

JUSTICE COMMITTEE**HATE CRIME AND PUBLIC ORDER (SCOTLAND) BILL****SUBMISSION FROM BÒRD NA GÀIDHLIG****Bìle Eucoir Gràin is Òrdugh Poblach (Alba)**

Tha Bòrd na Gàidhlig a' cur fàilte air a' chothrom gus beachdan a thoirt do Chomataidh a' Cheartais aig Pàrlamaid na h-Alba air Bìle Eucoir Gràin is Òrdugh Poblach (Alba) ùr.

Bòrd na Gàidhlig welcomes the opportunity to give its views to the Justice Committee of the Scottish Parliament on the new Hate Crime and Public Order (Scotland) Bill.

Thug am Bòrd fianais dhan leirmheas a chaidh a dhèanamh leis a' Mhorair Bracadal air laghan a thaobh eucoir gràin.

The Bòrd submitted evidence to the review carried out by Lord Bracadale on hate crime legislation.

Tha sinn ag aithneachadh agus a' cur fàilte air amas an Riaghaltais gu bheil iad a' gabhail an cothrom gus a dhèanamh cinnteach gu bheil laghan eucoir gràin iomchaidh do dh'Alba san 21mh linn, agus gu bheil iad a' toirt dìon gu leòr dhaibhsan a tha feumach air.

We recognise and welcome the Government's aim to shape hate crime legislation so that it is fit for 21st century Scotland and, most importantly, affords sufficient protection for those that need it.

Chan eil sinn mothachail gun deach 'eucoir-gràin' a dhèanamh air luchd-labhairt na Gàidhlig agus tha fios againn gu bheil daoine ann an Alba san fharsaingeachd taiceil dhan Ghàidhlig agus do luchd-labhairt na Gàidhlig (Sgrùdaidhean air Beachdan Sòisealta na h-Alba).

We are not aware that Gaelic-speakers have been victims of 'hate crimes' and we know that people in Scotland are generally positive about the Gaelic language and Gaelic speakers (Scottish Social Attitudes Surveys).

Ge-tà, tha sinn mothachail gu bheil beachdan air nochdadh, agus bidh iad fhathast a' nochdadh, sna meadhanan sòisealta agus gu h-àraidh sna pàipearan-naidheachd a tha a' càineadh no a' nochdadh nàimhdeas dhan chànan agus do luchd-labhairt a' chànan, agus gu bheil claon-bhàidh fhathast ann dhan chànan is a luchd-labhairt. Feumar dèiligeadh ri claon-bhàidh an aghaidh na Gàidhlig, mar a dh'fheumar dèiligeadh ri claon-bhàidh de sheòrsa sam bith, agus tha e cudromach gum bi an siostam laghail a tha a' cur dìon air daoine ann an Alba bho leth-bhreith, agus gu dearbh, bho ghràin a' buntainn ri luchd-labhairt na Gàidhlig cuideachd.

However, we note that there has in the past and there continues to be comments, both in social media and in mainstream print media in particular, in which hostility to the language and its speakers is expressed, and that prejudice towards the language and its speakers remains. As with all forms of prejudice, anti-Gaelic prejudice must be addressed, and it is important that the legal regime which protects people in Scotland from acts of discrimination and, indeed, hatred applies to Gaelic-speakers as well.

Ann an Alba an latha an-diugh, dùthaich a It cannot be acceptable in modern
dh'aontaich Achd na Gàidhlig (Alba) ann an Scotland, which passed the Gaelic
2005, chan urrainnear gabhail ris gum faod Language (Scotland) Act in 2005, that
daoine a tha a' cleachdadh Gàidhlig, mar people who use Gaelic, as their first
a' chiad chànan aca no mar chànan a thog or subsequent language, can be
iad às dèidh sin, a bhith air an cur an belittled or attacked because of that.
suarachas no gun rachadh ionnsaigh a thoirt
orra air sgàth sin.

Tha am Meòrachan Poileasaidhⁱ ag ràdh gur e The Policy Memorandumⁱⁱ states that
iomadachd na h-Alba a neart; agus gu bheil Scotland's diversity is its strength; and
luach ga chur air a h-uile coimhearsnachd all communities are valued and their
agus gu bheilear a' cur fàilte air na tha iad a' contributions welcomed. To ensure
cur ris an dùthaich. Gus dèanamh cinnteach that the message is strong and clear,
gu bheil an teachdaireachd làidir agus soilleir, we would recommend that Gaelic
mholamaid gum biodh iomradh air luchd- speakers and their importance to
labhairt na Gàidhlig agus cho cudromach 's a Scotland's diversity is referenced in
tha iad do dh'iomadachd na h-Alba anns a' the Bill, with Gaelic language
Bhile, leis a' Ghàidhlig air a h-aithneachadh included as a protected
anns a' bhile mar fheart dìonte. characteristic.

Mura h-eil iomradh air a' chànan no air a' If the language or ethnicity is not
chinneadh ann an Earrannan 1, 3 agus 5 den referenced in Sections 1, 3 and 5 of
Bhile mar a tha e, dh'iarramaid gun rachadh the Bill as it stands, then we would
mìneachadh de chinneadh, a' gabhail a- ask that a definition of race including
steach luchd na Gàidhlig a chur ris na Gaelic speakers be added to the
mìneachaidhean ann am Pàirt 3, Earrann 14. definitions in Part 3, Section 14.

Bheachdaich am Morair Bracadal air a' cheist Lord Bracadale considered the
am bu chòir luchd-labhairt na Gàidhlig a question of Gaelic speakers as a
mheas mar bhuidheann cinnidh air leth agus distinct ethnic group and concluded
cho-dhùin e gun robh argamaid làidir ann gun that there was a strong argument that
gabhadh an sònrachadh mar sin. they could be defined as such.

Ge b' e dè an t-slighe as fheàrr leibh gus sin Whichever is the preferred route to
aithneachadh, is e a' phuing as cudromaiche make that recognition, the most
nach eil luchd-labhairt na Gàidhlig air an important point is that Gaelic speakers
dùnadh a-mach bhon dìon a tha am Bile a' are not excluded from the protection
toirt seachad. afforded by the Bill.

Nan rachadh a' Ghàidhlig a chur a-steach The inclusion of Gaelic would support
dhan Bhile, chumadh e taic do na trì amasan the three aims of (a) a standardisation
(a) stannardachadh no cunbhalachd dòigh- or consistency of approach across the
obrach thar nam feartan dìonte, a' gabhail a- protected characteristics including
steach feartan ùra; (b) dèanamh cinnteach new characteristics; (b) future proofing
gum bi an reachdas freagarrach airson an àm legislation; to reflect 21st century
ri teachd; gus am biodh e a rèir Alba an 21mh Scotland and as far as possible make
agus cho fad 's a ghabhas e dèanamh, gum the legislation fit for purpose in the
bi an reachdas iomchaidh airson an am ri future, and (c) to build a more equal
teachd, agus (c) Alba nas co-ionainne agus and inclusive Scotland.
nas in-ghabhalta a thogail.

The Policy Memorandumⁱⁱ states that
Scotland's diversity is its strength; and
all communities are valued and their
contributions welcomed. To ensure
that the message is strong and clear,
we would recommend that Gaelic
speakers and their importance to
Scotland's diversity is referenced in
the Bill, with Gaelic language
included as a protected
characteristic.

If the language or ethnicity is not
referenced in Sections 1, 3 and 5 of
the Bill as it stands, then we would
ask that a definition of race including
Gaelic speakers be added to the
definitions in Part 3, Section 14.

Lord Bracadale considered the
question of Gaelic speakers as a
distinct ethnic group and concluded
that there was a strong argument that
they could be defined as such.

Whichever is the preferred route to
make that recognition, the most
important point is that Gaelic speakers
are not excluded from the protection
afforded by the Bill.

The inclusion of Gaelic would support
the three aims of (a) a standardisation
or consistency of approach across the
protected characteristics including
new characteristics; (b) future proofing
legislation; to reflect 21st century
Scotland and as far as possible make
the legislation fit for purpose in the
future, and (c) to build a more equal
and inclusive Scotland.

BÒRD NA GÀIDHLIG
27 July 2020

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¹ Para 9, <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/hate-crime-and-public-order-scotland-bill/introduced/policy-memorandum-hate-crime-and-public-order-scotland-bill.pdf>

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² Para 9, <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/hate-crime-and-public-order-scotland-bill/introduced/policy-memorandum-hate-crime-and-public-order-scotland-bill.pdf>