



NORTHERN
IRELAND
HUMAN
RIGHTS
COMMISSION

**Submission to the Committee of Experts on
the European Charter for Regional and
Minority Languages on the Interim Report
of the United Kingdom of Great Britain and
Northern Ireland**

February 2021

Table of Contents

Introduction.....	3
NIHRC Response to the UK Government’s Interim Report	3
Involvement by the NI Executive	3
Adopt a comprehensive law and strategy on the promotion of Irish in Northern Ireland.....	4
Provide the basic and further training of a sufficient number of teachers teaching in Irish.	8
Adopt a strategy to promote Ulster Scots in education and other areas of public life.....	9
Conclusion	13

Introduction

1. The Northern Ireland Human Rights Commission (NIHRC) is one of three A-status National Human Rights Institutions in the United Kingdom (UK). Established in 1999, the NIHRC, pursuant to Section 69(1) of the Northern Ireland Act 1998, reviews the adequacy and effectiveness of law and practice relating to the protection of human rights in Northern Ireland (NI). This submission considers the protection of human rights in NI in respect of compliance with the European Charter for Regional or Minority Languages (ECRML).

NIHRC Response to the UK Government's Interim Report

2. This response will focus on the UK government's response to the three recommendations, made in the Committee of Experts' fifth evaluation report, which are applicable to Northern Ireland:

Irish:

- Adopt a comprehensive law and a strategy on the promotion of Irish in Northern Ireland.
- Provide the basic and further training of a sufficient number of teachers teaching in Irish.

Ulster Scots:

- Adopt a strategy to promote Ulster Scots in education and other areas of public life.¹

3. The UK Government did not consult with the NIHRC in developing their interim report. The NIHRC has only had sight of the report since its publication by the Council of Europe.

Involvement by the NI Executive

4. The UK Interim report identifies that the lack of progress made on the Committee of Experts' recommendations regarding NI was due to "the absence of a functioning Executive in Northern Ireland for a number of years".² While the NIHRC recognises that there was no functioning devolved government in NI between January 2017 until January 2020, and the impact this absence had on progress in the area of language, it notes the obligations fall to be discharged the UK government as the State Party to the ECRML.³

¹ ECRML, 'Fifth Report of the Committee of Experts in Respect of the United Kingdom', (ECRML, 2018)

² UK Government, 'Information Document on the Implementation of the Recommendations for Immediate Action based on the 5th Monitoring Cycle' (2021), at para 173.

³ ECRML, 'Fifth Report of the Committee of Experts in Respect of the United Kingdom', (CoE, 2018), at para 2.2.1.at para 13.

5. The NIHRC recalls that UK government's submission to the fourth and fifth periodic reports to the Committee did not mention NI or matters that have been devolved to NI.⁴ The NIHRC has previously drawn attention to the absence of NI input in the UK government's submission in its parallel report, noting the absence of reasons for this.⁵ The NIHRC welcomes the inclusion of NI in the UK's interim report, but remains concerned at the lack of visible NI input into the report.
6. **The Committee may wish to request to see any inputs by the NI Executive to the UK State report to ensure that the obligations of the UK government and the NI Executive are fulfilled in respect of the application of the Charter in Northern Ireland.**

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

7. There are domestic commitments to the Irish language in the Belfast (Good Friday) Agreement 1998,⁶ the Joint Declaration of British and Irish Governments 2003,⁷ the St Andrews Agreement 2006,⁸ the Stormont House Agreement 2014,⁹ the Fresh Start Agreement 2015,¹⁰ and most recently, in the New Decade, New Approach deal which restored devolved government.¹¹ A detailed description of the domestic framework can be found in the NIHRC's submission to the Committee in respect of the UK's fifth periodic report.¹²
8. Through the New Decade, New Approach agreement, the NI Executive agreed to legislate to implement a framework to recognise and celebrate NI's "diversity of identities, and culture and accommodating cultural differences".¹³ To do this, they agreed to publish three draft amendments to the Northern Ireland Act 1998 on the day that the NI Executive was restored, which would be presented to the Assembly for consideration within 3 months.¹⁴ Notably, the timeframe to publish the

⁴ UK Government, '3 Yearly Periodical Report on the Application of the European Charter for Regional or Minority Languages – 5th Cycle', (2017); see also UK Government, 'Fourth Periodical Report Presented to the Secretary General of the Council of Europe in Accordance with Article 15 of the Charter', (2013).

⁵ NIHRC, 'Parallel Report to the Fifth Periodic Report Submitted by the UK Government under the European Charter for Regional or Minority Languages' (NIHRC, 2018), at para 3.

⁶ The Belfast (Good Friday) Agreement 1998, at Rights, Safeguards and Equality of Opportunity, at para 3.

⁷ Joint Declaration by the British and Irish Governments 2003, at para 30.

⁸ St Andrews Agreement 2006, at Annex B.

⁹ The Stormont House Agreement 2014, at para 68.

¹⁰ NI Office, 'Fresh Start: Stormont Agreement and Implementation Plan' (NIO, 2020), at Annex E: Rights Language and Identity, paras 5.6-5.13.

¹¹ NI Office, 'New Decade, New Approach' (NIO, 2020), at para 27.

¹² NIHRC, 'Parallel Report to the Fifth Periodic Report submitted by the UK Government under the European Charter for Regional and Minority Languages' (May 2018) para 15ff.

¹³ Ibid, at Annex E.

¹⁴ Ibid, at Annex E, at para 5.23.

three draft amendments has not been met. In respect of Irish, two Amendment Bills were to cover statutory provisions for the Irish Language (including the establishment of an Irish Language Commissioner) and the establishment the Office of Identity and Cultural Expression with a broader remit to promote the celebration of, the cultural and linguistic heritage of all people living in Northern Ireland.¹⁵

Irish Language Strategy

9. In its fifth periodic report of the UK, the Committee of Experts noted the absence of an Irish Language strategy was hampering the work of some cultural bodies and facilities.¹⁶
10. The New Decade, New Approach agreement makes provisions for the introduction of an Irish Language Strategy in NI.¹⁷ The agreement identified that a draft strategy would be produced for consultation within six months.¹⁸ A year has since passed since the introduction of the agreement and no draft strategy has been produced.
11. In its interim report, the UK government noted the Minister for the Department for Communities agreed to the development of a timeline for the strategy.¹⁹ The Government further identified that a timeline for the development of strategy was issued to the NI Executive but has not yet been formally considered, but it is proposed that “the strategies will be published by the end of 2021”.²⁰
12. Prior to New Decade, New Approach, there existed previous commitments to an Irish Language Strategy, which have not been fulfilled. In 2017, in a challenge to the failure to produce a strategy, the NI High Court ruled that the NI Executive had failed to comply with its duty under section 28D(1) of the St Andrews Agreement to “adopt a strategy setting out how it proposes to enhance and protect the development of the Irish language”.²¹
13. **The NIHRC advises that the production of an Irish Language Strategy is a domestic legal requirement as well as a**

¹⁵ The Commission responded to both these draft Bills, see NIHRC, ‘Office for Identity and Cultural Expression Provisions of the Draft Northern Ireland Act 1998 (Amendment No 1)’ (NIHRC, 2020); NIHRC, ‘Irish Language Provisions of the Northern Ireland Act 1998 (Amendment No 2), (NIHRC, 2020).

¹⁶ ECRML, ‘Fifth Report of the Committee of Experts in Respect of the United Kingdom’, (ECRML, 2018), at para 2.2.1.

¹⁷ NI Office, ‘New Decade, New Approach’ (NIO, 2020), at para 5.21.3.

¹⁸ Ibid.

¹⁹ UK Government, ‘Information Document on the Implementation of the Recommendations for Immediate Action based on the 5th Monitoring Cycle’ (2021), at para 175.

²⁰ Ibid, at para 176.

²¹ *In the Matter of an Application by Conradh Na Gaeilge* (2017) NIQB 27, at para 17.

recommendation of the Committee. The Committee may wish to recommend that the NI Executive, through the Department for Communities, take steps to expedite the progression of an Irish Language Strategy.

Irish Language Provisions of the Northern Ireland Act 1998 (Amendment No. 2)

14. In addition to the Strategy, New Decade New Approach proposes the introduction of legislation to create an Irish Language Commissioner to “recognise, support, protect, and enhance the development of the Irish language” and to provide “official recognition of the status of the Irish language in NI”.²²
15. The Committee has previously recommended that the UK adopt a policy with respect to Irish, “preferably through the adoption of legislation”.²³ The draft Bill for Amendment No 2 provides official recognition of the status of the Irish Language in NI at clause 78F.²⁴ The NIHRC has advised that the legislation is necessary to fulfil human rights obligations but has raised a concern that the Bill does not outline the status of Irish language in tandem with English language. For example, in Wales, the legislation is clear on the position of the Welsh language in relation to the English language, stating that “the Welsh language should be treated no less favourably than the English language”.²⁵
16. **The Committee may wish to recommend that the legislation clarify the position of the Irish language in relation to the English language to ensure legal certainty.**
17. The NIHRC has further identified that there are a number of specific rights and duties applicable to the Irish language as required by the ECRML and international standards, including the right of individuals to access public services, education, cultural activities in the Irish language. Individuals also have the right to access an effective remedy if their linguistic rights are violated.²⁶

²² NI Office, ‘New Decade, New Approach’ (NIO, 2020), at para 27(b).

²³ ECRML, ‘Application of the Charter in the United Kingdom, 4th Monitoring Cycle’, (ECRML, 2014), at rec 2.

²⁴ *Draft Northern Ireland Act 1998 (Amendment No 2)*, at clause 78F.

²⁵ Sections 3(c) and 3(d), Welsh Language (Wales) Measure 2011; See also St Andrews Agreement, 2006, at Annex B, which includes a commitment by the UK government to “reflect on the experience of Wales and Ireland” when introducing an Irish Language Act.

²⁶ NIHRC, ‘Ulster Scots/Ulster British Provisions of the Northern Ireland Act (Amendment No 3)’ (NIHRC, 2020), at para 3.11.

18. **The Committee may wish to recommend that consideration is given to making express provision for specific language rights within the Bill.**
19. Clauses 78G-H of the draft Bill for Amendment No 2 provide for the establishment of an Irish Language Commissioner and outlines the functions of the Commissioner.²⁷ In its response to the draft Bill, the NIHRC outlined a number of concerns regarding the role and function of the Irish Language Commissioner. First, there is a disparity between the functions afforded to each of the language Commissioners and no clear reason has been advanced for this. For example, the Commissioner for Ulster Scots has a role to provide advice on the effect and implementation of the ECRML in addition to the FCNM and UNCRC²⁸, which has not been replicated for the Irish Language Commissioner.
20. In addition, the function of the Irish Commissioner is to “protect and enhance” compared to the duty to “enhance and develop” given to the Ulster Scots/British Commissioner.²⁹ Both of these functions are in contrast to the terminology used in international human rights standards. For example, the Vienna Declaration 1993 states, “the promotion and protection of all human rights and fundamental freedoms must be considered as a priority objective of the United Nations in accordance with its purposes and principles”.³⁰ Human rights bodies have consistently reaffirmed the ‘promote and protect’ principles.³¹
21. **The Committee may wish to recommend that the primary role of the proposed Irish Language Commissioner is amended to include both a duty to ‘enhance and develop’ and to ‘promote and protect’.**
22. **The Committee may wish to recommend that the proposed Irish Language Commissioner is conferred a similar function as the Ulster Scots/Ulster British Commissioner and the Bill includes that the Irish Language Commissioner has an advisory role in respect of European Charter for Regional or Minority Languages, Framework Convention on National**

²⁷ *Draft Northern Ireland Act 1998 (Amendment No 2)*, at clauses 78G-78H.

²⁸ *Draft Northern Ireland Act 1998 (Amendment No.3)*, at clause 78Q.

²⁹ Clause 78Q, *Northern Ireland Act 1998 (Amendment No 1)*.

³⁰ A/CONF.157/23, ‘Vienna Declaration and Programme of Action’, 12 July 1993, at para 4.

³¹ UN Human Rights Committee, ‘Civil and Political Rights: Fact Sheet No 15 (Rev.1)’ (undated); GA Res 53/144, ‘UN General Assembly Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms’, 9 December 1998, Article 2; A/60/L.1, ‘UN General Assembly World Summit Outcome 2005’, 16 September 2005, at para 12.

Minorities and the culture provisions in UN Convention on the Rights of the Child.

23. Overall, the NIHRC has advised, “legislation is necessary to fulfil human rights obligations. Accordingly, the NIHRC views this Bill as a positive measure that will help protect the rights of members of the Irish language community”.³² However, these draft Bills were released in January 2020, when the NI Executive was restored, with the New Decade, New Approach agreement stipulating that they were to be considered by the Assembly within 3 months of the restoration of the institutions.³³ At present, the three draft Bills have not been formally considered within the NI Assembly.
24. **The Committee may wish to recommend that the UK government, the Northern Ireland Office and the NI Executive, specifically the Executive Office, take steps to progress the three draft Amendment Bills through the NI Assembly.**

Provide the basic and further training of a sufficient number of teachers teaching in Irish.

25. In its fifth periodic report of the UK, the Committee of Experts identified that “there is a lack of teachers and planning for Irish-medium education, which is why Article 8.1.biv is only partly fulfilled”.³⁴ The Committee of Experts then noted the full time BA degree programme in Irish was cancelled by Ulster University and the “current offer of Irish-language teaching in higher education does not satisfy the existing demand”.³⁵ Therefore, the Committee recommended that the UK government take immediate action to provide basic and further training of a sufficient number of teachers teaching in Irish.³⁶
26. The UK government has not identified how it has implemented actions to fulfil this recommendation in its interim report.³⁷ There is a noticeable lack of available data concerning current numbers of teachers teaching in Irish and the existing levels of demand for teaching.

³² Ibid, at para 2.6.

³³ NI Office, ‘New Decade, New Approach’ (NIO, 2020), at Annex E, at para 5.23.

³⁴ ECRML, ‘Fifth Report of the Committee of Experts in Respect of the United Kingdom’, (ECRML, 2018), at para 2.2.1.

³⁵ Ibid.

³⁶ Ibid

³⁷ UK Government, ‘Information Document on the Implementation of the Recommendations for Immediate Action based on the 5th Monitoring Cycle’ (2021).

27. **The Committee may wish to seek further information from the State Party on how they are progressing with this recommendation.**

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

28. Domestic commitments to Ulster Scots language, heritage and culture have been identified within the Belfast (Good Friday) Agreement 1998,³⁸ the St Andrews Agreement 2006,³⁹ an amendment to section 28(d)(2) of the Northern Ireland Act 1998,⁴⁰ and the New Decade New Approach deal.⁴¹ A Strategy to 'Enhance and Develop the Ulster Scots language' had been published by the (then) Department of Culture, Arts and Leisure (DCAL) in 2015. This responsibility now rests with the Department for Communities.
29. The New Decade, New Approach agreement provided for an Ulster Scots Strategy, and was accompanied by a draft Amendment Bill to the Northern Ireland Act 1998.⁴² The agreement identified the intention to present the draft Bills to the Assembly within 3 months of the restoration of the institutions.⁴³ As yet, these Bills have not been introduced to the NI Assembly.

Ulster Scots Strategy

30. During the fifth periodic reporting, the Committee of Experts noted that it was unable to conclude on a number of undertakings because the UK government had not provided enough information.⁴⁴ The Committee of Experts subsequently recommended that the State adopt a strategy to promote Ulster Scots in education and other areas of public life.⁴⁵
31. New Decade, New Approach makes provisions for the introduction of an Ulster Scots Strategy in NI.⁴⁶ The agreement makes the same commitment to the production of a draft strategy for Ulster Scots within 6 months as it does for the Irish Language Strategy. The agreement was published in January 2020, and still no draft strategy has been produced for consultation.

³⁸ The Belfast (Good Friday) Agreement 1998, at Rights, Safeguards and Equality of Opportunity, at para 3.

³⁹ The St Andrews Agreement 2006, at Annex B.

⁴⁰ As amended by section 15, Northern Ireland (St Andrews (Agreement) Act 2006.

⁴¹ NI Office, 'New Decade, New Approach' (NIO, 2020), at para 27.

⁴² NI Office, 'New Decade, New Approach' (NIO, 2020), at Annex E, at para 5.23.

⁴³ NI Office, 'New Decade, New Approach' (NIO, 2020), at Annex E, at para 5.23.

⁴⁴ ECRML, 'Fifth Report of the Committee of Experts in Respect of the United Kingdom', (CoE, 2018), at para 2.6.1.

⁴⁵ Ibid.

⁴⁶ NI Office, 'New Decade, New Approach' (NIO, 2020), at para 5.21.3.

32. Like the Irish Language Strategy, the UK government noted the Minister for the Department for Communities agreed to the development of a timeline for the strategy, the timeline for which has been issued to the NI Executive but has not yet been formally considered.⁴⁷ The UK government noted that both strategies are proposed to be published by the end of 2021, subject to NI Executive approval.⁴⁸
33. **The NIHRC advises that the production of an Ulster Scots Strategy is a domestic legal requirement as well as a recommendation of the Committee. The Committee may wish to recommend that the UK government, through the Northern Ireland Office and the NI Executive, through the Executive Office, take steps to expedite the progression of an Ulster Scots Language Strategy.**

Ulster Scots/ Ulster British Provisions of the Northern Ireland Act 1998 (Amendment No. 3)

34. The Northern Ireland Act 1998 (Amendment No 3) establishes a Commissioner in relation to Ulster Scots/Ulster British and details the functions, powers and status of this new public office.⁴⁹ It also proposes a new duty on the Department of Education in relation to Ulster Scots.⁵⁰
35. The NIHRC notes that the long title of the Bill refers to both Ulster Scots and Ulster British Tradition. While Ulster Scots is currently recognised as a linguistic minority⁵¹ and under the ECRML, the UK government has committed to extend this recognition as a national minority.⁵² However, this is not addressed within the provisions of the Bill⁵³ and the NIHRC has recommended that the decision to recognise Ulster Scots as a national minority is “completed by the UK Government in advance or concurrently with the passage of the Bill.”⁵⁴ The NIHRC advises that the recognition of Ulster Scots as a national minority cannot be reduced to language, but rather

⁴⁷ UK Government, ‘Information Document on the Implementation of the Recommendations for Immediate Action based on the 5th Monitoring Cycle’ (2021), at paras 175-176.

⁴⁸ Ibid, at para 176.

⁴⁹ Clauses 78O-78Q, Northern Ireland Act 1998 (Amendment No 3).

⁵⁰ Clauses 78R, Northern Ireland Act 1998 (Amendment No 3).

⁵¹ Under the Framework Convention for the Protection of National Minorities.

⁵² NI Office, ‘New Decade New Approach, Annex A’ (NIO, 2020), at para 24.

⁵³ *Draft Northern Ireland Act 1998 (Amendment No 3)*

⁵⁴ NIHRC, ‘Ulster Scots/Ulster British Provisions of the Northern Ireland Act (Amendment No 3)’ (NIHRC, 2020), at para 2.9; the NIHRC further recommended that “designation as a member of the Ulster Scots community be premised on the principle of self-identification and guaranteed within the Bill”, at para 2.11; and that “the Bill make reference to the designation of Ulster Scots as a national minority within the UK”, at para 2.10.

encompasses culture and heritage. The UK government should set out what recognition of Ulster Scots as a national minority means in practice in consultation with members of the Ulster Scots community.

36. The Committee may wish to recommend that the UK government formally recognise Ulster Scots as a national minority in advance or concurrently with the passage of the Bill. The Committee may also wish to recommend that the UK government produce guidance on what this recognition means in practice.

37. However, 'Ulster British' is not a term or a linguistic/national minority group presently recognised by human rights treaty bodies. The NIHRC has raised concerns about the conflation of Ulster Scots culture with a distinct political identity, which may have unintended consequences.⁵⁵

38. The draft Bill states the main function of the Commissioner is to "enhance and protect the language, arts and literature associated with the Ulster Scots and British Scots tradition".⁵⁶ The NIHRC has welcomed the proposed broad mandate of the Commissioners and recommended that this should be reflected in the purpose of the Bill, by expanding the purpose to include promoting the language, arts and literature associated with Ulster Scots.⁵⁷

39. The Committee of Experts recommendation on Ulster Scots details the adoption of a strategy to "promote" the Ulster Scots tradition.⁵⁸ As mentioned in respect of Irish, human rights bodies consistently reaffirm the principles of "protect and promote".⁵⁹ The NIHRC has recommended that the main function of the Commissioner be amended to cover the principles of "enhance and develop" and "protect and promote".⁶⁰ Additionally, the NIHRC recommended a similar amendment to the function of the Irish Language

⁵⁵ NIHRC, 'Ulster Scots/Ulster British Provisions of the Northern Ireland Act (Amendment No 3)' (NIHRC, 2020), at para 2.13.

⁵⁶ *Draft Northern Ireland Act 1998 (Amendment No 3)*, at clause 78Q

⁵⁷ NIHRC, 'Ulster Scots/Ulster British Provisions of the Northern Ireland Act (Amendment No 3)' (NIHRC, 2020), at para 3.4.

⁵⁸ ECRML, 'Fifth Report of the Committee of Experts in Respect of the United Kingdom', (ECRML, 2018)

⁵⁹ See UN Human Rights Committee, 'Civil and Political Rights: Fact sheet No 15 (Rev.1)' (undated); GA Res 53/144, 'UN General Assembly Declaration on the Rights and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms', 9 December 1998, Article 2; A/60/L.1, 'UN General Assembly World Summit Outcome 2005', 16 September 2005, at para 12.

⁶⁰ NIHRC, 'Ulster Scots/Ulster British Provisions of the Northern Ireland Act (Amendment No 3)' (NIHRC, 2020), at para 4.3.

Commissioner based on the same international human rights standards.⁶¹

40. **The Committee may wish to recommend that the primary role of the Commissioner is amended to include both a duty to 'enhance and develop' and to 'promote and protect'.**
41. Clause 78Q(3)(a) of the draft Bill creates an awareness-raising function for the Commissioner, requiring them to increase awareness and visibility of Ulster Scots services to public authorities.⁶² This function is directed towards those who have already established links within the Ulster Scots Community⁶³. The UN Human Rights Committee identified that "the fabric of society as a whole" is enriched by minority languages.⁶⁴ Resultantly, the NIHRC recommended that the awareness-raising function be expanded to include the promotion of Ulster Scots within wider society.⁶⁵
42. **The Committee may wish to recommend that the Commissioner's awareness-raising function should be enhanced to include promoting Ulster Scots within wider society.**

Education

43. In its fourth periodic report on the UK, the Committee of Experts noted need for "qualified teachers in order to be able to revitalise Ulster-Scots within mainstream society in Northern Ireland".⁶⁶ The report also identified that its third periodic report noted that no further and adult education colleges offer Ulster Scots language classes.⁶⁷ There was no information on this point in State's subsequent fourth and fifth periodic reports.⁶⁸
44. **The Committee may wish to request information from the UK government on whether there has been any progress on increasing the number of qualified teachers teaching Ulster Scots or the provision of language classes in further or adult training colleges.**

⁶¹ NIHRC, 'Irish Language Provisions of the Northern Ireland Act (Amendment No 3)' (NIHRC, 2020), at para 4.4.

⁶² *Draft Northern Ireland Act 1998 (Amendment No 3)*, at clause 78Q(3)(a).

⁶³ *Ibid*, at clause 78Q(3)(b).

⁶⁴ CCPR/C/21/Rev.1/Add.5, 'UN Human Rights Committee General Comment No 23: The Rights of Minorities', 8 April 1994, at para 9.

⁶⁵ NIHRC, 'Ulster Scots/Ulster British Provisions of the Northern Ireland Act (Amendment No 3)' (NIHRC, 2020), at para 4.7.

⁶⁶ ECRML, 'Application of the Charter in the United Kingdom, 4th Monitoring Cycle', (ECRML, 2014), at para 39.

⁶⁷ *Ibid*, at para 70.

⁶⁸ *Ibid*; see also, UK Government, '3 Yearly Periodical Report on the Application of the European Charter for Regional or Minority Languages – 5th Cycle', (2017).

45. Draft Amendment No 3 places a statutory duty on the DoE to “to encourage and facilitate the use and understanding of Ulster Scots in the education system”.⁶⁹ The UN Committee on Economic, Social and Cultural Rights has also identified that the right to cultural life is intrinsically linked to the right to education.⁷⁰ As such, the NIHRC welcomed this statutory duty on the DoE, but noted a lack of clarity on whether it applies solely to Ulster Scots language alone, or if it applies more broadly to other aspects of the Ulster Scots identity.⁷¹
46. A draft Ulster Scots Strategy produced by the former Department for Culture, Arts and Leisure references the Ulster Scots “language, heritage and culture’ consistently within its education section.⁷² This wording circumvents a potential hierarchy of priorities and avoids narrowing the scope of education in the promotion and protection of Ulster Scots.
47. **The Committee may wish to recommend that an Ulster Scots strategy clarifies the scope of any duty placed on the Department of Education in relation to Ulster Scots and recommends that any duty is extended to the full mandate of the Commissioner, not only language.**

Conclusion

48. The Commission remains at the disposal of the Committee of Experts in respect of their consideration of the UK’s Interim Report, and is content to engage further in respect of anything arising from this submission or on broader issues within the Committee’s remit. The Commission’s full submissions on the proposed Amendments to the Northern Ireland Act 1998 may be of interest to the Committee.⁷³

⁶⁹ *Draft Northern Ireland Act 1998 (Amendment No 3)*, at clause 78R.

⁷⁰ E/C.12/GC/21, ‘UN Committee on Economic, Social and Cultural Rights General Comment No 21: Right of Everyone to Take Part in Cultural Life’, 21 December 2009, at para 2.

⁷¹ NIHRC, ‘Ulster Scots/Ulster British Provisions of the Northern Ireland Act (Amendment No 3)’ (NIHRC, 2020), at para 6.3.

⁷² DCAL, ‘Strategy for Ulster Scots Language, Heritage and Culture,’ (DCAL, 2012), at 16.

⁷³ [NIHRC, ‘Office for Identity and Cultural Expression Provisions of the Draft Northern Ireland Act 1998 \(Amendment No 1\)’ \(NIHRC, 2020\)](#); [NIHRC, ‘Irish Language Provisions of the Northern Ireland Act 1998 \(Amendment No 2\), \(NIHRC, 2020\)](#); [NIHRC, ‘Ulster Scots/Ulster British Provisions of the Northern Ireland Act \(Amendment No 3\)’ \(NIHRC, 2020\)](#).