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**Human Rights Council****Twenty-second session**

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development****Report of the Independent Expert on minority  
issues, Rita Izsák***Summary*

The present report provides an update on the activities conducted by the Independent Expert on minority issues since the submission of her previous report. The mandate holder provides a summary of her activities, including to mark the twentieth anniversary of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities in 2012, and an update on the work of the Forum on Minority Issues, the annual session of which the mandate is required to guide and prepare.

The rights of linguistic minorities are established in international human rights standards, including the 1992 Declaration on Minorities. However, challenges to the enjoyment of the rights of linguistic minorities exist in all regions and include restrictions on the opportunities available to linguistic minorities to learn and receive education for their children in minority languages, and limitations on the use of minority languages in public life and the media. Globally many minority languages are under threat of significant decline or disappearance due to such factors as the dominance of national and international languages, processes of assimilation, and decline in minority-language users. The report contains a consideration of issues and challenges affecting linguistic minorities globally and conclusions and recommendations of the Independent Expert.

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## **I. Introduction**

1. The mandate of the Independent Expert on minority issues was established by the Commission on Human Rights in 2005 (resolution 2005/79), and subsequently extended by the General Assembly (resolution 60/251) and the Human Rights Council (resolution 7/6). On 24 March 2011, the Council decided to renew the mandate for an additional three years (resolution 16/6). Rita Izsák was appointed mandate holder and assumed her functions on 1 August 2011. The Independent Expert is required, *inter alia*, to promote implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, including through consultation with Governments.

2. In section II, the Independent Expert provides an overview of her activities since the submission of her previous report (A/HRC/19/56). In sections III and IV she focuses on the rights of linguistic minorities and provides an assessment of international standards and global issues affecting linguistic minorities. Section V contains conclusions and recommendations for various stakeholders.

## **II. Activities of the Independent Expert**

### **A. Thematic reports**

3. The mandate holder is required to report to the General Assembly annually, pursuant to Assembly resolution 66/166 (para. 21). The Independent Expert presented her first annual report to the General Assembly at its sixty-seventh session, on 2 November 2012. The report (A/67/293) contained a thematic discussion on the role and activities of national institutional mechanisms protecting and promoting minority rights. The Independent Expert considered the value of institutional attention to minority issues in governmental organs, national human rights institutions and other relevant national bodies as a means of promoting minority rights and mainstreaming attention to minority issues across all relevant national bodies. States were urged to consider institutional attention as an essential component of their human rights, equality and non-discrimination obligations and a means to practically implement the 1992 Declaration on Minorities.

### **B. Country visits**

4. The Independent Expert conducted an official visit to Bosnia and Herzegovina between 17 and 25 September 2012 (see A/HRC/22/49/Add.1). Of the 17 recognized national minorities, Roma are the most disadvantaged, experiencing discrimination and the poorest socioeconomic situation as regards education, employment, health care and housing. Minority rights protections must also apply to constituent peoples—Bosniaks, Bosnian Croats and Bosnian Serbs—who, following the 1992 to 1995 conflict, are in minority-like situations in the regions in which they live and who face social and economic disadvantages and discrimination.

### **C. Communications**

5. The Independent Expert continues to receive information from diverse sources about human rights violations perpetrated against national, ethnic, religious and linguistic minorities. Based on this information, over the reporting period she has sent communications—letters of allegation and urgent action letters—to Member States relating

to minority issues, the majority sent jointly with other relevant mandate holders. These will be made publicly available, together with responses received from concerned Governments, in the special procedures communications reports.<sup>1</sup> The Independent Expert particularly notes with concern the number of reports of alleged violations of the rights and security of religious minorities.

#### **D. Consultations and meetings**

6. The Independent Expert welcomes the decision of the Secretary-General in March 2012 to establish the United Nations network on racial discrimination and protection of minorities, to be coordinated by the Office of the United Nations High Commissioner for Human Rights (OHCHR). The network will enhance dialogue and cooperation between relevant United Nations departments, agencies, programmes and funds and develop a guidance note for the United Nations system on how to address racial discrimination and protection of minorities in line with core human rights standards. The Independent Expert noted her readiness to assist the network, and on 26 November attended its second meeting to update members on her activities and priorities and provided some practical recommendations.

7. On 11 April 2012 the Independent Expert contributed to a conference on the European Union Framework for National Roma Integration Strategies at the European Parliament. She noted that over many years, hundreds of studies and vast amounts of research had been conducted to identify successful integration methodologies, and that dozens of concrete initiatives and measures had been proven to work for the integration and inclusion of Roma communities. Those positive policies and initiatives must be implemented and shared in order to be replicated where they are most needed.

8. The Independent Expert participated in conferences on the issues of minority women and girls, including a meeting in the context of the Roma Women for Life without Violence project in Sarajevo in April 2012. She spoke about the need to acknowledge and address violence against minority women, and emphasized that their issues and voices must be reflected when designing policy and programme strategies. On 6 September she attended the event entitled “Women as Agents of Change in Migrant, Minority and Roma and Sinti Communities” held by the Organization for Security and Cooperation in Europe (OSCE) in Vienna. The Independent Expert stressed the importance of access to education, involvement in political life and participation in economic life as fundamental issues for minority women.

9. On 27 September, the Independent Expert attended the Human Dimension Implementation Meeting, held by the OSCE Office for Democratic Institutions and Human Rights, in Warsaw. She participated in a working session entitled “Roma/Sinti and, in particular, empowerment of Roma women”. In her comments she highlighted the recommendations of the fourth session of the Forum on Minority Issues, which focused on guaranteeing the rights of minority women and girls. She emphasized the need to pay greater attention to the issues and unique challenges faced by women and girls in all regions.

10. The Independent Expert has noted that, while the 2015 deadline for achieving the Millennium Development Goals is approaching, progress in achieving the Goals for minorities has not met expectations, and emphasized that renewed attention should be given by all States to the situation of minorities. She also participated in and submitted

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<sup>1</sup> See <http://www.ohchr.org/EN/HRBodies/SP/Pages/CommunicationsreportsSP.aspx>.

contributions to consultations on inequalities in the development agenda beyond 2015. She emphasized the need for solutions that work effectively for disadvantaged minorities, and that strategies beyond 2015 should better address and target the development needs and human rights of minorities. She participated in a side event on this issue hosted by the United Nations Children's Fund (UNICEF) on 28 November 2012, during the fifth session of the Forum on Minority Issues.

11. The Independent Expert participated in events to mark the twentieth anniversary of the 1992 Declaration on Minorities. On 22 and 23 May 2012, she participated in an expert seminar in Vienna on enhancing the effectiveness of international, regional and national human rights mechanisms in protecting and promoting the rights of religious minorities, hosted by the Government of Austria and organized by OHCHR. She expressed concern regarding the rights and security of religious minorities globally and discussed her initial work to identify challenges and positive practices in the area of the rights of religious minorities, and initiatives to improve interfaith dialogue and understanding.

12. On 19 and 20 November the mandate holder participated in an event in Doha, entitled "Reflections on the inclusion of human rights in the process of constitutional reforms in the region of the Middle East and North Africa", organized by OHCHR. She emphasized that implementation of the Declaration should be strengthened in that region and that strong provisions for minority rights in constitutions and national law are important components of national minority protection and good governance.

13. On 9 November the Independent Expert participated in the Fifth Budapest Human Rights Forum, joining a panel to discuss minority issues on the occasion of the twentieth anniversary of the Declaration. She highlighted challenges to implementation of the Declaration, as well as the important role of the United Nations, including her mandate and the Forum on Minority Issues, and national Governments and other stakeholders in promoting such implementation. She noted the need for enhanced institutional attention to minority issues at the national level.

## E. Statements

14. The Independent Expert issued public statements jointly with other mandates, highlighting issues of concern involving minorities. These included statements on International Roma Day (8 April), calling for States to share and implement solutions known to work for the inclusion of Roma;<sup>2</sup> on Roma Holocaust Remembrance Day (2 August), urging States to confront modern-day hatred, violence and discrimination against Roma;<sup>3</sup> on Latvia, relating to the referendum on the status of the Russian language;<sup>4</sup> on Pakistan, calling for action to end sectarian violence;<sup>5</sup> on the International Day for the Elimination of Racial Discrimination, calling for the struggle against racism to be given higher priority by States as a key human rights objective and a means to prevent conflict;<sup>6</sup> on France, calling for full compliance with international standards in its evictions and expulsion of Roma;<sup>7</sup> on Libya, urging protection of minority Sufi sites and communities;<sup>8</sup>

<sup>2</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12046&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12046&LangID=E).

<sup>3</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12401&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12401&LangID=E).

<sup>4</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11855&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11855&LangID=E).

<sup>5</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11895&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11895&LangID=E).

<sup>6</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11991&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=11991&LangID=E).

<sup>7</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12466&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12466&LangID=E).

<sup>8</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12485&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12485&LangID=E).

and on Myanmar, urging an end to violence, and protection of vulnerable communities, including the Rohingya, in Rakhine State.<sup>9</sup>

## **F. Update on the Forum on Minority Issues**

15. Pursuant to resolution 19/23, the Independent Expert guides the sessions of the Forum on Minority Issues, prepares its annual meetings and reports its recommendations to the Human Rights Council. The Forum has been successful in identifying and analysing best practices, challenges, opportunities and initiatives for the further implementation of the 1992 Declaration on Minorities and has produced tangible outcomes in the form of thematic recommendations. The Independent Expert has continued her efforts to promote the recommendations of the Forum. As a practical measure, a publication was produced compiling recommendations of the first four annual sessions in one accessible document. It has been widely disseminated and is available in online and CD-ROM formats.<sup>10</sup>

16. The fifth session of the Forum was held on 27 and 28 November 2012. To mark the twentieth anniversary of the Declaration, the Forum focused on the theme “Implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: identifying positive practices and opportunities”. It was chaired by Soyata Maiga, a member of the African Commission on Human and Peoples’ Rights. The session was opened with a video message from the Secretary-General,<sup>11</sup> and statements from the President of the Human Rights Council, Laura Dupuy Lasserre, and the High Commissioner for Human Rights. The over 400 participants included Member States from all regions, expert representatives of minority groups, United Nations bodies, mechanisms and specialized agencies, representatives of regional intergovernmental bodies, and non-governmental organizations (NGOs). Participants discussed challenges to implementation of the Declaration, as well as positive practices. The recommendations are available in document A/HRC/22/60.

## **III. The rights of linguistic minorities**

### **A. Introduction**

17. The following discussion provides an overview of linguistic minority issues globally and the challenges that confront both linguistic minorities and States seeking to manage linguistically diverse societies. The report is based on information provided to the Independent Expert by minorities, Governments, NGOs, academic bodies, United Nations specialized agencies and other stakeholders; information provided in the course of country visits; and statements made to the Forum on Minority Issues.

18. The United Nations Educational, Scientific and Cultural Organization (UNESCO) identifies more than 6,000 languages spoken globally, most of which can be considered minority languages. For minorities, language is a central element and expression of their identity and of key importance in the preservation of group identity. Language is often particularly important to non-dominant communities seeking to maintain their distinct group and cultural identity, sometimes under conditions of marginalization, exclusion and discrimination. Today significant challenges are faced by minorities in all regions who

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<sup>9</sup> See [www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12716&LangID=E](http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=12716&LangID=E).

<sup>10</sup> See [www.ohchr.org/EN/NewsEvents/Minorities2012/Pages/Publications.aspx](http://www.ohchr.org/EN/NewsEvents/Minorities2012/Pages/Publications.aspx).

<sup>11</sup> See [http://downloads2.unmultimedia.org.s3.amazonaws.com/public/video/SGVM\\_MinorityIssues\\_2012.mov](http://downloads2.unmultimedia.org.s3.amazonaws.com/public/video/SGVM_MinorityIssues_2012.mov)

speak minority languages and wish to maintain and use them in public and private life. Linguistic minorities are frequently also national, ethnic or religious minorities and consequently the challenges they face may be exacerbated by discrimination on the grounds of their ethnicity, religion or nationality.

19. Historical factors such as colonialism have had a huge global impact on languages, resulting in the marginalization of indigenous and minority languages and a rapid decline in their use.<sup>12</sup> The introduction of colonial languages in Africa, Asia and the Americas initiated the marginalization of native and minority languages. Colonial languages were promoted in education, administration, political life and communications.<sup>13</sup> Minority and indigenous languages were often seen as backwards, a barrier to colonial hegemony, or as slowing national development. It can also be argued that today globalization is having a direct and detrimental impact on minority languages and linguistic diversity, as global communications and marketplaces require global understanding.

20. A common problem faced by minorities is that minority languages are frequently not used in national or local administration or as the language of instruction in schools. Consequently those belonging to minorities may face barriers to their full participation in public life and children from minorities may be disadvantaged in education from an early age. While accurate and detailed disaggregated data are scarce in most countries, evidence suggests that those belonging to linguistic minorities are at greater risk of experiencing poor socioeconomic indicators relative to majority populations, poorer educational access and worse education outcomes, and consequently lower incomes and disproportionate levels of poverty.

21. For some who belong to linguistic minorities, including those who are not proficient in national languages and those who live in remote and rural localities where service provision and access are poor or difficult, the situation may be much worse and their economic, social and geographic mobility can be severely hampered. The situation of some minority women and girls, as well as older people, may also be particularly problematic. For example, women and girls may face challenges, including relatively low levels of education and poor access to language learning opportunities relative to men and boys, that further restrict their ability to interact and benefit from opportunities outside their communities.

22. Each State can decide how it implements minority and linguistic rights in practice, and it is reasonable to consider that greater attention and resources will be dedicated to commonly spoken, traditionally present or geographically concentrated minority languages than is given to relatively newly arrived linguistic groups with few or dispersed members. Nevertheless, reasonable accommodation of smaller and less commonly used minority languages is required. Indeed, it may be the case that some highly marginalized minority groups require greater attention and stronger measures to support their linguistic and cultural rights. Modalities to support small or dispersed linguistic communities can include informal language classes within or outside public education structures, provision of key public information documents in such language, and consultation with cultural and national associations representing linguistic minorities to assess and respond to specific needs.

23. Minorities benefit immensely from proficiency in the official State or national languages, which enables them to integrate fully into and contribute to all aspects of society and enjoy the opportunities available to all. Without such proficiency minorities face severe barriers to their full participation in cultural, economic, political and social life. They may,

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<sup>12</sup> See Innocent Maja, "Towards the human rights protection of minority languages in Africa" (April 2008). Available from [www.nyulawglobal.org/globalex/Minority\\_Languages\\_Africa.htm](http://www.nyulawglobal.org/globalex/Minority_Languages_Africa.htm).

<sup>13</sup> Ibid.

for example, face barriers in gaining access to labour markets on the basis of their language skills or in establishing business enterprises. In terms of social life, minorities may be restricted in their interactions outside their own communities and consequently in their possibility to engage fully in the social and cultural life of the nation.

24. Minority language rights and language use have frequently been a source of tensions, both between and within States. Proponents of linguistic rights have sometimes been associated with secessionist movements or have been seen as a threat to the integrity or unity of a State. It has been pointed out that it is often only when minorities assert their rights to identity and language that discrimination or persecution starts.<sup>14</sup> Fulfilling the rights of minorities, including their language rights, is an essential means to prevent tensions from emerging and is a key element of good governance and conflict prevention. If not appropriately addressed at an early stage, such tensions have led to protracted conflicts and deepening of divisions between linguistic groups. Where conflicts have ceased or peacebuilding initiatives are under way, it is essential that all groups in society play a full role in discussions, negotiations and decision-making processes.

25. The minority rights principles of non-discrimination, equality, participation and consultation must be respected, including with respect to language, to ensure that the issues and views of minorities are taken into account and their needs are adequately addressed. Linguistic minorities must be consulted and have a full and meaningful role in decisions affecting them, including relating to the shaping of language policy and practice, nationally and in the regions in which they live, in such key areas as education and official and administrative communications. Their views, perspectives and concerns should be fully taken into account to ensure that language issues do not become sources of grievances or conflict.

26. Centralized language policies may give primacy to the dominant national language, while decentralized policies can be more effective in responding to minority and regional language usage patterns and local conditions. Minority rights must also be considered in regional or local contexts. In some regions, such as autonomous minority regions, a particular linguistic minority may constitute the majority population and may have in place extensive provisions for the use of its language as the dominant language of the region in administration, education and service provision. In such cases it is important to ensure the language rights of those belonging to other communities who may find themselves *de facto* linguistic minorities in certain localities despite constituting a majority nationally.

27. It is essential to have accurate information and data that is disaggregated along language lines, in order to assess the number of minority language speakers, and to understand language issues and the need for measures to address the needs of linguistic minorities. Accurate data reveals issues that may otherwise remain hidden or neglected and allows language issues to be addressed in the localities where they are most present. Such data can reveal correlations between minorities and socioeconomic challenges such as low incomes, poor education outcomes and problems facing minority women that may be connected to language issues and require targeted responses. Such data is rarely collected in census or social surveys, and the national picture of minority language issues and needs is incomplete. Consequently there is no strong statistical foundation for policy or programme formulation.

28. Issues relating to resources often feature in State considerations of support for minority languages and implementation of linguistic rights. Some States, facing limited

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<sup>14</sup> Commentary of the Working Group on Minorities to the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (E/CN.4/Sub.2/AC.5/2005/2), para. 53.



resources, competing demands or times of economic difficulty, may give a low priority to expenditure on the protection of the linguistic and cultural rights of minorities. However, this can lead to tensions, for example where large or concentrated minority communities are denied their rights to education in minority languages. While some measures to implement the rights of minorities are relatively low cost and cost effective, where resource constraints are acute, inter-State cooperation and assistance may provide necessary opportunities, examples of good practices and practical assistance, as envisaged under articles 6 and 7 of the 1992 Declaration on Minorities.

29. A number of conceptual issues continue to arise, and clarification would assist States in fulfilling their obligations. For example, while stronger entitlements may apply to traditionally present minorities and those that constitute a substantial percentage of a national or regional population, there is a lack of clarity regarding what the threshold should be in practice. Lack of clarity exists regarding the language rights entitlements of “new” and dispersed minorities. In many countries with diverse language communities, understanding of the rights of linguistic minorities remains poor and implementation is consequently weak, inconsistent or neglected. Awareness-raising and technical assistance would improve the understanding of rights and duties as well as methodologies and technical and pedagogical modalities.

## **B. Legal framework for the protection of the rights of linguistic minorities**

30. The rights of individuals freely to use, learn and transmit their languages in public and in private without discrimination are well established in international human rights law and are understood to have group or collective dimensions. The International Covenant on Civil and Political Rights, in article 2, requires States to ensure that the human rights of all individuals within their territory and subject to their jurisdiction will be ensured and respected without distinction of any kind including on the basis of language. Article 19 guarantees freedom of expression and the right to impart or receive information and ideas of all kinds in the medium or language of one’s choice. Article 27 reads: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, 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.” The Convention on the Rights of the Child requires, under article 30, that children belonging to minorities have the right to use their own language.

31. The 1992 Declaration on Minorities further elaborates the rights of minorities, including in relation to language. Importantly it imposes positive obligations on States and the requirement for positive measures that go beyond standard non-discrimination provisions contained in other international standards. Article 1, paragraph 1, requires States to protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and encourage conditions for the promotion of that identity. Article 1, paragraph 2, requires the adoption of appropriate legislative and other measures to achieve those ends. Article 2, paragraph 1, states that persons belonging to national or ethnic, religious and linguistic minorities have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination. Article 4, paragraph 2, requires States to take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs. Article 4, paragraph 3, requires States to take

appropriate measures so that, wherever possible<sup>15</sup>, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

32. In the regional context, protection of the rights of linguistic minorities via regional standards is well developed in Europe. The European Charter for Regional or Minority Languages provides principles and objectives upon which States parties must base their policies, legislation and practice relating to regional or minority languages. It also provides a series of concrete undertakings relating to specific areas relevant to minority language use, including education, engagement with judicial and administrative authorities, access to public services, media, cultural activities and facilities, economic and social life, and cross-border exchanges. The Charter has been ratified by 25 States and signed by another 8 States. A committee of experts monitors its implementation in each State and makes recommendations for improvements in legislation, policy and practice.

33. The Council of Europe Framework Convention for the Protection of National Minorities also contains extensive provisions for the protection of the rights of linguistic minorities and minority languages. Articles 5 and 9 to 14 address the responsibilities of the State in, inter alia, the fields of minority language use in public and private spheres, provision of information and engagement with administrative authorities in minority languages, the media, minority languages in education and the right of minorities to establish private educational institutions, the use of names, signs and public information in minority languages, and the use of minority languages in the legal and judicial realm. Despite strong regional standards, implementation continues to be poor in many countries.

34. In other regional contexts, regional standards are weaker and monitoring of State compliance with human rights standards is less rigorous. More than 2,000 languages are spoken in Africa, yet there is no regional standard specifically devoted to language rights or minority languages. The African Charter on Human and Peoples' Rights does not substantively address language rights, although language is stated as one of the prohibited grounds of discrimination. However, the emphasis of the Charter on the rights of "peoples" should be interpreted as placing a strong emphasis on group and minority rights, and article 22 states that all peoples should have the right to their economic, social and cultural development with due regard to their freedom and identity.

35. The Cultural Charter for Africa includes provisions explicitly relating to African languages. Its preamble states that "it is imperative to resolutely ensure the promotion of African languages". Article 17 states that "African States recognize the imperative need to develop African languages which will ensure their cultural advancement and accelerate their economic and social development and to this end will endeavour to formulate a national policy in regard to languages". Article 18 calls upon States to "prepare and implement the reforms necessary for the introduction of African languages into education", and states that "to this end each state may choose one or more languages".

36. In the Asian and Middle East contexts, despite some positive provisions,<sup>16</sup> measures to strengthen regional standards are needed. On 18 November 2012, member States of the Association of Southeast Asian Nations (ASEAN) adopted the ASEAN Human Rights Declaration. Every person is entitled to the rights set out in the Declaration without distinction of any kind, including language. However, while there are provisions for the rights of vulnerable and marginalized groups, and the Declaration affirms economic, social

<sup>15</sup> The term "wherever possible" should not be construed as limiting the obligations on the State.

<sup>16</sup> The Arab Charter on Human Rights of the 22-member League of Arab States requires, under article 25, that "persons belonging to minorities shall not be denied the right to enjoy their own culture, to use their own language and to practice their own religion".

and cultural rights, there is a concern that there are no specific provisions relating to language or linguistic minorities, given the rich and diverse linguistic heritage of the region and the threatened status of many minority languages.

37. The American Convention on Human Rights contains minimal provisions for the protection of language rights and linguistic minorities beyond the inclusion of language as a ground of discrimination. The Organization of American States established a working group to prepare a draft inter-American convention against racism and all forms of discrimination and intolerance. Inclusion of strong linguistic minority rights provisions would ensure greater national attention by member States.

#### **IV. Specific areas of linguistic minority concern**

38. In the following sections, the Independent Expert considers specific concerns relating to linguistic minorities and minority languages. They are not exhaustive and not all issues are present in all regions. They provide an overview of some of the many issues that the Independent Expert intends to consult further on in order to develop her understanding of global concerns and regional trends.

##### **A. Threats to the existence of minority languages and linguistic minorities**

39. The phenomenon of minority language decline constitutes an urgent global challenge. The UNESCO Endangered Languages Programme<sup>17</sup> warns that half of the world's estimated 6,000 plus languages will likely die out by the end of the century. In some cases significant and urgent efforts are required to protect both the communities and their language heritage. The decline in numbers of language speakers may be due to a combination of factors, including the result of processes of cultural dilution through inter-ethnic marriage, voluntary relocation and decline in community numbers. However, some groups are vulnerable to factors beyond their control, such as policies of assimilation that promote dominant national or official languages, the impact of conflict, or forced displacement from their traditional lands. Some countries have aggressively promoted a single national language as a means of reinforcing sovereignty, national unity and territorial integrity.

40. More than 3,000 languages are reportedly spoken by fewer than 10,000 people each. Some smaller minority communities with distinct languages are considered to be in danger of disappearing completely as distinct linguistic groups due to such factors as resettlement, displacement, conflict, assimilation, cultural dilution, environmental factors and loss of land.<sup>18</sup> While over 20 languages are spoken in Cambodia, UNESCO has warned that 19 Cambodian languages are at risk of extinction over the coming decades.<sup>19</sup> These are not isolated examples, and further research is required globally to enable effective policy responses to protect the existence of linguistic minorities and preserve their language, cultures and traditions for future generations.

<sup>17</sup> See [www.unesco.org/new/en/culture/themes/endangered-languages/](http://www.unesco.org/new/en/culture/themes/endangered-languages/).

<sup>18</sup> See, for example, the report of the Independent Expert on her mission to Ethiopia (A/HRC/4/9/Add.3), para. 19. National experts suggested that the number of endangered communities in Ethiopia, some of which have fewer than 300 members, could be as high as 16 out of some 80 identified communities. An unknown number of minority communities are believed to have already disappeared completely (ibid.).

<sup>19</sup> See Voice of America, "Cambodia's minority languages face bleak future". Available from [www.voanews.com/content/cambodias-minority-languages-face-bleak-future-82250487/165301.html](http://www.voanews.com/content/cambodias-minority-languages-face-bleak-future-82250487/165301.html).

## **B. Recognition of minority languages and linguistic rights**

41. The lack of domestic legal protection for minority languages in many regions remains a major concern. Legal recognition and legislative protection of minority languages create legal safeguards and a requirement for policy and programme measures to address the issues of linguistic minorities, and often result in institutional attention. Lack of such recognition and legal protections results in an environment where there is little or no formal legal commitment to promoting and protecting minority languages or the rights of linguistic minorities other than those required by international law. In such situations, minority languages may remain largely in the private domain in terms of language use, transmission and education. Frequently, even where minority languages are officially recognized and legal provisions exist this does not result in implementation of rights in practice.<sup>20</sup>

42. Some States assign official status to minority languages that may be historically present or are used by a significant proportion of the population, while others establish broader constitutional and legal protection of all languages present in the State. Some States with diverse linguistic communities have adopted specific laws on the use of minority languages. There is a strong legal and symbolic significance to such constitutional and legal recognition, which sends a positive message to minority communities that their language rights will be protected. Where there is no explicit legal recognition there may nevertheless be broader administrative recognition and policy relating to the use of minority languages that provide assurance and practical measures relating to language use, for example, where a linguistic minority is geographically concentrated.

43. Failure to recognize minority languages may stem from a broader lack of State recognition and acknowledgement of an ethnic or linguist minority group. This may be due to a number of factors, including historical, geographical and political factors and tensions over land and territory. Hence some minorities claim that a process of cultural assimilation may take place that constitutes a grave violation of their rights. In countries with federal structures, the imposition of local or regional languages as the official language of regional states has reportedly resulted in members of some linguistic communities being rendered functionally illiterate and excluded from participation in the public life of the regions in which they live, including on the basis of their lack of language proficiency.

44. The South African Constitution (art. 6) recognizes as official languages Sepedi, Sesotho, Setswana, siSwati, Tshivenda, Xitsonga, Afrikaans, isiNdebele, isiXhosa and isiZulu, as well as English, and requires the State to take practical and positive measures to elevate the use of those languages, recognizing the “historically diminished use and status” of some languages. Municipalities must take account of language usage and preferences of their residents, including in education. The 2010 revised Constitution of Kenya has provisions for minorities, including article 7, which requires the State to protect the diversity of language of the people of Kenya and promote the development and use of indigenous languages. Article 44 establishes the right to use the language of a person’s choice and to form cultural and linguistic associations. Article 56 requires the State to establish affirmative action programmes to ensure that minorities and marginalized groups can develop their cultural values, languages and practices, including in the field of education.

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<sup>20</sup> Only 29 of more than 2,000 African languages (0.15 per cent) are protected by their recognition as official languages. More than 20 African countries do not assign official status to any African languages.

### C. The use of minority languages in public life

45. In some national contexts Governments have imposed prohibitive restrictions on the use of minority languages in public spheres, including in political life. Under such circumstances minorities have even faced prosecution for exercising their right to use their language publicly, for example in the context of political campaigns. Such actions may be imposed in the context of efforts to stringently enforce the use of a single national language or assimilate minority communities via restrictions on their language use. In some cases, inter-ethnic or inter-religious conflict may motivate such restrictions designed to marginalize and exclude a particular population group. Few cases have been reported of restrictions on the use of minority languages in private life; however, aggressive promotion of a national language and restrictions on education in the mother tongue may be interpreted by members of a minority as attempts to assimilate them or eradicate minority language use in all spheres.

46. In some countries the use of minority languages has been deemed a threat to national unity and an attempt by minorities to reinforce territorial or separatist claims and has consequently been restricted or banned. Restrictions on language use have been reported alongside alleged prohibitions on aspects of cultural life, including song or theatre performances in minority languages, or political and civil society activities. In those contexts minority languages may become highly emotive issues, and such prohibition is a significant cause of grievances for minority communities. Any restriction on the use of minority languages and freedom of expression must be fully justified and proportionate. Attempts to prohibit or abolish the use of minority languages constitute a gross violation of minority rights.

47. While it is legitimate to promote a common State language, certain factors should be taken into account to ensure that such promotion does not become discriminatory in practice. The OSCE High Commissioner on National Minorities has emphasized that an appropriate balance is required between strengthening the State language on the one hand, and protecting the linguistic rights of persons belonging to national minorities on the other.<sup>21</sup> In some situations historical grievances relating to language use, including the previous imposition of non-native languages, have been reported; however, such issues do not constitute legitimate grounds for restrictions to be imposed on the use of any language in public or private or failure to fully implement minority rights relating to language.

### D. Minority languages in education

48. Restrictions on minority languages in the field of education are particularly sensitive and can be the cause of grievances. The 1992 Declaration on Minorities states that wherever possible minorities have the right to learn or to have instruction in their mother tongue (art. 4, para. 3). Indeed, the commentary to the Declaration states that “denying minorities the possibility of learning their own language and of receiving instruction in their own language, or excluding from their education the transmission of knowledge about their own culture, history, tradition and language, would be a violation of the obligation to protect their identity” (E/CN.4/Sub.2/AC.5/2005/2, para. 28). Where official State languages are the only languages used in schools, minority children whose first language is their minority language are placed at a disadvantage from the earliest years of school, since they are often less proficient in the State language and are likely to fall behind.

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<sup>21</sup> See the statement by the OSCE High Commissioner on the State Language Act of Slovakia. Available from [www.osce.org/hcnm/51272](http://www.osce.org/hcnm/51272).

49. Many minorities have poor access to education, and frequently education is not in their mother tongue. Literacy levels for some minorities are often low compared to the average. The parents of minority children may be unable to assist their children or engage fully with the education process if they are not proficient in the official language. Where mother-tongue languages are orally transmitted or taught informally in the home, children may not obtain adequate language education allowing them to be fully literate in either their mother tongue or the national language, with consequences for cultural and language transmission and reproduction. Some minorities have reported that entrance examinations for higher education are only in the national language, which places them at a disadvantage and results in fewer minorities progressing to higher education.

50. States can decide on approaches to ensure the enjoyment of language-related rights in practice, based on factors such as demand and the number and location of minority students. Where student numbers are higher it may be appropriate to provide formal classes in minority languages, while in other cases more informal approaches may be appropriate, including additional classes and out-of-school teaching options. Government motivation for restricting the teaching of minority languages and their use as a language of instruction may be based on such factors as a policy of promoting the use of one national language and national unity. Some consider it advantageous for the social and economic mobility of minorities to ensure that they are fully proficient in the national language and therefore to limit minority language use in education, however this is a violation of minority rights.

51. UNICEF highlights evidence that bilingual education from the earliest years of schooling ensures that minority children become proficient in their mother tongue and the dominant language from an early age. Teaching children for a recommended six to eight years in their mother tongue and gradually introducing national languages has advantages, including the following: children learn better, are more confident and are well equipped to transfer their literacy and numeracy skills to additional languages; children experience less frustration and failure and fewer drop out of school; and by including families and drawing on local cultural heritage, mother tongue-based education contributes to communities' social and cultural well-being and fosters inclusiveness within wider society. However, many countries have not adopted bilingual learning approaches.

52. In Viet Nam, visited by the previous mandate holder in July 2010 (see A/HRC/16/45/Add.2), UNICEF has been supporting the Ministry of Education and Training to address disparities in education outcomes between the majority and ethnic minorities. The mother tongue-based bilingual education programme has been implemented since 2008 in three provinces with three different ethnic minorities—Mong, Jrai and Khmer—and shows very positive results.<sup>22</sup>

53. Mother tongue-based bilingual education requires resources and technical expertise for its practical delivery. This includes ensuring the recruitment and training of minority teachers and those proficient in minority languages, provision of minority language textbooks and teaching materials, and development of bilingual curricula. The undertaking of classroom language mapping provides necessary information at the local level to identify requirements and possibilities for bilingual language approaches. Even in countries in which minority language education is enshrined in law and policy, challenges in terms of practical implementation, including a lack of appropriate teaching materials, are often cited as a problem by minorities.

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<sup>22</sup> See UNICEF, "Action research on mother tongue-based bilingual education: improving the equity and quality of education for ethnic minority children in Viet Nam" (2012). Available from [www.unicef.org/vietnam/resources\\_19823.html](http://www.unicef.org/vietnam/resources_19823.html)

## **E. Minority languages in the media**

54. Minorities have the right to enjoy media in their own language and establish their own media. Nevertheless, restrictions on the free establishment and functioning of media in minority languages have been witnessed in a number of countries. For minority communities the right to media in their language and appropriate to their cultural identity is particularly important and a vital vehicle for the preservation and transmission of minority cultures. Any unreasonable prohibition or restrictions of such rights in public or in private media could constitute a violation of minority rights and freedom of expression. Restrictions reported include barriers to the issuance of licences and the adoption of legislation prescribing quotas for broadcasting time in a certain language. No undue restrictions, censorship or requirements for translation should be imposed on minority-language media.<sup>23</sup>

55. A lack of minority language programmes in publicly funded media is frequently a concern, and public media should review the extent to which its content caters to minority audiences. Where relatively large minority communities are dispersed throughout a country, minority language programmes broadcast nationally should be considered. In other cases regional-based programming may be a more appropriate solution, catering to the needs of minorities concentrated in particular regions. The extent of programming depends on factors such as demand and, to some extent, the availability of private minority media sources. Nevertheless, minorities pay for public media via their taxes and consideration must be given to their content requirements. In the United Kingdom of Great Britain and Northern Ireland, the Asian Network of the BBC provides publicly funded radio programming, in languages such as Bengali, Gujarati, Hindi, Punjabi and Urdu, that responds to the language, cultural and artistic requirements of listeners originating from and around the Indian subcontinent.<sup>24</sup>

56. Problems relating to access to minority language media may stem not from State legislation or policy but from a lack of resources, skills and technical or journalistic training that limits capacity to establish minority language media. In such cases the State can play a valuable role in assisting minorities and, where necessary, financially supporting training and initiatives to create minority language media. Minorities have the right to maintain cross-border relations, including with kin States, and these extend to the ability to receive language media and web-based information originating from abroad that conforms to international standards, for example with respect to the prohibition of incitement to ethnic or religious hatred.

## **F. Minority languages in public administration and judicial fields**

57. The ability of minorities to engage institutions and administrative bodies in minority languages ensures that they are able to express their views, participate in consultative processes and influence national policy that affects them and the regions where they live. Where linguistic minorities face language barriers to their interaction with authorities their right to participate fully in public life, as required by the 1992 Declaration on Minorities, may be limited. Some States have population percentage thresholds above which minorities may use minority languages in official interactions with government officials and bodies

<sup>23</sup> In 2003, the OSCE High Commissioner on National Minorities published the Guidelines on the Use of Minority Languages in the Broadcast Media, which provide valuable guidance of relevance to States in the OSCE region and which will also be useful to other countries globally.

<sup>24</sup> See [www.bbc.co.uk/asiannetwork/](http://www.bbc.co.uk/asiannetwork/).

and qualify for other entitlements relating to languages.<sup>25</sup> These should, however, be set at levels that are not restrictive, and flexibility in approaches is preferable. Where significant minority populations are concentrated it is particularly appropriate to ensure that they have opportunities to use their languages in communication with administrative bodies and authorities, but consideration should also be given to the needs of smaller or dispersed language groups that may face unique challenges.

58. Some persons belonging to linguistic minorities may be reluctant to engage with administrative bodies, the police or the judiciary due to their lack of language proficiency, with consequences that may include an inability or reluctance to report discrimination or crimes. Even those proficient in the national language may feel more able to deal with complex administrative issues and engage with legal entities and the courts in their mother tongue. Minorities have reported being denied the opportunity to be assisted, free of charge, by a translator or interpreter where they do not understand or speak the language of the tribunal or court. In practice, solutions include employment of those proficient in minority languages in relevant positions, such as specialist liaison staff for minority communities. Positive practices have been employed by police services in some countries, including community policing methodologies that promote the recruitment of minority officers who speak minority languages and their deployment in minority localities.

### **G. Minority-language use in names, place names and public signs**

59. Where minorities constitute a significant proportion of the population or a numerical majority and may have long and established connections with that region, States may decide, in consultation with communities, that public signs and street names may also be in minority languages. Such a practice, where desired by a minority community, can be an important public recognition of the language traditions of a linguistic group. This may be particularly important to long-established communities that seek to encourage public recognition and manifestations of their language, and is evident in minority regions with some form of regional or political autonomy in which minorities are more likely to have decision-making powers. However, in some countries with significant and concentrated minority communities this public recognition is not accorded to minority languages.

60. Decisions as to whether to use public signs in a minority language should be made in consultation with minorities and may best be negotiated at the municipal or local levels. A dual language approach to public signs ensures the rights of other members of the community who do not belong to the linguistic minority; this constitutes a positive practice. In Europe, the Framework Convention for the Protection of National Minorities expressly requires that, taking into account their specific conditions, States endeavour “to display traditional local names, street names and other topographical indications intended for the public also in the minority language when there is a sufficient demand for such indications” (art. 11, para. 3). In China, bilingual signs are used in autonomous regions, including Xinjiang and Tibet, where Uighur and Tibetan languages share official status with Chinese.

61. Minorities have the right to name their children in minority languages, and no undue restriction should be placed upon that right or the official recognition of minority names in birth registration or other official documents. Restrictions on the use of certain names or scripts have been reported and constitute a breach of the rights of minority groups to enjoy

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<sup>25</sup> See, for example, the 1999 Law on the Use of Minority Languages of Slovakia, which stipulates that citizens who belong to a national minority must represent at least 20 per cent of the inhabitants of a given municipality in order for them to be permitted to use their minority language in official contacts.



their language, culture and identity. Where historical restrictions have been imposed and subsequently repealed, legal and administrative measures may be required to ensure that those affected may legally register and use their preferred spoken and written names. Birth registration and other relevant forms should, wherever possible, be available in the languages spoken by large minority populations.

## **H. Participation in economic and political life**

62. To participate fully in economic life and be able to benefit from all opportunities in equality with others it is necessary for minorities to be proficient in the national or State language, certainly if they wish to move beyond local or regional minority areas in which minority languages are used. In some cases the geographic and economic mobility of minorities is severely restricted by lack of proficiency in the national language. Due to language issues, labour market access for minorities may be restricted to certain jobs and localities, with implications for income and the opportunities for employment. Minorities may be restricted to low income or seasonal jobs in such areas as manual labour.

63. Minorities have reported barriers to their recruitment and continuing employment in the public or government sectors, for example in situations in which the official national language has changed, such as in some countries of the former Soviet Union that gained independence in the 1990s. Even in cases where minorities are proficient in the national language, examples of discrimination against non-native speakers have been reported. In some countries, following conflict or occupation, for example, minorities and returnee communities report that restrictions are placed on their access to employment, and that jobs they previously held are given only to the dominant or majority ethnic and linguistic community. There should be equal access to public sector employment for members of all linguistic communities. In some circumstances evidence suggests that minorities have left their country of residence to return to kin States on the basis of real or perceived restrictions to their opportunities for employment and participation in public life due to language and nationality factors.

64. Some minorities have reported economic disadvantages and discrimination resulting from policies of population resettlement and mass migration of dominant ethnic and linguistic groups to minority areas. This may result in the marginalization of the minority groups' languages, which are gradually replaced by the dominant group's language as an area's lingua franca and the primary language for employment in a region. Those who are native to the region but do not speak the dominant language have reported becoming ineligible for State employment and finding themselves at a disadvantage for virtually all jobs compared to settlers who may be given priority. Where administrative and government structures are controlled by the dominant community, minority group members report that those employers hire those belonging to their own ethnic and linguistic group.

65. Engaging in political life and decision-making processes at all levels also commonly requires proficiency in the official State language. However this can potentially exclude some linguistic minorities from fulfilling their right to participate effectively in political life and to be involved in decision-making processes that may affect them or the territories on which they live. In autonomous regions or states where certain languages are granted official status, those who do not speak the official language may be barred from standing for or holding certain public offices. Such challenges must be recognized and addressed to ensure that linguistic minorities are not unfairly excluded from political life at any level. Decentralized, federal and autonomous political structures are often beneficial to the political participation of linguistic minorities.

66. Proficiency in the State language is sometimes a requirement for access to citizenship and has proved problematic for some who lack such proficiency. While it is

legitimate for States to impose some language requirements in order for minorities to fully integrate into society and have access to opportunities for employment, no undue restrictions should be imposed, for example for those who have been long-term residents of a country. Language proficiency should not be the primary criteria for or a barrier to acquisition of citizenship, particularly where official languages have changed. Adequate language-education opportunities should be made available, including for those who may face particular challenges due to such factors as age, income or the locality in which they live.

## **I. Provision of information and services in minority languages**

67. If key public information materials are not available in minority languages, minorities can find themselves at a disadvantage and might fail to benefit from essential information and service provision. Those who are not proficient in the national language may face significant challenges as regards access to information. For example, some ethnic and linguistic minorities live in remote regions and do not speak the national language, therefore public information campaigns do not reach them or they cannot understand them. While some may speak national languages, they may not be literate; thus, even where campaigns do physically reach communities, it is important that they be in minority languages.

68. In such crucial areas as health-care information and access, minorities may be placed in a position of disadvantage and vulnerability if information is not provided in their languages. Public information and awareness-raising initiatives relating to such areas as preventative health advice, HIV/AIDS, and maternal health are essential to improving the health outcomes of disadvantaged and poor communities. This information should be available in minority languages and in media accessible to minorities. Initiatives such as the training and employment of minority language mediators can be valuable in delivering information to communities and assisting in their interactions with service providers.

69. As an example of positive practice, the United States Department of Health and Human Services established an Office of Minority Health in 1986 dedicated to improving the health of racial and ethnic minorities through targeted health programmes. Among its activities is the publication of key health information in numerous minority languages.<sup>26</sup>

70. Barriers such as language, poverty and poor education often exclude minorities from such roles as medical professionals, teachers and social workers. In areas where linguistic minorities live, the commitments to ensuring rights and service delivery to them may require dedicated training programmes that specifically target minority communities, with the aim of ensuring an adequate supply of key service staff. Minority professionals should be given incentives to remain in minority areas where they can provide vital services in minority languages. Where challenges exist to the recruitment or training of minority professionals, those from majority groups who work in minority regions should be required and given incentives to learn minority languages. Data relating to access to services for minority groups is particularly important, and practices such as the recruitment of minority survey staff should be employed.

71. Some persons belonging to minorities may face particular challenges in learning the national language, including the elderly and those who have not attended education in their country of residence, those with low incomes, the relatively newly arrived, and in some cases women. For them, the ability to engage administrative authorities and receive

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<sup>26</sup> See <http://minorityhealth.hhs.gov/templates/browse.aspx?lvl=1&lvlID=7>.

information and documents in their language can be essential to their ability to comply with administrative requirements and to benefit from administrative and social assistance to which they are entitled. Where larger and established minority language communities exist in a country, it is necessary to ensure to the fullest extent possible that public institutions in all relevant regions are equipped to handle interactions in minority languages if required.

72. An emerging issue is that of access to online information. Relatively little Internet content is available in some minority languages, and those who are not proficient in national languages, those in rural and remote localities and those in poverty may be at a disadvantage in terms of their access. An information gap exists and may widen for some linguistic groups which may be left behind and further socially and economically marginalized as other population groups take advantage of online opportunities and marketplaces. Nevertheless, the Internet can potentially play an important role in preserving languages and in the greater dissemination of minority language information and newspapers and magazines in minority languages.

## V. Conclusions and recommendations

73. **The challenges experienced by linguistic minorities are diverse and differ significantly according to their specific circumstances and legal and policy conditions in their countries of residence. Some linguistic minorities are well integrated, able to use their languages in public and private freely and find an accommodation of their language rights and needs in administration, education and service provision. For others, lack of official recognition or language policy and programmes for linguistic minorities results in an environment in which there is little or no provision made for minority languages. In some countries linguistic minorities may live mainly in rural or remote regions where their community interactions are always in minority languages but their children's education is only in the national or official State language.**

74. **The Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities and other international standards clearly establish the rights of linguistic minorities and the duties upon States. While they do not require that a State provide all activities and services in every language present within the State, in its assessment of how to fulfil its obligations, each State must take into account numerous factors relevant to linguistic minorities, including the number of language users and their distribution within the country. Each State can decide on approaches to how it implements the Declaration in practice, and it is reasonable to consider that greater attention and resources will be dedicated to certain traditionally present, commonly spoken, or geographically concentrated languages, for example, than are given to relatively newly established languages with few or dispersed users.**

75. **Nevertheless, a reasonable degree of accommodation of smaller and lesser-used languages should be provided. Modalities to support small or dispersed linguistic communities must be considered and can include support for informal language classes within or outside the public education structures and ensuring consultation with cultural associations representing linguistic minorities to assess and respond to specific needs. Factors such as voluntary and forced migration, conflict, climate change, and the opening of borders, for example across the Europe Union member States, are creating ever more diverse ethnic and linguistic societies in which language rights and needs must be taken into account.**

76. **While resources available to a State are a factor, Governments must nevertheless fulfil their obligations to the best of their ability for all linguistic minorities. Numerous cost-effective methods are available to fulfil language rights,**

including translation of key information, web-based resources targeted at minorities, and policies of promoting training of minorities and their recruitment at national and local levels in public institutions. The use of minority mediators is a positive practice utilized by some States to improve communication with minorities. It may also be appropriate to encourage and facilitate cross-border cooperation, for example where a linguistic minority has a neighbouring or kin State with a shared language tradition.

77. Minority languages are declining at a worrying rate in all regions. In some cases that decline reflects a process of language loss which is almost irreversible, due to factors such as globalization and processes of assimilation and cultural dilution. However, in many cases, the disappearance of minority languages is a failure of protection of the rights of minority communities who wish to maintain their languages, as well as a tragedy for a nation's cultural and linguistic heritage and diversity. Long-term data collection and analysis helps to reveal the relative health of minority languages and the growth or decline of language use and is essential for the preservation of some threatened languages.

78. A lack of recognition and constitutional and legal protection of linguistic minority rights is often a contributing factor to the decline. In many instances not enough has been done to support and promote a minority language and its users, and the provisions of the 1992 Declaration on Minorities have not been implemented in practice. The Independent Expert on minority issues welcomes the work undertaken by the United Nations Educational, Scientific and Cultural Organization (UNESCO) to protect endangered languages and promote linguistic diversity. She supports the interdisciplinary approach taken by UNESCO to the promotion of linguistic diversity, which incorporates capacity-building, research and analysis, awareness-raising, project implementation, networks and dissemination of information. Nevertheless, vital work can be conducted only at the national levels, and where necessary States should seek assistance and technical cooperation.

79. In many cases a strong community desire exists to maintain minority languages as a core and indispensable element of culture and identity. Sometimes this is viewed by Governments as divisive and counter to State ideologies and policies to promote national identity, national unity, integration and territorial integrity. In States in which historical, political and geographical factors have created highly diverse communities, disputes over territories and borders and tensions between different national, ethnic, religious and linguistic groups may exist. Irrespective of such factors States are obligated to respect, protect and fulfil the rights of linguistic minorities, and restrictions must be in the public interest and proportional to the aims sought.

80. Globally, grievances and tensions relating to language rights and the rights of linguistic minorities have emerged and have even led to conflict. Restriction on the rights to use minority languages freely may be, or may be interpreted as, a threat to minority identity. It is important to acknowledge that issues relating to linguistic minorities and their rights may have implications for security and national stability. Protection of linguistic minority rights is a human rights obligation and an essential component of good governance, efforts to prevent tensions and conflict, and the construction of equal and politically and socially stable societies. To create unity in diversity requires dialogue with all stakeholders, including on how to appropriately accommodate the language needs and rights of all groups.

81. Minority communities are not homogenous and it is important to understand the challenges facing those, including women, children and the elderly, whose needs, perceptions and expectations may vary. Older people, who may be first-generation immigrants, may have stronger linguistic and cultural ties than young people who have been brought up and educated in their country of residence. They may face

greater challenges in learning and adapting to the national language and require culturally sensitive, affordable and accessible assistance.

82. The views of young people from minority communities must be taken into account. While young people face different challenges and have different perceptions of their identity, and some may have weaker commitments to minority language and culture, many have a strong desire to maintain their language. They may wish to find new opportunities and expressions of their cultures and identity, for example in the arts, music and theatre, and those needs must be accommodated to the fullest extent possible.

83. Minorities have the right to use their own language, irrespective of its legal status, and provisions should be made to enable minorities to learn and be taught in their mother tongue as well as the official State languages. Models of bilingual education have been demonstrated to be particularly valuable and should be implemented by States in all regions. Positive models of integration are not only about the integration of minority communities into wider society. It is a positive practice to not only encourage minorities to learn and become proficient in the national language, but also to encourage members of majority populations to learn minority languages.

84. The growth of the Internet and web-based information has made dramatic changes in the ways that people communicate and use and transmit language. In the globalization of communication and media that has taken place, some languages dominate, a phenomenon that may also be seen at the national level. The challenge to ensure that all population groups can benefit equally requires solutions that include the packaging of information in minority languages and provision of low-cost access for all. The Internet clearly also has the potential to assist in the preservation, dissemination and teaching of minority languages.

85. The Independent Expert calls upon States Members of the United Nations to provide her with information relating to the national protection of linguistic minority rights and minority languages, including legislation, policy and practices. She particularly wishes to be informed of positive practices to protect and promote the rights of linguistic minorities. She encourages linguistic minorities and non-governmental organizations to provide her with information about their situations and challenges relating to minority-language use and their proposals for solutions to challenges.

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