

JUSTICE COMMITTEE**HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL****SUBMISSION FROM MARCAS MAC AN TUAIRNEIR**

This evidence was submitted in Gaelic. There is an English translation below it which has been provided by the Scottish Parliament's Gaelic team.

Tha mi an dùil gun dèanamaid feum mòr den Bhile a tha seo ach tha mi a' gabhail iomagain mun dòigh a bheir e buaidh air saoghal nan ealain is foillseachaidh. Tha sinn ann an suidheachadh an-dràsta far a bheil cancel culture a' toirt buaidh air bith-beò, slàinte is fallaineachd agus cothroman cosnaidh aig luchd-ealain is sgrìobhadairean. Tha mòran dhaoine, tron na meadhanan clò-bhuailte, air lohdhne, agus na meadhanan sòisealta, gan cumail an àird mar bhrìtheamhan cainnt dhaoine eile, agus a' dèanamh ionnsaighean pearsanta is proifeasanta orra. Tha seo a' ciallachadh gu bheil mòran dhaoine a' cur casg orra fhèin agus gu bheil conaltradh eadar daoine is buidhnean le caochladh bheachd a' dol an lughad. Tha mi an dùil gun cleachdar an reachdas seo gus an rud seo a thoirt dha na cùirtean, agus gun an lagh seo mar bhall airm.

Anns na tha sgrìobhte, tha mi a' faicinn beàrnan mòra far am b' urrainn do sgrìobhadairean dràma is cleasaichean a bhith fo chunnart droch chleachdadh an lagha seo. 'S ann tro iomadh dhealbh cluich a bhios sinn a' beachdachadh air claon-bhreith is beachdan connspaidean. Bidh sinn a' cnuasachadh cò ris a tha e coltach a bhith beò mar dhaoine air an t-saoghal. Uaireannan feumaidh droch chainnt is claon-bhreith a bhith ann am beòil characteran gus seo a dhèanamh. Uaireannan feumaidh feartan dìon a bhith aig droch characteran airson is gum bi characteran cruinn coileanta. Uaireannan feumaidh fòirneart agus droch dhiol a bhith ann an sgeulachdan is air an àrd-ùrlar gus as urrainn dhuinn a thuigsinn. Leis a' bhile seo, tha a h-uile coltas gum b' urrainn do sgrìobhadairean is cleasaichean a bhith sa chùirt airson càr a chur an sròintean luchd-amhairc is èisteachd. Mar sin, bheir seo buaidh air saorsa cainnt, saorsa foillseachaidh is saorsa ealanta.

'S e deagh amas a th' ann an consolidation, ach 's lèir gu bheil na h-atharraichaidhean nan toradh de dh'iomairtean tàr-ghnèitheach agus an dòigh a chaidh còirichean seòrsa (sex based rights) air an sguabadh a-mach gu tur bhon cho-chomhairleachaidh. Ma tha eucair gràin fon phrosbaig, 's ann le cinnt os gum bu chòir fuath-bhan a bhith na phàirt dheth. Tha e gu tur ceàrr mach biodh cùisean nam ban aig cridhe chùisean.

Mar as tric bidh dìtidhean an crochán air briathrachas. Air saoghal na Gàidhlig chan eil droch chaint ga cleachdadh cho mòr gus cur sìos air na Gàidheil. 'S e rud fada nas insidious a th' ann, le droch thròpaichean sna pàipearan air loidhne. Me. 's e bacadh adhartais a th' anns a' Ghàidhlig, chan eil Gàidheil glic, 's e cànan àrsaidh a th' anns a' Ghàidhlig nach gabh ri saoghal co-aimsireil. Tha na beachdan seo mi-

chothromach is cunnartach ach chan eil ann ach 'teuchter' a thèid a chleachdadh mar 'n*gger', 'p*ki' etc airson beum a thoirt seachad. Bu chòir am facal seo a bhith fon phrosbaig cuideachd, is bu chòir còmhraidhean a leantainn a thaobh seo taobh a-staigh nam meadhanan is foillseachaidh.

Bu chòir an aon dìteadh a thoirt seachad airson gràin air a' Ghàidhlig is nan Gàidheal agus a bhios tachairt a thaobh mion-choimhearsnachdan eile. Tha a' choimhearsnachd feumach air soilleireachadh air na chaidh a sgrìobhadh san aithisg aig a' Mhorair Bracadal. Bu chòir co-ionannachd a bhith ann dhaibhsan a tha ann am coimhearsnachdan mion-chaànanach leithid nan Gàidheal is luchd na Beurla Gallta.

'S ann le cinnt is bu chòir sectarianism a bhith na phàirt den reachdas seo is gum bu chòir an aon dìteadh a thoirt seachd airson gràin creideimh. Bu chòir coimhead air na dòighean a bhios gràin air Caitligeachd na phàirt de ghràin air Èireannaich agus bu chòir coimhearsnachdan diaspora a bhith dìon san aon dòigh a tha coimhearsnachdan dubha, Àisianach, is mion-eitneach.

'S e xenophobia a tha seo agus ma bhios fòirneart ga thoirt air caitligeach ri linn bàil-choise is eile, bu chòir siud aithneachadh mar eucoir gràin a thuigeadh aig GBH no ABH is msaa.

Bu chòir coimhead air Sasannaich mar mion-choimhearsnachd ann an Alba is na dòighean a thèid bagairtean is fòirneart a thoirt orra, gu seachd àraid aig amannan gheamannan bàil-choise eadar-nàiseanta. 'S tric a chleachdar am facal 'Sassenach' (NB litreachadh is fuaimneachadh a tha eadar-dhealaichte sa Bheurla is Bheurla Ghallta bho 'Sasannach' sa Ghàidhlig. Chan ionnan an dà bhriathra). Bu chòir am facal seo fhaicinn san aon dòigh a chithear 'n*gger' is 'p*ki' ron lagh, san aon dòigh a dh'fheumas measadh a thoirt air 'teuchter'. Bu chòir na h-aon còmhraidhean a leantainn a thaobh seo agus riochdachadh Shasannaich anns na meadhanan is foillseachadh.

English Translation

I believe that this Bill may be very useful but I am concerned about the way it affects the world of the arts and publishing. We are currently in a situation where “cancel culture” affects livelihoods, health and well-being and employment opportunities for artists and writers. Many people, through the published media, on-line, and social media are held up to be judges of other people’s speech, and make personal and professional attacks on them. This means that many people check themselves and that communication between individuals and organisations is decreasing. I believe that this legislation may be used to bring this matter to court, and the law used as weapon.

In what has been written, I see significant gaps where writers of drama and actors can be susceptible to the misuse of this law. Through many plays we consider prejudice and controversial opinions. We contemplate what it is like to be alive as people in the world. Sometimes bad language and prejudice are needed in the

mouths of characters to do this. Sometimes bad characters need compensating characteristics so that characters are rounded and complete. Sometimes violence and abuse are necessary in a story and on the stage so we can understand it. With this bill, there is every possibility of writers and actors being in court for offending viewers and audiences. This will therefore affect freedom of speech, freedom of publication and artistic freedom.

Consolidation is a good objective but it is clear that the changes, and the way in which sex based rights have been completely removed from the consultation, are a result of trans-sexual campaigns. If hate crime is being scrutinised, surely misogyny should be a part of it. It is utterly wrong that women's matters are not at the heart of matters.

Usually convictions depend on wording. As regards Gaelic, it isn't usually bad language which is used to put down Gaels/Gaelic speakers. It is something much more insidious, with negative tropes in the papers and online. "Gaelic is an impediment to progress, Gaels are not wise, Gaelic is an ancient language that doesn't accept the contemporary world". These opinions are unfair and dangerous but it's only the word 'teuchter' which is used like 'n*gger', 'p*ki' etc to give offence. This word should be examined also and conversations should be held about this within the media and publishing industries.

The same offence should apply for hatred of Gaelic and Gaels/Gaelic speakers as happens with other minorities. The community needs clarification on what was written in Lord Bracadale's report. Equality should exist for those in minority language communities such as Gaelic speakers and speakers of Scots.

Sectarianism should definitely be a part of this legislation and the same offence should apply for religious hatred. The ways in which hatred of Catholicism is part of hatred for the Irish should be looked at and diaspora communities should be protected in the same way as black, Asian and racial minority communities.

This is xenophobia and if a Catholic encounters violence during football and other events, that should be recognised as a hate crime in addition to GBH or ABH etc.

English people should be regarded as a minority community in Scotland and the ways in which they encounter violence and threats, especially at the time of international football games. The word 'Sassenach' (NB spelling and pronunciation which is different in English and Scots to 'Sasannach' in Gaelic. The two words are not the same). This word should be regarded in the same way 'n*gger' and 'p*ki' are seen before the law, as 'teuchter' should also be regarded. The same conversations should be pursued regarding this and the representation of English persons in the media and publishing.

Marcas Mac an Tuairneir
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