

Language, minorities and human rights

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Stellingen - Language, Minorities and Human Rights

1. *Error communit facit jus*. Misconceptions as to what constitutes a minority and as to the scope of traditional human rights in language matters have led to breaches of international standards.
2. Many so-called ethnic conflicts may be precipitated or at least exacerbated by state practices which are violations of fundamental human rights in matters of language (and religion).
3. Current attempts to enforce a "One State, One Language" policy in the name of national unity can have the exact opposite effect and promote conflict, especially where it creates a situation of serious disadvantage for a sufficiently substantial percentage of a country's population.
4. Contemporary human rights standards at the international level constitute a recognition of the inherent dignity of all human beings. They are simultaneously an acknowledgment by states that one safeguard for stability is to tolerate and take into account fundamental human characteristics such as religion, language and race. Repression, short of genocide, against large segments of a state's population tends to be costly and counterproductive in the long term.
5. Language preferences are likely to figure prominently as a factor of conflict and competition in societies where education and information are significant for employment opportunities and mobility, and where the language preference(s) of state authorities do not adequately reflect the linguistic composition of their population .
6. Freedom of expression also includes the freedom of individuals to use the language of their choice in matters that fall outside state activities.
7. Any state measure specifying the language(s) to be used by state authorities in their dealings with individuals creates a situation of exclusion or disadvantage for those who do not have the state preferred language(s) as their primary language. Such measures could be discriminatory if they are deemed to be an unreasonable response when considering factors such as the number of individuals adversely affected, their geographical concentration, etc.
8. Individuals who are members of linguistic minorities have the right to use their language in community with other members of their group, including the right to create and operate their own collective structures such as private schools.
9. An international criminal court is necessary because of a failure in many states to prosecute the perpetrators of serious crimes under international law.
10. It is essential to develop stronger human rights enforcement mechanisms at the international level.