

ELEN Recommendations to the European Regional Forum on Minority Issues, Vienna, May 2nd – 3rd, 2022

30 years after the 1992 UN Declaration on the Rights of Persons belonging to national or ethnic, religious and linguistic minorities, minoritised language rights continue to be treated as the latecomer to the human rights party. At the same time discrimination and hate-speech continues against speakers of these languages many of which are in a situation of critical endangerment.

The measures currently in place in Europe to protect these languages (e.g. the Council of Europe's ECRML and FCNM) are simply inadequate to deal with the seriousness of the situation. Little progress has been made since the 1990s and there is an urgent need for clear and unambiguous legislation that acts to counter discrimination and that ensures minoritised language rights. To this end ELEN welcomes the opportunity to submit its recommendations to the Regional Forum on future measures to ensure the protection and well-being of our languages.

ELEN Recommendations

The recommendations were drafted after consultation with the ELEN membership on binding measures that need to be taken by the UN especially over language endangerment and to deal with hate speech and often violent discrimination against speakers of minoritized languages.

1) Endangered Languages

ELEN proposes that the UN develop specific binding measures that work to help protect and revitalise endangered languages globally. The measures will build on the work conducted so far by UNESCO, for example, its Convention on Safeguarding the Intangible Cultural Heritage and the Council of Europe's Charter for Regional or Minority Languages (ECRML),¹ to develop a binding Treaty that ensure states protect endangered languages on their territories. In the short term, and considering the urgency of language endangerment, ELEN proposes that an UN European Regional Emergency

¹ <https://www.coe.int/en/web/european-charter-regional-or-minority-languages>

Commission on Language Endangerment, backed with sufficient powers and funding to act, be established in order to ascertain the immediate action necessary required to intervene to protect European endangered languages.

2) Minoritised language rights

ELEN is calling for specific binding measures that upholds the language rights of minoritised language speakers. In 2022 there are still no clear, unambiguous language rights for minoritized language speakers. People still cannot use their language for access to justice, in court, with the local administration, in school, or at work. Certain states have institutionalised discrimination against their 'regional' languages, as well as undermining immersion education. Many minority language speakers meet with passive aggression, others meet with overt aggression, and all the time in a Europe that is supposed to value its linguistic diversity. The Council of Europe's ECRI has defined minoritised language discrimination as a form of racism. While many States have ratified the Council of Europe's Charter for Regional or Minority Languages (ECRML) this instrument does not provide any actual language rights. Therefore, binding measures are needed that ensure minoritised language rights and which act to end discrimination on the grounds of language. Furthermore, ELEN proposes that the existing UN Declaration on the Rights of Minorities (1992) is made into a binding Treaty by upgrading it to the status of a UN Convention.

3) European Languages Ombudsperson (or Commissioner)

Canada, Ireland and Wales all have language commissioners who work to ensure the protection of language rights. In order to effectively manage European language diversity, and in particular to uphold the rights of those who speak European minoritised languages, ELEN proposes that the post of European Languages Commissioner or Ombudsperson is created.

The post could be created jointly with the Council of Europe and the EU and would work to ensure that the Charter for Regional or Minority Languages is fully implemented, for example, as well as working to monitor language rights in each Member-State. The Commissioner would be supported by a language rights observatory.

4) UN consultation with civil society and States on managing European linguistic diversity.

ELEN recommends that the UN launch a consultation on planning for managing European language diversity that meaningfully promotes, protects and works towards equality and usage for all European minoritized languages, based on the 2016 Donostia Protocol² and recommended in the EU's Platform for Multilingualism Report.³

² <https://protokoloa.eus/?lang=en>

³ https://elen.ngo/wp-content/uploads/2016/05/report-civil-society_en.pdf

While the EU has language rules and regulations there is to date no coherent legally binding EU language policy. ELEN recommends that a future European language policy is based on the Donostia Protocol which represents the united voice of civil society organisations working to protect and promote their languages.

The objectives of the Protocol are:

- to declare that guaranteeing language diversity and ensuring language development are keys to peaceful coexistence;
- to create an effective instrument for language equality and the revitalisation of languages in unfavourable situations;
- to ensure that the language community is the actor in this process and to assert that society's involvement guarantees equal treatment. The Protocol is based on the 1996 Universal Declaration of Linguistic Rights and can be adopted and implemented by States, autonomous governments, regions, cities and municipalities.