

The Scots Language Centre's response to the Scottish Government's Consultation on Gaelic and Scots an Scottish Languages Bill 2022

The first 10 questions of the consultation pertain to the Gaelic language within Scotland. The Scots Language Centre fully supports the Gaelic speaking community in its self-determination of how best to support its language, as we do for the speakers and signers of all autochthonous languages of Scotland including: Scottish Cant, or Scots-Romani, Beurla Reagaird, BLS, and Scottish Standard English. All of which should be protected and held in equal regard.

Thinkin on the wirk o the key Scots groups thit wis spake aboot in the paper - Whit is yer thochts about the wark o the Scots groups? Whit wad ye dae for tae strenthen an add tae the wirk o thir groups?

The Scots Language Centre strongly believes that, to the benefit of Scots language development, we build upon the amassed institutional and cultural knowledge and the excellent work of the key Scots groups funded by the Scottish government.

Scots Language Centre

The Scots Language Centre is the longest-running and most successful organisation exclusively dedicated to the Scots language; and the only organisation dedicated to public education about Scots in all its forms. Support in learning about all aspects of Scots is available to speakers and non-speakers alike, both within Scotland and worldwide.

We provide administrative and linguistic support to the Scottish parliament cross-party group on the Scots language; individual MSPs, MPs and councillors; the Scottish Government; international organisations; the Scots Language Resource Network; public bodies; community groups; and individuals. We consult with educational practitioners to produce original teaching resources, guide and support practitioners, and provide outreach services for learners. Through our website and our social media presence, we maintain free access to a comprehensive collection of resources, collated over the past thirty years. Furthermore, we commission new and original works, of cultural significance and value to adult learners, from Scots creators.

Over the past thirty years, we have campaigned for recognition of Scots in all civic spaces and facilitated and contributed to the creation of policy documents developed by ministers, government, and public bodies. This continues to be a significant part of our current work. Within the current parameters set by our resources and staffing levels, we meet the demands of the policies set within our founding documents; the Scots Language Working Group Report: Response from the Scottish Government (2011); and the Scots Language Policy, Scottish Government (2015).

The object of the Scots Language Centre, as submitted to OSCR:

The Association objects shall be: (i) to promote, support and assist the interests of the Scots language through the establishment of a National Resource Centre dedicated to this end; (ii) to collect published and unpublished texts, audio tapes and film in or concerning or using the Scots language, according to a collecting policy agreed with the National Library of Scotland, and either directly or in association with partners, make these available to the public for lending or consultation; (iii) to support and assist other bodies with specific remits which involve the usage, furtherance, study or collection of Scots language resources, and to maintain liaison with such bodies to avoid duplication of effort; (iv) to support and assist in, or undertake original research or the preparation of educational materials or new publications in the Scots language; (v) to support and assist in the implementation of any national, regional, local or other scheme for the training of teachers, actors, broadcasters or others engaged in public uses of the Scots language; (vi) to maintain liaison with libraries and library organisations, to support and assist their efforts in defining good practice in regard to the provision by libraries of Scots language material.

Throughout the past few years, there has been an increased interest in Scots which has led to a significant increase in demand on the services provided by the Scots Language Centre. The development of the 1+2 languages policy and the SQA Scots Language Award; the COVID-19 pandemic; the reconvening of the Scottish parliament cross-party group on the Scots language; and the increased engagement in Scots in traditional and social media; as well as this consultation; have all been contributing factors. To meet this increased demand, and to maximise the opportunity for language development, further resources to increase staff hours and numbers are necessary.

In anticipation of any legislative requirements stemming from the Scottish Languages bill, we believe the Scots Language Centre is best-placed to advise on and facilitate any work necessary to bring legislation into effective policy and implementation. However, we recognise that this would be dependent on appropriate resource. The Scots Language Centre would welcome our legislative recognition to assure our central role in leading and facilitating the Scots language's rehabilitation.

Dictionaries of the Scots Language

The Scots Language Centre fully supports Dictionaries of the Scots Language in their ability to identify and express their needs to further develop their excellent work, and we support the fulfilment of their expressed needs.

Association of Scottish Literature

The Scots Language Centre fully supports Association of Scottish Literature in their ability to identify and express their needs to further develop their excellent work, and we support the fulfilment of their expressed needs.

Scots Hoose

The Scots Language Centre fully supports Scots Hoose in their ability to identify and express their needs to further develop their excellent work, and we support the fulfilment of their expressed needs.

Scots Radio/Doric Film Festival

The Scots Language Centre fully supports Scots Radio/Doric Film Festival in their ability to identify and express their needs to further develop their excellent work, and we support the fulfilment of their expressed needs.

Scottish Book Trust

The Scots Language Centre fully supports Scottish Book Trust in their ability to identify and express their needs to further develop their excellent work, and we support the fulfilment of their expressed needs.

To support, maintain and encourage professional, high-quality contributions in the support of Scots and its speakers, the Scots Language centre recognises that the key organisations acknowledged above must be funded appropriately to ensure that employees and associates are remunerated in accordance with their skills, qualifications and experience. Key organisations must demonstrably employ workers within the national standards for a living wage and freelancers and consultants within the guidelines recommended by professional organisations such as the National Union of Journalists.¹

Whit is yer thochts on the neist steps thit maun be taen for tae support the Scots leid?

Scots language has over 1.5 million speakers within Scotland, and millions more outwith Scotland, and this should be considered our most valuable resource. The Scots Language Centre believes that to rehabilitate Scots it is vital that any legislation focuses on supporting the speakers of the language. All Scots dialects must be held in equal regard.

To encourage and promote Scots speech, consideration should be given to several programmes of development:

- Status planning – those efforts directed towards the allocation of functions of languages/literacies in a given speech community;
- Acquisition planning – efforts to influence the allocation of users or the distribution of languages/literacies by means of creating or improving opportunity or incentive to learn them; *and*
- Corpus planning – efforts related to the adequacy of the form or structure of languages/literacies.

¹ <http://www.londonfreelance.org/feesguide/index.php?language=en&country=UK§ion=Welcome>

Status Planning

It is a sociolinguistic reality of Scotland that we all carry a knowledge of our society's linguistic hierarchies of prestige, which is acquired at a young age. At best, social prejudice would have it that it is impolite to speak Scots, and at worst it is met with the hostility reserved for the greatest social stigma. No one should be penalised or stigmatised for speaking or expressing themselves in Scots.

Whilst there is evidence of these social attitudes changing, they still constitute a real threat to the intergenerational transmission that is vital to the survival of any language. Whether it is viewed through a theoretical lens of decolonisation, destigmatisation, democratisation and social inclusion, accessibility, ergonomics, representation, or simply righting a wrong, improving the status of Scots to equality with the other languages of Scotland is of key importance to the rehabilitation of our language.

The Scots Language Centre believes that the explicit recognition of Scots and the dignity of its speakers in Scots law will be a significant step in and of itself towards redressing the balance of the linguistic inequalities Scots faces. It will be a strong signal to encourage speaker-led initiatives and improve the confidence of Scots speakers to understand that their language is both valued and permitted, and a skillset worth developing.

Below we list some particular steps we recommend be taken as legislation is progressed.

Linguistic rights

The linguistic rights of Scots speakers must be affirmed. The following extracts from ratified treaties apply. The complete articles from which these are quoted along with links to the complete treaties can be found in the appendix.

Universal declaration of Human Rights (1948)
<i>Article 2</i> "Awbody is entitelt til aw the richts and freedoms furthset in this Declaration wi nae distinction o ony kind, sic as [...] language, [...] national or social origin [...]" <i>Article 19</i> "Awbody hes the richt tae freedom o opinioun and expression; this richt includes freedom tae haud opiniouns wi nae intermeddling and tae seek, come by and gie oot wittings and conceits throu ony media and tentless o frontiers." <i>Article 26 2.</i> "Learning shal be airtit at the ful development o the human personality and at the steivening o respect for human richts and fundamental freedoms."
European Convention on Human Rights (1953)
Article 14 – Prohibition of discrimination "The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as [...] language, [...] national or social origin, association with a national minority, [...] birth or other status."
Convention against Discrimination in Education (1962)
<i>Article 5 1.</i> "The States Parties to this Convention agree that: Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; [...] It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language[.]"
International Covenant on Civil and Political Rights (1976)
<i>Article 1 1.</i> "All peoples have the right of self-determination. By virtue of that right they

<p>freely determine their political status and freely pursue their economic, social and cultural development."</p> <p><i>Article 2 1.</i> "Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] language, [...] , national or social origin[.]"</p> <p><i>Article 4 1 .</i> "In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of [...] language, [...] or social origin."</p> <p><i>Article 24 1.</i> "Every child shall have, without any discrimination as to [...] language, [...], national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State."</p> <p><i>Article 26</i> "All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as [...] language, [...] national or social origin[.]"</p> <p><i>Article 27</i> "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language."</p>
<p>The Convention on the Rights of the Child (1989)</p>
<p><i>Article 2 1.</i> "States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's [...] language,[...], national, ethnic or social origin[.]"</p> <p><i>Article 29 1.</i> "States Parties agree that the education of the child shall be directed to: (c) The development of respect for the child's parents, his or her own cultural identity, language and values[.]"</p> <p><i>Article 30</i> "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language."</p>

All of these treaties have extensive statements on linguistic rights within the criminal justice system which are included in the fuller quotations below.

Although the term 'national minority' is not legally defined within the United Kingdom, authorities refer to the broad 'conventional' definition of 'racial group' as set out in the Equality Act 2010, section 9. In the case of certain national minorities, such recognition has been accepted by the courts on the basis of national origin for Scots, Irish, Welsh, and Cornish. As such the Framework Convention for the Protection of National Minorities (1988) applies to Scots and its speakers.

<p>Equality Act (2010)</p>
<p>9 Race (1) Race includes— (a) colour; (b) nationality; (c) ethnic or national origins.</p>

Framework Convention for the Protection of National Minorities (1988)

Article 5

1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.

2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Article 9

1 The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 10

1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or her minority language, in private and in public, orally and in writing.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the minority language in relations between those persons and the administrative authorities.

3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, in a language which he or she understands, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to defend himself or herself in this language, if necessary with the free assistance of an interpreter.

Article 11

1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names in the minority language and the right to official recognition of them, according to modalities provided for in their legal system.

2 The Parties undertake to recognise that every person belonging to a national minority has the right to display in his or her minority language signs, inscriptions and other information of a private nature visible to the public.

3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications.

Article 12

1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.

2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 14

1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

Scots is recognised as meeting the European Charter for Regional or Minority Languages' definition for the purposes of Part II of the Charter. Since its ratification there has been frequent mention from the community that it ought to qualify for Part III of the Charter. This is included in the appendix. The Scots Language Centre approves of any or all of the provisions of Part III being included in Scots legislation.

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
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.
The European Charter for Regional or Minority Languages (2001)
Part I – General provisions
Article 1 – Definitions
For the purposes of this Charter:
a "regional or minority languages" means languages that are:
i traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and
ii different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants;
b "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;
c "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which,

although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

1 Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

1 Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.

3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 – Existing regimes of protection

1 Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.

2 The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 – Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

Part II – Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 – Objectives and principles

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;

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;

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

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

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 languages;

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

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;

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

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.

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.

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.

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.

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

The Scots Language Centre notes that the Scottish Human Rights Commission included consideration of linguistic rights in their report on their 2012 public consultation yet have not taken linguistic rights beyond this in their work. We strongly encourage their reintroduction.

Scottish Human Rights Commission SNAP public consultation report (2013)

Addressing stigma and social attitudes

A large number of responses agreed with the reality described in ‘Getting it Right?’ of the existence of many negative and discriminatory social attitudes in Scotland society towards a large number of marginalised groups, which could directly and indirectly impact on their human rights, including: children of prisoners, ethnic minorities, migrants, immigrants, refugees, asylum seekers, kinship children, LGBTI people, looked after children and young people, disabled people including those with learning disabilities, people with mental health problems and psychiatric patients, Scottish and Roma Gypsy/Travellers, speakers of Gaelic and **Scots language**, recipients of welfare benefits, as well as negative attitudes, harassment and bullying derived from discrimination on the basis of age, gender, religion, socio-economic status, sexual orientation and gender identity. The issue of intersectionality was also raised – whereby many of those suffering from discrimination and harassment did so from a number of perspectives, i.e. because they were female, from a minority ethnic group and disabled. This raised a question as to whether exploring these social attitudes through a lens of human rights could be a better way of addressing negative social attitudes, rather than exploring them in silos.

Education

Respondents noted that access to Gaelic-medium education is limited and also **that there are no Scots language-medium schools**. Where some local authorities (such as Glasgow City Council) were acknowledged for a progressive approach to Gaelic-medium education, the practice across local authorities is inconsistent. It is at the discretion of each local authority to develop this form of education or not and some individual responses reported facing resistance when trying to pursue Gaelic-medium education.

Linguistic rights

A final issue raised in relation to empowerment was that of linguistic rights. As was raised by ‘Getting it Right?’, a number of responses agreed that the lack of access to English language courses for migrants was impacting on their ability to fulfil their rights such as the rights to education and work. Some responses called for more resources, services and support to build capacity in the skill to teach English as a foreign language.

A small number of submissions also highlighted a gap in ‘Getting it Right?’ which related to discussing the lack of adequate protection for linguistic minorities in Scotland, including the rights of Gaelic and Scots speakers.

Whilst acknowledging efforts that have been made (for example by BBC Alba and Glasgow City Council’s progressive policies in relation to Gaelic-Medium education), concerns were raised about the future of minority languages in Scotland. For example, responses cited a reduction in active Gaelic speakers from 250,000 in 1871 (5 per cent of population) to fewer than 60,000 at the 2001 census (1.15 per cent of the population). **Language was considered to be inextricably linked to cultural self-esteem and economic development and it was noted that Scots and Gaelic:**

“are languages that are native to Scotland [and] we have an additional moral obligation to protect and preserve the languages and the rights of those who speak them.”

National Apology for the historic treatment of Scots speakers

It is a daily occurrence that the staff of the Scots Language Centre hear service users' stories of corporal punishment, non-physical punishment, and stigmatization for speaking Scots administered by schools, in workplaces, and in other contexts when interacting with those who have a duty of care towards the speaker. With the ubiquity of social media this approbation and abuse that may have been confined to interpersonal interactions is frequently demonstrated in the public sphere. This was historically wrong, and it is wrong today.

Often service users express gratitude for the validation of their language accompanied by an expression that someone should apologise to them. There is a desire for this amongst the wider community. The Scots Language Centre would welcome and support a national condemnation of the stigmatization of our language accompanied by an apology for past ill treatment of speakers.

The development of Scottish Government Scots Language Policy

The Scots Language Centre welcomed and supported the development of the Scottish Government's Scots Language Policy in 2015 and recognise it as a significant step in improving the status of Scots and facilitating its provision. We would welcome its continual evidence led development with it being updated at appropriate regular intervals. The Scots Language Centre would be pleased to facilitate this process in association with stakeholders.

A statement of recognition of Scots from all public bodies

The Scots Language Centre recommends that a statement of recognition of Scots be required of all public bodies and encourages the internal development of speaker-led Scots language working groups to explore the value that development of Scots within each organisation may have for their professional practice. The Scots Language Centre, with appropriate support, can provide bespoke Scots awareness sessions to facilitate the endogenous development of Scots language practice. This is a service that we currently provide upon request.

Scots in healthcare and research

The Scots Language Centre recommends that there is an explicit statement of the value of a knowledge of Scots in healthcare and social care, and the importance of Scots as a legitimate field of study in all areas of academic enquiry and therapeutic research involving spoken language in Scotland.

The Charter of Patient Rights and Responsibilities, NHS Scotland (2019)
Communication and information
I should be given information about my treatment and care in a way I can understand and in a format or language that meets my needs (for example in audio format, British Sign Language, or in a language other than English). NHS staff must check whether I have understood the information they have given me and whether I would like more information.

Supporting Scots in public visibility and in media

Speaker-led implementation of Scots signage should be encouraged in all public space reflecting the Scots dialect of the locale.

The Scots Language Centre recognises the significant impact that the Scottish Government's Scots Language Publication grant has had upon improving the status of Scots in our print media culture, seeing a wide range of publishers encouraged and supported in producing works of Scots literature where they may not have done so before. Scots literature has been represented in the most prestigious literary awards during the period of its existence. We would support the further development of these grants with an inclusion of all genres of writing.

The Scots Language Centre advocates that everything should be done to achieve representation of Scots speakers in all levels of social standing in the creative arts, as is the case in life, and not rely on socioeconomic or other stereotyping.

Scots should be used in scripted and non-scripted spoken media, reflecting the reality of Scots as an acceptable and legitimate medium of communication.

Wherever localisation of spoken media occurs, such as in animation or advertising, or the creation of speaking children's toys and games, Scots should be strongly encouraged.

Supporting Scots in new language technologies and preventing a linguistic digital divide

Verbal interfaces and interaction with technology is already a feature of our daily lives. There are significant problems with technology recognising Scots accents speaking Scottish Standard English and no recognition of Scots language in such systems. As society increasingly relies upon such technology for vital services a digital divide is beginning to open where if one does not, or cannot, speak English in an accent modified that is suitable for voice recognition Scots speakers will not be able to access services provided via voice interaction. The Scots Language Centre believes Scots must be supported in such systems.

The knowledge of the Scots language code 'sco' available to computer systems ISO639-2 (1998) Individual Living Language, ISO639-3 (2007) Individual Living Language, must be promoted amongst the builders of such systems.

Acquisition planning

The Scots Language Centre recognises the importance – culturally, socially, educationally and personally - of supporting new speakers of Scots as well as existing speakers who wish to improve and extend their Scots literacy.

Literacy is defined within the Curriculum for Excellence: Literacy and English Principles and practice document as:

the set of skills which allows an individual to engage fully in society and in learning, through the different forms of language, and the range of texts, which society values and finds useful

To ensure that new and existing Scots speakers can become literate in Scots, to the effect of being able to engage fully with other Scots speakers, Scots texts, and indeed the language in all its forms, we must ensure that learners have access to education about Scots. Therefore, we must have legislation which protects the right of a learner, defined as anyone at any stage of their education, to access education about Scots.

Further resources could be used to support professional learning for teachers. A core programme of study could be provided for ITE students who will work in primary or secondary schools. Furthermore, a programme of professional learning could be created to be delivered within local authorities. This would complement the Open University Scots course which is currently being piloted and will be GTCS accredited. All professional learning could contribute to the GTCS Professional recognition programme, encouraging more teachers to be recognised for the work that they do within their schools and authorities to teach Scots.

Access to education about Scots does and should start with provision for children who are pre-school – that is, babies, toddlers and those accessing early years provision. Currently, children have access to literacy through CfE, associated with education from 3-18. Access to Scots texts (written or otherwise) should be standard.

Within early years provision itself, learners currently access any Scots provision through the Literacy and English curriculum. This could be supported and encouraged through a formal acknowledgement of the learners right to access Scots at this stage of their learning.

Within the BGE, learners can access Scots through Literacy and English as well as through Modern Languages - namely, Education Scotland's 1+2 languages initiative, where learners are encouraged to study a third language (L3) from Primary 5 (at the latest) to S3. Allowing Scots to be studied as an L2 would mean that learners would be encouraged to learn about the language earlier in their school career, as learners study their L2 from Primary 1. However, allowing this within the current guidelines would incorporate an offering of Scots as a National Qualification – see below.

In terms of curricular provision, the development of National Qualifications (National 4/5/Higher/Advanced Higher) in Scots would raise the status of the language within schools. The National Qualifications need not exclude the existing and very successful Scots Language Award qualifications – in fact, these could exist alongside the National

Qualifications. Units studied within the awards could contribute towards achieving the NQ. Higher Scots, or Advanced Higher Scots could also be included in the Scottish Baccalaureate in Languages. As already mentioned, the availability of these qualifications would also mean that learners at BGE stages would be able to study Scots as their L2, as part of 1+2 languages, encouraging learners to study Scots in-depth.

Within the FE sector, many HNC's and HND's incorporate the compulsory study of at least one module in literacy and/or communication. Allowing, acknowledging and encouraging learners to access these modules via the medium of Scots would ensure that learning about Scots continues beyond the confines of compulsory education.

Moreover, Scottish universities have a responsibility to ensure that learners can pursue the study of Scots in-depth and to degree level. While it is acknowledged that some universities offer modules in Scots, often as part of study of language development or Scottish literature, incentives should be offered for universities to provide this as well as stand-alone degrees in Scots.

Finally, it is acknowledged that not every learner of Scots has the means, incentive or desire to pursue the study of Scots for the receipt of formal qualifications, and that some wish to learn Scots for other reasons. The success of the OU Scots Language and Culture course demonstrates the appeal of such 'casual' learning, and initiatives such as this should continue to be supported.

Corpus planning

In recent decades corpus planning has irrevocably changed, with instant digital publishing in text, and now audio and video, within the capability of anyone with access to the internet. This presents exciting new prospects for Scots language revitalisation, but also may serve as a medium for promotion of poor examples of spoken or written Scots, misinformation, and linguistic prejudice.

It is vital that the Scottish Government continue to support the Scots Language Centre in our work as a central and authoritative publicly accessible presence dedicated to Scots providing extensive and up to date curated examples of the best uses of Scots made freely available; and in our production of learning materials for the needs of all service users.

From our inception, the Scots Language Centre has provided linguistic and editorial support for those creating written or spoken materials in Scots. This support is always tailored to the communicative and expressive needs of the creator, be that in a given dialect, a particular historical usage of Scots, a literary form of Scots, or a Scots suitable for communicating pandialectically. Whilst we fully support writers' choices as to how they represent the spoken language in written form, we acknowledge that the "write it how you say it" relies upon the writers' knowledge of standard English orthography applied to the Scots language, which has its limitations in representing Scots, and we encourage writers to explore writing drawn from our 700 year literature. As more creators are choosing to work in Scots the Scots language Centre must be supported in continuing to provide the best new resources developed for the needs of creators.

Is there ocht mair thit ye wad like for tae pit forret anent the commitment for tae support Scots?

Scots is a language that developed in Scotland and has been spoken in Scotland for the past thousand years. It is the first language of all who are born into Scots speaking communities and it is acquired by those who come to live in Scots speaking communities, who often significantly contribute to the language.

Scots is a central and vital part of the cultural wealth of all of Scotland, and it is our responsibility alone to ensure that it thrives.

UNESCO Atlas of the World's Languages in Danger (2011) listed Scots with an estimated 1.5million speakers (a number confirmed in Scotland's Census 2011, published 2013) as "**Vulnerable** - most children speak the language, but it may be restricted to certain domains (e.g., home)"

UNESCO provide a classification system to show just how 'in trouble' the language is:
Vulnerable - most children speak the language, but it may be restricted to certain domains (e.g., home)
Definitely endangered - children no longer learn the language as a 'mother tongue' in the home
Severely endangered - language is spoken by grandparents and older generations; while the parent generation may understand it, they do not speak it to children or among themselves
Critically endangered - the youngest speakers are grandparents and older, and they speak the language partially and infrequently
Extinct - there are no speakers left

In order to counteract Scots' 'Vulnerable' status we must rehabilitate our language into all domains within Scotland, and supportive legislation and policy must work to achieve this. Scots speakers and learners must be supported in achieving full literacy in the workings of our language.

The Scots Language Centre is prepared, with appropriate governmental support, to extend our central role in facilitating meetings and conferences, collating reports, and advising on best practice in the interpretation and implementation of future legislation and policy.

The policies and support of the Scottish Government over the past 20 years has seen a significant positive effect on the confidence of Scots speakers, and the Scots Language Centre very much welcomes this. However there is still much to be done in encouraging Scots speakers to come to voice in Scots and our exploring the benefits of the full inclusion of Scots into public and professional life. Not least Scots role in adult literacy, the achievement gap, and in social care.

People who are objectively Scots speakers may be affected by the conceptualisation of "ideal Scots", in that whilst they fully acknowledge and value Scots they may believe that Scots is something that exists elsewhere and is not their own language. Scots speakers may also refuse to speak Scots, or deny that they are a speaker at all, due to a lingering sense of social stigma. These attitudes must and can be overcome, with the full support of the Scottish Government.

In a recent BBC documentary a sociolinguistic hierarchy ideology was presented as an immutable fact, attitudes towards languages and their speakers can and do change. Legislation and government policy have a significant role in effecting such change.

"As an RP standard English speaker I'm lucky because, literally, studies have shown that if I was to say something in my accent people will believe it. Whereas if you were to say exactly the same thing in your accent they wouldn't believe it, and it's scary but it's been demonstrated again and again. Part of being middle class and being educated is the way you talk. You have to speak properly and if you don't, that's a problem. So if you move socially you've got to do something to your language, and if you're stuck socially, it's like it's almost like it's a kind of prison."

Professor Jane Stuart-Smith to Darren McGarvey, BBC Scotland (2022)

To conclude – the Scottish Government, in partnership with the Scots Language Centre and the key organisations listed in this document, must not perpetuate a Scotland in which speakers of Scots and those with Scots accents are "stuck" in "a kind of prison."

Appendix

Key Documents

Scots : A Statement o Principles, *The Scots Pairliament Cross Pairty Group on the Scots Language* (2003)

Report of the Ministerial Working Group on the Scots Language (2010)

Scots Language Working Group Report: Response from the Scottish Government (2011)

Scots Language Policy, *Scottish Government* (2015)

Scots Language Policy, *Creative Scotland* (2015)

Scots Language in Curriculum for Excellence: enhancing skills in literacy, developing successful learners and confident individuals, *Education Scotland* (2017)

Report to the Committee of Experts on the European Charter for Regional or Minority Languages, *Scots Language Centre* (2021)

Key Rights

Universal declaration of Human Rights (1948)

Article 2

Awboddy is entitelt til aw the richts and freedoms furthset in this Declaration wi nae distinction o ony kind, sic as race, colour, gender, **language**, religioun, political or ither opinioun, national or social origin, gear, birth or ither status.

Mair, nae distinction shal be made on the grounds o the political, jurisdictional or international status o the countrie or territour a bodie belangs, whuther it be staund-alane, trust, nane-self-governing or in ower ony ither haims o soverantie.

Article 10

Awboddy is entitelt in ful equality til a fair and public hearing frae a staund-alane and even-haundit tribunal in the determination o his richts and duties and o ony criminal chairge conter him.

Article 19

Awboddy hes the richt tae freedom o opinioun and expression; this richt includes freedom tae haud opiniouns wi nae intermeddling and tae seek, come by and gie oot wittings and conceits throu ony media and tentless o frontiers.

Article 26

1. Awboddy hes the richt tae learning. Learning shal be free, at least in the elementar and foondin stages. Elementar learning shal be compelt. Technical and professional learning shal be made generally available and secundar learning shal be available tae aw equal like on grounds o merit.

2. Learning shal be airtit at the **ful development o the human personality** and at the steivening o **respect for human richts and fundamental freedoms**. It shal promote understaunding, toleration and freendship amang aw nations, racial or religious groups, and shal gar the purposes o the Unitit Nations win forrit in the uphauding o peace.

3. Parents hes a prior richt tae wale the kind o lear that shal be gien til their bairns.²

European Convention on Human Rights (1953)

Article 5 – Right to liberty and security

² <https://www.ohchr.org/en/human-rights/universal-declaration/translations/scots>

1 Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law:

a the lawful detention of a person after conviction by a competent court;

b the lawful arrest or detention of a person for non-compliance with the lawful order of a court or in order to secure the fulfilment of any obligation prescribed by law;

c the lawful arrest or detention of a person effected for the purpose of bringing him before the competent legal authority on reasonable suspicion of having committed an offence or when it is reasonably considered necessary to prevent his committing an offence or fleeing after having done so;

d the detention of a minor by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority;

e the lawful detention of persons for the prevention of the spreading of infectious diseases, of persons of unsound mind, alcoholics or drug addicts or vagrants;

f the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition.

2 Everyone who is arrested shall be informed promptly, **in a language which he understands**, of the reasons for his arrest and of any charge against him.

3 Everyone arrested or detained in accordance with the provisions of paragraph 1.c of this article shall be brought promptly before a judge or other officer authorised by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release pending trial. Release may be conditioned by guarantees to appear for trial.

4 Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful.

5 Everyone who has been the victim of arrest or detention in contravention of the provisions of this article shall have an enforceable right to compensation.

Article 6 – Right to a fair trial

1 In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

2 Everyone charged with a criminal offence shall be presumed innocent until proved guilty according to law.

3 Everyone charged with a criminal offence has the following minimum rights:

a to be informed promptly, **in a language which he understands and in detail**, of the nature and cause of the accusation against him;

b to have adequate time and facilities for the preparation of his defence;

c to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require;

d to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

e to have the free assistance of an interpreter if he cannot understand or speak the language used in court.

Article 14 – Prohibition of discrimination

The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, **language**, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.³

Convention against Discrimination in Education (1962)

Article 5

1. The States Parties to this Convention agree that:

Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;

It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

³ <https://rm.coe.int/1680a2353d>

It is essential to **recognize the right of members of national minorities** to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, **the use or the teaching of their own language**, provided however:

- i. That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;
- ii. That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and
- iii. That attendance at such schools is optional.

2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this Article. ⁴

International Covenant on Civil and Political Rights (1976)

Article 1

1. All peoples have the right of self-determination. By virtue of that right they freely determine their political status and **freely pursue their economic, social and cultural development.**
2. All peoples may, for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligations arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case may a people be deprived of its own means of subsistence.
3. The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, **language**, religion, political or other opinion, national or social origin, property, birth or other status.
2. Where not already provided for by existing legislative or other measures, each State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such laws or other measures as may be necessary to give effect to the rights recognized in the present Covenant.

⁴ <https://www.unesco.org/en/legal-affairs/convention-against-discrimination-education>

3. Each State Party to the present Covenant undertakes:

(a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity;

(b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;

(c) To ensure that the competent authorities shall enforce such remedies when granted.

Article 4

1 . In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, **language**, religion or social origin.

2. No derogation from articles 6, 7, 8 (paragraphs 1 and 2), 11, 15, 16 and 18 may be made under this provision.

3. Any State Party to the present Covenant availing itself of the right of derogation shall immediately inform the other States Parties to the present Covenant, through the intermediary of the Secretary-General of the United Nations, of the provisions from which it has derogated and of the reasons by which it was actuated. A further communication shall be made, through the same intermediary, on the date on which it terminates such derogation.

Article 14

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

2. Everyone charged with a criminal offence shall have the right to be presumed innocent until proved guilty according to law.

3. In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality: (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;

(b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing;

(c) To be tried without undue delay;

(d) To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it;

(e) To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him;

(f) To have the free assistance of an interpreter if he cannot understand or speak the language used in court;

(g) Not to be compelled to testify against himself or to confess guilt.

4. In the case of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation.

5. Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law.

6. When a person has by a final decision been convicted of a criminal offence and when subsequently his conviction has been reversed or he has been pardoned on the ground that a new or newly discovered fact shows conclusively that there has been a miscarriage of justice, the person who has suffered punishment as a result of such conviction shall be compensated according to law, unless it is proved that the non-disclosure of the unknown fact in time is wholly or partly attributable to him.

7. No one shall be liable to be tried or punished again for an offence for which he has already been finally convicted or acquitted in accordance with the law and penal procedure of each country.

Article 24

1. Every child shall have, **without any discrimination as to** race, colour, sex, **language**, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State.

2. Every child shall be registered immediately after birth and shall have a name.

3. Every child has the right to acquire a nationality.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, **language**, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or **to use their own language.**⁵

Framework Convention for the Protection of National Minorities (1988)

Article 5

1 The Parties undertake to promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, **language**, traditions and cultural heritage.

2 Without prejudice to measures taken in pursuance of their general integration policy, the Parties shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.

Article 9

1 The Parties undertake to recognise that the right to freedom of expression of every person belonging to a national minority **includes freedom to hold opinions and to receive and impart information and ideas in the minority language**, without interference by public authorities and regardless of frontiers. The Parties shall ensure, within the framework of their legal systems, that persons belonging to a national minority are not discriminated against in their access to the media.

2 Paragraph 1 shall not prevent Parties from requiring the licensing, without discrimination and based on objective criteria, of sound radio and television broadcasting, or cinema enterprises.

⁵ <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

3 The Parties shall not hinder the creation and the use of printed media by persons belonging to national minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media.

4 In the framework of their legal systems, the Parties shall adopt adequate measures in order to facilitate access to the media for persons belonging to national minorities and in order to promote tolerance and permit cultural pluralism.

Article 10

1 The Parties undertake to recognise that every person belonging to a national minority has the right to use freely and without interference his or **her minority language**, in private and in public, orally and in writing.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if those persons so request and where such a request corresponds to a real need, the Parties shall endeavour to ensure, as far as possible, the conditions which would make it possible to use the **minority language** in relations between those persons and the administrative authorities.

3 The Parties undertake to guarantee the right of every person belonging to a national minority to be informed promptly, **in a language which he or she understands**, of the reasons for his or her arrest, and of the nature and cause of any accusation against him or her, and to **defend himself or herself in this language**, if necessary with the free assistance of an interpreter.

Article 11

1 The Parties undertake to recognise that every person belonging to a national minority has the right to use his or her surname (patronym) and first names **in the minority language** and the right to official recognition of them, according to modalities provided for in their legal system.

2 The Parties undertake to recognise that every person belonging to a national minority has the **right to display in his or her minority language signs**, inscriptions and other information of a private nature visible to the public.

3 In areas traditionally inhabited by substantial numbers of persons belonging to a national minority, the Parties shall endeavour, in the framework of their legal system, including, where appropriate, agreements with other States, and taking into account their specific conditions, to display traditional local names, street names and other topographical indications intended for the public also **in the minority language** when there is a sufficient demand for such indications.

Article 12

1 The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, **language** and religion of their national minorities and of the majority.

2 In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.

3 The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 14

1 The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her **minority language**.

2 In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have **adequate opportunities for being taught the minority language or for receiving instruction in this language.**

3 Paragraph 2 of this article shall be implemented without prejudice to the learning of the **official language or the teaching in this language.**⁶

The Convention on the Rights of the Child (1989)

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, **language**, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

⁶ <https://rm.coe.int/168007cdac>

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, **language** and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own **language**.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected. 4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.⁷

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

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.⁸

⁷ <https://www.unicef.org/child-rights-convention/convention-text>

⁸ <https://www.coe.int/en/web/conventions/full-list?module=declarations-by-treaty&numSte=148&codeNature=1&codePays=UK>

The European Charter for Regional or Minority Languages (2001)

Part I – General provisions

Article 1 – Definitions

For the purposes of this Charter:

a "regional or minority languages" means languages that are:

i traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and

ii different from the official language(s) of that State;

it does not include either dialects of the official language(s) of the State or the languages of migrants;

b "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;

c "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Article 2 – Undertakings

1 Each Party undertakes to apply the provisions of Part II to all the regional or minority languages spoken within its territory and which comply with the definition in Article 1.

2 In respect of each language specified at the time of ratification, acceptance or approval, in accordance with Article 3, each Party undertakes to apply a minimum of thirty-five paragraphs or sub-paragraphs chosen from among the provisions of Part III of the Charter, including at least three chosen from each of the Articles 8 and 12 and one from each of the Articles 9, 10, 11 and 13.

Article 3 – Practical arrangements

1 Each Contracting State shall specify in its instrument of ratification, acceptance or approval, each regional or minority language, or official language which is less widely used on the whole or part of its territory, to which the paragraphs chosen in accordance with Article 2, paragraph 2, shall apply.

2 Any Party may, at any subsequent time, notify the Secretary General that it accepts the obligations arising out of the provisions of any other paragraph of the Charter not already specified in its instrument of ratification, acceptance or

approval, or that it will apply paragraph 1 of the present article to other regional or minority languages, or to other official languages which are less widely used on the whole or part of its territory.

3 The undertakings referred to in the foregoing paragraph shall be deemed to form an integral part of the ratification, acceptance or approval and will have the same effect as from their date of notification.

Article 4 – Existing regimes of protection

1 Nothing in this Charter shall be construed as limiting or derogating from any of the rights guaranteed by the European Convention on Human Rights.

2 The provisions of this Charter shall not affect any more favourable provisions concerning the status of regional or minority languages, or the legal regime of persons belonging to minorities which may exist in a Party or are provided for by relevant bilateral or multilateral international agreements.

Article 5 – Existing obligations

Nothing in this Charter may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes of the Charter of the United Nations or other obligations under international law, including the principle of the sovereignty and territorial integrity of States.

Article 6 – Information

The Parties undertake to see to it that the authorities, organisations and persons concerned are informed of the rights and duties established by this Charter.

Part II – Objectives and principles pursued in accordance with Article 2, paragraph 1

Article 7 – Objectives and principles

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;

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;

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

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

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 languages;

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

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;

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

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.

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.

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.

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.

5 The Parties undertake to apply, *mutatis mutandis*, the principles listed in paragraphs 1 to 4 above to non-territorial languages. However, as far as these languages are concerned, the nature and scope of the measures to be taken to give effect to this Charter shall be determined in a flexible manner, bearing in mind the needs and wishes, and respecting the traditions and characteristics, of the groups which use the languages concerned.⁹

⁹ <https://rm.coe.int/1680695175>

The Charter of Patient Rights and Responsibilities, NHS Scotland (2019)

Communication and information

I should be given information about my treatment and care in a way I can understand and in a format or language that meets my needs (for example in audio format, British Sign Language, or in a language other than English). NHS staff must check whether I have understood the information they have given me and whether I would like more information.

Additional linguistic rights documents

The European Charter for Regional or Minority Languages (2001)

Part III – Measures to promote the use of regional or minority languages in public life in accordance with the undertakings entered into under Article 2, paragraph 2

Article 8 – Education

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:

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; or

iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

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;

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

ii to make available a substantial part of secondary education in the relevant regional or minority languages; or

iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

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;

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

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

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

f i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

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

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

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

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

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.

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.

Article 9 – Judicial authorities

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:

a in criminal proceedings:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

ii to guarantee the accused the right to use his/her regional or minority language; and/or

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

iv to produce, on request, documents connected with legal proceedings in the relevant regional or minority language, if necessary by the use of interpreters and translations involving no extra expense for the persons concerned;

b in civil proceedings:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

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

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

c in proceedings before courts concerning administrative matters:

i to provide that the courts, at the request of one of the parties, shall conduct the proceedings in the regional or minority languages; and/or

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

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

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

2 The Parties undertake:

a not to deny the validity of legal documents drawn up within the State solely because they are drafted in a regional or minority language; or

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

c not to deny the validity, as between the parties, of legal documents drawn up within the country solely because they are drafted in a regional or minority language.

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.

Article 10 – Administrative authorities and public services

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

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

ii to ensure that such of their officers as are in contact with the public use the regional or minority languages in their relations with persons applying to them in these languages; or

iii to ensure that users of regional or minority languages may submit oral or written applications and receive a reply in these languages; or

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

v to ensure that users of regional or minority languages may validly submit a document in these languages;

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

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

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;

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.

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; or

b to allow users of regional or minority languages to submit a request and receive a reply in these languages; or

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

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;

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

c compliance as far as possible with requests from public service employees having a knowledge of a regional or minority language to be appointed in the territory in which that language is used.

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

Article 11 – Media

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; or

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

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

b i to encourage and/or facilitate the creation of at least one radio station in the regional or minority languages; or

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

c i to encourage and/or facilitate the creation of at least one television channel in the regional or minority languages; or

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

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

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

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

f i to cover the additional costs of those media which use regional or minority languages, wherever the law provides for financial assistance in general for the media; or

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

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

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.

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.

Article 12 – Cultural activities and facilities

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;

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

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

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;

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;

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

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

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.

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.

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

Article 13 – Economic and social life

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

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

b to prohibit the insertion in internal regulations of companies and private documents of any clauses excluding or restricting the use of regional or minority languages, at least between users of the same language;

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

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

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:

a to include in their financial and banking regulations provisions which allow, by means of procedures compatible with commercial practice, the use of regional or minority languages in drawing up payment orders (cheques, drafts, etc.) or other financial documents, or, where appropriate, to ensure the implementation of such provisions;

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

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;

d to ensure by appropriate means that safety instructions are also drawn up in regional or minority languages;

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

Article 14 – Transfrontier exchanges

The Parties undertake:

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

b for the benefit of regional or minority languages, to facilitate and/ or promote co-operation across borders, in particular between regional or local authorities in whose territory the same language is used in identical or similar form.¹⁰

The Universal Declaration of Linguistic Rights (1996)¹¹

as presented in Scots: a statement of Principles, The Scottish Pairliament Cross Pairty Group on the Scots Language (2003)

Airticle 1.1

This Declaration onerstuns as a linguistic commonty ony human society groondit historically in a particular territorial space, whether this space be recognised or no, that identifies itsel as a people an has biggit a language as a naitural means o communication an cultural cohesion amang its members ...

Airticle 1.2

... In definin the ful streech o linguistic richts, it [the Declaration] taks for its referent the case o a historical linguistic commonty inwith its ain territorial space, kennin this space tae be no juist the geographical grund whaur the commonty bides, but also the social an functional scowth needit for the haill forderance o the language ...

Efter thir terms: Scots is a language.

Airticle 7.1

Aw Languages is the expression o a collective identity an o a kenspeckle wey o percievin an descryvin reality ...

The Scots language is integral an essential tae cultural an personal identity in Scotland.

¹⁰ <https://rm.coe.int/1680695175>

¹¹ <https://unesdoc.unesco.org/ark:/48223/pf0000104267>

Airticle 8.2

Aw linguistic communities is entitled tae hae at their disposal whitiver means is needit tae mak siccar the transmission an continuity o their language.

Action maun be taen tae gie the Scots language whitiver means is needit tae mak siccar its transmission an continuity.

Airticle 10.2

This Declaration considers discrimination agin linguistic commonties on whitever groonds, tae be oot o order ...

Action maun be taen tae pit an end tae aw prejudice an discrimination agin the Scots language.

Airticle 20.1

Awbody has the richt tae uise the language historically spoken in a territor, baith orally an in writin, in the Coorts o Justice steddin in that territor ...

Naebody shuid be penalised or pitten doun for speakin Scots.

Airticle 23.2

Education maun help tae uphaud an develop the language spoken by the linguistic territor whaur it is providit.

Scots shuid be an essential pairt o the educational curriculum in Scotland at aw levels.

Airticle 28

Aw linguistic commonties is entitled tae an education that allous their members tae acquire a braid an haill kennin o their cultural heritage (history, geography, literature, an ither manifestations o their ain culture) ...

A knowledge o Scots is vital tae a knowledge o Scotland.

Airticle 31

Aw linguistic commonties has the richt tae keep an uise their ain system o proper names in aw spheres an at aw times.

Airticle 32.1

Aw linguistic commonties has the richt tae uise place names in the language belangin the territor, baith orally an in writin, in private, public an official spheres.

Scots proper names an place names shuid be valued an safegairdit.

Airticle 35

Aw linguistic commonties has the richt tae decide how faur an in whit weys their language is present in the communications media in their territor ...

Speakers an writers o Scot shuid hae scowth tae develop an active role an presence in aw pairts o the communications media.

Airticle 46

Aw linguistic commonities has the richt tae preserve their linguistic an cultural heritage, includin its material manifestations, sic as gaitherins o documents, warks o art an architecture, historic biggins, an inscriptions in their ain tongue.

Ongaun study an documentation o the language maun be gien ful resourcin.

Airticle 47.2

Aw members o a linguistic commonty is entitled tae hae at their disposal, in their ain tongue, aw the means necessar for cairryin oot their professional activities, sic as ... warks o referance, instructions an product information.

Initiatives shuid be stertit tae mainteen an uphaud Scots terms an uisage specific tae sindry trades an occupations.

Airticle 50.1

Aw linguistic commonities has the richt for their language tae occupy a kenspeckle position in advertisin, signs, ootside signpostin, an in the image o the country as a haill.

The Scots language shuid be uised in adverts, in signs, in signpostin, an in the presentation o an accurate image o Scotland.

Census Orders

The Census (Scotland) Order 2010

16. In respect of any person—

(a) whether or not able to—

(i) understand, speak, read or write English;

(ii) understand, speak, read or write Scottish Gaelic; and

(iii) understand, speak, read or write Scots;

(b) extent of ability to speak English; and

(c) whether a language other than English is used in the accommodation occupied by the household and if so stating which.¹²

The Census (Scotland) Order 2020

19. In respect of any person aged 3 years or over and the person's language—

(a) how well the person can understand spoken English, speak English, read English and write English,

(b) whether the person can understand spoken Scottish Gaelic, speak Scottish Gaelic, read Scottish Gaelic or write Scottish Gaelic,

(c) whether the person can understand spoken Scots, speak Scots, read Scots and write Scots,

(d) whether the person is able to use British Sign Language,

(e) whether English is the person's main language and, if not, which language is.¹³

¹² <https://www.legislation.gov.uk/ssi/2010/187/contents/made>

¹³ <https://www.legislation.gov.uk/ssi/2020/76/contents/made>