

European Regional Forum on Education, Language and the Human Rights of Minorities

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Recommendations of the European Regional Forum on Education, Language and the Human Rights of Minorities

I. Introduction

At the United Nations General Assembly in New York in October 2017, the United Nations Special Rapporteur on minority issues, Dr Fernand de Varennes, identified education and the language of minorities as one of the four thematic priorities of his Human Rights Council mandate. At the 11th session of the United Nations Forum on Minority Issues in Geneva on 1 December 2018, he highlighted the importance of this theme by confirming it would be the focus the following year of the 12th session of the United Nations Forum on Minority Issues at the end of November 2019, and that it would also be the first theme to be addressed by regional forums to be organized under his mandate in order to increase accessibility, visibility and contributions from different parts of the world.

The first of a series of three regional forums convened on the topic of education, language and the human rights of minorities. It was held at the European Parliament in Brussels, Belgium on 6 and 7 May 2019 to provide European insights for the development of a set of recommendations to inform and strengthen the implementation of international human rights in relation to education in, and teaching of, minority languages, as contained in the United Nations *Declaration on the Rights of Persons Belong to National or Ethnic, Religious, and Linguistic Minorities* (UNDRM) and other UN instruments such as the *International Covenant on Civil and Political Rights*, the *Convention on the Rights of the Child*, the *UNESCO Convention against Discrimination in Education*, and the *Convention on the Elimination of All Forms of Racial Discrimination*.

An important reference document for the regional forums was the mandate's own publication entitled *Language Rights of Linguistic Minorities: A practical guide for implementation*, which clarifies that the rights of linguistic minorities are human rights that must be respected, including in relation to the appropriate degree of use of minority languages in education. The use of the mother tongue in education also involves scientifically sound pedagogical practices to ensure equitable access to quality education for all, as expounded in the UN's Sustainable Development Goal 4.

The Regional Forum's other objectives included:

- raising awareness of the ways in which education in, and the teaching of minority languages is anchored in international human rights obligations;
- providing a platform for more informal exchange on practical challenges of education in and teaching of minority languages in Europe among various stakeholders;
- identifying and discussing the central issues of topical concern related to education and minority languages in Europe;
- amplifying the voices of minority communities in assessing and improving minority language education policies and offering expert input into their specific concerns.

The list of proposed recommendations of the European Regional Forum are contained in this document.

II. Format of the Regional Forum

The Regional Forum was developed jointly by the Special Rapporteur and a consortium of non-governmental organizations working for the human rights of minorities in Europe. In the development of the concept and format of the Regional Forum, special attention was given to ensuring that the spirit, purpose, and objectives of the UN Forum on Minority Issues, UNDRM and other human rights instruments were respected. Thus, the Regional Forum was viewed as a platform to promote effective measures and the creation of favorable conditions for the promotion and protection of the human rights of minorities, in particular the right to education in and teaching of minority languages. The recommendations stemming from the discussions of the Regional Forum will be part of the report of the Special Rapporteur on minority issues to the UN Human Rights Council and posted on his website. They will also be used to feed into the preparation of a guideline document on education in and teaching of minority languages. In addition, they aim to support the implementation of human rights treaties and the UNDRM, and to interpret specific obligations in light of existing jurisprudence, norms, and best practices.

The Regional Forum was also developed with a view to emphasizing the importance of dialogue among all relevant stakeholders on the promotion and protection of the human rights of minorities, including the sharing of best practices, respecting and supporting diversity, and promoting inclusive and stable societies and social cohesion. To this end, the Regional Forum sought the involvement of a very wide range of participants from all of Europe, such as representatives of states, intergovernmental, regional and international organizations, including United Nations agencies and mechanisms, national human rights institutions and other relevant national bodies, academics and experts from various fields, representatives of minority communities, as well as civil society organizations specializing in minority issues. Of particular note is the fact that the participants and experts represent a wide-ranging, multi-disciplinary group, including those outside of the fields of law and politics, from across Europe. As a result, these recommendations are based on human rights standards, as well as on justifications that go beyond legal interpretations, and that draw on recent relevant scientific research in the fields of economics, sociolinguistics, anthropology, healthcare, political science, and psychology.

Some 175 participants from international and regional organizations, states, civil society and minority groups, as well as other interested parties were registered for the European Regional Forum.

III. Justifications for and Benefits of Education in and Teaching of Minority Languages

While there is no unqualified right to education in and teaching of minority languages under international law, a number of instruments do refer directly or implicitly to situations where there are obligations to direct education towards “the development of respect for the child's parents, his or her own cultural identity, language and values” (*Convention on the Rights of the Child*), for “members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language” subject to a series of conditions (*UNESCO Convention against Discrimination in Education*), and that “States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue” (UNDRM), amongst others. These and other human rights provisions have also been interpreted in more recent decades that there are situations where minorities are entitled to claim a right to be educated in their language, and to be taught their language. These provide the background from which recommendations can be extrapolated.

It is clear now that persons belonging to minorities should have access to high quality education in their own languages where practicable. Recent, relevant scientific research has established a number of legal, economic, developmental, and social justifications for and benefits of ensuring that minorities have access to education in their own languages, which are laid out below. The recommendations in this document aim to improve the implementation and effectiveness of education in and teaching of minority languages, and are therefore based on these aforementioned justifications and benefits.

Legal and Human Rights Obligations

Linguistic rights are a component of many international and regional human rights regimes. They can be found in a number of international instruments as indicated above, as well as in regional treaties such as the *Framework Convention on the Protection of National Minorities*, and the *European Charter for Regional or Minority Languages*, though the latter is more accurately an instrument for the protection of European linguistic diversity than a human rights document. OSCE human rights documents such as *The Hague Recommendations Regarding the Education Rights of National Minorities* and the Council of Europe's *The Language Rights of Persons Belonging to National Minorities under the Framework Convention, Thematic Commentary no. 3* can also be useful as interpretative tools, though some care must be used since they focus on European human rights standards which may not always be identical to international standards. The human rights of linguistic minorities are therefore legal obligations that must be respected and upheld by states, including in relation to the use of minority languages, in conjunction with the international and regional agreements they have signed and ratified.

Education relates to the central linguistic right of minorities. The absence of education in or teaching of a minority's language is the primary cause of the weakening or even demise of minority and indigenous languages in many parts of the world. Minorities must be able to enjoy the right of pursuing effective and accessible education at all levels. In order to be effective and accessible, it is arguable that education must be provided, particularly to children, in their mother tongue as far and as long as is practicable.

Equality and Nondiscrimination

Prominent among the legal and human rights justifications for ensuring education in and teaching of minority languages are the principles of equality and nondiscrimination. Minorities have the right to enjoy equality with other citizens and to be free from discrimination, including in the field of education. Providing access to high-quality education in and teaching of minority languages would help to ensure equality between people from various linguistic backgrounds, and to tackle inequalities and indirect discrimination by enabling those whose mother tongue is different than the state language to participate more fully in society. It is especially important that, even when education in minority languages is offered by the state, children have access to quality education in the state language in order to avoid the marginalization of minority students and forcing parents to choose between higher quality education in the state language or perpetuating their own linguistic identity. In bi- or multilingual settings, or where both majority and minority students have the opportunity to learn each other's languages, such an approach allows students to familiarize themselves with each other's cultures and perspectives, and can help to combat intolerance and discrimination.

Promoting social integration, inclusion, and multiculturalism

Providing education in and teaching of minority language education is not just a temporary concession for minorities. On the contrary, it should be seen as an effective tool for promoting social integration and facilitating intercultural dialogue. Ensuring such quality education to both minority and majority students helps to foster respect for cultural diversity and intercultural dialogue; establish multilingualism as a model of development for societies; create respect for individuals and communities to develop a tolerant and inclusive society; and to develop societal cohesion and inter-ethnic dialogue and cooperation. In order to promote tolerance and inclusion, all students should have the opportunity to learn about each other. Both minority and majority students should not be prevented from learning the language and understanding the culture of the other. Moreover, education is a key tool for equipping all members of society with the necessary skills to enable their full and effective participation in all spheres of life on an equal basis, regardless of their mother tongue. Educational models that offer education in minority languages or bilingual educational programs represent a modernization of educational systems that focus on interculturalism and the needs of all students, which leads to the better educational attainment of students in general (see below).

Public schools teaching in minority languages do not amount to a form of segregation, as they are not restricted to individuals belonging to a particular racial, religious or ethnic

group. Admission to such schools must be open to all children, without discrimination, who wish to be taught in a minority language.

Personal and Community Development

The rights to personal identity, dignity, and the free development of one's personality are guaranteed by numerous international and regional human rights instruments. The right of persons belonging to linguistic minorities to maintain their identities can only be fully realized if they are able to acquire proper knowledge of their mother tongue through the education process. Language is a key mechanism for identity building, for belonging to a culture, and for development. Thus, knowledge of one's mother tongue, facilitated by the provision of an adequate education, is a prerequisite for enabling individuals to fully develop their potential.

Research in this area has shown that students who are able to study in their own language, while still acquiring proficiency in the state language, have better developmental outcomes in a range of areas, including improved social, psychological, and spiritual well-being. They have better economic opportunities and chances in the labor market, and additional opportunities for educational and professional development, since they are more likely to be fluent in both the state language and their mother tongue. On average, they have higher grades and lower drop-out rates in schools, better long-term health outcomes, and greater self-esteem and sense of identity than children not taught in their own languages. Moreover, they are able to preserve social ties with members of their community, while still participating in majority society.

Economic Dimensions

The provision of education in and teaching of minority languages can result in significant economic benefits for states or regions that ensure such education. Employment in education can be an important job factor in otherwise economically disadvantaged areas. Bilingual education systems can create additional job opportunities. In addition, regional or minority languages can be a unique selling point and of interest to tourists and may act to boost the local economy. Studies have indeed shown that bi- and multilingual areas where one or more minority languages are prospering are statistically wealthier to a significant degree than monolingual areas. Moreover, as discussed above, minority students provided education in their own language and bilingual students often have increased educational and professional opportunities, contributing to a skilled workforce. This in turn may lead to a boost in overall economic development and a reduction in dependence on social support spending. Consequently, evidence suggests that the provision of high-quality education in and teaching of minority languages can result in reduced costs to the state.

Stability, Peace, and Conflict Prevention

Providing minorities with access to education in their own language addresses a key concern of many minorities. Accommodating linguistic diversity and responding to the concerns of minority communities can be a powerful tool to reduce tensions and prevent

conflict. It is no coincidence that conflicts, including violent ones, have arisen where language grievances and associated feelings of exclusion have lingered unaddressed.

Cultural and Linguistic Protection

Education is fundamental to the maintenance of linguistic diversity and to the preservation of minority cultural and linguistic identities. Language is a key mechanism for identity building and for developing and maintaining a cultural identity. A language that is not taught will ultimately vanish. Therefore, education in and teaching of minority languages is also key to not only maintaining, but also strengthening, the vitality of minority languages.

IV. Recommendations

1. Human Rights and Minority Language Education in Europe

International Policies and Practices

- UN and regional human rights experts and committees should promote and disseminate country-related documents in member states, through special country visits, press releases, and translations of relevant documents into local languages;

-International minimum standards for the language rights of minorities in education must not be used to eliminate or dilute acquired language rights, including already existing minority language education systems such as traditional minority schools;

-The “sliding scale”/“proportionality” approach should not be interpreted in a way that allows states to minimize their obligations related to the provision of education and teaching of minority languages;

-The status of languages in intergovernmental organizations should not be misused to restrict the opportunities to use minority languages in public and in education;

-Individuals who belong to sign language, indigenous peoples, national minorities, or migrant communities can all potentially constitute a linguistic minority in a state eligible for education in and teaching of minority languages;

-States should enhance regional dialogue and cooperation with kin-states with a view to developing education in and teaching of minority languages;

-A United Nations Fund for Minorities should be created, along the lines of the existing UN Voluntary Fund for Indigenous Peoples, in order to enhance the involvement and participation of minorities;

Regional Policies and Practices

-States should ratify and fully implement the provisions of the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages;

-The European Union should ensure that a language policy supportive of minority languages is part of its mission, including long-term financial support for programs related to the education in and teaching of minority languages;

-the European Commission should elaborate specific legislative proposals based on the language-related and education-related provisions of the Minority Safepack Initiative;

-A European Union directive on minimum standards for minorities should be adopted to take the first steps for the collective enforcement of the language rights of minorities in education enshrined in international and regional human rights treaties, including the Framework Convention for the Protection of National Minorities and the European Charter for Regional and Minority Languages;

-A European Union directive on endangered languages should be developed to substantively promote and protect endangered languages, including access to immersion education;

-Linguistic rights in education to be elaborated by the European Union should be based on scientific and pedagogical evidence;

-The European Union should create a post of a European Languages Commissioner with a Linguistic Observatory to foster the interests of speakers of minority languages at the EU level, and to monitor and gather data on languages and language discrimination;

-Internationalization schemes like the Bologna Process in higher education ought to be re-focused so that they contribute to the strengthening of multilingualism, and recognize the importance of minority languages;

2. Laws and Public Policies: Justifications and Practices

-States should develop national legal frameworks for the recognition and protection of minorities, including in relation to their right to education;

-Legislative procedures related to existing minority language education should be harmonized and take into account international law and standards;

-National legislation should include an education policy and implementation plan that safeguards the right to receive education in the mother tongue at all levels, where practicable; such a policy should include minimum standards for the use of minority languages in public education, and a built-in monitoring and evaluation system;

-States must guarantee the right of minority language students to use their mother tongue as the medium of education at all levels of schooling (as far as is practicable). This should generally follow a sliding scale or proportionality approach. At a minimum, linguistic minorities should have the opportunity of learning their own language where it is not possible to use a minority language as medium of instruction;

-States should not interpret the requirement of practicality, such as sufficient demand with respect to education in and teaching of minority languages, in a restrictive way, but rather apply it as a proactive approach to the needs of linguistic minorities, interpreted as favorably as possible for the use of the mother tongue as medium of instruction;

-Where numbers of students are too low to make it practical to provide instruction in their own language in public schools, they should at the very least be provided opportunities to learn their minority language;

-States must provide the conditions and opportunities for minorities to learn and understand the culture and language of the majority community. Members of a linguistic majority should also be provided with the conditions and opportunities to learn the culture and language of linguistic minorities;

-All children must have the opportunity of learning the State language. In schools using a minority language as medium of instruction, it should be taught as a subject on a regular basis, preferably by bilingual teachers;

-Private schools, colleges, universities and other educational establishments must not be prohibited from teaching in minority languages; where state funding is provided to private educational establishments, such funding must also be provided to private educational establishments teaching in minority languages or for linguistic minorities. The creation of and management of such private educational facilities will remain in the control of minority communities, and not be subjected to any discriminatory restrictions or burdens;

-Diplomas, certificates and other academic achievement results from private and public minority education establishments shall be recognized by educational and other public authorities, subject to their compliance with general curriculum content requirements;

-States should use the definition of segregation consistent with ECRI General Policy Recommendation No. 7, paragraph 16, in order not to confuse segregation with freedom of choice. Schools and other educational establishments teaching in minority languages must be open to children of all religious or ethnic backgrounds willing and able to be taught in a minority language;

-The importance of civil society in ensuring progress towards revitalizing and normalizing minority languages should be recognized; states should institutionalize and financially support good practices in minority language education developed by civil society organizations;

--States should carry out awareness-raising activities to promote the protection of human and minority rights, and provide information about the importance and benefits of mother tongue education and multilingualism;

-States should provide local and regional governments with flexibility with respect to education policies in order to ensure locally and regionally relevant approaches to minority language education, while following the framework given at state level;

-Different linguistic communities require education and language policies that reflect their particular circumstances. Members of sign languages communities, indigenous peoples, national minorities, and migrants can all be members of linguistic minorities, and may have distinct and often different pedagogical needs and challenges in the use and teaching of their languages, as well as acquiring competency in the language(s) of the wider communities;

-States and responsible authorities should recognize that differentiation and affirmative action policies may sometimes be needed to achieve effective equality;

3. Pedagogical Approaches

-Minority language curricula and educational programs should be developed with the cooperation and input of independent experts in the field of education, as well as the minority communities to which they are targeted;

-Minority language curricular and educational programs should be developed in a way that reflects the linguistic and cultural landscape of the region or country with a view to strengthening interethnic dialogue, inclusive approaches to diversity, and social cohesion;

-States must make a sustained effort at introducing contemporary approaches to the methodology of teaching in order to achieve quality education for all, including minority language students and continuously adapt methodologies to the specific needs of the students;

- Student exams must be in the students' main language of instruction;

Minority language classes

-Minority languages should be included in school curricula as compulsory subjects, including in schools teaching in the language of the majority, with high-quality bilingual programs or teaching in minority languages being implemented at least part of the school day;

-Immersion programs in minority languages should be established for majority language-speaking children who would like to learn the minority language, and should be available at higher education levels;

-Revitalization immersion programs should be established for minority language children who no longer know their minority language;

-Literacy classes for minority language adults who want to learn to read and write their language should be established;

Higher education

-State (public) universities should where practicable teach in minority languages and have minority-specific departments and programs;

-Higher education in minority languages should include subjects that promote the social, economic, and political development of a minority community and the region they inhabit;

-Higher education institutions should have explicit language policies that aim at establishing a proportional balance between minority and majority or 'international' languages nationally;

-Minority language immersion education, and other forms of education programs by which members of minority communities may regain, normalize and revitalize their languages should be put into place wherever practicable;

Acquisition of the state language by minority students

-Teaching of the state language to minority students should be pupil-centric and focused on the acquisition of communication competencies;

-Appropriate methodological tools should be adopted to make learning the official state language more effective in minority schools;

Youth opportunities and involvement

-“Mini” Erasmus or Lingua programs should be developed specifically for minority language speakers to ensure that they have access to such programs;

4. Quality, Management and Control

-Stakeholders involved in the development, implementation, and management of educational programs for minorities should develop cooperation across European countries in order to share resources and experiences, and create common educational spaces and programs;

- Informed decisions in matters pertaining to language choices in the educational sphere should involve members of minority communities, including parents and children;

-State educational mechanisms and systems should where practicable provide quality minority language educational programs in and of minority language, and not leave private minority language educational programs as the sole responsibility of civil society organizations;

-Monitoring and evaluation and reporting systems should be developed in order to ensure that minority language educational programs are delivering on the specific needs of minority language students and statutory education obligations, and are not being implemented in a discriminatory manner;

-States should introduce measures to guarantee adequate financing for the sustainable implementation of policies and programs related to minority language education programs,

including funding for minority language textbooks, multilingual national campaigns related to education, and for minority language schools;

-States and other actors involved in the field of minority language education should develop clear and theory-based indicators to be monitored in order to evaluate the results of language policies; Appropriate and reliable data should be collected to enable the measurement of these indicators, and should be reported in official statistics, in part to allow language-policy institutions to make sensible decisions;

-Thresholds requiring minimum numbers of students for the establishment of minority languages programs should be adapted in order to recognize the importance of and particular circumstances and challenges of minority communities, and thus should be lower than wider community thresholds; technological developments, such as online courses, could help to solve challenges related to implementation in physical settings;

-States should make empowerment of minority communities a priority for their funding policies, simplify funding processes for non-registered minority initiative groups, and ensure that such processes are accessible in minority languages;

Educational and teaching materials

-High-quality educational and scientific materials, and school curricula in minority languages should be developed;

-Minority languages, cultures, and histories should be properly reflected in textbooks;

-A special commission of experts should be created and financed to ensure the quality of translations of textbooks and other teaching materials into minority languages;

-States should allocate sufficient funding to ensure that minority language teaching and educational materials are constantly reviewed, updated, and provided in sufficient numbers to minority students;

-All educational institutions should receive and distribute informational materials about opportunities for learning in or studying minority languages;

Teacher training and development

-States should develop and finance a program for the development and training of minority language teachers in colleges and universities, and promote such programs among minority communities;

-States should provide professional development and teacher training courses to minority language teachers on an on-going basis;

-States should ensure that all teachers in educational institutions are offered a regular and professionally implemented opportunity to deepen their general language awareness, and their knowledge about minority languages and the linguistic aspects of societal diversity;

-Experts and practitioners in the field of formal and non-formal education should be involved in the development and implementation of such training and development courses;

-States should promote and use minority languages and related teaching materials to train teachers and ensure that they know the language(s) of the region where they are employed;

Infrastructure and other resources

-States should ensure that schools and other pedagogical establishments for minority students in areas where minorities are concentrated are provided with equal or equivalent resources and equipment as other state schools and pedagogical establishments;

- States must allocate proportionate financial and other resources to develop appropriate curriculum and textbooks for teaching in minority languages in schools, taking into account initial set-up costs and specific needs and contexts;

-States should improve infrastructure, particularly in rural areas, to ensure that children from minority communities have access to general education and minority language classes, including providing free transportation where necessary.