

Tha Bòrd na Gàidhlig a' cur fàilte air a' chothrom seo a bheachdan a thoirt do Chomataidh Co-ionannachd agus Chòraichean Daonna mu Bhile Ùr Cunradh nan Dùthchannan Aonaichte air Còraichean na Cloinne (Corpachadh)(Alba) ('am Bile') agus bhiodh iad deònach bruidhinn air beulaibh na Comataidh nam biodh sin feumail.

Is e a' phrìomh theachdaireachd aig Bòrd na Gàidhlig gur e cànan dùthchasach na h-Alba a th' anns a' Ghàidhlig agus gum bu chòir dhan Bhile seo dèanamh cinnteach gu bheil na h-ullachaidhean aige a' gabhail a-steach feumalachdan agus còraichean na cloinne aig a bheil Gàidhlig agus a tha a' faighinn an cuid foghlaim tro mheadhan na Gàidhlig.

Feumaidh am Bile cuideachd mothachadh a nochdadh mu na h-ullachaidhean cudromach a th' ann mar-thà gus taic a thoirt do sholarachadh cànan dùthchasach do chloinn ann am foghlam Gàidhlig, is iad sin, Achd na Gàidhlig (Alba) 2005 agus Achd an Fhoghlaim (Alba) 2016.

Gheibhear cunntas nas fhaide air na puingeann seo gu h-ìosal.

Tha Cunradh nan Dùthchannan Aonaichte air Còraichean na Cloinne air aon de na h-ionnstramaidean as cudromaiche ann an lagh eadar-nàiseanta agus chaidh a dhaingneachadh le 196 dùthchannan, a' gabhail a-steach na RA.

Tha sinn ag aithneachadh agus a' cur fàilte air amas an Riaghaltais a bhith a' cur a' Bhile an gnìomh 'chun na h-ìre as motha 's a ghabhas'. Tha seo a' toirt misneachd dhuinn gum bi na còraichean a thig bhon Achd a' dìon agus a' neartachadh chòraichean na cloinne aig a bheil Gàidhlig, fear de mhion-chànanan dùthchasach na h-Alba.

Bòrd na Gàidhlig welcomes the opportunity to give its views to the Justice Committee of the Scottish Parliament on the new United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill ('the Bill') and would be pleased to speak at the Committee if that were useful.

The main message from Bòrd na Gàidhlig is that Gaelic is an indigenous language of Scotland and this Bill should ensure that its provisions extend to the needs and rights of children who speak Gaelic and are receiving their education through the medium of Gaelic.

The Bill also needs to demonstrate awareness of the significant provisions that are already in place to support indigenous language provision for children in Gaelic education, these are, the Gaelic Language (Scotland) Act 2005 and the Education (Scotland) Act 2016.

We have expanded on these points below.

The UN Convention of the Rights of the Child ('CRC') is one of the most significant human rights instruments in international law and has been ratified by 196 countries, including the UK.

We recognise and welcome the Government's ambition to implement the Bill in 'maximalist' fashion. This gives us confidence that the rights which will come from the Act will protect and strengthen the rights of children who speak Gaelic, one of the indigenous minority languages of Scotland.

Meòrachan Poileasaidh, Para 7:

Tha sealladh aig a' Bhile a bhith a' dèanamh rudan 'chun na h-ìre as motha 's a ghabhas'. Nì e cinnteach gum bi còraichean chloinne air an dìon, air am meas agus air an coileanadh ann an Alba chun na h-ìre as motha a cheadaicheas cumhachdan Pàrlamaid na h-Alba.

Ann a bhith ag ullachadh na freagairt seo, bidh sinn a' tarraing air an Aithisg Dheireannach den Lèirmheas Neo-eisimeileach air Reachdas Eucoir Gràin ann an Alba (Riaghaltas na h-Alba, an Cèitean 2018), anns an do cho-dhùin am Morair Bracadal "gu bheil argamaid gu math làidir gu bheil luchd na Gàidhlig nan 'cinneadh'. Airson adhbharan a' Bhile seo agus a bhith a' buileachadh na dòigh-obrach gum bu chòir rudan a dèanamh 'chun na h-ìre as motha 's a ghabhas', tha sinn den bheachd gum bu chòir Altan a tha a' toirt iomradh air mion-shluaighean a bhith a' gabhail a-steach clann le Gàidhlig agus a bhith air an cur an sàs a chùim an leas.

Anns na paragrafan a leanas, tha sinn a' coimhead air a' bhuidh aig grunn altan sa Bhile airson clann aig a bheil Gàidhlig.

Alt 17

Tha seo a' toirt iomradh air (d) gus na meadhanan mòra a bhrosnachadh gus aire shònraichte a thoirt do dh'fheumalachdan cànanach na cloinne a bhuineas ri mion-shluagh no a tha dùthchasach. Mar sin feumar ceumannan a ghabhail mar thoradh air Cunradh nan Dùthchannan Aonaichte air Còraichean na Cloinne gus taic a chumail ri stuthan a chruthachadh anns a' Ghàidhlig leis na meadhanan mòra airson leas na cloinne aig a bheil Gàidhlig.

Alt 29

Tha buaidh mhòr aig an alt seo air solar foghlaim anns an t-seagh as fharsainghe agus air mar a thèid seo a lìbhrigeadh do chloinn aig a bheil Gàidhlig.

Policy Memorandum Para 7:

The approach which the Bill takes is 'maximalist'. It will ensure that children's rights are protected, respected and fulfilled in Scotland to the maximum extent of the Scottish Parliament's powers.

In preparing this response, we draw on the Final Report of the Independent Review of Hate Crime Legislation in Scotland (Scottish Government, May 2018), where Lord Bracadale concluded that "there is a fairly strong argument that Gaelic speaking Gaels belong to an 'ethnic group'. For the purposes of this Bill and implementing the maximalist approach, we would submit that Articles which reference minority groups should encompass Gaelic-speaking children and apply for their benefit.

In the following paragraphs, we highlight the implications of a number of sections in the Bill for Gaelic-speaking children.

Article 17

This refers to (d) encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous. Thus the CRC requires measures to be taken to support the provision by the mass media in Scotland of information and material in Gaelic for the benefit of Gaelic-speaking children.

Article 29

This Article has extensive implications for the provision of education in the widest sense and how this will be delivered for Gaelic-speaking children.



Alt 30

Tha buaidh mhòr aig an earrainn seo air luchd-labhairt mion-chànanan dùthchasach ann an Alba, mar eisimpleir, gum bi e comasach dhan neach òg an cànan fhèin a chleachdadh ann an raon farsaing de shuidheachaidhean.

Bu chòir an dòigh-obrach a bhith ‘a’ dèanamh rudan chun na h-ìre as motha ‘s a ghabhas’ a bhith follaiseach ann an stiùireadh no toolkit sam bith a thèid a chruthachadh gus taic a chumail ri buileachadh an uilt seo.

Alt 31 (2)

Tha an t-Alt seo ag ràdh gum feumar solar iomchaidh agus co-ionann, a bhrosnachadh airson gnìomhachd chultarach, ealanta, dibhearsain agus cur-seachad. Airson luchd-labhairt mion-chànanan dùthchasach na h-Alba, dhèanadh an t-allt seo cinnteach gum biodh co-ionannachd solarachaidh ann.

Fo-earrann 11(1)

Tha fo-earrann 11 (1) a’ toirt iomradh air cruthachadh Sgeama Chòraichean do Chloinn A chionn ‘s gu bheil Cunnradh nan Dùthchannan Aonaichte air Còraichean na Cloinne a’ cruthachadh dhleastanasan a thaobh clann le Gàidhlig, bu chòir dhan Sgeama Còraichean Chloinne a bhith a’ toirt iomradh den aon seòrsa air mar a bhios Ministearan na h-Alba a’ gèilleadh ri dleastanasan a thaobh clann le Gàidhlig fo Altan 17, 29 agus 30 den Chunnradh.

Earrann 14 - Measadh Buaidh air Còraichean is Sunnd Chloinne

A chionn ‘s gum bi Cunnradh nan Dùthchannan Aonaichte air Còraichean na Cloinne a’ cruthachadh dhleastanasan a thaobh dearbh-aithne cultarach na cloinne (Alt 29 agus 30), bu chòir measaidhean buaidh còraichean agus sunnd chloinne iomradh a thoirt air a’ bhuidh air còraichean no dleastanasan a thaobh clann le Gàidhlig fo Earrannan 17, 29 agus 30 den Chunnradh.

Article 30

This section significant implications for indigenous minority language speakers in Scotland such that the child is able to use his or her own language in a wide range of situations.

The maximalist approach described in the Policy Memorandum should be demonstrated in any guidance or toolkits which support the implementation of this article.

Article 31 (2)

This Article requires the encouragement of provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity. For the indigenous minority language speakers, the article would ensure an equality of provision.

Subsection 11 (1)

Subsection 11 (1) refers to the creation of a Children’s Rights Scheme. As the CRC creates obligations in relation to Gaelic-speaking children, the Children’s Rights Scheme should similarly reference how Scottish Ministers will comply with duties in relation to Gaelic-speaking children under Articles 17, 29 and 30 of the CRC.

Section 14 – Children’s Rights and Wellbeing Impact Assessments

As the CRC creates obligations in relation to the child’s own cultural identity and language (Articles 29 and 30), child rights and wellbeing impact assessments should make reference to an impact on the rights or duties in relation to Gaelic-speaking children under Sections 17, 29 and 30 of the CRC.



Bu chòir stiùireadh no comhairle mu bhith a' dèanamh nam measaidh buaidh sin a bhith a' gabhail a-steach stiùireadh mu bhith a' measadh na buaidh air còir na cloinne a bhith a' cleachdadh cànan dùthchasach na h-Alba mar a' Ghàidhlig.

Earrann 15 Dleastanasan Aithris aig Ùghdarrasan Ainmichte

A-rithist, mar a chaidh a mhìneachadh gu h-àrd, tha Cunradh nan Dùthchannan Aonaichte air Còraichean na Cloinne a' cruthachadh dhleastanasan a thaobh clann le Gàidhlig. Bu chòir aithisg sam bith iomradh a thoirt air gnìomhan a tha na h-ùghdarrasan air gabhail gus dèanamh cinnteach nach eil gnìomhan mar sin neo-chòrdail ris na dleastanasan a thaobh clann le Gàidhlig. A-rithist, thathar a' moladh gum bu chòir an stiùireadh air na h-aithisgean seo a bhith a' gabhail a-steach mar a tha an t-ùghdarras clàraichte air gnìomhan a chur an sàs gus taic a thoirt do chòraichean chloinne aig a bheil Gàidhlig ann a bhith a' libhrigeadh an cuid sheirbheisean; agus mar a tha na seirbheisean a tha gan toirt seachad a' dèiligeadh ri luchd-labhairt na Gàidhlig agus luchd-labhairt chànanan dùthchasach eile.

Meòrachan poileasaidh

Para 7:

Nì am Bile cinnteach gu bheil cultar for-ghnìomhach ann de cunntachalachd làitheil airson còraichean chloinne tro sheirbheisean poblach na h-Alba air fad. Nì e cinnteach gum bi aig ùghdarrasan poblach ri ceuman for-ghnìomhach a ghabhail gus dèanamh cinnteach gu bheil a' cumail ri còraichean chloinne anns na co-dhùnaidhean aca agus ann an libhrigeadh sheirbheisean.

Para 8:

Bidh am Bile a' ciallachadh gum bi ùghdarrasan poblach ag obair gu cunbhalach gus còraichean clann uile na h-Alba a dhìon airson clann, òigridh agus teaghlaichean na h-Alba.

Any guidance or advice on carrying out these impact assessments should include guidance on assessing the impact on the child's right to use an indigenous Scottish language such as Gaelic.

Section 15 Reporting Duties of Listed Authorities

Again, as the described above, the CRC creates obligations in relation to Gaelic-speaking children, any reports should make reference to actions that the authorities have taken to ensure that such actions are not incompatible with the obligations to Gaelic-speaking children. In addition, it is recommended that the guidance on such reports should include how the listed authority has implemented actions to support the rights of Gaelic-speaking children in the delivery of their services; and how the services provided cater for Gaelic and other indigenous language speakers.

Policy Memorandum

Para 7:

The Bill will ensure that there is a proactive culture of everyday accountability for children's rights across public services in Scotland. It will ensure that public authorities should be required to take proactive steps to ensure compliance with children's rights in their decision-making and service delivery.

Para 8:

The Bill will mean that children, young people and their families will experience public authorities consistently acting to uphold the rights of all children in Scotland.



Mu dheireadh, tha sinn mothachail nach eil iomradh ann am paragraf 26 den Mheòrachan poileasaidh air dà phìos reachdais a tha fìor chudromach do chloinn aig a bheil Gàidhlig. An tòiseach, tha Achd na Gàidhlig (Alba) 2005. Fo earrann 9 den achd sin, feumaidh Bòrd na Gàidhlig stiùireadh ullachadh agus a chur a-steach gu Ministearan na h-Alba a thaobh solar foghlam Gàidhlig agus leasachadh an t-solair sin, agus feumaidh ùghdarras poblach sam bith (leithid ùghdarrasan foghlaim ionadail) aig a bheil gnìomhan a' buntainn ri foghlam Gàidhlig, no solar foghlam Gàidhlig, aire a thoirt don stiùireadh ann an coileanadh nan gnìomhan. Tha Bòrd na Gàidhlig air stiùireadh den t-seòrsa seo fhoillseachadh, agus chaidh seo aontachadh le Ministearan na h-Alba.

Cuideachd, tha ullachaidhean fìor chudromach ann am Pàirt 2 de dh'Achd an Fhoghlaim (Alba) 2016 a tha a' buntainn ri foghlam tro mheadhan na Gàidhlig. 'S e an t-ullachadh as cudromaiche gun deach pròiseas a chruthachadh anns an urrainn do phàrantan leudachadh ann am Foghlam tron Ghàidhlig iarraidh, agus a bhith a' cruthachadh nan ceuman a dh'fheumas an t-ùghdarras foghlaim a ghabhail gus na h-iarrtasan sin a mheasadh. Mar a thug sinn fa-near san tagradh seo, tha ullachaidhean fìor chudromach ann an Cunradh nan Dùthchannan Aonaichte air Còraichean na Cloinne a tha buntainneach do chloinn aig a bheil Gàidhlig, is mar sin tha e cudromach gun tèid seo aithneachadh daonnan a thaobh a' Bhile fhèin agus a thaobh a bhuileachadh aig a' cheann thall.

Finally, we note that at paragraph 26 of the Policy Memorandum, no reference is made to two pieces of legislation that are of very considerable importance to Gaelic-speaking children. The first is the Gaelic Language (Scotland) Act 2005. Under section 9 of that act, Bòrd na Gàidhlig is required to prepare and submit to the Scottish Ministers guidance in relation to the provision of Gaelic education and the development of such provision, and any relevant public authority (such as local education authorities) having functions relating to, or to the provision of, Gaelic education must have regard to the guidance in carrying out the functions. Bòrd na Gàidhlig has issued such guidance, which has been approved by Scottish Ministers.

Also, Part 2 of the Education (Scotland) Act 2016 contains very important provisions relating to Gaelic-medium education, the most significant being the creation of a process by which parents can formally request the expansion of Gaelic-medium education, and the steps which the education authority must take to assess such requests. Given, as we have noted in this submission, the CRC contains very significant provisions of relevance to Gaelic-speaking children, it is important that this be recognised at all times in relation the Bill itself and in relation to its ultimate implementation.

