

Asia-Pacific Regional Forum on Education, Language and the Human Rights of Minorities

MAHIDOL UNIVERSITY, BANGKOK, THAILAND 20 – 21 SEPTEMBER 2019



IN COOPERATION WITH



Recommendations of the Asia-Pacific Regional Forum on Education, Language and the Human Rights of Minorities

I. Introduction

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

The second of a series of three regional forums convened on the topic of education, language and the human rights of minorities. It was held at Mahidol University in Bangkok/Salaya, Thailand on 20 and 21 September, 2019 to provide insights from the Asia-Pacific region for the development of a set of recommendations to inform and strengthen the implementation of international human rights in relation to education in, and teaching of, minority languages, as contained in the United Nations *Declaration on the Rights of Persons Belong to National or Ethnic, Religious, and Linguistic Minorities* (UNDRM) and other UN instruments such as the *International Covenant on Civil and Political Rights*, the *Convention on the Rights of the Child*, the *UNESCO Convention against Discrimination in Education*, and the *Convention on the Elimination of All Forms of Racial Discrimination*.

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

The Regional Forum's other objectives included:

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

The recommendations of the Asia-Pacific Regional Forum are contained in this document.

II. Format of the Regional Forum

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

The Regional Forum was also developed with a view to emphasizing the importance of dialogue among all relevant stakeholders on the promotion and protection of the human rights of minorities, including the sharing of best practices, respecting and supporting diversity, and promoting inclusive and stable societies and social cohesion. To this end, the Regional Forum sought the involvement of a very wide range of participants from across the Asia-Pacific region, such as representatives of states, intergovernmental regional and international organizations, including United Nations agencies and mechanisms, national human rights institutions and other relevant national bodies, academics and experts from various fields, representatives of minority communities, as well as civil society organizations specializing in minority issues. Of particular note is the fact that the participants and experts represent a wide-ranging, multi-disciplinary group, including those outside of the fields of law and politics, from across the region. It is their experience, dedication and commitment which led to this consensus document. As a result, the recommendations developed at the Regional

Forum are based on human rights standards, as well as on justifications that go beyond legal interpretations, and that draw on recent relevant scientific research in the fields of sociology, sociolinguistics, anthropology, healthcare, political science, and psychology.

Approximately 70 participants from international and regional organizations, states, civil society and minority groups, as well as other interested parties were registered for Minorities Forum Asia-Pacific. Following the introductory speeches and a presentation about the OSCE's education program in Central Asia, a plenary session took place, during which experts presented each of the three working group themes of the Forum: 1) human rights and minority language education; 2) public policy objectives and practices for education in and teaching of minority languages; and 3) effective practices in education in and teaching of minority languages, including resources and management for effective implementation. The experts outlined the issues to be discussed in these groups and fielded questions from participants. Participants and experts were then divided among the three working groups to jointly develop recommendations on the working group theme. The working group process allowed for meaningful discussion and the input of all participants in order to develop coherent recommendations targeted to the working group theme. Once the working groups finalized their recommendations, the entire Forum was reconvened in a plenary discussion, where the groups had the opportunity to present their work and engage all participants in further discussion. The final recommendations were then submitted to the Special Rapporteur.

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

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

It is clear now that persons belonging to minorities should have access to high quality education in their own languages where practicable. Recent, relevant scientific research has established a number of legal, economic, developmental, and social justifications for and benefits of ensuring that minorities have access to education in their own languages, which

are laid out below. The recommendations in this document aim to improve the implementation and effectiveness of education in and teaching of minority languages, and are therefore based on these aforementioned justifications and benefits.

IV. Recommendations

1. Human rights and minority language education

Minorities have the right to be protected by a designated UN treaty, which includes the following rights:

- All children have the right to mother tongue education from commencement of schooling (as well as pre-primary where applicable) including full development of mother tongue literacy, while recognizing that teachers have the right to teach in their own language;
- Linguistic minorities and parents have the right to determine the language of education for their children;
- Linguistic minorities have the right to be free from oppression; in instances where there has been historical restriction on the use of languages or linguistic, states have an obligation to restore the use of such languages;
- Linguistic minorities have a right to live a life that is not foreign in their own community, including in the digital domain;
- Linguistic minorities have a right to have their schools recognized and accredited by state authorities;
- Linguistic minorities have the right to be known by the majority population and to be present in the public understanding of the country;
- Linguistic minorities have the right to be free from oppression on the basis of language and to be free from persecution for the use of one's mother tongue (in public).

2. Public policies and practices for education in and teaching of minority languages

Preface

Individual bi/multilingualism is the norm worldwide.

When recognised, valued and incorporated,

bi/multilingualism can be of significant benefit to both individuals and the wider society

bi/multilingualism can be leveraged as a cognitive, cultural, social, political, educational and economic *resource* – e.g., enhancing language learning, educational achievement, employability, mobility, and social inclusion

In light of this, key stakeholders – including, central and local government, parents and communities, school administrators and teachers, other providers of essential services, and NGOs should:

1. Examine current institutional policies and practices (e.g. in health and education) as to how effective they are in recognising, valuing and incorporating bi/multilingualism
2. Where these are found to be ineffective, a more responsive/proactive/positive approach to bi/multilingualism should be adopted, including the specific recognition of language rights for minority language communities
3. Prioritise the medium- to longer-term advantages of recognising/incorporating a more multilingual public policy approach - e.g. the enhanced educational achievement, economic mobility and social inclusion of minority language communities
4. Establish *minimum* legal thresholds for protecting ongoing minority language use - e.g. non-discrimination in all interpersonal and community contexts, cultural and media contexts, and within civil society
5. Provide proactive/responsive administrative services in minority languages so as to enhance access to health, legal and educational services for minority language communities
6. Establish minimum pedagogical thresholds, based on attested research, for the effective delivery of bi/multilingual education (e.g. 6-8 years of schooling in minority/target language; 50% minimum of home languages as medium-of-instruction)
7. Clarify and broaden the terminology employed about, and recognise the diversity of strong, additive, bi/multilingual programmes (MT; L1 education; heritage language education; immersion education) which meet these pedagogical thresholds
8. Adopt the principle of proportionality, as a *minimum* policy response, with respect to the provision of minority language education - e.g. 'where numbers warrant'. This may also involve an incremental approach to the use of minority languages in education does not have in place already existing instruction or educational establishments, beginning with the language groups which have the largest number of speakers
9. Provide wide-ranging information and supporting research on the benefits of maintaining bi/multilingualism, both individually and collectively
10. Encourage all linguistic communities to engage positively and openly with other language communities in order to promote mutual respect, tolerance, and understanding, alongside the promotion of bi/multilingualism.

3. Effective practices in education in and teaching of minority languages, including resources and management for effective implementation

Preface: Sustainable Development Goal 4 commits member states to strive to provide 'inclusive and quality education and to promote lifelong learning opportunities for all' (UN, 2015). SDG thematic indicator 4.5.2 encourages member states to report "Percentage of students in primary education whose first or home language is the language of instruction." Numerous binding and non-binding UN documents and agreements enshrine the right of indigenous and linguistic minority people to a linguistically and culturally relevant education. The effectiveness of multilingual education (MLE), beginning with the students' home language (aka mother tongue or first language) and adding regional, national and international languages, has been demonstrated on six continents. Furthermore, massive migration and

hyper-diverse cities compel educators to think about language in new ways that should be addressed in an additional set of recommendations.

Worldwide research into best practices reveals that quality multilingual education must address the following factors:

Learning: Children are able to access quality learning of multiple subjects for cognitive development, using their home language as the main medium of instruction (MOI) in the pre-primary and primary years, and also to access knowledge through additional languages (regional, national, international). An “additive” approach should be followed, wherein the home language is maintained for some school functions throughout primary and secondary education, even as other languages are gradually introduced as subjects, or used in increasing measure as a MOI. A systematic scaffolding and maintenance approach to each language is needed. Parental and community involvement and investment (time, finance, ideas) should be encouraged at all levels.

Key Performance Indicator (KPI): Home language as main MOI in pre-primary and primary establishments with home language support late primary through the end of secondary school.

Teaching: Teachers must be trained in MLE pedagogy, including the importance of developing literacy skills in the language the student speaks best, and how to craft lessons for different subjects around the needs of language learners. Governments should prioritize the recruitment of teachers who are native speakers of targeted minority languages, and ensure that they are assigned to schools servicing those language communities. Teacher training institutions serving minority communities should include MLE training in their coursework for pre-service and various forms of in-service education. Non-conventional pathways for minority language speakers to enter the teaching profession should be developed. This will open new economic opportunities for minority language-speaking teachers, curriculum designers, authors, and artists, who can also serve as positive role models and inspire the children to have career aspirations. Language abilities and specialized teaching skills should be recognized and rewarded in teacher qualification frameworks. School administrators and managers should also be trained to support MLE teaching, and to be able to explain MLE to community members and educational officials.

Key Performance Indicator (KPI): in schools serving ethnic minority communities, each grade should have a least 1 MLE-trained teacher who speaks the home language(s) of the students; management are equipped to implement MLE programmes and teacher support.

Curricula: Curriculum design and the creation of linguistically and culturally relevant materials is crucial. Professionals can work with community members to develop materials to teach early grade reading (primer, big books, small books, digital resources, etc.) and related literacy skills and core subjects, connecting lesson plans to national educational standards and indicators. Translation of textbooks is discouraged in early primary. Quality assurance processes must be in place to monitor textbook development, whether created locally or through translation. Local art forms (music, dance, visual arts), and cultural elements (sports,

agricultural cycle, everyday life, festivals, traditional occupations), and aspects of intercultural education should be viewed as valuable teaching and learning tools.

Key Performance Indicator (KPI): Bilingual or Multilingual teaching resources such as textbooks, digital resources, etc., should be available for students and teachers.

Assessment: Quality MLE programmes include programme assessment (monitoring student progress regularly, as well as teacher performance and community satisfaction). Where national exams are required, minority students (especially young children) should be tested in the language that has been the main LOI for that subject in school, so that the exams truly test subject knowledge instead of language proficiency. A similar approach should include entrance to tertiary education, including policies to improve access for minority students.

Key Performance Indicator (KPI): Assessment tools recognize students' mother tongue learning

Finance: Quality MLE programmes require an initial investment that may seem challenging for education systems based on per-head funding. However, research in Latin America, Europe, Africa reveals that the initial investment can be recovered in as little as 5 years, with additional savings of up to 20% in the ensuing years. Additionally, MLE reduces drop-out rates and grade repetition, while also encouraging gender parity, mitigating social costs, while improving continued enrolment in secondary and higher education. Budget for MLE should be closely tied to clearly articulated policies of how that budget is to be used on the national and local levels. International donor agencies, local communities, and the private sector may cooperate on initial and long-term investment in the entire system (teacher training, school infrastructure, etc).

Key Performance Indicator (KPI): Specific budget is allocated to MLE programmes, teacher training, etc.