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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

APPLICATION OF THE CHARTER IN THE UNITED KINGDOM

3rd monitoring cycle

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

The European Charter for Regional or Minority Languages provides for a control mechanism to evaluate how the Charter is applied in a State Party with a view to, where necessary, making Recommendations for improving its 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 may decide to address to the State Party.

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

adopted by the Committee of Experts on 19 November 2009
and presented to the Committee of Ministers of the Council of Europe
in accordance with Article 16 of the Charter

Chapter 1 Background information

1.1. Ratification of the Charter by the United Kingdom

1. The United Kingdom signed the European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) on 2 March 2000, and ratified it on 27 March 2001. It entered into force on 1 July 2001. The instrument of ratification and subsequent declarations are set out in Appendix I of this report.
2. The authorities of the United Kingdom presented their third periodical report to the Secretary General of the Council of Europe on 25 June 2009, 11 months after it was due.
3. This third evaluation report is based on the information obtained by the Committee of Experts from the third periodical report of the UK and through meetings held with representatives of speakers of regional or minority languages in the UK and the UK authorities during the on-the-spot visit, which took place from 21 to 25 September 2009. The Committee of Experts also received an extensive number of comments from bodies and associations legally established in the UK, submitted pursuant to Article 16 paragraph 2 of the Charter. This information was very helpful in the course of evaluating the application of the Charter and the Committee of Experts would like to express its appreciation to these organisations for their valuable contribution and participation in the monitoring process.
4. The present report contains detailed observations which the UK authorities are encouraged to take into account when developing their policy on regional or minority languages. On the basis of these detailed observations, the Committee of Experts has also established a list of general proposals for the preparation of a third set of recommendations to be addressed to the UK by the Committee of Ministers, as provided in Article 16, paragraph 4 of the Charter.
5. This present third report was adopted by the Committee of Experts on 19 November 2009.

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

6. The Committee of Experts refers to the relevant paragraphs of the first and second evaluation reports¹ for basic information on the situation of regional or minority languages in the UK. The regional or minority languages covered under the Charter in the UK are Welsh, Scottish Gaelic, Irish, Scots, Ulster Scots and Cornish. Manx Gaelic in the Isle of Man is also covered under the Charter. Welsh, Scottish Gaelic and Irish have been granted protection under Part III of the Charter, as indicated in the instrument of ratification.
7. New developments will be dealt with under Part II and Part III, where appropriate. There is no updated information about the number of speakers of regional or minority languages in the UK.

Scots

8. In its second evaluation report (paragraph 25), the Committee of Experts noted that there was only an estimate of the number of speakers of Scots and stressed the need for an assessment of the number of speakers as an essential basis for developing a comprehensive language policy.

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

9. The Committee of Experts was informed during the on-the-spot visit that the authorities were carrying out a survey on 1000 – 2000 people on their level of Scots language competence as a preparation for the upcoming census in Scotland which will be held in 2011. The current intention seems to be to include a question on Scots, but it is not clear whether questions on detailed language competence (e.g. into speaking, reading, writing and understanding) will be included. According to representatives of the Scots-speakers, the General Register Office for Scotland has so far been reluctant to do so. Addressing this issue to the Scottish authorities, it seems that the main problem so far in this respect has been to find the right questions to ask, because Scots is often confounded with Scottish Gaelic or Scottish English. The Committee of Experts reiterates its opinion that statistical data on the number of Scots-speakers is important and urges the authorities to ensure that questions on the number of speakers of Scots and their language knowledge be included in the next census, and to find a way to avoid any confusion with other languages.

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

10. As mentioned in the first evaluation report (paragraphs 33 – 34), the responsibility for the practical implementation of the Charter lies within the devolved administrations, with the exception of the Cornish language and those undertakings that lie directly within the competence of the central authorities. The UK Government nevertheless has the overall and final responsibility for the implementation of the Charter.

11. The Committee of Experts had in its second evaluation report mentioned a certain lack of coherence in the compilation of information contained in the second periodical report and had expressed the hope that the central authorities would find ways to improve the co-ordination with the devolved administrations and regions concerned in preparing the next periodical report. Apart from Northern Ireland (see the following paragraph), the Committee of Experts notes that the third periodical report is more coherent and informative and deals with most of the relevant issues that had been raised in the previous monitoring round.

12. Since the previous monitoring round, devolved government has been restored in Northern Ireland following the St Andrews Agreement in 2006. Information about Irish and Ulster Scots in the third periodical report is confined to those areas which remain the sole competence of the UK Government in London. Areas which have been devolved to Northern Ireland are not included. It was explained to the Committee of Experts that the responsibility for preparing these relevant parts of the report was the Northern Ireland power-sharing Executive, and they failed to deliver. Apparently it was not possible to agree within the Executive on the relevant text to be included in the report. The UK authorities stated in their report that a supplement report would be provided at a later stage to cover the missing areas. However, none has been received. It seems that this was the principal reason for the delay in submitting the third periodical report. The Committee of Experts deeply regrets that the periodical report does not include important information relating to one Part III and one Part II language. It reminds the UK Government that it is its duty under the Charter to submit a complete report on time and expects that the forthcoming report will comply in full with Article 15 of the Charter.

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

13. The devolution settlement in Northern Ireland presents certain obstacles in the promotion and protection of regional or minority languages. Immediately before the restoration of devolved government, it had been the intention of the UK Government to pass an Act of Parliament in London for the promotion of the Irish language in Northern Ireland. This did not happen. The responsibility of competence with regard to regional or minority languages was devolved to the Northern Ireland Assembly. Nevertheless, no legislation promoting the Irish language has been adopted. The Committee of Experts understands that this is because of the need to obtain consensus between the Nationalist and Unionist parties in the Assembly.

14. It appears to the Committee of Experts that legislation is needed to protect and promote Irish in Northern Ireland, as is the case for Welsh in Wales and Scottish Gaelic in Scotland. Furthermore, the Committee of Experts agrees with the evidence received from the Northern Ireland Human Rights Commission² that a legislative basis is even more important in the environment of political conflict, as a means of achieving reconciliation. The Committee of Experts notes that similar recommendations have been

² [http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/106/Parallel_report_on_ECRML_\(September_2009\).pdf](http://www.nihrc.org/dms/data/NIHRC/attachments/dd/files/106/Parallel_report_on_ECRML_(September_2009).pdf)

made by the UN Economic, Social and Cultural Rights Committee and the Advisory Committee of the Framework Convention for the Protection of National Minorities.³

15. It appears to the Committee of Experts that as things currently stand, legislation on the protection and promotion of the Irish language is unlikely to be made by the Northern Ireland Assembly. It could however be made by the UK Parliament under its parallel legislative competence.

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

16. In the previous evaluation report (paragraph 32), the Committee of Experts observed that inappropriate claims for parity of treatment between Irish and Ulster Scots in a number of instances led to the result that no measures were taken for either language, since it was not practically possible to apply the measures to Ulster Scots. The Committee of Experts encountered similar issues in the current monitoring round, in particular in the general support of the languages. For instance, the opinion was even presented to the Committee of Experts that before any further steps were taken to promote Irish, the Ulster Scots language should be brought to the same position.

17. The Charter is based on treating each regional or minority language in accordance with its specific situation. The situation of the two languages is quite different, and language measures specifically directed towards each language are needed. That is the only way that both languages can be protected and promoted according to their specific needs.

³ http://www.coe.int/t/dghl/monitoring/minorities/3_FCNMdocs/PDF_2nd_OP_UK_en.pdf

Chapter 2. Conclusions of the Committee of Experts on how the State authorities have reacted to the recommendations of the Committee of Ministers (RecChL(2007)2)

Recommendation No.1:

“Elaborate and implement a comprehensive Scottish Gaelic language education policy”.

18. Based on the Gaelic Language Act 2005, Bòrd na Gàidhlig adopted a National Gaelic Education Strategy within its National Plan for Gaelic. A steering group was set up to implement the Strategy. The steering group has established four national working groups, on learners of Gaelic, Gaelic teacher recruitment and supply, Gaelic further and higher education, and Gaelic secondary curriculum design. A fifth working group on resources, terminology and translation will be set up in the near future. So far, three local authorities have developed statutory five-year Gaelic language plans in which measures to support the development of Gaelic education are included.

19. It seems, however, that there has been comparatively little progress made on the ground since the last monitoring round and the Strategy is in the early stages of implementation. Particular problems found throughout the Gaelic education field include a shortage of teachers, inadequate teaching materials and lack of appropriate school buildings. Further special measures are needed, such as allowing a lower number of pupils to form a class or a group.

Recommendation No.2:

“Develop a comprehensive Irish language policy, including measures to meet the increasing demand for Irish-medium education”.

20. The St Andrews Agreement Act 2006 places a statutory duty on the Northern Ireland Executive to adopt a strategy to enhance and protect the Irish Language. So far no strategy has been adopted. However, the Minister for Culture, Arts and Leisure (DCAL) intends to bring forward one strategy, entitled “A Strategy for Indigenous or Regional Minority Languages”, which is intended to be a single strategy for Irish and Ulster Scots. The Committee of Experts is concerned that the strategy will strive towards parity between the two languages and therefore not serve the needs of either the Irish-speakers or the Ulster Scots-speakers and will hold back the development of both languages.

21. With regard to Irish-medium education, although certain deficiencies remain at all levels, some progress has been made. The Department of Education in Northern Ireland has conducted a review of Irish-medium education and published a report containing several recommendations, many of which address the concerns expressed by the Committee of Experts in previous reports. The report recommends that the Department of Education in Northern Ireland should ensure that Irish-medium education is considered systematically throughout policy development, and that the Education and Skills Authority should address the needs of Irish-medium education in a fully integrated way. A standing group within the Department of Education has been established, chaired at director level, to ensure that policies are progressed. The Committee of Experts hopes that the result will be a coherent strategy for education in Irish, across all stages of education and result in positive measures to implement it.

Recommendation No.3:

“Develop further Welsh-medium education, in particular, take steps to improve linguistic continuity in the transition from primary to secondary level in Welsh-speaking areas, and establish a co-ordinated approach to monitoring progress achieved in developing Welsh-medium education”.

22. From 1 April 2008, a Welsh Language Development Unit has been operational within the Department for Children, Education, Lifelong Learning and Skills (DCELLS) in the Welsh Assembly Government. The overall aim of the Unit is to improve capacity in the education system through developing provision, training and resources for teaching and learning through the medium of Welsh, and to provide strategic direction for the development of Welsh-medium education. The Unit was in charge of preparing the national Welsh-medium Education Strategy, which covers all phases of education and training, and will be responsible for monitoring the implementation of the Strategy. In May 2009, the Welsh Assembly Government launched a consultation on the draft Strategy in line with the 2007 “One Wales” progressive agenda for the Government of Wales. The strategy should be adopted in 2010.

23. During the on-the-spot visit, the Committee of Experts heard complaints from the parents' NGOs with regard to bilingual schools because there was an uncertainty as to how much education in Welsh their children will be offered.

24. As regards the monitoring of Welsh-medium education, the authorities refer to the work of Estyn, Her Majesty's Inspectorate for Education and Training in Wales that inspects and reports on Welsh-medium education, and to the newly created Welsh Language Development Unit mentioned above.

25. The Committee of Experts notes that the newly established monitoring and reporting system seems to meet the recommendation made by the Committee of Ministers.

Recommendation No.4:

"Increase support for the printed media in Scottish Gaelic and Irish".

26. With regard to Scottish Gaelic, the Scottish Government states in the third periodical report that it does not make specific interventions to encourage and/or facilitate the publication of newspaper articles, but that there are regular Gaelic columns in six newspapers as well as a monthly Gaelic publication, An Gàidheal Ùr. Bòrd na Gàidhlig subsidises this publication and also funds the bilingual magazine Cothrom. There are also regular Gaelic features in Free Church of Scotland and Church of Scotland monthly magazines, and The Atlantic Gaelic Academy publishes a quarterly newsletter, Naidheachd, which contains Gaelic learning materials and information on Gaelic activities in North America. Most of the articles mentioned are also available online.

27. However, the monthly An Gàidheal Ùr ceased to publish and it seems that Gaelic articles in newspapers are not very frequent. The authorities gave no information as to what extent they encourage and/ or facilitate the publication of newspaper articles in Gaelic.

28. With regard to Irish, the daily newspaper *Lá* no longer exists. There is no current encouragement or facilitation of a weekly or daily newspaper in Irish produced in Northern Ireland. There is, however, an all-Ireland tender for a weekly paper. A recently established news website called *Nuacht 24* publishes a weekly print edition, but receives no support from the authorities.

Recommendation No. 5:

"Take further measures to ensure that health and social care facilities offer services in Welsh."

29. According to the third periodical report, the Welsh Assembly Government has undertaken a number of actions to strengthen provision of Welsh services in social care facilities, including the re-establishment of a taskforce by the Welsh Minister for Health and Social Services in 2006. These activities contributed to the awareness-raising among medical staff about the Welsh language, but the actual use of the language is still not satisfactory. In January 2008, the Welsh Assembly Government issued a Welsh Health Circular requiring that every NHS Trust should appoint a full time Welsh Language Officer to promote the development of bilingual health care within their organisations and that Local Health Boards in the Mid, West and South East Regions should pool funds in order to develop regional Welsh Language Units.

30. However, the Committee of Experts was informed about an increased number of complaints in this sector. The problems identified include very little training of medical staff in Welsh and the fact that over 90% of contact with the health service is through the primary care sector. As this is largely provided by the private sector (i.e. doctors' surgeries) most of this work does not come directly under the auspices of the 1993 Welsh Language Act.

31. Very little information was made available to the Committee of Experts about social care which is the responsibility of local authorities, and which is to a large degree outsourced to the private sector. Further action seems to be needed in this field.

Recommendation No. 6:

"Strengthen the efforts to improve the position of Scots and Ulster Scots."

32. With regard to Scots, the Scottish Executive carried out an audit of the language, and established a strategic task force to see how the Scots language can be further promoted and developed. Funding for the language is now provided directly from Government. In general, apart from in the field of media, Scots benefits from an increased degree of public recognition and respect. Increased resources are needed in particular in the field of education.

33. With regard to Ulster Scots, it is still largely invisible in public life. The Ulster Scots Academy project appears to have failed. Instead, the plan is to establish a language planning and cultural body that involves the speakers more closely. The St. Andrews Agreement Act requires the adoption of a strategy to enhance and develop Ulster Scots. There do not appear to have been developments in the field of education.

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

3.1. Evaluation in respect of Part II of the Charter

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

Article 7 - Objectives and principles

Paragraph 1

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

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

35. With the support of the respective devolved governments, the Welsh and Scottish Gaelic languages have gained status within the European Union bodies as they can be used in the meetings of the Council of the European Union, and Welsh-speakers and Scottish Gaelic-speakers may write and receive a response to EU bodies in their mother tongue.

Scottish Gaelic

36. In the second monitoring cycle, the Committee of Experts commended the adoption of the Gaelic Language Act 2005. Since then, further positive steps have been taken as a result of this Act, including action taken by Bòrd na Gàidhlig (see under Part III below).

Scots

37. In the second monitoring cycle, the Committee of Experts noted a certain reluctance from the Scottish authorities to recognise Scots as a language on its own right. However, in the third monitoring round, the Committee of Experts has noted a stronger recognition of the Scots language. For example, an audit on Scots was carried out (see paragraphs 53 – 54 below) and a specific task force for the protection and promotion of Scots has been set up. The new curriculum guideline in Scotland "Curriculum for Excellence" specifically refers to the Scots language and the need to value Scots language skills amongst pupils. During the on-the-spot visit, representatives of the Scottish Executive informed the Committee of Experts that 2009 was proclaimed the Year of Homecoming Scotland, organised on behalf of the Scottish Executive and entails a series of events, including some that feature Scottish Gaelic and Scots.

Irish and Ulster Scots

38. In Northern Ireland, the Northern Ireland (St Andrews Agreement) Act 2006 reinforces the recognition of Irish and Ulster Scots under the 1998 Good Friday Agreement as an expression of cultural wealth by imposing duties on the Northern Ireland Executive to adopt strategies for both languages. However, the restoration of the power-sharing devolved government in Northern Ireland has de facto led to a standstill in many aspects of promotion of these languages (see paragraphs 12 – 17 above).

- 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;*

Irish

39. In its second evaluation report (paragraph 44), the Committee of Experts was informed of a plan to reduce the 26 district councils in Northern Ireland to seven. Some councils with a favourable Irish language policy were concerned that merging into a larger council may diminish the favourable promotion of Irish. The Committee of Experts therefore urged the Review of Public Administration to take this concern into consideration and encouraged the authorities to ensure that the new councils would not be less favourable to the existing minority language protection.

40. According to written evidence received from representatives of the Irish-speakers, the original plan to reduce the councils to seven was changed in 2008, so that now the 26 councils are to be reduced to eleven, and the merger has been postponed to 2011. These changes have not diminished the concerns that were raised during the last monitoring round and repeated during the on-the-spot visit by representatives of the councils and the Irish-speakers. In fact, it does not seem that any of the councils that to some degree currently have an Irish language policy, have so far prepared for the impact of the merger on the Irish language. The Committee of Experts did not receive any information about possible effects of the merger on Ulster Scots. During the on-the-spot visit, the Minister of the Department of Culture, Arts and Leisure, with main responsibility for Irish and Ulster Scots, explained to the Committee of Experts that the Strategy for Irish and Ulster Scots (see paragraph 60 below) will deal among other things with this issue. The Committee of Experts also met with a representative of the Department of the Environment who stated that the Department had issued a guidance on the merger of the district councils, but that the Department had no power over the merger.

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

Cornish

42. With regard to Cornwall, in its second evaluation report (paragraphs 45 – 46), the Committee of Experts had been informed about plans to change the two tier system of Cornwall County Council and the six district councils to a single tier with two district councils.

43. According to the information provided in the third periodical report (page 5 and pages 61 – 62), the two tier system was replaced in April 2009 by a single authority for Cornwall, leaving the Isles of Scilly as a separate form of unitary authority apart. During the on-the-spot visit, the Committee of Experts met with the Cornish Language Partnership (see paragraph 62 below) which generally viewed the structural change positively, since it strengthens the position of Cornish. Cornwall Council has indeed taken the leading role in the Partnership and is supportive to the promotion of the Cornish language.

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

Welsh

44. Since the last monitoring round, and following elections in Wales in 2007, there has been a change in power within the Welsh Assembly Government. While the *laith Pawb* plan (a national action plan for a bilingual Wales) remains in force, the new government coalition commits itself, with its 'One Wales: A progressive agenda for the government of Wales' coalition agreement to have more legislative competence transferred from the National Parliament of the UK to the National Assembly for Wales in several fields, including regarding the Welsh language.

45. The National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2009 (LCO) was proposed in February 2009. According to the periodical report (page 18), the LCO will enable the Welsh Assembly Government to take measures to:

- confirm the official status of Welsh and English;
- deliver linguistic rights in the provision of services;
- establish the post of a Welsh Language Commissioner.

46. The Welsh Language Board supports the view that all legislative power over the Welsh language should be transferred to the National Assembly for Wales and that the scope of the Order should be broadened. Welsh language NGOs, while welcoming the devolution of legislative competence to Cardiff, expressed their concern about the complexity and narrow scope of the Order.

47. The Committee of Experts looks forward to receiving information on further developments in this regard in the next periodical report.

48. In 2005, the Welsh Language Board published its 10-year Strategic Plan. The priorities in 2009 are among other things extending the influence of Welsh Language Schemes, and strengthening the use of Welsh in business, education, and among young people.

Scottish Gaelic

49. In its second evaluation report (paragraph 48), the Committee of Experts was pleased to note the coming into force of the Gaelic Language Act and the setting up of the statutory Bòrd na Gàidhlig (BnaG) which was charged with developing a national language plan and advising Scottish authorities and public bodies to develop their own language plans setting out how they would promote the use of Scottish Gaelic.

50. According to the third periodical report (pages 24 – 25), a National Plan for Gaelic was developed by BnaG and approved by the Scottish Government in March 2007. The Plan delivers a basic strategy for the development of the language and identifies four key target areas to strengthen the language: language acquisition, usage, status and corpus planning. Furthermore, BnaG has so far requested more than 26 bodies to develop language plans, including the Scottish Government, local councils, such as the Highland Council and Comhairle nan Eilean Siar, public education bodies and several other bodies. In their periodical report (pages 65 – 66), the authorities identify the main priorities for Scotland as a whole in the Language Plan of the Scottish Government. On the local level, the strengthening of education is emphasised, and public authorities should promote Gaelic most notably in the cultural sphere and create opportunities to speak Gaelic.

51. Bòrd na Gàidhlig publishes an annual report on its activities, achievements and expenditures. It receives an annual amount of £5, 4 million which is spent on development projects, Gaelic organisations, the implementation of the Gaelic Language Act and the running costs of BnaG.

Scots

52. In the second evaluation report (paragraphs 49 – 53), the Committee of Experts had been informed that within the government's National Languages Strategy, local authorities and other bodies would be requested to draw up language plans, but that to date there had been no overarching language policy for Scots. Dissatisfaction was expressed by the Scots language organisations with regard to the level and mode of funding for the Scots language, which was in their view too modest and ran on a short-term basis.

53. Since the last monitoring round, there has been a change of government in Scotland, which has also led to consequences in the support of the Scots language. The National Languages Strategy has no longer been pursued. Instead, the new Scottish Government first of all undertook an audit (or rather a survey) of the current provision of the Scots language in public life, based on the seven articles of Part III of the Charter. The results will serve as a basis for a Scots language policy. The Scots language organisations welcomed the audit and have reported about a favourable and positive attitude towards the support of Scots as the government's action will be based on the results of this audit.

54. So far, as a result of the audit, the Scottish Executive has put together a strategic task force, with the aim to promote Scots, raise public awareness of Scots and support it in the fields of education, culture and media. The Committee of Experts commends the resolute action taken by the Scottish authorities and looks forward to receiving more information with regard to the activities of the task force in the next periodical report.

55. It should also be mentioned that financial support for the activities of Scots language organisations was shifted from the Scottish Arts Council to the Scottish Government directly, which implies a broader perspective and more stable funding.

Irish

56. In the second evaluation report (paragraph 53), the Committee of Experts observed that, while there had been some positive developments, an overarching language policy aimed at protecting and promoting Irish was lacking. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Irish, to “**develop a comprehensive Irish language policy including measures to meet the increasing demand of Irish-medium education**” (RecChL(2007)2).

57. As a response to this recommendation, the authorities mention in their third periodical report that the Northern Ireland (St Andrews Agreement) Act 2006⁴, places a statutory duty on the Northern Ireland Executive to adopt a strategy to enhance and protect the Irish Language. So far no strategy has been adopted. However, the Minister for Culture, Arts and Leisure (DCAL) informed the Committee of Experts during the on-the-spot visit about his intentions to bring forward in the near future a single strategy for Irish and Ulster Scots, entitled “A Strategy for Indigenous or Regional Minority Languages”. During the time of the on-the-spot visit the draft strategy was out for consultation with Foras na Gaeilge and the Ulster Scots Agency. The Committee of Experts was informed, through other sources, that the intention of the strategy would be to strive towards parity between the two languages, including an equal amount of funding. If that is the intention, the Committee of Experts is concerned that such a strategy will not serve the needs of either the Irish-speakers or the Ulster Scots-speakers and is likely to hold back the development of both languages (see paragraphs 16 - 17 above).

Ulster Scots

58. The Committee of Experts noted in its second evaluation report (paragraph 55) that, while there was no overarching language policy for Ulster Scots, it had been informed that an Ulster Scots Academy was being set up by an implementation group and for which it was to receive £12 million from DCAL for a five-year period.

59. During the on-the-spot visit and through supplementary information, the Committee of Experts was informed by representatives of the Ulster Scots-speakers as well as by the DCAL Minister that the Ulster Scots Academy never came into fruition. The Ulster Scots Academy Implementation Group presented a roadmap which could not be agreed upon by the Ulster Scots-speakers nor the Northern Ireland departments. The Committee of Experts was informed that the roadmap focussed on achieving Part III status for Ulster Scots under the Charter rather than concentrating on concrete measures for language development. This seems to have been part of the disagreement. There was also disagreement among the Ulster Scots-speakers as to the appropriate language planning activities for Ulster Scots. The Committee of Experts understands that DCAL now intends to reinstate an Academy with objectives that all stakeholders can agree upon and that meet the requirements of the departments. DCAL will aim at involving the speakers more closely, and the Academy’s remit will not only include corpus planning, but also encompass cultural aspects, community education and function as a centre, according to the wishes of the speakers.

60. The Northern Ireland (St Andrews Agreement) Act places a statutory duty on the Northern Ireland Executive to adopt a strategy to enhance and develop the Ulster Scots language. At the time of the on-the-spot visit, a strategy had not been adopted (see paragraphs 12 – 15 and 57 above). The Ulster Scots-speakers expressed their disappointment to the Committee of Experts that no resolute action had been taken to safeguard and promote Ulster Scots.

Cornish

61. In its last evaluation report (paragraphs 56 – 58), the Committee of Experts was informed that the Cornish local authorities together with Cornish language organisations had developed a Cornish Language Strategy, which was to serve as an initial language policy, one of the priority tasks being the establishment of a common orthography. The Committee of Experts was also informed that EU money and matching UK funds went towards the promotion of the Cornish language (Funding 2006 – 2009).

62. The Cornish Language Partnership was set up in 2005 to promote and support the Cornish language and to oversee the development of the Cornish Language Strategy. The Partnership is led by Cornwall Council and includes also Cornish language NGOs and other representatives. The Committee of Experts observes that this model of collaboration between representatives of the speakers and the authorities has worked well for the Cornish language, and could be considered as a model for other languages in similar situations. One of the main achievements of the Partnership so far has been the agreement on a Standard Written Form of Cornish (see paragraph 72 below). The Committee of Experts welcomes this development and commends the concerted and resolute action of the Partnership.

⁴ Strategies relating to Irish language and Ulster Scots language etc

After section 28C of the 1998 Act insert—“28D Strategies relating to Irish language and Ulster Scots language etc

(1) The Executive Committee shall adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language. (2) The Executive Committee shall adopt a strategy setting out how it proposes to enhance and develop the Ulster Scots language, heritage and culture. (3) The Executive Committee— (a) must keep under review each of the strategies; and (b) may from time to time adopt a new strategy or revise a strategy.”

Manx Gaelic

63. In its second evaluation report (paragraph 61) the Committee of Experts made reference to the Isle of Man Government Plan 2005 – 2008 which included the promotion of the Manx Gaelic language.

64. In the third periodical report (page 56), the authorities state that the new Isle of Man Government Strategic Plan 2007 – 2011 does not specifically mention the Manx Gaelic language, but that its promotion is included under the aim of promoting and protecting the island's unique cultural heritage.

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

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

Scots

66. According to one Scots language organisation, while there is a growing visibility of Scots on the internet, Scots is still not sufficiently used in the print and broadcasting media. In relation to print media, some representatives of the speakers see the reason for this in the lack of Scots literacy among speakers which is partially due to the fact that there is no agreed standard orthography for Scots.

67. There are some Scots television programmes that have received a mixed response by the speakers, since on the one hand it raises the popularity of Scots, whereas on the other it serves some stereotypes.

68. Representatives of the speakers have again stated that Scots is confined to certain domains, especially to informal settings.

69. The Committee of Experts considers that efforts are needed to encourage and sustain Scots as a community language and to support and create conditions for Scots-speakers to value and use their language, and especially strengthen the position of Scots within existing language communities.

Ulster Scots

70. Apart from the weekly 30-minute BBC radio programme in Ulster Scots mentioned in the second evaluation report (paragraph 77), the Committee of Experts was informed that there is a community radio station in Ballymoney in North Antrim that broadcasts programmes in Ulster Scots which operates on temporary licenses for four-week periods. The Committee of Experts was informed that this radio station is very popular. The representatives of the radio programme have asked the UK media regulator OfCom to grant a license for a permanent community radio station.

71. During the on-the-spot visit, the representatives of the Ulster Scots-speakers raised the wish or need for a cultural centre for Ulster Scots in the area where it is mostly spoken, similar to the Irish language cultural centre *Cultúrlann*.

Cornish

72. In its second evaluation report (paragraph 83), the Committee of Experts pointed out the need to agree on one common orthography to be used in the public sphere, most notably in the media and in education. In 2007, a commission was appointed to develop a Standard Written Form of Cornish. In May 2008, agreement was reached. A review of the Standard Written Form is due in 2013.

73. The third periodical report (pages 69 – 71) lists a range of ways the Cornish language has been encouraged and facilitated in public life in line with the Cornish language strategy. The Cornish Language Partnership continues to carry out work to increase the visibility of the Cornish language through street signage and signage of private sector companies. The Cornish Language Partnership has set up a translation service, which is used for example by enterprises who wish to use Cornish phrases etc. The Partnership has also been carrying out an awareness raising campaign, especially targeting private companies and the youth, and has also offered Cornish language trial lessons.

74. As for the media, apart from the five-minute weekly radio news programme, the website of the Cornish Language Partnership, MAGA, contains weekly podcasts of news and video-clips in Cornish.

Manx Gaelic

75. Apart from the radio programmes mentioned in the last evaluation report (paragraph 84), the third periodical report (page 209) states that another bilingual radio programme is broadcast once a week. The

news items that are broadcast in Manx Gaelic are also downloadable on the radio's website. The private radio station now also uses some Manx phrases in its programmes.

76. Part of the work of the Manx Heritage Foundation is to increase the visibility of the Manx Gaelic language which is done in various ways, for example through online sound dictionaries (see page 72 of the periodical report) which ensure among other things that place names and personal names are pronounced correctly. It also provides authoritative Manx versions of street names and government departments as well as the creation of new terminology and sound files in Manx Gaelic.

77. The Manx Heritage Foundation continues to create material to raise the visibility of the language and create awareness of the language. For example, three new CD-ROMS on learning Manx have been produced.

78. According to the Manx Heritage Foundation, the Isle of Man Government relies heavily on the Foundation in order to promote the use of Manx language within the government departments. The Foundation considers that the government should take more responsibility for doing this itself.

79. Since the Manx Gaelic language is still in a revival phase, the Manx Heritage Foundation is searching for ways to increase the opportunities to speak Manx Gaelic. There are after school clubs where pupils have the opportunity to make use of their Manx Gaelic language skills. The Committee of Experts was informed during the on-the-spot visit that the Department of Education intends to set up a Manx Gaelic youth centre. The Committee of Experts looks forward to receiving information on this initiative in the 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;*

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

81. The third periodical report (pages 78 – 81), reports that the Cornish Language Partnership has established close links to the language boards and other bodies in Wales, Scotland and the Isle of Man. Bòrd na Gàidhlig has exchanged experiences with the Welsh Language Board and intends to establish links to Foras na Gaeilge.

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

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

Scots

83. In its second evaluation report (paragraphs 95 – 105), the Committee of Experts observed that it was left to the local council, individual school or teacher to decide whether or to what extent Scots was taught at school. In that case, Scots was taught as part of English language and literature, it was not commonly used as the language of instruction. The Committee of Experts also recognised the importance of the activities carried out by Itchy Coo, which was publishing highly successful youth books in Scots and carrying out in-service teacher training and other educational activities. The Committee of Experts concluded that there was a need for properly funded and structured teaching in and/or of Scots.

84. In the third periodical report (pages 85 – 86), the authorities report that the Scottish curriculum is undergoing an education reform called "Curriculum for Excellence", in which particular reference is made to the Scots language and the encouragement to include it in education (in English lessons). The Committee of Experts understands that this is a guideline which is not compulsory.

85. The results of the audit show that the provision of Scots in education is stronger at primary school and higher education level, and weaker at secondary school and further education level.

86. The third periodical report also reports on a project that was carried out by Itchy Coo, Glasgow University and Literature in Learning (an initiative led by the Scottish Book Trust) at a primary school in West Lothian, which tested the existing knowledge of Scots amongst the pupils, the level of language awareness

and their attitude towards Scots in the school year 2006/2007. A similar project was carried out thereafter at another primary school with Itchy Coe, where teaching materials and strategies were developed.

87. The Committee of Experts was informed that the public education body Learning and Teaching Scotland (LTS) is working on a model of Continuous Professional Development with regard to teaching and using Scots in the classroom.

88. During the on-the-spot visit, representatives of Itchy Coe informed the Committee of Experts of the increasing demand for Scots education. This however does not seem to be matched by the necessary governmental support. Itchy Coe's educational outreach continues to be funded by the Scottish Arts Council, rather than by the Ministry of Education. The current annual expenditure is roughly £50 000. Itchy Coe is still running under short term funding periods. Itchy Coe also suggested that the Scottish Government work closely with local authorities to learn from good practice cases and also develop further teacher training in the areas where Scots is spoken.

Ulster Scots

89. In its second evaluation report (paragraphs 106 – 111), the Committee of Experts noted that teaching material for teaching Ulster Scots at primary and secondary schools was being developed at the Stranmillis University College. The teaching materials were used at some schools and funded by the Ulster Scots Agency.

90. During the on-the-spot visit, the Committee of Experts was informed by certain representatives of the Ulster Scots-speakers that the type of language used in the teaching materials that had been developed by Stranmillis University College could not be agreed upon.

91. According to information received by the Ulster Scots-speakers, Ulster Scots is taught on a cross curricular basis in some primary schools and in the first three years of secondary school. Representatives of the speakers pointed out that the language teaching does not go beyond the awareness raising level and is not suitable for language acquisition or sustainability. As was the case in the last monitoring round, the speakers complained that it is still not possible to take Ulster Scots as a GCSE or A-level subject. According to the speakers, this would take a few years to develop. In order to strengthen Ulster Scots education, measures need to be taken to train teachers (for example qualified teachers with a knowledge of Ulster Scots), the preparation of teaching materials and a curriculum. Ulster Scots representatives favour the offer of an optional course within the normal curriculum.

Cornish

92. In its last evaluation report (paragraphs 112 – 120), the Committee of Experts noted that Cornish was taught in some schools, mostly as an extra-curricular subject. Apart from that, pupils got an introduction to the Cornish language in over 70 schools through the "Sense of Place" project. The priorities identified in the field of education were teacher training, peripatetic teachers and pre-school education.

93. According to the third periodical report (pages 82 – 83), since 2008, it is possible to offer Cornish as an accredited language subject (within the so-called "Asset Languages" scheme and Languages Ladder teaching, see also paragraph 151 of the second evaluation report). The Department for Children, Schools and Families has provided £80 000 and worked together with the Cornish Language Partnership to enable this, which is to be welcomed. However, so far Cornish still continues to be taught as an extra-curricular subject. At the same time, progress has been made in developing a stronger support structure. The Partnership has developed teaching and learning material for primary school teachers and for parents. Also, in-service training has taken place for over 70 teachers and a network of volunteer assistant teachers has been set up.

94. At secondary school level, there seems to be a growing demand for learning Cornish, especially as a non-compulsory subject. It is currently being taught at three secondary schools as a 'taster'. The Committee of Experts has not received any information about the use of the Cornish language at pre-school level and asks the authorities to report about it in the next periodical report.

Manx Gaelic

95. In its second evaluation report (paragraphs 121 – 129), the Committee of Experts noted that at pre-school level, there were four bilingual pre-schools, an optional subject at primary and secondary school level, as well as one Manx Gaelic-medium primary school. A lack of teacher training provision was the main challenge with regard to Manx education.

96. According to the third periodical report (page 84), Manx Gaelic is offered as an optional subject at all primary and secondary schools. The Manx Language Unit of the Department of Education organises teacher training once a week for practicing primary school teachers who become the 'Manx specialist' in their school. So far nine primary schools have teachers who are designated as Manx specialists. During the on-the-spot visit, the Committee of Experts was informed that the Manx Heritage Foundation appointed a writer to provide teaching materials and translations of material. Other teaching materials seem to be created by the teachers themselves, and the Committee of Experts was informed that the teachers were overburdened.

97. The numbers of pupils attending the Manx Gaelic-medium primary school (the Bunscoil Ghaelgagh) has risen since the previous monitoring round from 43 to 66 pupils. The school employs four full-time teachers and a non-teaching head, who are all fluent speakers. The number of pre-schools using Manx Gaelic has risen from four to five; two of these operate entirely through the medium of Manx Gaelic, the other three use Manx to some degree. At secondary schools within the catchment area, three subjects are offered with Manx Gaelic as the language of instruction. The Committee of Experts welcomes this development.

98. At secondary school level, the subjects History, IT and Music are taught through the medium of Manx Gaelic in an otherwise English-medium school.

- 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;*

Scottish Gaelic

99. One of the priority aims of the National Plan for Gaelic is to stabilise and increase the number of speakers. According to information received from Lews Castle College (LCC), this College has been active in the past two years in facilitating a wide range of Gaelic language courses in the Outer Hebrides, including daytime and evening classes for staff within the local authorities and public bodies. LCC has also organised together with Further Education colleges, a week-long Gaelic immersion course, using the Ulpan method (a language immersion method) which has been successful, and there seems to be a growing demand. Bòrd na Gàidhlig has financed the training of tutors to this end. The Scottish Minister responsible for Gaelic matters whom the Committee of Experts met during its on-the-spot visit, claims that more needs to be done to have a more widespread offer of Scottish Gaelic for learners in schools with the aim to increase the number of speakers.

Scots

100. In its second evaluation report (paragraph 131), the Committee of Experts had not received any information in relation to this provision on Scots.

101. The third periodical report (page 90) states that Scots can be learnt in schools and universities throughout Scotland and that Scots language groups organise events which provide opportunities to learn Scots. Learning materials exist for learning Scots. The Committee of Experts would welcome more concrete information, on how these offers are taken up in practice, especially regarding out-of-school learning opportunities.

102. According to the representatives of the Scots-speakers there are not many opportunities for adults to learn Scots. In the previous years, only a handful of evening classes took place.

Ulster Scots

103. According to the representatives of the Ulster Scots-speakers, currently none of the colleges that provide further and adult education offer Ulster Scots language classes.

Cornish

104. In its second evaluation report (paragraphs 133), the Committee of Experts observed that language courses were carried out on a voluntary basis and was of the view that further investments needed to be made to increase the opportunities for teaching the Cornish language to non-speakers in order to increase the number of speakers and expand the language use.

105. According to the third periodical report (page 88 – 89), the Cornish Language Partnership initiated a campaign to make the availability of Cornish language courses more widely known which led to an increase in language courses. However, the demand cannot be met in all cases. These classes are offered by the Adult Education Service. Private classes are also available and financially supported by the Partnership. Another way of learning Cornish is through distance learning.

Manx Gaelic

106. In its last evaluation report (paragraph 134), the Committee of Experts reported on the offer of Manx Gaelic adult classes and digital media available for learning the language.

107. During the current monitoring round, the Committee of Experts was informed that the Manx Heritage Foundation gives priority to adult education and the learning of Manx Gaelic using the Ulpan method (see also paragraph 107 above).

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

Welsh

108. In its submission to the Committee of Experts, the Welsh Language Board reports that it has been funding PhD scholarships on Applied Language Planning Studies since 2005.

Scottish Gaelic

109. Bòrd na Gàidhlig commissions research into certain fields of interest for the protection and promotion of Scottish Gaelic, such as language attitudes, learning motivation etc.

Ulster Scots

110. In its second evaluation report (paragraphs 137 – 138), the Committee of Experts remarked that study and research on Ulster Scots was only carried out on a minimal level. Furthermore, it was informed that the future Ulster Scots Academy would be charged with corpus planning of Ulster Scots.

111. As mentioned in paragraph 59 above, the Ulster Scots Academy was eventually not established. The Spelling Standardisation Committee under the Ulster Scots Academy Implementation Group had only reached the first stage. The Committee of Experts gained the impression during the on-the-spot visit that there is a need to develop a common standard written form and terminology of Ulster Scots that the broad majority of speakers can accept. Such an agreed standard is vital in order for Ulster Scots to be used more extensively in the field of education and administration. This should be in parallel with research into the oral language in all its diversity.

Scots

112. During the on-the-spot visit, the Committee of Experts was informed that the Scots Language Dictionaries organisation's next project will be the creation of a descriptive grammar of Scots.

Cornish

113. The Committee of Experts observed in its last evaluation report (paragraph 139 – 140) that, while study and research of Cornish was carried out at a number of universities in the UK, it was not possible to study Cornish as a separate subject. The Committee of Experts had been informed that there was an urgent need for more academic researchers in Cornish for further language planning and policy, as well as for teacher training purposes.

114. The third periodical report (page 94) states that the Cornish Language Partnership has commissioned various projects on the Cornish language, such as the creation of an audio archive, a resource database and attitudinal research.

Manx Gaelic

115. Study and research of the Manx Gaelic language continues to be carried out by the Centre of Manx Studies in the Isle of Man. According to the third periodical report (page 94), the Manx Heritage Foundation has financed a language project that was administered by this Centre.

- 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.*

116. Apart from the types of transnational exchanges mentioned in the first and second evaluation reports, according to the third periodical report (pages 96 – 97), Cornwall Council and the Conseil Général du Finistère signed a protocol of co-operation in May 2008, which fosters exchanges of good practice and cultural exchanges between Cornish- and Breton-speakers. The Committee of Experts welcomes this development and looks forward to receiving more information in the next periodical report.

Paragraph 2

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

Irish

117. The Administration of Justice (Language) Act 1737 regulates the use of languages in court in Northern Ireland. It states that the administration of justice “shall be in the English tongue and language, and not in Latin or French of any other tongue or language whatsoever.” The effect of this Act is consequently a prohibition of the use of Irish in court, and this is how it has been interpreted and implemented.

118. The UK has, in its instrument of ratification declared Irish in Northern Ireland as a Part III language. According to Article 2 paragraph 2 this means that the UK is obliged to select undertakings to protect and promote Irish from among all Articles under Part III (apart from Article 14 on transfrontier exchanges). This the UK has done, including choosing an undertaking under Article 9 (judicial authorities).

119. The monitoring by the Committee of Experts for Part III languages is restricted to the undertakings chosen under Part III and the relevant undertakings under Part II. The undertaking chosen by the UK for Irish under Article 9 is paragraph 3, dealing with making available important and relevant statutory texts in Irish. There is consequently no basis for the Committee of Experts to evaluate other undertakings of Article 9 in relation to Irish. However, ratifying Part III undertakings in relation to a regional or minority language implies a will on the part of the state to place on itself obligations to protect and promote this language, in addition to the general protection and promotion deriving from Part II of the Charter.

120. In this light, a piece of legislation actively prohibiting the use of the language from an important field of one of the Articles under Part III is, in the view of the Committee of Experts, contrary to the spirit and objectives of the Charter and the general commitment of the UK authorities to protect and promote Irish. The Committee of Experts has decided to deal with the issue of the 1737 Act under Article 7 paragraph 2. In its second evaluation report, it encouraged the UK authorities to remove this obstacle to the use of Irish.

121. The active prohibition of the use of Irish in court is a restriction relating to the use of the language. The UK authorities have not provided any justification for this restriction. The Committee of Experts believes that this restriction endangers the maintenance and development of Irish. Based on the available information, the Committee of Experts considers that the prohibition of the use of Irish in court in Northern Ireland by the 1737 Act is an unjustified restriction relating to the use of Irish, endangering the development of the language.

122. The Committee of Experts' attention was also brought to issues relating to citizenship and residency in the UK. Since 2004, applicants for citizenship in the UK can take their citizenship test in English, Welsh or Scottish Gaelic, but not in Irish. Since 2007, this has been extended to applications for residency. During the on-the-spot visit, the UK authorities were unable to explain why this distinction between Part III languages exists and promised to look into it. The Committee of Experts cannot see how this restriction is justified.

123. The Committee of Experts has been informed about several instances, especially within local councils where it was decided not to promote or use the Irish language within their services on the grounds that it would contravene Section 75 of the Northern Ireland Act, which states that public authorities should take due regard of the need to promote equality of opportunity, among others between persons of different religious belief or political opinion. The Committee of Experts emphasises that this undertaking states that 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.

Scottish Gaelic

124. Concerning Scottish Gaelic, the Committee of Experts pointed out in its second evaluation report (paragraph 149) that the Gaelic Language Act had not removed the restrictions of using the language in court.

125. The Committee of Experts has been made aware of problems with regard to advertising jobs which require knowledge of Scottish Gaelic on the alleged grounds that this would contravene the principle of equal

opportunities. The Committee of Experts refers to its comments made in relation to the Irish language above (paragraphs 123 above).

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.

126. In its second evaluation report (paragraphs 150 – 160), the Committee of Experts observed that, while the inclusion of respect, understanding and tolerance in relation to regional or minority languages were among the objectives of education in some parts of the UK, the Committee of Experts had again been made aware of examples of speakers of regional or minority languages being ridiculed or portrayed in a negative way in the media. The Committee of Experts therefore encouraged the authorities to include within the objectives of education and training in the UK at large, respect, understanding and tolerance in relation to regional or minority languages traditionally spoken in the UK.

127. With regard to Northern Ireland, the Committee of Experts gained the impression that the climate has in fact worsened since the previous monitoring round and the restoration of the Northern Ireland Executive. According to representatives of the Irish-speakers, debates in the Northern Ireland Assembly, and public statements of some ministers have been polemic, negative, if not hostile towards the Irish language. A member of the Northern Ireland Assembly put forward a motion in 2007 to prohibit the use of the Irish language in Assembly debates. Such actions and statements are in the view of the Committee of Experts adverse to the aim of creating mutual understanding, respect and tolerance towards the speakers of regional or minority languages in Northern Ireland. The Committee of Experts emphasises that it is important to refrain from making any of the languages a playing field for party politics.

128. The situation in the media does not seem to have improved. Both the Irish and Ulster Scots languages are subject to derogatory comments.

129. According to the information received by representatives of the Northern Ireland Executive, the revised curriculum for primary education has a compulsory strand on citizenship, cultural identity, equality in the local and global context. Language issues are therein ingrained.

130. With regard to Scots, representatives of the Scots-speakers informed the Committee of Experts that there is an increasing positive awareness of the Scots language in Scotland. The new Curriculum for Excellence emphasises that Scots language skills amongst pupils should be valued.

131. With regard to the Cornish language, according to the representatives of the Cornish-speakers that the Committee of Experts met during its on-the-spot visit, the media seems to portray the Cornish language in a more positive light since the last monitoring round. The Committee of Experts welcomes this.

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.

132. For basic information with regard to the different existing bodies within the meaning of this undertaking, the Committee of Experts refers to the previous evaluation report (paragraphs 161 – 169).

133. As for changes or new developments that have occurred since the previous monitoring round, the third periodical report (pages 106 – 108) mentions with regard to the Scots language an audit carried out by the Scottish Government. It invited all relevant Scots language organisations to comment on the current provision of the Scots language and reported that it would be guided by the results of the audit.

134. Concerning the Cornish language, the periodical report states that the UK Government recognises the Cornish Language Partnership as the principal advisory body on the Cornish language.

135. As for Manx Gaelic, according to the periodical report, the Manx Heritage Foundation organises an annual Manx Gaelic Forum to give the public the opportunity to discuss the future of the language.

136. Public consultation took place with regard to the Legislative Competence Order on the Welsh language and the new Welsh-medium Education Strategy.

137. In its last evaluation report (paragraph 167), the Committee of Experts referred to the North-South language bodies in Northern Ireland which were set up in accordance with the Good Friday Agreement as consultative bodies for Irish and Ulster Scots.

138. During the current monitoring round however, some representatives of the Ulster Scots-speakers expressed the view that the Ulster-Scots Agency does not adequately represent the interest of the speakers but that a properly functioning Ulster Scots Academy (broadly based on the model of the Frisian Academy in the Netherlands) would be in a better position to do this.

3.2. Evaluation in respect of Part III of the Charter

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

In the case of Welsh:

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

In the case of Scottish Gaelic:

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

In the case of Irish:

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

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

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

3.2.1. *The Welsh language*

Article 8 – Education

142. According to the authorities, Welsh is widely used as a medium of instruction from pre-school to higher education. Welsh is a statutory subject in the National Curriculum in Wales and education remains the responsibility of the devolved authorities. According to the third periodical report, from 1 April 2008, a Welsh Language Development Unit has been operational within the Department for Children, Education, Lifelong Learning and Skills (DCELLS) in the Welsh Assembly Government. The overall aim of the Unit is to improve the education system's capacity by developing provision, training and resources for teaching and learning through the medium of Welsh, and to provide strategic direction for the development of Welsh-medium provision.

143. The Committee of Experts also received information that in May 2009, the Welsh Assembly Government launched a consultation on a draft Welsh-medium Education Strategy in line with the 2007 "One Wales" progressive agenda for the Government of Wales. The Strategy covers all phases of education and training and should be adopted in 2010.

144. The Single Education Plan 2006-2008 referred to in the previous evaluation report (paragraph 177), has now been replaced by the Children and Young People's Plans. These Plans have been produced by all local authorities for the period 2008-2011, based on the Guidance document "Shared Planning for Better Outcomes" produced by the Welsh Assembly Government. In addition, the Committee of Experts received information that the Welsh Language Board was preparing a Good Practice Guide for Local Authorities wishing to conduct surveys of parental demand. According to the information received from some NGOs during the on-the-spot visit, the offer of Welsh-medium education might still be patchy in some places and demand was not always met by local authorities. On the other hand, in some places important improvements were noticed, for example in Cardiff.

145. The Committee of Experts was not made aware of any further positive development with regard to Welsh-medium education for children with special educational needs.

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;*

146. In its second evaluation report (paragraphs 181 – 185), the Committee of Experts considered the undertaking fulfilled. While noting the positive developments, the Committee of Experts requested further information from the authorities in their next periodical report with regard to Welsh-medium pre-school education, especially concerning staff shortage.

147. In the present monitoring round, the authorities report that Welsh language development will now be taught within the new Foundation Phase curriculum for pre-school children. There are more than 1.000 groups offering activities in Welsh using immersion methods. The Committee of Experts received complaints during the on-the-spot visit that in some places (for example Swansea) many children are not admitted to pre-schools due to the limited number of places.

148. However, the problem of availability of qualified practitioners able to work through the medium of Welsh remains. The authorities report about the training of an additional 740 support assistants within the Cam wrth Gam training programme, funded by the Welsh Assembly Government. In addition, training continues to be provided also by the voluntary organisation Mudiad Ysgolion Meithrin (MYM), funded by the Welsh Assembly Government, in partnership with Trinity College Carmarthen. The authorities claim that there will be 330 practitioners trained each year through this programme.

149. The Committee of Experts commends the authorities for the steps taken to resolve the problem of inadequate provision of trained staff. It considers the undertaking fulfilled.

Primary Education

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

150. In the second evaluation report (paragraphs 186 – 189), the Committee of Experts observed that the provision of Welsh-medium primary education was in general very good, although it was patchy in some areas and was not always able to meet the demand. The Committee of Experts therefore considered the undertaking partly fulfilled and encouraged the authorities to increase the efforts to make available primary Welsh-medium education to meet the demand.

151. In the third periodical report, the authorities inform about a slight increase of the number of schools where Welsh is the sole/main medium of instruction: 466 as compared to 448 in the previous monitoring round. At the same time, 28 schools (previously 58) now offer some Welsh-medium education, while the remainder of schools (1.033) teach Welsh as a second language. In 2008 the Welsh Language Board provided updated information, according to which 464 schools were mainly Welsh-medium schools (30.7% of the total), while 37 schools used Welsh as a medium of instruction to some extent.

152. During the on-the-spot visit, the Committee of Experts heard complaints from the parents' NGOs that the bilingual schools are not satisfactory because of the uncertain amount of the Welsh language use. At the same time, the local authorities' representative with whom the Committee of Experts met claimed that bilingual schools are necessary for viability reasons in places where the number of children requesting Welsh-medium education was shrinking. While recognising the economic difficulties that local authorities are facing, the Committee of Experts hopes that the solutions adopted do not jeopardise Welsh-medium education.

153. The Committee of Experts would like to remind that this undertaking requires Welsh-medium education wherever the situation on the ground justifies it, i.e. according to the situation of the language. There is still evidence of substantial unmet demand in parts of Wales for Welsh-medium primary education. The Committee of Experts encourages the authorities to continue finding ways to meet the demand for Welsh-medium education, in co-operation with the speakers.

154. Based on the information that there is still an unmet demand for Welsh-medium primary education, the Committee of Experts has to conclude that the undertaking is still partly fulfilled.

Secondary Education

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

155. In the previous two monitoring cycles, the Committee of Experts was particularly concerned about the lack of continuity from primary to secondary school and the varying percentage of Welsh-medium subjects in Welsh-medium and bilingual schools. The Committee of Experts was unable to conclude on this undertaking. In the second evaluation report (paragraphs 190 – 195), it urged the authorities to provide more information in their next periodical report. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Welsh, to **“develop further Welsh-medium education, in particular, take steps to improve linguistic continuity in the transition from primary to secondary level in Welsh-speaking areas [...]”** (RecChL(2007)2).

156. According to the third periodical report (page 196), bilingual/Welsh-medium secondary education is available throughout Wales to varying degrees. In addition to previously existing "Welsh speaking schools", a new school was due to open in Bridgend in 2008. Some local authorities who 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.

157. The general availability of Welsh-medium education is also recognised by the relevant NGOs. However, the Committee of Experts was also informed by the NGOs of cases in some counties where pupils have to travel long distances to attend Welsh-medium schools. In addition, the transport benefits are not always guaranteed which makes it difficult for pupils to continue their education in Welsh. In order to overcome this problem, the authorities encouraged partnerships between schools or supported schools upgrading video-conferencing equipment, which had enabled them to offer increased options in collaboration

with other providers. However, according to the report made by Estyn⁵, Her Majesty's Inspectorate for Education and Training in Wales, in 2008, the latter method of delivery had not been entirely satisfactory.

158. The problem of continuity between primary and secondary education still seems to persist and the authorities refer to the reasons previously mentioned in the last monitoring round (see third periodical report, page 197). The Committee of Experts notes that these reasons should be addressed by the authorities and steps should be taken to overcome this problem. A positive example given in the periodical report refers to the grants provided by the General Qualifications and Modernisation Branch to encourage awarding bodies to provide general qualifications for 14 - 19 year-olds through the medium of Welsh.

159. The Welsh Language Board informed the Committee of Experts that since April 2007, with funding from the Welsh Assembly Government, it had been running a project in five Welsh counties aimed at improving continuity levels between primary and secondary schools – with regard to Welsh as a subject, and as a medium of instruction. The project is working with governors, head teachers, teachers, pupils and parents, addressing some of the issues which can impact on progression. The work will continue until March 2011, with the aim of identifying good practice which can increase progression levels and can be shared at a national level. The Committee of Experts is looking forward to receiving the results of this project.

160. The Committee of Experts commends the authorities for measures taken to improve the offer of Welsh-medium secondary education and encourages them to pursue further their efforts to overcome the problems identified. The undertaking is at present partly fulfilled.

Technical and vocational education

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

161. In the previous monitoring rounds, the Committee of Experts considered this undertaking not fulfilled. In its second evaluation report (paragraphs 196 – 204), it took note of the positive steps that had taken place, observed that these were of a more preparatory nature. The Committee of Experts encouraged the authorities to develop and strengthen the offer of Welsh-medium and/or bilingual vocational and technical education.

162. In the third periodical report, the authorities admit that the amount of provision provided through the medium of Welsh or bilingually in this field is increasing slowly despite certain steps taken in the monitored period in accordance with the Elway Bilingual Vocational Strategy for post-14 development. In 2007, this strategy was transferred to the Welsh Assembly Government. According to the third periodical report, there has been positive development with respect to training, funding, teaching and learning resources and qualifications. As a result of the DCELLS support programme for awarding bodies, 81 vocational qualifications have become available through the medium of Welsh. The Welsh Assembly Government's guidance on the revenue allocation for the 14 - 19 networks in 2008-2009 specifies that an additional sum of £1.2m has been earmarked for the development of Welsh-medium or bilingual vocational provision. During the same period, £120 000 were allocated to support the Welsh-medium Vocational Qualifications programme. The Committee of Experts commends the authorities for their commitment to address the problem.

163. Many secondary schools offer technical and vocational education in Welsh in a variety of subjects. However, there remains a reluctance among further education colleges to increase Welsh-medium or bilingual provision, despite the fact that out of 23 colleges, 21 of them have a Welsh Language Scheme. According to the Welsh Assembly Government, only 3.7% of learning activities in post-16 further education colleges occurred in the medium of Welsh. The big problem that remains is the lack of provision of Welsh-medium workplace training and the slow adoption of the language schemes by the Employment and Skills

⁵ Welsh-medium and bilingual provision for 14-19 learners, available at:
http://www.estyn.gov.uk/publications/welsh_medium_and_bilingual_provision_for_14_19_learners.pdf.

Board (12 out of 25), as well as insufficient career and employment opportunities for young people trained in Welsh.

164. Acknowledging the positive measures taken, the Committee of Experts now considers that the undertaking is partly 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*

165. In its second evaluation report (paragraphs 213 – 217), the Committee of Experts considered this undertaking not fulfilled, and encouraged the authorities to establish a dedicated mechanism for monitoring the measures taken and progress achieved in the provision of Welsh medium and bilingual education and for producing periodical public reports. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Welsh, to “[...] establish a co-ordinated approach to monitoring progress achieved in developing Welsh-medium education” (RecChL(2007)2).

166. In the third periodical report, the authorities refer to the new Government of Wales Act of 2006 and the duty of the Welsh Assembly Government to report annually on progress with both Iaitb Pawb, the National Action Plan for a Bilingual Wales, and its own Welsh Language Scheme. Reports are available on the Assembly Government’s internet site⁶. The reports cover a wide range of Welsh Assembly Government policy areas, including Welsh-medium education. The Welsh Language Board continues to have its remit with respect to monitoring the Welsh language schemes.

167. In particular, the report refers to the work of Estyn, Her Majesty’s Inspectorate for Education and Training in Wales, that inspects and reports on:

- institutions which provide bilingual and Welsh-medium education;
- the teaching and learning of Welsh and Welsh as a second language; and
- the training of teachers for bilingual, Welsh language work and Welsh-medium education provided in schools and colleges.

168. Estyn’s reports are made public and are available on the internet.

169. In addition, from April 2008 the Welsh Language Development Unit has been operational within the Department for Children, Education, Lifelong Learning and Skills in the Welsh Assembly Government with the overall aim to improve capacity in the education system through developing provision, training and resources for teaching and learning through the medium of Welsh, and to provide strategic direction for the development of Welsh-medium provision (see third periodical report, page 207). The Unit was in charge of preparing the national Welsh-medium Education Strategy referred to above (paragraph 143) and will be responsible for monitoring the implementation. It is not clear, however, whether this unit will publish its reports.

170. Based on the fact that Estyn produces comprehensive reports on the developments in Welsh medium Education which are also made public, and that a new additional monitoring mechanism on Welsh-medium education has been created, the Committee of Experts concludes that the undertaking is now fulfilled.

Article 10 - Administrative authorities and public services

171. As described in the first evaluation report (paragraph 144) much of the implementation of Article 10, on the part of the authorities in Wales, relates to Welsh Language Schemes. According to the information received by the Welsh Language Board, it has approved 510 Welsh Language Schemes and existing ones were continuing to be revised. The vast majority of public bodies have to submit annual monitoring reports to the Board. However, according to the Board, this is a long-term process, and some public bodies are

⁶ <http://www.wales.gov.uk/welshlanguage>

unwilling to report on specific matters, such as performance indicators. As a result of monitoring, the Board had held nine statutory investigations during the last two years.

172. Although most Welsh public bodies by now implement basic Welsh Language Scheme clauses such as responding to correspondence in Welsh, and providing Welsh language forms, their performance varies considerably.

173. During the on-the-spot visit, the Committee of Experts was informed by the authorities about plans to establish a Language Commissioner for Welsh. When established, the Commissioner would be entitled to monitor and react to breaches of language rights. The Committee of Experts is looking forward to receiving more information about this initiative in the next monitoring round.

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;*

174. The Committee of Experts considered this undertaking fulfilled in its second evaluation report.

175. During this monitoring round, the Committee of Experts was informed that eight UK Government departments that provide public services in Wales had prepared Welsh Language Schemes while nine others had not done so. As a result of this, many important public services are actually not provided through the medium of Welsh. The Committee of Experts invites the UK authorities to comment on this in the next periodical report.

176. In light of this information, the Committee of Experts has to revise its conclusion and consider the undertaking partly fulfilled.

Paragraph 2

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

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

177. In its second evaluation report (paragraphs 229 – 232), the Committee of Experts considered the undertakings fulfilled with regard to the National Assembly for Wales but was not in a position to conclude with regard to the local authorities. It encouraged the authorities to provide more information regarding the practical use of Welsh in respect of local authorities.

178. The third periodical report does not provide specific information regarding these undertakings, but it refers to individual Welsh Language Schemes. During the on-the-spot visit, the Committee of Experts was informed that local authorities create their Welsh Language Schemes individually and that they are audited by the Welsh Language Board. The representative of local authorities that the Committee of Experts met during its on-the-spot visit stated that such schemes must also be provided for out-sourced provisions.

179. The Welsh Language Board informed the Committee of Experts that language schemes of local authorities are monitored through annual reports, public complaints and any media coverage concerning the use of Welsh. The Board sees its role as directed more to the creation of positive language environment than the imposition of sanctions. In their written submission, the Welsh Language Board made no reference to these specific undertakings.

180. Based on the existence of the Welsh Language Schemes and the fact that the Committee is aware that there is great variation in the practical use of Welsh by local authorities, the Committee of Experts concludes that the undertakings are partly fulfilled.

Paragraph 3

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

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

181. In its last evaluation report (paragraphs 233 - 235), the Committee of Experts was unable to conclude on this undertaking due to insufficient information. While commending the system for monitoring the use of Welsh in public services, the Committee of Experts asked the authorities to provide more information in the next periodical report on the practical implementation of this undertaking.

182. In the third periodical report (page 187), the UK authorities explain that this is also a requirement of individual Welsh Language Schemes and that the requirement to provide services in Welsh needs to be passed on to any contractor or agent or partner who delivers the service on the administrative bodies' behalf.

183. The mainstreaming of Welsh is required by the Welsh Assembly Government and it continued to be included in the remit letters of Assembly Government Sponsored Bodies (AGSB) in 2007-08 and 2008-9. These bodies also have Welsh-language schemes, which are monitored and evaluated by the Welsh Language Board.

184. During the on-the-spot visit, the Committee of Experts received information from some NGOs and the Welsh Language Board that Schemes are often contravened and broken. Some NGOs called for the creation of statutory language rights.

185. The Committee of Experts concludes that the undertaking is partly fulfilled.

Paragraph 4

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

...

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

186. The Committee of Experts considered this undertaking partly fulfilled in its second evaluation report (236 – 238), as was the case in the first evaluation report.

187. The third periodical report (page 215) maintains that "this is a requirement of individual Welsh Language Schemes. This is a sensitive area, which needs to be taken forward gradually and strategically, avoiding discrimination." The report refers to the Welsh Language Board projects and a future study on the bilingual workforce in the public sector. According to the report, the Welsh Assembly Government has a corporate Bilingual Skills Strategy for its own workforce, and strategies have also been produced at departmental level.

188. According to the information gathered during the on-the-spot visit, Welsh appears sometimes in jobs advertisements as a desirable requirement but rarely as an essential precondition.

189. The Committee of Experts considers the undertaking fulfilled for the Welsh Assembly Government and partly fulfilled for local authorities and public services.

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;*

190. According to the information received in the third periodical report, in June 2008, S4C launched its pre-school service "Cyw" and extended broadcasting for nursery-age children to six and a half hours per day. There are also new additional services for 6 - 11 year olds, and teenagers ("Planed Plant"). The Committee of Experts commends the authorities for extending their offer to these particular age groups.

191. During the on-the-spot visit, the Committee of Experts received information that digital radio and television services were problematic in some areas of Wales. It invites the authorities to look into these complaints and try to find a satisfactory solution.

192. Nevertheless, the Committee of Experts maintains its conclusion that the 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;*

193. In its second evaluation report (paragraphs 242 – 244), the Committee of Experts considered this undertaking fulfilled due to some public support for a Welsh language weekly newspaper. It welcomed the positive developments towards the establishment of a Welsh language daily newspaper and encouraged the authorities to provide more information about its creation in their next report.

194. In the present monitoring round, the Committee of Experts was informed about an announcement made on 5 February 2008 that the Welsh Assembly Government would provide £600,000 over the next three years in order to make a daily newspaper possible. During the on-the-spot visit, the Committee of Experts was informed that this decision had been followed by a heated public debate about the economic viability of a Welsh language daily newspaper. As a result, in May 2008, the Minister for Heritage decided to hold back the decision about a daily newspaper and award the amount of £200,000 for the first year to an online news service *Golwg 360*.

195. The Committee of Experts would like to emphasise that the employment of new technologies is a valuable contribution towards the fulfilment of this undertaking, not only in times of economic difficulties. However, the Committee of Experts encourages the authorities to further pursue the idea of printed daily newspapers as this seems to be a wish of the Welsh speakers.

196. The Committee of Experts maintains its conclusion that the undertaking is 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.

197. The Committee of Experts considered this undertaking fulfilled in its second evaluation report (paragraphs 249 – 251).

198. In the third periodical report, the UK authorities informed the Committee of Experts that OfCom had published its first Welsh Language Scheme in 2006. In addition, the Welsh Language Board in its written submission reports that OfCom revised its Welsh Language Scheme and that it now includes a commitment to add the Welsh language to the criteria already used to assess applications for radio licenses.

199. The Committee of Experts welcomes this positive change and considers the undertaking fulfilled.

Article 12 - Cultural activities and facilities

Paragraph 1

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

...

- 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.*

200. In its second evaluation report (paragraphs 252 – 253), the Committee of Experts considered this undertaking fulfilled, as was already the case in the first monitoring cycle. The Committee commended the progress and continuous work undertaken in these fields.

201. In the present monitoring round, the authorities informed the Committee of Experts about a new online National Database of Standardized Terminology. It is possible to search through glossaries and also to download glossaries into translation memory software. This facility is available free of charge at www.byig-wlb.org.uk/terms which includes Information Technology terms. The terminology was later used in the free language interface packs for Office 2007 and Windows Vista, launched in December 2007. The Board also developed a free Language Control Centre (LCC) to enable easy switching between Welsh and English language interfaces in Windows XP and Vista.

202. In addition, the University of Wales Bangor produced a Dictionary of Legal Terms in 2008 and the University of Aberystwyth has produced an Agri-environment and Habitat Ecology list of terms.

203. The Committee of Experts commends the authorities for the results achieved and maintains its conclusion that the 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.

204. In its previous evaluation reports (paragraphs 184 -185 of the first evaluation report and paragraph 254 of the second), the Committee of Experts could not conclude on this undertaking due to insufficient information.

205. According to the third periodical report, "other territories" where Welsh speakers are present include some cities in the UK outside Wales, including London. Most activities that the authorities support or provide relate to teaching of/in Welsh, but also culture. In addition, the Welsh Assembly Government, through CyMAL: Museums, Archives and Libraries Wales division, promotes co-operation between museums, archives and libraries in Wales and Welsh museums, archives and libraries in Patagonia.

206. 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.

207. In its second evaluation report (paragraph 254), the Committee of Experts could not conclude whether this undertaking was fulfilled due to a lack of information. It therefore urged the authorities to provide such information in their next periodical report.

208. In the third periodical report, the authorities repeat some of the information regarding its support for the cultural activities in Patagonia. In April 2005, the Welsh Books Council and British Council Wales agreed to establish a scheme to send books to Patagonia. Cymdeithas Cymru-Ariannin were also involved with the scheme. Over one thousand books and educational material worth nearly £7,000 were delivered to Patagonia.

The financial support of Cymdeithas Cymru-Ariannin and the British Council was matched by the Welsh Books Council and independent publishers. In addition, the authorities emphasise the value of the Welsh language for tourism in Wales.

209. There is no information in the report as to how the Welsh language and the culture it reflects are included in the presentation of the United Kingdom abroad. The Committee of Experts is nevertheless aware of certain initiatives of the authorities which promote Welsh language, literature and culture abroad and would welcome further information on such activities in the next periodical report.

210. The Committee of Experts underlines that the present provision concerns above all the way in which the country presents its own linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to the regional or minority languages spoken in the United Kingdom in the context of exhibitions or events, or information material concerning the United Kingdom aiming at an international public (see paragraph 176 of the second evaluation report of the Committee of Experts with regard to Austria ECRML (2009) 1).

211. In the light of the information received, the Committee of Experts considers that the undertaking is partly fulfilled.

Article 13 - Economic and social life

Paragraph 2

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

...

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

212. In its second evaluation report (paragraphs 265 – 274), the Committee of Experts acknowledged the positive steps taken by the authorities. However, it concluded that this undertaking was still not fulfilled and urged the authorities to strengthen their efforts to ensure that health and social care facilities offer services in Welsh. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Welsh, to “**take further measures to ensure that health and social care facilities offer services in Welsh**” (RecChL(2007)2).

213. According to the third periodical report, the Welsh Assembly Government has undertaken a number of actions to strengthen provision of Welsh services in social care facilities, including the re-establishment of Taskforce by the Minister for Health and Social Services in 2006. These activities contributed to the awareness raising among medical staff about the Welsh language, but the actual use of the language is still not satisfactory. In January 2008, the Welsh Assembly Government issued a Welsh Health Circular [WHC(2008) No 002] requiring that every NHS Trust should appoint a full-time Welsh Language Officer to promote the development of bilingual health care within their organisations and that Local Health Boards in the Mid, West and South East Regions should pool funds in order to develop regional Welsh Language Units.

214. However, during the on-the-spot visit the Committee of Experts was informed about an increased number of complaints in this sector. The problems identified include very little training of medical staff in Welsh and the fact that over 90% of contact with the health service is through the primary care sector. As this is largely provided by the private sector (i.e. doctors' surgeries) most of this work does not come directly under the auspices of the 1993 Welsh Language Act.

215. The information received by the Committee related mainly to the health sector. Very little information was made available about social care which is the responsibility of local authorities, but most care provision is outsourced to the private sector. Representatives of the Care Council for Wales and of the Older Peoples Commissioner for Wales emphasised the need for further action in this field.

216. The Committee of Experts acknowledges the measures taken by the UK authorities in this sector.

However, in view of the fact that the provision of health and social care services in Welsh is still largely missing, the Committee of Experts has to conclude that the undertaking is still not fulfilled.

3.2.2. *The Scottish-Gaelic language*

Article 8 - Education

217. In the third periodical report the UK authorities mention a number of new, general measures taken to promote Scottish Gaelic in education:

- Based on the Gaelic Language Act 2005, Bòrd na Gàidhlig has set out a National Gaelic Education Strategy within its National Plan for Gaelic. A steering group (the National Gaelic Education Steering Group – NGESG) has been set up to implement the Strategy. The steering group has decided to establish five national working groups, four of which are already working:
 - Gaelic Learners Education Working Group
 - Gaelic Teacher Recruitment & Supply Working Group
 - Gaelic Further and Higher Education Working Group
 - Gaelic Secondary Curriculum Design Working Group
 - The fifth working group for Resources, Terminology and Translation will be set up in the near future.
- Three local authorities have developed statutory five-year Gaelic language plans in which measures to support the development of Gaelic education are included.

218. During the on-the-spot visit the Committee of Experts was informed that there are some systematic deficiencies that are found throughout the Gaelic education field, such as too few teachers, inadequate teaching materials and lack of appropriate school buildings. It was also pointed out by some NGOs that the offer of Gaelic education does not sufficiently take account of the fact that, since Gaelic in most cases is in a minority situation, special measures are needed, such as allowing a lower number of pupils to form a class or a group.

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;*

219. In its second evaluation report (paragraphs 288 – 292), the Committee of Experts could not conclude on this undertaking. It asked the authorities for a clarification on the situation of Gaelic-medium pre-school education, in those areas where there is a high concentration of speakers, such as in the Outer Hebrides, in the next periodical report.

220. In the third periodical report the authorities state that in 2007-08, 718 pupils in 55 pre-school centres in twelve local authorities across Scotland receive pre-school education in Gaelic. In addition, the Gaelic Pre-School Council (CNSA) receives £150,000 annually from Bòrd na Gàidhlig to promote Gaelic pre-school education throughout Scotland. CNSA has 108 Gaelic playgroups and Parent and Toddler groups across Scotland.

221. The Committee of Experts was informed during the on-the-spot visit that, despite the positive plans and initiatives, at present the offer of pre-school education does not meet parents' demand. A major difficulty is the lack of qualified pre-school teachers who master Gaelic.

222. The Committee of Experts commends the authorities for the work done and the adopted plans and strategies to promote Gaelic pre-school education. It also notes that there is at present a substantial offer of pre-school education. However, the information received is not sufficiently concrete and precise to enable the Committee to conclude that the undertaking is fulfilled. It therefore considers that the undertaking is partly fulfilled at present and encourages the authorities to provide more comprehensive and concrete information in the next periodical report.

Primary Education

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

223. The Committee of Experts considered this undertaking partly fulfilled in its second evaluation report (paragraphs 293 – 300). It noted a shortage of teachers in some areas and a lack of career opportunities. Furthermore, the Spending Review Target of the Scottish Executive of increasing the number of pupils by 20% in 2009 was considered by some NGOs as perhaps too modest in comparison to the actual demand for such an education. The Committee of Experts therefore encouraged the authorities to increase the efforts to make available primary Scottish Gaelic-medium education to meet the demand.

224. In the third periodical report, the authorities state that primary education in Gaelic is available in 15 local authorities across Scotland. The number of primary pupils educated through Gaelic in 2007-08 were 2 164 in 61 centres, partly supported by the specific grants mentioned above. Furthermore, a grant is also available from the Scottish Government to support Gaelic for learners in primary schools (GLPS), and the authorities estimate that approximately 6 000 pupils are being taught through the GLPS initiative. Two new dedicated Gaelic primary schools have been opened since the last monitoring round: one in Inverness and a second one in Glasgow.

225. The information received during the on-the-spot visit indicates that the positive initiatives, plans and strategies that have been adopted for Gaelic primary education, need some time to produce concrete results. Representatives of Gaelic-speakers told the Committee of Experts during the on-the-spot visit that there are enough pupils to start a dedicated Gaelic primary school in Edinburgh, but that there seem to be some administrative and/or economic barriers, making it difficult for the city authorities to reach a positive decision. They also informed the Committee of Experts of a case where there was a sufficient number of pupils to create a Gaelic class, but that doing so would mean closing the English-medium class, since the total number of pupils was too small to sustain two classes. Such examples indicate that, in addition to structured plans and strategies, inventive and creative measures may be needed in order to reach good solutions in concrete cases.

226. The Committee of Experts considers that the undertaking is partly fulfilled at present.

Secondary Education

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

227. In the first monitoring round, the Committee of Experts considered this undertaking partly fulfilled, as was the case in the second evaluation report (paragraphs 301 – 311), although it acknowledged the expansion of the Gaelic-medium school into secondary education in Glasgow and other positive steps taken.

228. The third periodical report informs that the number of Gaelic secondary school pupils for 2007-08 are 2 733 pupils taking learners courses and 968 pupils taking courses for fluent speakers. 39 secondary schools offer Gaelic for fluent speakers and 20 of these schools also offer a range of subjects through the medium of Gaelic. However, there has been a reduction in the number of pupils accessing Gaelic-medium secondary education. A new dedicated Gaelic secondary school opened in Glasgow in 2006, jointly funded by the Scottish Government and Glasgow City Council. It made provision for around 100 pupils in August 2008.

229. Information received during the on-the-spot visit indicates that the positive initiatives, plans and strategies that have been adopted for Gaelic secondary education need some time to produce concrete results. The Committee of Experts commends the authorities on the joint effort to open the dedicated Gaelic secondary school in Glasgow, thus providing an opportunity for the pupils having gone through Gaelic primary education to continue receiving Gaelic education throughout basic education.

230. The Committee of Experts considers that the undertaking at present is partly fulfilled.

Technical and vocational education

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

231. The Committee of Experts considered this undertaking partly fulfilled in the first and second evaluation reports. It asked the authorities to provide clarification on how the demand is measured for the teaching in/ of Scottish Gaelic in the context of technical and vocational education. The Committee of Experts also asked the authorities for more detailed information in the next periodical report on whether Scottish Gaelic language courses were linked to technical and vocational education, and if so, how they were linked.

232. According to the third periodical report, The Gaelic College, Sabhal Mòr Ostaig (SMO), is funded by the Scottish Funding Council as a provider of Gaelic-medium further education, which supposedly also includes technical and vocational training. During the on-the-spot visit, the Committee of Experts was informed that previously three colleges were teaching Gaelic classes, whereas now there are only two due to a lack of funding. The Committee was also informed of training courses at Lews Castle College for health, police and council services in Gaelic.

233. The Committee of Experts concludes that the undertaking is partly 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***

234. The Committee of Experts considered this undertaking not fulfilled in its last evaluation report (paragraphs 323 – 325) because the teaching of history seemed to be a matter of choice for the individual school. It thus did not meet the requirement to make arrangements to *ensure* the teaching of the history and culture of the Scottish Gaelic language.

235. In the third report the authorities refer to the “Curriculum and Assessment in Scotland National Guidelines – Gaelic 5-14”, which 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. Culture is defined also to include history, music, visual arts, architecture, ways of work etc. In Argyll & Bute, history and culture are taught within the subject of Gaelic, similar examples are given from East Lothian, Clackmannanshire, Midlothian, Stirling and Glasgow. The Committee of Experts has not received any information concerning the teaching of the history of Gaelic in the English-medium schools in the territories concerned.

236. The Committee of Experts notes that the authorities have taken steps to include in the curriculum a recommendation to teach Gaelic history and culture, and that this is done in a number of places. However, it is still unclear to the Committee of Experts whether the measures taken are sufficient to *ensure* that Gaelic history and culture are taught. It therefore cannot conclude on this undertaking, and encourages the authorities to provide specific information on that issue in the next periodical report.

Basic and further training of teachers

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

237. While welcoming the positive steps taken by the authorities described in the second evaluation report (paragraphs 326 – 332), the Committee of Experts still considered the undertaking partly fulfilled in the light of the continuing shortage of suitably qualified teachers in Gaelic-medium education.

238. The third periodical report lists a number of initiatives taken to overcome the shortage of teachers. Bòrd na Gàidhlig has employed a dedicated Gaelic Teacher Recruitment Officer and established a national recruitment working group. Guidance from the Scottish Government to the Scottish Funding Council states that “The supply of teachers able to teach in the medium of Gaelic continues to be a priority for Scottish education ministers”. Aberdeen University has developed a two-year part-time open learning version of its PGDE(S) in collaboration with Highland Council. A new four-year degree course has been established, allowing students to combine language study with gaining a teaching qualification through collaboration with Sabhal Mòr Ostaig and Lews Castle Council. Strathclyde University, in association especially with Lews Castle College, Argyll College and Inverness College and a few local authorities, has developed a Gaelic Medium Education version of their PGDE(S) course, operating on a one-year full-time basis. 18 primary students have been accepted for this training route. In August 2008, five primary and five secondary probation teachers finished their training and entered the profession.

239. The Committee of Experts commends the authorities for taking very positive measures in order to produce more Gaelic teachers. Nevertheless, information received from a number of sources indicate that at present there still is a shortage of Gaelic teachers at all levels of education, even though hopes were expressed that the measures taken may gradually remedy the shortage.

240. The Committee of Experts considers the undertaking partly 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*

241. The Committee of Experts considered this undertaking fulfilled in the second evaluation report (paragraphs 333 – 336), as her Majesty’s Inspectorate of Schools seemed to carry out this task and the authorities reported that in future, Bòrd na Gàidhlig would take over this supervisory role with regard to Gaelic education and reporting each year to the ministers.

242. The authorities have reported that, under the new Gaelic Language Act, the statutory Gaelic Language Board will have, among other things, the specific task of supervising Gaelic education and reporting each year to the ministers.

243. The Committee of Experts considers the undertaking 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.

244. In its second evaluation report (paragraphs 337 – 339), the Committee of Experts considered this undertaking partly fulfilled. It requested more information about parts of the UK outside Scotland (if any) where the number of users of Gaelic may justify teaching in/ of Gaelic and what type of education was offered.

245. In the third periodical report the authorities inform that Sabhal Mòr Ostaig has developed an online learning course that is accessed by students from Scotland and beyond, and that Gaelic learners from other parts of the UK and further afield have recently successfully learned elementary Gaelic using this method.

246. The Committee of Experts considers the undertaking fulfilled.

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*

247. In its second evaluation report (paragraphs 340 – 341), the Committee of Experts considered this undertaking fulfilled for the three court districts of the Western Isles and the Isle of Skye. It asked the authorities to provide more information in their next periodical report about measures taken to ensure that the right to use Scottish Gaelic in court had been made known to the public and about the situation in courts outside these districts.

248. In the third periodical report the authorities state that an Act of Court was passed in Grampian, Highlands and Islands on 11 June 2001 and came into effect on 1 July in Lochmaddy, Portree and Stornoway Sheriff Courts. The regulation enables parties in civil cases to address or give oral evidence to court in Gaelic. In those instances where Gaelic is used, the court provides and pays for an interpreter. There is currently no equivalent provision for criminal proceedings. In Lochmaddy and Portree Sheriff Courts staff are able to communicate in Gaelic, and these courts have bilingual signage to reflect this practice. The same is the case in other courts on the west coast. Local practitioners were informed of the opportunity to use Gaelic in addition to it being published in Scots Law Times. The public has been informed through court public notice boards. On request, an explanatory leaflet is provided which gives more detail on the procedures involved. There are currently certain publications on the Scottish Court Service website available in Gaelic.

249. The Committee of Experts considers the undertaking fulfilled.

Article 10 - Administrative authorities and public services

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

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

Paragraph 1

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

...

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

252. In its second evaluation report (paragraphs 345 - 346), the Committee of Experts was unable to conclude whether the undertaking was fulfilled with regard to bodies in Scotland answerable to the central UK authorities. This had already been the case in the first monitoring cycle. The Committee therefore urged the authorities to provide such information in the next periodical report.

253. In the third periodical report the authorities inform that although UK bodies operating in Scotland are not covered by the provisions of the Gaelic Language Act, the UK Government committed itself, during the passage of the Gaelic Language Bill through the Scottish Parliament, to act in the spirit of the legislation. The authorities inform that there are no restrictions on UK bodies operating in Scotland to draft documents in Gaelic, and some UK authorities have made use of Gaelic in connection with the exercise of their core functions. On the cover and inside page of UK passports, for example, English, Welsh and Gaelic are used.

254. During the on-the-spot visit, the Committee of Experts were told by representatives of the Gaelic-speakers that since UK bodies operating in Scotland had no obligation to use Gaelic, few people expect them to do so, and that there were very few examples of such use. The Committee of Experts is of the opinion that the term “allowing” in respect of this undertaking obliges the responsible authorities to expressly inform the relevant bodies that they are allowed to use Gaelic, and, if necessary, to create conditions which makes it possible for these bodies to draft documents in Gaelic. Despite having received information of some sporadic use of Gaelic, the Committee of Experts has not been informed of any concrete measures taken by the responsible UK authorities to encourage the use of Gaelic within the state administrative bodies in Scotland.

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

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;

256. The Committee of Experts could not conclude on this undertaking in its last evaluation report (paragraphs 348 – 351), as it seemed that Scottish Gaelic was only used in some departments of one council. It therefore encouraged the authorities to provide more information about the use of Scottish Gaelic in the Scottish Executive and the councils in the next periodical report.

257. In the third periodical report, the authorities refer to the Gaelic Language Act, by which Gaelic is recognised as an official language of Scotland, commanding equal respect to the English language. The Act enables Bòrd na Gàidhlig to request authorities to develop Gaelic language plans which will set out how they will make provision in the Gaelic language. The language plans contain measures to expand and strengthen the use of Gaelic in all areas of their activity. So far five Gaelic language plans have been approved by the Board, for Highland Council, Argyll & Bute Council, Comhairle nan Eilean Siar, Highlands and Islands Enterprise and the Scottish Parliament Corporate Body. The Scottish Government informed the Committee of Experts during the on-the-spot visit that their Gaelic language plan was to be delivered to Bòrd na Gàidhlig shortly. The Government already uses bilingual letterheads and has Gaelic content on its website. Furthermore, staff awareness training in relation to Gaelic takes place.

258. The report also contains information about measures taken by local authorities and public bodies in Scotland which had not yet made Gaelic language plans⁷ at the time the report was produced. National Galleries of Scotland will make use of Gaelic in the interpretation of some exhibitions and displays; the website contains basic visitor information in Gaelic and a catalogue has been produced in Gaelic. The Scottish Qualification Authority has produced a customer charter leaflet and a Scottish Qualification booklet in Gaelic. Highland and Island Enterprise (HIE) has undertaken to produce all core corporate publications in the public domain bilingually, in addition to annual reports and other documents, customer service charter and complaints procedure, which are currently produced bilingually. It has also purchased simultaneous translation equipment to facilitate the use of Gaelic at HIE meetings where Gaelic is the language of the meeting. Glasgow City Council, which is currently preparing a Gaelic language plan, produces a number of documents bilingually, also offering liaison and information in Gaelic to the media. East Dunbartonshire has taken measures to ensure that all publications include the option to be translated into Gaelic on request. Scottish Enterprises has a link on their website which allows readers to request any Scottish Enterprise publication in Gaelic. The Scottish Fisheries Protection Agency provides a Gaelic translation of its Code of Enforcement Practice.

⁷ Highlands and Islands Enterprise had their Gaelic Language Plan approved by Bòrd na Gàidhlig before the on-the-spot visit of the Committee of Experts.

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

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

260. The Committee of Experts considered this undertaking partly fulfilled in the second evaluation report (paragraph 352 – 356) and looked forward to receiving further evidence of the implementation of the Scottish Executive's Gaelic Language plan in the next monitoring round.

261. The information submitted by the authorities in the third periodical report is referred to above under paragraph 2 a. During the on-the-spot visit, representatives of the speakers informed the Committee of Experts that it was possible to submit applications in Gaelic in those authorities which had adopted a statutory language plan. In other cases, practice is varied.

262. The Committee of Experts considers the undertaking fulfilled in relation to the Scottish Executive and the authorities which have adopted Gaelic language plans, and encourages the authorities to provide information in relation to other authorities in the next periodical report.

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

263. In its second evaluation report (paragraph 357), the Committee of Experts could not conclude on the fulfilment of this undertaking because of a lack of sufficient information, and urged the authorities to provide more information in their next periodical report.

264. In the third periodical report, the authorities referred to the information related above under paragraph 2 a. However, the information is not very comprehensive and clear concerning the publication of official documents in Gaelic. The Committee of Experts encourages the authorities to provide more precise, concrete and comprehensive information about the publication by local authorities of their official documents also in Gaelic in the next periodic report.

265. Despite the limited information provided by the authorities, the Committee of Experts nevertheless concludes that the undertaking is partly fulfilled.

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

266. In its last evaluation report (paragraphs 360 – 361), the Committee of Experts regarded this undertaking as fulfilled with regard to the Western Isles Council and the Highland Council, but urged the authorities to provide information with regard to other local authorities.

267. The third periodical report contains no information concerning the use of Gaelic in debates in local assemblies other than those mentioned above. During the on-the-spot visit the Committee of Experts was not informed of any use of Gaelic in local assemblies other than Comhairle nan Eilean Siar (the Western Isles Council). In written information provided to the Committee of Experts, the Highland Council explained that Gaelic is used in the council chamber during meetings of the Gaelic Committee. The Committee of Experts understands that it is not possible to use Gaelic in full council meetings.

268. The Committee of Experts considers the undertaking fulfilled with regard to Comhairle nan Eilean Siar and partly fulfilled with regard to the Highland Council. For the other local councils the Committee of Experts has not received any information regarding the use of Gaelic in their assemblies and therefore considers that the undertaking is not fulfilled.

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

269. In its first and second evaluation reports, the Committee of Experts considered the undertaking partly fulfilled on the grounds that the power to erect bilingual signs on major roads is rarely used by the Scottish Executive in practice. The Committee of Experts had also been informed that bilingual road signs had only

been erected on those roads that lead directly to the ferry port serving the Western Isles and the Isle of Islay and that the Highland Council's proposal to erect bilingual road signs within the Highlands had been rejected by the Scottish Executive. It therefore asked the authorities to clarify the issue in the next periodical report.

270. In the third periodical report the authorities provide the following information. The Scottish Government's trunk road bilingual sign policy is being implemented, involving replacing English language advanced direction signs, direction signs and route confirmatory signs with bilingual signs. The policy applies to those trunk roads that both pass through communities where Gaelic is spoken and directly link with ferry services to the Western Isles. The Ordnance Survey has a Gaelic names policy that sets out how it will show Gaelic names and bilingual English/Gaelic names on its paper maps and digital products. Highland Council has decided that Gaelic will be included on road signs at the point of replacement, that all appropriate signs and corporate identity should be bilingual and that any public documents, the Council website and agendas would have a visible element of the Gaelic language. Comhairle nan Eilean Siar has decided that all Council signs, directional signs and street names will be bilingual with the Gaelic name first, and that place names will mostly appear in Gaelic only.

271. The Committee of Experts considers that the undertaking is fulfilled in relation to Highland Council and Comhairle nan Eilean Siar. Otherwise the undertaking is partly fulfilled.

Article 11 - Media

Paragraph 1

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

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

...

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

272. In its last evaluation report (paragraphs 365 – 375), the Committee of Experts considered the undertaking fulfilled as regards radio broadcasting. It could not conclude as to the fulfilment with respect to television broadcasting pending more information on the establishment of a Gaelic digital television channel in the next periodical report.

273. The Gaelic digital television channel was launched in September 2008, under the name BBC ALBA. The channel is run as a partnership between the BBC and MG ALBA (the body responsible for disbursing the Gaelic Broadcasting Fund, which has funded the majority of Gaelic TV hours since 1992). BBC ALBA broadcasts from 5pm to midnight on weekdays, and from around 3pm to midnight on Saturdays and Sundays. Its schedule includes children's programmes, news and current affairs, music, arts, entertainment, drama, sport and factual. The channel is currently available only on satellite platforms. Audience research indicates that around 220 000 viewers watch the channel every week. That is 2 ½ times the number of persons able to understand Gaelic. Feedback from the audience suggests that the channel is highly valued by parents who wish to create a Gaelic-speaking environment for their children and by adult learners who use it as an educational resource. The total budget is £14 million, £10 million from MG ALBA and £4 million from the BBC.

274. Representatives of BBC ALBA informed the Committee of Experts during the on-the-spot visit that it is important for the channel to be available on all digital platforms, and that a presence on Freeview (digital terrestrial television) together with the other public service broadcasting channels is especially important. The future distribution options for the channel are currently under review by the BBC Trust, the body which regulates the BBC. A decision is expected in early 2010.

275. Radio nan Gaidheal is a radio station licensed and funded by the BBC. It currently broadcasts for 14 hours on weekdays, with limited broadcasting at weekends. It provides a broad range of programmes and is also available on digital satellite when BBC ALBA is not on air.

276. The Committee of Experts commends the authorities for the creation of BBC ALBA. It underlines the importance of widening the footprint of the service, in order for more Gaelic-speakers and learners to be able

to watch the channel. It seems to the Committee of Experts that it is important that BBC ALBA gets a place on Freeview together with the other public service channels, and it encourages the authorities to do what it can to make that happen.

277. The Committee of Experts considers the undertaking fulfilled.

b ...

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

278. The Committee of Experts could not conclude on this undertaking in its last evaluation report (paragraphs 376 – 378) because of a lack of information concerning the regularity and time of broadcasting for private radio broadcasts in Scottish Gaelic. The Committee of Experts therefore urged the authorities to provide such information in the next periodical report.

279. In the third periodical report, the authorities inform the Committee that in a review of Gaelic content on Scottish community radio, eight of the eleven stations contacted were involved in producing and broadcasting Gaelic programmes. The majority of community radio is music-based, but some stations produce speech-based strands and co-presentations. However, OfCom informed the Committee of Experts that there are no specific rules requiring Gaelic programming proposals in applications for radio licences. Analogue licences have been awarded on the basis of four criteria:

1. the ability of the applicant to maintain the service;
2. the extent to which the service would cater for tastes and interests of those living in the area;
3. the extent to which the service would broaden the range of programmes available;
4. the evidence of local demand or support for service.

280. According to OfCom, the provision of Gaelic programmes in an applicant's proposals could be relevant to criteria 2, 3 and 4. The inclusion of Gaelic programming in relation to Community Radio Licences may well be considered favourably if it broadens choice locally.

281. MG ALBA informed the Committee of Experts during the on-the-spot visit that they have a small fund which is used to promote community radio in Gaelic.

282. The Committee of Experts considers the undertaking fulfilled.

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

283. The Committee of Experts could not conclude on this undertaking in its last report (paragraphs 384 - 385) as it lacked information about the funding of audio and audiovisual works in Scottish Gaelic. It therefore asked the authorities to provide more information in this regard.

284. In the third periodical report, a number of activities and initiatives are mentioned, among them the following: Pròiseact nan Ealan is a Gaelic arts development agency which promotes Gaelic music, dance, theatre and visual arts also through the production of CDs. It produced the St Kilda Opera in 2007, a theatre and multi-media event which is now available on DVD as well as on podcasts and video clips on the Internet. Scottish Screen invested in the development of Seachd, the first Gaelic film to receive a cinema release as well as in the growth of Scotland's leading independent production company operating in Gaelic television programming, MnE Media. A number of interactive games for both children and adults are being produced and a contemporary oral archive of online/DVD language material is being created. Highland Council received funding from Bòrd na Gàidhlig for workshops for school pupils to make short Gaelic films which they then exhibited at the Celtic Film Festival in Galway.

285. The Committee of Experts considers the undertaking fulfilled.

e ...

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

286. The Committee of Experts considered this undertaking not fulfilled in its last report (paragraphs 386 – 388) as the only Gaelic publication An Gàidheal Ùr did not appear frequently enough to meet the definition of

a newspaper. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Scottish Gaelic, to “**increase support for the printed media in Scottish Gaelic [and Irish]**” (RecChL(2007)2).

287. The Scottish Government states in the third periodical report that it does not make specific interventions to encourage and/or facilitate the publication of newspaper articles, but that there are regular Gaelic columns in six newspapers: The Scotsman, The Press and Journal, The Inverness Courier, The West Highland Free Press, The Oban Times and The Stornoway Gazette. There is a monthly Gaelic publication, An Gàidheal Ùr, which receives funding from Bòrd na Gàidhlig, who also fund the bilingual magazine Cothrom. There are also regular Gaelic features in Free Church of Scotland and Church of Scotland monthly magazines, and The Atlantic Gaelic Academy publishes a quarterly newsletter, Naidheachd, which contains Gaelic learning materials and information on Gaelic activities in North America. Most of the articles mentioned are also available online.

288. During the on-the-spot visit, representatives of the Gaelic-speakers reported to the Committee of Experts that An Gàidheal Ùr had ceased to publish and that in reality Gaelic articles in newspapers were few and far between. The authorities gave no information as to the extent to which they encourage and/ or facilitate the publication of newspaper articles in Gaelic. The Committee of Experts therefore cannot conclude on this undertaking and encourages the authorities to provide relevant information in the next periodical report.

f ...

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

289. In its second evaluation report (paragraph 389 – 390), the Committee of Experts could not conclude on this undertaking. It had not been made aware of how public sources of funding for audiovisual productions, such as the Scottish Arts Council and Scottish Screen were available for Gaelic language productions. The Committee of Experts therefore asked the authorities to provide more information in this regard in the next periodical report.

290. The third periodical report mentions that audiovisual Gaelic productions listed under paragraph 1 d above have drawn in funding from the Gaelic Media Service, the Scottish Arts Council, local authorities, Highlands and Islands Enterprise (HIE) and Lottery funding, amongst others.

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

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

292. This undertaking was considered as fulfilled by the Committee of Experts in the second evaluation report.

293. In the third periodical report it is again mentioned that there is an extensive offer of media courses taking place at the college Sabhal Mòr Ostaig. Furthermore, an online Gaelic writers' course has been developed with funding from Bòrd na Gàidhlig and is available at a self-study programme or alternatively with the support of a course mentor through Sabhal Mòr Ostaig.

294. The Committee of Experts considers that the 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:

...

- 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;**

295. This undertaking was considered fulfilled by the Committee of Experts in its last evaluation report (paragraphs 394 – 397). Specific mention was made about “Creative Scotland”, a new body comprising the former Scottish Arts Council and the Scottish Screen.

296. The third periodical report lists a number of organisations which have been set up with the responsibility to promote and develop cultural activities and facilities in Gaelic. Some of them are listed below:

- The Gaelic Arts Agency works to develop Gaelic music, dance, theatre and visual arts through exhibitions, publications, festivals etc. It receives funding from Bòrd na Gàidhlig, The Scottish Arts Council, Highlands and Islands Enterprise among others.
- Fèisean nan Gàidheal is an independent organisation offering tuition in Gaelic song, drama, language and traditional music and dance to around 5 200 young people annually through the Fèisean network. It also operates a Gaelic theatre-in-education service and runs the Blas festival in partnership with others. It receives funding from Bòrd na Gàidhlig, the Scottish Arts Council and others to hold a Gaelic drama school for people aged 14 - 18 where they will learn professional theatre skills.
- An Comunn Gàidhealach organises the annual Royal National Mòd, an internationally renowned competitive festival of Gaelic music, song, sport, drama and literature. In 2008-09, Bòrd na Gàidhlig funds the Gaelic language activities.
- The Gaelic Books Council, funded by the Scottish Arts Council and Bòrd na Gàidhlig, encourages the publication and distribution of works in Gaelic.
- Acair publish and sell a wide range of Gaelic and bilingual books for all age groups. In 2008-09 they received funding from Bòrd na Gàidhlig.
- An Lòchran are funded by Bòrd na Gàidhlig, Glasgow City Council and the Scottish Arts Council to promote access to, and participation in, Gaelic Arts and culture in the Glasgow area.
- Tobar an Dualchais aims to digitise, catalogue and disseminate Gaelic and Scots sound recordings online. This will preserve and provide a history of Scotland’s cultural and linguistic heritage.

297. The Committee of Experts considers that the undertaking is 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;**

298. The Committee of Experts considered this undertaking partly fulfilled in its second evaluation report (paragraphs 398 – 401), as it did in its first report and asked the authorities to provide information about existing measures to ensure that bodies such as the Scottish Arts Council had Scottish Gaelic-speaking staff at their disposal for the purpose of this undertaking.

299. The authorities inform in the third periodical report that all directors of the organisations listed under paragraph 1d above are fluent Gaelic speakers, and they emphasise skills in Gaelic in their recruitment policy and practice. Public bodies such as The Highland and Island Enterprise have received funding from Bòrd na Gàidhlig to carry out audits of their staff’s Gaelic skills with the view to improving the use of Gaelic if that is necessary. Scottish Screen, the national government-backed agency responsible for developing all aspects of screen industry and culture across Scotland, has two out of 37 full-time members of staff who are fluent in Gaelic. The third periodical report contains no information about any Gaelic-speaking staff in the Scottish Arts Council. According to the representatives of the speakers, the Scottish Arts Council does not have any Gaelic-speaking staff.

300. The Committee of Experts considers that the undertaking is 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.**

301. In its second evaluation report (paragraph 402 - 404), the Committee of Experts considered this undertaking partly fulfilled on the basis of information received that there was a lack of funding for translation, lack of courses for Gaelic translators and no qualification or certification mechanisms for Gaelic translators.

302. In the third periodical report, the authorities list several projects to maintain Gaelic's terminology: Faclair na Pàrlamaid, a dictionary of parliamentary and administrative terms in Gaelic, was developed in 2000. There is also an online site available, which allows for new words to be developed by a committee of experts. Fosglan, the translation and terminology unit based in Lews Castle College, is widely used for the purposes described. Bòrd na Gàidhlig funds the development of Faclair na Gàidhlig, which will be an electronic dictionary of Scottish Gaelic. Research and terminology development are being carried out by several universities, and a more strategic approach is planned through the establishment of a Gaelic Language Academy by Bòrd na Gàidhlig. The Scottish Qualifications Authority produces the Gaelic Orthographic Conventions to regulate written Gaelic, especially within the context of academic examinations. The Gaelic Place-Names of Scotland partnership co-operates with other institutions to ensure that Gaelic place-names and street names are correctly spelt. Learning and Teaching Scotland has created a version of Gaelic Open Office, and Bòrd na Gàidhlig is funding a translation of Microsoft office platforms into Gaelic.

303. The Committee of Experts considers that the 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.

304. Due to insufficient information on the activities outside Scotland, the Committee of Experts was not in a position to conclude on this undertaking in its second evaluation report (paragraphs 405 – 406), and therefore asked the authorities to provide information on the application of this undertaking in the next periodical report.

305. The authorities inform in their third periodical report about activities related to Gaelic cultural activities taking place outside the areas in Scotland where Gaelic is used. The cultural festival, the Royal National Mod, is frequently taken to less traditionally Gaelic areas, and An Comunn Gàidhealach also run local mods throughout Scotland. Fèisean nan Gaidheal supports other Gaelic festivals across Scotland. Scottish Borders Council organises Gaelic language classes and runs monthly cultural events on both sides of the border with England. In 2005, Aberdeen University hosted the literary World Festival, which had a special day for Gaelic for the first time. Pròiseact nan Ealan receive funding from Bòrd na Gàidhlig in 2008-09 to support Gaelic arts and language projects in communities outside Scotland, raising awareness and the status of the language. The St. Kilda Opera was performed in several countries and broadcast on the internet. Gaelic cultural manifestations and Gaelic/Irish cultural exchanges also take place between Scotland and Ireland.

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

Article 13 - Economic and social life

Paragraph 1

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

...

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

307. Because of insufficient information, the Committee of Experts was not in a position to conclude on this undertaking both in its first and second evaluation reports. It therefore asked the authorities to provide more information in their next periodical report.

308. The third periodical report does not describe any practices designed to discourage the use of Scottish Gaelic in connection with economic or social activities. The authorities mention some general measures taken to oppose such practices, should they occur. First and foremost they mention the establishment of Bòrd na Gàidhlig as a statutory public body, with the core task to increase, by its own actions and by influencing the actions of others, the use of Gaelic in all areas of life. In the Highlands and Islands region of Scotland, Highlands and Islands Enterprise (HIE) is a regional development agency with the task of improving the area's economy and social well-being. HIE has developed a statutory Gaelic

Language Plan based on the following principles: 1) respect (equal respect for the Gaelic and English languages, 2) normalisation (mainstream knowledge and awareness of the region's Gaelic identity, and embedding Gaelic audibly and visually in the day to day operation of HIE) and 3) opportunity (seizing new opportunities for the growth and renewal of Gaelic, capitalising fully on opportunities in the spheres of economic and community development).

309. The Committee of Experts has not been made aware of any practices designed to discourage the use of Gaelic in connection with economic or social activities.

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

3.2.3. *The Irish language*

Preliminary Issue

311. As mentioned in paragraph 12 above, the third periodical report contains no information on Irish in Northern Ireland with respect to those undertakings that relate to devolved matters. In its assessment of the implementation of the following undertakings, the Committee of Experts has relied on written evidence received from NGOs and information received during the on-the-spot visit.

Article 8 – Education

Preliminary Comment

312. The Department of Education in Northern Ireland has conducted a review of Irish-Medium Education and published a report (the “DE Review”) containing several recommendations, many of which address the concerns expressed by the Committee of Experts in previous reports.

313. The report recommends that the Department of Education in Northern Ireland should ensure that Irish-medium education is considered systematically throughout policy development, and that the Education and Skills Authority (which will replace the five local Education and Library Boards which administer education in Northern Ireland) should address the needs of Irish-medium education in a fully integrated way.

314. The report makes recommendations in respect of pre-school, primary and secondary education, teacher training, teaching materials and special educational needs, as well as other matters.

315. The report has been the subject of a consultation exercise. A standing group within the Department of Education has been established, chaired at director level, to ensure that policies are progressed.

316. The Committee of Experts was encouraged by the positive approach of the Department of Education in Northern Ireland to the recommendations made in the DE Review, many of which it has adopted. The Committee of Experts hopes that the result will be a coherent strategy for education in Irish, across all stages of education and positive measures to implement it.

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;*

317. In its second evaluation report (paragraphs 418 – 423), the Committee of Experts was concerned about the denial of financial assistance for the establishment of new Irish-medium pre-schools because of an overprovision of English-medium pre-schools and was also concerned about the high threshold for the annual intake of children for statutory pre-schools. The Committee of Experts nonetheless considered this undertaking fulfilled but encouraged the authorities to consider a more flexible application of the enrolment criteria for the annual intake for statutory pre-schools and to strengthen their efforts to meet the demand for Irish pre-school education.

318. According to evidence received from representatives of Irish-speakers and educational bodies, while additional funding has been made available to Iontaobhas na Gaelscolaíochta (InaG), the trust fund for Irish-medium education, the above problems persist. There was a call to reduce the threshold for annual intake of children, and to ensure a funding mechanism which enabled new Irish-medium pre-schools to be opened. It also seems to be a problem that a large part of Irish-medium pre-school education takes place in temporary buildings.

319. Based on the information received, there is a need to meet the demand for more Irish-medium pre-school provision.

320. The DE Review of Irish-medium education, conducted by the Department of Education in Northern Ireland, did not make any specific recommendation about the balance between statutory and voluntary provision, but nevertheless recommended:

The existing policy on funded pre-school provision should be revised [...] to allow registered, Irish-medium providers with sufficient children to receive funding even where English-medium provision is available in the area.

321. The Committee of Experts welcomes this positive recommendation and encourages the authorities to implement it as part of a package aimed at improving the provision of Irish-medium education.

322. In view of the fact that it appears that there is in some cases insufficient provision to meet the demand, the Committee of Experts has revised its previous conclusion and finds the undertaking partly fulfilled.

The Committee of Experts encourages the authorities to overcome the obstacles currently hampering an adequate offer of Irish-medium pre-school education.

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;**

323. In its second evaluation report (paragraphs 424 – 428), the Committee of Experts considered the undertaking fulfilled at the time of the report, but noted several shortcomings in Irish-medium primary education, for example a lack of support structure for newly qualified teachers, special educational needs, curriculum support from the Education and Library Boards and a cut in funding support structures.

324. The DE Review confirms that Irish-medium primary education is delivered both in stand-alone Irish-medium schools, and in units or streams in English-medium schools. It shows that there has been a steady growth in Irish-medium primary education. It projects further growth.

325. Evidence received from representatives of Irish-speakers and educational bodies confirm that the problems persist. They reported that a particular problem is that the standard of accommodation for Irish-medium primary schools was poor. Only three of the 21 free-standing schools are purpose-built. The DE Review confirms this, and refers to the view that this inhibits growth of provision in the Irish-medium sector, since poor quality accommodation deters pupils, and so capital funding is not available. In relation to special educational needs, the DE Review recognised the need for the new Education and Skills Authority to develop Irish language capacity where possible.

326. The DE Review considered that the two principal challenges facing Irish-medium primary education are developing high-quality leadership and ensuring that enough pupils were enrolled so that capital funding was available. For new provision, it recommended establishing units within English-medium schools and federating with existing Irish-medium schools. For existing smaller Irish-medium schools, it also recommended that a federal model should be adopted, whereby a number of schools come together so that, although they exist on different sites, they are managed as a single school. It also recommended that DE should address the short-term and long-term accommodation issues facing Irish-medium primary education, including making urgent funding available to address the most pressing problems.

327. Representatives of the Department of Education explained during the on-the-spot visit that addressing these issues was a key priority of the Minister of Education. Federating schools would qualify for eligibility for funding for new buildings, as would other sustainable models. It was explained to the Committee

of Experts, however, that eligibility for funding does not necessarily mean that funding will be made available. A survey of the physical state of all schools had taken place.

328. The Committee of Experts welcomes these positive developments to address the poor conditions under which Irish-medium primary education has had to suffer. It appears to the Committee that the existing demand is largely met and that the undertaking is consequently fulfilled, but nevertheless there is a need to plan strategically for the projected growth in demand, and in many cases to take urgent action to improve the infrastructure, including the allocation of funds as well as the development of special educational needs provision for Irish-medium education.

Secondary education

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

329. In its second evaluation report (paragraphs 429 – 434), the Committee of Experts found that, despite some progress achieved, there was a lack of adequate teaching materials, a shortage of qualified teachers for certain subjects, long travelling distances to Irish-medium schools as well as a concern whether the growing demand could be met. The Committee of Experts nevertheless considered this undertaking fulfilled at the time of the report and encouraged the authorities to take measures to ensure that growing demand of Irish-medium education was met in the future.

330. Evidence received from representatives of Irish-speakers during the third monitoring round focused in particular on the difficulties relating to establishing new Irish-medium post-primary provision. There is only one such post-primary school which is recognised by the Department of Education. It is in Belfast. Obtaining recognition is difficult because a minimum of 50 pupils per year is required. The speakers provided the example of another such school in Cookstown, which has been refused recognition, despite new feeder primary schools being established in the relevant area. The representatives of Irish-speakers estimate that, by the time the secondary school sustainability criteria are met in this area, 400 local children will have already passed through Irish-medium primary schools.

331. The problems with transport remain.

332. According to the speakers, the consequence of these difficulties has been that a number of pupils have left Irish-medium primary education in Northern Ireland with no realistic possibility to continue with Irish-medium education.

333. During the on-the-spot visit, the Northern Ireland authorities accepted that there were problems relating to the establishment of new post-primary provision. They mentioned several initiatives designed to address some of the other issues, many based on the recommendations of the DE Review. The shortage of teachers was a particular problem. Bursaries were being made available for people training to be teachers to attend courses in Irish-medium teaching in Ireland. The Department of Education is also looking to develop a course for existing teachers to enhance their Irish-language skills. An Irish-language co-ordinator had been appointed, who would look at teacher training and also facilitate better quality materials. The Department has instigated a £1million programme of preparing teaching materials in collaboration with education authorities in the Republic of Ireland. As for transport, they referred to the proposed introduction of pilot routes for dedicated buses to existing Irish-medium post-primary schools.

334. The DE Review recommends a strategic approach to planning for new Irish-medium post-primary provision to meet the geographic challenges. It explores a variety of types of provision, all of which rely to a greater or lesser extent on one institution providing education on more than one site. Of these options, the representatives of Irish-speakers expressed a preference for the so-called satellite model, rather than introducing units or streams into English-medium schools.

335. The DE Review emphasises that post-primary education should be delivered through a range of school structures and that it should be developed at the optimal geographical location within local Area-Based Plans to draw on feeder primaries and integrate with other services, such as transport.

336. The Committee of Experts agrees with this assessment, which represents a well-thought-out response to the challenges in responding to the demand for regional or minority language secondary education, in a situation where the pupils needing it are dispersed in a large geographical area.

337. The Committee welcomes the recommendation of the DE Review, and the seriousness with which the authorities are addressing the problems, but emphasises the need to take concrete measures to implement the recommendations of the DE Review.

338. In view of the fact that it appears that there is in some cases insufficient provision to meet the demand, the Committee of Experts has revised its previous conclusion and finds the undertaking partly fulfilled.

Technical and vocational education

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

339. The Committee of Experts considered this undertaking fulfilled for the teaching of Irish as a subject in its second evaluation report (paragraphs 435 – 442), and encouraged the authorities to co-operate more closely with the Council for Irish-medium Education, Forbairt Feirste and the pupils in order to develop a strategic plan to ensure Irish-medium technical and vocational education and to enable support resources. The Committee of Experts also requested more information regarding the number of pupils taking advantage of the Irish-medium courses on offer.

340. Representatives of Irish-speakers gave detailed evidence of the current provision. They explained that the provision is no longer organised through the Irish-medium post-primary school Forbairt Feirste, but through Belfast Metropolitan College (BMC). BMC is funded by the Department of Employment and Learning (DEL) to employ an Irish Medium Further Education Co-ordinator on a year-by-year basis. They alleged that the arrangements under which the co-ordinator works have meant a 50% reduction in real terms of funding for post-16 Irish-medium education. They explained that there is vocational education in subjects other than Irish, notably child care, beauty and construction. They acknowledged that significant progress had been made in the previous 18 months in meeting the actual needs of students, but expressed concern that there was a need for DEL to provide adequate resources to facilitate long-term development.

341. During the on-the-spot visit, representatives of Irish-speakers and of the authorities explained particular difficulties which were being encountered in relation to the accreditation of vocational qualifications, in particular for child care, through the medium of Irish.

342. The Committee of Experts considers the undertaking fulfilled but encourages the authorities to find a solution to the problems of accreditation.

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;*

343. In its second evaluation report (paragraphs 446 – 448), the Committee of Experts, being of the opinion that more effort was needed to train teachers to meet the increasing demand for Irish language education, considered this undertaking partly fulfilled.

344. Securing a supply of teachers to meet the demand for Irish-medium education remains a challenge. In particular, there is a shortage of teachers for specialist subjects at the post-primary level. The DE Review

recommends that sufficient teacher training places be made available to meet the needs of the Irish-medium sector, that opportunities be identified for conversion training for English-medium teachers, that incentives should be offered and that experience of working in the Gaeltacht (Irish-speaking areas in the Republic of Ireland) ought to form a part of teacher training. The authorities explained that incentives and collaboration with the Republic of Ireland had been introduced.

345. The Committee of Experts concludes that the undertaking is still partly 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.

346. The Committee of Experts was unable to conclude on this undertaking both in the first and second evaluation reports due to the lack of information on practical implementation. The Committee of Experts therefore urged the authorities to provide information with regard to this undertaking in the next periodical report.

347. The UK authorities state in the third periodical report that Irish is available as part of the National Curriculum in England, and that GCSE and A-level exams are available. It also reports that Irish can be studied at University level in the UK outside Northern Ireland.

348. The Committee of Experts considers the 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.

349. The Committee of Experts received complaints from NGOs that other than the three statutory texts mentioned during the first UK monitoring round, no further statutory texts have been made available in Irish. The Committee of Experts asks the authorities to comment on this in the next periodical report.

Article 10 - Administrative authorities and public services

350. At the time of the second evaluation report, the Northern Ireland departments were under the ultimate control of the UK authorities in London and remained so until 2007. Since the restoration of the power-sharing executive in Stormont, however, they are now under the control of ministers in that executive, and answerable to the restored Northern Ireland Assembly. They have therefore become, in Charter terms, regional authorities. In the previous monitoring rounds these departments were considered under Article 10. paragraph 1. For the sake of continuity, and bearing in mind that the departments have changed status during this monitoring round, the Committee of Experts will deal with the Northern Ireland Departments under both paragraphs 1 and 2 of Article 10.

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*

351. In its second evaluation report (paragraphs 451- 453) the Committee of Experts noted that the telephone voice-mail facility for oral requests and submissions that had been set up for the Northern Ireland Departments and their associated bodies, had not been functioning satisfactorily. It therefore encouraged the

authorities to establish a system to handle oral and written applications that facilitates the acceptance of submissions in Irish. It considered this undertaking partly fulfilled.

352. In the third periodical report, the UK authorities refer to non-devolved UK-Government Departments which operate in Northern Ireland, principally the Northern Ireland Office, HMRC (tax authorities) and the Northern Ireland Court Service. All three have Codes of Courtesy which provide guidance for staff on the use of Irish in official business, including correspondence, telephone contact and face-to-face transactions. There is a voicemail service.

353. In relation to departments of the Northern Ireland Executive, the NGO Pobal produced evidence of a survey they had conducted, in which they had written to the government departments in Northern Ireland in Irish, requesting information. Only four of the departments answered, one in Irish and the remainder in English. When a second letter was sent, to the seven departments which had not previously responded, one replied in English. According to the same source, only one of these departments' websites offered the opportunity of contacting the department through Irish. Another supplied contact information in Irish.

354. According to representatives of Northern Ireland departments that the Committee of Experts met during the on-the-spot visit, the Code of Courtesy on the Use of Irish and Ulster Scots sets a minimum standard, based on the Charter, which all departments should follow. The Code states:

Correspondence – Irish

The Charter obliges departments to accept written applications in Irish. If it seems that, taking translation into account, it will not be possible to provide a substantive reply by the relevant deadline, an acknowledgement should be issued in the normal way, explaining that the letter is being translated and that a substantive reply will follow.

The Charter does not oblige departments to acknowledge or reply in Irish to correspondence received in Irish.

355. Nevertheless, it does not appear that a systematic approach to handling oral and written applications in Irish has been introduced across the Northern Ireland administration, and consequently in most cases even the minimum standards required by the Code are not kept.

356. The Committee of Experts considers that the undertaking remains partly fulfilled.

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

357. The Committee of Experts considered this undertaking fulfilled in the second evaluation report (paragraphs 454 – 456) but encouraged the authorities to make the availability of the Irish version of documents more widely known and to report on how they have achieved this in their next periodical report.

358. In respect of non-devolved departments, operating in Northern Ireland, the UK authorities report that the Court Service provides a translation service for all its publications, though no requests had been made in the past three years. Its main user guide is available in Irish on its website and at all courthouses.

359. According to a survey carried out by the NGO Pobal in July 2008, a small number of documents were available in Irish on four of the eleven departmental websites.

360. According to representatives of Northern Ireland departments that the Committee of Experts met during the on-the-spot visit, an increased number and variety of forms are available, but it is a matter of ministerial discretion how much use is made of Irish by individual departments.

361. The Committee of Experts revises its conclusion and considers the undertaking partly fulfilled.

Paragraph 2

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

...

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

362. In the second evaluation report (paragraphs 457 - 461), the Committee of Experts was not in a position to conclude on this undertaking, as was the case also in the first report. It asked the authorities to provide more detailed information about the possibility to submit applications in Irish and about steps taken by the authorities to encourage the local authorities to accept such applications.

363. In relation to the Northern Ireland Executive, the Committee of Experts refers to the observations made under Paragraph 1 a. iv. above.

364. In relation to local government, in the second evaluation report (paragraphs 457 - 461), the Committee of Experts was not in a position to conclude on this undertaking, as was the case also in the first report. It asked the authorities to provide more detailed information about the possibility to submit applications in Irish and about steps taken by the authorities to encourage the local authorities to accept such applications.

365. Representatives of Irish-speakers produced evidence of further surveys conducted by the NGO Pobal, which had written to the 26 local councils in Northern Ireland in Irish, requesting information. In the first survey in August 2007, 19 of the Councils replied, nine in Irish and ten in English. In the second survey in February 2008, 17 of the Councils replied, ten in Irish and seven in English.

366. Six councils employ Irish Language Officers (some of whom are shared between councils), whose duties are to promote Irish within their respective councils, and to translate council documentation into Irish. The Committee of Experts commends the local authorities concerned for this development.

367. The Committee of Experts concludes that the undertaking is partly fulfilled.

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

368. The Committee of Experts did not deal with this undertaking in the second evaluation report, since at that time the Northern Ireland Assembly was suspended.

369. According to the evidence gathered during the third on-the-spot visit, and from the official record of proceedings, on the level of regional government, within the Northern Ireland Assembly, Irish can be used in debates, and is regularly used, as provided by its standing orders.

370. The Committee of Experts' attention was drawn, however, to several hostile and disparaging remarks about the Irish language and its use made by other members of the Assembly during debates (see paragraph 127 above). On one occasion a proposal was put forward to prohibit the use of Irish in debates. The proposal needed a majority of both the designated Unionist and designated Nationalist members in the Assembly in order to succeed. Consequently the proposal failed.

371. While finding the undertaking fulfilled, the Committee of Experts notes with alarm that such a proposal was put forward and emphasises the crucial importance of the continued freedom to use Irish within the democratic framework of Northern Ireland.

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;

372. The Committee of Experts did not form any conclusion in respect of this undertaking in the second evaluation report (paragraphs 462 – 464). It asked the authorities to provide more detailed information about the possibility to use Irish in local assemblies and about steps taken by the authorities to encourage such use.

373. The Committee of Experts still lacks information about the possibility and extent of use of Irish within local government meetings in Northern Ireland. It appears that this is possible in certain councils, but not others.

374. The Committee of Experts urges the authorities to provide information concerning the use of Irish in debates in local assemblies in the next periodical report.

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.

375. The Committee of Experts considered this undertaking fulfilled in the second evaluation report (paragraphs 465 – 466). It encouraged also the authorities to comment, in their next periodical report, about incidences of councils refusing to ascertain public opinion upon request to erect street signs in Irish, despite the 1995 Local Government Order obliging them to do so.

376. Information gathered from both the authorities and representatives of the speakers during the on-the-spot visit suggests that with regard to street names there have been developments, both positive and negative, since the last monitoring round. Certain local authorities have introduced bilingual language signs and street naming. Derry Council tried to introduce these for townlands, which are small geographical divisions of land within Counties. Legal advice suggested however that this may have been beyond the competence of the Council, so it was not done.

377. With regard to place-names more generally (towns, villages, etc), the Committee of Experts was informed by representatives of Irish-speakers that Irish forms of place-names are not used. They also pointed to certain instances where certain local authorities had resisted or refused the use of Irish place names, despite popular local support.

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

Paragraph 3

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

...

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

379. In its second evaluation report (paragraph 467 – 470), the Committee of Experts considered this undertaking partly fulfilled.

380. The main providers of public services in Northern Ireland are the departments of the Northern Ireland Executive and the local Councils. The observations of the Committee of Experts under Articles 10(1)(a)(iv) and 10(2)(b) above therefore apply in the context of this undertaking as well. The Committee lacks any information about the position in respect of public services provided by other administrative authorities, such as Health Trusts.

381. The Committee of Experts therefore concludes that this undertaking is partly fulfilled, and requests that further information be provided in respect of compliance with this undertaking by administrative authorities (other than regional and local government) which supply public services, in the next periodical report.

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;*

382. This undertaking was considered fulfilled in the last report by the Committee of Experts.

383. The availability of interpretation in Belfast Council, together with the employment by certain councils of Irish language officers, part of whose job is to translate documents, represent positive developments in this area.

384. However, the Northern Ireland Human Rights Commission in its parallel report to the Committee of Experts drew the attention to the fact that no simultaneous interpretation exists for persons wishing to use Irish in the Northern Ireland Assembly. Members are therefore obliged to repeat in English what they have said in Irish. It appears to the Committee that in the context of using the Irish language in Northern Ireland Assembly, simultaneous interpretation is a reasonable requirement, and it should be made available.

385. The Committee concludes that the undertaking is not fulfilled with regard to the Northern Ireland Assembly, and partly fulfilled otherwise.

The Committee of Experts encourages the authorities to provide facilities for simultaneous interpretation between Irish and English in the Northern Ireland Assembly.

Article 11 - Media

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

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;

387. The Committee of Experts considered this undertaking fulfilled in its last evaluation report (paragraphs 476 – 482) and looked forward to receiving more detailed information on the funding system and funding agreement concerning TG4, the all Irish TV channel funded by the Irish government, in the next periodical report.

388. In the third periodical report, the UK authorities report that the majority of Irish language broadcasting in Northern Ireland comes from TG4. Because this is based in Ireland, the UK authorities have no jurisdiction over the channel's development.

389. It also reported that in April 2008, BBC Northern Ireland allocated £3.9 million funding over three years to programming in minority languages. This has given rise to approximately £950,000 per annum for Irish language output on television and radio, and online.

390. According to information received during the on-the-spot visit, the Irish-language Broadcast Fund (ILBF) was initially funded for four years from 2005 at £12million. This enabled the commissioning of Irish-language programming for broadcast on TG4 and BBC. According to representatives of the ILBF, it can invest up to 75% of production costs, with the rest met by broadcasters.

391. This came to an end in 2009, by which time the Northern Ireland Executive had been restored, and DCAL (Department of Culture Arts and Leisure in Northern Ireland) did not extend the funding. During the on-the-spot visit, representatives of the Irish-speakers explained to the Committee of Experts that the reason for not extending the funding to the ILBF from the Northern Ireland budget was that such funding would not be made available unless the same amount of funding were made available for Ulster Scots. However, the UK Government intervened, with a one-off £6million funding stream for a further two years. There is no guarantee that this will continue.

392. The Committee of Experts considers that the undertaking is currently fulfilled, but encourages the authorities to find a lasting and sustainable solution to the funding of Irish television broadcasting.

b ...

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

393. The Committee of Experts considered this undertaking fulfilled in the last evaluation report (paragraphs 483 – 485). It was pleased to be informed that the private and independent community radio station 'Raidió Fáilte' had finally received a five-year licence from the UK radio authority, OfCom.

394. The Committee recalls that this undertaking usually relates to private radio broadcasting, in circumstances such as the UK, where public facilitation of private broadcasting is possible alongside public service broadcasting. The UK's third periodical report refers to Radio Ulster, which is a public service. It makes no mention of Raidió Fáilte.

395. According to representatives of the speakers, Raidió Fáilte is only available in the greater Belfast area (5km range) and on the internet. It receives funding from Foras na Gaeilge, and received a £15,000 payment from the OfCom community radio fund. More than 50 hours of original programming per week are produced. The Committee of Experts was particularly encouraged to hear from a representative of the station that there was great interest in the success of Raidió Fáilte among members of the Loyalist community wishing to establish independent radio stations.

396. The undertaking continues to be fulfilled.

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

397. The Committee of Experts considered that this undertaking was fulfilled in its last evaluation report (paragraphs 486 – 487), but asked for more information on the production of audio and audiovisual works outside broadcasting.

398. The Committee refers to its comments above (paragraphs 389 - 390) in respect of the Irish Language Broadcast Fund.

399. The Committee of Experts considers that the undertaking is still fulfilled, but urges the authorities to provide the information requested in the second evaluation report.

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

400. The Committee of Experts considered this undertaking fulfilled in the second evaluation report (paragraphs 488 – 490) despite funding problems for the Irish language newspaper *Lá*. On the basis of the observations made by the Committee of Experts in its second evaluation report, the Committee of Ministers adopted the recommendation addressed to the UK authorities, with regard to Irish, to **“increase support for the printed media in [Scottish Gaelic and] Irish”** (RecChL(2007)2).

401. The Committee of Experts regrets the information that the daily newspaper *Lá* no longer exists. According to representatives of the speakers, the reason is that the grant from Foras na Gaeilge was insufficient to make it sustainable for the company that published it. Consequently, there is no current encouragement or facilitation of a weekly or daily newspaper in Irish produced in Northern Ireland. There is, however, an all-Ireland tender for a weekly paper.

402. A recently established news website called *Nuacht 24* publishes a weekly print edition, but receives no support from the authorities.

403. Awaiting the outcome of the public tender, the Committee of Experts does not conclude on this undertaking and looks forward to receiving further information in the next periodical report.

f ...

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

404. In its last evaluation report (paragraph 491), the Committee of Experts did not conclude on this undertaking and encouraged the authorities to provide information in the next periodical report on the extent to which the funds from the National Lottery distributed by the Arts Council of Northern Ireland were available also for audiovisual productions in Irish.

405. Since the Committee of Experts has not received the requested information, it must conclude that this undertaking is not fulfilled.

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

406. The Committee of Experts considered this undertaking fulfilled in its second evaluation report (paragraphs 492 – 496). It asked the authorities to clarify whether courses for Irish language journalism still existed at Jordanstown College and the extent to which training across the border was supported by the authorities.

407. During the on-the-spot visit, representatives of the Irish Language Broadcasting Fund informed the Committee of Experts that they fund training.

408. The undertaking remains 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.

409. The Committee of Experts did not comment on this undertaking in the second evaluation report, since it had been previously found to be fulfilled, and there were no changes.

410. The reliance on TG4 to broadcast Irish-language TV programming in Northern Ireland has added a new dimension to this undertaking, as explained by the UK Government in the third periodical report. As a result of an Intergovernmental Agreement between the UK and Ireland, TG4 was given permission to use a UK analogue frequency to broadcast in Northern Ireland. TG4 is now broadcast in Belfast. According to representatives of the speakers, however, there are many places in Northern Ireland where TG4 cannot be received.

411. Despite these shortcomings, the undertaking remains fulfilled. The Committee of Experts encourages the UK authorities to extend the coverage of TG4 in Northern Ireland.

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;

412. The Committee of Experts considered the undertaking fulfilled in its last evaluation report (paragraphs 497 – 502). While commending the authorities for the wide range of cultural activities related to the Irish language, it underlined that a concrete and strategic policy planning was needed.

413. No comments were received from the Irish-speakers in respect of this undertaking.

414. The Committee of Experts considers that the undertaking is fulfilled but a strategy is still needed.

- 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;*

415. In its second evaluation report (paragraphs 507 - 510), the Committee of Experts concluded that the undertaking was partly fulfilled, as was already the case in the first report. The Committee of Experts had not been informed of any measures taken by the authorities to ensure that the Arts Council had at its disposal staff with a full command of Irish. With regard to other cultural bodies, it was not clear whether they had an Irish language policy.

416. The Committee of Experts did not receive any new information with regard to this undertaking and urges the authorities to provide the information requested in the second evaluation report in the next periodical report.

417. The Committee of Experts considers the undertaking partly fulfilled at present.

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.

418. In its second evaluation report (paragraphs 517 – 518), the Committee of Experts lacked sufficient information to conclude on this undertaking and asked the authorities to provide more information in their next periodical report.

419. The third report contains no information in this respect.

420. The Committee of Experts underlines that the present provision concerns above all the way in which the country presents its own linguistic and cultural heritage abroad. This could consist of cultural exchanges, references to the regional or minority languages spoken in the United Kingdom in the context of exhibitions or events, or information material concerning the United Kingdom aiming at an international public (see paragraph 176 of the second evaluation report of the Committee of Experts with regard to Austria, ECRML (2009) 1).

421. The Committee considers that the undertaking is not 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.*

422. The Committee of Experts considered the undertaking fulfilled in its second evaluation report because of various activities in this field (paragraphs 519 – 521). Nevertheless it encouraged the authorities to continue their involvement in the project of developing a Gaeltacht Quarter in West Belfast with the idea of economically regenerating the area by clustering Irish language projects and looked forward to more detailed information on its progress in the next periodical report.

423. The Committee of Experts has not received any information with regard to the continued involvement by the authorities in developing a Gaeltacht Quarter in Belfast. It therefore encourages the authorities to provide such information in the next periodical report.

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

Chapter 4 Findings of the Committee of Experts in the third monitoring round

A. The Committee of Experts appreciates the excellent co-operation with the UK authorities with regard to the preparation and organisation of the on-the-spot visit. However, the Committee of Experts regrets the fact that the third periodical report was submitted almost a year after it was due, and did not contain any information on devolved matters in Northern Ireland relevant to Irish and Ulster Scots. On the other hand, in relation to all other regional or minority languages in the UK, the report responded to the information requested by the Committee of Experts on the whole comprehensively. This latter represents a significant improvement since the previous monitoring rounds.

B. The Welsh Assembly Government continues to show a strong commitment to the promotion of Welsh, including new initiatives, financial support and language planning activities carried out by the Welsh Language Board. Some legislative powers in relation to the Welsh language will be devolved to the Welsh Assembly which should enable further positive measures to be taken, for instance the establishment of a Welsh language commissioner.

C. In Scotland, the statutory Gaelic Language Board has started its work and already five public bodies including the Scottish Parliament have adopted Gaelic Language Plans. There is increased support from the authorities towards both Scottish Gaelic and Scots.

D. In Northern Ireland, the devolved administration was restored in 2007 as a consequence of the St Andrews Agreement. This has resulted in difficulties in the promotion of Irish and Ulster Scots and the languages seem to have become hostages to party politics. The 1737 Act prohibiting the use of Irish in courts in Northern Ireland, remains in force.

E. The situation of the Welsh language continues to be relatively strong and the authorities continue to provide examples of good practice and extra measures, including under the undertakings not commented by the Committee of Experts. The provision of Welsh-medium education remains overall very good. Mechanisms to monitor and report on Welsh-medium education have been established. A draft Welsh-medium education strategy document was published in May 2009 by the authorities for public consultation. However, in certain cases demand is still not met by an adequate provision. The use of Welsh in courts, media and the cultural field remains good overall. With regard to administration, the authorities at all levels of government continue their efforts to use the Welsh language including the implementation of the Welsh Language Schemes. However the degree to which the schemes are delivered in practice still varies substantially. In the field of health and social care, much remains to be done with regard to services in Welsh.

F. Scottish Gaelic remains an endangered language. One of the main targets of the Scottish Government is to increase the number of Scottish Gaelic-speakers. In education, there has been comparatively little progress since the last monitoring round. A Gaelic education strategy has been adopted and is in the early stages of implementation. Particular problems include a shortage of teachers, of sufficient teaching materials and of appropriate school buildings. In the field of administration, where Gaelic language plans have been adopted, they appear to have resulted in an improvement in the use of Gaelic. The establishment of the Gaelic television channel BBC Alba has been a significant step forward. The situation in the printed media, however, seems to have deteriorated.

G. Regarding the situation of Irish, many of the positive developments detected in the last monitoring round seem to have been put on hold or even reduced in many areas. Education is an exception. A review on Irish-medium education has been carried out and a report containing several recommendations to improve Irish-medium education has been published. However, certain deficiencies remain in the provision of Irish-medium education at all levels. In the field of administration, while certain local authorities have adopted language plans and appointed Irish language officers, the provision as a whole remains unsatisfactory. In the field of media, the Irish Language Broadcasting Fund faces an uncertain future because it has no settled funding arrangements. This could have serious knock-on consequences for broadcasting in Irish. The Irish language daily newspaper *Lá* has ceased publication.

H. The St. Andrews Agreement Act requires the adoption of a strategy to enhance and protect the development of Irish. Nevertheless, unlike the other two Part III languages Welsh and Scottish Gaelic, there is no comprehensive statutory basis for the protection and promotion of Irish in Northern Ireland. The Welsh Language Act has been vital in the positive development of Welsh and there are signs that the Gaelic Language Act is doing the same for Scottish Gaelic. A similar statutory basis is needed for Irish.

I. With regard to Scots, there have been positive developments. The Scottish Executive has carried out an audit of the language, and established a strategic task force to see how the Scots language can be further promoted and developed. Funding for the language is now provided directly from Government. In general, apart from in the field of media, Scots now benefits from a greater degree of public recognition and respect. Increased resources are needed in particular in the field of education. The 2011 census will include a question on Scots, but it is not yet decided whether additional questions on detailed language competence in Scots will be included.

J. With regard to Ulster Scots, it is still largely invisible in public life. The Ulster Scots Academy project appears to have failed. Instead, the plan is to establish a language planning and cultural body that involves the speakers more closely. The St. Andrews Agreement Act requires the adoption of a strategy to enhance and develop Ulster Scots. There do not appear to have been developments in the field of education.

K. With regard to Cornish, a Cornish Language Partnership has been set up, involving representatives of the speakers and the authorities. This has been a great success. A common written standard for Cornish has been agreed upon, and positive measures to promote the image and use of the language in public life and education have been taken.

L. The support from the Isle of Man Government for the Manx language remains strong, and the language benefits from a good offering in the field of education, despite the need for further teachers to be trained. It continues to be publicly recognised and celebrated on the Isle of Man, and benefits from contacts with its sister languages, Irish and Scottish Gaelic.

M. Finally, as in previous monitoring rounds, the Committee of Experts has found that there is a need to raise the awareness of the English-speaking majority population in England about the UK's regional or minority languages as an integral part of the UK's cultural heritage. Although the National Curriculum in England includes the teaching of regional, religious and ethnic diversity, there seems to be no specific inclusion of respect, understanding and tolerance in relation to regional or minority languages traditionally spoken in the UK.

The government of the United Kingdom 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 1083rd meeting on 21 April 2010, 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 United Kingdom authorities

Additional Points on Scottish Gaelic and Scots from the Scottish Government

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

We would also like to raise with the Committee the length of the visit. I hope the Committee would acknowledge that the Scottish Government takes this process seriously and that this is demonstrated in the quality and detail of our submission and in our attempts to invite senior people to meet the Committee. On this occasion, however, we felt these endeavours may have been undermined by the brevity of the Committee's visit. We have had representations on this matter.

There were a few areas (paragraphs 125, 218, 221) where questions were raised about Gaelic provision but it would be very difficult for the Scottish Government or others to address these matters as the evidence offered to the Committee and recorded by the Committee was rather thin. It may be worth raising a question about the value of including such comments.

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

Scots Language Working Group

Since the visit, a Scots Language Working Group has been established. The aim of the group is to create a report to Ministers with detailed recommendations on laying out a clear vision for the development of Scots, focusing on how the profile of Scots could be raised and to look for linkages across Government and elsewhere. The Scottish Government commissioned research on Public Attitudes to the Scots Language which was welcomed by the Working Group and will aid them in the preparation of their report. Funding for the research and for the Working Group is provided by the Scottish Government.

Gaelic Language Plans

There are now 26 Gaelic Language Plans being prepared or have been agreed by Bòrd na Gàidhlig. A further 6 bodies, mainly working in the areas of Culture, will receive formal notification from the Bòrd to produce a Plan in April 2010. Scottish Ministers remain extremely supportive of these Plans and regard them as an extremely useful tool in growing the use and status of Gaelic across Scotland.

Next Generation of Gaelic Speakers/Gaelic Action Plan

On the 3 August 2009 the Minister for Culture, External Affairs and the Constitution and the Cabinet Secretary for Education and Lifelong Learning called for urgent action to ensure a secure future for Gaelic in Scotland. Ministers made it clear that the structures and initiatives we have put in place are important and have delivered valuable progress but agreed it is only an increase of speakers and their use of the language that will achieve our core objective.

Ministers asked Bòrd na Gàidhlig to prepare an Action Plan which identifies the initiatives that will have the maximum effect of regenerating the language. This Action Plan is now with Ministers for their consideration.

Creative Scotland

A new body will soon be established as Creative Scotland. This will include the function of the former bodies, Scottish Arts Council (SAC) and Scottish Screen. The new body will prepare a Gaelic Language Plan. The former bodies will be notified by the Bòrd before the new body puts a Plan in place. A Gaelic Arts Officer will be appointed. This will be a joint appointment between the SAC and Bòrd na Gàidhlig.

In addition, the Bill contains the provision for Creative Scotland to have a bilingual identity (English/Gaelic) name in statute. The Bill is currently progressing through the Scottish Parliament with Royal Assent expected in July 2010.

Parental Support Scheme

Parental Advisory Scheme is a national Gaelic Medium Education (GME) promotion initiative which involves establishing a network of trained parental advisors across Scotland who will raise awareness of GME opportunities in their local area and ultimately increase the number of pupils accessing GME.

The scheme is managed by Comann nam Pàrant Nàiseanta who have one paid member of staff (Parental Officer) and consists of a network of around 30 local groups, representing the interests of parents whose children are educated through the medium of Gaelic at the various levels, from pre-school to secondary level. The main aim of all CnP groups is "to promote and support the establishment and maintenance of education through the medium of Gaelic". Priority areas have been identified and developments to date have included:

- meetings with the Gaelic team in Highland Council to discuss the scheme
- a training session on the scheme with newly appointed Language Initiative officers
- information events in the Western Isles
- A training pack for parent advisors has been developed.

Curriculum for Excellence

Curriculum for Excellence has offered a timely opportunity for the review of teaching and learning through Gaelic, recognising Gaelic as being a mainstream subject and providing a valuable resource for young people to learn about culture, identity and language in Scotland.

The experiences and outcomes on literacy and Gàidhlig provide opportunities to enable learners to develop an awareness of the contribution of Gaelic culture to Scotland's identity as a nation, help children and young people develop their appreciation of Scotland's vibrant literary and linguistic heritage and its indigenous languages and dialects. The experiences and outcomes in literacy and English also encourage engagement with Gaelic texts in translation. Practitioners should build upon the diversity of language represented within the communities of Scotland, valuing the languages which children bring to school. The Curriculum for Excellence Experiences and Outcomes documents are being translated into Gaelic.

Public Attitudes towards the Scots Language

In the pre-election manifesto the SG made a commitment to promote awareness and the use of the Scots language in a variety of settings. Recognising the lack of evidence based research up until now, the SG commissioned the Audit of Current Scots Language Provision in Scotland (which 'mapped' provision of the Scots language), which was published in Feb 09 and followed by a conference to discuss the way forward for Scots. Since then the Scots Language Working Group has been set up, and this current research was commissioned to explore public attitudes to the Scots language, which gathers information that has not been available before – the findings will be used to inform policy development in the area.

Findings found the extent of speaking the Scots language, attitudes towards it, feelings that its use contributes towards Scottish culture, heritage and national identity, and teaching the Scots language in schools are very positive, with only minorities of the population not in favour of its use in Scotland today. A full Report and Research Findings is available at <http://www.scotland.gov.uk/Publications/2010/01/06105123/0>. The research is funded from Culture and Education Policy budgets, as it covers areas regarding the Scots language being taught in schools in Scotland.

We would be happy to provide more detailed information should the Committee of Experts have any outstanding questions.

**The Welsh Assembly Government's comments on the
Third Report of the Committee of Experts
on the UK's compliance with the Charter**

March 2010

1. Introduction

The Welsh Assembly Government welcomes the third report of the Committee of Experts following its scrutiny of the UK's compliance with the European Charter for Regional or Minority Languages. The Assembly Government is grateful for the opportunity to contribute to the UK Government's comments on the report from the perspective of the Welsh language.

The Assembly Government is pleased that the Committee considers there has been an improvement since the Committee's second report in March 2006. The latest report records fewer unfulfilled undertakings.

3. Detailed comments

The Assembly Government's detailed comments on the report are enclosed at Annex 1, structured in line with the clauses of the Charter.

4. Committee's recommendations

The Assembly Government's response to the Committee's recommendations is included within the comments on the relevant individual clauses below.

Detailed comments on the Committee's report

EDUCATION

The sections below summarise the relevant sections of the COMEX report with regard to education and training. DCELLS Welsh Language Development Unit is content with the report. The undertakings considered by COMEX to be 'partly fulfilled' (see below) will be addressed in the implementation programme for the Welsh-medium Education Strategy.

1. Chapter 2 of the report presents the conclusions of the Committee on how authorities have reacted to their recommendations. The following recommendation is relevant to education and skills:

Recommendation No.3:

"Develop further Welsh-medium education, in particular, take steps to improve linguistic continuity in the transition from primary to secondary level in Welsh-speaking areas, and establish a co-ordinated approach to monitoring progress achieved in developing Welsh-medium education."

The report notes the preparation and aims of the Welsh-medium Education Strategy and its planned adoption in 2010. In regard to monitoring of Welsh-medium education, the role of the Welsh Language Development Unit in monitoring the implementation of the Welsh-medium Education Strategy is noted, as is the work of Estyn. The Committee of Experts noted that the newly established monitoring and reporting system meets the recommendations made by the Committee of Ministers.

This monitoring system referred to is the reporting system to be established under the implementation of the Welsh-medium Education Strategy.

2. In the summary of the evaluation of Part III of the Charter, COMEX examines new developments in the protection and promotion of Welsh, Scottish Gaelic and Irish, under the following headings:

Article 8 – Education

The report notes the establishment of the Welsh Language Development Unit in DCELLS and the consultation on the Welsh-medium Education Strategy in 2009.

According to information received from some NGOs during the on-the-spot visit, the offer of Welsh-medium education might still be patchy in some places and demand is not always met by local authorities (though there are important improvements in some LAs). The Committee also notes that no further positive developments are evident with regard to Welsh-medium education for children with special educational needs.

Article 8, Paragraph 1.a.i (Pre-school education) - to make available pre-school education in the relevant regional or minority language

The Committee requested further information in their next periodical report in relation to staff shortages, the limited number of pre-school places, but commends the authorities for the steps taken and considers the undertaking fulfilled.

Article 8, Paragraph 1.b.i (Primary education) - to make available primary education in the relevant regional or minority language

The Committee notes complaints from NGOs that bilingual schools are not satisfactory because of the uncertain amount of Welsh language use. It is also noted that there is still evidence of substantial unmet demand for Welsh-medium primary education. The Committee therefore concludes that this undertaking is still partly fulfilled.

Article 8, Paragraph 1.c.i (Secondary education) - to make available secondary education in the relevant regional or minority language

The report comments on pupils in some areas having to travel long distances to receive education in Welsh. It also quotes an Estyn report stating that while authorities had encouraged partnerships between schools and supported video-conferencing, the outcome has not been entirely satisfactory. The problem of lack of continuity between primary and secondary education still persists and should be addressed. Nevertheless, the Committee commends the authorities for the measures taken to improve the offer of Welsh-medium secondary education and concludes that this undertaking is at present partly fulfilled.

Article 8, Paragraph 1.d.i-iv (Technical and vocational education) - to make available technical and vocational education in the relevant regional or minority language

The Committee acknowledges the authorities' commitment to address the lack of Welsh-medium and bilingual provision, but points to the lack of provision of Welsh-medium workplace training and the slow adoption of language schemes by the Employment and Skills Board, as well as insufficient career and employment opportunities for young people trained in Welsh. The undertaking is partly fulfilled.

Article 8 - monitoring

Based on the fact that Estyn produces comprehensive reports on the developments in Welsh-medium Education which are also made public, and that a new additional monitoring mechanism (through the implementation and monitoring of the Welsh-medium Education Strategy) has been created, the Committee of Experts concludes that the undertaking is now fulfilled.

4. Conclusions and proposals for recommendations:

The report notes that the Welsh Assembly Government continues to show a strong commitment to the promotion of the Welsh language. Some legislative powers in relation to the Welsh language will be devolved to the National Assembly which should enable further positive measures to be taken, for instance the establishment of a Welsh language commissioner.

COMEX commends the authorities for continuing to provide examples of good practice and concludes that the provision of Welsh-medium education remains very good overall. However, in certain cases demand is still not met by adequate provision.

The mechanisms to monitor and report on Welsh-medium education (including the new Welsh-medium Education Strategy) are considered acceptable.

Health and Social Services

1. The Welsh Assembly Government notes COMEX's conclusion that the undertaking regarding Article 13 – Paragraph 2 – Clause 'c' related to Welsh language in social care "is still not fulfilled".
2. In response, the Assembly Government is pleased that COMEX believes that the Welsh Assembly Government has undertaken a number of actions to strengthen provision of Welsh services in social care facilities. This includes the re-establishment of the Welsh Language Task Group. The Assembly Government has taken note of the recommendations made.
3. We acknowledge that the development in recent years to strengthen Welsh language provision within the sector is work in progress and that there is still a long way to go. The Ministerial Task Group has provided valuable leadership and direction to the sector and has been a stimulus for action by both the service and key partners.
4. It is recognised that although there has been awareness raising among staff about why the provision of Welsh language services is important, there is still much to do to ensure that service users are able to receive services through the medium of Welsh. That is why the Ministerial Task Group has identified strengthening the Welsh language skills of the workforce as a key priority and it is an area that the Task Group will be focussing on over the course of the next year.
5. COMEX mentions the fact that there have been an increased number of complaints in the sector. Whilst the Welsh Language Board has over the past months conducted formal investigations under the Welsh Language Act, we believe that this does not necessarily reflect a decline in service standard, but rather that service users are more aware of what services are offered in Welsh and more confident to assert their rights.
6. Indeed, as was shown at the 2009 Welsh Language in Healthcare Conference, where a specific case and the lessons learned were considered, complaints can be drivers of positive change in the standard of service offered. In the case concerned it was shown that attitudes changed, respect for the Welsh language and culture was increased and Welsh language issues were discussed regularly at team meetings.
7. Since COMEX's previous report, the Assembly Government has required that each NHS Trust appointed a full-time Welsh Language Officers and it is disappointing that the current COMEX report does not appear to regard this as a positive development. Following the restructuring of the health service the Welsh Assembly Government has ensured that the capacity of Welsh language officers is safeguarded. A Task and Finish Group was established to provide proposals on how the current capacity of Welsh language officers in the health service is deployed effectively within the restructured NHS in Wales.
8. The Task and Finish Group agreed a set of principles to underpin the transition of Welsh language officers into the new structure in Wales. This will ensure, over time, that the performance of each LHB is brought up to the current best practice and will help also to future proof their work to take into account factors such as the proposed Welsh language legislation.

General Welsh Language Issues

The Committee noted that the Assembly Government has committed to 'seeking enhanced legislative competence' on the Welsh language; this was conferred on the National Assembly on 10 February 2010, with the approval in Privy Council of the National Assembly for Wales (Legislative Competence) (Welsh Language) Order 2010. The Committee also noted the specific legislative commitments which would be introduced by a National Assembly Measure. The Proposed Welsh Language (Wales) Measure was laid before the National Assembly for Wales on 4 March 2010. The Proposed Measure makes provision in four key areas:

- to confirm the official status of the Welsh language in Wales;
- to establish the post of Welsh Language Commissioner. The Commissioner will have wide ranging functions, including promoting and facilitating the use of the Welsh and promoting equality between the Welsh and English languages;
- to modernise the framework for the use of the Welsh language in the delivery of public services. Over time, Welsh language schemes will be replaced by Welsh language standards. This will reduce the bureaucratic burden on organisations and create greater consistency for the consumer. The Commissioner will have more powerful enforcement powers than have been available to the Welsh Language Board to ensure that Welsh language services are delivered;
- to give the Commissioner the power to investigate complaints from Welsh speakers who believe that their freedom to use Welsh with one another has been interfered with.

The Committee noted (in paragraph 176) that the commitment in regard to the use of the language in administrative authorities was only partly fulfilled, since a number of government departments had not agreed Welsh language schemes. In this context, it should be noted that the legislative competence recently conferred on the National Assembly would enable it to place statutory duties on Ministers of the Crown, including government departments.

It should be noted also that the proposed Welsh Language (Wales) Measure will introduce a system of graduated enforcement which will go some way to addressing the issue highlighted in paragraph 185, as being partly fulfilled.

The Committee noted the development of a new Welsh-medium education strategy. At the same time the Assembly Government is reviewing its Welsh language strategy, *laith Pawb*, with the intention of publishing a new strategy for the Welsh language.

The new strategy will reflect the changing legislative framework governing the language and focus effort and resources on those activities that will make the biggest difference with regard to the use of Welsh. A consultation exercise on the strategy has taken place, with an opportunity for the public and representative bodies to share their vision for the future.

The Committee (p.211) considered that the undertakings to make appropriate provision to reflect Welsh language and Culture was only partly fulfilled. The Assembly Government wishes to highlight certain activities in addition to this undertaking.

At present, it is possible to use Welsh in the Council of Ministers and the Regional Committee. Civilians have a right to write in Welsh to the Council, Regional Committee and the Commission, and to receive a reply in Welsh. The next step will be for the UK to sign an agreement with the Economic and Social Committee, the Ombudsman and the European Parliament.

The Welsh Language Board is the Chair of the Network for the Promotion of Lesser Used Languages. It remains active on a European level by sharing best practice, developing cross-cutting projects on promoting minority languages and responding to European policies.

The Welsh Assembly Government's European Office arranges cultural activities to promote the language, such as literature evenings. All invites and related literature is bilingual, and presentations on the language are often made. European policies and programmes are followed closely, with consideration given to possible effects on lesser used languages.

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(2010)4
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 21 April 2010
at the 1083rd meeting of the Ministers' Deputies)*

The Committee of Ministers,

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

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

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

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

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

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. continue to take resolute action for the protection and promotion of Scottish Gaelic in all areas, and in particular strengthen Scottish Gaelic education, especially through the training of teachers and the production of teaching and learning materials;
2. adopt and implement a comprehensive Irish language policy, preferably through the adoption of legislation;
3. ensure that health and social care facilities offer services in Welsh;
4. adopt a strategy to enhance and develop Ulster Scots, in co-operation with the speakers.