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## Recommendations of the Forum on Minority Issues at its twelfth session on the theme “Education, language and the human rights of minorities”

### Report of the Special Rapporteur on minority issues\*

#### *Summary*

The recommendations in the present report draw primarily from the discussions and contributions made by participants at the twelfth session of the Forum on Minority Issues, held on 28 and 29 November 2019 on the theme “Education, language and the human rights of minorities” and conducted under four thematic panel discussions on (a) human rights and minority language education; (b) public policy objectives for education in, and the teaching of, minority languages; (c) effective practices for education in, and the teaching of, minority languages; and (d) language, education and the empowerment of minority women and girls. The recommendations are based on international law and standards. They aim to provide guidance to further implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

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\* Agreement was reached to publish the present report after the standard publication date owing to circumstances beyond the submitter’s control.



## I. Introduction

1. The present report was prepared pursuant to Human Rights Council resolutions 6/15 and 19/23. It contains the recommendations of the twelfth session of the Forum on Minority Issues, held on 28 and 29 November 2019 on the theme of “Education, language and the human rights of minorities”. The work of the Forum was guided by the Special Rapporteur on minority issues, Fernand de Varennes. The Forum was co-chaired by Anastasia Crickley and Astrid Thors. About 600 participants attended, including representatives of States, United Nations mechanisms, bodies and specialized agencies, funds and programmes, intergovernmental and regional organizations and mechanisms in the field of human rights, national human rights institutions and other relevant national bodies and non-governmental organizations, and representatives of minorities, academics and experts on minority issues.

2. The recommendations in the present report draw primarily from the discussions and contributions made by participants at the twelfth session of the Forum and reflect the contributions made by the participants of the three regional forums on the same topic organized by the Special Rapporteur and coordinated by the Tom Lantos Institute and other non-governmental organizations in Brussels (for Europe),<sup>1</sup> Bangkok (for Asia and the Pacific)<sup>2</sup> and Tunis (for Africa and the Middle East),<sup>3</sup> which involved close to 300 participants. The recommendations are based on international law and standards and good practices in the area of education. They aim to provide guidance to further implement the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

3. Key elements of the legal and normative framework from a human rights perspective include the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, the Convention on the Rights of Persons with Disabilities, as well as the Council of Europe Framework Convention for the Protection of National Minorities. Specifically, on the topic of minority language education, the following instrument is also a reference: the European Charter for Regional or Minority Languages.

4. The recommendations of the twelfth session of the Forum are organized under the four agenda items that framed the discussion during the session. The recommendations:

(a) Aim to address a wide range of situations faced by linguistic minorities around the world in area of education;

(b) Highlight the primary responsibility of the State in promoting and protecting the human rights of minorities to use their own languages in education;

(c) Reaffirm that, regardless of the language they speak, everyone must enjoy human rights and fundamental freedoms without discrimination, and recognize the importance of the realization of the right to education, including education in the mother tongue, to guarantee access to those rights;

(d) Highlight the importance of education in the language of minorities framed by human rights standards in order to effectively achieve Goal 4 of the Sustainable Development Goals, that is to “ensure inclusive and equitable quality education and promote lifelong learning opportunities for all”.

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<sup>1</sup> The full text of the recommendations of the European regional forum, held on 6 and 7 May 2019 at the European Parliament in Brussels, are available at [www.ohchr.org/Documents/Issues/Minorities/IntegratedEuropeRecommendations.pdf](http://www.ohchr.org/Documents/Issues/Minorities/IntegratedEuropeRecommendations.pdf).

<sup>2</sup> The full text of the recommendations of the Asia-Pacific regional forum, held at Mahidol University on 20 and 21 September 2019 in Bangkok, are available at [www.ohchr.org/Documents/Issues/Minorities/IntegratedAsiaPacificRecommendations.pdf](http://www.ohchr.org/Documents/Issues/Minorities/IntegratedAsiaPacificRecommendations.pdf).

<sup>3</sup> The full text of the recommendations of the Africa-Middle East regional forum, held in Tunis on 28 and 29 October 2019, are available at [www.ohchr.org/Documents/Issues/Minorities/IntegratedAfricaRecommendations.pdf](http://www.ohchr.org/Documents/Issues/Minorities/IntegratedAfricaRecommendations.pdf).

(e) Stress the importance of the inclusion of linguistic minorities and their representatives in policy and decision-making processes affecting them;

(f) Emphasize the positive pedagogical and other effects of teaching in the languages of children, as opposed to the negative consequences of not doing so, for many minorities and indigenous children.

5. The recommendations also recognize the important role the United Nations, civil society organizations, representatives of minorities and other stakeholders can have in promoting minority language education.

6. The present recommendations are intended to be implemented in countries across the world in order to assist States to better understand their human rights obligations in relation to education and minorities, and assist them in identifying approaches for the full respect of universal human rights standards.

7. They are also intended to be illustrative or complementary to the general principles on education and language outlined in the “Language rights of linguistic minorities: a practical guide for implementation”, which was published in 2017 by the Special Rapporteur on minority issues.<sup>4</sup>

## II. General recommendations

8. **States should ratify, accede to and adhere to all international and regional human rights instruments that protect and promote the rights of minorities, including those pertaining to the rights of minorities to education in, and the teaching of, their languages.**

9. **States should ensure full implementation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, in particular, its provision stressing that persons belonging to minorities have the right to, inter alia, use their own language, in private and in public, freely and without interference or any form of discrimination.**

10. **All States, international organizations, non-governmental organizations, civil society and other entities working on the rights of minorities should make efforts to raise awareness about the benefits of education in, and the teaching of, the mother tongue, as well as the benefits of multilingualism.**

11. **States are encouraged to recognize sign language users as members of linguistic minorities and ensure education is provided in sign language for the deaf community where this is practicable.**

12. **States, national human rights institutions and civil society representatives are encouraged to use the United Nations human rights mechanisms, including the special procedures of the Human Rights Council, the universal periodic review, treaty bodies and other appropriate forums, for ensuring access to, education in and the teaching of minority languages.**

13. **National human rights institutions should take measures to address education in, and the teaching of, minority languages in their respective countries.**

14. **States should create a safe and enabling environment for civil society representatives working on the human rights of minorities in language matters and monitoring the implementation of States’ obligations towards ensuring access to education in, and the teaching of, minority languages.**

15. **States are encouraged to increase international and regional cooperation in order to share expertise, knowledge and effective practices for education in, and the teaching of, minority languages.**

<sup>4</sup> Available at [www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities\\_EN.pdf](http://www.ohchr.org/Documents/Issues/Minorities/SR/LanguageRightsLinguisticMinorities_EN.pdf).

16. Where possible, education in, and the teaching of, minority languages should also draw on culture and include artistic creativity, such as theatre, painting, music and cinema.

17. Where possible, alternative learning methods, such as home or distance teaching, new technologies, including social media, mobile applications and other online methods, should also be used in education in, and the teaching of, minority languages, and in the preservation of minority culture and languages.

### **III. Recommendations to address minority language education through a human rights-based approach**

18. States should take the measures necessary to combat discrimination against minorities and ensure equal access to human rights and fundamental freedoms, including through the respect and recognition of the integral place of language rights as human rights

19. States should provide access to education in, and the teaching of, minority languages, in order to ensure equality among people from different linguistic backgrounds.

20. States should promote awareness-raising about the importance of education in the mother tongue to the identities and cultures of minorities, as well as raise awareness about the benefits of education in the mother tongue and multilingualism.

21. States should promote dialogue and tolerance within their countries among the various minorities, and create an enabling environment for such minorities to teach, learn and use their languages.

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

23. States should recognize that individuals who belong to deaf communities, indigenous peoples or migrant communities can all potentially constitute a linguistic minority and are eligible for education in, and the teaching of, their languages.

24. Deaf children should have the right to access education in sign language as a human right, and have the same opportunities in education as any other child.

25. States should recognize and promote respectful and empowering learning environments, inclusive of minority languages, as key in the full development of the individual, and his or her capacity to participate fully in social, political, economic and cultural life and to make informed decisions.

26. States should ensure that linguistic minorities are free from discrimination, oppression or intimidation for the teaching and use of their mother tongue.

27. States should avoid any restrictions on education in, and the teaching of, minority languages. States should refrain from forced assimilation of minorities, *inter alia*, through the prohibition of education in, or the teaching of, the mother tongue of minorities.

28. When States fail to comply with their international human rights obligations with regard to education in, and the teaching of, minority languages, minorities and civil society organizations are encouraged to use national judicial and administrative bodies to remedy the situation, as well as, if necessary, regional and international human rights bodies and mechanisms.

29. Member States should consider developing an international legal instrument on the human rights of minorities, which will include provisions on the rights of minorities in the area of education and the use of their languages, in consultation with the Special Rapporteur on minority issues and other relevant stakeholders.

#### **IV. Recommendations to design and implement public policy objectives for education in, and the teaching of, minority languages**

30. States should include an education policy and implementation plan that safeguards the right to receive education in the mother tongue at all levels where practicable. Such a policy should include minimum standards for the use of minority languages in public education, and a built-in monitoring and evaluation system.
31. States should include minority language education in the implementation strategies of Goal 4 of the Sustainable Development Goals, aimed at ensuring inclusive and equitable quality education and promoting lifelong learning opportunities for all.
32. States should not interpret the requirement of practicality for the use of minority languages in public education, such as sufficient demand with respect to education in, and the teaching of, minority languages, in a restrictive way, but rather apply it as a proactive approach to the needs of linguistic minorities, interpreted as favourably as possible for the use of the mother tongue as the medium of instruction.
33. When financial resources or other forms of support are provided to private educational establishments, such funding or support must also be provided, in accordance with the principle of non-discrimination, to private educational establishments teaching in minority languages or to linguistic minorities.
34. States should recognize, promote and prioritize the medium to long-term advantages of incorporating a multilingual public policy approach for all.
35. States should allocate the resources necessary to promote and ensure access to education in, and the teaching of, minority languages.
36. States should make available administrative, legal and health services in minority languages with the aim of making them accessible for minority communities.
37. States should encourage all linguistic communities to engage positively and openly with other language communities in order to promote mutual respect, tolerance and understanding, with the aim of preventing possible tensions and conflicts.
38. Members of linguistic majorities should also have opportunities to learn minority languages. The benefits of multilingualism should target both minority and majority communities, and not be restricted to learning global or so-called “prestige” languages.
39. States should use education in, and the teaching of, minority languages as a tool for creating social inclusion and equality for all, and combat any perception that they are a threat to social cohesion and the unity of the State.
40. The importance of civil society in ensuring progress towards revitalizing and normalizing minority languages should be recognized, and States should institutionalize and financially support good practices in minority language education developed by civil society organizations.

#### **V. Recommendations to promote effective practices for education in, and the teaching of, minority languages**

41. States should undertake steps to provide appropriate and proportionate resources and support in order to achieve inclusive and equitable quality education in schools teaching in minority languages. They should introduce measures to guarantee such financing for sustainable implementation of minority language education programmes, including funding for minority language textbooks and schools using minority languages.
42. States should put in place legislative and administrative measures to support education in minority languages that is pedagogically effective and takes into account the competencies of minority students.

43. States should train teachers to plan lessons for different subjects around the needs of minority language learners. States are encouraged to recruit teachers who speak minority languages.
44. States should develop and finance programmes for the development and training of minority language teachers in schools and universities and promote such programmes among minority communities.
45. States should take steps to ensure that children from minority communities living in remote or rural areas have access to education in minority languages, *inter alia*, through improving infrastructure and providing transportation where necessary.
46. States should engage minorities in curriculum design and the creation of linguistically and culturally relevant materials for their communities and schools. Decision-making regarding minority language education should involve minority parents and children.
47. Monitoring and evaluation and reporting systems should be developed in order to ensure that minority language educational programmes deliver on the specific needs of minority language students.
48. States should ensure that minority students have the opportunity to be tested in the language that has been their main language of instruction.
49. Where minority students have mainly received instruction in their own languages in public schools, any higher education admission test should be conducted in their own language, or another mechanism for admission should be in place so as not to exclude them unreasonably from accessing higher education.

## **VI. Recommendations on addressing education, language and the empowerment of minority women and girls**

50. States should ratify or accede to the Convention on the Elimination of All Forms of Discrimination against Women and ensure its implementation for minority women and girls, in particular, articles 10 and 16 (e) thereof.
51. States should take all necessary legislative and administrative measures to ensure access to minority language education and teaching for women and girls of minority communities, considering the multiple and intersecting forms of marginalization, discrimination and exclusion they are often subjected to because of their gender and minority status.
52. States should introduce the measures necessary to support the right to education for women and girls of minority backgrounds, by:
  - (a) Gathering gender-specific education statistics, to raise awareness among the minority communities about the importance of education rights of girls in their mother tongue;
  - (b) Recruiting and training teachers who are sensitive to gender equality and the rights of the child;
  - (c) Taking special measures in education to reach the most disadvantaged minority girls.
53. States should include minority women and girls in the implementation strategies of Goal 5 of the Sustainable Development Goals, aiming at ensuring gender equality and empowering all women and girls. They should recognize the empowering role of language and education in the mother tongue and provide such education with a view to empowering minority women and girls.
54. States should ensure that educational curricula do not include materials that stereotype minorities, including minority women and girls on the basis of both their ethnicity and their gender. They should promote educational materials that are age and gender sensitive.

55. States should combat discrimination against minority women and girls in education with a particular emphasis on and steps addressing the specific gender dimension of the effect of such discrimination on minority women and girls.

56. Where possible, States should consider designing a national strategy that includes the empowerment of minority women and girls, inter alia, through education in, and the teaching of, their own languages.

57. States should include minority women in decision-making affecting education in, and the teaching of, their languages.

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