

**ADVISORY COMMITTEE ON THE FRAMEWORK CONVENTION FOR THE PROTECTION OF
NATIONAL MINORITIES**

COUNCIL OF EUROPE*

Fourth Opinion on the United Kingdom - Strasbourg, 27 February 2017

**International opinion on the UK Government's policies towards National Minorities including the
Cornish.**

***NB. WE WISH TO POINT OUT THAT THE COUNCIL OF EUROPE OF WHICH THE UK WAS A
FOUNDER MEMBER IN 1949 IS NOT THE EUROPEAN UNION AS WE HAVE EVEN WITNESSED
WESTMINSTER POLITICIANS CONFUSE THE TWO!**

[Copy of the report here](#)

[Useful media analysis by Cornish newspaper 'Cornish Stuff' here](#)

EXTRACTS RELEVANT TO THE CORNISH NATIONAL MINORITY

Recommendations for Immediate Action:

Take all necessary steps to ensure access to the linguistic and cultural rights provided by the Framework Convention to the Cornish minority, in particular by reconsidering the decision to cut all funding for the Cornish language in view of the disproportionate impact such a measure will have on the delicate process of revitalizing a minority language when access to other public financial resources is limited.

General Overview

Recognition of the Cornish minority in 2014 is an important step in acknowledging the unique identity, culture, language and traditions of the Cornish people, which should now be nurtured by the adequate policy and financial steps necessary to ensure that persons belonging to the Cornish national minority have access to the rights protected by the Framework Convention.

Recognition of the Cornish people in 2014 has resulted in delegating some tasks to the Cornish Council in the context of decentralization in England. The national referendum in June 2016 on membership of the EU has caused some uncertainties within the Executives and Assemblies (Scotland, Wales and Northern Ireland) and in the Cornish Council.

Article 3

The Advisory Committee welcomes the 2014 decision to recognise the Cornish as a national minority in the UK by virtue of their unique identity, and to afford them the same status under the Framework Convention as the UK's other Celtic peoples, that is, the Scots, the Welsh and the Irish. This is an important political step, building on the previous recognition of Cornish as a minority language and paving the way to enhanced protection and access to rights for persons belonging to that minority. At the end of 2015, a Cornwall Devolution deal was signed; the UK Government devolved to Cornwall a "range of powers and responsibilities" which, however, are only loosely connected with recognition of the Cornish as a minority.

Representatives of the Cornish minority believed that the steps taken so far at the level of central government and local authorities have not been sufficiently meaningful to substantiate recognition of the

Cornish as a national minority. In particular, they expressed concern that local authorities would not show ownership of the recognition process but rather act in compliance with it, while the UK Government would not provide the means required to implement recognition. Local authorities emphasized the limited decision-making power due to the constitutional set-up and the current territorial arrangement, whereby Cornwall is grouped together with Devon and other counties in the Southwest region, as elements preventing further progress (see also Article 16).

Recommendation: The Advisory Committee calls on the authorities to take all the legal, policy and financial steps necessary to ensure access to the rights provided by the Framework Convention to persons belonging to the Cornish minority, irrespective of any constitutional set-up.

Census

The Advisory Committee also understands that, in 2011, data on Cornish identity were gathered for the first time, thanks to the write-in facility. In England and Wales, 83,000 people (0.1% of the population) identified as Cornish, but in Cornwall 13.8% of the population declared themselves to be Cornish. Representatives of the Cornish minority believed that the introduction of a dedicated ‘tick box’ represented a more appropriate way to record persons belonging to a national minority.

Recommendation: The Advisory Committee calls on the authorities to take the necessary measures to include the possibility to self-identify as Cornish, through a ‘tick box’ in the next census, and to facilitate the expression of self-identification of any other group because data collection is relevant to the application of minority rights.

Article 5: Support for the preservation and development of national minority identities and cultures.

Recommendation: The Advisory Committee calls on the authorities to ensure that support for cultural activities of all national and ethnic minorities is increased across the country and procedures improved, so that their representatives may participate in decision making on the allocation of grants.

Cornwall

The Advisory Committee appreciates the efforts made so far by the central government, Cornwall Council and the Cornish people to ensure revival of the Cornish language, culture and heritage. The status of the Cornish language and culture as officially recognized by the UK Government since 2014 is a step forward in UK obligations under the Framework Convention. The Advisory Committee considers it important that the government now implements relevant policies to improve access to these rights for persons belonging to the minority. The Cornish language is generally seen as central to the sense of Cornish identity as expressed by the newly conferred status (for language revitalization, see Article 10).

The Advisory Committee was disconcerted to learn that the UK Government decided in April 2016 to cut all funding for the Cornish language with immediate effect. The Committee strongly regrets a decision which is considered to have a major impact on the continued revitalization of the language and the educational activities carried out so far with public funding. The Advisory Committee recalls that, as a signatory of the Framework Convention, the United Kingdom has undertaken to promote under Article 5 the conditions necessary for persons belonging to national and ethnic minorities to, *inter alia*, preserve the essential elements of their identity, including language. When access to other public financial resources is limited due to the constitutional set-up, public support remains necessary.

Cultural events and festivals, such as St Piran’s Day on 5 March, are developing an increasingly high profile and give prominence to the Cornish language and culture throughout the year. However, subsidies for cultural projects are considered not to be enough and have recently been reduced in the Cornwall Council budget by 50%. The Advisory Committee also understands from its interlocutors that the way Cornish culture is currently approached by the English Heritage Trust fails to appreciate its distinctiveness, and shifts between “culture in Cornwall” and “Cornish culture”. Several small museums

deal with Cornish history and culture, but they are scattered and there is no overall agreement yet with the English Heritage Trust on how to portray Cornish culture and heritage, though consultations are ongoing (**The controversy between English Heritage and Cornwall Council over the “Disneyfication” of Tintagel Castle is indicative of the climate.*) Similarly, it is felt that Cornish history is distorted, and worries are high that the UNESCO Cornish Mining World Heritage Site could lose its status owing to new building at the site.

Recommendations: The authorities should reconsider their decision to cut all funding for the Cornish language in view of the disproportionate impact such a measure can have on the delicate process of revitalization of a minority language when access to other public financial resources is limited.

The Advisory Committee also calls on the authorities to engage in a dialogue with representatives of the Cornish national minority to ensure that cultural policy is developed in a way respectful of the traditions and identity of the minority.

Article 6: Tolerance and intercultural dialogue

Recommendations: The authorities should intensify their efforts to counter the increasing climate of inter-ethnic prejudice and hate speech by stepping up efforts and initiatives to promote tolerance and intercultural dialogue, firmly condemning derogatory and racially hostile language in public discourse and calling on all political parties to refrain from using it. The Advisory Committee also calls on the authorities to engage with media outlets to promote a more nuanced understanding and reporting of facts to avoid fuelling intolerant and ethnically hostile behaviour while promoting the use of less derogatory language.

The Advisory Committee calls on the authorities to ensure that measures taken to prevent radicalisation do not have disproportionate consequences for persons belonging to ethnic minorities, in particular, children.

Article 9: Access to and presence in the media

The Advisory Committee regrets the minimal profile of Cornish on mainstream media. The 5 minutes a week of Cornish programmes broadcast by the BBC on radio Cornwall was criticised by interlocutors as being totally insufficient – in terms of style, content and length. Independent Internet e-broadcasting and local community radio stations provide a platform for a further one hour a week of Cornish. The ongoing revision of the BBC Charter is perceived by the minority’s representatives as the occasion to improve the situation, since so far the BBC has tended to group Cornwall as part of South West England and in an arbitrary manner blending out Cornish issues. Finally, there is no Cornish language newspaper in Cornwall due to lack of funding.

The Advisory Committee regrets that certain media outlets continue stereotyping and counterproductive messaging on national and ethnic minorities (see Article 6). Although it acknowledges the delicate balance to be struck by the authorities between freedom of expression and hate speech, the Advisory Committee emphasizes the relevance of enhancing ethical journalism without encroaching on media independence. To this purpose it is important that training is regularly carried out and that access to and presence in the media of persons belonging to minorities, including in supervisory organs of (public) broadcasters, is ensured.

Recommendations: The authorities should take resolute action to ensure that revision of the BBC Charter improves access to the media for persons belonging to national and ethnic minorities, increases funding, ensures a variety of programmes in minority languages, in particular the Irish language, involves minorities in their production and introduces BBC support for the Cornish language.

Article 10: Use of languages at local level

The Cornish language

The Advisory Committee welcomes the revitalization of the Cornish language and the way it has yielded encouraging results as Cornish appears to be increasingly visible in cultural events, on social media, on bilingual street signs and in marketing material throughout Cornwall. It started with the publication in 2004 of the “Strategy for the Cornish language 2004-2014” by the Cornish Language Partnership, composed of Cornwall Council, the UK Government and various voluntary groups. Several policy documents cover further development, such as the 2013 Cornish language policy and Cornish language partnership plan 2014-2017; the 2004-2014 Strategy is still under evaluation, which has delayed adoption of a new 2015-2025 Strategy.

Cornwall Council has adopted the “Cornish language plan 2016-2018”. The Plan sets out the way in which the Council will promote and incorporate the use of Cornish in its own policies, practices and services, and encourage other public bodies and government departments and partners to consider using it. The Advisory Committee welcomes the Plan, as well as what it understands to be an increased ceremonial use of Cornish by Cornwall’s public bodies and institutions. At the same time it emphasizes how the use of the language is still limited and recalls that the promotion of different languages in public places, such as in local administration bodies, enhances their visibility and recognition in society at large.

The Cornish minority’s representatives and other interlocutors indicated to the Advisory Committee during its visit that the efforts to revitalize Cornish have always greatly depended upon the voluntary efforts of committed individuals and key voluntary organizations. Despite the most welcome support of Cornwall Council and the UK Government’s Department of Communities and Local Government until this year, it was their opinion that further development will continue to rest, to a great extent, on the voluntary efforts of the Cornish people themselves and that a Cornish Language Act is necessary to strengthen the process. In the view of the Advisory Committee, the recent decision by the UK Government to cease funding will shift the burden onto voluntary efforts even more, with a risk of jeopardizing what has been achieved so far (see Article 5).

Recommendation: The Advisory Committee calls on the authorities to take measures to improve use and visibility of Cornish in public life, and it calls on the UK Government to reinstate the previous level of funding and consider the possibility of adopting a Cornish Language Act.

Article 11: Use of topographical signage

In Wales, all signs are bilingual, while bilingual street names depend upon local authorities. However, there is no additional cost to set them up. In Cornwall, the visibility of Cornish on place-name signs, street and housing estate signs, and Cornwall Council buildings was highlighted by all interlocutors as one of the most significant developments for Cornish in recent years. Although bilingual signs currently represent only 16% of the total, there is a policy to replace old and worn signs with bilingual signs where appropriate.

Article 12: Equal access to education

Recommendation: The Advisory Committee calls on the authorities to ensure that, in co-operation with minority groups, curricula, textbooks and other teaching materials reflect appropriately the ethnic diversity and historical presence of all national and ethnic minorities in the United Kingdom. Staff of all schools shall be effectively trained to accommodate diversity in the classroom and promote intercultural respect and understanding in schools.

Article 14: Instruction in and of minority languages

Interlocutors of the Advisory Committee indicated that the current piecemeal and ad hoc provision of language and cultural awareness sessions and language teaching in primary and secondary schools in Cornwall is the consequence of education being centrally organised by the government and the lack of dedicated funding. The curriculum is entirely English and this has prevented, on the one hand, the introduction of the Cornish language and Cornish Studies on schools' curricula and, on the other hand, the establishment of immersion education in Cornish. Any inclusion of Cornish issues is on a voluntary basis initiated by a teacher and not incorporated on a permanent basis in the teaching. Finally, there is no pre-school provision through the medium of Cornish, though there are parents expressing an interest. In view of the recognition of the Cornish as a national minority, its representatives expressed readiness to begin a dialogue on education policies with the UK Government. Finally, education resources in Cornish are very limited and there is a lack of teacher training in terms of language awareness, their own language skills in Cornish and their ability to teach Cornish.

Recommendation: The Advisory Committee calls on the authorities to...also engage in a dialogue with the Cornish minority to consider flexible and pragmatic solutions to allow for a more systematic provision of teaching in and of the Cornish language, as well as taking measures to develop the teaching of the minorities' first language.

Article 15: Participation in public life, decision-making processes and public administration

Devolution

The Advisory Committee notes that an agreement has been reached between the UK Government, Cornwall Council and the Isles of Scilly Local Enterprise Partnership to decentralize a number of tasks and responsibilities to the Cornwall authorities. The so-called Devolution Deal (2015) aims to empower local authorities in sectors such as public transport, employment and skills, EU funding, business, energy, health and social care, public estate and heritage, and governance. No fiscal powers are transferred and all delegated tasks are to be arranged by prior agreement with the UK Government. Moreover, the deal does not delegate tasks or powers in the areas of education and language revitalization, the two most important issues to the Advisory Committee understands that these issues were discussed but agreement was not reached. In spite of its title, it is questionable if the agreement devolves any independent powers to the Cornwall Council. The Advisory Committee realises that it is a first step, but it urges the UK Government to continue the process, especially by expanding the deal to include education and language revitalisation.

Recommendation: The UK Government should continue the good dialogue with the three devolved administrations and ensure that negotiations progress in a transparent and democratic manner. It should establish permanent ongoing dialogue with Cornwall Council and the Cornish people through consultative and advisory mechanisms.

Article 16: Impact of reforms on national minorities

The Advisory Committee was informed by Cornish interlocutors that they were of the opinion that the new housing policies geared toward increasing the stock available for out-of-county buyers of second homes would make prices rise, thereby potentially pushing Cornish and Cornwall residents out of the market, thus affecting the cultural balance between Cornish and newcomers. The Advisory Committee reminds the UK Government that Article 16 aims to protect national and ethnic minorities against measures that change the proportion of the population in areas inhabited by persons belonging to national minorities, including, but not limited to, expropriations, evictions and expulsions.

The Advisory Committee is also aware of the ongoing efforts to reform through public consultations the parliamentary constituency boundaries for the entire UK, with a view to reducing the number of seats in the House of Commons. Boundary Commissions have published reviews for boundaries in 2011/2012 and 2013. The reviews were heavily criticised, in part for not respecting natural communities and from a

concern about the requirement to reconcile the fixed electorate tolerance (i.e. within 5% of the electoral quota) with the need to respect local ties and/or existing constituency boundaries. It has become clear that the reviews severely limited the extent to which the Boundary Commissions were able to consider other factors, such as continuity with previous constituencies and the reflection of local communities. Cornish interlocutors of the Advisory Committee were particularly concerned by the proposed new electoral boundaries that would established one constituency comprising parts of Cornwall and parts of Devon, which would potentially affect the rights of persons belonging to the Cornish minority. While the Advisory Committee realises that this is a UK process and a concern in many other constituencies across the country, it wishes to draw the attention of the UK Government to the fact that Article 16 prohibits restricting the enjoyment of the rights of the Framework Convention in connection with the redrawing of borders. It also notes that the Venice Commission in 2005 established that electoral districts (their number, size, form and magnitude) may be designed with the purpose of enhancing minorities' participation in decision-making processes.

Recommendation: The Advisory Committee urges the authorities to ensure that any administrative and constituency border reform follows an inclusive process, which takes into account the presence of persons belonging to a national minority in the territory, their meaningful participation and respect for their rights.

Article 18: Bilateral agreements

The Advisory Committee notes that the British-Irish Council (BIC) is a multi-party agreement organization that addresses a number of issues (among others: special planning, digital and social inclusion, housing, energy, environment, transport and languages) of relevance for the co-operation between the Republic of Ireland and the UK. It has eight members: in addition to Ireland the UK, these are the governments of Wales, Scotland, Northern Ireland, Guernsey, Jersey and the Isle of Man. The Cornish language is listed as an official language in the UK member territory, and representatives of Cornwall are able to participate in meetings of the Council.

Although the Cornish language is considered an official language in the UK jurisdiction, Cornwall is not a member of the BIC, nor is its participation in the work of the BIC visible. According to the Advisory Committee's interlocutors, there has not been any substantial discussion of the protection and promotion of the Cornish language in the working group. Combined with the fact that the working group meets rather infrequently, the Advisory Committee is concerned that the Cornish language is being neglected in the work of the British-Irish Council in spite of the fact that it has been a recognized minority language in the UK since 2003.

Recommendation: The Advisory Committee calls on the British-Irish Council to address actively the Cornish language in its work and endeavour to involve the Cornwall authorities, in part by creating an institutional presence for Cornwall in the Council and by promoting bilateral relations between the Cornwall authorities and other language communities' administrations.

Recommendations for immediate action

- **Counter the climate of inter-ethnic prejudices and hate speech by stepping up efforts and initiatives to promote tolerance and intercultural dialogue; continue to firmly condemn provocative language in public discourse; engage with mass media outlet to promote a more nuanced understanding and reporting of facts that risk fuelling intolerant and ethnically hostile behaviour and reduce the use of derogatory language; and endeavour to establish an independent press regulator responding to the criteria enunciated by the Leveson Report.**
- **Take all necessary steps to ensure access to the linguistic and cultural rights provided by the Framework Convention to the Cornish minority, in particular by reconsidering the**

decision to cut all funding for the Cornish language in view of the disproportionate impact such a measure will have on the delicate process of revitalizing a minority language when access to other public financial resources is limited.

Further recommendations

- Take the necessary measures to include a Cornish 'tick-box' in the next census in view of the Cornish people's recognition as a national minority.
- Take resolute action to ensure that the revision of the BBC Charter improves access to mass media for persons belonging to national and ethnic minorities, in particular for the Irish language, and introduce such support for the Cornish language.
- Engage in a dialogue with the Cornish minority to ensure that cultural policies are developed in a way respectful of the traditions and the identity of the minority; improve the use and visibility of Cornish in public life at the local level and consider flexible and pragmatic solutions to allow more systematic provision of education in the Cornish language and of the Cornish culture.
- Intensify targeted initiatives to maximize participation of persons belonging to national and ethnic minorities in employment, training and career progression in line with the Vision 2020 targets. Continue the good dialogue with the three devolved administrations and establish permanent ongoing dialogue and consultative mechanisms with Cornwall Council.

We express our grateful thanks to Craig for providing this analysis and as an organisation will be drawing both the report and the analysis to the attention of the Westminster Government, its quangos and agencies, its BBC broadcaster and Westminster MPs and relevant Ministers and others.

Of interest is that KMTU has submitted evidence to Cornwall Council's Employment Reward and Diversity Team and to several police forces regarding racism directed at the Cornish. The Metropolitan Police are currently investigating our report of such an institutional case.

Kernow Bys Vyken!

Issued on behalf of Kernow Matters To Us.

John, Teresa, Craig, Tony, Matt, Mike, Clive, Ronan, Samuel & Mark
Elected Members of the KMTU Steering Group