Welsh Medium Education Strategy contains fixed five-year and indicative ten-year targets based on outcomes which will be used to monitor progress in implementing the Strategy. There is a commitment in the Welsh Medium Education Strategy to monitor progress made against the targets contained in the Strategy and to publish an annual report. A Ministerial Advisory Group, chaired by the Minister for Education and Skills, has been established which includes senior representation from local authorities and other key stakeholders. The first annual report was published in July 2011<sup>3</sup>. The second annual report was to be published in June 2012.

111. The Strategy also commits the Welsh Government to commission an independent evaluation of the Strategy's Implementation Programme.

112. The Committee of Experts concludes that the undertaking remains fulfilled.

### ***Article 10 - Administrative authorities and public services***

113. Much of the implementation of Article 10, on the part of the authorities in Wales, has related to Welsh Language Schemes monitored by the Welsh Language Board. As a result of the Welsh Language (Wales), Measure the board has been abolished. It has been replaced by the Welsh Language Commissioner. The Measure also establishes a detailed regime for the use of Welsh by public bodies and other service providers, based on language standards. This regime once it comes into force will be monitored by the Welsh Language Commissioner who will have powers to impose sanctions for non-compliance. In the meantime the Commissioner is responsible for monitoring the Welsh Language schemes, until the new regime comes into force. (see paragraph 41 above)

### ***Paragraph 1***

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- a. i. to ensure that the administrative authorities use the regional or minority languages;*

114. In the third evaluation report the Committee of Experts considered this undertaking partly fulfilled. It invited the UK authorities to comment on the progress made with respect to public services having prepared for Welsh Language Schemes in the next periodical report.

<sup>3</sup> <http://wales.gov.uk/topics/educationandskills/publications/guidance/welshmededstrat/?lang=en>.

115. Statutory Welsh Language Schemes have been adopted by 9 UK Government departments and approved by the Welsh Language Board. However, evidence given to the Committee of Experts suggests that their implementation is patchy.

116. In accordance with the information received, the Committee of Experts considers that the undertaking remains partly fulfilled.

### **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- a. *the use of regional or minority languages within the framework of the regional or local authority;*
- b. *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*
- c. *the publication by regional authorities of their official documents also in the relevant regional or minority languages;*
- d. *the publication by local authorities of their official documents also in the relevant regional or minority languages;*
- e. *the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*
- f. *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

117. In the third evaluation report the Committee of Experts found the undertakings partly fulfilled.

118. All local and regional public authorities in Wales have a statutory Welsh Language Scheme in place that has been approved by the Welsh Language Board. Nevertheless, during the on-the-spot visit representatives of the Welsh NGOs informed the Committee of Experts that, while local authorities present a bilingual interface, it is often found that it is not possible to use Welsh orally in communication with administrative authorities. NGOs expressed the view that there is now a vacuum while the new language standards are prepared. It was felt that the authorities were no longer taking their obligations under the Welsh Language schemes seriously.

119. Based on the comments received the Committee of Experts concludes that the undertakings are still partly fulfilled.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

- a. *to ensure that the regional or minority languages are used in the provision of the service;*

120. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and encouraged the authorities to closely follow the implementation of Welsh-language schemes.

121. According to the information provided, every public authority is required to comply with a Welsh Language Scheme. Nevertheless, the criticisms made by the NGOs which are reflected in paragraph 118 above are also made in this context.

122. The Committee of Experts concludes that the undertaking remains partly fulfilled.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- ...
  - b. *recruitment and, where necessary, training of the officials and other public service employees required;*

123. In the third evaluation report, the Committee of Experts considered that the undertaking was partly fulfilled. It encouraged the authorities to provide information about a corporate Bilingual Skills Strategy elaborated for its own workforce and about strategies produced at departmental level.

124. According to the information provided in the fourth periodical report the Welsh Language Board published guidance on recruitment<sup>4</sup>.

125. In the fourth periodical report the Welsh authorities have described certain initiatives and plans aimed at improving the Welsh Language skills of their workforce. Nevertheless, Welsh language NGOs were very critical of the failure, as they saw it, to use Welsh within administrations, as a language of work, particularly in local authorities. In the view of the NGOs this does not give Welsh speakers the opportunity to use the language at work. Furthermore, according to the NGOs Welsh language skills are not included in job descriptions.

126. The Committee of Experts considers the undertaking still partly fulfilled.

## Article 11 - Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

a to the extent that radio and television carry out a public service mission:

i to ensure the creation of at least one radio station and one television channel in the regional or minority languages;

127. In the third evaluation report the Committee of Experts considered the undertaking fulfilled.

128. The digital TV switchover took place in Wales in 2010. This was largely successful although there are local difficulties. However in the case of radio, the transmitter network has not been completed by the authorities yet; this has negative consequences on the reception of signals in the rural areas of Wales.

129. UK authorities are aware that the BBC has announced the roll-out of an additional 10 'national DAB multiplexers' in Wales, but it is essential that they also commence a roll-out of 'local DAB multiplexers' in order to ensure that the rural areas of Wales have full coverage of DAB. It is the responsibility of the BBC to ensure improvements to transmitters.

130. According to the representatives of the speakers, because Radio Cymru is available mostly on FM, there is a problem with coverage.

131. As part of the Comprehensive Spending Review announcement on 20 October 2010, the UK Government announced that funding for the Welsh TV channel (S4C) will in the future be largely paid for out of the Television Licence fee revenue which is paid to the BBC, rather than out of Government funds. In addition, they announced a 24.4 % cut to S4C's funding over the four years of the Spending Review period. S4C will receive £76.3m of licence fee funding in 2013-14, falling to £74.5m by 2016-17. The UK Government will now contribute £7m per annum. There is no guarantee of future funding for S4C beyond the renewal of the BBC's current Royal Charter. In the view of many critics, this has eroded the statutory basis of S4C's funding arrangements and created an uncertain future for Welsh language television broadcasting, and has also prejudiced the independence of S4C because of the financial arrangements with the BBC. They are particularly critical of the fact that the new arrangements were agreed between the then Secretary of State for Culture Media and Sport and the BBC without consulting S4C nor any representatives of Welsh language speakers.

<sup>4</sup> [http://www.webarchive.org.uk/wayback/archive/20120330015431/http://www.wlb.org.uk/english/publications/pages/publicationitem.aspx?puburl=/English/publications/Publications/C10797+WLB+Recruitment+Booklet\\_13+01.pdf](http://www.webarchive.org.uk/wayback/archive/20120330015431/http://www.wlb.org.uk/english/publications/pages/publicationitem.aspx?puburl=/English/publications/Publications/C10797+WLB+Recruitment+Booklet_13+01.pdf)

132. The UK authorities are of the opinion that the new arrangements announced for the relationship between S4C and the BBC will lead to a strengthening of online provision through the medium of Welsh, to the same level as that provided through the medium of English.

133. The Committee of Experts nevertheless considers that the undertaking remains fulfilled at present.

## **Article 12 - Cultural activities and facilities**

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

134. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

135. Wales was the featured nation at the 43rd annual Smithsonian Folklife Festival in Washington D.C., held in summer 2009. The Festival provided a unique and effective platform from which to raise the profile and awareness of Wales with an audience largely based in the United States. The Welsh Government worked with the Smithsonian Institution to develop and deliver the project working closely with partner organisations in Wales. Wales' presence at the Festival was the biggest Welsh Government-led international cultural project held outside of Wales.

136. The Committee of Experts considers that the undertaking is fulfilled.

## **Article 13 - Economic and social life**

### **Paragraph 2**

*With regard to economic and social activities, the Parties undertake, in so far as the public authorities are competent, within the territory in which the regional or minority languages are used, and as far as this is reasonably possible:*

...

- c. *to ensure that social care facilities such as hospitals, retirement homes and hostels offer the possibility of receiving and treating in their own language persons using a regional or minority language who are in need of care on grounds of ill-health, old age or for other reasons;*

137. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.

138. According to the information provided in the fourth periodical report, although progress has been made to strengthen Welsh language provision in both sectors, the Welsh Government recognises that more needs to be done to consider the language needs of users as an integral part of the process of care planning and service delivery.

139. According to the authorities following consultations with interested parties during 2010 the Welsh Government decided to develop a strategic framework to strengthen Welsh language provision within health and social services. The Framework was published in November 2012 and it confirmed the Government's commitment to strengthen Welsh language services to service users and their families with the focus of the work being on developing front line services.

140. In the fourth periodical report the authorities also mentioned other measures taken to fulfil this obligation. Notwithstanding these positive developments, there remains considerable concern about the situation on the ground. Indeed, the Welsh Language Commissioner has launched a statutory investigation into the whole question of the use of Welsh in health and social services.

141. The Committee of Experts acknowledges the measures taken by the relevant authorities in this sector. At present, however, the Committee of Experts is not in a position to conclude on this undertaking.

### 3.2.2. *The Scottish-Gaelic language*

#### **Article 8 - Education**

142. In the third evaluation report the Committee of Experts was informed that there are some systematic deficiencies throughout the Gaelic education field, such as too few teachers, inadequate teaching materials and lack of appropriate school buildings. The fourth UK periodical report lacks statistical data about Scottish Gaelic education, such as the number of schools and pupils involved. Such information would be very helpful to the Committee of Experts in evaluating the situation under Article 8, especially in the case of endangered languages such as Scottish Gaelic.

143. The Committee of Experts encourages the authorities to pursue their efforts and financial support in this field in order to stimulate Scottish-Gaelic as a living language.

#### **Paragraph 1**

*"With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:"*

#### **Pre-school Education**

**a. i. to make available pre-school education in the relevant regional or minority languages;**

144. In the third evaluation report the Committee of Experts considered this undertaking to be partly fulfilled. It asked the authorities to provide additional information about the offers made for pre-school education in order to be in a position to meet parents' demands at this level of education.

145. Bòrd na Gàidhlig has been active in the field of pre-schools. Five development officers have been appointed with regional responsibility. Their role is to support and promote the establishment of Gaelic early years centres for the 0-3 age range. These officers will also support and strengthen current provisions and work with communities and local authorities to establish new provisions.

146. Bòrd na Gàidhlig held 3 conferences aimed at supporting early years groups in March 2011. The focus of the conferences was to identify the requirements of groups in developing the pre-school offer for the 0-3 age range and Gaelic language development in the early years. Feedback from participants has helped identify areas of need.

147. Bòrd na Gàidhlig has developed resources to assist Gaelic early years work. These include constitutions, policies and a handbook for groups. Early years resources are being developed and issued as they become available.

148. During the on-the-spot visit the Committee of Experts has been informed that a new school and additional pre-school facilities will be opened in Edinburgh in August 2013. The Committee of Experts commends these positive developments and invites the authorities to sustain the efforts made.

149. The Committee of Experts concludes that the undertaking is still partly fulfilled. It encourages the authorities to further promote pre-school education.

#### **Primary Education**

**b. i. to make available primary education in the relevant regional or minority languages;**

150. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It requested additional information about plans and strategies adopted for Gaelic education and implementation measures taken on the ground.

151. In the fourth periodical report the authorities informed the Committee of Experts that there is an ongoing encouragement and support to local authorities for the promotion of and establishment of Gaelic medium education in their areas. This includes offers of support relating to costs and the provision of resources.

152. In the fourth periodical report the authorities stated that in the previous year, new resources had been developed for the teaching of the Gaelic Language in the primary schools and increased resources had

been made available to train teachers. The GLPS Local Authority consortium is committed to training 10 teachers per year. The NGOs representing the speakers acknowledged the positive steps taken but nevertheless pointed to unmet demand mostly due to the lack of teachers and the absence of political will at local level to promote education in Gaelic.

153. While acknowledging the positive measures taken, the Committee of Experts considers that the undertaking is still partly fulfilled.

### **Secondary Education**

- c. i. *to make available secondary education in the relevant regional or minority languages;*

154. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It requested information about the results produced by positive initiatives taken, plans adopted with respect to Gaelic secondary education.

155. The fourth periodical report provided information about efforts made by the authorities to contribute to sustaining Gaelic Medium education with the active support and involvement of local authorities.

156. According to the authorities, on-going encouragement and support are provided to local authorities for the promotion of and establishment of Gaelic learner education in their area. This includes offers of support relating to costs and the provision of resources.

157. As part of the new qualifications development process, Gaelic (Learners) Courses are included in the shared Arrangements for all Modern Languages Courses. Gaelic courses for learners in Gaelic-medium education have also been developed. This includes an extended range of subjects taught through the medium of Gaelic.

158. It is intended that the new Scottish Studies curriculum strand will also be available through the medium of Gaelic. This will add to the opportunities for Gaelic secondary learning.

159. The Committee of Experts welcomes the positive steps taken but at the moment still must conclude that the undertaking remains partly fulfilled.

### **Technical and vocational education**

- d. i. *to make available technical and vocational education in the relevant regional or minority languages; or*  
ii. *to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or*  
iii. *to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*  
iv. *to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient*

160. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It requested information on how Gaelic language courses were linked to technical and vocational education.

161. The Scottish Qualifications Authority is developing Gaelic units of study in technical and vocational education, intended for accreditation. A working group of the National Gaelic Education Strategy Steering Group is also considering Gaelic needs in further education provisions.

162. The Committee of Experts concludes that the undertaking is still partly fulfilled at present and encourages the authorities to provide more comprehensive and concrete information in the next periodical report.

### **Higher Education**

- e. iii. *if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;*

163. This undertaking was considered fulfilled in the previous monitoring cycles.

164. During the on-the-spot visit the Committee of Experts was informed about additional efforts in the framework of higher education. The University of Aberdeen provides the possibility to study subjects through the medium of Gaelic. The University of Aberdeen also offers immersion courses in order to increase fluency in Gaelic. Furthermore summer courses are provided in order to increase the oral abilities of students studying subjects through the medium of Gaelic.

165. A network of Gaelic speakers has been created on the campus of Aberdeen University, providing for additional conversation facilities and establishing links with the Universities of Glasgow and Dublin.

166. The Universities of Glasgow and Aberdeen are currently providing teacher training courses and PhD studies in Scottish Gaelic.

167. The Committee of Experts commends these positive new developments and considers the undertaking fulfilled.

#### ***Teaching of history and culture***

*g. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language*

168. In the third report the authorities refer to the “Curriculum and Assessment in Scotland National Guidelines – Gaelic 5-14”, which recommended that, as well as developing language skills, it is equally necessary to develop a parallel awareness and grasp of the richness and diversity of the culture and its significance to the pupils’ own lives. Culture is defined also to include history, music, visual arts, architecture, ways of work, etc. The Committee of Experts could not conclude on the undertaking and requested specific information as to whether the measures taken were sufficient to ensure that Gaelic history and culture are taught.

169. According to the information provided in the fourth periodical report, Scottish Studies is being developed by the Scottish Government as a strand on the curriculum. This will focus on ensuring that pupils have the opportunity to study Scottish aspects of literature, history and language. The intention is that this should also include opportunities to learn about the history and culture of both the Gaelic and Scots languages.

170. At this stage however, it is too early to judge whether introducing Scottish Studies will lead to the implementation of this undertaking.

171. The Committee of Experts is therefore still not in the position to conclude on this undertaking and urges the authorities to provide specific and targeted information on implementation in the next periodical report.

#### ***Basic and further training of teachers***

*h. to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party*

172. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It requested additional information on how the persisting shortage of Gaelic teachers at all levels of education can be addressed and gradually remedied.

173. The fourth periodical report provided information about the position taken by the Scottish Government clearly indicating to the Scottish Funding Council that the recruitment and education of Gaelic teachers continues to be a priority and that new routes into Gaelic teaching should be considered. Programmes are also in place to support teachers to transfer to Gaelic teaching. Education Scotland has developed a Continuing Professional Development programme for Gaelic teachers and is currently delivering this. Also Storlann, a body established by the Scottish Executive and in charge of co-ordinating the production and distribution of curriculum resources for Gaelic education, provides CPD for Gaelic teachers.

174. Nevertheless, information received from a number of sources indicate that at present there still is a shortage of Gaelic teachers notably at secondary level, even though hopes were expressed that the measures taken may gradually remedy the shortage.

175. The Committee of Experts considers the undertaking still partly fulfilled. It asks the authorities to provide updated information in the next periodical report on how the shortage of Gaelic teachers has been addressed.

***The Committee of Experts encourages the authorities to take measures to overcome the shortage of Gaelic teachers at all levels of education.***

#### **Article 10 - Administrative authorities and public services**

176. The Committee of Experts understands the undertaking under Paragraph 1 to concern central government administrative bodies present in Scotland. The Committee of Experts understands the undertakings under Paragraph 2 to concern the Scottish Executive as the regional authority and the councils as the local authorities.

177. The Gaelic Language Act empowers the Gaelic Language Board to request public authorities to develop language strategy plans. This affects the Scottish authorities, arm-length bodies, local authorities and public bodies which is relevant to most of the undertakings of Article 10 with regard to Scottish Gaelic.

##### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

- ...  
c. *to allow the administrative authorities to draft documents in a regional or minority language.*

178. In the third evaluation report the Committee of Experts considered the undertaking partly fulfilled. It requested information on concrete measures taken by the relevant UK authorities to encourage the use of Gaelic within state administrative bodies in Scotland.

179. In the fourth periodical report no further information was provided. Furthermore the Committee of Experts has not been made aware of any complaints..

180. The Committee of Experts is unable to conclude whether the undertaking is fulfilled, and encourages the authorities to provide additional information in their next periodical report about any action taken by the responsible UK authorities to inform their subsidiary bodies operating in Scotland that they are allowed to draft documents in Gaelic, and what measures have been taken to facilitate the drafting of documents in Gaelic.

##### **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

- a. *the use of regional or minority languages within the framework of the regional or local authority;*

181. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It requested information about the use of Scottish Gaelic in the Scottish Parliament, the Scottish Executive and local authorities.

182. The fourth periodical report informed about the agreement entered into by the Scottish Parliament, the Scottish Government, local authorities and Bòrd na Gàidhlig in conformity with their respective Gaelic Language Plans. Evidence has been given that Scottish Gaelic is used within the framework of the Scottish Parliament and Scottish Executive.

183. During the on-the-spot visit the Committee of Experts met representatives of Bòrd na Gàidhlig who emphasised the importance of the authorities thinking about Gaelic and bilingual services at the planning stage. This is relevant especially in the context of "single outcome agreements" produced by the Community

Planning Partnerships between various local authorities in particular between the Western Isles and the Highland Council. The use of Scottish Gaelic in local authorities is still patchy.

184. The Committee of Experts commends the authorities for the initiatives taken and the progress achieved in increasing the use of Scottish Gaelic in the Scottish Parliament, Scottish Executive and local authorities. It looks forward to receiving further information about the use of Gaelic in these bodies in the next periodical report. At present it considers that the undertaking is fulfilled for the Scottish Parliament and Scottish Executive and partly fulfilled for local authorities.

*b. the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

185. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled in relation to the Scottish Executive and authorities which have adopted Gaelic language plans, and encouraged the authorities to provide additional information in relation to other authorities referred to in the periodical report.

186. In the fourth periodical report the authorities stated that they are not aware of any restrictions on the submission of oral or written applications in Gaelic to authorities which have not adopted Gaelic language plans.

187. During the on-the-spot visit the Committee of Experts did not receive any complaints from the speakers about this undertaking.

188. The Committee of Experts considers that the undertaking is fulfilled.

*d. the publication by local authorities of their official documents also in the relevant regional or minority languages;*

189. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and encouraged the authorities to provide more precise, concrete and comprehensive information about the publication by local authorities of their official documents also in Gaelic in the next periodic report.

190. In the fourth periodical report the authorities stated that this is regulated by the commitments agreed between the authorities and Bòrd na Gàidhlig and contained in their Gaelic plans. However, no evidence of the implementation of the undertaking was provided, as requested by the Committee of Experts.

191. During the on-the-spot visit no complaints on this undertaking have been received by the Committee of Experts.

192. On the basis of the information received, the Committee of Experts concludes that this undertaking is partly fulfilled.

*f. the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

193. In the third evaluation report the Committee of Experts considered the undertaking fulfilled with regard to Comhairle nan Eilean Siar and partly fulfilled with regard to the Highland Council. It encouraged the other local councils to provide information regarding the use of Gaelic in their assemblies and therefore considered that the undertaking was not fulfilled.

194. No further information has been received. The Committee of Experts maintains its previous assessment that the undertaking is fulfilled with regard to Comhairle nan Eilean Siar, partly fulfilled with regard to the Highland Council and not fulfilled with regard to the other councils.

*g. the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

195. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It considered that additional information was needed about the implementation concerning the progress made with the replacement of English language signage by bilingual signage. Two local authorities, the Highland Council and Comhairle nan Eilean Siar, fulfilled the undertaking, other local authorities were asked to provide additional information on progress made.

196. In the fourth periodical report the authorities stated that these matters are largely regulated by Ainmean Aite na h-Alba, the Gaelic place names committee. Relevant local authorities and key interests are represented in this group. No information about the practical results has been made available.

197. The Committee of Experts maintains its previous assessment as to the fulfilment of this undertaking.

## Article 11 - Media

### Paragraph 1

*The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:*

- a to the extent that radio and television carry out a public service mission:
  - ...
  - ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;

198. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It seemed to the Committee of Experts that it was important that the Scottish Gaelic Language Digital TV Channel, BBC ALBA got a place on the TV platform Freeview together with other public service channels, and encouraged the authorities to take steps to achieve this.

199. BBC ALBA was launched on Freeview in 2010. This resulted in a dramatic boost of audience. There are now 622 hours of programmes per annum, mostly covering sport and music. The channel appears to be a success story.

200. During the on-the-spot visit the media representatives suggested that there should be some statutory basis for the Gaelic TV channel. It was felt that this will provide greater certainty for the future than the current arrangement.

201. The Committee of Experts considers the undertaking fulfilled.

## Article 12 - Cultural activities and facilities

### Paragraph 1

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

...

- e. to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;

202. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled, but asked for more information about Gaelic-speaking staff in the Scottish Arts Council.

203. In the fourth periodical report no additional information was provided by the authorities.

204. The Committee of Experts considers that the undertaking remains partly fulfilled at present and encourages the authorities to provide more comprehensive and concrete information about Gaelic-speaking staff in the Scottish Arts Council in the next periodical report.

### **3.2.3. The Irish language**

#### **Preliminary Issue**

205. The fourth periodical report contains no information on Irish in Northern Ireland with respect to those undertakings that related to devolved matters. In its assessment of the implementation of the following undertakings, the Committee of Experts has relied on written evidence received from NGOs and information received during the on-the-spot visit.

#### **Article 8 – Education**

##### **Preliminary Comment**

206. In the third evaluation report, the Committee of Experts was encouraged by the positive approach of the Department of Education in Northern Ireland to the recommendations made in its review of Irish-Medium education. The Committee of Experts hoped that the result will be a coherent strategy for education in Irish, across all stages of education and positive measures to implement it.

207. The fourth periodical report does not contain any information in this respect.

208. During the on-the-spot visit, representatives of the speakers said that the Review was welcomed by many in the Irish-speaking community as an opportunity, however limited, to meet some of the needs of the Irish-Medium education sector. Nevertheless, it was a matter of concern to the speakers that issues raised in the review had not been addressed on a systematic basis in the intervening period.

##### **Paragraph 1**

***With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:***"

##### **Pre-school education**

- a      i      to make available pre-school education in the relevant regional or minority languages; or**
- ii      to make available a substantial part of pre-school education in the relevant regional or minority languages; or**
- iii     to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient;**

209. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and encouraged the authorities to make efforts to improve the provision of Irish-Medium pre-school education.

210. The fourth periodical report does not contain any information concerning this undertaking. During the on-the-spot visit representatives of the Irish speakers drew attention to an instance when the establishment of an Irish-Medium pre-school had been refused because there were places available in English Medium pre-schools.

211. As a result, the Committee of Experts considers that the obstacles hampering an adequate offer of Irish-Medium pre-school education remain and that the undertaking is only partly fulfilled.

##### **Primary education**

- b      i      to make available primary education in the relevant regional or minority languages; or**
- ii      to make available a substantial part of primary education in the relevant regional or minority languages; or**
- iii     to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or**
- iv     to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;**

212. In the third evaluation report, the Committee of Experts considered that the undertaking was fulfilled, but that there was a need to plan strategically for the projected growth in demand, and in many cases to take

urgent action to improve the infrastructure, including the allocation of funds and the development of special educational needs provision for Irish-Medium primary education.

213. No information has been provided by the authorities in the fourth periodical report. The representatives of the speakers drew attention to the fact that in their view the developments required to promote Irish-Medium education under the 2009 review had not been implemented and there was still a need for proper resources, training and funding.

214. In light of the lack of information from the authorities and the critical remarks from the representatives of the speakers, the Committee of Experts is not in a position to conclude on the fulfilment of this undertaking. It urges the authorities to take concrete steps so that the growth in demand can be met and to report on the situation in the next periodical report.

### ***Secondary education***

- c i to make available secondary education in the relevant regional or minority languages; or*
- ii to make available a substantial part of secondary education in the relevant regional or minority languages; or*
- iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or*
- iv to apply one of the measures provident for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;*

215. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled, in light of the fact that there was in some cases insufficient provision to meet the demand.

216. No information was provided by the authorities in the fourth periodical report. During the on-the-spot visit the Irish language organisations expressed concerns that within the Department of Education there was a reluctance to facilitate and encourage Irish-Medium education, especially at secondary level, in a way which might lead to the creation of more free-standing Irish-Medium schools.

217. Furthermore, the Irish language organisations confirmed the lack of adequate teaching materials and the shortage of qualified teachers as a recurring challenge to be met by the authorities and the relevant NGOs.

218. The Committee of Experts also received information about the successful judicial review case relating to transport to the Irish-Medium secondary school Coláiste Feirste, brought against the Department of Education which had refused to provide free school transport. Despite winning the case, however, Coláiste Feirste still suffers from lack of free school transport.

219. The Committee of Experts concludes that the undertaking remains partly fulfilled and encourages the authorities to strengthen the position of Irish-Medium secondary education including providing free school transport.

### ***Basic and further training of teachers***

- h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;*

220. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled and encouraged the authorities to secure a supply of teachers to meet the demand for Irish-Medium education.

221. During the on-the-spot visit the Irish language organisations brought to the attention of the Committee of Experts the information that the need for teacher training remains a matter of concern especially at secondary level. In addition, many schools have reported a reduction of the number of teachers dedicated to the teaching of Irish in their schools.

222. The Committee of Experts concludes that the undertaking remains partly fulfilled. It encourages the authorities to strengthen their efforts to overcome the shortage of teachers for specialist subjects in secondary education.

## **Article 9 – Judicial authorities**

### **Paragraph 3**

*The Parties undertake to make available in the regional or minority languages the most important national statutory texts and those relating particularly to users of these languages, unless they are otherwise provided.*

223. In the third evaluation report, the Committee of Experts asked the authorities to comment on complaints from NGOs that besides the three statutory texts mentioned during the first monitoring round, no further statutory texts had been made available in Irish.

224. No information has been provided by the authorities in this monitoring round. The Committee of Experts has been made aware that in February 2011 representatives of the speakers wrote to the Department of Justice and also contacted it through the departmental website to make an application for the following texts in Irish: The St Andrews Act 2006 and the Administration of Justice (Language) Act (Ireland). A copy of this request was also sent to the Northern Ireland Courts Service. The NGO concerned has no record of any response at all to these requests and has not been made aware that any additional texts other than those available on the DCAL website have been translated into Irish in the entire period since the ratification of the Charter by the UK in 2001.

225. The Committee of Experts presumes that no further texts have been translated into Irish and considers the undertaking not fulfilled.

## **Article 10 - Administrative authorities and public services**

### **Paragraph 1**

*Within the administrative districts of the State in which the number of residents who are users of regional or minority languages justifies the measures specified below and according to the situation of each language, the Parties undertake, as far as this is reasonably possible:*

a. ...

iv. *to ensure that users of regional or minority languages may submit oral or written applications in these languages; or*

226. In the third evaluation report the Committee of Experts considered that the undertaking was partly fulfilled.

227. No information was provided in the fourth periodical report. According to the comprehensive information provided by the representatives of the Irish speakers to the Committee of Experts, written communication with government departments in Irish receives replies. It does not appear, however, that a systematic approach to handling oral applications in Irish has been introduced across the Northern Ireland administration, and consequently in most cases even the minimum standards required by the Code of Courtesy on the use of Irish and Ulster Scots (see paragraph 354 of the third evaluation report) are not met.

228. The Committee of Experts nevertheless concludes that the undertaking remains partly fulfilled.

c. *to allow the administrative authorities to draft documents in a regional or minority language.*

229. In the third evaluation report, the Committee of Experts revised its previous conclusions and considered the undertaking partly fulfilled because it had been told by representatives of Northern Ireland departments that an increased number and variety of forms were available, but it remained a matter of ministerial discretion as to how much use was made of Irish by individual departments.

230. No information has been made available in the fourth periodical report. Representatives of certain local authorities reported during the on-the-spot visit on their regular use of Irish. Representatives of the speakers nevertheless drew the Committee's attention to the continued patchy use of Irish pursuant to this undertaking.

231. The Committee of Experts concludes that the undertaking remains partly fulfilled.

## **Paragraph 2**

*In respect of the local and regional authorities on whose territory the number of residents who are users of regional or minority languages is such as to justify the measures specified below, the Parties undertake to allow and/or encourage:*

...

- b. *the possibility for users of regional or minority languages to submit oral or written applications in these languages;*

232. In the third evaluation report the Committee of Experts considered the undertaking partly fulfilled. It welcomed the employment of Irish Language Officers, whose duties are to promote Irish within their respective councils.

233. No information has been provided by the authorities in the fourth periodical report. During the on-the-spot visit the Committee of Experts was made aware by Irish Language NGOs that written applications for information in Irish were ignored by 12 of 26 councils contacted. As for oral communication only one council was able to deal with these in Irish.

234. The Committee of Experts concludes that the undertaking remains partly fulfilled.

- e *the use by regional authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

235. In the third evaluation report, the Committee of Experts, while finding the undertaking fulfilled, noted with alarm that hostile and disparaging remarks about the Irish language and its use were made by some members of the Assembly during debates. The Committee of Experts emphasised the crucial importance of the continued freedom to use Irish within the democratic framework of Northern Ireland.

236. During the on-the-spot visit the Committee of Experts has been made aware of a persisting hostile climate concerning the use of the Irish language. Information about attacks upon the Irish language was given by certain politicians within the Assembly.

237. Under the system which has been in place in the Northern Ireland Assembly since 2000, members wishing to use Irish must self-translate. Although there is a simultaneous translation system in the debating chamber, headsets are only provided to the Speaker of the House. According to Irish Language NGOs a Member of the Legislative Assembly was told he would not be called to speak in the Assembly chamber for some time after he was accused of speaking in Irish for “too long” without giving a translation.

238. Based on the information received the Committee of Experts revises its conclusion and now considers that the undertaking is only partly fulfilled.

**The Committee of Experts encourages the relevant authorities to introduce a system of simultaneous translation which facilitates the full use of Irish in the Northern Ireland Assembly.**

- f. *the use by local authorities of regional or minority languages in debates in their assemblies, without excluding, however, the use of the official language(s) of the State;*

239. In the third evaluation report, the Committee of Experts did not form any conclusion in respect of this undertaking. It urged the authorities to provide more detailed information about the possibility to use Irish in local assemblies.

240. No information was provided in the fourth periodical report by the authorities.

241. During the on-the-spot visit the Irish language organisations informed the Committee about the use of Irish in council meetings. According to this information, although in a number of areas Irish-speaking council members can use some amount of Irish during meetings, it is frequently confined to greetings or titles rather than used as a regular part of substantive discussion or proceedings. Two councils (Derry City Council and Newry and Mourne Council) have simultaneous translation equipment and Belfast City Council has facilitated the use of Irish in a committee meeting through consecutive interpretation.

242. In light of the information received, the Committee of Experts concludes that the undertaking is partly fulfilled.

- g. *the use or adoption, if necessary in conjunction with the name in the official language(s), of traditional and correct forms of place-names in regional or minority languages.*

243. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It was informed of persisting difficulties encountered by certain local authorities to introduce bilingual language signs and street naming.

244. During the on-the-spot visit the Committee of Experts was informed of considerable problems of delay and obstruction in dealing with requests for bilingual street names. It was informed that in January 2011, the Minister for Regional Development (DRD) published draft proposals for consultation on the use of Irish and of Ulster Scots on some public signs. The consultation document stated that it was being issued in line with the DRD's obligations under the European Charter for Regional or Minority Languages and was intended to facilitate the introduction of a variety of signs in English and Irish or Ulster-Scots. Under the draft proposals, signs would have to be requested by a 'promoter' through their local District Council. Following a change of Minister however, it was eventually announced that it had been decided not to 'provide bilingual traffic signs.'

245. Irish Language NGOs also reported that the Northern Ireland Tourist Board has repeatedly refused bilingual (English-Irish) tourist signage, even in areas where this has been requested and supported by the local Council.

246. The Committee of Experts considers the undertaking partly fulfilled and urges the authorities to provide concrete and detailed information regarding the reported decisions by the DRD Minister not to introduce bilingual signage, and the refusal of the Tourist Board to do so, which appear to be an infringement of the Charter.

### **Paragraph 3**

*With regard to public services provided by the administrative authorities or other persons acting on their behalf, the Parties undertake, within the territory in which regional or minority languages are used, in accordance with the situation of each language and as far as this is reasonably possible:*

...

- c. *to allow users of regional or minority languages to submit a request in these languages.*

247. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It requested that further information should be provided in respect of compliance with this undertaking by administrative authorities which supply public services, such as Health Trusts.

248. No information has been provided during the fourth monitoring round.

249. The Committee of Experts considers this undertaking partly fulfilled.

### **Paragraph 4**

*With a view to putting into effect those provisions of paragraphs 1, 2 and 3 accepted by them, the Parties undertake to take one or more of the following measures:*

- a. *translation or interpretation as may be required;*

250. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled with regard to the Northern Ireland Assembly, but partly fulfilled otherwise. It requested the availability of simultaneous interpretation with respect to use of the Irish language in the Northern Ireland Assembly.

251. The Committee of Experts refers to the unsatisfactory situation in the Northern Ireland Assembly (see paragraph 243 above).

252. The Committee considers the undertaking remains not fulfilled with regard to the Northern Ireland Assembly, and partly fulfilled in other institutions.

## **Article 11 - Media**

253. In the third evaluation report, the Committee reported that "the Committee's attention has been drawn to the anomaly that two significant legal documents which provide for broadcasting across the UK, the Communications Act and the BBC's Royal Charter, make no mention at all of Irish, while containing provisions relating to both Welsh and Scottish Gaelic. The UK authorities were unable to offer an explanation for this. The Committee of Experts asked the authorities to provide an explanation in the next periodical report". Unfortunately no further information has been received.

### **Paragraph 1**

***The Parties undertake, for the users of the regional or minority languages within the territories in which those languages are spoken, according to the situation of each language, to the extent that the public authorities, directly or indirectly, are competent, have power or play a role in this field, and respecting the principle of the independence and autonomy of the media:***

**a to the extent that radio and television carry out a public service mission:**

...

**iii to make adequate provision so that broadcasters offer programmes in the regional or minority languages;**

254. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled. It encouraged the UK authorities to find a lasting and sustainable solution to the funding of Irish television broadcasting.

255. During the on-the-spot visit the Committee of Experts was informed that the Irish Language Broadcast Fund (ILBF) was established. It should receive funding of £3 million per year over a four year period from 2011 to 2015. The representatives of the speakers raised the issue that there is no guarantee of continued funding after this period. The lack of certainty is a source of considerable concern.

256. In the fourth periodical report the Committee of Experts was informed that as a result of significant investment in infrastructure and close collaboration between the UK and Irish governments, the broadcasters themselves and regulators, over 90% of viewers in Northern Ireland can now receive TG4. This represents a substantial increase in coverage. The Committee of Experts commends this excellent example of good cooperation for the benefit of Irish.

257. The Committee of Experts concludes that the undertaking remains fulfilled, but encourages the authorities to provide a lasting and sustainable solution to the funding of Irish television broadcasting.

**b ...**

**ii to encourage and/or facilitate the broadcasting of radio programmes in the regional or minority languages on a regular basis"**

258. In the third evaluation report, the Committee of Experts considered the undertaking fulfilled.

259. During the on-the-spot visit the Committee of Experts was informed that Northern Ireland's only Irish language community radio station, Raidió Fáilte, had been granted a further 5 year extension on its broadcasting licence to 2016, by Ofcom. However, despite demand outside of the Greater Belfast area, the 5 km radius of broadcasting was not extended. Raidió Fáilte is in receipt of funding from the ILBF for Radio Training.

260. The undertaking continues to be fulfilled. The Committee of Experts encourages the authorities to look into the possibility of extending the range of broadcasting.

**e i to encourage and/or facilitate the creation and/or maintenance of at least one newspaper in the regional or minority languages;**

261. In the third evaluation round, the Committee of Experts was not in a position to conclude on this matter, as it was awaiting information about the outcome of a public tender.

262. As the Committee of Experts understands the situation, there is currently no newspaper in Irish which meets this undertaking. The undertaking is not fulfilled.

f ...

- ii to apply existing measures for financial assistance also to audiovisual productions in the regional or minority languages;*

263. The Committee of Experts notes that this undertaking relates to ensuring that funds generally available for audio-visual productions are available for productions in Irish. The Committee has asked the UK authorities to provide such information. As a result of receiving no reply in the third evaluation report, the Committee of Experts considered this undertaking not fulfilled.

264. According to the information provided in the fourth periodical report, the UK Government announced in 2010 that it would continue to provide £3m per annum funding to the Irish Language Broadcasting Fund until 2014/15 in recognition of the contribution the Fund makes to the promotion and development of the Irish language, as well as the associated benefits for the creative industries in Northern Ireland.

265. The Committee of Experts commends the authorities for their commitment. However, it points out that the ILBF is not a fund generally available and is therefore not covered by this undertaking. Consequently this undertaking remains not fulfilled.

## **Article 12 - Cultural activities and facilities**

### **Paragraph 1**

*With regard to cultural activities and facilities - especially libraries, video libraries, cultural centres, museums, archives, academies, theatres and cinemas, as well as literary work and film production, vernacular forms of cultural expression, festivals and the culture industries, including inter alia the use of new technologies - the Parties undertake, within the territory in which such languages are used and to the extent that the public authorities are competent, have power or play a role in this field:*

- e. *to promote measures to ensure that the bodies responsible for organising or supporting cultural activities have at their disposal staff who have a full command of the regional or minority language concerned, as well as of the language(s) of the rest of the population;*

266. In the third evaluation report, the Committee of Experts considered the undertaking partly fulfilled. It urged the authorities to provide the requested information about the Arts Council staff being in full command of Irish.

267. No such information has been received so the Committee of Experts considers the undertaking still partly fulfilled.

### **Paragraph 3**

*The Parties undertake to make appropriate provision, in pursuing their cultural policy abroad, for regional or minority languages and the cultures they reflect.*

- 268. In the third evaluation report, the Committee of Experts considered the undertaking not fulfilled.
- 269. No information has been received.
- 270. The Committee considers that the undertaking is still not fulfilled.

## **Chapter 4 Findings of the Committee of Experts in the fourth monitoring cycle**

A. The Committee of Experts appreciates the good co-operation with the UK authorities with regard to the preparation and organisation of the on-the-spot visit. However, the Committee of Experts regrets the fact that the fourth periodical report was submitted ten months after it was due, and did not contain any information on devolved matters in Northern Ireland relevant to Irish and Ulster Scots. On the other hand, in relation to all other regional or minority languages in the UK, the report responded, on the whole, comprehensively to the information requested by the Committee of Experts.

B. The Welsh Assembly Government continues to show a strong commitment to the promotion of Welsh. New legislation has abolished the Welsh Language Board, and replaced it with the Welsh Language Commissioner, who will operate under a strong but considerably more complex regulatory regime. The Welsh Language Board's functions in relation to the promotion of the Welsh Language are now largely exercised by the Welsh Government, which has taken up new initiatives and maintained commendable financial support for the language.

C. In Scotland, the increased support from the authorities towards both Scottish Gaelic and Scots has continued. The Gaelic Language Board has published its second National Gaelic Language Plan for the period 2012 to 2017. The Scots Language Ministerial Working Group published its report and recommendations in November 2010.

D. In Northern Ireland, the difficulties regarding the promotion of Irish and Ulster Scots observed in the previous monitoring round have continued, especially in the case of Irish. There is still no legislative basis for the use of Irish due to the lack of political support. Unjustified restrictions on the use of Irish in some fields covered by the Charter, including in courts, still persist.

E. The recent census figures have revealed a drop in the number and percentage of Welsh speakers, including a worrying decline in some of the traditional strongholds. This is a source of great concern to the speakers, and in many cases presents a threat to the viability of Welsh as a living community language. Nevertheless, the situation of the Welsh language continues to be relatively strong and the authorities continue to provide examples of good practice. The provision of Welsh-medium education remains overall good, especially at primary level. The funding and other initiatives of y Coleg Cymraeg Cenedlaethol have led to positive outcomes in the use of Welsh in Higher Education. The use of Welsh in courts and in culture remains good overall. In media, the Welsh Television channel S4C has suffered a 24% cut in its funding. New funding arrangements involving the BBC have been established, but these lack the long-term certainty offered by the previous statutory funding model. In the field of health and social care, commendable initiatives have been taken, but much remains to be done with regard to services in Welsh.

F. Scottish Gaelic remains an endangered language. In education, while certain initiatives have been taken, and there is clearly much support from the authorities, the position of the language remains fragile, especially with regard to the shortage of teachers, teaching materials and appropriate school buildings. Too much still relies on the goodwill of teachers. In the field of administration, further Gaelic language plans have been adopted. The Gaelic television channel BBC Alba has been a great success.

G. Regarding the situation of Irish, many of the difficulties detected in the last monitoring round persist. The Committee's work has been hampered by a lack of information from the authorities, but it seems that even in the field of education, little has been done to implement the recommendations of the review of Irish-medium education referred to in the previous monitoring round. In the field of administration, the provision as a whole appears unsatisfactory and difficult to assess due to the lack of information provided. There are problems related to the use of Irish in the Northern Ireland Assembly. In media, while the funding of the Irish Language Broadcasting Fund remains uncertain, the collaboration with TG4 has led to a considerable improvement in the availability of Irish language television broadcasting in Northern Ireland. Regulatory complications continue to hamper the wider availability of Irish-language radio broadcasting. In Northern Ireland no Irish language newspaper is published.

H. With regard to Scots, further positive developments can be noted. The question on the knowledge of this language was included in the 2011 census. A number of measures have been taken for the benefit of the language and its public recognition and respect. Scottish Studies is being developed by the Scottish Government as part of the curriculum.

I. Ulster Scots still remains absent from public life. However, the Ulster-Scots Agency undertook measures to broaden the acceptance and the use of Ulster-Scots in everyday life. There is a need for qualified teachers in order to be able to revitalise Ulster-Scots within mainstream society. A new Ulster-Scots Broadcasting Fund was established in 2010.

J. The Cornish Language Partnership remains the main actor for the promotion and revitalisation of Cornish, but its public presence is still marginal. The establishment of the unitary authority, the Cornwall Council, strengthened the position of Cornish. However, the central funding provided by the UK authorities may cease as part of the efforts to make savings in public expenditure and this may have negative effects on the attempts to effectively reverse the language shift. The language is used in pre-school and there is a continuing and growing demand for the use of Cornish in primary education, which is met by the use of community educators and a resource pack that enables teachers to organise a basic programme. The provision of adult classes has remained steady.

K. The Manx language continues to be strongly supported by the Manx government. There are good initiatives supporting, in particular, education and media. Various public activities promote the use of Manx in public, including new social media and the internet.

L. There is still a need to raise the awareness of the English-speaking majority population about the UK's regional or minority languages as an integral part of the UK's cultural heritage, especially in education and media.

The UK government was invited to comment on the content of this report in accordance with Article 16.3 of the Charter. The comments received are attached in Appendix II.

On the basis of this report and its findings the Committee of Experts submitted its proposals to the Committee of Ministers for recommendations to be addressed to the United Kingdom. At the same time it emphasised the need for the authorities of the United Kingdom to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 1188<sup>th</sup> meeting on 15 January 2014, the Committee of Ministers adopted its Recommendation addressed to the United Kingdom, which is set out in Part B of this document.

## **Appendix I: Instrument of Ratification**



**United Kingdom :**

***Declaration contained in a Note Verbale from the Foreign and Commonwealth Office of the United Kingdom, handed at the time of deposit of the instrument of ratification on 27 March 2001 - Or. Engl.***

*The United Kingdom declares that the Charter applies to mainland Britain and Northern Ireland.*

**Period covered: 01/07/01 -**

*The preceding statement concerns Article(s): 1*

***Declaration contained in a Note Verbale from the Foreign and Commonwealth Office of the United Kingdom, handed at the time of deposit of the instrument of ratification on 27 March 2001 - Or. Engl.***

a) *The United Kingdom declares, in accordance with Article 2, paragraph 2 and Article 3, paragraph 1, of the Charter that it will apply the following provisions for the purposes of Part III of the Charter to Welsh, Scottish-Gaelic and Irish.*

### **Welsh – 52 paragraphs**

Article 8: Education

Paragraphs 1a (i) 1b (i) 1c (i) 1d(iv) 1e (iii) 1f (ii) 1g 1h 1i

Total: 9

Article 9: Judicial authorities

Paragraphs 1a (ii) 1a (iii) 1b (ii) 1b (iii) 1c (ii) 1c (iii) 1d 2b

Total: 8

Article 10: Administrative authorities and public services

Paragraphs 1a (i) 1b 1c 2a 2b 2c 2d 2e 2f 2g 3a 4a 4b 5

Total: 14

Article 11: Media

Paragraphs 1a (i) 1d 1e (i) 1f (ii) 2 3

Total: 6

Article 12: Cultural activities and facilities

Paragraphs 1a 1b 1c 1d 1e 1f 1g 1h 2 3

Total: 10

Article 13: Economic and social life

Paragraphs 1a 1c 2b 2c 2e

Total: 5

### **Scottish-Gaelic – 39 paragraphs**

Article 8: Education

Paragraphs 1a (i) 1b (i) 1c (i) 1d(iv) 1e (iii) 1f (iii) 1g 1h 1i 2

Total: 10

Article 9: Judicial authorities

Paragraph 1b (iii)

Total: 1

Article 10: Administrative authorities and public services

Paragraphs 1c 2a 2b 2d 2e 2f 2g 5

Total: 8

Article 11: Media

Paragraphs 1a (ii) 1b (ii) 1c (ii) 1d 1e (ii) 1f (ii) 1g 2

Total: 8

Article 12: Cultural activities and facilities

Paragraphs 1a 1d 1e 1f 1g 1h 2 3

Total: 8

Article 13: Economic and social life

Paragraphs 1a 1c

Total: 2

Article 14: Transfrontier exchanges

Paragraphs a b

Total: 2

**Irish – 30 paragraphs relating to matters which are the responsibility of the devolved administration in Northern Ireland**

Article 8: Education

Paragraphs 1a (iii) 1b (iv) 1c (iv) 1d(iv) 1e (iii) 1f (ii) 1g 1h

Total: 8

Article 9: Judicial authorities

Paragraph 3

Total: 1

Article 10: Administrative authorities and public services

Paragraphs 1a (iv) 1c 2b 2e 2f 2g 3c 4a 5

Total: 9

Article 11: Media

Paragraphs 1d 1e (i) 1f (ii) 1g

Total: 4

Article 12: Cultural activities and facilities

Paragraphs 1a 1d 1e 1f 1h 2 3

Total: 7

Article 13: Economic and social life

Paragraph 1d

Total: 1

**Irish – 6 paragraphs relating to matters which are the responsibility of the UK government in Northern Ireland**

Article 8: Education

Paragraph 2

Total: 1

Article 11: Media

Paragraphs 1a (iii) 1b (ii) 2

Total: 3

Article 14: Transfrontier exchanges

Paragraphs a b

Total: 2

**(Total of 36 paragraphs overall)**

*b) The United Kingdom declares, in accordance with Article 2, paragraph 1 of the Charter that it recognises that Scots and Ulster Scots meet the Charter's definition of a regional or minority language for the purposes of Part II of the Charter.*

**Period covered: 01/07/01 -**

The preceding statement concerns Article(s): 2, 3

***Declaration contained in a letter from the Permanent Representative of the United Kingdom, dated 11 March 2003 and registered at the Secretariat General on 18 March 2003 - Or. Engl.***

*The United Kingdom declares, in accordance with Article 2, paragraph 1, of the Charter that it recognises that Cornish meets the Charter's definition of a regional or minority language for the purposes of Part II of the Charter.*

**Period covered: 18/03/03 -**

The preceding statement concerns Article(s): 2

***Declaration contained in a letter from the Permanent Representative of the United Kingdom, dated 22 April 2003 and registered at the Secretariat General on 23 April 2003 - Or. Engl.***

*The Government of the United Kingdom declares that the Charter should extend to the Isle of Man, being a territory for whose international relations the Government of the United Kingdom is responsible.*

**Period covered: 23/04/03 -**

The preceding statement concerns Article(s): 1

***Declaration contained in a letter from the Permanent Representative of the United Kingdom, dated 22 April 2003 and registered at the Secretariat General on 23 April 2003 - Or. Engl.***

*As a consequence of the extension of the Charter to the Isle of Man, the Manx Gaelic language will be a "regional or minority language" for the purposes of the Charter and accordingly Part II of the Charter will henceforth apply to the Manx Gaelic language.*

**Period covered: 23/04/03 -**

## **Appendix II: Comments from the UK authorities**

### **UK Government comments – Feedback from devolved administrations and departments involved**

The United Kingdom Government thanks the Committee of Experts for its report and takes note of the recommendations. As the Committee of Ministers will be aware, devolved powers were formally transferred from the UK government to the devolved administrations in Scotland and Wales on 1 July 1999 and in Northern Ireland on 2 December 1999. There are therefore three devolved administrations which, along with the UK Government, are responsible for implementing the provisions of the Charter in the United Kingdom. The Charter has been also extended to the Isle of Man, a Dependency of the British Crown, which has its own parliament and legislature. The Foreign & Commonwealth Office is responsible for submitting the triennial state reports, and for submitting comments on the evaluation reports of the Council of Europe. The following comments have been received from the relevant administrations.

The regional or minority languages covered under the Charter in the UK are 1) Welsh, 2) Scottish Gaelic, 3) Irish, 4) Scots, 5) Ulster Scots and 6) Cornish. 7) Manx Gaelic in the Isle of Man is also covered under the Charter.

#### **Irish and Ulster Scots**

The difficulties experienced by the UK Government in obtaining comprehensive input from the devolved administration in Northern Ireland in relation to the compilation of the Report have already been explained to members of the Committee of Experts.

The UK Government hopes that the pressure we have exerted, and will continue to exert, with the aim of ensuring the Northern Ireland Executive provide input is understood. However, while the Committee's frustration at the lack of comprehensive information relating to Northern Ireland is appreciated, the UK Government cannot – and will not – act unilaterally when responsibility rests properly with one of the UK's devolved administrations.

The UK Government takes its responsibilities in relation to language promotion and development seriously, but needs to balance that with recognition of the boundaries of the devolution settlement. Our commitment to the importance of respect, understanding and tolerance in relation to linguistic diversity has, we believe, been demonstrated in relation to non-devolved policy areas, including broadcasting infrastructure.

It is an important feature of the political settlement in Northern Ireland that difficult or divisive issues are taken forward through agreement between the Northern Ireland political parties. The UK Government requests that the Committee of Experts, and the Council in finalising its recommendations, remains cognisant of the wider context in which these issues exist.

#### **Welsh**

Comments on paragraphs 127-130

Digital TV Switchover

Some context

On 31 March 2010, Wales became the first nation in the UK to switch completely to digital television.

Along with the 9 sites already transmitting digital terrestrial television (DTT) in Wales, the remaining 197 relays have now been converted to digital transmission as per the agreed switchover plan. Coverage for DTT in Wales (Freeview) increased at switchover from 57% to 97.7% of households for the three public service multiplexes, carried by all the transmitters in Wales and providing around 20 television channels, including the BBC and ITV services, Channel 4, S4C and Five.

The three commercial multiplexes continue to be broadcast from ten sites, with full six-multiplex coverage available to around 71% of households in Wales, where reception of up to 40 television channels will be possible.

2.3% of Welsh households (around 25,000 households or 60,000 people) are not served by the Wales based transmitter network because of mountains between them and Welsh-based transmitters. The vast majority of these switched to digital satellite either before or during switchover although some will be receiving English DTT services by necessity or choice.

Digital Switchover is widely regarded as being very successful throughout the UK, including Wales, and virtually all consumers completed switchover successfully. The Switchover Help Scheme has helped over 1 million vulnerable people through Digital Switchover and completed 82,855 installations in Wales. 18.7% received a full aerial upgrade and 3.1% had Free Sat (The UK's Free to View Satellite platform owned by the BBC and ITV and covering 6% - 1.8m homes) installed as part of the scheme. A higher proportion of users in Wales got help with installation/needed satellite to ensure a continuity of services. Virtually everyone in Wales has now access to S4C and BBC Wales on Digital TV.

### Radio

Radio switchover is some way away – and we have made public commitments that DAB coverage will match BBC national services and commercial services carried on the national Commercial Multiplex. “Full coverage” as implied in the report impossible at any sensible economic cost. No digital broadcast platform (and most analogue platforms) cannot achieve 100% coverage (with the possible exception of long-wave). We are also committed to building out the local DAB tier to 90% before making a decision and with the BBC have committed £14m to support the roll out of local DAB. The broadcasters and Ofcom have developed a plan for how this can be done but no decisions have been made as it is tied up with decisions on a possible digital radio switchover.

There are not 10 national DAB multiplexes. There are two (at the moment) and a local DAB tier.

BBC Radio Cymru is available on-line and Digital TV as well as FM; Cyrmru's FM coverage is very high (well above 95% for good coverage higher still for adequate coverage) – aware that there are calls to go further but it makes no sense for the BBC to invest now in more analogue to extend coverage further particularly as there are other platform options.

### TG4

The report ignores the fact that we contribute c£250,000 per annum to support the carriage of TG4 an Irish Gaelic Channel in Northern Ireland on Digital Terrestrial. The new service, the result of agreements between the UK and the ROI, started in October 2012.

#### Para 131:

In the subsequent Spending Review of June 2013, UK Government maintained S4C's funding at its current level into 2015-16, demonstrating its commitment to Welsh language broadcasting, and minority language broadcasting as a whole (as further evidenced by the additional funding of £1million for MG Alba in Scotland). Maintaining this funding level provided S4C with a favourable outcome compared with many other major arm's-length bodies in the spending review process. Additionally, the UK government, S4C and the BBC have agreed to bring forward legislative changes (to S4C's statutory obligations), in order to enable S4C to act with greater freedom and flexibility in terms of its commercial activities – bringing it more into line with Channel 4, its English-language equivalent, and enabling S4C to pursue commercial opportunities more quickly and flexibly.

#### Para 199:

In the June 2013 spending review, the UK government announced a further £1 million of funding for ALBA, taking the channel's overall budget to approximately £15million per annum. (Detail here: <http://www.allmediascotland.com/media-releases/51499/mg-alba-welcomes-additional-1-million-investment-for-gaelic-broadcasting/>)

#### Para 4.1 E

S4C received a favourable settlement in the June 2013 spending review by comparison with other publicly funded bodies, many of which received significant cuts to their exchequer funding; by contrast, S4C funding was maintained at its present level into 2016.

#### Para 4.1 F

Alba has received a further £1 million of funding from the UK government in the June 2013 spending review.

### **Scottish Gaelic**

The Scottish Government would thank the Committee of Experts for their visit and for the draft Report on their findings and recommendations. The visit, combined with the Committee's detailed knowledge and scrutiny of minority language matters is very welcome. There are a few pieces of updated information which we would like to offer to the committee and these are attached below under the relevant headings.

We would also like to take this opportunity to respond to the draft Report by providing updates and further information on some of the points raised. [See also under Scots].

#### Chapter 2, Recommendation no 1, 16

In relation to the need for Gaelic teachers, a range of initiatives are in place with other planned. There is a full time teacher recruitment officer working at Bòrd na Gàidhlig, there has been a campaign of advertising to promote Gaelic teaching, there are distance learning and part-time routes into Gaelic teaching, there are initiatives in place and planned to encourage teachers to transfer to Gaelic teaching, increased places have been made available within the higher education sector and a new HE course is planned which would be a full degree combining Gaelic language learning, teacher education and related subjects.

#### Part 3, Article 8, No 142

Please see link to statistical information below.

<http://www.gaidhlig.org.uk/Downloads/Gaelic%20Education%20Data%202011-12.pdf>

#### Part 3, Article 8, Paragraph 1b, No 152

The Scottish Government, through the Management Review Group of local authorities in receipt of Gaelic Specific Grant, has established a GLPS Focus Group. This group will consider the successes and challenges faced by GLPS and will develop a strategy to improve, strengthen, improve consistency and ensure continuity and progression.

#### Part 3, Article 8, Paragraph e, iii, No 166

It is the universities of Aberdeen, Strathclyde and Highlands and Islands that provide Gaelic teacher education. Degrees in Gaelic, undergraduate and postgraduate, can be taken at these universities and at other Scottish universities such as Glasgow and Edinburgh.

#### Part 3, Article 12, Paragraph 1, No 204

The Scottish Arts Council has merged with Scottish Screen to form the new body, Creative Scotland or in Gaelic, Alba Chruthachail. They have appointed a Gaelic arts officer and established a small fund to support Gaelic projects. This is in addition to other Gaelic funding provided for bodies such as Feisean nan Gàidheal.

#### Cornish

The UK authorities, particularly the Department for Communities and Local Government, are continuing discussions with the Cornish Language Partnership on ways of supporting the Cornish language.

#### Scots

#### Chapter 3, Paragraph 1f, No 64

In their report, the Committee of Experts mention that there is no recent Scots Grammar Book. Scottish Language Dictionaries published the 'Modren Scots Grammar' in 2012. This grammar book is for use at home and in the classroom and provides the underlying principles of grammar.

#### Chapter 3, Paragraph g, No 68

The Committee of Experts may be interested to note that Education Scotland will shortly be advertising positions for a network of Scots language co-ordinators. We understand that there will be up to 8 posts located across Scotland. The co-ordinators will work with education authorities and schools to provide support in developing learning, teaching and assessment of the Scots language.

## **Manx Gaelic**

The Manx Language Officer in the Department of Education and Children found a number of significant errors in the report.

Page 11, paragraph 61:

*On leaving the Bunscoill, children have the opportunity to learn three subjects through Manx at the secondary school within whose catchment area the Bunscoill lies. At two of the five secondary schools, Manx is an optional timetabled subject for children in the 11-14 year old age group. Examination assessed courses, at general and advanced level (GCSE and A-level) in the language are available to all pupils, although in some schools these are studied as an extracurricular subject. In addition to teaching, Yn Unnid Gaelgagh/Manx Language Unit prepares resources including language courses, story books, computer-based teaching materials and games for use in all schools.*

*Should read:*

On leaving the Bunscoill, children have the opportunity to learn **two** subjects through Manx at the secondary school within whose catchment area the Bunscoill lies. **Manx is an optional time-tabled subject in the 7 - 11 year old age group at all primary schools.** At **four** of the five secondary schools, Manx is an optional timetabled subject in the 11-14 year old age group, **in the remaining state school Manx may be studied as an extracurricular subject. Manx is available is an optional timetabled subject at all secondary schools in the 14 - 18 year old age group.** Examination assessed courses, at general and advanced level (GCSE and A-level) in the language are available to all pupils. In addition to teaching and assessing pupils the Manx Language Unit prepares resources including language courses, story books, computer-based teaching materials and games for use in all schools.

Page 11 (paragraph 62)

*a second secondary school*

should read:

**a second primary school.**

**B. Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the United Kingdom**

**Recommendation CM/RecChL(2014)3  
of the Committee of Ministers  
on the application of the European Charter for Regional or Minority Languages  
by the United Kingdom**

*(Adopted by the Committee of Ministers on 15 January 2014  
at the 1188th meeting of the Ministers' Deputies)*

The Committee of Ministers,

In accordance with Article 16 of the European Charter for Regional or Minority Languages;

Having regard to the declarations submitted by the United Kingdom on 27 March 2001, 11 March 2003 and 22 April 2003;

Having taken note of the evaluation made by the Committee of Experts of the Charter with respect to the application of the Charter by the United Kingdom;

Bearing in mind that this evaluation is based on information submitted by the United Kingdom in its fourth periodical report, information submitted by bodies and associations legally established in the United Kingdom and the information obtained by the Committee of Experts during its on-the-spot visit,

Having taken note of the comments made by the authorities of the United Kingdom on the contents of the Committee of Experts' report;

Recommends that the authorities of the United Kingdom take account of all the observations and recommendations of the Committee of Experts and, as a matter of priority:

1. continue taking measures to strengthen Scottish Gaelic education, especially through the training of teachers and the production of teaching and learning materials;
2. adopt and implement a comprehensive Irish language policy, preferably through the adoption of legislation providing statutory rights for the Irish speakers;
3. take concrete steps to further increase the use of Welsh in health and social care;
4. strengthen its support for the work done by the Ulster Scots Agency and take measures to establish the teaching of Ulster Scots;
5. establish and maintain support from central government for the Cornish language;
6. ensure that the present cuts in public spending do not have a disproportionate effect on the protection and promotion of minority languages.