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EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES

**Evaluation by the Committee of Experts
of the Implementation of the Recommendations for Immediate Action
contained in the Committee of Experts' fifth evaluation report on the
UNITED KINGDOM and ISLE OF MAN**

Introduction

1. The European Charter for Regional or Minority Languages (hereafter referred to as “the Charter”) is a treaty of the Council of Europe putting obligations on its states parties to protect and promote the country’s traditional minority languages in all fields of public life: education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, and transfrontier exchanges. The Charter was ratified by the United Kingdom on 27 March 2001, entered into force on 1 July 2001 and applies to the following languages: Cornish (covered by Part II), Irish (Parts II and III), Manx Gaelic (Parts II and III), Scots (Part II), Scottish Gaelic (Parts II and III), Ulster Scots (Part II) and Welsh (Parts II and III). On 23 December 2020, the United Kingdom notified the Secretary General of the Council of Europe that it will apply also Part III to Manx Gaelic in respect of the territory of the Isle of Man, in accordance with the decision taken by the Isle of Man authorities.

2. The Committee of Experts monitors the implementation of the Charter. Each state party shall present a periodical report on the implementation of the Charter every five years. Based on the full evaluation report by the Committee of Experts, the Committee of Ministers formulates its recommendations to the state party.

3. In the mid-term of every five-year monitoring cycle i.e. two and a half years after the due date of its periodical report, the state party must present information on the implementation of every **recommendation for immediate action**¹ that the Committee of Experts has made in its evaluation report. The Committee of Experts then adopts an evaluation of the implementation of these recommendations. “Further recommendations” by the Committee of Experts on how to improve the protection and promotion of the regional or minority languages in the state concerned are examined after reception of the next periodical report and the on-the-spot visit to the state party. Five-yearly periodical reports shall contain comprehensive information about the implementation of all Charter undertakings and all recommendations by the Committee of Experts and the Committee of Ministers.

4. The United Kingdom was expected to present **information on the implementation of the recommendations for immediate action** contained in the Committee of Experts’ fifth evaluation report² by 1 July 2020; this information was submitted on 5 January 2021. This **evaluation of the implementation of the recommendations for immediate action** is based on the information received from the United Kingdom authorities as well as from associations representing the Cornish, Irish, Manx, Scottish Gaelic, Scots and Ulster Scots speakers pursuant to Article 16.2 of the Charter.³ As far as the compliance of the United Kingdom with all its undertakings under the Charter is concerned, the Committee of Experts refers to its fifth evaluation report. The Committee of Experts will examine the implementation of all of the recommendations concerning all of the minority languages in the next evaluation report.

5. In the information on the implementation of the recommendations for immediate action, the United Kingdom authorities have, on their own initiative, also reported on the implementation of all of the recommendations, including further recommendations, made by the Committee of Experts in the last monitoring cycle. The Committee of Experts has used the additional information in its evaluation, where appropriate. The extensive information provided in respect of Welsh – for which no Recommendations for Immediate Action were issued in the fifth evaluation report – has been noted by the Committee of Experts, especially in relation to the responses to the Covid-19 pandemic. However, this interim evaluation of measures taken by the United Kingdom to implement the recommendations for immediate action is limited in scope to those recommendations;⁴ as such, the Committee of Experts is not able to assess the measures taken in respect of Welsh, but will evaluate the fulfilment of the undertakings in the next evaluation report.

6. This evaluation was adopted by the Committee of Experts on 22 March 2021.

¹ In accordance with Committee of Ministers Decisions “Strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages” (CM/Del/Dec(2018)1330/10.4e), para. 1.a.

² CM(2019)84, https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=0900001680948544.

³ In accordance with the Rules of Procedure of the Committee of Experts (MIN-LANG(2019)7), Rule 17, paras. 1-6

⁴ In accordance with Committee of Ministers Decision CM/Del/Dec(2018)1330/10.4e, para. 1.a. See also CM(2018)165 “Strengthening the monitoring mechanism of the European Charter for Regional or Minority Languages” paras. 16-18.

Examination of the implementation by the United Kingdom and Isle of Man of the recommendations for immediate action

I. General issues

Implementation of recommendations in co-operation with minority language speakers

7. Since the adoption of the fifth evaluation report, according to representatives of regional or minority language speakers, the United Kingdom authorities have not specifically consulted them about the implementation of the recommendations contained therein. Furthermore, and with the exceptions of Cornish speakers, who were consulted by Cornwall Council, and Manx speakers consulted by the Isle of Man authorities, there has been no consultation in the context of the preparation of the Information on the Implementation of the Recommendations for Immediate Action, which the Committee of Experts regrets. In conformity with Art. 6 and 7(4) of the Charter, it is equally as necessary to have the views of the speakers of regional or minority languages included in the state's periodical report as it is in the Information Document on the Implementation of the Recommendations for Immediate Action.

8. As in the fifth evaluation report, the Committee of Experts wishes to stress the high interest of NGOs in the Charter and their very active role in implementing and monitoring it. The Committee of Experts received a considerable number of statements submitted pursuant to Article 16 (2) of the Charter from bodies and associations. This information was very helpful in the course of the evaluation of the application of the Charter and the Committee of Experts would like to again express its appreciation to these organisations for their valuable contributions.

9. The Committee of Experts reminds the authorities that recommendations made in the monitoring procedure aim to support and accelerate the full implementation of the Charter. Considering Article 6 and 7(4) of the Charter, the Committee of Experts invites the United Kingdom authorities, at the time of publication of an evaluation report or an evaluation of the implementation of the recommendations for immediate action, to inform the representatives of the minority language speakers of the recommendations by the Committee of Ministers and the Committee of Experts and to implement these recommendations in co-operation with the speakers. Furthermore, the Committee of Experts reiterates that the authorities should include the views of the representatives of the minority language speakers in their periodical report and in the Information on the Implementation of the Recommendations for Immediate Action.

Use of regional or minority languages during the Covid-19 pandemic

10. The Committee of Experts appreciates the information received relating to the Covid-19 pandemic, particularly in relation to the Welsh language. The Welsh authorities have launched reviews into the impact of the pandemic on Welsh language provision, both in the 'More than Just Words' strategic framework and the 'Together for Mental Health' strategy. Additionally, the Welsh Language Partnership Council is considering the impact of the pandemic and lockdowns on Cymraeg 2050 in terms of education, community language use and the economy. The Committee of Experts strongly welcomes the level of monitoring and review with regard to Welsh and considers that it could be followed elsewhere in the United Kingdom where appropriate.

11. More concretely, the Welsh Government has taken action on the impact of the pandemic on Cymraeg 2050 (the strategy aiming for one million Welsh speakers by 2050), particularly in education by ensuring that children and parents/carers received support during school closures and their reopening and ensuring a 'renewed online approach to adult Welsh language learning'. Diversifying quickly to online education has also been beneficial for the National Centre for Learning Welsh, which in 2020 reported the highest number of individuals registering for 'taster courses' over the past three years. Moreover, the Welsh authorities have provided £3.1 million of funding to an organisation of Welsh speakers to make up for a shortfall in funding and to assist it in providing Welsh-language services during the pandemic. The Scottish Government, through Bòrd na Gàidhlig, also provided funding for resources to help students with distance learning in

Scottish Gaelic during the closure of schools.⁵ Additionally, the BBC published resources for 'lockdown learning' in Irish, Scottish Gaelic and Welsh.⁶ The Committee of Experts underlines that active measures such as these are vital in order to protect and promote regional or minority languages during crises.

12. In terms of the impact of the pandemic on education, the difficulties arising from the conversion from face-to-face teaching to online education do not generally depend on the language of instruction. However, according to the Committee of Experts, it might be that classes of and in minority languages are in an unfavourable situation compared to classes in the state language/s. In all States Parties to the Charter, there are significantly more alternative audiovisual education materials available in the state language/s from various official and unofficial sources. The Committee of Experts will pay attention to the new challenges in education with respect to the teaching of and/or in regional or minority languages and will welcome lessons drawn from the 2020/2021 health crisis in the next periodical report by the United Kingdom.

13. National guidance on coronavirus regulations and hygiene recommendations has also been made available by the Welsh and UK Governments in the Welsh language, among other languages, and the Scottish authorities have also provided information on regulations in Scottish Gaelic, also among other languages.⁷ The Committee of Experts reiterates that according to the Charter, regional or minority languages should be used in all contexts and, therefore, regional, and local authorities should make active use of regional or minority languages in their response to the pandemic. The communication of relevant recommendations in all minority languages is important for the health and well-being of the speakers of regional or minority languages. In line with the statement issued by its Chair in March 2020,⁸ the authorities' efforts to communicate in languages other than English at all stages of the pandemic are particularly welcome.

⁵ <http://parant.org.uk/index.php/covid-19-resources>.

⁶ See <https://www.bbc.co.uk/bitesize>.

⁷ <https://www.gov.scot/publications/coronavirus-covid-19-stay-at-home-infographic/> Scotland Regulations (Scottish Gaelic and others); <https://llyw.cymru/lefel-rhybudd-4> Wales Regulations (Welsh); https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/952671/National-Lockdown-8th-Jan-Welsh.pdf UK government regulations (Welsh); <https://icc.gig.cymru/pynciau/imiwneiddio-a-brechlynnau/gwybodaeth-brechlyn-covid-19/> Wales Vaccine information (Welsh).

⁸ Chair of the Committee of Experts, '[Communication in RMLs of utmost importance in global medical crises](#)', 25 March 2020.

II. Recommendations for immediate action

1. Cornish

Recommendation for immediate action

Devolve responsibility and provide funding to the County of Cornwall and the Cornwall Council for the promotion of Cornish.

Implementation measures taken by the United Kingdom authorities

14. No additional responsibility for the promotion of Cornish has been devolved, but the authorities state that Cornwall Council “almost entirely holds responsibility on language planning and funding”, as one of its many responsibilities. As such, Cornish language promotion and protection is subject to “competing pressures” and hence debate at county level. Cornwall Council “has suggested that allocating an identified lead on language planning for Cornish and a funding allocation would remove the issue from local political debates” and “believes that they would be well placed to deliver this duty”. The United Kingdom authorities continue to state that Cornwall Council cannot be represented as a member on the British-Irish Council, as it is not a devolved nation, but that it continues to have observer status and is formally represented by the British Government.

15. In terms of funding, the United Kingdom authorities state that they continue to support Cornish, for example by providing £150 000 in 2019/20 to Cornwall Council for Cornish-language projects,⁹ including the creation of basic resources for teaching and using Cornish, but they do acknowledge that they were not able to provide this funding in 2020/21. Cornwall Council was seeking to establish a memorandum of understanding with the United Kingdom Government from 2018-2019 to establish clear and sustainable policy support for Cornish, along with regular funding, but the authorities state that this was not continued and is no longer being actively pursued.

16. In statements submitted to the Committee of Experts, representatives of the Cornish speakers point out that whilst Cornwall Council was responsible for Cornish language protection and promotion, the specific funding necessary for successfully carrying out those responsibilities was not provided. Some representatives also pointed to a decline in the use of Cornish in public life as a result. On funding, representatives pointed out that the previous funding provided had been maximized in terms of outcomes, but that without subsequent sustainable support, much of the progress that the previous grant achieved would be lost. Other representatives also highlighted that the sustainability of any measures taken remains in question as long as funding is on this ad hoc basis, and that membership of the British-Irish Council should still be considered for Cornwall Council.

Evaluation by the Committee of Experts and further action needed

17. The Committee of Experts regrets that Cornwall Council has not had further responsibilities devolved to it. It considers that devolving these responsibilities would also provide greater clarity to the local authorities as to their role in protecting and promoting Cornish, and would offer the opportunity to set out the measures to be taken across different fields in order to promote the use of Cornish. Further responsibility could also be given through the British-Irish Council, to allow Cornwall Council to fully benefit from the experience and expertise of the devolved nations. The Committee of Experts welcomes Cornwall Council’s open approach to taking responsibility for the protection and promotion of Cornish, as it welcomes the fact that Cornwall Council consulted representatives of Cornish speakers during the drafting of its section of the UK’s submission.

18. The Committee of Experts welcomes the additional funding provided in 2019/20, but regrets that it has not been made sustainable, and indeed that funding was not provided in 2020/21. The Committee of

⁹ [Information Document](#) on the implementation of the Recommendations for Immediate Action based on the 5th monitoring cycle, submitted by the United Kingdom on 5 January 2021, para 2.

Experts considers that this situation highlights the need for sustainable and regular funding. Further, the devolution of responsibility must be met with dedicated and sustainable funding, and that this could remove language protection from competing budgetary pressures and political concern by separating its budget from the Council's other responsibilities.

19. The Committee of Experts maintains its view that the United Kingdom authorities should proceed with the formal devolution of responsibility, along with clearly defined and delineated measures for the protection and promotion of the Cornish language, to Cornwall Council. The fields of devolved responsibility should include those covered by Part II of the Charter, especially education and media. Moreover, this should include specific and dedicated funding for such measures as are defined, which should be sustainable and regular, allowing for progressive action to maintain the revitalisation of Cornish, and depoliticising the issue of the promotion of Cornish. Equally, the measures and funding provided should be reviewed regularly in consultation with Cornish speakers in order to ensure they continue to meet identified needs. The UK authorities should again consider giving Cornwall Council a more active and independent role in the British-Irish Council.

2. Irish

Recommendation for immediate action

a. Adopt a comprehensive law and a strategy on the promotion of Irish in Northern Ireland.

Implementation measures taken by the United Kingdom authorities

20. Neither a law nor a strategy for the promotion of Irish in Northern Ireland has been adopted. The United Kingdom authorities state that the absence of a functioning Executive in Northern Ireland between 2017-2020 has hampered progress on this recommendation. They also state that there have been resourcing issues which resulted in the 'Interdepartmental Charter Implementation Group' not meeting since 2016.

21. The United Kingdom authorities report that the agreement which restored the Northern Ireland Executive in January 2020 (New Decade, New Approach deal) included commitments for the Irish language. The agreement foresees three amendments to the Northern Ireland Act (1998),¹⁰ one of which would offer official recognition of the Irish language for the first time, repeal the 1737 Administration of Justice Act prohibiting the use of Irish in courts, which as previously stated is considered discriminatory by the Committee of Experts,¹¹ and institute an Irish Language Commissioner. The amendments have not yet been submitted to the Northern Ireland Assembly. The stated aim of the Irish Language Commissioner would be "to protect and enhance the development of the use of Irish by public authorities". In doing so, the Commissioner should prepare best practice standards for use by public authorities, support those authorities in the implementation of standards, monitor the implementation and investigate complaints that such standards are not being followed.¹² The standards imposed on public authorities drawn up by the Commissioner must be "reasonable, proportionate and practical"¹³ and must be approved by the First Minister and Deputy First Minister. The stated "first priority" of the Commissioner is to facilitate interaction between speakers and public authorities – making official forms and information available in Irish, having websites translated into Irish, and enabling communication between authorities and speakers in Irish.¹⁴

22. The United Kingdom authorities informed the Committee that the New Decade, New Approach Deal also set a timeline of six months for the drawing up of an Irish language strategy,¹⁵ which has not been met.

¹⁰ 'New Decade, New Approach', Annex E, Section 5.5.22-25. Available online: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/856998/2020-01-08_a_new_decade_a_new_approach.pdf.

¹¹ CM(2019)84, para 13.

¹² 'New Decade, New Approach', Annex E, Section 5.5.8.

¹³ 'New Decade, New Approach', Annex E, Section 5.10.3.

¹⁴ 'New Decade, New Approach', Annex E, Section 5.11.

¹⁵ 'New Decade, New Approach', Annex E, Section 5.21.3.

According to the authorities, in November 2020, the devolved administration agreed to an Irish Language strategy to be drawn up at the same time as an Ulster-Scots Language, Heritage and Culture strategy. The authorities state that the strategy should be published by the end of 2021.

23. In statements submitted to the Committee of Experts, representatives of Irish language speakers highlighted their concern at the lack of reporting by the UK or Northern Ireland authorities in the UK's submission. Some highlighted their concern that the Interdepartmental Charter Implementation Group has not met since 2016, as reported in the UK's submission, and that they have not been informed why this is the case. They reported moreover that the Irish language commitments of the 'New Decade, New Approach' deal remained to be implemented. Representatives understood that some of this delay in implementation could be attributed to the Covid-19 pandemic. The creation of an Irish Language Commissioner was welcomed by representatives as an opportunity to develop an effective institutional structure, but concerns have been expressed that the commissioner would not be entirely independent from the Executive, and that the amendments as a whole fall short of the demand for an Irish Language Act. There are, for example, no provisions relating to the display of public signage in Irish. Representatives of Irish language speakers also expressed concern that no strategy had yet been adopted by the Northern Ireland Executive and that the ongoing delay would result in such a strategy being politicised during the run-up to the Assembly elections in May 2021. Overall, representatives maintained their wish for a comprehensive Irish Language Act.

Evaluation by the Committee of Experts and further action needed

24. The Committee of Experts regrets that no law or strategy on the Irish language has been adopted. Given the risks of political tension around the Irish language, the Committee of Experts reiterates that efforts should be made to ensure that the promotion of Irish is, as far as possible, depoliticised. The methodology of the presentation before the Assembly of the amendments to the Northern Ireland Act is a step in the right direction on this point, although it is clear that challenges remain.

25. However, the measures set out in the January 2020 agreement, including the aforementioned amendments, whilst welcome, do not offer the comprehensive approach a law and strategy would provide. For instance, there are no measures foreseen on education, access to public services, or cultural activities, and the majority of the powers of the proposed Irish Language Commissioner focus on communication with public authorities, while its mandate as currently foreseen differs from the 'Ulster Scots/Ulster British Commissioner'. Furthermore, questions remain about how Irish would be protected in practice.

26. Therefore the Committee of Experts reiterates that an Irish Language Act would provide the basis for comprehensive and structured policy for the promotion of Irish in Northern Ireland, which would enable resolute action on the protection and promotion of Irish, in line with the United Kingdom's undertakings under the Charter. In this context, the Committee of Experts considers that, even once the measures contained in the January 2020 agreement are enacted, there remains a need for a comprehensive Irish Language Act.

27. Concerning an Irish Language Strategy, the Committee of Experts encourages the authorities to adopt this as swiftly as possible. It notes further that the development of an Irish Language Strategy have been committed to in the past, notably under the Northern Ireland Act 1998¹⁶ and the St Andrew's Agreement of 2006, and as such is a domestic legal requirement as well as an obligation under the Charter. In concrete terms, the strategy should contain goals and milestones, and concrete measures in education, culture and other spheres of public life, along with opportunities for review and periodic monitoring in consultation with Irish speakers.

28. The Committee of Experts maintains its position that an Irish Language Act and a strategy are integral to the protection and promotion of Irish in Northern Ireland. It cannot but reiterate its previous recommendations to this effect. It welcomes that the proposed amendments to the Northern Ireland Act provide official recognition to Irish, but is concerned that these amendments have not been adopted, and

¹⁶ Northern Ireland Act 1998, Section 28D(1).

that their scope is somewhat limited vis-à-vis an Irish Language Act. It asks that further consideration be given, in these amendments, to making express provision for specific language rights, such as in the fields of education, access to public services, public signage and cultural activities. As for the strategy, this ought to contain at least the substance of the undertakings under the Charter in respect of Irish. The authorities should, furthermore, consider aligning the mandates of the Irish Language Commissioner and the 'Ulster Scots/Ulster British Commissioner' as currently foreseen in the laws. Moreover, it asks that the Department for Communities under the Northern Ireland Executive take steps to expedite the development and adoption of an Irish Language Strategy.

Recommendation for immediate action

b. Provide the basic and further training of a sufficient number of teachers teaching in Irish.
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Implementation measures taken by the United Kingdom authorities

29. The authorities stated that each year, from 2018-2021, 28 additional teachers were trained in teaching in Irish.

30. In statements submitted to the Committee of Experts, representatives of Irish language speakers reported that although demand for Irish-medium education is growing, there remains a shortage of appropriately qualified teachers. They suggested that models used elsewhere in the United Kingdom could be applied in Northern Ireland to ensure a sufficient number of Irish-medium teachers. They pointed out that university teacher training courses should enable Irish to be taken along with other subjects, including through increasing admissions at certain universities already offering such courses, or offering incentives to students. In the short term, they stated that an intensive course in immersion and language teaching should be offered for Irish. Other representatives noted that a strategy is urgently needed to increase the number of teachers able to teach in Irish, which may include training English-medium subject specialists to teach in Irish, or targeting those already with some ability in Irish to increase their knowledge. They also pointed to more concrete action needed in schools on careers advice and guidance, where the benefits of learning Irish should be highlighted.

Evaluation by the Committee of Experts and further action needed

31. The Committee of Experts regrets the lack of sufficient progress in the field of teacher training. It considers that there is an urgent need for increased numbers of teachers able to teach fully in Irish. This concerns, in particular, the training of teachers able to use Irish at pre-school and to teach subjects at secondary level, taking into account the particular educational needs in immersion education. The Committee of Experts observes that the lack of teachers able to teach in Irish is systemic, reflective of a necessity to plan more strategically and for the long-term need for teachers in Northern Ireland. Furthermore, it notes that representatives of Irish speakers have been proactive in seeking solutions to this shortage.

32. The Committee of Experts asks that the authorities work with representatives of Irish language speakers to develop a long-term strategy to tackle this shortage, as well as short-term remedies such as incentives to students (such as further bursaries, guaranteed employment or salary bonuses) and intensive courses to boost capacities to teach in Irish. The Committee of Experts reiterates its previous recommendation that the authorities should take steps to provide basic and further training of a sufficient number of teachers in Irish.

3. Manx Gaelic

Recommendation for immediate action

Make available primary education in Manx Gaelic in additional municipalities.

Implementation measures taken by the Isle of Man authorities

33. Primary education in Manx Gaelic continues to be provided at the Bunscoil Ghaelgagh. The Isle of Man authorities state that the expansion of teaching in Manx Gaelic at primary level, as recommended by the Committee of Experts, is found in the measures contained in the Manx Language Strategy 2021-2026. Monitoring will take place in order to assess the needs for primary level teaching, whilst at the same time teacher training is being developed to increase the number of teachers fluent in Manx Gaelic and able to teach through the medium of this language.

34. On 23 December 2020, the United Kingdom authorities notified the Council of Europe that it will apply Part III of the Charter to Manx Gaelic in respect of the territory of the Isle of Man in accordance with a decision taken by the Isle of Man authorities. Regarding education specifically, the list of Part III undertakings includes Article 8.1.bi (primary education in Manx Gaelic), which brings the level of commitment into line with the existing practice of teaching in Manx Gaelic at primary level.

35. In statements submitted to the Committee of Experts, representatives of Manx Gaelic speakers reported a positive level of co-operation with the Isle of Man authorities on teacher recruitment and training, and stated that while there is only one Manx medium school, the overall language provision across the island is positive.

Evaluation by the Committee of Experts and further action needed

36. The Committee of Experts commends the Isle of Man authorities for having reviewed the level of protection of Manx Gaelic under the Charter in light of the situation of this language and for extending the ratification in respect of Manx Gaelic accordingly. The application of Part III to Manx Gaelic reflects the successful revival of this language and the authorities' strong commitment to its protection and promotion.

37. The Committee of Experts notes that demand for primary education in Manx Gaelic is growing and therefore considers that the provision of such primary education should be increased in the Isle of Man, including through making it available in more municipalities. The Manx Language Strategy 2021-2026 also contributes to reaching the objective of the recommendation by setting out measures and a mechanism for reviewing the needs of primary level teaching in the Isle of Man.

4. Scots

Recommendation for immediate action

Provide forms and means for the teaching and study of Scots at all appropriate stages.

Implementation measures taken by the United Kingdom authorities

38. The authorities report that at pre-school and primary education, Scots may be taught as part of interdisciplinary learning (as part of work on Scottish culture, music or geography) or literacy. Scots is provided from Primary 5 (P5, age 8-9) as a third language in schools which choose to take this option. This approach is promoted by Education Scotland in the '1+2 approach' to language learning, although according to information at the Committee of Experts' disposal, the third language is introduced at P5 and taught for one or two 'slots' per week. This approach is not designed to lead to fluency in the language. It cannot be taught as a second language, as there is no full Higher National qualification (at secondary level) currently available.

39. At secondary level, teaching of Scots is provided as part of interdisciplinary and literacy work, as a third language and between the ages of 14 and 18 under the framework of the Scots Language Award. The authorities report that in 2018-19, there were 117 entries for this award, while in 2019-20, there were 513 from schools across Scotland. Furthermore, the number of students taking Scots as part of the Scottish Studies Award has increased from 2 355 to 2 747. Taken at the higher level, these awards count towards university entry. At university level, Scots texts and linguistics are taught as part of literature, history and linguistics courses at five institutions. Scots is increasingly integrated into teacher training at degree level.

40. As for resources, the authorities also support and co-ordinate with NGOs (Scottish Language Dictionaries, the Association of Scottish Literary Studies) in providing language learning texts and online resources. The Scots Hoose's Schools Outreach Programme runs workshops in deprived areas of Scotland to raise confidence and attainment in learning Scots, and also produces resources for primary and secondary education. The Scots Language Centre is supported by the authorities to offer online support to those wishing to learn Scots. The authorities further support informal education and creative learning in Scots, running projects, holding events and producing resources to promote awareness and knowledge of Scots in Scotland. The Scots Language Centre also provides digital learning to teachers and provides support to schools and teachers to deliver teaching of Scots.

41. In statements submitted to the Committee of Experts, representatives of Scots speakers noted the wide range of projects, resources and events led by NGOs, universities and research institutes and also in part funded by the Scottish Government. However, some representatives noted that whilst the long-term progress had been positive, there remains a lack of resources and an inconsistent delivery of the education provision.

Evaluation by the Committee of Experts and further action needed

42. The Committee of Experts welcomes the information that there is a wide range of resources and organisations, including those receiving funding from the Scottish authorities, and views this as forming part of a response to the recommendation. The information that Scots can be taught at a range of levels as a language and as part of interdisciplinary work is also welcomed. The Committee of Experts welcomes further that the number of students taking the Scots Language Award has increased over the past three years, as well as the increasing numbers of students taking the Scottish Studies Award. Whilst the Committee of Experts understands that decisions regarding education may be made at the local level by individual schools and students, it is concerned that this may lead to some inconsistency in the provision of the study of Scots. The Committee of Experts welcomes the extensive provision and research of Scots at universities across Scotland.

43. Efforts should be made to inform parents of the possibilities of the teaching of Scots and how they might request such education, including through emphasising the benefits of the Scots Language Award and Scottish Studies Award. At the same time, the authorities should actively inform parents and students of the advantages of education of minority languages. In this context, the Committee of Experts asks the Scottish authorities to provide further forms and means for the teaching and study of Scots at all appropriate stages.

5. Scottish Gaelic

Recommendation for immediate action

a. Take further measures to make pre-school, primary and secondary education available in Scottish Gaelic.

Implementation measures taken by the United Kingdom authorities

44. The Scottish authorities state that Gaelic Education in Scotland (GME) offers bilingual education from pre-school through to secondary education. In early years and at primary level, it is a form of 'immersion education', with Gaelic as the language of instruction through the first three years of primary school. After this, English is introduced, but Scottish Gaelic remains the main language in use in the classroom. This sector is open to both families who speak Scottish Gaelic at home and those with little or no knowledge of the language. Such education is available in 14 out of 32 Scottish local authorities in Scotland,¹⁷ but must be requested by parents in areas where provision is not already made.¹⁸ The authorities also report that there is a growing number of Scottish Gaelic medium schools and dual stream primary schools (Scottish Gaelic and English). Initiatives supported by the authorities, such as eSgoil which provides online lessons in Gaelic, are aimed at compensating for lacunae in Scottish Gaelic education, particularly in more rural areas where there may be insufficient staff or expertise to teach in Scottish Gaelic. The Scottish authorities report that the numbers of students taking Scottish Gaelic have increased from 5 595 to 6 197 from 2017 to 2020. At primary level, the number increased from 3 278 in 2017-18 to 3 701 in 2019-20; at secondary level, it increased from 1 251 to 1 451 over the same period.¹⁹

45. In statements submitted to the Committee of Experts, representatives of Scottish Gaelic speakers report a solid national framework for Scottish Gaelic medium education, but also a degree of stasis in the provision of Scottish Gaelic medium education via local authorities, owing to the fact that this educational model remains precarious, subject to requests by parents made to local authorities. An important concern was raised that even where the threshold for parents to request Scottish Gaelic teaching was met, the local authority is still able to refuse the request and the parents concerned have no right to appeal. Concerns were also reported about the capping of pupil numbers, as opposed to increasing recruitment of teachers, and the removal, owing to resource constraints, of support to parents for travel costs. Furthermore, they pointed out that resource constraints restrict growth in this field and also limit the range of topics taught in Scottish Gaelic.

Evaluation by the Committee of Experts and further action needed

46. The Committee of Experts welcomes the increase in pupil numbers at primary and secondary levels in Gaelic Medium Education, and the immersion model in operation in Scotland. It is concerned, however, that consistency of the applicability of the right to Gaelic Medium Education may be questionable, in part due to the localised approach to decision making in education (at local authority level).

47. The Committee of Experts reiterates its previous position that the authorities should take further measures to make pre-school, primary and secondary education available in Scottish Gaelic. It considers that parents should be actively informed of the advantages of education in minority languages. The authorities and the devolved administration could develop and implement a joint information and promotion campaign to this effect. In the current framework, further measures to also raise awareness among parents of the possibilities of Gaelic-Medium Education are needed. The Committee of Experts notes with concern that requests from parents have to be made in order to receive teaching in Scottish Gaelic in areas where it is not already available, and that these requests may be refused by local authorities despite sufficient

¹⁷ Education Scotland, ParentZone, 'Gaelic Medium Education' <https://education.gov.scot/parentzone/my-school/choosing-a-school/gaelic-medium-education/gaelic-medium-education-foghlam-tro-mheadhan-na-gaidhlig/>.

¹⁸ Education (Scotland) Act 2016, Part II.

¹⁹ The authorities stated that there were errors currently being investigated in the data for pre-school education.

demand. The Committee of Experts considers that this runs against the obligations chosen by the United Kingdom authorities under the Charter.

Recommendation for immediate action

b. Continue taking measures to strengthen Scottish Gaelic education, especially through the training of teachers and the production of teaching and learning materials.

Implementation measures taken by the United Kingdom authorities

48. The United Kingdom authorities report that the General Teaching Council for Scotland and the Scottish Funding Council lead the 'Faster Rate of Progress for Gaelic' initiative, which has, *inter alia* developed guidance booklets for teachers, launched a survey to assess training needs among teachers, promoted the learning of Scottish Gaelic by teachers, and provided funding to support small cohorts of Scottish Gaelic students in colleges. This is done free of charge to all levels of education, including adult education centres. The Scottish authorities report that 459 teachers were able to teach in Scottish Gaelic in 2019-20, compared to 390 in 2017-18, with around 30 new teachers entering the Gaelic Medium sector each year. Further, they state that a new immersion course at a university has been set up to give English Medium teachers the opportunity to 'convert' to Gaelic Medium education.

49. Furthermore, Foundation Apprenticeships at Sabhal Mor Ostaig (the Gaelic College) were expanded in 2019-20 to provide further Scottish Gaelic vocational education. The college plans to expand its offer in 2021-2022.

50. In terms of teaching and learning materials, the Scottish authorities reported that many resources have been produced in the past three years, including in response to the Covid-19 pandemic to help with distance learning. Stòrlann, a body funded by the Scottish Government, continues to co-ordinate and produce teaching and learning materials for Scottish Gaelic education, which are subsequently distributed for free to pre-schools, primary and secondary schools.

51. Representatives of Scottish Gaelic speakers reported that while the Gaelic medium education model is working for students in terms of academic outcomes, it is not necessarily achieving the aims of fostering bilingualism, owing to shortcomings in Scottish Gaelic-specific elements of teacher training, large class sizes, a lack of teachers being recruited, among other problems. They reported further that decreasing pupil-teacher ratios, including through recruiting language assistants, and increasing extra-curricular activities in Scottish Gaelic could remedy the situation.

Evaluation by the Committee of Experts and further action needed

52. The Committee of Experts welcomes the information that the number of teachers has increased over the past three years. It observes that despite this, the issue of teacher shortages persists, and further, that substantive measures to remedy this in the medium to long term have not been taken, although the new immersion course is a welcome development in this regard. 'Faster Rate of Progress' is also a welcome initiative, as the Committee considers it important to assess needs and develop guidance; the Committee looks forward to seeing the results.

53. Incentives for students to engage in teacher training in Scottish Gaelic should be considered to boost teacher numbers, for instance bursaries, guaranteed employment or salary bonuses. More creative and dynamic methods for teaching Scottish Gaelic should also be considered, including through engaging pupils in more extra-curricular activities using Scottish Gaelic, as suggested by speakers of Scottish Gaelic. On teaching and learning materials, the authorities should continue to engage with Scottish Gaelic speakers and teachers to establish the needs for materials, and continue to produce them on this basis.

6. Ulster Scots

Recommendation for immediate action

Adopt a strategy to promote Ulster Scots in education and other areas of public life.

Implementation measures taken by the United Kingdom authorities

54. As with the Irish language (see Part 2 'Irish' above), the United Kingdom authorities state that the absence of a functioning Executive in Northern Ireland between 2017-2020 has hampered progress on this recommendation. They also state that there have been resourcing issues which resulted in the 'Interdepartmental Charter Implementation Group' not meeting since 2016.

55. The agreement which restored the Northern Ireland Executive in January 2020 (A New Decade, A New Approach) includes a commitment to an amendment to the Northern Ireland Act, which would include a commitment to 'enhance and develop' Ulster-Scots language, heritage and culture, and the creation of the position of a Commissioner for Ulster Scots. Once in post, this Commissioner would provide guidance on the implementation of the Charter and other international treaties, raise awareness of Ulster Scots, provide advice and guidance to public authorities, and investigate complaints against public authorities which fail to have due regard for advice the Commissioner gives. Notably, this would also impose a duty on the Department of Education to "encourage and facilitate use and understanding of Ulster Scots in education."²⁰ These changes would take effect through an amendment to the Northern Ireland Act (1998), but have not yet been enacted by the Northern Ireland Assembly.

56. Alongside this, the agreement foresees a timeframe of six months for the adoption of an Ulster Scots language, heritage and culture strategy. The authorities report that in November 2020, the Northern Ireland Executive Minister for the Department for Communities agreed to the development of an Ulster-Scots Language, Heritage and Culture strategy, in tandem with an Irish Language strategy. The authorities state that the strategies will both be published by the end of 2021, subject to Executive approval.

57. In statements submitted to the Committee of Experts, representatives of Ulster Scots speakers reported that there was a continued lack of action for the protection and promotion of Ulster Scots despite the commitments made by the authorities over the years. Particular frustration at the continued lack of implementation of the commitments of the January 2020 New Decade New Approach document was expressed. They suggested that adequate resources should be devoted to any such commitments, to ensure that they are met.

Evaluation by the Committee of Experts and further action needed

58. The Committee of Experts regrets that a strategy has not yet been developed despite its recommendations and despite commitments of the authorities to this effect in the past. It reiterates that this would not require any change in law and that any such strategy should at least cover education and additional fields of public life (e.g. culture and media), and provide opportunities for review and periodic monitoring in consultation with Ulster Scots speakers. Whilst the measures foreseen in the planned amendment to the Northern Ireland Act are welcome, they do not fulfil the same function as an adequately elaborated and resourced language strategy, as is also planned. It has not been made clear to the Committee of Experts why different mandates for the planned Irish Language Commissioner and Ulster Scots commissioner have been foreseen. The authorities should, furthermore, consider aligning the mandates of the Irish Language Commissioner and the 'Ulster Scots/Ulster British Commissioner' as currently foreseen in the laws (see Part 2.a 'Irish' above).

59. The Committee of Experts asks that the authorities take steps to expedite the development and publication of an Ulster Scots Language strategy, covering education, culture and an additional field of

²⁰ 'New Decade, New Approach', Annex E, Section 5.14 – 5.19.

public life, along with time scales and milestones, and regular opportunities for review in consultation with speakers of Ulster Scots.

Communication to the Committee of Ministers of the Council of Europe

The Committee of Experts of the European Charter for Regional or Minority Languages, while acknowledging the efforts of the United Kingdom authorities to comply with their undertakings under the Charter, has in its fifth evaluation report (CM(2019)84) made “recommendations for immediate action” and “further recommendations” on how to improve the protection and promotion of the regional or minority languages in the United Kingdom and Isle of Man.

In accordance with the Committee of Ministers Decisions of 28 November 2018 (CM/Del/Dec(2018)1330/10.4e), the United Kingdom had to present information on the implementation of the recommendations for immediate action, which contain the priority measures that should be taken by the state party. The United Kingdom presented this information on 5 January 2021. In the present evaluation, the Committee of Experts has examined the implementation of these recommendations.

In accordance with its Rules of Procedure, the Committee of Experts invites the Committee of Ministers to:

1. take note of the evaluation made by the Committee of Experts of the implementation of the recommendations for immediate action by the United Kingdom and invite the United Kingdom authorities to disseminate it to the competent national authorities and relevant stakeholders;
2. reiterate its Recommendation CM/RecChL(2020)1 and invite the United Kingdom authorities to present their next periodical report by 1 July 2023 in the required format.