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Report of the Awareness Raising Event “The Council of Europe as a vector for the protection of linguistic and minority rights in Scotland”

Held in Glasgow 13-14 December 2023

Document prepared by the Secretariat

Introduction

The [Fifth Opinion](#) on the implementation of the Framework Convention for the Protection of National Minorities (Framework Convention) by the United Kingdom (UK) was adopted by the Advisory Committee on 8 December 2022 and published in May 2023. [Resolution CM/ResCMN\(2023\)7 on the implementation of the Framework Convention by the UK](#) was adopted by the Council of Europe's Committee of Ministers on 12 July 2023.

The [Fifth Evaluation Report](#) on the implementation of the European Charter for Regional or Minority Languages (Language Charter) by the UK and the Isle of Man was adopted by the Committee of Experts on 20 June 2018. The Committee of Ministers' [Recommendation CM/RecChL\(2020\)1](#) was adopted on 1 July 2020. In addition, the [Evaluation of the Implementation of the Recommendations for Immediate Action contained in the fifth evaluation report](#) was adopted on 22 March 2021. The [Decision CM/Del/Dec\(2021\)1407/10.4a](#) of the evaluation of the recommendations for immediate action was adopted by the Committee of Ministers on 16 June 2021.

Objective

An awareness-raising event was organised by the University of Glasgow's College of Social Sciences, in co-operation with the University's Centre for Public Policy and the University of Edinburgh. There was a public part of the meeting held on 13 December 2023 at the Hunterian Art Gallery, which focused on raising awareness of Council of Europe standards on minority protection and how individuals and organisations might engage with the monitoring bodies. Recommendations were also presented from the two bodies, and the Scottish Government responded. On 14 December, an invitation-only event hosted by BEMIS Scotland (a Minorities-led umbrella body supporting the development of the Ethnic Minorities Voluntary Sector in Scotland and the communities that this sector represents)¹ gave the possibility to stakeholders to discuss in more detail the recommendations made and the relevant teams in the Scottish Government were also able to give a fuller response. This gave a chance to all participants to air their views in a neutral venue.

Participants, programme and public session

The Dean of External Engagement of the University of Glasgow, Graeme Roy, welcomed participants and highlighted the importance the University attaches to its international status. David Smith, member of the Advisory Committee in respect of the UK and principal organiser of the event, welcomed participants. Harald Scheu, member of the Advisory Committee in respect of the Czech Republic, gave an overview of the Council of Europe as a common roof under which various human rights, democracy and rule of law-related issues sit. He also explained the origins of the Framework Convention and its conceptual frame, as well as some of the general findings of the Advisory Committee with regard to the UK. Aleksandra Oszmiańska-Pagett, Chair of the Committee of Experts and member in respect of Poland, introduced the Language Charter's conceptual frame and the obligations entered into by the UK in this respect. David Smith and Rob Dunbar, member of the Committee of Experts in respect of the UK and co-organiser of the event, explained the monitoring process and how civil society organisations could get involved.

Questions were asked as to the scope of application of both treaties, with a number of issues raised as to the protection of languages of migrant groups. It was explained that, whilst the Language Charter is limited to languages spoken traditionally in each state party, the UK provides for a broad scope of application under the Framework Convention, following an article-by-article approach, making it more flexible in this respect. Scots speakers also expressed their wish of increasing the level of protection for the Scots language under Language Charter and extending to undertakings under Part III. Emphasis was also placed on the importance of academic research from across a broad range of fields in informing evaluations of the committees.

¹ BEMIS <https://bemis.org.uk/>.

There was subsequently an exchange on the recommendations made by each body addressing the situation in Scotland. The Scottish Government responded with progress made since the adoption of the opinion in December 2022, as well as their views as to the substance of the findings and recommendations of the two committees. They indicated willingness, in particular, to pursue the increase in the level of ratification of the Charter for Scots. Responding to findings of unmet demand for Gaelic Medium Education in heartland communities, they also highlighted progress made with regard to Scottish Gaelic, and the attention they pay also to heartland communities in the Highlands and Islands to meet demand for Gaelic language education across the board. The Scottish Government explained how the recently introduced Scottish Languages Bill would also respond to these concerns (see in more detail below).

Detailed report of the sessions (14th December)

1st session – languages in Scotland

Following the presentation of the relevant findings and recommendations in relation to languages by the Chair of the Committee of Experts, the Scottish Government representatives responded initially by pointing out that critical international engagement is very useful for those working for minority languages to make its points heard across government. The representatives from the languages team stated that the Scottish Languages Bill (see below) would recognise for the first time an official status for the Scots language. It may also offer an opportunity to revisit the increased ratification for Scots under the Language Charter, and upgrading undertakings more widely.

The Scottish Government underlined that they put a lot of effort into stimulating demand for Gaelic Medium Education – so in a sense unmet demand is a sign of success. They further recalled that meeting demand expressed in Portree and Edinburgh took some ten years to put in place. They stressed the political dimension of this too, and stated that whilst in their view, Scottish Gaelic is in a good position, there is still more to do.

Representatives of Gaelic speaking organisations stated that, in their view, the situation is difficult. They described a veneer over a situation of general decline, despite the wide-ranging action from the Scottish Government. The language has undergone a kind of hollowing out over time, for instance there are cases of secondary schools where only around half the teachers speak Gaelic, meaning that classroom discussion and overall decision-making will generally take place in English. Gaelic Medium Education, in their view, makes the situation look good, but the reality is a much weaker position of the language than on paper. This raises a serious question of where to go from here, and to look into other possibilities which would give students functional fluency in Gaelic and a sense of it as a modern and living language. They also stressed the need for students to understand better and be empowered to positively choose the language themselves, and not have it imposed upon them by parents, emphasising the importance of youth engagement in the language as a pre-condition to its adequate development. Other representatives present highlighted that the undertakings committed to under the Language Charter by the UK were under-ambitious and merely reflected existing practice in the 1990s.

Regarding the Scots language, representatives highlighted the wide range of activities undertaken and the level of demand for the language in education outstripping expectations. They pointed out that 100 people were recruited to teach it, compared to the expected 25. They however regretted the lack of a mechanism to report the demand which would be useful. They also highlighted the importance of media agreements to include clauses for Scots in order to promote the prestige of the language. Imbalances among languages within the UK in media and lack of increase in funding were raised as an issue of concern. Representatives of Scots speakers underlined that there is a momentum-building going on with a strong bottom-up movement to protect and promote the language, however, there is a strong need for better communication channels to show the progress and the desire from speakers to bring Scots language into education. In this regard, they also stressed the lack of recognition of teacher qualifications and the role this plays into the visibility and lack of prestige of the language in education.

It was also pointed out that academic research could play a positive role in measuring demand through interviews with students, for both Scottish Gaelic and Scots.

Overall, it was underlined that Scotland does not have the same institutional density as for instance Wales possesses in terms of the institutionalisation of bilingualism there. There is insufficient awareness within the Scottish Government about the Gaelic language plan, for example. Equally, it was noted that 95% of students go through the entirety of their education with no exposure to Gaelic.

The question of languages spoken by Gypsy, Roma and Traveller communities in the UK and the potential recognition under the Language Charter was also raised by participants.

It was underlined that the Charter and Framework Convention do not provide quick solutions, but function as guides. They show where there are gaps and can guide resolute action, and provide a structure for a dialogue. They guide also how far the NGOs can push and how far the governments may go – balancing the willingness of the state and the desire of the speakers.

2nd session – ethnic minorities and hate crime/intolerance

Harald Scheu introduced the Advisory Committee's recommendations relating to these issues in Scotland. The Scottish Government responded by opening a discussion on Scotland's historical treatment of indigenous minorities, such as Gypsy/Travellers, and the history of nationalism which has tended to target such groups. Dealing with that legacy of trauma is an ongoing struggle. However, they pointed out some progress in that these groups are now clearly seen as rights-holders and as minorities, whereas this would not have been the case 10 or 15 years ago. The question now is whether this is reflected through the actions of the state at all levels, and there is a need to boost capacities at local level to manage this. There is also too little understanding of the effects of indirect discrimination and the wider implications this has – for instance banning people in vans from disposing of rubbish at municipal collection centres meaning Gypsy/Traveller individuals cannot effectively dispose of their rubbish – leading to heightened community tensions.

A broader discussion was had about the role of "colour" in dealing with racism in the UK context, and it was underlined that the recently established anti-racism observatory will only focus on skin colour as a grounds for prejudice. It was pointed out that this raised concerns for Gypsy/Traveller communities as well as linguistic minorities such as Gaelic or Scots speakers.

A Roma representative highlighted the need for greater support for Roma culture, and to use this to foster inclusion of Roma in Scottish society. "Cultural deprivation" of Roma people was raised to be one of the main barriers for social inclusion of Roma and therefore put forward the use of cultural rights as a means to social progression. They indicated feeling invisible in the eyes of the Scottish authorities, and that there were too few Roma leaders or Roma experts involved in action, thus asking for efforts to be made to invest in developing Romani leadership.

A Polish community representative underlined the high rates of domestic violence and male suicide in the Polish community. They are continually advocating better access to services including through ensuring that interpretation and translation are adequately provided following the duty on public authorities to do this; too often, it was said, this is seen as a favour and not a necessity. Likewise, mental health services are insufficient, and in terms of data on hate crime, that information is not there. They stressed that colour was an insufficient measure of the breadth of experience of intolerance and hatred, and argued also that institutional racism does not discriminate based on colour alone.

Related to hate crime, those present welcomed the changes and the compulsory collection of data. Again, however, there was regret at the focus on colour. Nevertheless, they emphasised the need for support for victims and informing wider society about what acceptable behaviour is. Tackling attitudes is therefore a key tenet of the Anti-hate crime Strategy developed by the Scottish Government. Likewise, they focus on the empowering role of culture to address attitudes.

Stakeholders also raised the importance of language being explicitly recognised as a grounds for hate crime, in particular for the Scots and Gaelic language communities. The Equality and Human Rights Commission has stated that it may look into providing guidance on the interpretation of the Equality Act (2010) as to language being included as a grounds for discrimination within the notion of “race”. The Scottish Human Rights Commission raised as a counterpoint that many of their stakeholders are satisfied with the Scottish Government’s work on this, including in addressing colour-based racism.

The need to co-ordinate across communities and between different organisations was also highlighted. For instance, successful work for the Urdu speaking community and the Scottish Qualifications Authority (SQA) to address the teacher shortfall and building a strategy to address teaching of Urdu could contain valuable lessons for the Scots and Gaelic communities.

3rd Session – presentation of new Scottish legislation by the Scottish Government

The Scottish Languages Bill (as introduced in November 2023)² was presented to the attendees. Scottish Government representatives highlighted particular novelties, such as the ability for local authorities to designate areas of linguistic significance for Gaelic if at least 20% of the population have Gaelic language skills, or the area has a historical connection with the use of Gaelic, or the area provides Gaelic Medium Education or hosts other significant Gaelic activity. For Gaelic too, there would be a requirement for the Scottish Government to draw up a National Gaelic Language Plan, which Bòrd na Gàidhlig would be required to report on (as opposed to the present situation where the Bòrd is tasked with presenting the Plan themselves). Duties of local authorities to provide Gaelic education would also be clarified, as would Scottish Ministers’ power to set standards. For Scots, there would be a statutory obligation on the Scottish Government to produce a strategy, and a duty to promote the use of Scots, including in education. The aim of these measures collectively is to instil a permissive approach to minority language education in Scotland, and provide the policy levers so that access to minority language education is effective in practice.

Questions were asked by participants about why no body had been designated with monitoring the Strategy for Scots, as to how the thresholds for the areas of special linguistic significance would be decided in practice, how “historical connection” was meant to be interpreted, and what the effects will be of such a designation. The question of the potential benefit of having a dedicated Language Commissioner was stressed by participants. The employment of development officers for Scots was also highlighted as a potential future area of action.

Donald Campbell of MG Alba provided an overview of the current available minority language broadcasting in the UK, including in Scottish Gaelic and Scots, and highlighted the obligation under the Language Charter to provide quality media content. He pointed out that a new UK Media Bill is currently under discussion, but that the text remains very general and provides no specific guidance or standards. Finally, he emphasised the social and cultural added value of quality media and relevant media content in in regional or minority languages and the need for assessing it.

Responding to concerns raised by the Advisory Committee about the socio-economic participation of Gaelic speakers in heartland communities, the Scottish Government presented the outline of the Rural and Islands Housing Action Plan in October 2023, which will provide 110 000 affordable homes by 2032, of which 10% will be in rural and island areas. The Working Group on economic and social opportunities for Gaelic was also mentioned in this context, as its 38 recommendations are now being looked at in a cross-government steering group to look at what could be done.

The Scottish Government Human Rights Team presented the ideas and proposed content of a new Scottish Human Rights Bill, which is currently in the drafting stage and should be introduced to the Scottish Parliament by the summer 2024. It would aim to include United Nations (UN) Conventions under Scottish Law, akin to the process attempted for the incorporation of the UN Convention on the Rights of the Child

² Scottish Parliament, Bills and Laws, Scottish Languages Bill (as of 26 February 2024), at: <https://www.parliament.scot/bills-and-laws/bills/scottish-languages-bill>.

into Scottish Law. The overall aim would be to make the rights contained in those UN Conventions accessible and real for all people in Scotland. Whilst attendees welcomed the overall intentions, they were conscious that no detail has yet been elaborated in the legal drafting – and that seeing those legal provisions and how specific they are compared to the original treaty obligations (which may be too general to be helpful to Scotland) would be important.

Outcomes and conclusions

Awareness was raised on both the FCNM and the ECRML, as well as on how to engage with their respective monitoring processes by civil society in Scotland, including of those who were already familiar with the mechanisms. In particular, awareness of the linguistic rights under the FCNM and how CSOs could engage with the ACFC was raised. The distinctive features of each treaty were also highlighted and understanding of the differences among rights-holders and duty-bearers was solidified.

The event promoted in depth and detailed discussions on what kind of information is required by the Committees when evaluating compliance with the FCNM/ECRML. These included close monitoring of new policy and legislative developments and their impact on the ground, the role of and need for inclusion of academic research in the monitoring process, and which issues might require specific attention in the upcoming monitoring cycles.

The event provided a neutral platform for discussion between civil society and policymakers, facilitating the dialogue across issues and minority communities, offering the place for common ground and promoting active and meaningful participation in the context of ongoing legislative developments, particularly around language policy. The event also manifestly raised the confidence of Scottish Government officials in the work of the two monitoring bodies, and they greatly appreciated the attention paid to Scotland in attending this event in person, and with such participation.

Finally, it provided an opportunity to further enhance co-operation between both monitoring bodies, the FCNM and the ECRML, and highlighted their complementarity in the field of protection of national minorities and minority languages.

Appendix – Programme

Awareness-Raising event: the Council of Europe as a vector for the promotion of linguistic and minority rights in Scotland

13 – 14 December 2023

Wednesday 13 December 2023 – Open event

Venue: Hunterian Art Gallery

2.00-2.30 Opening remarks

David Smith, Professor, School of Social and Political Sciences, University of Glasgow and member of the Advisory Committee on the Framework Convention for the Protection of National Minorities in respect of the UK

Graeme Roy, Dean of External Engagement and Deputy Head of College of Social Sciences, University of Glasgow

Margaret Mary Murray, Head of BBC Gaelic Broadcasting, BBC Alba

2.30-2.45 Council of Europe standards on minorities – the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages

Harald Scheu, member of the Advisory Committee on the Framework Convention for the Protection of National Minorities in respect of the Czech Republic

Aleksandra Oszmiańska-Pagett, Chair of the Committee of Experts of the European Charter for Regional or Minority Languages

2.45-3.00 Monitoring mechanisms and how to engage with them

David Smith, member of the Advisory Committee on the Framework Convention for the Protection of National Minorities in respect of the UK and University of Glasgow

Rob Dunbar, Chair of Celtic Languages, Literature, History and Antiquities, University of Edinburgh and member of the Committee of Experts of the European Charter for Regional or Minority Languages in respect of the UK.

3.00-3.30 Open floor

3.30-3.45 Coffee/tea break

3.45-4.45 Reports and recommendations on the United Kingdom from the 5th monitoring cycle: Roundtable discussion and open Question & Answer session

Harald Scheu, member of the Advisory Committee on the Framework Convention for the Protection of National Minorities in respect of the Czech Republic

Aleksandra Oszmiańska-Pagett, Chair of the Committee of Experts of the European Charter for Regional or Minority Languages

Lara Cook, Hate Crime Team, Scottish Government

Lucy Allan, Hate Crime Team, Scottish Government

Claire Cullen, Gaelic and Scots Division, Scottish Government

Douglas Ansdell, Gaelic and Scots Division, Scottish Government

4.45-5.00 Conclusions of the day

Thursday 14 December 2023 – invitation only

Venue: Merchants House of Glasgow

9-12.30 Welcome and opening address

Danny Boyle, Senior Parliamentary and Policy Officer, BEMIS

Thematic Discussion on findings concerning Scotland

Theme 1: Language focus

Moderator: David Smith, University of Glasgow and FCNM Advisory Committee

- Presentation of findings by Aleksandra Oszmiańska-Pagett
- Response by Claire Cullen and Douglas Ansdell, Scottish Government
- Open discussion

Theme 2: Ethnic minorities and hate crime and intolerance

Moderator: Danny Boyle, Senior Parliamentary and Policy Officer, BEMIS

- Presentation of findings by Harald Scheu
- Response by Duncan Isles, Scottish Government
- Response by Lucy Allan, Scottish Government
- Open discussion

12.30-1.30 Lunch break

1.30-4pm Workshop on the Scottish Languages Bill and the Human Rights Bill for Scotland

Scottish Languages Bill

Moderator: Rob Dunbar, University of Edinburgh and ECRML Committee of Experts

Presentation by Claire Cullen and Douglas Ansdell, Gaelic and Scots Division, Scottish Government

Open discussion

Human Rights Bill for Scotland

Moderator: David Smith, University of Glasgow and FCNM Advisory Committee

Presentation by Duncan Isles, Head of Human Rights Policy, Scottish Government

Open discussion

4-4.30pm Concluding Remarks

Harald Scheu, member of the Advisory Committee on the Framework Convention for the Protection of National Minorities

Aleksandra Oszmiańska-Pagett, Chair of the Committee of Experts of the European Charter for Regional or Minority Languages

Duncan Isles, Head of Human Rights Policy, Scottish Government

Claire Cullen and Douglas Ansdell, Gaelic and Scots Division, Scottish Government