

Africa – Middle East Regional Forum on Education, Language and the Human Rights of Minorities

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IN COOPERATION WITH



RESEARCH CENTER ON MINORITIES IN THE MIDDLE EAST



Arab League Centre for Democracy and Human Rights Studies



Minority Network



Recommendations of the Africa—Middle East Regional Forum on Education, Language and the Human Rights of Minorities

I. Introduction

At the UN 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 third of a series of three regional forums convened on the topic of education, language and the human rights of minorities. It was held at Golden Tulip Hotel in Tunis, Tunisia on 28 and 29 October, 2019 to provide insights from the regions of Africa and the Middle East 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 the 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 the regions of Africa and the Middle East among various stakeholders;
- identifying and discussing the central issues of topical concern related to education and minority languages in the regions of Africa and the Middle East;
- amplifying the voices of minority communities in assessing and improving minority language education policies and offering expert input into their specific concerns.

The recommendations of the Africa—Middle East Regional Forum are contained in this document.

II. Format of the Regional Forum

The Regional Forum was organized jointly by the Special Rapporteur, the Tom Lantos Institute, and a consortium of non-governmental organizations working for the human rights of minorities in the regions of Africa and the Middle East. 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 across the regions of Africa and the Middle East, 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 the region. It is their experience, dedication and

commitment which led to this consensus document. As a result, the recommendations developed at the Regional Forum 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 sociology, sociolinguistics, anthropology, healthcare, political science, and psychology.

Approximately 40 participants from international and regional organizations, civil society and minority groups, as well as other interested parties participated in the Africa—Middle East Regional Forum. Following the introductory speeches and a presentation about the mandate of the Special Rapporteur on minority issues, a number of working groups were held, during which experts gave presentations on case studies related to the issue of education in and teaching of minority languages, and recommendations were developed around three areas: 1) human rights and minority language education; 2) constitutional regulation and public policies; and 3) effective practices, management, and resources. The working group process allowed for meaningful discussion and the input of all participants in order to develop coherent recommendations targeted to the working group themes. Once the recommendations were finalized in the working groups, the entirety of the recommendations were reviewed by the participants of the Forum for final comments. Once a consensus on the final list of recommendations was reached, they were then submitted to the Special Rapporteur.

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 clear 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.

IV. Recommendations

1. Human Rights and Minority Language Education

The United Nations should adopt a legally binding treaty on minority rights to ensure their implementation including education in and teaching of minority languages.

The voluntary fund for minorities should be established and promoted, inter alia, for funding minority participation in the UN Forum on Minority Issues.

The United Nations should establish a high-level advisory body on minority issues at the level of the General Assembly.

UNESCO should promote its Atlas of the World's Endangered Languages to relevant United Nations agencies and bodies and to states to raise awareness and promote more effective protection of minority languages including their education, and should develop an instrument on the issue of education in and teaching of minority languages.

The United Nations should provide technical assistance to States and support for capacity building to civil society organizations in the field of education in and teaching of minority languages.

Recognizing that identity and language are inextricably linked with community land, states should fully implement the United Nations Declaration on the Rights of Indigenous Peoples and the provisions of the African Charter on Human and Peoples' Rights.

2. Law and Public Policies

The transposition of international norms related to minority protection into national legislation needs to be specific and absolutely clear so that such protections can be effectively ensured.

States should recognize minority languages in clear, precise terms, in a democratic constitution that is respectful of linguistic and cultural diversity and of equality between citizens. This is a prerequisite for education in and teaching of minority languages.

States should prohibit the forced assimilation of minorities and reform all laws that limit the private or public use of minority languages.

States should use education in and teaching of minority languages as a tool for creating social inclusion and equality for all, and combat wrongful perceptions that they are a threat to social cohesion and the unity of the state.

The practical benefits of education in and teaching of minority languages should be publicly promoted so that there is an awareness of its economic and non-economic benefits, especially among parents of linguistic minority children.

States have the obligation to revive, protect, and promote minority languages, cultures, and histories, which should not be seen as the sole obligation of the minority groups in question.

Whenever minority languages are oral, Governments have to ensure that the culture and language is documented and made publicly accessible for preservation. Community Language Boards should develop and approve standard orthographies.

States should have specific legislation and policies on the implementation of education in and of minority languages.

Governments should ensure the participation of minorities in all policy making processes directly affecting them at the international and national levels, including with regard to legislation and policies related to education in and teaching of minority languages.

States must establish a compliance, monitoring, and complaint process with respect to the implementation of education in and teaching of minority languages, which should involve both state and non-state actors, and ensure inter-ministerial cooperation on this issue.

National, regional and local governments should ensure funding for the implementation of education in and teaching of minority languages.

The role of national human rights institutions in the implementation of international minority protection norms should be strengthened, with a specific focus on education in and teaching of minority languages.

National legislators and the judiciary should be trained on international minority rights.

3. Effective practices, management, and resources

With the participation of linguistic minorities, states should establish national centers of research in order to preserve, document and promote languages, cultures and the tangible and intangible heritage of minorities.

Research on the economic and non-economic benefits of education in and teaching of minority languages should be encouraged and widely disseminated.

States should ensure that education in and teaching of minority languages is not instrumentalized for political, ideological, and religious purposes.

The public and private education in and teaching of minority languages should be carried out in a manner that in no way leads to the ghettoization of minority communities and languages.

Majority populations should be encouraged to learn minority languages from primary school to facilitate intercultural communication and to prevent isolation between communities.

Governments should ensure the participation of minorities in the development of policies and programs for education in and teaching of minority languages, as well as in the management and administration of schools, which have minority students.

States should ensure that minority languages are taught in institutional environments that respect linguistic and cultural diversity, free from stigmatization and hate speech towards minority groups.

Teachers involved in the education in and teaching of minority languages should be posted to their native communities and not transferred from their home areas. Non-native teachers fluent in the minority languages should be retained.

The use of international languages, e.g. English or French, in education cannot be used to further marginalize or exclude education in and teaching of minority languages.

Alternative learning methods, such as home or distance teaching, and new technologies, including social media, mobile applications and other online methods, should be used in education in and teaching of minority languages, and in the preservation of the tangible and intangible aspects of minority cultures and languages.

Education in and of teaching of minority languages should draw on oral culture and include artistic creativity, such as theatre, painting, music and cinema.

Sign languages for existing minority languages should be developed and encouraged.