



Strasbourg, 24 March 2004

ECRML (2004) 1

EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN THE UNITED KINGDOM

- 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 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 15.1, an outline for subsequent 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 could decide to address to one or more Parties, as may be required.

CONTENTS

A.	Report of the Committee of Experts on the application of the Charter in the United Kingdom.....	4
	Chapter 1. Background information	4
1.1.	The Charter's ratification by the United Kingdom	4
1.2	The work of the Committee of Experts	4
1.3.	Presentation of the regional or minority language situation in the United Kingdom .	5
	1.3.1 <i>Welsh</i>	5
	1.3.2. <i>Scottish-Gaelic</i>	6
	1.3.3. <i>Irish</i>	7
	1.3.4 <i>Scots</i>	7
	1.3.5 <i>Ulster Scots</i>	7
	1.3.6. <i>Cornish</i>	8
1.4.	Particular issues arising in the evaluation of the application of the Charter in the United Kingdom.....	8
	Chapter 2. The Committee of Experts' evaluation in respect of Parts II and III of the Charter.....	10
2.1.	Evaluation in respect of Part II of the Charter	10
2.2.	Evaluation in respect of Part III of the Charter	17
	2.2.1. <i>The Welsh language</i>	17
	2.2.2. <i>The Scottish-Gaelic language</i>	32
	2.2.3. <i>The Irish language</i>	46
	Chapter 3. Findings.....	57
	APPENDIX I: INSTRUMENT OF RATIFICATION	59
	APPENDIX II: COMMENTS BY THE GOVERNMENT OF THE UNITED KINGDOM	62
B.	Recommendation of the Committee of Ministers of the Council of Europe on the application of the Charter by the United Kingdom	70

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

adopted by the Committee of Experts on 29 August 2003
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. The Charter's ratification 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 United Kingdom declared at the time of deposit of the instrument of ratification that the Charter would apply to mainland Britain and Northern Ireland. This declaration also stated that the regional or minority languages in the UK were Scottish Gaelic, Irish, Welsh, Scots and Ulster Scots.

2. The UK further submitted a declaration on 11 March 2003, pursuant to which the authorities recognise that Cornish also met the Charter's definition of a regional or minority language. On 17 December 2002 the authorities presented an "informal" periodical report on the application of the Charter to Cornish to the Secretary General of the Council of Europe. The Committee of Experts has examined this report, in spite of its informal nature.

3. In a letter to the Secretary General of the Council of Europe of 22 April 2003, the UK authorities furthermore declared that the Charter's ambit be extended to the Isle of Man and to cover the Manx Gaelic language under Part II accordingly. However, the Committee of Experts received the declaration too late to be able to carry out a satisfactory monitoring of the Manx Gaelic language, and decided to defer this evaluation until the next monitoring cycle.

Territory	Language	Protection
Scotland	Scottish Gaelic	Part II and Part III
Scotland	Scots	Part II
Northern Ireland	Irish	Part II and Part III
Northern Ireland	Ulster Scots	Part II
Wales	Welsh	Part II and Part III
Cornwall	Cornish	Part II
The Isle of Man	Manx Gaelic	Part II

4. The instrument of ratification is set out in Appendix I to this report.

5. In accordance with Article 15.1, the initial periodical report on the application of the Charter in the UK was submitted on 1 July 2002. The Government published the initial periodical report on the Foreign and Commonwealth Office website, and gave copies to the libraries of the House of Commons and the House of Lords, notifying Non-governmental organisations and parliamentarians of its availability via the above means.

1.2 The work of the Committee of Experts

6. After the Committee of Experts' preliminary examination of the report, a questionnaire was drawn up and addressed to the UK authorities. The questionnaire was followed by an "on-the-spot visit" by the Committee of Experts to the UK in January 2003. It visited Scotland, Northern Ireland, Wales and England (London). Meetings were held with representatives of the Scottish Executive and Parliament, the Department of Arts and Culture, government bodies from Northern Ireland and the Welsh Assembly. The Committee of Experts also met official language bodies in respect of Welsh, Irish and Ulster Scots. Meetings were further held with representatives from different sectors of public life, including education, media and research and a large number of associations promoting the use of different territorial and non-territorial languages in the UK. Representatives from NGOs supporting the Cornish language travelled to Wales to meet the delegation, and submitted additional information to the Committee of Experts. The Committee of Experts' visit finished in London, where meetings were held with the Foreign Office and representatives of the Ministry for Culture, Media and Sports (responsible for all broadcasting policy in the United Kingdom). In London, the Committee

of Experts also had the opportunity of meeting an expert on the Romani language in the UK. The "on-the-spot" visit was organised in close co-operation with the British authorities, and the Committee of Experts would like to express its gratitude for their valuable contribution.

7. The Committee of Experts received a large number of comments and additional information from NGOs in the UK. This information was very helpful in the course of evaluating application of the Charter and the Committee of Experts would like to express its appreciation to these organisations for their active input and participation in the monitoring process.

8. On the basis of the information gathered using the above-mentioned means the Committee of Experts was better able to prepare the evaluation contained in this report.

9. The Committee of Experts has established a list of general proposals for recommendations the Committee of Ministers may want to address to the United Kingdom, as provided for in Article 16.4 (Chapter 3.2 of this report). In addition, in the body of the report, it has made more detailed observations, where necessary, which it encourages the UK authorities to take into consideration when developing their regional or minority language policy.

10. This report is based on the political and legal situation prevailing when the Charter entered into force in the UK (July 2001), information presented by the British Government in its initial periodical report to the Council of Europe (July 2002) and information obtained by the Committee of Experts as stated above. The report was adopted on 29 August 2003.

1.3. Presentation of the regional or minority language situation in the United Kingdom

11. The UK regional or minority languages, within the meaning of the Charter, are Scottish Gaelic, Irish, Welsh, Scots, Ulster-Scots and Cornish. To these should be added Manx in the Isle of Man.

12. The Committee of Experts was informed that Romani languages exist in the UK, although their status as a regional or minority language in the sense of the Charter is unclear. Within the scope of this report, the Committee of Experts has not been able to investigate their status further, but would welcome information about Romani in the next UK periodical report.

13. The United Kingdom is a unitary state with a constitution comprising statute law, common law and conventions. It is made up of four entities, England, Wales, Scotland and Northern Ireland. There are three main tiers of government in the United Kingdom, namely central government, local government, and the devolved governments in Scotland and Wales. The Northern Ireland devolved government was suspended on 14 October 2002. As a result of the devolution of power within the United Kingdom, the application of a great number of provisions of the Charter falls within the responsibility of the devolved administrations of Scotland and Wales. Following the suspension of the Northern Ireland Assembly, the Northern Ireland Executive, while retaining a separate identity, is now subordinated to Ministers designated by the UK Government. The Northern Ireland Office is responsible for those functions not devolved.

14. Regional or minority languages in the UK are principally derived from the Celtic languages, originally spoken by tribes that inhabited the isles from the sixth century BC onwards. The Celtic languages are divided into two different branches, the Brythonic languages, which include Welsh and Cornish, and the Goidelic languages, which include Scottish Gaelic, Irish and Manx. In recent centuries, the Celtic languages have yielded to the substantial influence of English and their use has decreased.

15. The Scots language is a Germanic language used in Scotland since the seventh century. The Ulster Scots language is derived from and is closely related to Scots and is used in Northern Ireland.

1.3.1 Welsh

16. Welsh ("Cymraeg") has been used in Wales since at least the sixth century BC. King Edward I of England passed laws which made English the legal and administrative language. Under the Act of Union, proficiency in English became a requirement for holding public office, and English became the language of the courts. During the Industrial Revolution, the population of Wales increased dramatically, due to the amount of work available in the coal, steel and slate industries. This led to both an increase in the numbers of people speaking Welsh, and a decrease in the proportion of the Welsh-speaking population, owing, in particular, to the migration of coal workers from England in the nineteenth century. As Welsh citizens became more assimilated, a serious language shift towards English occurred, particularly noticeable in the

South-eastern valleys and the North-east. This development, which had a negative effect on the use of Welsh, was reinforced through legislative acts such as the Education Act of 1870, which made public education entirely English, and the Local Government Act of 1889, which made English the language of the local authorities. Despite measures taken at a later stage to permit teaching in and of Welsh, attitudes towards it remained negative.

17. However, during the past thirty years there has been a strong movement towards protecting and promoting the use of Welsh, in particular in education and broadcasting. This has also stimulated interest in Welsh as a language and its culture. As the younger generations take an active interest in Welsh language and culture, the future of the language looks more promising.

18. Today, the largest concentrations of Welsh-speakers are found in most of rural West Wales and the more westerly post-industrial areas. The 1991 census indicated that there were a little over half a million speakers of Welsh in Wales and an estimated quarter of a million Welsh-speakers residing outside Wales. The 2001 census revealed that the number of speakers has increased, which gives all the more reason for central and regional authorities to continue their support for the language, in order to maintain this trend. The results of the census suggest that the increase is greater in the South East, where Welsh has traditionally been weakest. This can be attributed to the increase in Welsh-medium education in this area, as well as the migration of Welsh speakers from the Western areas to the capital, Cardiff, and surrounding areas. In areas which have been traditionally Welsh-speaking, however, the results point to a negative trend. Representatives of Welsh speakers expressed their concern to the Committee of Experts at the underlying trend of decline in usage of the Welsh language in traditional communities (which they attributed to economic deterioration, and the inability of local people to afford houses in these areas) and the fear that gains made elsewhere in sustaining Welsh as a living language might not offset this decline adequately.

19. The Welsh Language Board (WLB) is a statutory body funded by the Welsh Assembly Government. Its aim is to facilitate the use of Welsh in public and private life. The WLB was founded in 1993 with the adoption of the Welsh Language Act. The latter act provides the basis for promoting and protecting the Welsh language in Wales. The other act in force of special relevance to the Welsh language is the Government of Wales Act of 1998, which gives the National Assembly for Wales wide-ranging powers and responsibilities in relation to the Welsh Language. The WLB has statutory powers, enabling it to require public bodies to prepare Language Schemes for regulating how the Welsh language should be used by public bodies, giving effect to the principle of linguistic equality for both English and Welsh, insofar as it is reasonably practicable and appropriate in the circumstances to do so.

1.3.2. *Scottish-Gaelic*

20. The Scottish Gaelic language has been used in Scotland since the fifth century. Most Gaelic-speakers live in the Western Isles, the Highlands and Argyll, with smaller concentrations of speakers in Glasgow, Edinburgh and Aberdeen. The 1991 census indicated a total number of 69.510 speakers of Scottish Gaelic. The new census of 2001 indicates a total number of 65.674 persons declaring themselves able to speak, read and write Gaelic. It thus shows that there has been a further decrease in the number of speakers, despite a slowing in the previous rapid decline.

21. There are a number of legal acts that regulate the use of Scottish Gaelic in specific areas of society, including:

- the Education Act of 1980;
- the Standards in Scotland's Schools Act of 2000;
- the Broadcasting Acts of 1990 and 1996;
- the Local Government Act of 1997;
- the Traffic and Signs Regulation and General Directions 1981 Statutory Instrument, made under the Road Traffic Regulations Act of 1984.

22. However, there is no legislation with the explicit purpose of protecting and promoting Scottish Gaelic, nor is there an adopted language policy. This seems to have led to a certain insecurity and confusion regarding what duties and responsibilities are placed on official bodies and institutions. Such unclear situations will normally have a negative effect on the protection and promotion of regional or minority languages.

1.3.3. *Irish*

23. Irish is spoken in Northern Ireland and in Ireland. The language is descended from the Goidelic languages referred to above, with a complex history which has led to the decline of its use in public and private life. Ireland gained independence from the United Kingdom in 1922, at which time the language had mostly ceased to be used in what is now Northern Ireland. The 1991 census indicated that some 142 000 persons used the language. The new 2001 census has indicated that 167 490 persons are able to speak the language. Irish seems to have benefited from a revivalist movement in Northern Ireland. The speakers of Irish are mostly situated in and around Belfast and other larger towns, while there are scattered communities of speakers residing all over Northern Ireland.

24. There is no specific legal act governing the use of Irish in public and private life in Northern Ireland. The main legal foundations guaranteeing its use are therefore the following:

- the Education Order (Northern Ireland) 1989;
- the North/South Co-operation (Implementation Bodies) Northern Ireland Order 1999, through which the North/South Language body was founded. This body has two agencies, namely the Foras na Gaeilge (the Irish Language Agency) and Tha Boord o Ulstèr Scotch (the Ulster-Scots Agency);
- the Belfast Agreement (Good Friday Agreement) - signed on 10 April 1998;
- the Education (Northern Ireland) Order 1998;

A promotional body Comhairle na Gaelscolaíochta was established by the Department of Education in August 2000. Some of the objectives of this body are to promote, facilitate and encourage the development of Irish-medium education in Northern Ireland, to represent the sector, and to liaise with and provide the Department with advice on various issues relating to Irish-medium education.

- the Local Government Order 1995 (Northern Ireland);
- the Children's Order (1995).

1.3.4 *Scots*

25. The Scots language is derived from the northern form of Anglo-Saxon. Its speakers reached the south east of present-day Scotland in the seventh century. In the sixteenth century, the Scots language was widely spoken in the north of Great Britain, while what is now modern English was spoken in the south.

26. Today Scots has a large variety of dialects. The proximity of Scots to English has made it difficult for the language to receive official recognition as a separate language in the UK. The government has for example not included the Scots language in the national Census. Therefore no official figures of the number of Scots speakers exist. The UK authorities quote surveys indicating that 30 percent of the Scottish population speak Scots. The General Register Office (Scotland) in 1996 estimated the number of Scots speakers at 1.5 million. The Scots language is spoken all over Scotland.

1.3.5 *Ulster Scots*

27. The Ulster Scots language has been used in Ireland since the early seventeenth century when Scottish and English Protestants were settled in the northern part of the Island. The Scottish settlers who came from the Lowlands used the Scots language, which became the Ulster Scots language. The use of Ulster Scots has declined, mainly because of its closeness to English.

28. There are no official figures on the number of speakers of Ulster-Scots. According to recent research the language is spoken by an estimated 100,000 people in Northern Ireland and in Ireland.

29. There is no specific legal act governing the use of Ulster-Scots in public and private life in Northern Ireland. The main legal foundations guaranteeing its use are therefore the following:

- the North/South Co-operation (Implementation Bodies) Northern Ireland Order 1999, through which the North/South Language body was founded. This body has two agencies, namely the Foras na Gaeilge (the Irish Language Agency) and Tha Boord o Ulstèr Scotch (the Ulster-Scots Agency);
- the Belfast Agreement (Good Friday Agreement) - signed on 10 April 1998.

30. As a result of the Belfast Agreement, both Irish and Ulster Scots cross-border bodies have been established, to promote these languages in both Northern Ireland and in Ireland.

1.3.6. *Cornish*

31. The Brythonic language, Cornish, is a regional or minority language closely related to Breton in France. The language was traditionally used in the County of Cornwall, which remains the principal speaking area of this language today in the UK. The Cornish language ceased being used in the seventeenth century. However, since the late nineteenth century, there has been a strong movement to revive the Cornish language and today it is estimated that around 300 persons have knowledge of the language, of whom about 100 are fluent speakers and use the language in daily life.

32. There are no legal provisions applicable to Cornish and at present no official policy has been adopted for its promotion and protection. However, it should be noted that the language only recently received official recognition as a regional or minority language in the UK.

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

33. The UK Government reports that responsibility for implementation of the Charter has been devolved, almost entirely, to the administrations in whose territories the regional or minority languages are traditionally spoken, namely the Scottish Parliament (in the case of Gaelic and Scots), the National Assembly for Wales (in the case of Welsh) and (before its suspension and the re-introduction of direct rule from Westminster) the Northern Ireland Assembly (in the case of Irish and Ulster Scots). Such devolved responsibilities are not mentioned in relation to Cornish, and there are no devolved governmental institutions regarding Cornwall, apart from the normal county structure.

34. The devolution of responsibilities has the advantage of ensuring that the policies and measures for implementing the Charter are adopted close to the speakers of the relevant language. A difficulty that sometimes arises in states that have a strong tradition of local self government, in federal states, or where there is an allocation of powers to devolved administrations, is that the central state may not feel responsible for implementation of certain international commitments that it has undertaken, which expressly point to the level of government responsible. While fully recognising the value of such structures, the Committee of Experts nevertheless underlines that the United Kingdom remains responsible under international law for the implementation of treaties it has ratified.

35. As a result of the responsibility and the role given to the devolved administrations in implementing the Charter, the Committee of Experts noted that each administration has adopted a different approach, which seems to be largely dependent on the strength of political will to support regional or minority languages. The initial report and the "on-the-spot" visit of the Committee of Experts have revealed that within the devolved government of Scotland, there seems to have been a lack of clarity as to which undertakings apply to Scottish Gaelic. The working method, including consultations with non-governmental bodies at the drafting stage of the report, has also varied. This has had an impact on the manner in which the initial periodical report has been drafted. A common approach and the same working methods would make it easier to acquire an overview of the situation in the whole of the UK, and would facilitate the monitoring work. These inconsistencies could be solved by encouraging the devolved administrations to collaborate more closely.

36. The Committee of Experts welcomes the inclusion of the Manx language in Part II of the Charter. However, since the extension to the Isle of Man was only brought to the attention of the Secretary General at a late stage, it has decided to postpone any evaluation of the application of the Charter for this language until the next evaluation, which should take place in three years' time.

37. The Committee of Experts commends the UK authorities on their dynamic approach to the instrument of ratification. This can be seen in the inclusion of the Isle of Man and thereby Manx. The same approach can be seen in the recognition of Cornish. The Welsh Language Board has adopted the same dynamic approach in recommending positive changes regarding the ratification for Welsh. The Committee of Experts hopes that the authorities will extend this approach to the use of Irish and Scottish Gaelic before the courts.

38. The Committee of Experts has not been made aware of any statutory acts restricting the application of the Charter as ratified by the United Kingdom. However, the UK system may create difficulties in areas where there is no statutory regulation and where the authorities rely on common law and administrative practice. It is therefore of vital importance to inform administrative and judicial authorities of the UK's obligations under the Charter. A useful illustration of the value of informing the authorities of these

obligations has been supplied to the Committee of Experts by representatives of Gaelic-speakers in Scotland. This related to the initial refusal of the authorities to register the name of a child in the traditional Gaelic form. This initial refusal was withdrawn when the authorities had been informed by representatives of Gaelic-speakers of the relevant obligation under the Charter.

39. The UK is notable in having established in respect of Welsh, Irish and Ulster Scots official bodies whose purpose is to promote the respective regional or minority languages. This has not been the case in respect of other languages, but the Committee of Experts was pleased to note the establishment of a similar, semi-official body for Scottish Gaelic. The Committee of Experts has also noted a strong participation by citizens through non-governmental organisations in the promotion and maintenance of regional or minority languages.

Chapter 2. The Committee of Experts' evaluation in respect of Parts II and III of the Charter

2.1. Evaluation in respect of Part II of the Charter

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;"

40. The UK has through various means recognised the regional or minority languages spoken on its territory as an expression of cultural wealth. The Welsh, Scottish Gaelic and Irish languages, all protected under Part II and Part III of the Charter, have the most significant status of all the regional or minority languages in the UK.

41. The devolved democratic bodies in Scotland and Wales have a special role in protecting and promoting regional or minority languages. In Northern Ireland this role was filled by the Northern Ireland Assembly until its suspension.

42. The Welsh language has the most solid legal foundation of the Part III languages. The Welsh Language Act of 1967 provided for the use of Welsh in the Courts and ensured the publication of statutory texts in Welsh. The 1993 Act, which replaced the 1967 Act, is more elaborate and provides in addition for the establishment of the Welsh Language Board, with the principal aim of promoting and facilitating the use of the Welsh language. This official body is essential to the promotion of Welsh in most areas of public life. The Act gives the Board the possibility of establishing language schemes that a great number of public bodies are required to follow.

43. Even though the Scottish Gaelic language is recognised in Scotland as an expression of cultural wealth, there is no specific body or legislation governing the use of Scottish Gaelic. This has made it difficult to create any guidelines for public bodies as to the manner in which the latter should conduct their business in Gaelic, or to pave the way for the language to be used actively in public life. The Committee of Experts hopes that the establishment of the new Gaelic Board will contribute to improving the situation.

44. The Good Friday Agreement of 1998 was an important step in the recognition of the Irish and the Ulster Scots languages as an expression of cultural wealth in Northern Ireland. Following the Agreement, two implementation bodies were established: Foras na Gaelige (the Irish Language Agency) and Tha Boord o Ulstèr Scotch (Ulster-Scots Agency). There is, however, a need to provide the necessary means for organisations to support the Ulster Scots language. At present there does not exist a language policy for Ulster Scots and Irish, which makes it difficult for its speakers to use the language in public life.

45. The Scots language received recognition under Part II but it has a lesser legal status in the UK than the Part III languages and even the Ulster Scots language in Northern Ireland. There is no official policy for Scots and the authorities, whether at local or regional level (Scotland), have not taken any steps to protect the language. There is no domestic legal provision guaranteeing the promotion and protection of Scots, which makes it very difficult to provide a stable foundation for the language in public life. The UK authorities have recognised Scots through the ratification of the Charter but there is a real need to initiate a process to clarify how the users of Scots would like the authorities to support the language and thereby begin to implement the Charter for Scots.

46. As for Cornish, the Committee of Experts commends the UK authorities for officially recognising it as a fully-fledged regional or minority language.

"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;"

47. In Wales, the Local Government Boundaries Commission is responsible for any changes to administrative divisions and the Commission can recommend changes to the respective boundaries, if it feels that they may be required for "effective and convenient local government". In meetings with the Commission, it was clarified that there are statutory provisions requiring any changes to be "convenient and effective" and one factor to take into consideration in defining boundaries is language.

48. The Committee of Experts has been informed that there are plans to change the administrative divisions within Northern Ireland and the authorities recognise that these changes are likely to have an effect on Irish and Ulster Scots. The authorities seem to be very sensitive to the question and they confirmed to the Committee of Experts that in any case, the law would require discretionary action to take account of international obligations, including article 7.1.b of the Charter.

49. The Cornish language is mostly spoken in the County of Cornwall, including the six district councils and the Isles of Scilly Council. At the time the Committee of Experts visited the UK, it was pointed out that there were plans to create regional authorities in England, thereby including the County of Cornwall in a single region with six other counties. These changes could have serious effects on the situation of the Cornish language in Cornwall, unless appropriate measures are taken.

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

50. Responsibility for language promotion in the UK, with the exception in most cases of broadcasting, falls under the responsibility of the devolved administrations. The action undertaken by each administration can and does therefore vary extensively.

51. At the level of devolved government, in the case of Wales and Northern Ireland, particular efforts have been made to integrate the issue of regional or minority language protection and promotion into all areas of policy. In Wales this is done through the National Assembly's *laith Pawb* initiative. In Northern Ireland, there have been encouraging moves to address regional and minority language issues within the various policy initiatives that are taking place there, as part of the reconciliation process, as well as a recognition of these issues within the Northern Ireland Executive, by the establishment of a cross-departmental working group. Regrettably, the Committee of Experts did not find the same approach at the devolved government level in Scotland.

52. The UK authorities and the National Assembly for Wales have, through various means, taken resolute action to promote the Welsh language. While there are some shortcomings in the implementation of these measures, as will be indicated further in Part III, there are also positive political initiatives being taken for further action.

53. The Scottish Executive is responsible for the promotion of Scottish Gaelic and Scots. The promotion of these languages is recognised in the government programme as an element to be supported. The Committee of Experts was informed that at the time of the Committee of Experts' visit the Parliament was dealing with a bill on Scottish Gaelic. Adopting an Act on Scottish Gaelic could provide the basis for a coherent policy protecting and promoting the language. The local authorities are not required to take any steps to further the situation of the languages if they do not take this up on their own initiative. There are certain interesting steps being taken by regional Councils where Scottish Gaelic is used, for instance in the Highland Council, but this is by no means a concerted approach. The Scottish Parliament has a specific Gaelic policy and attempts, in daily life, to further this policy and ensure that it is implemented as far as possible.

54. The Committee of Experts has been informed of few initiatives undertaken to promote the Scots language. The Committee of Experts looks forward to more information in the UK's next periodical report.

55. The authorities have taken steps, through the Good Friday Agreement, to raise awareness of the need to promote Irish and Ulster-Scots. The creation of the North South Language Body in 1998, and in particular the two agencies to promote Irish and Ulster-Scots, *Tha Boord O Ulstèr Scotch* and *Foras na Gaeilge*, was a form of recognition of the need to take resolute action to safeguard the two languages. The Linguistic Diversity Branch (LDB) of the Department for Culture Arts and Leisure (DCAL) was later, in 1999, given the task of providing policy advice, support and guidance to Ministers, public bodies and other interested parties in accordance with the Good Friday Agreement. The LDB has commissioned a number of reports in order to investigate what action should be taken to increase demand for services in Irish and Ulster Scots, as well as a study on a strategic plan for the promotion of Ulster Scots.

56. The Cornish language has received modest support from the Cornwall County Council, amounting to a total of £5000 per year. The Committee of Experts was informed by representatives of the Cornish language that they would welcome a language plan and in particular a more structured approach to identify and elaborate how specific action could be taken and supported by the authorities.

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

57. As stated earlier, the implementation of the various provisions of the Charter for regional or minority languages is the responsibility of the devolved administrations, except for the Cornish language. There are of course, no restrictions to the use of regional or minority languages in private life and, in principle, speakers of these languages can use the languages in public life to a certain extent: this would include cultural festivals and other similar public events but applies less to receipt of services through public bodies. It should be underlined that this obligation does not only imply passive permission to use languages in public and private life, but requires the State Party to facilitate and/or encourage the use of the languages in the various public spheres. This would evidently require a pro-active approach. The Committee of Experts is especially concerned about the relative lack of visibility of the Part II languages in broadcasting.

58. The Scottish Executive announced in its government programme that it would take steps to secure the status of Gaelic. Certain measures have been taken, as will be indicated in Part III of this report, but further urgent action is required. The Scottish Executive has allocated funding to different organisations that further the use of the Scottish Gaelic language. A positive element for the encouragement of Scottish Gaelic in public life is the political support for the appointment of a Minister for Gaelic in the Scottish Parliament.

59. During the Committee of Experts' visit to Scotland the Scottish Parliament discussed a bill on Scottish Gaelic. After the Committee of Experts' visit to Scotland the Scottish Executive created the Gaelic Board. The Committee of Experts looks forward to receiving further information on the functioning and the achievements of the board in the next periodical report.

60. The Committee of Experts has not received information of any particular measures adopted by the Scottish Executive to facilitate and/or encourage the use of Scots.

61. In Northern Ireland, DCAL has commissioned reports, as noted regarding the previous undertaking, which would create a basis for further development of the use of Irish and Ulster Scots in public life. The situation of Irish will be further developed in the evaluation in Part III. For Ulster Scots the situation is difficult as it is not used in public life at all. One reason is the aforementioned lack of policy and a legal framework. Even if this legal framework is also missing for Irish, there are more steps being taken to promote its use in accordance with this general undertaking.

62. A large variety of measures have been taken to facilitate and encourage the use of Welsh. A particularly interesting initiative by the Welsh Language Board, is Twf (growing), whereby midwives and health visitors have been trained to explain the value of passing on the Welsh language to children, and of bilingualism in general.

63. With regard to Cornish, the Committee of Experts was informed that the Government Office South West in Plymouth (GOSW) has appointed an official to follow the situation of the language and engage in an open dialogue with the organisations furthering the protection of Cornish. In the dialogue established between GOSW and the Cornwall County Council, it has been decided to establish a "Strategy for Cornish" which would allow all partners to examine existing problems and possible solutions to bring forward the use of Cornish. The Committee of Experts is aware that the official recognition of Cornish is recent and looks forward to receiving further information on this matter in the UK's next periodical report.

"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;"

64. The European Bureau for Lesser Used Languages (EBLUL) has a national committee in the UK and all regional or minority languages in the UK are represented on this Committee, except for Manx, which has just recently been recognised under the Charter as a regional or minority language. This body brings together the key actors in the promotion of the regional or minority languages in the UK. The Committee of Experts is aware of contacts between speakers of the languages covered by the Charter. The Committee of Experts is also

aware of the Columba Initiative to create links between speakers of Irish and Scottish Gaelic. The Committee of Experts was not made aware of any established links between users of Scots and Ulster Scots.

65. The Welsh Language Board has co-operated with speakers of other regional or minority languages in the UK, who often look to the Welsh Language Board for support and advice, as it has the most solid legal foundation and experience.

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

66. There is no overall legislative framework for the teaching of regional or minority languages in the UK. Responsibility for education lies with the respective education authorities. Apart from Cornish, this falls within the competence of each devolved administration.

67. Teaching and study of the Part III languages will be examined in detail in the next section.

68. In Northern Ireland there are opportunities for schools to introduce aspects of the Ulster-Scots language, literature and culture in the curriculum as part of the Cultural Heritage and Education for Mutual Understanding (EMU) cross-curriculum themes. An Ulster Scots Curriculum project funded by the Ulster Scots Agency, which is due to be implemented in schools in 2004, aims to promote recognition of the language and culture as part of the Ulster heritage and make children aware of their bilingualism. However, according to official information, there is no demand from within the school system for Ulster-Scots to be taught as a language. Regional or minority languages are often in a precarious situation as regards language teaching. It is commonplace for authorities to make no provision for language teaching since they consider there to be no demand. However, in the Committee of Experts' experience, a lack of demand is often due to a lack in supply. The authorities have a responsibility to provide language learning opportunities. They might consider taking initiatives in this field, possibly in co-operation with the Ulster Scots Agency.

69. For the Scots language, national guidelines on primary and secondary education stipulate the inclusion of Scots literature in the curriculum and teaching materials have been produced consequently. However, the national guidelines are not compulsory and teachers are not obliged to include the Scots language in their programme, even if it has been encouraged officially through these guidelines. The Committee of Experts has been informed that there are no Scots classes in primary or in secondary schools, and, in the few cases where the language is taught, the teaching relies on the initiatives of individual teachers. Some literary works in Scots are included in the English curriculum.

70. Cornish in Cornwall is taught at some schools, both at primary and at secondary level. These classes are all taught outside regular school hours and in total there are 12 primary schools and 4 secondary schools providing teaching of the language. It has been brought to the attention of the Committee of Experts that there is a serious lack of teacher training and, in particular, of teaching materials. One reason is that there is no official language policy; the teaching depends entirely on the good will of the teachers and principals of schools in the county, as well as on allocation of funding.

"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;"

71. As will be detailed in the next section there are provisions enabling non-speakers of Irish, Welsh and Scottish Gaelic living in the respective areas to learn the languages.

72. There are facilities for non-speakers of Cornish to learn the language if they so wish. There is a wide network of evening classes in Cornwall, including classes at Hayle College, and classes are organised outside of Cornwall in London. Interactive teaching materials of Cornish have also been produced on CD-ROMs. All these activities are privately funded. It may however be noted that in the light of the increased participation of individuals in these classes, there is a real need for the authorities to create and maintain a programme that would provide financial support for these activities, which are currently the result of private investments and efforts.

73. There are some possibilities for non-Scots speakers to learn the language in certain areas, but this depends entirely on private associations. There is no legal provision guaranteeing this teaching.

74. The Committee of Experts was informed that there was no teaching of Ulster Scots to non-speakers of the language.

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

75. Research and study of the Part III languages will be evaluated in the next section of this report.

76. The Committee of Experts has been made aware of certain initiatives to promote the study of and research into Ulster Scots. However, it is clear from the Committee of Experts' information-gathering process that there is no consensus on how the language is to be studied and what kind of research should be made. The Ulster Scots Agency and DCAL might consider, in co-operation with non-governmental organisations, how to proceed in this field.

77. There are classes in Scots at university level. These classes are part of the English departments of the Glasgow and Edinburgh Universities.

78. The Cornish language is studied and researched at a number of Universities in the UK. There is also an Institute of Cornish Studies at Truro in Cornwall.

"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."

79. The UK authorities mentioned an interesting project in the initial report named "the Nova Scotia Initiative", encouraging cultural and economic links between Gaelic communities in Scotland and Nova Scotia, Canada. The Committee of Experts has received little information on how the project is advancing and what activities are included. However, the project seems to be supported by the Gaelic speakers in Scotland.

80. Foras na Gaeilge (FnG) is a cross-border publicly funded organisation, linking speakers of Irish from Ireland and Northern Ireland. The organisation supports Irish-medium education, encouraging and advising on the use of Irish throughout society and on corpus planning. Various activities and programmes are prepared by FnG. The Committee of Experts was informed that lately the organisation has suffered from cutbacks on the part of the Irish Government, while the UK Government has maintained its budgetary contributions.

81. The Welsh Assembly Government has funded through the Welsh Language Board a special education project for the promotion and teaching of Welsh in the Welsh-speaking settlements in Patagonia.

82. The Committee of Experts was informed of contacts and co-operation between speakers of the Ulster Scots language in Northern Ireland and in Ireland.

83. Cornish-speakers in Cornwall have contacts with the Breton-speakers in France, including various cultural exchanges, conferences and festivals.

"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."

84. UK anti-discrimination legislation, as part of the regime against indirect discrimination, prohibits unjustified discrimination between people on the grounds of the language they speak.

85. The Committee of Experts did not have its attention drawn to any specific measures in UK law which amounted to an unjustified distinction, exclusion, restriction or preference for the purposes of this undertaking.

"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."

86. The UK central government has taken steps to ensure understanding and tolerance with the adoption of the Race Relations Act of 1976 and with the establishment of the Commission for Racial Equality. This legislation is targeted towards racial tolerance and respect, but may well also have a positive effect on linguistic groups.

87. The Education Curriculum for the whole of the UK refers to the existence of the culture, language and way of life of the traditional regional or minority language groups. This would for instance mean that all children in Northern Ireland would learn about the Scottish Gaelic language, the Welsh, Scots and the Cornish language.

88. The Committee of Experts has been made aware of articles in the press and programmes on television and other media in which speakers of regional or minority languages have been ridiculed or portrayed in a negative way. It believes that more could be done to encourage the media to refrain from contributing to prejudice by for example ridiculing persons solely on the basis that they belong to a regional or minority culture or speak a regional or minority language.

"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."

89. This undertaking requires the authorities to consult with representatives of users of regional or minority languages, when minority language policy is determined. The Committee of Experts considers this undertaking to be of great importance in creating, maintaining and enhancing a constructive dialogue between the authorities (local, regional and national) and the speakers of the languages in question.

90. In Scotland, there exists a wealth of organisations furthering the Scottish Gaelic language in various ways. Comunn na Gàidhlig (CnaG) represents a great number of organisations, and fulfils the function of an umbrella organisation. Without necessarily privileging this organisation in particular, it could be underlined that the State could have a more structured dialogue with such a body if it represented the needs and wishes of the majority of Gaelic speakers. At the time of ratification, no specific organisation was consulted by the Scottish Executive or the UK government, to establish to what extent the Charter could be ratified for Scottish Gaelic or for Scots. However, the authorities had contact with CnaG at the time the UK initial periodical report was presented to the Council of Europe.

91. According to the information received, no consultations took place with Scots language organisations.

92. In Northern Ireland, DCAL can be considered to have an open policy towards co-operating with non-governmental organisations. Consultation has taken place on a number of issues. The Northern Ireland authorities have at their disposal very active organisations that are willing to co-operate more closely with the authorities.

93. The Welsh Language Board is a public body that has the primary role of advising the government on the promotion of Welsh. The Board also co-operates with non-governmental organisations which promote the use of Welsh. Representatives of such organisations informed the Committee of Experts that the linguistic community had not in any way been consulted when the periodical report was drafted.

94. Cornish NGOs are being consulted at present by the UK authorities, as regards the creation of a language policy. All measures are in the initial phase and the Committee of Experts welcomes the initiatives taken by the authorities to co-operate in this field with NGOs that further the Cornish language.

"Paragraph 5

The Parties undertake to apply, mutatis mutandis, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.

95. In the initial periodical report, there is no mention of non-territorial languages. The Committee of Experts has been informed, during the "on-the-spot "visit, of users of Roma languages residing within the UK. The Committee of Experts has not been in a position at this stage to investigate this further. It encourages the UK authorities to deal with this issue in the next report.

2.2. Evaluation in respect of Part III of the Charter

2.2.1. *The Welsh language*

Article 8 – Education

96. The example of Welsh-medium education is internationally recognised by persons working in the field of endangered languages as a success story. Following the establishment of national institutions within Wales (the Welsh Language Board and the National Assembly for Wales) which have specific responsibilities and powers with regard to the language, the Committee of Experts considers that Wales is well placed to show how regional or minority languages can be safeguarded and promoted, and to develop best practice and strategies which can be used elsewhere. The Committee of Experts was pleased to see that there appears to be a political will within Wales to take necessary action and encourages the authorities in Wales and the UK to do so.

97. The Committee of Experts nevertheless noted the absence of a clearly defined statutory right to Welsh-medium education. This means that access to Welsh-medium education can be difficult in practical terms. The NGOs have commented that provision to meet the demand has been a matter of goodwill on the part of individual education authorities and have pointed to several cases of parents opting for English-medium education, who would otherwise have chosen Welsh-medium education for their children had it been equally accessible.

98. The Iaith Pawb policy papers prepared by the National Assembly for Wales only touched tangentially on primary and secondary education. The Committee of Experts has been informed that the Welsh Language Board, at the behest of the National Assembly for Wales, is now working with education authorities in reviewing their schemes for Welsh-medium education and adapting them with a view to meeting the increased demand.

99. The Welsh Language Board in its own submission to the Committee of Experts stated that, although it had as part of its remit a strategic overview of Welsh-medium education, the nature and scope of this role had still not been defined by the Welsh Assembly Government, nor had adequate resources been given to the Board to fulfil this role. The Committee of Experts was also informed that the Welsh Language Board advocates that the UK's ratification in the areas of further, higher and adult education ought to be strengthened.

100. A further issue which applies across the primary and secondary sectors is the treatment of pupils with special educational needs. This was raised during the "on-the-spot visit" by Rhieni dros Addysg Gymraeg (RhAG) who presented a paper suggesting that children whose first language is Welsh do not have adequate access to Welsh-medium special needs provision. The Committee of Experts would like the UK authorities to return to this issue in their next report.

"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;"

101. The authorities report that pre-school education is available to all children through the medium of Welsh. Although there is no statutory entitlement guaranteeing Welsh-medium pre-school education, where this is the parents' choice, the authorities do at least provide half-time provision of pre-school education as from the child's third birthday.

102. Pre-school education for children under three is available throughout Wales on a voluntary basis. This has been established and is supported by a voluntary organisation, Mudiad Ysgolion Meithrin ("MYM"). MYM itself is funded largely by public money from the National Assembly for Wales, and it is collaborating with the Welsh Language Board in developing pre-school education. The groups established by MYM employ an immersion method of language teaching. MYM is limited in the financial support it can give to

local groups. Shortage of staff is also a problem. According to MYM, these factors mean that Welsh-medium pre-school education is not equally available throughout Wales.

103. Given the nature and extent of the availability of pre-school education in Welsh, the Committee of Experts considers the undertaking to be fulfilled in most cases, but cannot rule out the possibility, given the matters raised by MYM, that there are areas where it is not fulfilled. The Committee of Experts asks the authorities to elaborate on this in their next report.

Primary Education

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

104. The UK authorities report that in all 22 Local Authority Areas primary Welsh-medium and bilingual education is available to all children whose parents or guardians desire it. Welsh-medium provision is available in 440 schools where Welsh is the sole/main medium of instruction, and bilingual provision in 87 schools where Welsh-medium provision is used for part of the curriculum. Welsh as a second language is taught in the remainder of schools.

105. The NGO RhAG, however, in a detailed submission to the Committee of Experts, reports that the provision is not adequate to meet the demand. It refers to research which suggests that 50% of parents in Wales would choose Welsh-medium or bilingual education for their children if it were available, while 20.9% of Welsh primary school pupils receive Welsh-medium or bilingual education.

106. On the basis of the information received the Committee of Experts considers that the practical availability of Welsh-medium and bilingual education varies. In many cases, schools offering such education are close to where the pupils live. In other cases, pupils have to be transported to schools which are further away. In the latter cases, parents may choose an English-language school nearby instead of daily transportation to a Welsh-language school further away. The Committee of Experts has also been made aware of overcrowding in Welsh-medium schools in certain areas. If the distance from pupils' homes to schools offering Welsh-medium or bilingual education is such that it does not appear as a reasonable alternative to closer English-language schools, or if such education is available only in overcrowded schools, one may question whether Welsh-medium or bilingual education is genuinely available.

107. The Committee of Experts has not sufficient information to assess the availability of Welsh-medium and bilingual primary education in this perspective. It considers the undertaking fulfilled in most cases, but cannot rule out the possibility that there are areas where it is not fulfilled. The Committee of Experts asks the authorities to elaborate on this in their next report.

Secondary Education

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

108. The UK report states: "bilingual/Welsh-medium secondary education is available throughout Wales to varying degrees. There are 52 "Welsh speaking Schools" in the secondary sector in Wales, but local authorities which do not provide such a school ensure provision via cross-county agreements and by paying transportation costs for pupils who desire Welsh-medium/bilingual provision. Defining categories of bilingual provision is complex and considerable local variation exists in percentages of subjects delivered through the medium of Welsh".

109. Additional information provided by NGOs suggests that the percentage of subjects taught through the medium of Welsh may be as little as 20% in certain schools.

110. Both the Welsh Language Board and RhAG point to an alarming pattern of lack of continuity between primary and secondary education in largely Welsh-speaking areas, where, of those pupils who have studied Welsh as a first language in primary school, a large percentage (40 or 50%) do so only as a second language in secondary schools. Moreover, only some 6% of examinations (throughout Wales) are taken through the medium of Welsh at secondary level.

111. RhAG reports that, in areas where the Welsh language is less widely spoken, the principal difficulty is one of accessibility, with pupils having to travel as far as 25 miles in some cases to obtain secondary Welsh-medium education.

112. Welsh as a subject has been compulsory for all pupils in both Welsh-medium and English-medium secondary schools up to the age of 16 since 1999.

113. It is unclear to the Committee of Experts if Welsh-medium secondary education is in practice available to the extent envisaged by this undertaking. The Committee of Experts is therefore not in a position to conclude whether this undertaking is fulfilled.

Technical and vocational education

"d.i. to make available technical and vocational education in the relevant regional or minority languages; or

d.ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

d.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

d.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"

114. The information received from the authorities gives no clear picture of the extent (by reference to subject and geographical area) to which technical and vocational education in Welsh is now available. Furthermore, there appear to be no guidelines to determine how demand is measured, and what criteria exist to establish sufficiency of numbers for the purpose of this undertaking, although the UK Authorities confirm that research work is being undertaken in this area.

115. NGOs were critical of the extent of Welsh-medium provision in this sector and the absence of resources. They pointed out, referring to research, that Welsh is a language of the workplace, and Welsh-language skills are increasingly in demand. If the language of advancement through qualification and training is seen as being the official language only, then there is a serious danger that the regional or minority language will disappear from this essential domain.

116. The Committee of Experts considers that this undertaking is of special importance in Wales, where Welsh is used in the workplace, and welcomes the assurance that further research is being conducted to ascertain the demand for Welsh-medium further education and training. The Committee of Experts looks forward to this being elaborated on in subsequent reports.

117. In the light of the information received, the Committee of Experts considers that this undertaking is not fulfilled.

University and Higher Education

"e.i. to make available university and other higher education in regional or minority languages; or

e.ii. to provide facilities for the study of these languages as university and higher education subjects; or

e.iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs 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"

118. In Wales, Welsh is taught at university level as a subject. The Committee of Experts has been informed of a demand for Welsh-medium education at university level in subjects other than Welsh. In certain cases this demand is met, in particular where teachers/lecturers are competent and willing to use Welsh. The Committee of Experts interprets this obligation in the light of the introduction to Article 8, and therefore according to the situation of the Welsh language. The undertaking deals with encouraging and/or allowing

the study of Welsh as a separate language or as a medium of instruction. On the basis of the strong position of Welsh, the Committee of Experts considers that both options should be applied.

119. On the basis of the information received, the Committee of Experts considers the undertaking fulfilled regarding teaching of Welsh as a subject.

120. The Committee of Experts has been informed by the authorities that research has been initiated to assess the demand for Welsh-medium education at university level. On the basis of the evidence produced by the research, the authorities will plan for future levels of provision and support and hopefully encourage Welsh-medium education at university level.

121. The Committee of Experts considers the undertaking to be partly fulfilled at present and looks forward to receiving more information in the next report.

Adult and continuing education

"f.ii. to offer such languages as subjects of adult and continuing education; "

122. The UK authorities report that Welsh as a subject is taught in further and continuing education to advanced level. Welsh for adults courses are available throughout Wales at several levels of learning, including beginners' courses, workplace courses and immersion models.

123. The Committee of Experts has been informed that the authorities in Wales are elaborating a coherent policy approach through Education and Learning Wales - National Council for Education and Training (ELWa). ELWa's Corporate and Operational Plans include proposals to meet the needs identified for post-16 Welsh-medium education, Welsh for adults, workplace Welsh, and skills training opportunities through the medium of Welsh.

124. The authorities state in their response to the Committee of Experts' question relating to adult education that a co-ordinated approach to the provision of Welsh for adults will be developed, taking a number of positive measures, including a commitment to "invest to maximise the numbers of further education and other practitioners teaching through the medium of Welsh through training and other support including, if appropriate, pilot language learning sabbaticals for practitioners."

125. The authorities refer to the project "Gorwelion" ("Horizons") which has been introduced "to produce extensive information from employers on posts which require Welsh language skills and the level of skill needed so that people are aware of the value of Welsh, given therefore the incentive to develop or acquire the language and to continue their education through the medium of Welsh".

126. The Committee of Experts considers this undertaking to be 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"

127. The authorities report that Welsh history and culture is reflected in the Curriculum for Wales at all levels via the "Cwricwlwm Cymreig", which ensures a Welsh dimension and ethos for the National Programmes of Study. This includes other subject areas such as Music, Art and Design, Geography and Anglo-Welsh text in English. The Committee of Experts considers this undertaking to be fulfilled.

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"

128. The authorities report that courses of initial teacher training leading to Qualified Teacher Status are provided through the medium of Welsh in a variety of subjects by several institutions in Wales. In addition, provision is made for supporting students who undertake secondary initial teacher training through the medium of Welsh and who need additional assistance to raise confidence and competence, as well as for teachers who take sabbaticals to develop /build on their Welsh language skills. Recent proposals by the

Welsh Assembly Government will extend this as from 2005-2006 to specific sabbatical programmes for qualified teachers to widen or acquire Welsh language skills in order to be able to teach through the medium of Welsh. Existing grants schemes (the Grants for Education Support and Training) also support continuing development for teachers through Welsh or to convert to Welsh and support the development of teaching of Welsh in schools.

129. The Committee of Experts commends the efforts being made in this area and looks forward to learning more about the results these measures produce. The Committee of Experts considers this undertaking to be fulfilled.

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"

130. The UK authorities report that this undertaking is fulfilled by the Welsh Language Board overseeing the development by education authorities and other public bodies concerned in the provision of education of Welsh Language Schemes under the Welsh Language Act 1993. The authorities state that the Board receives annual compliance and performance reports from educational establishments operating Welsh Language Schemes. These are subject to scrutiny and validation on a sample or cyclical review basis, as resources allow. The Schemes of the Schools' Inspectorate, Education and Learning Wales and other education regulators also require them to scrutinise Welsh language educational provision and planning as part of their function. They further state that, through feedback, the Board should be able to maintain an overview of standards and development, and use this information to stimulate further progress as it reviews Schemes. Both the Board and the other statutory regulators will produce reports.

131. The undertaking requires a body dedicated to looking at the teaching of regional or minority languages. The Committee of Experts accepts that it is possible, in practice, for an existing body with a wide remit, such as the Welsh Language Board, to monitor the measures taken and progress achieved in the teaching of Welsh and to produce and publish periodical reports and findings.

132. However, the Committee of Experts must conclude that there is at present no body currently performing the tasks envisaged in this undertaking since it has neither received nor seen any reports or information to this effect..

133. The Committee of Experts has been informed by the authorities that this task should be performed by the Welsh Language Board. The Board, however, has mentioned the lack of a clear remit in the field of education, and an absence of adequate resources to enable it to fulfil its functions in the educational field.

134. The Committee of Experts must conclude that this undertaking is not fulfilled.

Article 9 - Judicial authorities

135. The Committee of Experts commends the UK authorities for the extensive measures taken to facilitate the use of Welsh in judicial proceedings within Wales. As well as the statutory rights elaborated below, the Committee of Experts has been made aware of steps taken by the authorities to inform Welsh-speakers of these rights and of practical measures taken to facilitate the exercise of these rights. The Committee of Experts has, however, been made aware of a relatively small take-up of the right in courts other than magistrates' courts. A variety of factors account for this, including the relatively new status of Welsh in the courts and the fear amongst some users of the language that they may be regarded as troublemakers if they insist on the right to use the Welsh language. The Committee of Experts is nevertheless hopeful, that the measures implemented and the positive attitude by the authorities towards the use of Welsh before the courts will lead to Welsh being more frequently used in this specific area of public life.

"Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:

In criminal proceedings:

a.ii. to guarantee the accused the right to use his/her regional or minority language

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned"

136. The right to speak Welsh in criminal proceedings in Wales is established by Section 22 (i) of the Welsh Language Act 1993. According to the report, documents in Welsh are permitted by rules of Court (later specified to mean Practice Directions under paragraph 4.1 of the Court Service's Language Scheme). The Committee of Experts has been informed that in practice, Welsh is frequently used in the Magistrates' Courts. The Committee of Experts considers this undertaking fulfilled.

"a. iii. to provide that requests and evidence, whether written or oral, shall not be considered inadmissible solely because they are formulated in a regional or minority language

if necessary by the use of interpreters and translations involving no extra expense for the persons concerned."

137. Sections 22 – 24 of the Welsh Language Act guarantee the use of Welsh in courts. This right also includes requests and evidence, whether written or oral. The Committee of Experts considers this undertaking fulfilled.

In civil proceedings

"b.ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;

if necessary by the use of interpreters and translations;"

138. The right to speak Welsh in civil proceedings in Wales is established by Section 22 (i) of the Welsh Language Act 1993. If a party wishes to use Welsh in a civil court case, the Court must be informed in advance, for appropriate arrangements to be made. Costs incurred as a result of a party failing to comply with this may be made against him. According to the report, documents in Welsh are permitted by rules of Court (later specified to mean Practice Directions under paragraph 4.1 of the Court Service's Language Scheme). The Committee of Experts considers this undertaking fulfilled.

"b.iii. to allow documents and evidence to be produced in the regional or minority languages

if necessary by the use of interpreters and translations;"

139. Sections 22 – 24 of the Welsh Language Act guarantee the use of Welsh in courts. This right also includes requests and evidence, whether written or oral. The Court Service's Welsh Language Unit will meet the costs of translating documents to and from Welsh. If Welsh may be used in a civil court case, the Court must be informed in advance, for appropriate arrangements to be made. Costs incurred as a result of a party failing to comply with this may be made against him. The Committee of Experts considers this undertaking fulfilled.

In proceedings before courts concerning administrative matters

"c. ii. to allow, whenever a litigant has to appear in person before a court, that he or she may use his or her regional or minority language without thereby incurring additional expense;"

140. Sections 22 and 23 of the Welsh Language Act guarantee the use of Welsh in courts. With reference to the introductory remarks to Article 9, the Committee of Experts considers this undertaking fulfilled.

"c. iii. to allow documents and evidence to be produced in the regional or minority languages, if necessary by the use of interpreters and translations;"

141. The cost of translating documents and evidence for Court and Tribunal proceedings that come within the Lord Chancellor's Department and the Court Service's responsibility, is met through the Department's Welsh Language Unit. However, costs incurred as a result of insufficient notice may be made against the litigant. The Committee of Experts considers this undertaking fulfilled.

"d. to take steps to ensure that the application of sub-paragraphs i and iii of paragraphs b and c above and any necessary use of interpreters and translations does not involve extra expense for the persons concerned."

142. The Welsh Language Schemes of Tribunals and other legal proceedings require the provision of translation facilities at no extra cost to the person concerned. The budgets of the Civil Courts include provisions for translation. However, costs incurred as a result of insufficient notice may be made against the litigant. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 2

The Parties undertake:

b. not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language, and to provide that they can be invoked against interested third parties who are not users of these languages on condition that the contents of the document are made known to them by the person(s) who invoke(s) it;"

143. There is no restriction in UK law relating to the language in which legal documents may be considered valid. In respect of documents such as wills and contracts, there is no restriction within the UK as to the language in which they may be drawn up. The Committee of Experts considers this undertaking fulfilled.

Article 10 - Administrative authorities and public services

144. Much of the implementation of Article 10, on the part of the authorities in Wales, relates to Welsh Language Schemes as described below. The Committee of Experts commends this innovative method of securing and promoting Welsh. The Committee of Experts has been made aware, however, of difficulties experienced by some public authorities in securing the implementation of their schemes. The success of the Welsh Language Schemes is largely dependent on the various public bodies taking seriously their obligations to implement the schemes. The Committee of Experts underlines the importance of monitoring the implementation of schemes and the possibility of the Welsh Language Board taking action, where implementation is not satisfactory. Section 5 of the Welsh Language Act 1993 places a duty on every public body which provides services to the public in Wales or exercises statutory functions in relation to the public in Wales to prepare a language scheme, if called upon to do so by the Welsh Language Board. The purpose of a language scheme is to ensure that in the conduct of public business and the administration of justice in Wales English and Welsh are treated on an equal basis. The Act defines "public body", which may include State administration bodies following an order made by the National Assembly for Wales. The preparation and monitoring of such language schemes is regulated by the Welsh Language Act. There are currently around 200 working language schemes.

"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; or"

145. The UK government policy is that central government bodies operating in Wales shall adopt Welsh language schemes. Many have already done so and are progressively implementing them. The Committee of

Experts considers this a positive development towards ensuring use of Welsh by administrative authorities , and looks forward to more information in the next report. Consequently, it would appear to the Committee of Experts that the undertaking is fulfilled in most cases. It cannot, however, rule out the possibility that there are areas where it is not fulfilled. The Committee of Experts asks the authorities to elaborate on this in their next report.

"b. to make available widely used administrative texts and forms for the population in the regional or minority languages or in bilingual versions;"

146. The UK initial periodical report states that this is a requirement of individual language schemes, and that items such as forms are of high priority within language schemes. The Committee of Experts considers this undertaking fulfilled.

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

147. The Welsh Language Act 1993 and the Government of Wales Act 1998 form the legal basis for allowing documents to be produced in Welsh, and language schemes provide a duty for the administrative authorities to do so. The Committee of Experts considers this undertaking 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;"**

The National Assembly for Wales

148. Welsh is regularly used in the proceedings in the National Assembly for Wales, and in its Committees. Its official documents are published in both English and Welsh. The Welsh language can be used within the framework of the National Assembly for Wales, although the number of civil servants who are fluent in Welsh restricts somewhat the practical possibility of doing so. The Assembly accepts oral and written communications and applications in Welsh.

149. The Committee of Experts has received information that correspondence in Welsh can sometimes take longer, primarily because of extra time spent on the translation of documents.

150. The Committee of Experts considers the undertaking fulfilled in respect of the National Assembly for Wales.

Local authorities

151. Welsh language schemes instituted by local authorities vary in accordance with the numbers of Welsh speakers per local authority area . The Committee of Experts has no detailed information on measures included in local authority language schemes in Wales, but has been told by the authorities that all local authority Welsh language schemes ensure compliance with these undertakings. Indeed, the Committee of Experts has received no information to the contrary. The Committee of Experts considers the undertaking fulfilled in respect of local authorities.

"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."

152. Local authorities are responsible for place names and co-operate with the Ordnance Survey and the Post Office in this respect. The Welsh Language Board advises these bodies regarding place names, but is not responsible for them. The names of counties, communities and wards in Wales are the responsibility of the Home Office, in consultation with the National Assembly for Wales. The Committee of Experts considers this undertaking 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;"

153. The formal duty is laid down in language schemes. The relevant administrative body is responsible for informing contractors or partners delivering the service on behalf of the administrative body of the requirement.

154. While the formal requirement of a Welsh language scheme is a first step towards fulfilling this undertaking, the Committee of Experts did not receive sufficient information regarding its practical implementation. Since the undertaking requires authorities "to ensure" that Welsh is used in the provision of services, the Committee of Experts feels unable to draw a firm conclusion as to whether this undertaking is 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;"

155. The report states that this is a requirement of individual language schemes. The Committee of Experts has not received any information indicating any problems in this area and considers the undertaking fulfilled.

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

156. This is a requirement of individual language schemes. At present, however, there is no standard, officially recognised, accreditation basis. As part of their human resources plans, bodies are required by the Welsh Language Board to measure bilingual skill needs and to establish current resources, with a view to producing a linguistic skills strategy. The Welsh Language Board has in this respect issued advice, endorsed by the Commission for Racial Equality, which enables employers to implement the staffing undertakings of their Welsh Language Schemes without infringing race laws.

157. The Committee of Experts acknowledges the efforts being made to recruit and train employees required to use Welsh, and it looks forward to more information on the work carried out in the UK's next report. At present, plans seem to be developed and legal and other possible formal difficulties are being dealt with. These are important and necessary first steps in establishing concrete measures.

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

"Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."

159. The report states that there is a long established practice of allowing the use of family names in Welsh. The Registration of Births and Deaths Regulations 1987 enable parents to specify a surname which is not

necessarily the same as their own, in line with the customs of their own culture. The Committee of Experts considers this undertaking 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;"

160. BBC Radio Cymru started broadcasting as an entirely Welsh-language radio station on 1 January 1977. Other regional and commercial stations also broadcast certain amounts of Welsh-language programming, notably Radio Ceredigion, based in Aberystwyth. Radio Cymru broadcasts around 100 hours of Welsh-language programming per week. The BBC also has an obligation to present Welsh to non-Welsh speakers.

161. S4C (Sianel Pedwar Cymru), the fourth Welsh language television channel in Wales (established in 1982) broadcasts an average of 23.08 hours per day on its analogue service, of which 5.14 hours are in Welsh and 17.94 in English. The policy of the channel is to broadcast programmes in Welsh on prime time. S4C has created 2 digital television channels, the first of which broadcasts around 14-15 hours of Welsh-language programming per day (part of this being repeats), while the second provides coverage of the deliberations of the National Assembly for Wales, and certain Welsh cultural festivals. Viewers possessing correct digital reception apparatus may choose the soundtrack language whilst viewing this second S4C channel.

162. While pointing out that the strategy of making programmes available on a medium (digital television) requiring special technical requirements for reception runs a risk of excluding a minority language from the mass media (in this case because of the greater availability of minority-language programmes on digital television and the requirements of specific equipment for selecting a Welsh sound-track on one of the services), the Committee of Experts concludes that this undertaking is fulfilled.

"d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;"

163. According to the UK authorities, in addition to the production of TV and radio programmes for S4C and Radio Cymru, an average of 3 projects per year in Welsh are funded by Sgrîn, the Media Agency for Wales. Sgrîn is the primary film, television and news media organisation in Wales, and is funded jointly by the Arts Council of Wales, BBC Wales, British Film Institute, Film Council, S4C, TAC (Teledwyr Annibynol Cymru - Welsh Independent Television Producers) and the Welsh Development Agency. It is responsible for devising a strategic vision for optimising development of the industrial and cultural aspects of these industries. It is responsible for awarding National Lottery film production funding for works in either Welsh or English. It also awards exhibition grant aid for supporting or assisting exhibitions of both Welsh and English-language films. The Committee of Experts understands that S4C also makes funds available for feature films and on-line audio-visual works. The Committee of Experts concludes that this undertaking is fulfilled.

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

164. There are a number of periodical news publications available in Welsh. 'Y Cymro' and 'Golwg' (as well as the local commercial Yr Herald) appear weekly, 'Barn', a current affairs magazine, monthly. In 2001-2002 the public support from the Welsh Assembly Government through the Arts Council and Books Council for these publications is reported to amount to a total of £150,000-200,000. In addition to these, there are some other periodicals receiving support from the Welsh Assembly Government. There are also 61 local, mostly monthly, local papers (or, more accurately, news sheets), or 'Papurau Bro'. In 2001-2002 these

community newspapers received £51,000 from the Welsh Assembly Government via the Welsh Language Board.

165. Though considerable public support has been made available for different types of periodicals in Wales, the availability of daily news in printed form is lacking. This has led to the Welsh language media somewhat one-sidedly supporting an oral tradition, especially among those who do not have frequent access to on-line services on the web. When compared with other regional or minority languages in Europe which are in a similar position to Welsh in the UK, this is anomalous. The Committee of Experts was informed about plans to establish a Welsh daily newspaper. On the basis of the information received the Committee of Experts considers the undertaking fulfilled.

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

166. The UK authorities report this to be the responsibility of Sgrîn, the Media Agency for Wales administering funding for audio-visual productions in Welsh and English. This includes the core funding from its funding bodies, and, in co-operation with Media Antenna Cymru Wales and the European Commission, the MEDIA programme, which has been used to support the development and distribution of audio-visual works in Welsh.

167. As noted above (under Article 11.1.d) an average of 3 works per year are funded through 'Sgrin'. The Committee of Experts considers the undertaking to be fulfilled.

"Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary."

168. According to the authorities, there are no restrictions throughout the UK. They also report that, in many areas, Welsh language programming can be heard and viewed in England and abroad. Radio Cymru is streamed live on the internet and digital satellite, and S4C 1 & 2 are available in Wales and outside on digital satellite. BBC Wales provides an extensive interactive Welsh Language service on the internet, which contains many streaming audio and video broadcasts in Welsh. The Committee of Experts considers the undertaking to be fulfilled.

"Paragraph 3

The Parties undertake to ensure that the interests of the users of regional or minority languages are represented or taken into account within such bodies as may be established in accordance with the law with responsibility for guaranteeing the freedom and pluralism of the media."

169. According to the UK authorities, many bodies undertake pertinent activities in this field. Amongst them, the Broadcasting Standards Commission and the Radio Authority have a Welsh Language Scheme. The Press Complaints Commission (PCC) and OFTEL (Office of Telecommunications) are about to publish their statutory language scheme. The Independent Television Commission also has responsibilities in this field, but does not have a Welsh language scheme. The Welsh Language Board is the statutory body responsible for overseeing the preparation and approval, and subsequent implementation, of Schemes. The new Communications Act establishes OFCOM (Office of Communications), a new regulatory authority which will include the above-mentioned bodies (apart from PCC). OFCOM is currently in discussions with the Welsh Language Board regarding a statutory language scheme.

170. The Committee of Experts has been informed that statutory Welsh Language Schemes, while ensuring that Welsh is taken into account, do not ensure representation of the language within the bodies mentioned. The Committee of Experts also observes that the Independent Television Commission does not have and is not preparing a Welsh Language Scheme, but notes that OFCOM seems to be preparing one.

171. The Committee of Experts has been informed that there is no intention to include any representative of regional or minority languages on the board of the new regulatory body (OFCOM). It has not been informed of alternative means by which the interests of the users of regional or minority languages will be taken into account within OFCOM. The Committee of Experts is therefore not in a position to conclude whether this undertaking is 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:

a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;"

172. The Arts Council of Wales (ACW) is responsible for funding and developing the arts in Wales and it provides direct grants to Welsh-language cultural activities. The Council also serves as an advisory body to the Welsh Assembly Government on issues relating to the arts. The Welsh Assembly Government finances the Council. The Council furthermore distributes Lottery money for the arts in Wales. The strategy of the ACW is based on the strategic priority to include activities in Welsh. It will encourage bodies not covered by the Welsh Language Act to operate within the spirit of the Act. In their applications to the ACW, all bodies are invited to specify how the Welsh language will be reflected in the activities to be financed. The ACW is preparing a three-year funding agreement with revenue-funded clients, requiring the latter to submit an annually updated Equal Opportunities Plan covering the use of the Welsh language and other regional or minority languages where appropriate. The plan will be monitored by the ACW. The Committee of Experts looks forward to receiving further information on this initiative in the next UK report.

173. The Welsh Book Council also funds much of the Welsh language publishing industry. This Council is also financed and held accountable by the Welsh Assembly Government.

174. The Committee of Experts considers this undertaking fulfilled.

"b. to foster the different means of access in other languages to works produced in regional or minority languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;"

175. The Mercator Minority Language Network, based in Wales, is responsible for a project called, Welsh Literature Abroad. The project includes translations of Welsh literary works into other languages. As a result of this and other initiatives of which the Committee of Experts is aware, the undertaking is considered fulfilled.

"c. to foster access in regional or minority languages to works produced in other languages by aiding and developing translation, dubbing, post-synchronisation and subtitling activities;"

176. The Mercator Minority Language Network local office in Aberystwyth (Mercator Media) also carries out a number of translation works from foreign languages into Welsh. The Committee of Experts was also informed that in 2002, about 330 works were published in Welsh. 138 of them were translations, in particular education materials. The Welsh Book Council also undertakes the translation of a number of works from English into Welsh. Furthermore, the National Language Unit of the Welsh Joint Education Committee translates and adapts education materials into Welsh. In 2001, the S4C subtitled 36 hours of diverse programmes in Welsh. The Committee of Experts considers that the undertaking is fulfilled.

"d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

177. The Welsh Language Schemes serve as one means of ensuring that bodies responsible for organising or supporting cultural activities make appropriate allowance for incorporating the knowledge and use of Welsh and Welsh culture in their activities. These bodies should therefore in principle guarantee the fulfilment of this provision.

178. The Welsh Arts Council also asks applicants requesting financing for projects to specify how the bilingual community in Wales will be reflected in the projects, thereby making the Welsh language and its culture criteria for selection. This includes specific criteria relating to the appropriate use of regional or minority languages, including other languages of ethnic communities in Wales.

179. The Committee of Experts considers this undertaking fulfilled.

"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;"

180. In Wales, public bodies, such as the Welsh Arts Council, Welsh Books Council, National Library of Wales, Academi Gymreig, Sgrin, National Museum and Galleries of Wales, are bound by the staff sections of the Welsh language schemes. These bodies must therefore show the linguistic skills capacity to ensure that they deliver service in Welsh, where requested. The Committee of Experts considers that this undertaking is fulfilled.

"f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;"

181. The Committee of Experts is aware of the high degree of participation by speakers of Welsh in providing and planning cultural activities and considers the undertaking fulfilled.

"g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;"

182. The National Library of Wales collects, maintains and keeps copies of all printed works produced and published in the UK and also has a substantial archive of other works. The National Museums and Galleries of Wales also have archives of Welsh works. The Committee of Experts considers the undertaking fulfilled.

"h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language."

183. The Welsh Language Board has provided terminological standardisation since its creation. It has co-ordinated Welsh-English dictionaries of procedural terms, financial terms, educational terms and a glossary of bilingual terms for shops. The Board also convenes experts on the Welsh language for the standardisation of terms and place names. The University of Wales, Bangor, also carries out terminological work, funded partly by the WLB. The Board has given wide support in the field of translation. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

184. The Committee of Experts has not received information to be able to evaluate whether this undertaking is fulfilled or not. The Committee of Experts would welcome more information concerning this undertaking in the next report.

"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.

185. The British Council has a special Welsh Committee, responsible for presenting the Welsh language and culture within the activities of the British Council. The Committee of Experts is aware of projects carried out but has at present insufficient information to evaluate if the undertaking is fulfilled, and looks forward to receiving further information in the UK's next report.

Article 13 - Economic and social life

"Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:"

"a. to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;"

186. The authorities have informed the Committee of Experts that there are no areas in public life where there is a special provision prohibiting the use of Welsh. The Committee of Experts considers the undertaking fulfilled.

"c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;"

187. The Committee of Experts has received some, though insufficient information, in respect of Wales and no information regarding the rest of the UK, and can therefore not conclude if the undertaking is fulfilled or not.

"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:

b. in the economic and social sectors directly under their control (public sector), to organise activities to promote the use of regional or minority languages;"

188. There are a number of public bodies in Wales that have taken initiatives to promote the use of Welsh in the economic sector. Examples were given by the authorities, such as the Wales Tourist Board's "Cultural Tourism Strategy", supported in some municipalities by a grants scheme, and the Welsh Development Agency's "Taste of Wales" project, where the use of Welsh is encouraged as part of a broader economic objective. The Welsh Language Board has also given awards for Bilingual Designs. There are also local organisations, supported by the Welsh Assembly Government, that undertake to promote the use of Welsh in economic and social life. The Committee of Experts considers that there are a number of interesting activities being undertaken in Wales to fulfil this undertaking and commends the authorities for their support to these organisations. It looks forward to receiving more examples of concrete action supported by the authorities in this respect and learning what the practical outcomes have been. The Committee of Experts considers the undertaking fulfilled.

"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;"

189. Where hospitals and retirement homes are run by public bodies, a Welsh language scheme will apply. It has, however, been pointed out by the authorities, that even if these public bodies have improved their signage, there is still a serious lack of services in Welsh in the daily work of these public bodies. In 2000 a report was published entitled: "Welsh in the Health Service: the Scope, Nature and Adequacy of Welsh Language Provision in the National Health Service in Wales". This report points out a number of sensitive areas where the Welsh Assembly Government needs to take action in order for the Welsh language to be used. As is mentioned in the report, the need to use the language can in some instances be about providing equal opportunities, but it also points out that sometimes patients are in a situation of needing to use their mother tongue (Welsh). The report specifies that in some cases Welsh-speaking patients cannot be treated effectively through the English language: this would apply in particular to those receiving speech and language therapy, people with mental health problems, learning disabilities, special needs, elderly people, and young children. The Committee of Experts was informed that the authorities are aware of the problems and have started initiatives to improve the situation. The Committee of Experts acknowledges these initiatives but must nevertheless at present conclude that the undertaking is not fulfilled.

The Committee encourages the authorities to take measures to ensure that social care facilities offer services in Welsh to people who are in need of care and wish to use that language.

"e. to arrange for information provided by the competent public authorities concerning the rights of consumers to be made available in regional or minority languages."

190. The Welsh Consumer Council is required, under its Welsh Language Scheme, to treat the English and Welsh languages on an equal basis. The scheme requires the Council to produce materials in Welsh. Publications produced by the Council are bilingual, English and Welsh. The Committee of Experts considers the undertaking fulfilled.

2.2.2. *The Scottish-Gaelic language*

Article 8 - Education

191. The options for Gaelic chosen by the UK under articles 8 (1) (a) to (c) are the most ambitious available, i.e option (i) in each case. (The UK's initial periodical report inaccurately identified the options as being a(iii), b(iv) and c(iv)).

192. The chosen options require the authorities to make pre-school, primary and secondary education available in Gaelic. The Committee of Experts interprets this undertaking as referring both to the teaching of the language, and to Gaelic-medium education. Furthermore, these must be made available without condition to all who request it throughout the territory in which the language is used.

193. The UK Authorities report that under the Education (Scotland) Act 1980 education authorities in Scotland have a duty to provide teaching of Gaelic in Gaelic-speaking areas. There is no clear definition of Gaelic-speaking areas, but the authorities have informed the Committee of Experts in the initial periodical report that "the largest concentrations of Gaelic speakers are found in Na h-Eileanan an Iar (the Western Isles), the Highlands, and Argyll in Scotland and that there also are significant concentrations of Gaelic speakers across the rest of Scotland: in the urban areas of Glasgow, Edinburgh, Aberdeen and Inverness".

194. The Act classifies 'teaching of Gaelic' as 'further education', as opposed to 'school education' (section 5(1)(b)(iv)), which gives the impression of Gaelic as an 'add-on' rather than as an integral part of the educational provision. The Act seems also to be restricted to the teaching of Gaelic as a subject and not Gaelic-medium education.

195. The Grants for Gaelic Language Education (Scotland) Regulations 1986 empower Ministers to provide grants to education authorities for the teaching of Gaelic or the teaching of other subjects in Gaelic.

196. The Standards in Scotland's Schools etc Act 2000 requires education authorities to report on their plans for Gaelic provision. Gaelic, which includes Gaelic-medium education, has also been incorporated in the National Priorities Framework for schools in Scotland.

197. In response to a question from the Committee of Experts, the UK authorities explained that the extent of provision of education in Gaelic is a matter for each local authority. This appears to be the case even in the 'Gaelic-speaking areas' mentioned above. As a result, the provision for education in Gaelic seems to be very patchy and is non-existent even in some places where there are significant numbers of Gaelic speakers.

198. In the view of the Committee of Experts the Education (Scotland) Act 1980 and other measures referred to by the UK authorities are at present insufficient to meet the requirements of the undertakings chosen by the UK for Scotland. The Committee of Experts has also not received information about any measures which could lead to the practical fulfilment of the undertakings.

"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;"

199. Pre-school education in Scotland is the responsibility of the local education authorities. Education authorities have the power to provide nursery schools and nursery classes, which may include the use of Gaelic in Gaelic-speaking areas.

200. The authorities report that 403 children receive Gaelic-medium pre-school education in 36 registered nurseries in Scotland, most of which are linked to a primary school with a Gaelic-medium unit.

201. The NGO, Commun na Gàidhlig (CnaG) reports that 19 of these units, catering for 219 children, are in the Highland region, with 46 children attending 3 units in Glasgow. CnaG also refers to the work of Comhairle nan Sgoiltear Araich ("CNSA"), a voluntary organisation, which organises 115 playgroups. Between 1 600 and 1 700 attend these playgroups. 20 such groups are run in the Western Isles in collaboration with the local authority.

202. CnaG also reports a difficulty in securing continuity from Gaelic-medium pre-school to primary school.

203. The Committee of Experts is concerned at the absence of a statutory entitlement to Gaelic-medium pre-school education. However, since there are no reports of gaps in provision, the Committee of Experts considers that, in practical terms, this undertaking is fulfilled.

Primary Education

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

204. According to the authorities, there is one dedicated Gaelic-medium primary school in Glasgow, and a further 58 Gaelic-medium units in primary schools elsewhere which are in all other respects English-medium schools. A total of 1859 pupils receive Gaelic-medium primary education.

205. CnaG has informed the Committee of Experts that there was a good measure of Gaelic-medium education in Inverness-shire schools from 1965, and that the Western Isles Council introduced a bilingual education policy in the mid-1970s. Formal Gaelic-medium education, however, was established at primary level only in 1985.

206. CnaG reports a slight decline in the number of children receiving Gaelic-medium education at primary level, after a period of growth since its establishment in 1985. Two particular difficulties were cited, namely the fact that some local authorities have been better than others at supporting Gaelic-medium education (a structural problem noted above by the Committee of Experts), and the shortage of qualified teachers.

207. From the perspective of language maintenance, Gaelic is a particularly endangered language, and Gaelic-medium education is seen as crucial to its survival, in generating sufficient competent Gaelic-speakers to make up for the attrition in numbers. As mentioned above, the extent of provision of education in Gaelic is a matter for each individual local authority. The provision of Gaelic-medium primary education is consequently patchy, which in practice makes it difficult and sometimes impossible for children to obtain this education. The Committee of Experts therefore considers this undertaking to be only partly fulfilled.

Secondary Education

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

208. The authorities report that there are 14 secondary schools, mostly situated in the Highlands and Western Isles, offering Gaelic-medium education in some subjects, with a total of 302 pupils. In addition, there are 2131 pupils in Gaelic (learners) Classes and 928 in Gàidhlig (fluent Speakers) Classes across Scotland.

209. The Committee of Experts has been informed of considerable lack of consistency and substantial gaps in the provision.

210. As at the primary level, the extent of provision of education in Gaelic (both as a subject and as a medium of instruction) is a matter for each individual local authority. The provision of Gaelic-medium education is consequently patchy and in certain areas non-existent. The Committee of Experts must therefore conclude that this undertaking is partly fulfilled.

Technical and vocational education

- "d.i. to make available technical and vocational education in the relevant regional or minority languages; or
- d.ii. to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or
- d.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
- d.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"**

211. Technical and vocational training in Scottish Gaelic are available at two institutions, namely Sabhal Mòr Ostaig, the Gaelic College on Skye, and at Lews Castle in Stornoway.

212. The authorities report that Sabhal Mòr Ostaig offers a broad range of subjects in the Gaelic medium, almost entirely at HE level. These include BA Gaelic Language and Culture, HND/HNC Business Administration with Gaelic and MA Professional Development. The extent of demand and sufficiency of numbers are operational matters for the College to decide upon, on the basis of its expertise and judgement in the field of Gaelic provision.

213. The Committee of Experts considers that this undertaking is of special importance in the Gaelic-speaking areas of Scotland where the language is used in the workplace.

214. No information has been provided by the authorities as to the level of demand for provision of technical or vocational training in Gaelic, how that demand is measured and what steps are taken to meet it. Since the Committee of Experts has been informed that there is some technical and vocational education in certain institutions, it concludes that the undertaking is partly fulfilled but asks the authorities to elaborate on how they evaluate the demand in their next report.

University and Higher Education

- "e.i. to make available university and other higher education in regional or minority languages; or
- e.ii. to provide facilities for the study of these languages as university and higher education subjects; or
- e.iii. if, by reason of the role of the State in relation to higher education institutions, subparagraphs 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"**

215. Three universities in Scotland (the Universities of Aberdeen, Edinburgh and Glasgow) have Departments of Celtic Studies with both undergraduate and post-graduate students. The colleges of the UHI Millennium Institute (UHIMI), particularly Lews Castle College, Stornoway, and Sabhal Mòr Ostaig, Skye, promote the study of and research into Gaelic.

216. There are concerns, however, that the number of students pursuing studies through the medium of Gaelic is small, and that two posts in Celtic Studies at Aberdeen University remain unfilled.

217. The Committee of Experts nevertheless considers this undertaking fulfilled.

Adult and continuing education

- "f.iii. if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;"**

218. As well as the courses available at Lews Castle College and Sabhal Mòr Ostaig, there are Gaelic immersion courses for adults at a number of colleges including Clydebank, Falkirk and Inverness Colleges.

219. These courses run over the course of an academic year and involve some 24 hours of Gaelic teaching per week. There are currently 47 further education Colleges in Scotland.

220. The Committee of Experts has been informed that some local authorities offer evening school classes in Gaelic, and there are a range of residential courses available, mostly offered in the summer, through institutions of higher learning, such as Sabhal Mòr Ostaig, the Skye-based Gaelic college which is now part of the University of the Highlands and Islands Project, and the University of Edinburgh, as well as other privately run courses such as "Cothrom na Feinne", based in Wester Ross and "An Ceathramh", in Sutherland.

221. CLI, an organisation which was created in 1984 to serve the needs of adult learners in Scotland and abroad, acts as a clearing house for information about Gaelic language acquisition, and publishes a quarterly magazine.

222. NGOs have expressed concern about the resourcing of CLI and whether there is sufficient provision for semi-fluent Gaelic speakers to achieve fluency. The Committee of Experts was told that a report undertaken by A. G. Boyd Robertson of Strathclyde University for the Scottish Qualifications Authority (the "SQA") and published in July, 2001, entitled "Report on Gaelic Immersion Course Provision in Scotland", recommended additional financial support for students undertaking immersion courses. The Committee of Experts has not been informed of any subsequent action taken.

223. While it would welcome such improvements, the Committee of Experts nevertheless considers this undertaking to be 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"

224. The UK Initial Periodical Report states that the '*Curriculum and Assessment in Scotland National Guidelines - Gaelic 5-14*' recommend 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". The guidelines also stress that culture is more than language and literature, namely "also, for example, history, music, the visual arts, dance, legend, drama, the mass media, architecture, ways of work, habits of thought and feeling and human relationships".

225. No evidence was forthcoming from the authorities as to how these guidelines are implemented in practice in relation to the history and culture reflected by Gaelic.

226. The non-governmental organisation Fás reported that the Guidelines relate "almost exclusively to those pupils receiving Gaelic-medium education, who are less than 1% of the total. The overwhelming majority of Scottish schoolchildren learn next to nothing about Gaelic history and culture, a failure that tends to lead to reinforcement of the damaging negative stereotypes presented in the mass media". If the assertion made by Fás is correct, then the Committee of Experts is most concerned about this. However, the Committee of Experts was not given the opportunity by the Scottish Executive during the "on-the-spot visit" to meet the responsible education authorities and discuss the observations from Fás. The Committee of Experts is therefore not in a position to conclude whether or not the undertaking is fulfilled, but asks the UK authorities to report on this in their next 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"

227. The UK Authorities report that the Scottish Higher Education Funding Council is responsible for funding students at Teacher Education Institutions, that the Scottish Executive has advised the Council that the supply of teachers able to teach in the medium of Gaelic is a priority for Scottish Ministers and that the list of priority subjects at secondary school includes Gaelic and Gaelic-medium history and geography. The Ministerial Advisory Group on Gaelic recently estimated that there is a shortage of 15 primary school teachers.

228. Research conducted by the Director of Education of the Highland Council suggests that the figure is 30 newly-trained teachers per annum.

229. NGOs point out that not all teachers trained to teach through the medium of Gaelic end up doing so, and so the numbers entering Gaelic-medium training courses may need to be even greater. They also suggest that the scarce Gaelic-medium teaching resources available are not deployed in the most effective way in order to ensure that pupils receive Gaelic-medium education. On the positive side, CnaG reports that the Teacher Education Institutions in collaboration with the General Teaching Council for Scotland are beginning to take a lead on this issue.

230. The shortage of trained teachers able to teach through regional or minority languages is a common problem throughout Europe, and constitutes a substantial barrier to language maintenance and survival. In the view of the Committee of Experts, given the further decline in the numbers of Gaelic-speakers in Scotland, and the concurrent increase in demand for and interest in Gaelic-medium education, there is an urgent need to strengthen the basic and further training of Gaelic teachers.

231. The Committee of Experts considers the undertaking partly fulfilled.

The Committee encourages the authorities to strengthen the basic and further training of Gaelic teachers.

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"

232. As part of their supervisory responsibility, the UK Government's Inspectors of Schools are required to monitor the development of Gaelic-medium education, but they have wider responsibilities as well.

233. The Committee of Experts has been informed that at present there is one Gaelic-speaking Inspector. The undertaking requires a body dedicated to looking at the teaching of regional or minority languages. The Committee of Experts accepts that it is possible for an existing body with a wide educational remit, such as the UK's Schools Inspectorate, to monitor the measures taken and progress achieved in the teaching of Gaelic and to produce and publish periodical reports and findings.

234. The UK authorities have informed the Committee of Experts that the Inspectors of education will report on Gaelic-medium education and these reports are to be made public. It is unclear to the Committee of Experts the extent to which the Inspection regime fulfils the criteria required by the undertaking, and the Committee of Experts is unable to conclude that the undertaking is currently fulfilled.

"Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education."

235. The undertaking relates to the whole of the UK outside the territories in Scotland where Gaelic is used. The Committee of Experts has only received information about the situation in Scotland. There are educational facilities outside Scotland, including the Wansfell College in Essex and the City Lit in London offering Gaelic classes. However, the information received is insufficient for the Committee of Experts to determine whether the undertaking is fulfilled or not.

Article 9 - Judicial authorities

"Paragraph 1

The Parties undertake, in respect of those judicial districts in which the number of residents using the regional or minority languages justifies the measures specified below, according to the situation of each of these languages and on condition that the use of the facilities afforded by the present paragraph is not considered by the judge to hamper the proper administration of justice:"

In civil proceedings

"b.iii. to allow documents and evidence to be produced in the regional or minority languages"

236. The report states that provision for the use of Gaelic has been made for the civil courts which cover the Western Isles and the Isle of Skye. Explanatory leaflets are available from the sheriff clerk's office, and local solicitors have been informed of the provision.

237. The Committee of Experts has received no information from the authorities about measures taken with regard to areas outside the court districts of the Western Isles and the Isle of Skye.

238. The NGO CnaG writes in its submission to the Committee of Experts that only a minority of Gaelic speakers live within the geographical areas covered by the measures taken, and that no similar provisions are available in respect of other areas, such as Tiree and parts of the mainland of the Highlands, where there are significant concentrations and numbers of Gaelic speakers, nor elsewhere in the country, including Glasgow and Edinburgh, where there are also considerable numbers of Gaelic speakers. CnaG also maintains that the authorities have not informed the public of the opportunity to use Gaelic, or encouraged the public to use it.

239. The Committee of Experts considers the undertaking partly fulfilled. The Committee of Experts would welcome information about the implementation of this undertaking outside the court districts of the Western Isles and the Isle of Skye in the next UK periodical report.

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:

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

240. The Committee of Experts has been informed that certain public bodies, such as Highlands & Islands Enterprise, the Crofters' Commission and Scottish Natural Heritage, have produced documents in Gaelic. The information received is incomplete in respect of bodies (e.g. the taxation authorities) which are answerable to the UK Parliament as opposed to the Scottish Parliament, and the Committee of Experts is therefore unable to conclude whether the undertaking is 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;"

241. The Committee of Experts was informed that the Scottish Parliament has introduced a Gaelic language policy including the use of Gaelic within the Parliament, which has also employed a Gaelic development officer. The Committee of Experts commends this and looks forward to receiving further information on progress made within the Parliament in this respect.

242. The report states that where appropriate, the Scottish Executive produces Gaelic versions of important national documents. Some documents are mentioned, such as "Revitalising Gaelic: a National Asset", new laws on Racial Equality in Scotland and the Consultation Document on Community Budgeting. The Scottish Parliament's Annual Report and various Inspector of Education Reports, where the council, school or college offers Gaelic-medium education, are also mentioned.

243. The Committee of Experts has not received sufficient information regarding the use of Gaelic within the framework of the Scottish Executive and is therefore unable to assess whether or not Gaelic is in use within the framework of this entity.

244. The report states that CNES (Western Isles) and the Highland Council operate a bilingual policy in their contacts with the public. They also have a policy for Gaelic development and each employs a Gaelic Development Officer. There is, however, no information regarding the situation elsewhere.

245. The Committee of Experts considers the undertaking fulfilled in respect of the Scottish Parliament, CNES and the Highland Council. However the Committee of Experts has not been informed of any measures taken to encourage the use of Gaelic elsewhere. On this basis the Committee of Experts considers the undertaking partly fulfilled, and expresses the wish to receive further information on the use of Gaelic within the Scottish Executive and other local authorities.

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

246. The Committee of Experts was informed that it is possible to submit applications to the Scottish Parliament and Scottish Executive in Gaelic.

247. The report states that members of the public wishing to conduct their business with CNES and Highland Council through the medium of Gaelic are encouraged to do so. The NGO CnaG writes in its submission to the Committee of Experts that the NGO is not aware of any practical measures to encourage the general public to submit applications in Gaelic in either area. The Committee of Experts itself has not been informed of any concrete steps taken to inform the general public about this possibility. However, the Committee of Experts was informed that there are members of the public in the Western Isles who conduct their business with CNES in Gaelic. There is no information about the situation elsewhere.

248. The Committee of Experts considers this undertaking fulfilled for the Parliament and the Executive, but lacks information to enable it to draw conclusions as to whether the obligation is fulfilled concerning the local level. The Committee of Experts would welcome more information regarding the possibility for Gaelic speakers to submit oral or written applications in Gaelic to local authorities.

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

249. The report states that CNES and the Highland Council produce major documents, reports, agendas and minutes in bilingual format where appropriate. The NGO CnaG has informed the Committee of Experts that they have not been able to obtain information about bilingual documents other than those dealing with Gaelic policies.

250. The Committee of Experts considers the undertaking fulfilled in respect of CNES and the Highland Council, but has insufficient information to conclude if the undertaking is fulfilled concerning other local authorities. The Committee of Experts would welcome further information on this matter in forthcoming reports.

"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;"

251. Standing Orders for the Scottish Parliament state that: "The Parliament shall normally conduct its business in English but members may speak in Scots, Gaelic or in any other language with the agreement of the Presiding Officer". The report refers to four debates and five Committee meetings in 2001 which were conducted at least partly in Gaelic, with simultaneous interpretation. The Committee of Experts considers this undertaking 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;"

252. The report states that members of CNES and the Highland Council are encouraged to use Gaelic at committee and council meetings. Some documents are produced bilingually, simultaneous translation systems are available for meetings and there are Gaelic classes for staff which can be attended during work time.

253. The Committee of Experts considers the undertaking fulfilled in respect of CNES and the Highland Council, but has insufficient information to conclude if the undertaking is fulfilled concerning other local authorities. The Committee of Experts would welcome further information on this matter in forthcoming reports.

"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."

254. The Committee of Experts was informed that Highland Council and CNES erect bilingual street signs and minor road signs and welcome signs in towns and villages within the Highland Council.

255. In accordance with relevant regulations made under the Road Traffic Regulations Act 1984, Scottish Ministers can authorise bilingual road signs. The Committee of Experts has received information from NGOs that the power of the Scottish Executive to authorise and erect bilingual signs on major roads is rarely used in practice. The Committee of Experts was informed during the "on-the-spot" visit that the Scottish Executive had recently adopted a more active approach towards bilingual trunk road signs in the Highlands.

256. The Committee of Experts therefore considers this undertaking partly fulfilled.

"Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned.

257. The report states that there is no restriction in Scotland on the use of Gaelic versions of family names. The Committee of Experts considers this undertaking 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:

ii to encourage and/or facilitate the creation of at least one radio station and one television channel in the regional or minority languages;"

258. In the initial periodical report, the UK authorities indicate the undertaking chosen as paragraph 1 a iii (*to make adequate provision so that broadcasters offer programmes in Scottish Gaelic*). The correct chosen undertaking is, however, paragraph 1 a ii.

259. The British Broadcasting Corporation (BBC) provides regular programming, including programmes aimed at children of pre-school age. For part of the year the BBC also carries 2 hours of television programmes in Scottish Gaelic one day a week on prime time. According to the BBC Scotland Annual Review for the year 2001/2002, there were 24 hours of television output in Gaelic. There is no statutory requirement on the BBC to produce a specified quantity or genre of Gaelic programmes.

260. According to the UK authorities, the Independent Television Commission (ITC) has responsibility for ensuring compliance with the 1990 and 1996 Broadcasting Acts. The ITC requires Scottish Television to transmit not less than 90 minutes per week of Gaelic, including 30 minutes of repeats. The ITC requires

Grampian Television to include at least 72 hours of Gaelic programming per annum. Approximately 150 hours of television programmes in Scottish Gaelic are broadcast per year.

261. According to representatives of the speakers of Scottish Gaelic, the government support for Gaelic broadcasting now stands at approximately £8.5 million per year, but annual budgets have not been increased to reflect inflation and have recently been cut. There seem, however, to be no objections from the BBC Gaelic Services to better co-ordinating the television programming with other broadcasters providing services in Scottish Gaelic.

262. The main part of radio services in Scottish Gaelic is provided by the BBC. In 2002 it increased the amount of programmes broadcast in Scottish Gaelic to 50-60 hours per week. The supply is multi-genre, including news and current affairs programmes. Availability of BBC radio services on-line also serves Scottish Gaelic speakers in other parts of the UK and the world (Nova Scotia, Australia). There are, however, some parts of Scotland that are not receiving these broadcasts due to gaps in the transmission infrastructure.

263. The new Communications Act addresses also the issue of broadcasting services in Scottish Gaelic. This does not expressly provide for the promotion or establishment of a Gaelic TV Channel. The representatives of the Department of Culture Media and Sport (DCMS) whom the Committee of Experts met during the on-the-spot-visit stated that the new legislation would 'enable' a channel to be established, 'should funding become available'. The Committee of Experts regrets that there was no evidence from the UK authorities of such funding being made available. Compliance with the undertaking chosen by the UK requires more than simply creating a legal framework within which a channel can exist; it requires positive action (including where necessary funding) on the part of the Authorities to encourage and / or facilitate the creation of a channel.

264. The Committee of Experts will welcome information in the next UK report particularly on the development of television services in Scottish Gaelic to meet the requirements of the undertaking to encourage and/or facilitate at least one television channel. The Committee of Experts also encourages the UK Government to take appropriate action to ensure that all of Scotland can receive Radio nan Gaidheal.

265. The Committee of Experts has to conclude that this undertaking is so far only partly fulfilled in respect of radio and is not fulfilled in respect of television.

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

266. According to the authorities, the 1996 Broadcasting Act gave the Comataidh Telebhisein Gaidhlig (CTG), the Gaelic Television Committee, (now, the Gaelic Broadcasting Committee or Comataidh Craolaidh Gaidhlig (CCG), which is appointed by the ITC and which administers the Gaelic Broadcasting Fund provided by the Government) the remit to fund Gaelic radio programmes from April 1997. The Committee of Experts has not received information on the actual amount of programmes and their regularity. Representatives for the speakers of Scottish Gaelic consider the programmes broadcast in Scottish Gaelic on private radio stations to be of weak quality. There were also complaints about Scottish Gaelic programmes being broadcast on less attractive time-slots.

267. The Committee of Experts has noted the reference to the functions of CCG in the report of the Westminster Joint Committee on the Draft Communications Bill at paragraph 359, which states that "the resources available to the CCG from the Fund have diminished in real terms since their establishment and stand at £8.9 million in 2001-2002."

268. The Committee of Experts acknowledges the encouragement being given through the Broadcasting Act and the provision of funds. The Committee of Experts is unsure of the effects, since it has not received any information about the regularity of the programmes. In addition, NGOs have informed the Committee of Experts that private radio programmes in Gaelic are broadcast at a time when they are not easily accessible for most people. The Committee of Experts would welcome more information about the regularity and time of broadcasting for private radio broadcasts in Gaelic.

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

269. According to the UK authorities, the Broadcasting Act of 1990 established the Gaelic Television Fund to be administered by CTG, enabling it to fund extra hours of Gaelic television. The 1996 Broadcasting Act re-designated CTG as Comataidh Croalaidh Gaidhlig (CCG), the Gaelic Broadcasting Committee. The Committee is appointed by the Independent Television Commission and has no powers to commission or schedule. The requirements set by ITC regarding Scottish television were presented in para 262 above.

270. The Committee of Experts has been informed that resources made available by the Scottish authorities to the Gaelic Television Fund for television programmes in Gaelic have decreased to two thirds of their initial 1990 purchase value while the funding obligation has been increased to cover also radio. There were complaints among the Gaelic speakers that much of the programming, especially on the private television channel, was broadcast outside prime-time and thus in practice was less accessible. Until three years ago there was a daily five-minute news programme broadcast by Scottish Television. A current affairs programme is now broadcast some 30 weeks per year at 11.30 p.m. There were also complaints about the poor quality and tokenistic nature of the programmes.

271. The Committee of Experts acknowledges the encouragement being made through the Broadcasting Act and the provision of funds. The Committee of Experts is unsure of the effects, since it has not received any information about the regularity of the programmes. In addition, NGOs have informed the Committee of Experts that private TV programmes in Gaelic are broadcast at a time when they are not easily accessible for most. The Committee of Experts would welcome more information about the regularity and time of broadcasting for private TV broadcasts in Gaelic.

"d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;"

272. The UK authorities report that Proiseact nan Ealan, funded by the Scottish Arts Council and the Scottish Executive, is an arts development agency promoting Gaelic music, theatre and visual arts through initiatives such as exhibitions, publications, festivals, television programmes, CDs and training courses.

273. According to the representatives of Scottish Gaelic organisations, there is a quota for funding productions in Scottish Gaelic. Part of these resources, however, is allocated to projects on Gaelic culture, carried out in the English language.

274. On the basis of the information made available, the Committee of Experts considers the undertaking nevertheless fulfilled.

"e ii to encourage and/or facilitate the publication of newspaper articles in the regional or minority languages on a regular basis;"

275. The Scottish Executive provides funding for 'An Comunn Gaidhealach' (a Gaelic membership organisation), which supports the only Gaelic-only newspaper "An Gàidheal Ùr", and 'Cli' (a Gaelic learners' association), which publishes a quarterly magazine 'Cothrom' in both Gaelic and English. The report also mentions regular articles in Gaelic, published in newspapers serving the Highlands and Islands, such as the West Highland Free Press and the Stornoway Gazette and a weekly Gaelic article in the 'Scotsman'.

276. The publications funded by 'An Comunn Gaidhealach' are, according to the information given by speakers of Scottish Gaelic, not newspapers but periodicals published monthly or even less frequently. Though some of them are much esteemed, they do not provide support for daily readership in Scottish Gaelic.

277. The Committee of Experts has been informed that newspaper articles in Gaelic regularly appear in some local or regional newspapers. However, the Committee of Experts has not been informed of any measures taken by the authorities to encourage and or facilitate the publication of such newspaper articles on a regular basis. The funding provided, as mentioned above, is according to NGOs directed to magazines and not newspapers. The relevant authorities within the Scottish Executive were not able to meet the Committee of Experts and therefore the Committee of Experts has not been able to clarify the situation. The Committee of Experts is therefore not in a position to conclude whether or not the undertaking is fulfilled, but asks the authorities to clarify this issue in the next report.

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

278. In the initial periodical report, the UK authorities indicate the undertaking chosen to be paragraph 1 f i. The correct undertaking chosen is, however, paragraph 1 f ii.

279. According to the UK authorities this undertaking is fulfilled by 'Comataidh Craolaidh Gaidhlig', the Gaelic Broadcasting Committee funding television and radio services. This particular undertaking chosen by the UK, however, relates also to audiovisual productions that extend beyond radio or television broadcasts. The Committee of Experts, however, has not received sufficient information on these types of productions, and is subsequently unable to conclude whether the undertaking is fulfilled.

"g to support the training of journalists and other staff for media using regional or minority languages"

280. According to the UK authorities, 'Sabhal Mòr Ostaig' (Gaelic College on Skye), funded by the Scottish Higher Education Funding Council and the Scottish Executive, provides media courses in Gaelic (Gaelic and Communications, and TV and Multimedia). The courses are supported by the Comataidh Craolaidh Gaidhlig (CCG). The courses mentioned are, however, not specifically directed towards the training of journalists. They offer a broad course in television and media.

281. The Committee of Experts considers the training courses made available so far as positive steps. The lack of courses specifically focusing on journalism training, however, leads the Committee of Experts to conclude that this undertaking is only partly fulfilled.

"Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. "

282. According to the authorities, there are no restrictions throughout the UK. The Committee of Experts considers this 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:

a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;"

283. The Scottish Executive funds a number of organisations that foster, through different means, the Scottish Gaelic language. In particular, the Proiseact nan Ealan (the Gaelic Arts Agency) is a national arts development agency promoting Gaelic culture. The Agency focuses in particular on developing new projects

and services in Gaelic in the fields of education, media, drama, visual arts; as well as providing training in the field of media which would be relevant to Article 11.1.g. of the Charter. The work is focused on promoting Gaelic throughout Scotland, and not only in specific regions, involving all levels of society, thereby achieving the difficult task of working from grass roots level. It has recognised that language is the central element of maintaining the Gaelic culture.

284. The Commun na Gaidhlig (CnaG) is the Gaelic development body operating at local, regional and national level. CnaG is an umbrella organisation for most of the Gaelic associations and bodies, and it organises strategy conferences to establish the real needs of the language as well as many other activities in the cultural field. Other organisations such as Fèisean nan Gaidheal (FnanG) organise Gaelic arts tuition festivals for young people, and the activities appear to take place in more restricted areas, such as in the cities of Aberdeen, Glasgow and Edinburgh, as well as in the Highlands and Islands. This organisation is financed through various local authorities and the Scottish Arts Council.

285. An Commun Gaidhealach (ACG) also organises the annual Royal National Mod, a competitive festival of Gaelic music and songs. It is an organisation of recognised importance to the Gaelic community for its support for the language. However, most of the organisational activities of the ACG and the CnaG are in English and not in Gaelic. Even if this may not be the fault of the organisations themselves, it is proof of how vulnerable the Gaelic language is and especially shows that there is a real need for the language to be supported.

286. The Scottish Arts Council also funds the Gaelic Books Council which encourages funding and publication of Gaelic literary works.

287. The Committee of Experts considers the undertaking fulfilled.

"d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

288. There is no general legal provision ensuring speakers of Gaelic representation on the boards of bodies responsible for organising and supporting cultural activities. It is hoped that this would be examined within the project of the draft legal act on Gaelic. The authorities have however informed the Committee of Experts that boards of such bodies have members covering a wide range of Gaelic interests. The UK authorities have informed the Committee of Experts that for such bodies dealing with Gaelic cultural activities, the boards of the organisations contain members with a knowledge of the Gaelic language and culture. However, the Committee of Experts has received no information regarding other bodies responsible for organising or supporting cultural activities generally. The Committee of Experts is therefore not in a position to evaluate whether the undertaking is fulfilled or not.

"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;"

289. The authorities informed the Committee of Experts that a number of bodies supporting Gaelic activities have at their disposal Gaelic speakers. The Committee of Experts has not received any information regarding bodies which organise or support cultural activities generally. The Committee of Experts therefore considers this undertaking partly fulfilled.

"f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;"

290. The Scottish Executive funds a number of cultural bodies on which Gaelic-speakers are represented. The Committee of Experts considers the undertaking fulfilled.

"g. to encourage and/or facilitate the creation of a body or bodies responsible for collecting, keeping a copy of and presenting or publishing works produced in the regional or minority languages;"

291. The National Library of Scotland is responsible for collecting and keeping copies of works produced in Gaelic and published in Scotland.

292. The Comhairle nan Leabhraichean (the Gaelic Books Council) is an organisation promoting Gaelic books which is mainly funded by the Scottish Arts Council. It provides publication grants for publishers to issue new books and commission grants for authors. It also stocks every Gaelic book in print in its Glasgow bookshop. The impression is that it complements the National Library of Scotland as far as "presenting or publishing" works in Gaelic is concerned.

293. The Committee of Experts considers the undertaking fulfilled.

"h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language."

294. The authorities have stated that Fosglan, the Cultural Service Agency at Lews Castle College provides a Gaelic translation service, including providing advice on grammar, terminology and orthography.

295. It was, however, brought to the attention of the Committee of Experts that no body currently exists which develops terminology in the fields stated in the undertaking. It is furthermore uncertain whether there is a concerted approach to the terminological research that is being done at this time. It is unclear to the Committee of Experts to what extent the activities carried out at Lews Castle College are aimed at the objectives envisaged in this undertaking. The Committee of Experts is therefore not in a position to conclude whether this undertaking is fulfilled.

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

296. There are a number of cultural organisations active outside of Scotland including the London Gaelic Choir, the Gaelic Society of London, and the Highlands and Islands Society of London. It is obvious that such activities are allowed. However, the Committee of Experts has not been informed of any measures taken by the authorities to encourage and/or provide Gaelic cultural activities and facilities outside Scotland. On this basis the Committee of Experts considers the undertaking 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."

297. The British Council has the role of displaying British culture abroad. The authorities informed the Committee of Experts that there is a Scottish Committee on the Council and that in its activities on behalf of Scotland, the Council tries to include representation of Gaelic culture. They provided the Committee of Experts with examples of these activities. The Committee of Experts considers the undertaking fulfilled.

Article 13 - Economic and social life

"Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

a. to eliminate from their legislation any provision prohibiting or limiting without justifiable reasons the use of regional or minority languages in documents relating to economic or social life, particularly contracts of employment, and in technical documents such as instructions for the use of products or installations;

298. The initial periodical report states that there are no legal prohibitions that would exclude or reduce the use of Gaelic. The Committee of Experts considers the undertaking fulfilled.

"c. to oppose practices designed to discourage the use of regional or minority languages in connection with economic or social activities;"

299. This undertaking applies throughout the UK. The Committee of Experts has not received sufficient information to conclude whether or not the undertaking has been fulfilled. It looks forward to receiving this information in the UK's next periodical report.

Article 14 - Transfrontier exchanges

"The Parties undertake:

a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;"

300. The authorities have mentioned the aforementioned Columba Initiative, involving an agreement with Ireland and linking Gaelic-speakers in Scotland, Northern Ireland and Ireland. This is seen as a positive initiative that should be ensured and further developed. The Committee of Experts considers the undertaking fulfilled.

"b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form."

301. This undertaking refers primarily to cross-border activities facilitated or promoted through local or regional authorities. However, it was pointed out to the Committee of Experts that the Highland Council has initiated a project or an initiative with the authorities of Nova Scotia, where Scottish Gaelic is still used. The Committee of Experts welcomes this initiative and looks forward to receiving more detailed information on the progress made within the scope of this activity in the next periodical report of the UK. The Committee of Experts considers the undertaking fulfilled.

2.2.3. *The Irish language*

Article 8 – Education

302. The Education Order (Northern Ireland) 1998, commits the Department of Education in Northern Ireland to "facilitate and encourage the development of Irish- medium schools".

303. Two statutory bodies have been established, Comhairle na Gaelscolaiachta (the Council for Irish-medium education), which represents, advises and plans for the needs of the Irish-medium sector, and Iontabhas na Gaelscolaiachta (the Irish-medium education trust), which funds schools that do not have official status and so do not qualify for Department of Education funding.

304. The authorities report that Foras na Gaeilge has provided grant-in-aid to Gaeloiliúint (an umbrella organisation for Irish-medium education in Northern Ireland) and grant-in-aid to Gael Eagrais Um Shainriachtanais Oideachais (GESO) (a voluntary organisation for special needs in Irish-medium education) to develop special education resources for Irish-medium secondary schools. The agency has also provided grant-in-aid to Áisaonad (a resource centre for teaching materials in Irish-medium education) for the provision of Irish-medium teaching/learning resources for Irish-medium post-primary schools. The NGO POBAL comments that the funding has been small and, in the case of Gaeloiliúint, for one year only.

305. POBAL drew the Committee of Experts' attention to the lack of sufficient teaching materials in Irish. While certain efforts have been made to improve the situation, notably through the Resources Unit at St Mary's University College, there was a real concern that the inadequate supply of Irish-language teaching materials suitable for the Northern Ireland curriculum placed Irish-medium pupils at a disadvantage.

"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;"***

306. The UK Authorities report that Irish-medium pre-school classes are eligible for funding under the 'Pre-school Education Expansion Programme', as are other voluntary and private pre-school playgroups meeting the requirements of the programme. Irish-medium nursery units are eligible for full grant-aided nursery status where there is evidence of sufficient demand to ensure the viability and effectiveness of the unit. In 2001 and 2002, 468 places were funded. Furthermore, it reports that Foras na Gaeilge (the Irish language agency) has provided core funding for voluntary Irish-medium pre-school organisations.

307. The NGOs representing Irish speakers have expressed their concern that the programme makes no express provision for the needs of bilingual / Irish-medium education, and that, for example, having identical enrolment criteria for Irish and English medium pre-schools is an obstacle to the development of Irish-medium education. The Committee of Experts nevertheless considers this undertaking 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;"**

308. The UK authorities report that grant-aided status has been approved for 13 State-funded Irish-medium primary schools. The 2001/2002 school census indicated that there were 1501 pupils attending these schools.

309. To qualify for grant-maintained status a school must meet certain viability and other criteria. The viability criteria for Irish-language primary schools were reduced in December 2000. Initial thresholds for funding were reduced to intakes of 15 for new Irish-language schools in Belfast and Derry and 12 for developments elsewhere. These initial thresholds will be the key to continued funding for schools, but will not bring immediate entitlement to capital funding. Instead, it was decided to set medium-term targets - intake levels of 20 in Belfast and Derry and 15 elsewhere - and to link capital funding to these medium-term targets.

310. The Committee of Experts considers the undertaking fulfilled.

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 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;"**

311. Meanscoil Feirste (an Irish-medium secondary school based in Belfast) is a grant-maintained Irish-medium school. In addition, an Irish-medium secondary unit Coláiste Bhríde, attached to St Brigid's High School, Carnhill, is also grant-aided by the Department of Education. The UK authorities anticipated in their initial periodical report that a second unit at St Catherine's College, Armagh, would receive grant-aid from September 2002, although the Committee of Experts has not been able to verify if this has happened.

312. While the issue of scarce teaching and other resources is a cause of considerable concern, the Committee of Experts nevertheless considers the undertaking to be fulfilled in respect of the Irish-medium sector.

Technical and vocation 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;"

313. The authorities report that during the 2001/02 academic year the Department for Education and Learning provided funding, on a one-off basis and as a pilot, for a *Jobskills*-based Irish-language vocational training programme delivered by Forbairt Feirste and funded through the Belfast Institute of Further and Higher Education. The aim is to address the training needs of pupils who leave Irish-medium secondary schools at age 16. In addition, the North West Institute of Further and Higher Education and other training organisations which deliver DEL programmes have provision and support for the Irish language.

314. The Committee of Experts was informed that the Department for Education and Learning was preparing a scoping paper on future policy on Irish-language vocational training.

315. It is evident that these are early days for Irish-medium vocational training in Northern Ireland. The Committee of Experts is informed of the possibility to learn Irish in vocational training, although the information does not give a clear picture of the situation. The Committee of Experts welcomes the proposed research, and looks forward to seeing this converted into a tangible strategy for delivering such education where it is required.

316. On the basis of the information provided, the Committee of Experts is not in a position to conclude if the undertaking is fulfilled and would welcome more information in the UK's next report.

Higher education

"e i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education institutions, subparagraphs 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;"

317. Irish can be studied as a university and higher education subject at the University of Ulster and at Queen's University of Belfast. The authorities report that in addition, DEL provides targeted financial support to students in higher and further education, including students of Irish.

318. POBAL reports that there is no Irish-medium higher education, despite substantial demand for it. The Committee of Experts has not received any information from the authorities regarding Irish-medium education. The Committee of Experts encourages the authorities to investigate the interest to have instruction in Irish.

319. The Committee of Experts has been informed that there are facilities for the study of Irish in higher education. Based on the current situation of Irish, the Committee of Experts considers the undertaking fulfilled.

Adult and continuing education

"f ii to offer such languages as subjects of adult and continuing education;"

320. The authorities report that Irish-language classes are delivered at 2 levels (beginners and intermediate) in the Ulster People's College (a voluntary organisation established in 1982 as a residential cross-community education centre).

321. The Workers' Education Association is an adult education body which offers an Irish language course for beginners.

322. Foras na Gaeilge provides grant aid for adult education initiatives, e.g. Ogmios, An Gaeláras, Comhaltas Uladh etc. (voluntary organisations)

323. The Committee of Experts was informed that the Belfast Institute of Further and Higher Education had enrolled some 1800 students in full-time and part-time Irish classes in 2001/2002.

324. Representatives of Irish-speakers have commented that the provision is ad-hoc and lacks focus and have suggested a co-ordinated approach.

325. The Committee of Experts nevertheless considers this 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;"

326. The authorities report that the statutory Northern Irish Curriculum includes the cross-curricular scheme of cultural heritage and a common programme of study for the teaching of history. The theme of cultural heritage is concerned with enabling young people to understand the common, diverse and distinctive aspects of their culture. The emphasis on mutual understanding forms, of course, part of the reconciliation process within Northern Ireland. The Committee of Experts considers the undertaking fulfilled.

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;"

327. The authorities report that initial training is provided for aspiring teachers of the Irish language and for those who will be employed in Irish medium schools. The Education and Library Boards provide in-service training courses in conjunction with Gael Linn and also run summer-school courses for serving teachers of Irish and for those who teach in Irish-medium schools. The Education and Training Inspectorate inspect all teacher training.

328. Foras na Gaeilge has funded a language laboratory for Coláiste Mhuire (St Mary's University College, Queen's University, Belfast).

329. As to how the need for teachers required for fulfilling the undertakings in respect of Irish is measured, the authorities report that the intake level for teacher training courses is determined annually by the Department of Education, with the aim of maintaining a reasonable match between the numbers being trained and the projected number of teaching vacancies. It was not clear, however, to what extent the increasing demand for Irish-medium education and learning of Irish was factored into this model. Both the NGOs and Foras na Gaeilge took the view that ensuring the training of sufficient numbers of teachers to keep up with demand was a substantial challenge.

330. A further difficulty in assessing future demand for teachers is its dependence, to a large extent, on the development of Irish in Northern Ireland. However, the Committee of Experts considers at present that the undertaking is fulfilled.

"Paragraph 2

With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education."

331. The authorities report that Irish is available as a subject within the curriculum in England, if chosen by pupils. The Committee of Experts has not been informed as to whether and how this availability is related to the number of users of Irish, nor of any examples of the teaching of Irish. The Committee of Experts is therefore unable to conclude whether this undertaking is fulfilled.

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.

332. The report lists the following national statutory texts which have been translated and are available in Irish:

- The Education Order 1998 (Northern Ireland)
- The North South Co-operation Order 1999 (Northern Ireland) (part)
- The Northern Ireland Act 1998 Chapter 47.

333. During the "on-the-spot visit" the Committee of Experts was informed that translation of statutory texts is an on-going work, and that gradually more such texts will be translated and made available in Irish. The Committee of Experts considers this undertaking fulfilled.

Article 10 - Administrative authorities and public services

334. The UK authorities have informed the Committee of Experts that the general legislation mentioned under Chapter 1 in this report underpins the commitments undertaken under Article 10, and that guidance on implementing the Charter and Codes of Courtesy for Irish are currently being finalised.

"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"

335. The report states that applications and other documents are processed when submitted in Irish. A number of executive departments have a policy of responding in Irish to documents received in Irish. Furthermore, regarding the Departments of the Northern Ireland Executive and their associated bodies, a telephone voice-mail facility has been set up for members of the public who wish to conduct their business in Irish. The same applies to the Northern Ireland Office and the Northern Ireland Court Service. During the "on-the-spot visit" the Committee of Experts received complaints that the voice-mail was not functioning satisfactorily, partly because the public is uncomfortable with the service, partly because there is a certain delay before receiving a response to the messages. The Committee of Experts got the impression that the voice-mail is considered as a first step towards facilitating oral contact in Irish. Furthermore the Committee of Experts was informed that the authorities are registering employees who have a command of Irish within the administrative units and that they are improving the internal translation services in order to shorten the time needed to deal with voice-mail in Irish. The possibilities to take contact orally will be extended as the competence in Irish and the internal services regarding translation and interpretation improve.

336. The Committee of Experts considers this undertaking partly fulfilled and will welcome information in the next periodical report on further development.

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

337. The report states that Government departments and their associated bodies have produced a range of key documents in Irish ranging from "The Programme for Government" and the Good Friday (Belfast) Agreement to equality schemes, consultative documents, executive summaries and a customer care guide.

338. The Committee of Experts considers this undertaking 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;"

339. The report states that Government policy does not prohibit local or regional authorities from accepting oral or written applications in Irish. The Local Government Division of the Department of the Environment has issued some initial information to District Councils (local authorities) on the Charter. A further guidance circular is due to be issued shortly.

340. The Committee of Experts commends the measures being prepared, and looks forward to information about their implementation in the next report.

341. At present, the Committee of Experts cannot conclude whether the undertaking is 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;"

342. The UK authorities have informed the Committee of Experts that the Northern Ireland Assembly has made provision for the use of Irish in debates. An Irish language speaker is employed as a full-time official in the Assembly for Irish translation and interpretation. A dictionary of parliamentary terms in Irish, compiled by Foras na Gaeilge, was launched by the Speaker of the Northern Ireland Legislative Assembly in 2002. Since the Northern Ireland Assembly has been suspended, the Committee of Experts will not conclude on this undertaking.

"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;"

343. The report states that one District Council provides a bilingual translation system for use by all members in all council committees and has appointed a development officer to further its policy of promoting Irish in internal administration. Other District Councils have asked this Council to provide advice and guidance on Irish language issues. The Committee of Experts considers this undertaking fulfilled in respect of that district council, but lacks sufficient information to be able to conclude whether or not it is fulfilled in respect of other relevant district 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."

344. District Councils have the power under Article 11 of the Local Government Order 1995 to erect street names in English and any other language. The Councils must have regard to the views of the residents living in the premises of that street. The Ordnance Survey of Northern Ireland's street maps, cultural map and gazetteer include names in Irish. The Irish versions of street names will also be included in the Common Address file which is currently being developed. District Councils provide bilingual versions of street-signs if a sufficient proportion of residents on the street support it.

345. The Committee of Experts considers this undertaking 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:

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

346. The Committee of Experts has not received any information regarding this undertaking, and is therefore unable to assess whether it is fulfilled or not.

"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;"

347. According to the UK report, the Department of Culture, Arts and Leisure (DCAL) facilitates translation requests for other government departments and their associated bodies. In the short term the DCAL has contracted the necessary translation services, but has asked for funds to establish a Central Translation Service. An advisory committee of language experts has been set up to develop a house style for use in public sector translations. The Northern Ireland Office has some internal services and has access to the DCAL's facilities if required. The Police Service for Northern Ireland trains a number of officers each year in the Irish language, and has Irish-speaking officers in its employment. The Northern Ireland Court Service has access to sufficient translators and interpreters to meet present demands. The Committee of Experts considers this undertaking fulfilled.

"Paragraph 5

The Parties undertake to allow the use or adoption of family names in the regional or minority languages, at the request of those concerned."

348. There is no statutory prohibition on a person's use of the Irish version of their name. The Northern Ireland Court Service accepts the use of a person's name in Irish. The Committee of Experts considers this undertaking 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:

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

349. The UK authorities report that BBC Northern Ireland offers Irish language programmes on a daily basis on Radio Ulster and occasionally transmits programmes in Irish on television.

350. Organisations representing the Irish language, however, complain that the supply is quite limited. According to these sources, in the year 2001-2002, the supply of Irish radio programmes on BBC was 5 hours per week, and the television programmes in Irish were limited to 16 hours per year, of which 13 hours were a repeat of a programme for adult learners of Irish.

351. In addition to the programmes carried by BBC there is cross-border viewing from Ireland. According to figures from RTE, broadcasting from Ireland, RTE 1 and 2 are available terrestrially in Northern Ireland to approximately 65% of the population, and TG4 and TV3 to about 54%, with a variable quality of reception. For the part of the population that is not reached by radio and television broadcast from Ireland the supply is, however, considerably smaller.

352. According to the UK authorities, the Belfast agreement requires an increase in television programmes in the Irish language.

353. The extension of the cross-border broadcasts of the Irish-language television channel TG4 to the whole of Northern Ireland has been discussed within the cross-border body 'Foras na Gaeilge' as a solution to the problem. There are, however, problems related to technical costs, copyright and the principle of 'must carry' of cable television providers that have to be solved.

354. The Committee of Experts considers the undertaking fulfilled in relation to radio but not currently fulfilled in relation to television. The Committee of Experts would welcome further information in this respect in the next UK report.

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

355. The Committee of Experts has been informed of 2 private radio stations broadcasting in the Irish language in Northern Ireland. 'Northern Vision Radio' broadcasts partly in Irish. It is one of the 15 access radio pilots.

356. 'Radió Fáilte' operates in Belfast as a community radio station with some 40 employees. The station has unsuccessfully applied for a permanent licence from the UK radio authority, and now operates at times regulated by a 28-day Restricted Service Licence, and between the licensed periods without legal status. According to Radió Fáilte representatives, the lack of a permanent legal status has hampered success in obtaining funding from the Northern Irish authorities. The station now operates under private commercial conditions. The option of applying for a more permanent licence may, according to the UK authorities, become available under the new Communications Act.

357. As the UK authorities have not provided evidence of any public encouragement or assistance to private radio stations broadcasting partly or totally in Irish, the Committee of Experts must conclude that at present this undertaking has not been fulfilled.

"d to encourage and/or facilitate the production and distribution of audio and audiovisual works in the regional or minority languages;"

358. As described under f. below, Irish language productions may receive support from general financial schemes.

359. In view of the little information available on actual support given to the production and distribution of audio and audiovisual works in the Irish language, the Committee of Experts feels unable to conclude whether this undertaking is fulfilled. The Committee of Experts would welcome further information in the next periodical report of the UK.

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

360. For a number of years, the UK Government funded "Lá", an Irish-language weekly newspaper published in Northern Ireland. It is now funded by Foras na Gaeilge to a level of £115 000 per year. 'Lá' has since become a daily newspaper (5 times a week), and has applied for increased public support to sustain this expansion. Foras na Gaeilge also funds another weekly newspaper, "Foinse", published in Ireland. Both newspapers are distributed in both parts of the island of Ireland. At least one English-language newspaper ('Irish News') has applied for funding for a weekly supplement in Irish.

361. The Committee of Experts underlines the necessity of public funding in order to maintain a newspaper in Irish in Northern Ireland and considers the undertaking fulfilled.

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

362. In Northern Ireland, sources of funding are made available for productions in regional or minority languages. The UK authorities report the main source for funding to be the Northern Ireland Film and Television Commission (NIFTC). The Arts Council has delegated to the NIFTC the responsibility of distributing funds raised through the National Lottery to film and moving image projects. Additionally, a creativity fund gives it support to works in this field. There are currently no specific measures for Irish language productions/distribution in place, although such productions are eligible for assistance from funds currently available. The Northern Irish authorities have informed organisations about the availability of such funding, but admit that more could be done to raise awareness of the mainstream funding available in this field.

363. During the last 5 years, only one Irish script has been received and duly financed by the NIFTC. The NIFTC's Operating Plan for 2002-2003 contains a commitment to offering support for minority language production proposals and aims to achieve some Irish-language short productions in the course of the year.

364. The Committee of Experts would welcome further information about the developments in this field in the UK's next periodical report and considers the undertaking fulfilled.

"g to support the training of journalists and other staff for media using regional or minority languages."

365. The UK authorities report that in-house training of journalists is available. The BBC has recruited Irish-speakers and provided them with in-house training for their role as current affairs journalists/presenters of Irish-language programmes. It is open to 'Lá' to recruit New Deal employees to train in-house, with one day per week subsidised training. The Department for Culture, Arts and Leisure has funded a pilot training course in Irish-language TV and Film Production – the course with 14 trainees started in February 2002. The Department for Education and Learning has assisted the participants on this course. This course has been reviewed positively and a continuation is being planned. In 1997 an Irish-medium course for media technicians was organised with public support.

366. The Committee of Experts considers the training courses made available so far as positive steps. The lack of continuity in the courses supported, as well as the shortage in courses focusing specifically on journalism, however, leads the Committee of Experts to conclude that this undertaking is only partly fulfilled.

"Paragraph 2

The Parties undertake to guarantee freedom of direct reception of radio and television broadcasts from neighbouring countries in a language used in identical or similar form to a regional or minority language, and not to oppose the retransmission of radio and television broadcasts from neighbouring countries in such a language. They further undertake to ensure that no restrictions will be placed on the freedom of expression and free circulation of information in the written press in a language used in identical or similar form to a regional or minority language. The exercise of the above-mentioned freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary. (Responsibility of the UK government in NI)"

367. According to the authorities, there are no restrictions throughout the UK. The Committee of Experts considers this 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:

a. to encourage types of expression and initiative specific to regional or minority languages and foster the different means of access to works produced in these languages;"

368. The Belfast Central Library maintains a collection of Irish-language materials which are selected in consultation with Irish-speakers working in local schools, the library itself and in specialised Irish bookshops. It would appear that materials are purchased according to individual requests rather than any concrete purchasing policy in this sector. In co-operation with Foras na Gaeilge and the University of Ulster, the Belfast Central Library has organised events where Irish writers are invited to speak. The Southern Board Library

Service records all local broadcasting media output. The material is made available to all education establishments, but only under certain conditions. A number of other libraries and library boards have a policy of collecting material in Irish and making this material accessible to the general public. The Arts Council has supported publications in Irish as well as supporting artists working through the medium of Irish. The National Museums and Galleries of Northern Ireland have organised different activities concerning the Irish language. Foras na Gaeilge and Cultúrlann too play an important part in encouraging initiatives and furthering cultural activities in the Irish language.

369. It is clear that a number of initiatives are being taken. While underlining the need for concrete policy planning in this area, the Committee of Experts nevertheless considers the undertaking fulfilled.

"d. to ensure that the bodies responsible for organising or supporting cultural activities of various kinds make appropriate allowance for incorporating the knowledge and use of regional or minority languages and cultures in the undertakings which they initiate or for which they provide backing;"

370. There is no concrete policy requiring relevant public bodies to take the Irish language into consideration in the course of their activities. The Arts Council is the main body in Northern Ireland responsible for organising and supporting cultural activities and incorporates in its programme activities related to the use of Irish and the Irish culture. However, these activities are organised on an ad hoc basis, and the Committee of Experts has not received any information on how or to what extent they incorporate knowledge of the Irish language and culture, nor of any policy adopted or strategy for dealing with Irish.

371. Foras na Gaeilge, with the participation of Irish speakers, organises funds and supports Irish culture in a variety of ways.

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

"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;"

373. While Foras na Gaeilge has at its disposal Irish speakers, the authorities have not – to the knowledge of the Committee of Experts - promoted any measures to ensure that this is the case for the Arts Council. The Committee of Experts considers the undertaking partly fulfilled.

"f. to encourage direct participation by representatives of the users of a given regional or minority language in providing facilities and planning cultural activities;"

374. Irish speakers are employed in various bodies organising cultural activities in Northern Ireland. However, this would not appear to be as a result of special regulations, policy or encouragement on the part of the authorities, but has come about in an ad hoc manner. Consequently, despite being informed that some bodies have Irish speakers, the Committee of Experts must conclude that this undertaking is only partly fulfilled.

"h. if necessary, to create and/or promote and finance translation and terminological research services, particularly with a view to maintaining and developing appropriate administrative, commercial, economic, social, technical or legal terminology in each regional or minority language."

375. Foras na Gaeilge undertakes a number of activities to promote terminological research and is at present compiling a dictionary, as well as financing the training of translators through a grants programme. The Committee of Experts considers the undertaking fulfilled.

"Paragraph 2

In respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage and/or provide appropriate cultural activities and facilities in accordance with the preceding paragraph."

376. The Comhaltas Ceoltoirí Éireann, an all-Ireland cultural organisation, organises various activities throughout the UK. The Committee of Experts considers the undertaking 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."

377. The Committee of Experts has been informed that the Arts Council in conjunction with the British Council and the Arts Council of Ireland, promotes the arts from Ireland, including Irish-language arts through travel awards and international residency schemes. Even if there is very little information, and the Committee of Experts hopes to receive further information, the undertaking is considered fulfilled.

Article 13 - Economic and social life

"Paragraph 1

With regard to economic and social activities, the Parties undertake, within the whole country:

d. to facilitate and/or encourage the use of regional or minority languages by means other than those specified in the above sub-paragraphs."

378. Foras na Gaeilge has supported the promotion of Irish in the private sector throughout Ireland. The strategy is to build partnerships and develop and implement joint projects with appropriate private sector organisations. It has also produced information packs to encourage the use of Irish in the private sector. On the basis of the information received the Committee of Experts considers the undertaking fulfilled.

Article 14 - Transfrontier exchanges

"The Parties undertake:

a. to apply existing bilateral and multilateral agreements which bind them with the States in which the same language is used in identical or similar form, or if necessary to seek to conclude such agreements, in such a way as to foster contacts between the users of the same language in the States concerned in the fields of culture, education, information, vocational training and permanent education;"

379. The North/South Language Implementation Body has the aim of furthering transnational exchanges between the UK (Northern Ireland) and Ireland. The body has the aim of fostering contacts between the two countries. The Committee of Experts considers the undertaking fulfilled.

"b. for the benefit of regional or minority languages, to facilitate and/or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form."

380. Exchanges are arranged between district councils in the two countries, however, no special agreement has been concluded to make this co-operation more structured. Any initiatives that have been taken are due to the good will of certain councils. There are ample opportunities to increase and further this kind of co-operation. The Committee of Experts considers the undertaking fulfilled.

Chapter 3. Findings

The Committee of Experts hereby presents its general findings on the application of the Charter in the United Kingdom.

A. The situation of regional or minority languages in the UK is one of great diversity. This is reflected in the instrument of ratification, where the Part III languages, Welsh, Scottish Gaelic and Irish, have been given individual treatment. The position of these languages is particularly sensitive because of the global influence of English. The Committee of Experts compliments the United Kingdom authorities on having taken, through the ratification instrument, a dynamic approach to protecting and promoting regional or minority languages in the UK. This approach is reflected in the subsequent inclusion of Cornish and Manx.

B. The Committee of Experts noted differences in approach and commitment by the authorities in Northern Ireland, Scotland and Wales towards regional or minority language policy. The practical and political support varies for each language. Furthermore, there appears to be comparatively little co-ordination or co-operation regarding language policy between the authorities in Wales, Northern Ireland and Scotland and the central government in London. In contrast to Wales, both Scotland and Northern Ireland still have basic needs as regards the development of language policy.

C. The overall approach of the United Kingdom government is to delegate powers to the level of the devolved governments. This has many advantages in the field of regional or minority language protection and promotion. Their closeness to the languages means measures can be tailor-made to reflect the actual situation of each language in a way that may be more difficult for remoter authorities. The UK Government is nonetheless responsible for ensuring fulfilment of the chosen undertakings.

D. The awareness of the need to protect Welsh is apparent throughout public life in Wales. Welsh language policy has led to substantial legal protection, especially through the Welsh Language Act, and to an important institutional framework through the establishment of the Welsh Language Board. The Committee of Experts is impressed by the level of protection and of initiatives undertaken by the Welsh Language Board especially through the Welsh language schemes; measures that could be developed further. Since its establishment, the National Assembly for Wales has produced important policy documents, which the Committee of Experts trusts will lead to further action for the promotion and protection of Welsh.

E. There appears to be less emphasis on minority language policy on the part of the Scottish Executive, even though there is political will to protect the Gaelic language, as demonstrated, for example, by the Scottish Minister responsible for Gaelic and measures taken by the Scottish Parliament. The Committee of Experts welcomes the establishment by the authorities of the new Gaelic Board. The Committee of Experts also recognises the number of good initiatives being taken at local level. The Scottish Executive, however, does not seem to have informed relevant administrations about the obligations deriving from the Charter, nor has it established concrete guidelines for the administrations on how to carry out their responsibilities under the Charter.

F. The Committee of Experts observed that the Northern Ireland administration is thorough in its work to fulfil its undertakings in relation to Irish. The work is taken seriously and, despite some shortcomings, the authorities are taking steps to improve the situation. However, sufficient information has not always been available to the Committee of Experts, since the movement for protecting Irish is a recent one, developing rapidly. At this stage, therefore, it would be difficult for the Committee of Experts to propose any concrete recommendations for the Irish language.

G. In the field of education, extensive provision is made, on the whole, for Welsh-medium education in Wales, except in further and higher education, where more work needs to be done. In the case of Scottish Gaelic, the UK should be complimented for its ambitious ratification of the parts of the Charter relating to education and, in particular, at local level there is strong evidence of political will. However, the provision of regional or minority language education is currently patchy, if not non-existent, in certain relevant areas of Scotland. In the case of Irish, the authorities in Northern Ireland have taken positive steps towards implementing the Charter. With regard to all three languages, more needs to be done in terms of coherent policy-making and planning, including the allocation of adequate resources.

H. Cultural life is one of the fields which are most supported by the authorities. Various activities are undertaken and speakers of the languages actively participate in organising cultural activities. The

Committee of Experts notes there are shortcomings in the services in Irish and Scottish Gaelic, particularly regarding television, but that the broadcast services in Welsh are well developed.

I. In relation to judicial and administrative matters, the level of formal protection in Wales is strong, but there are issues relating to the practical take-up of the opportunity to use Welsh in the courts, and the practical implementation by certain public bodies of their Welsh Language Schemes. For Scottish Gaelic and Irish, the level of protection afforded is far lower for administration and at the lowest level possible for the judiciary. Regarding Irish, the Committee of Experts has remarked that the UK government has not elected any undertaking providing for the use of Irish before the courts. A major problem for Scottish Gaelic as regards administration seems to be the lack of structure in implementing the chosen undertakings.

J. For the Welsh language, there appear to be serious shortcomings in implementing the undertaking chosen in relation to the health and social care services. However, the Welsh authorities are aware of the need to improve use of the Welsh language in this sector.

K. Certain measures to strengthen the position of Welsh in the sphere of economic activity have been taken by the authorities in Wales through the Welsh Language Board and other agencies and initiatives. On a smaller scale, similar activities are being initiated in relation to Irish. Given the fundamental importance of a sustainable economy to the survival of minority language communities, these measures are welcome first steps.

L. The Ulster Scots language is the only Part II language in the UK which at present has a governmental structure having set out aims and objectives for supporting the language. The Committee of Experts has not been made aware of any such measures in Scotland for protecting and promoting the Scots language. As for the Cornish language, the Committee of Experts observes that the authorities have taken and are taking steps to protect and promote it and hopes that the work which has started will have a significant positive effect.

The United Kingdom 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 UK authorities to take into account, in addition to these general recommendations, the more detailed observations contained in the body of the report.

At its 877^h meeting on 24 March 2004, 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 BY THE GOVERNMENT OF THE UNITED KINGDOM

Foreign and Commonwealth Office, December 2003

1. Preliminary Remarks

On 9 October 2003, the Committee of Experts set up under the European Charter for Regional or Minority Languages (henceforth referred to as the "Charter") submitted a Report to the Council of Europe's Committee of Ministers on the United Kingdom's implementation of the Charter.

The United Kingdom Government values the activities of the Committee of Experts in the process of monitoring the implementation of the Charter and would like to take this opportunity to congratulate the Committee on its thorough and professional approach to the examination of the situation of regional and minority languages in the United Kingdom.

The UK Government attaches great importance to the protection and promotion of regional or minority languages and views fulfilment of Charter obligations as part of the core Council of Europe objectives to ensure the protection of minorities as part of promoting human rights, rule of law and pluralist democracy across the continent.

The comments of the UK Government were drawn up by the Foreign and Commonwealth Office, as the government department with overall responsibility for the conclusion of international treaties. Contributions were made by the devolved administrations in relation to Scotland and Northern Ireland, and by the Office of the Deputy Prime Minister (including the Government Office for the South-West) for Cornish and the Department for Culture, Media and Sport in London.

In view of the above, and taking into account the constructive and positive comments made by the Committee of Experts, the UK Government would like to make the following observations. As well as the points raised here, the United Kingdom Government hopes to be able to address more of the queries raised by the Committee of Experts in its next Periodical Report.

2. Comments on the Committee's Findings and Proposals for Recommendations

Central Government

The UK Government takes into account the findings and recommendations of the Committee and recognises that central government has ultimate responsibility for the fulfilment of the UK's Charter obligations. The UK Government still believes that devolved administrations are better placed to carry out the implementation of policy on regional or minority languages given their local expertise, and does not foresee a centralisation of this process.

However, it is accepted that co-ordination between London and the regional capitals could be improved as a means of sharing best practice and forming a more coherent strategy on language protection across the whole of the UK. The Foreign and Commonwealth Office is currently considering a variety of ways to establish a mechanism to monitor compliance with the Charter and intends to have something in place before the next Periodical Report.

The UK Government is also aware that there is an issue regarding the position of the Charter in UK law. Consultations are currently taking place on language Bills for some of the languages covered by the Charter. Such legal Acts could contain provisions to ensure compliance with the Charter at all levels of government. Further details of progress towards legislation will be contained in the next periodical report.

On broadcasting, the other main area where central government retains primary policy responsibility, the report notes that the strategy of making programmes available on digital television requires special technical requirements for reception, and therefore runs a risk of excluding a minority language from the mass media. The UK Government recognises the Committee's concern but would emphasise that digital television is the broadcasting medium of the future; it is already widely available and the cost of access is modest. Also, the development of digital broadcasting has permitted a substantial increase in the number of hours of Welsh language television broadcasts, which were previously limited by analogue spectrum scarcity.

As noted, provisions contained within the Communications Act 2003 will allow the new Gaelic broadcasting body, the Gaelic Media Service (GMS), to establish a dedicated Gaelic channel when resources become

available. This is an important step, as a dedicated channel would not have been possible under the previous legislation.

Although responsibility for broadcasting is retained centrally, responsibility for the Gaelic Broadcasting Fund was transferred under statute to Scottish Ministers in 1999 as part of the devolution settlement. The UK Government and the Scottish Executive are currently considering, at both Ministerial and official levels, future spending plans with the goal of securing new funds for the GMS.

In 2004 OFCOM, the new Communications regulator, will develop a Programme Code for programme makers which will set out the editorial standards which audiences are entitled to expect from commercial television services in the UK. This code will update and replace the current ITC code. OFCOM will undertake a consultation on this code, and language groups are encouraged to contribute.

The UK Government is currently in the process of reviewing the BBC's Royal Charter. The review will be wide-ranging, looking at all aspects of the BBC's activities, and will involve a great deal of industry and public consultation.

Welsh

The Welsh Assembly Government is committed to creating a bilingual Wales. In March 2003 it officially launched the first ever National Action Plan for a bilingual Wales, *Iaith Pawb* (Everyone's Language). *Iaith Pawb* is the result of a comprehensive policy review of the Welsh language by the National Assembly for Wales. Welsh language considerations will be mainstreamed within the Assembly Government and the language will be a budget priority. An annual report will be compiled on the implementation of *Iaith Pawb*, and the targets inherent within it.

The Welsh Language Board will play a key role in delivering *Iaith Pawb*. That is why the Assembly Government has allocated an additional £16 million over the next three years (between 2003 – 06) bringing their spending to over £37 million. The Board's work is held in high esteem, not just in the UK, but throughout the world. Some of its innovative and wide-ranging work includes the *Twf* Project and *Mentrau Iaith*. The former encourages more parents to choose Welsh medium education for their children, and the latter is a network of innovative local initiatives whose function is to expand the use of Welsh at a community level.

The expertise fostered here in Wales in the field of minority language planning is widely respected and Wales is pleased to share the knowledge and expertise with others, in the UK and beyond. The Welsh Language Board, for example, has played a leading role in setting up and chairing a network of European Language Boards, whilst the Welsh Assembly Government is also taking the lead role in the field of indigenous, minority and lesser-used languages within the British-Irish Council.

The Assembly Government is eager to exploit the full potential of the existing legislative framework which supports the Welsh language. Work is well underway to bring water companies under the ambit of the Act. This is the first instance of the utilities being designated for the purpose of the 1993 Act and shows that we are putting the policy commitments in *Iaith Pawb* into practice.

Recent figures of the 2001 Census suggest that the long-term decline of the language has been arrested. The Welsh Assembly Government intends to ensure that the increase in numbers of Welsh speakers is continued and Wales becomes a bilingual nation. *Iaith Pawb* lays the foundation and strategic direction for the realisation of that vision.

Education

The Welsh Assembly Government generally welcomes this Report's comments on education and training, not least because it acknowledges the very considerable success which the Welsh-medium education sector has achieved, and the international reputation it has gained on the back of these successes – the expansion of early years provision; the increase in the numbers opting for Welsh-medium schooling; the emphasis on the distinctively Welsh aspects of the curriculum (the *Curriculum Cymreig*); the support for embedding the teaching of Welsh to all school age pupils; and the steps being taken to secure progression opportunities overall. There are now Welsh Education Schemes in place for all 22 local authorities in Wales, and the Welsh Language Board plays an important role in monitoring the implementation of targets within these schemes.

There is a great deal of activity in support of Welsh generally in the field of education and training but, in addition, the Assembly Government recognised the need to draw up specific, targeted measures in support of Welsh **over and above** that which is already taking place. These are set out in *Iaith Pawb*. The Assembly Government would draw the Committee's attention in particular to those measures which are being actively pursued during the current year:

- £2m in 2004-05 to improve and increase the training and provision of early years Welsh-medium and bilingual provision;
- £400,000 for the Curriculum and Qualifications Authority for Wales (ACCAC) in 2004-05 to support their work on Welsh-medium materials and qualifications;
- making bilingualism a separate area of learning within the Foundation Phase proposals;
- the review of Welsh-medium education for children and young people with Special Education Needs (SEN) undertaken jointly with the Welsh Language Board, on which a sub-group of the Welsh Advisory Group on SEN will advise on future policy directions;
- remitting ACCAC to advise on issues of linguistic continuity and measuring pupil progress along a linguistic continuum;
- progress with the Welsh Language Board and local education authorities on defining Welsh-medium provision in schools;
- funding the development and implementation of pilot projects to establish second entry points into Welsh-medium education;
- the National Council for Education and Training for Wales (ELWa) has developed a Bilingual Learning Strategy which is an overarching action plan for bilingual learning to ensure that the range of opportunities to enable Welsh-medium learning continues throughout life;
- ELWa is working with experts to identify needs for, and to fund the production of Welsh medium learning resources for the post-16 sector (some 16 projects were underway this autumn);
- requiring the Sector Skills Development Agency to ensure that as a condition of their licence Sector Skills Councils have a Welsh language Scheme;
- the development of an action plan by ELWa to develop National Vocational Qualifications (NVQs) through the medium of Welsh;
- the Future Skills Wales research in relation to Welsh in the workplace and related research commissioned by ELWa on establishing the demands for Welsh language skills from employers arising from the introduction of Welsh Language Schemes in the public sector;
- research on the costs incurred in delivering Welsh medium / bilingual provision in the post-16 sector to inform ELWa's proposals for a National Planning and Funding System;
- joint working between ELWa and the Welsh Language Board on the strengths and weaknesses of post-16 provision;
- the forthcoming start of an ELWa Learning Challenge Fund project to use video conferencing to develop Welsh medium learning opportunities in sixth forms ;
- requiring the 3 main education and training Assembly Sponsored Public Bodies (ASPBs) to mainstream Welsh in their policy development and programme delivery mechanisms in their remit letters – prompting the development of a new approach to Welsh medium provision for post-16 year-olds in Further Education;
- developing, from 2005-06, provision for sabbaticals for teachers and practitioners in schools, Further Education and Higher Education to improve their capabilities to deliver through the medium of Welsh, or otherwise to learn the language so as to do so;
- the continued work of ELWa's Bilingual Sub-committee to advise on developing bilingual learning in the post-16 sector and its links with the pre-16 and HE sectors;
- establishing a Steering Group to develop Welsh medium provision in higher education and introducing Welsh medium Teaching Fellowships for 2003/04, to undertake Welsh medium teaching and develop new Welsh medium modules;
- the Assembly Government has already made clear that the Higher Education Funding Council for Wales (HEFCW) would welcome bids for collaborative projects, eligible for funding under the Reconfiguration Fund. This fund has already supported the new Environmental Science module developed by UW Aberystwyth, UW Bangor and Trinity College, Carmarthen.

For the immediate future, the main priorities relate to support for early years and the development of greater practitioner supply not least by enabling more monoglot English speakers to become bilingual. Both are fundamental to the Government's approach. Thus the early years provide the key to future expansion for learners of all ages regardless of setting. Those years are critical to both demand and, crucially, to building the capacity to deliver. The thrust of *Iaith Pawb* is that in order to make an impact for those areas in which the Committee believes the Government needs to build on its undertakings (e.g. technical and vocational

education) the system must grow the strategic capacity to deliver, notably starting at the grass roots and feeding through progressively over time. This is the basis upon which the Assembly Government is intent on continuing to meet its undertakings.

In relation to the Committee's comments about "the absence of a clearly defined statutory right to Welsh-medium education", entitlement in this context is to a school place. There is no provision for an entitlement to education in a specific language – Welsh or English. Local authorities must take account of parental preference in providing and allocating school places. Where there is demand for Welsh-medium education, authorities need to respond to that demand and to make places available consistent with the provision of effective and efficient education. There is no evidence that significant numbers of pupils whose parents want it fail to secure Welsh-medium education. This is monitored through the School Organisation Plans which Local Education Authorities (LEAs) must produce regularly and which report on the supply of and demand for school places, including in the Welsh medium sector. Provision is currently broadly keeping pace with growth in demand and this is monitored by the Assembly Government and the Welsh Language Board.

Continuity between the stages of education is important to ensure that learners improve their Welsh language skills and that they have the opportunity to learn through the medium of Welsh should they so wish. Structural issues in pre-16 education, insufficient numbers of teachers and reliance upon practitioners to develop learning resources, are more acute in the post-16 sector, and these are being addressed through a combination of provision planning and by investment in training practitioners and developing learning resources for practitioners and learners to use.

The Welsh Assembly Government made it clear that it rejected the "command and control" approach to Welsh-medium education as there is such linguistic variation in different local authority areas and this decision was supported through the Assembly's Education and Lifelong Learning Committee's in depth review of Welsh medium education. The Committee's recommendation on monitoring does not take into account the monitoring systems already in place. For instance, in key areas such as the number of Welsh-medium school places, the statutory responsibility clearly rests with the local education authorities. They must assess the demand. They have the responsibility of working out how to meet it, while at the same time catering for the overall reduction in pupil numbers which is set to continue for the rest of this decade. They must report on this in their School Organisation Plans. In addition they are required by the Welsh Language Act to prepare Welsh Education Schemes which set out the measures they are taking to support and encourage the use of the language through the education services and map the demand for Welsh medium education. In the post-16 sector, ELWa collects a wide range of statistics and is working with providers, sectoral experts and the Welsh Language Board to identify needs and demands for provision. *Iaith Pawb* sets out the strategic framework within which the Assembly Government can operate in support of Welsh and Welsh-medium education and training. Monitoring our progress is built into the process of policy development, implementation and, where appropriate, re-assessment. Insofar as this impinges on the functions of the Welsh Language Board, the "strategic overview" function is of long-standing. The Board does not require additional resources to discharge it. There is no evidence to suggest that current monitoring arrangements are inadequate, although work in hand on firming up definitions of Welsh medium schools should assist the monitoring process.

Health Service

The Assembly Government is well aware of the need to enhance the range of services available through the medium of Welsh. In 2001 an All-Wales Task Group for Welsh Language Services has been established charged with the responsibility for improving and facilitating the provision of Welsh language services in the National Health Service (NHS). The Assembly Government through its strategic Task Group and networking groups within the health service is driving this work forward. There is wide recognition of the need to improve services, especially for specific groups where it is particularly important for services to be delivered in Welsh, for example for those in vulnerable groups.

Work in progress within this area include:

- commissioning a Welsh language awareness training pack to raise awareness of the Welsh language as an important element of 'quality care' for healthcare staff;
- research into Welsh language awareness amongst healthcare professionals within the healthcare sector in Wales – to inform policies and targeting training;

- a Welsh Language in Healthcare conference is staged annually in order to continue to raise the profile and importance of providing Welsh language services and encouraging networking of innovative ideas and best practices between NHS healthcare staff;
- annual awards have been set up to reward efforts made in improving Welsh language provision.

The Task Group is currently setting a range of short and long term objectives to take forward the task of improving Welsh language provision for service users across Wales.

Social Care

Local Authorities have the responsibility for commissioning and providing social services and they strive to meet best practice. The Assembly provides a range of mechanisms to support and monitor their achievement of best practice, and it has taken a number of steps recently to promote Welsh language services.

Clear steps for meeting Welsh language needs at each stage in the social work training process are specified in the Assembly's recently established Social Care workforce Development Programme for Wales, and Social Services Inspectorate Wales routinely reports on the provision of Welsh language services.

The current project to establish an Older People's Commissioner for Wales takes account of the need for Welsh language services as part of the Assembly Government's ground-breaking Strategy for Older People in Wales.

A wide range of measures have also been introduced in relation to children's services. For example, our Framework for Children and Young People requires all Local Authorities to develop strategies that cater for the needs of Welsh-speaking children. Use of the Welsh language is, in addition, a performance indicator for Cymorth, the new, national integrated fund to promote opportunities for children and families in the community.

The Care Standards Inspectorate for Wales, which inspects all care settings, strives to ensure that its inspection processes and materials are available equally in Welsh and English.

Scottish Gaelic / Scots

The UK Government would like to draw attention to developments since the UK's last periodical report with regards to Scotland's minority languages which will address many of the Committee's recommendations. Bòrd na Gàidhlig is now fully established as the primary Gaelic development agency in Scotland and has taken over responsibility for channelling government funding to what it considers to be priority areas of Gaelic language development. The Scottish Executive is mid-way through consultation on a draft Gaelic Language Bill, which is expected to be introduced to the Scottish Parliament in the summer of 2004. This legislation, when passed, will establish Bòrd na Gàidhlig on a statutory basis with considerable powers to focus the development of the Gaelic language in Scotland and will also introduce new opportunities for Gaelic speakers in Scotland to use the Gaelic language.

The proposed Gaelic Bill has a number of key provisions – it would recognise in statute Gaelic as one of the languages of Scotland; would establish Bòrd na Gàidhlig on a statutory basis with the responsibility to produce a national Gaelic plan; would give Bòrd na Gàidhlig considerable powers to channel Gaelic funding; and would introduce a language planning system similar to that in place in Wales to create opportunities for the use of the language in the public sector.

- there are many encouraging signs in Gaelic medium education. Numbers are going up, attainment is good, there is a committed teaching force, resources are improving, we are training more teachers, a Gaelic teachers network has been established and there are good signs of co-operation between agencies. A new Unit opened in Strath of Appin in August 2003;
- have taken recent steps to ensure education authorities further improve their planning of Gaelic medium education. Sending clear reminder to education authorities of their duties under Standards in Scotland's Schools Act 2000; they will be asked to establish thresholds against which they will assess parental demand; and Gaelic medium education SSS Act performance measure will be reviewed;
- the numbers of primary Gaelic medium education pupils has risen from 1859 in 2001-02 to 1925 in 2002-03. Some primary schools in particular have significant increases and in some schools the Gaelic medium

education P1 intake is higher than the English intake. Gaelic medium education secondary pupils have risen from 352 to 375 and pupils in fluent speaking secondary classes have risen from 928 to 997. In addition 4 more secondary schools now offer Gaelic medium education bringing the total to 19. 34 secondary schools offer Gaelic for fluent speakers;

- the numbers for secondary learners has risen from 2131 in 2001-02 to 2370 in 2002-03. In particular S1 learners have risen from 616 to 775 in the same period. Pupils taking the learners Higher have risen from 109 to 133 and Advanced Higher have risen from 17 to 30. In addition the Gaelic Languages in the Primary School (GLPS) Programme is very popular. A review of GLPS has been commissioned (SCILT) and will be available shortly;

- Gaelic arts organisations have received important funding increases in 2003-04 from the Scottish Arts Council, which has in addition published a Gaelic Arts Policy recognising that language is a definitive characteristic of cultural identity ;

- festivals teaching traditional Gaelic music, song and dance are to be expanded as a result of a three-year funding package. Highlands and Islands Enterprise (HIE) are providing £180,000 to Fèisean nan Gàidheal - the independent national association of Gaelic arts tuition festivals - to help them deliver a wider range of services. This package will match funding already provided by the Scottish Arts Council, The Highland Council and the European Social Fund;

- an innovative new distance learning course for prospective primary teachers - including Gaelic medium places – has been launched. The two-year postgraduate course - the first of its kind in Scotland - will be run by Aberdeen University in conjunction with Highland Council and will enable local people to train as teachers without having to move to Aberdeen or to the central belt where the main teacher education institutions are based. The course is based around web learning, video-conferencing, and teaching practice in their local area;

- following the Communications Act 2003 a new Gaelic Broadcasting body will be established in April 2004. Gaelic TV is well regarded, they regularly win awards and their viewing figures are far in excess of the numbers for the Gaelic speech community. BBC Scotland also makes a significant contribution to Gaelic broadcasting – TV, radio and web-site;

- *Learning and Teaching Scotland*, in conjunction with *Stòrlann Nàiseanta na Gàidhlig*, completed versioning some of its most popular software titles for Gaelic school pupils. Through funding from National Grid for Learning. This was distributed to all Gaelic medium schools in Scotland in June of this year. These include *Lifeskills – Time and Money*, *Lifeskills – SmartSpender*, *Healthy Kids – Inside Outside*, *The Serf's Quest – Life in a Medieval Burgh*;

- *Stòrlann Nàiseanta na Gàidhlig* – received an additional £60,000. This enabled them to proceed with two secondary Gaelic projects. They will use this for the development of distance learning materials and for the revision and republication of the dictionary, *Brìgh nam Facal*. A further £10,000 enabled Stòrlann to publish a new Gaelic novel for teenagers and a Maths terminology guide.

- Gaelic Online, has also been launched. This is a new Channel within NGfL Scotland. Funding has been set aside for staffing including content editor, development officer and technical input found from within NGfL budget;

- a Gaelic spellchecker is being developed by The European Languages Initiative (TELI). This team created the Gaelic Parliamentary Dictionary. With support from Comunn na Gàidhlig, the Scottish Executive, Bord na Gàidhlig and Highlands and Islands Enterprise. The project is now moving ahead and it is planned to incorporate some 250,000 words, including declined forms. This will be a vital support for the whole Gaelic-speaking community in Scotland, especially in the field of education;

- **A'Chuisle** – The inaugural conference for the Gaelic teachers network was held in Nairn in November 2002. This was organised by HM Inspectors of Education and Stòrlann. Learning and Teaching Scotland have agreed to organise the next event of this network which will be held in March 2004;

- **HM Inspectors of Education Task**. HMIE have decided to focus a 'task' on the provision of Gaelic education in Scotland. This task will run from Summer, 2003 to Easter 2004. A team from HMIE will be involved in collecting evidence for this Report and this will make an important contribution to our understanding of Gaelic education at all levels;

- the Scottish Executive announced in February 2003, the extension of Gaelic road signs in the West Highlands of Scotland. Existing road signs would be replaced with new bilingual signs on a number of trunk roads. The signs will be introduced over a five year programme.

Irish / Ulster Scots

On the need to improve the provision of Irish-medium public service broadcasting, The Department for Culture, Arts and Leisure (DCAL) has funded the first part of a 2- year pilot training scheme for Irish language film and television production. The first stage of the pilot course was independently reviewed and the recommendations are currently being considered with a second pilot being planned.

A draft business case outlining the need for an Irish language broadcasting fund, has been prepared and is currently under consideration. This has an indicative budget of £12 million over three years.

The UK Government is vigorously pursuing methods to increase coverage of the Irish Language TV station, TG4, to Northern Ireland. Much progress has been made towards resolving the many technical and copyright difficulties. We would expect this to result in substantially improved coverage in 2004. We are also considering, with the Irish Government, a terrestrial solution.

The issuing of radio licensing is a matter for the Radio Authority (OFCOM as from 29th December). The UK Government sets the legal framework for licensing but has no involvement in individual license decisions.

Steps are being taken to create conditions for the use of Ulster-Scots in public life. A 'Future Search conference' was held by DCAL (November 2002) to establish an agreed vision for the Ulster-Scots Language and culture. The follow up is planned to include a language planning sub-group, which will include language enthusiasts and native speakers. Guidance will be issued to public servants outlining how they should allow Ulster-Scots to be used in public life. An Ulster Scots voicemail has also recently been set up by DCAL to accept oral submissions in Ulster-Scots.

The UK Government would also note that the Interdepartmental Charter Implementation Group in Northern Ireland has established a sub group which is considering the scope for applying those provisions of Article 9 which relate to the use of Irish in the courts within the context of the Criminal Justice Review.

Departments within Northern Ireland (including DCAL) are currently in discussions with representatives of the local community and the private sector regarding the establishment of a Gaeltacht Quarter in West Belfast based on Irish language, culture and traditions.

The UK Government also notes that plans for an 'Ulster-Scots Academy' are being developed (as outlined in the joint declaration in April 2003).

Cornish

The UK Government will give a full account of measures taken with regard to the Cornish language in its next periodical report. In the meantime, the UK Government would like to make brief comments on further progress on the language:

The UK Government is represented, through the Government Office for the South West, on a Cornish Language Advisory Group and a Cornish Language Strategy Steering Group set up in Spring 2003. The Steering Group is leading the process of the development of a strategy. A series of consultation meetings has been held, involving public open meetings and a series of focus groups of organisations. The intention is to have a strategy in place by April 2004. The UK Government is contributing to the cost of this work.

3. Supplementary Information

The UK Government would also like to offer clarification on certain factual points:

Paragraph 28: The UK Government is not aware of any recent research estimating there are 100,000 Ulster-Scots speakers. A representative survey of 2,200 adults in 1999 found that two per cent of respondents identified themselves as Ulster-Scots speakers, which would suggest there are around 33,000 speakers in Northern Ireland. To our knowledge there has been no more recent research than this.

30: The cross-border bodies are Foras na Gaeilge and Tha Boord o Ulstèr-Scotch.

31: It is the UK Government's understanding that Cornish ceased as community speech at the end of the 18th century, although knowledge of the language persisted in family tradition, and it was revived in the early 20th century.

38: The UK Government has a different interpretation of events. The local registering authority were, at the parents request, considering the use of two names, the Gaelic and English equivalent. At this point the parents informed the media that they were being refused the right to register their child with a Gaelic name. This is legal and many Gaelic speakers have done this before. The authorities then informed the parents that it was not possible to register a child with two names (Gaelic and English), only one was acceptable, Gaelic or English. The registering authorities response did not compromise our Charter obligations.

49: The UK Government should point out that the creation of a South-West Regional Authority is not a foregone conclusion. A referendum would need to be held before such an Authority could be created. At

present, the South West of England is an area where the UK Government judges interest in a referendum to be low. The situation will be reviewed if interest in a referendum were to increase.

53: The Scottish Parliament's policy on Gaelic will be issued in March 2004

59: The Gaelic Board was created in June 2002 and a Chairman was appointed in October 2002. The Board came into operation after the visit of the Committee.

80: The UK and Irish Governments jointly decided the budget of the North South Language Body, including Foras na Gaeilge. This was reduced in 2003 but was subsequently restored during the course of that year.

162: The UK Government is not aware of the need for specific equipment for selecting the Welsh sound track on the digital television service, S4C2, apart from the equipment required to receive digital television in the first instance.

194: The 1980 Education (Scotland) Act states that, 'school education...includes...the teaching of Gaelic'.

208: There are now 19 secondary schools, with 375 pupils.

241: There are two Gaelic officers in the Scottish Parliament – A Gaelic Information Officer and a Gaelic Outreach Officer.

242: Both the Scottish Parliament and the Scottish Executive produce Gaelic versions of important national reports.

261: Funding for Gaelic Broadcasting has not been cut since 1998. In cash terms, the Gaelic Broadcasting Fund has remained constant since 1999 with periodic cash injections from the Scottish Executive.

313: The Department for Employment and Learning has extended the pilot programme delivered by Forbairt Feirste and funded through BIFHE until June 2004.

313, 314, 365: Department for Employment and Learning is the correct title for the Department.

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

COUNCIL OF EUROPE COMMITTEE OF MINISTERS

Recommendation RecChL(2004)1 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 24 March 2004
at the 877th 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 UK on 27 March 2001, 11 March 2003, and 22 April 2003;

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

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

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

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

1. make primary and secondary education in Scottish Gaelic generally available in the areas where the language is used;
2. with regard to Scottish Gaelic and Welsh, establish a system for monitoring the measures taken and progress achieved in regional or minority language education, including the production and publication of reports of the findings;
3. provide information and guidance to those responsible for implementing the undertakings chosen for Scottish Gaelic, in particular in the fields of education and administration;
4. facilitate the establishment of a television channel or an equivalent television service in Scottish Gaelic and overcome the shortcomings in Scottish Gaelic radio broadcasting;
5. improve the public service television provision and facilitate the broadcasting of private radio in Irish;
6. improve the use of Welsh in social care facilities, particularly hospitals and care of the elderly;
7. create conditions for the use of Scots and Ulster Scots in public life, through the adoption of a language policy and concrete measures, in co-operation with the speakers of the languages.