

<p>Bile Còraichean a’ Chinne-daonna airson Alba: co-chomhairle</p> <p>Freagairt bho Bhòrd na Gàidhlig</p> <p>18 Sultain 2023</p>	<p>A Human Rights Bill for Scotland: consultation</p> <p>Response from Bòrd na Gàidhlig</p> <p>18 September 2023</p>
<p>3. Dè ur beachdan air na seòrsaichean lagh eadar-nàiseanta, stuthan, agus dòighean-obrach a tha rin gabhail a-steach san t-solar mìneachaidh a thathar a’ moladh?</p> <p>Stèidhichte fo Achd na Gàidhlig (Alba) 2005, 's e buidheann poblach neo-roinneil de Riaghaltas na h-Alba a th’ ann am Bòrd na Gàidhlig. Is e a’ phrìomh bhuidheann ann an Alba air a bheil dleastanas gus leasachadh Gàidhlig a chur air adhart agus gus comhairle a thoirt do Mhinistearan na h-Alba mu chùisean Gàidhlig.</p> <p>'S e mion-chànan dùthchasach na h-Alba a th’ ann an Gàidhlig na h-Alba, agus tha i air a bhith ga bruidhinn san dùthaich airson còrr air dusan linn. Faodar a crìonadh a cheangal gu dìreach ri 400 bliadhna de reachdas a chaidh a dhealbhadh gus a chuir a-mach à comann-sòisealta na h-Alba. Tha aithne do chòraichean mion-chànanan dùthchasach ann am Bile Còraichean a’ Chinne-daonna na h-Alba riatanach ann a bhith ag ath-stèidheachadh a’ chànan na dùthaich dhachaidh.</p> <p>'S e amas a’ Phlana Cànan Nàiseanta Ghàidhlig 2018-23¹ gun tèid “a’ Ghàidhlig a chleachdadh nas trice, le barrachd dhaoine agus ann an raon nas fharsainge de shuidheachaidhean”. Bheirear seo gu buil le bhith a’ cuimseachadh air:</p> <ul style="list-style-type: none"> • Cur am meud cleachdadh na Gàidhlig. • Cur am meud ionnsachadh na Gàidhlig. • Cur air adhart deagh ìomhaigh den Ghàidhlig. <p>Bheirear an cleachdadh a bharrachd seo den chànan gu bhith, gu ìre, le bhith a’ toirt am buil nam buannachdan eacanomaigeach a bhios a’ Ghàidhlig a’ toirt do dh’Alba.</p>	<p>3. What are your views on the types of international law, materials, and mechanisms to be included within the proposed interpretative provision?</p> <p>Established under the Gaelic Language (Scotland) Act 2005, Bòrd na Gàidhlig is an executive non-departmental public body of the Scottish Government. It is the principal public body in Scotland responsible for promoting Gaelic development and providing advice to the Scottish Ministers on Gaelic issues.</p> <p>Scottish Gaelic is a minority, indigenous language of Scotland, and has been spoken in the country for over twelve centuries. Its decline can be directly linked to 400 years of legislation designed to extirpate it from Scottish society. Recognition of indigenous minority language rights in the Human Rights Bill for Scotland is essential in re-establishing the language in its homeland.</p> <p>The aim of the National Gaelic Language Plan 2018-23⁷ is “that Gaelic is used more often, by more people and in a wider range of situations”. This will be achieved by focusing on:</p> <ul style="list-style-type: none"> • Increasing the use of Gaelic. • Increasing the learning of Gaelic. • Promoting a positive image of Gaelic. <p>This greater use of the language will, in part, be achieved through fully realising the social and economic benefits that Gaelic brings to Scotland. Our</p>

¹ <https://www.gaidhlig.scot/wp-content/uploads/2018/03/BnG-NGLP-18-23.pdf>

⁷ <https://www.gaidhlig.scot/wp-content/uploads/2018/03/BnG-NGLP-18-23.pdf>

Tachraidh sin tro bhith a' cleachdadh na Gàidhlig barrachd mar sho-mhaoin eaconamach. 'S e ar n-amas gum faicear is gun cluinnear a' Ghàidhlig gu làitheil air feadh na h-Alba, air dhòigh 's gun tèid aithneachadh gu farsaing gu bheil i aig cridhe beatha na h-Alba agus na stòras nàiseanta.

Thathar a' bruidhinn Gàidhlig air feadh na h-Alba. Tha mu 50% de luchd-labhairt na Gàidhlig a' fuireach sa Ghàidhealtachd agus sna h-Eileanan, agus càch air feadh na dùthcha. A rèir Cunntas-sluaigh 2011, bha sgilean Gàidhlig aig 87,100 daoine (mu 1.7% den àireamh-shluaigh), agus 57,600 dhiubh a b' urrainn Gàidhlig a bhruidhinn. Tha iarrtas a' sior fhàs airson cànan is cultar na Gàidhlig le buannachdan foghlaim, eaconamach is sòisealta co-cheangailte riutha.

Tha Foghlam tro Mheadhan na Gàidhlig (FtMG) a' leudachadh air feadh na h-Alba. Tha e a-nis ri fhaighinn ann an còrr is dàrna leth nan 32 ùghdarrasan ionadail ann an Alba. Thòisich Foghlam tro Mheadhan na Gàidhlig ann an 1985 le 14 sgoilearan sa bhun-sgoil. A-nis tha còrr is 5,600 sgoilear san roinn thar foghlaim Thràth-bhliadhnaichean, Bun-sgoile is Àrd-sgoile. Gus coinneachadh ri fàs leantainneach san iarrtas bidh feum air tasgadh ann an sgoiltean agus tidsearan.

Tha an t-iarrtas airson Gàidhlig ionnsachadh follaiseach san àrdachadh mhòr de dhaoine a tha a' gabhail ris an app/làrach-lìn ionnsachadh cànan Duolingo. Tha mu 1.5 millean neach air tòiseachadh air Gàidhlig na h-Alba ionnsachadh air an app bho thòisich an cùrsa o chionn trì bliadhna. Tha a' mhòr-chuid (71%) bho thaobh a-muigh na RA, le 36% anns na Stàitean Aonaichte a-mhàin.

Tha cur air bhog goireas craolaidh agus teagaisg air-loidhne SpeakGaelic san t-Sultain 2021 cuideachd air cur gu mòr ri goireasan do dh'ìnbhich a tha airson a dhol an sàs sa Ghàidhlig agus an cànan ionnsachadh.

Fhuair "Suirbhidh Beachdan Sòisealta na h-Alba 2021: Beachdan Poball na h-Alba air a' Ghàidhlig"², gu bheil, an coimeas ri 2012:

- A' cho-chuid a tha ag ràdh gun urrainn dhaibh co-dhiù corra fhacal Gàidhlig a bhruidhinn air dùblachadh bho 15% gu 30%.
- Gu bheil a' cho-chuid a tha ag ràdh gun tuig iad co-dhiù beagan Gàidhlig air a dhol am meud bho 25% gu 41%.

aim is that Gaelic is seen and heard on a daily basis across Scotland, such that it is widely recognised as an integral part of Scottish life and a national asset.

Gaelic is spoken across Scotland. Around 50% of Gaelic speakers live in the Highlands and Islands with the remainder in the rest of the country. At the 2011 Census 87,100 people in Scotland had Gaelic skills (around 1.7% of the population), of which 57,600 were Gaelic speakers. There is a growing demand for Gaelic language and culture with related educational, economic, and social benefits.

Gaelic Medium Education is expanding across Scotland. It is now available in over half of Scotland's 32 local authorities. Gaelic Medium Education began in 1985 with 14 primary pupils. There are now more than 5,600 pupils in the sector across Early Years, Primary and Secondary education. Meeting continuing growth in demand will require investment in schools and teachers.

The demand for learning Gaelic is evident in the huge uptake of the Duolingo language learning app/website. Some 1.5 million people have started learning Gaelic on the app since the course launched over three years ago. The majority (71%) are from outside the UK, with 36% in the United States alone.

The launch of SpeakGaelic in October 2021 has also greatly contributed to resources for adults who want to engage with and learn the language. It has seen around 400,000 learners since its launch.

The "Scottish Social Attitudes Survey 2021: Public Attitudes to Gaelic in Scotland"⁸ found that since 2012:

- The proportion who say they can speak at least the odd word of Gaelic has doubled from 15% to 30%.
- The proportion who say they can understand at least a little Gaelic has increased from 25% to 41%.

² <https://www.gaidhlig.scot/wp-content/uploads/2022/06/03.SSA-2021-Public-attitudes-to-Gaelic-in-Scotland-Main-report.pdf>

⁸ <https://www.gaidhlig.scot/wp-content/uploads/2022/06/03.SSA-2021-Public-attitudes-to-Gaelic-in-Scotland-Main-report.pdf>



A bharrachd air sin, tha 79% de dhaoine a' smaointinn gu bheil a' Ghàidhlig an dàrna cuid cudromach no glè chudromach do dhualchas cultarach na h-Alba.

Lorg suirbhidh de dhaoine òga (iadsan eadar 11 agus 26 bliadhna a dh'aois)³ gun robh trian (33%) den luchd-fhreagairt ag ràdh gu robh iad ag ionnsachadh Gàidhlig ann an dòigh air choreigin. Thuirt tuilleadh air leth (59%) den luchd-fhreagairt aig *nach robh a' Ghàidhlig* gun robh ùidh aca ann a bhith ag ionnsachadh a' chàinain. Cuideachd, 72% den luchd-fhreagairt gu lèir a' meas cultar is dualchas na Gàidhlig mar rud luachmhor no fìor-luachmhor.

Tha Bòrd na Gàidhlig a' freagairt ris a' cho-chomhairleachadh a chionn 's gu bheil sinn airson barrachd soilleireachd fhaicinn air a' bhuidh a bhios aig a' Bhile a thathar a' moladh air a' Ghàidhlig.

Tha sinn a' cur fàilte air, mar a tha an *Leabhar-iùil don phàipear Co-chomhairleachaidh* ag ràdh, "Tha Bile Còraichean a' Chinne-daonna Riaghaltas na h-Alba mu dheidhinn còraichean eaconamach, sòisealta agus cultarail ann an cùmhnanntan còraichean daonna nan Dùthchannan Aonaichte".

'S e prionnsapal fìor chudromach airson luchd-labhairt na Gàidhlig gur e còir daonna le bun-stèidh *cànanach* a th' ann an còir a' chàinain a chleachdadh seach stèidh chultarail a-mhàin.

Bu chòir cànan a bhith air ainmeachadh gu soilleir mar phàirt riatanach de chultar. Tha e na mheadhan tro bheil daoine fa leth agus coimhearsnachdan a' cur an cèill an smuaintean, am beachdan, an luachan agus an creideasan. Faodaidh cànan gluasad luachan agus traidiseanan cultarach a dhèanamh nas fhasa bho ghinealach gu ginealach.

Mar sin, tha cànan agus cultar eadar-fhighte gu domhainn, le cànan na phàirt dheanamach agus na sgàthan air dearbh-aithne chultarach, conaltradh agus faireachdainn.

Bidh cuid de chùmhnanntan còraichean a' chinne-daonna eadar-nàiseanta – a' gabhail a-steach an fheadhainn a tha Riaghaltas na h-Alba a' moladh a thoirt a-steach do lagh na h-Alba tron Bhile – a' cleachdadh an fhacail "cultar". Ach, chan eil iad a'

Further, 79% of people think Gaelic is either very or fairly important to Scotland's cultural heritage.

A survey of young people (those aged between 11 and 26 years)⁹ found that one third (33%) of respondents stated that were learning Gaelic in some form. More than half (59%) of the respondents who could *not* speak Gaelic stated that they were interested in learning the language. Also, 72% of all respondents rated Gaelic culture and heritage as quite or very valuable.

Bòrd na Gàidhlig are responding to this consultation because we wish to see greater clarity on the proposed Bill's implications for the Gaelic language.

We welcome that, as the *Guide to the Consultation* document states, "Scottish Government's Human Rights Bill is about the economic, social, and cultural rights in United Nations human rights treaties".

It is an extremely important principle for Gaelic speakers that the right to use the language is a human right with a *linguistic* basis rather than simply a cultural one.

Language should be explicitly referred to as an integral part of culture. It serves as a medium through which individuals and communities express their thoughts, ideas, values, and beliefs. Language can facilitate the transmission of cultural values and traditions from one generation to another.

Thus, language and culture are deeply intertwined, with language serving as a vital component and reflection of cultural identity, communication, and expression.

Some international human rights treaties - including those that Scottish Government proposes to incorporate into Scots law through the Bill - use the term "culture". However, they do not provide a

³ <https://youngscot.net/ysobservatory/a-bhith-an-sas-le-ghaidhlig-air-loidhne-engaging-with-gaelic-online>

⁹ <https://youngscot.net/ysobservatory/a-bhith-an-sas-le-ghaidhlig-air-loidhne-engaging-with-gaelic-online>



toirt seachad mìneachadh air na tha air a ghabhail a-steach ann an seo agus mar sin a bheil còraichean cultarail a’ toirt a-steach còraichean *co-cheangailte ri cànan*.

’S e an Cùmhnant Eadar-nàiseanta air Còraichean Eaconamach, Sòisealta agus Cultarail (ICESCR) aon de na ceithir cùmhnantan còraichean a’ chinne-daonna eadar-nàiseanta a tha Riaghaltas na h-Alba a’ moladh a thoirt a-steach do lagh na h-Alba. Tha còir an lùib ICESCR gus “pàirt a ghabhail ann am beatha chultarail”. Ach, chan eil mìneachadh sam bith air “beatha chultarail” agus mar sin chan eil aithris shoilleir ann air còraichean *co-cheangailte ri cànan*.

Chan eil iomradh sam bith air còraichean *co-cheangailte ri cànan* anns a’ phàipear Co-chomhairleachaidh airson Bile Còraichean a’ Chinne-daonna aig Riaghaltas na h-Alba cuideachd.

An coimeas ri sin tha an Cùmhnant Eadar-nàiseanta air Còraichean Catharra is Poilitigeach (ICCPR). Is e cùmhnant còirichean daonna eadar-nàiseanta a chaidh gabhail ris ann an 1966. Tha Artaigil 27 den Cùmhnant a’ solarachadh airson còir buill de mhion-chànanan “ann an coimhearsnachd le buill eile na buidhne aca, an cultar fhèin a mhealtainn, an creideamh fhèin a chuir an cèill agus a chleachdadh, neo *an cànan fhèin a chleachdadh* (cuideam air a chur ris)”.

A bharrachd air seo, tha Achd nam Pàircean Nàiseanta (Alba) 2000 a’ toirt a’ bhrìgh air dualchas cultarach mar dhualchas a tha a’ gabhail a-steach “structaran is fuigheall eile mar thoradh air dèanadas dhaoine thar gach linn, *cànan (cuideam air a chur ris)*, dualchas, dòighean-beatha, agus na ceanglaichean eachdraidheil, ealanta is litreachail de dhaoine, àiteachan is cruthan-tìre”. Gu follaiseach, bidh sin a’ gabhail a-steach cànan is cultar na Gàidhlig.

Mar sin chan eil e soilleir a bheil gabhail ris a’ Bhile a thathar a’ moladh a’ gabhail ri cùmhnantan anns a bheil còraichean cultarail a’ gabhail a-steach còir air comas Gàidhlig a chleachdadh agus gum bu chòir spèis agus meas co-ionann a bhith aig a’ chànan ris a’ Bheurla.

Tha cànan is cultar na Gàidhlig air an aithneachadh mar cho cudromach sa tha iad ann an dualchas cultarail do-bheantainn na h-Alba, a bha ann, a tha ann an-diugh agus a bhios ann san àm ri teachd (ICH). “Tha an dòigh-obrach a thaobh ICH ann an Alba na dhòigh in-ghabhalach a tha a’ toirt spèis do iomadachd choimhearsnachdan na h-Alba. Tha e air a dhaingneachadh le Co-chruinneachadh 2003 UNESCO airson Dìon Dualchas

definition of what is included within this and thus whether cultural rights include *language related* rights.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is one of the four international human rights treaties that Scottish Government proposes to incorporate into Scots law. ICESCR contains the right to “take part in cultural life”. However, there is no definition of “cultural life” and thus no explicit statement on *language related* rights.

There are also no references to language related rights in the Consultation document for Scottish Government’s Human Rights Bill.

In contrast is The International Covenant on Civil and Political Rights (ICCPR). It is an international human rights treaty adopted in 1966. Article 27 of the Covenant provides for the right of members of linguistic minorities to “in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to *use their own language* (emphasis added)”.

Further, The National Parks (Scotland) Act 2000 interprets cultural heritage as including “structures and other remains resulting from human activity of all periods, *language (emphasis added)*, traditions, ways of life and the historic, artistic and literary associations of people, places and landscapes”. Clearly, that will include Gaelic language and culture.

It is therefore unclear if the proposed Bill’s adoption of treaties that contain cultural rights include the right to being able to use Gaelic and that the language should have equal respect and esteem with English.

The Gaelic language and culture is recognised in its importance in Scotland’s past, present and future intangible cultural heritage (ICH). “The approach to ICH in Scotland is an inclusive approach which respects the diversity of Scotland’s communities. It is underpinned by UNESCO’s 2003 Convention for the Safeguarding of the Intangible Cultural Heritage¹⁰,

¹⁰ <https://ich.unesco.org/en/home>



Cultarach Neo-bheanailteach⁴, a tha ag amas air mothachadh, spèis agus dìon do ICH àrdachadh air feadh an t-saoghail.”⁵
Bhiodh e na bhuannachd ath-sgrùdadh a dhèanamh air na co-dhùnaidhean bhon cho-chomhairle a rinn Riaghaltas na h-Alba o chionn ghoirid air Bile Chànanan na Gàidhlig is Albais gus fiosrachadh a thoirt do leasachadh a’ Bhile seo.⁶

Bu chòir don Bile Còraichean Daonna a thathar a’ moladh dèanamh cinnteach gum bu chòir dèiligeadh ri luchd-cleachdaidh na Gàidhlig le urram agus spèis, le cothromachd agus in-ghabhalachd. Bhiodh seo ceangailte ri amas Achd na Gàidhlig (Alba) 2005 gus “inbhe na Gàidhlig a dhèanamh tèarainte mar chànan oifigeil na h-Alba aig a bheil spèis co-ionnan ris a’ Bheurla”.

Uile gu lèir, tha feum air soilleireachd air mar a leasaicheas, no co-dhiù a ghlèidheas, na thathar a’ moladh tron Bhile còraichean daonna luchd-cleachdaidh na Gàidhlig.

Tha sinn a’ cur fàilte air a’ mholadh “pròiseas poblach a stèidheachadh gus an urrainn do dhaoine am beachdan innse dhuinn mu bhith a’ suidheachadh nan inbhean as ìsle airson còraichean eaconamach, sòisealta agus cultarail” - a bu chòir a bhith a’ toirt a-steach còraichean do luchd-cleachdaidh na Gàidhlig.

which is intended to raise awareness of, respect for, and safeguard ICH worldwide.”¹¹

It would be beneficial to review the findings from the Scottish Government’s recent consultation on the Gaelic and Scots Scottish Languages Bill to inform the development of this Bill.¹²

The proposed Human Rights Bill should ensure that users of the Gaelic language should be treated with dignity and respect, fairness, and inclusivity. This would reflect the aim of the Gaelic Language (Scotland) Act 2005 in “securing the status of the Gaelic language as an official language of Scotland commanding equal respect to the English language”.

Overall, there is a need for clarity on how what is being proposed through the Bill will enhance or at least maintain the existing human rights of users of the Gaelic language.

We welcome the proposal that “a public process is set up so that people can tell us their views on setting the minimum standards for economic, social, and cultural rights” - which should include rights for users of the Gaelic language.

⁴ <https://ich.unesco.org/en/home>

⁵ <https://ichscotland.org/about>

⁶ <https://consult.gov.scot/education-reform/gaelic-and-scots-scottish-languages-bill/>

¹¹ <https://ichscotland.org/about>

¹² <https://consult.gov.scot/education-reform/gaelic-and-scots-scottish-languages-bill/>

