

Universal Declaration of Linguistic Rights

PRELIMINARIES

The institutions and non-governmental organizations, signatories to the present Universal Declaration of Linguistic Rights, meeting in Barcelona from 6 to 9 June 1996,

Having regard to the 1948 Universal Declaration of Human Rights which, in its preamble, expresses its faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women; and which, in its second article, establishes that everyone is entitled to all the rights and freedoms regardless of race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status;

Having regard to the International Covenant on Civil and Political Rights of 16 December 1966 (Article 27), and the International Covenant on Economic, Social and Cultural Rights of the same date which, in their preambles, state that human beings cannot be free unless conditions are created which enable them to enjoy both their civil and political rights and their economic, social and cultural rights;

Having regard to Resolution 47/135 of 18 December 1992 of the General Assembly of the United Nations Organization which adopted the Declaration on the Rights of Persons belonging to National, Ethnic, Religious and Linguistic Minorities;

Having regard to the declarations and conventions of the Council of Europe, such as the European Convention for the Protection of Human Rights and Fundamental Freedoms, of 4 November 1950 (Article 14); the Convention of the Council of Ministers of the Council of Europe, of 29 June 1992, approving the European Charter for Regional or Minority Languages; the Declaration on National Minorities made by the Summit Meeting of the Council of Europe on 9 October 1993; and the Framework Convention for the Protection of National Minorities of November 1994;

Having regard to the Santiago de Compostela Declaration of the International PEN Club and the Declaration of 15 December 1993 of the Translations and Linguistic Rights Committee of the International PEN Club concerning the proposal to hold a World Conference on Linguistic Rights;

Considering that, in the Recife, Brazil, Declaration of 9 October 1987, the 12th Seminar of the International Association for the Development of Intercultural Communication recommended the United Nations Organization to take the necessary steps to approve and implement a Universal Declaration of Linguistic Rights;

Having regard to Convention 169 of the International Labour Organization of 26 June 1989 concerning Indigenous and Tribal Peoples in Independent Countries;

Having regard to the Universal Declaration of the Collective Rights of Peoples, Barcelona, May 1990, which declared that all peoples have the right to express and develop their culture, language and rules of organization and, to this end, to adopt political, educational, communications and governmental structures of their own, within different political frameworks;

Having regard to the Final Declaration adopted by the General Assembly of the International Federation of Modern Language Teachers in Pécs (Hungary) on 16 August 1991, which recommended that linguistic rights be considered as fundamental rights of the individual;

Having regard to the report of the Human Rights Commission of the United Nations Economic and Social Council, of 20 April 1994, concerning the draft Declaration on the Rights of Indigenous Peoples, which viewed individual rights in the light of collective rights;

Having Regard to the draft Declaration of the Inter-American Human Rights Commission on the Rights of Indigenous Peoples, approved at session 1278 on 18 September 1995;

Considering that the majority of the world's endangered languages belong to non-sovereign peoples and that the main factors which prevent the development of these languages and accelerate the process of language substitution include the lack of self-government and the policy of states which impose their political and administrative structures and their language;

Considering that the majority of the world's endangered languages belong to non-sovereign peoples and that the main factors which prevent the development of these languages and accelerate the process of language substitution include the lack of self-government and the policy of states which impose their political and administrative structures and their language;

Considering that invasion, colonization, occupation and other instances of political, economic or social subordination often involve the direct imposition of a foreign language or, at the very least, distort perceptions of the value of languages and give rise to hierarchical linguistic attitudes which undermine the language loyalty of speakers; and considering that the languages of some peoples which have attained sovereignty are consequently immersed in a process of language substitution as a result of a policy which favours the language of former colonial or imperial powers;

Considering that universalism must be based on a conception of linguistic and cultural diversity which prevails over trends towards homogenization and towards exclusionary isolation;

Considering that, in order to ensure peaceful coexistence between language communities, overall principles must be found so as to guarantee the promotion and respect of all languages and their social use in public and in private;

Considering that various factors of an extralinguistic nature (historical, political, territorial, demographic, economic, sociocultural and sociolinguistic factors and those related to collective attitudes) give rise to problems which lead to the extinction, marginalization and degeneration of numerous languages, and that linguistic rights must therefore be examined in an overall perspective, so as to apply appropriate solutions in each case;

In the belief that a Universal Declaration of Linguistic Rights is required in order to correct linguistic imbalances with a view to ensuring the respect and full development of all languages and establishing the principles for a just and equitable linguistic peace throughout the world as a key factor in the maintenance of harmonious social relations;

HEREBY DECLARE THAT

PREAMBLE

The situation of each language, in view of the foregoing considerations, is the result of the convergence and interaction of a wide range of factors of a political and legal, ideological and historical, demographic and territorial, economic and social, cultural, linguistic and sociolinguistic, interlinguistic and subjective nature.

At the present time, these factors are defined by:

- The age-old unifying tendency of the majority of states to reduce diversity and foster attitudes opposed to cultural plurality and linguistic pluralism.
- The trend towards a worldwide economy and consequently towards a worldwide market of information, communications and culture, which disrupts the spheres of interrelation and the forms of interaction that guarantee the internal cohesion of language communities.
- The economicist growth model put forward by transnational economic groups which seeks to identify deregulation with progress and competitive individualism with freedom and generates serious and growing economic, social, cultural and linguistic inequality.

Language communities are currently threatened by a lack of self-government, a limited population or one that is partially or wholly dispersed, a fragile economy, an uncodified language, or a cultural model opposed

to the dominant one, which make it impossible for many languages to survive and develop unless the following basic goals are taken into account:

- In a political perspective, the goal of conceiving a way of organizing linguistic diversity so as to permit the effective participation of language communities in this new growth model.
- In a cultural perspective, the goal of rendering the worldwide communications space compatible with the equitable participation of all peoples, language communities and individuals in the development process.
- In an economic perspective, the goal of fostering sustainable development based on the participation of all and on respect for the ecological balance of societies and for equitable relationships between all languages and cultures.

For all these reasons, this Declaration takes language communities and not states as its point of departure and is to be viewed in the context of the reinforcement of international institutions capable of guaranteeing sustainable and equitable development for the whole of humanity. For these reasons also it aims to encourage the creation of a political framework for linguistic diversity based upon respect, harmonious coexistence and mutual benefit.

PRELIMINARY TITLE

Concepts

Article 1

1. This Declaration considers as a language community any human society established historically in a particular territorial space, whether this space be recognized or not, which identifies itself as a people and has developed a common language as a natural means of communication and cultural cohesion among its members. The term language proper to a territory refers to the language of the community historically established in such a space.

2. This Declaration takes as its point of departure the principle that linguistic rights are individual and collective at one and the same time. In defining the full range of linguistic rights, it adopts as its referent the case of a historical language community within its own territorial space, this space being understood, not only as the geographical area where the community lives, but also as the social and functional space vital to the full development of the language. Only on this basis is it possible to define the rights of the language groups mentioned in point 5 of the present article, and those of individuals living outside the territory of their community, in terms of a gradation or continuum.

3. For the purpose of this Declaration, groups are also deemed to be in their own territory and to belong to a language community in the following circumstances:

3.1 when they are separated from the main body of their community by political or administrative boundaries;

3.2 when they have been historically established in a small geographical area surrounded by members of otherlanguage communities; or

3.3 when they are established in a geographical area which they share with the members of other language communities with similar historical antecedents.

4. This Declaration also considers nomad peoples within their areas of migration and peoples established in geographically dispersed locations as language communities in their own historical territory.

5. This Declaration considers as a language group any group of persons sharing the same language which is established in the territorial space of another language community but which does not possess historical antecedents equivalent to those of that community. Examples of such groups are immigrants, refugees, deported persons and members of diasporas.

Article 2

1. This Declaration considers that, whenever various language communities and groups share the same territory, the rights formulated in this Declaration must be exercised on a basis of mutual respect and in such a way that democracy may be guaranteed to the greatest possible extent.

2. In the quest for a satisfactory sociolinguistic balance, that is, in order to establish the appropriate articulation between the respective rights of such language communities and groups and the persons belonging to them, various factors, besides their respective historical antecedents in the territory and their democratically expressed will, must be taken into account. Such factors, which may call for compensatory treatment aimed at restoring a balance, include the coercive nature of the migrations which have led to the coexistence of the different communities and groups, and their degree of political, socioeconomic and cultural vulnerability.

Article 3

1. This Declaration considers the following to be inalienable personal rights which may be exercised in any situation:

- the right to be recognized as a member of a language community;
- the right to the use of one's own language both in private and in public;
- the right to the use of one's own name;
- the right to interrelate and associate with other members of one's language community of origin;
- the right to maintain and develop one's own culture;

and all the other rights related to language which are recognized in the International Covenant on Civil and Political Rights of 16 December 1966 and the International Covenant on Economic, Social and Cultural Rights of the same date.

2. This Declaration considers that the collective rights of language groups may include the following, in addition to the rights attributed to the members of language groups in the foregoing paragraph, and in accordance with the conditions laid down in article 2.2:

- the right for their own language and culture to be taught;
- the right of access to cultural services;
- the right to an equitable presence of their language and culture in the communications media;
- the right to receive attention in their own language from government bodies and in socioeconomic relations.

3. The aforementioned rights of persons and language groups must in no way hinder the interrelation of such persons or groups with the host language community or their integration into that community. Nor must they restrict the rights of the host community or its members to the full public use of the community's own language throughout its territorial space.

Article 4

1. This Declaration considers that persons who move to and settle in the territory of another language community have the right and the duty to maintain an attitude of integration towards this community. This term is understood to mean an additional socialization of such persons in such a way that they may preserve their original cultural characteristics while sharing with the society in which they have settled sufficient

references, values and forms of behaviour to enable them to function socially without greater difficulties than those experienced by members of the host community.

2. This Declaration considers, on the other hand, that assimilation, a term which is understood to mean acculturation in the host society, in such a way that the original cultural characteristics are replaced by the references, values and forms of behaviour of the host society, must on no account be forced or induced and can only be the result of an entirely free choice.

Article 5

This Declaration is based on the principle that the rights of all language communities are equal and independent of the legal or political status of their languages as official, regional or minority languages. Terms such as regional or minority languages are not used in this Declaration because, though in certain cases the recognition of regional or minority languages can facilitate the exercise of certain rights, these and other modifiers are frequently used to restrict the rights of language communities.

Article 6

This Declaration considers that a language cannot be considered proper to a territory merely on the grounds that it is the official language of the state or has been traditionally used within the territory for administrative purposes or for certain cultural activities.

TITLE ONE

General Principles

Article 7

1. All languages are the expression of a collective identity and of a distinct way of perceiving and describing reality and must therefore be able to enjoy the conditions required for their development in all functions.

2. All languages are collectively constituted and are made available within a community for individual use as tools of cohesion, identification, communication and creative expression.

Article 8

1. All language communities have the right to organize and manage their own resources so as to ensure the use of their language in all functions within society.

2. All language communities are entitled to have at their disposal whatever means are necessary to ensure the transmission and continuity of their language.

Article 9

All language communities have the right to codify, standardize, preserve, develop and promote their linguistic system, without induced or forced interference.

Article 10

1. All language communities have equal rights.

2. This Declaration considers discrimination against language communities to be inadmissible, whether it be based on their degree of political sovereignty, their situation defined in social, economic or other terms, the extent to which their languages have been codified, updated or modernized, or on any other criterion.

3. All necessary steps must be taken in order to implement this principle of equality and to render it effective.

Article 11

All language communities are entitled to have at their disposal whatever means of translation into and from other languages are needed to guarantee the exercise of the rights contained in this Declaration.

Article 12

1. Everyone has the right to carry out all activities in the public sphere in his/her language, provided it is the language proper to the territory where s/he resides.

2. Everyone has the right to use his/her language in the personal and family sphere.

Article 13

1. Everyone has the right to acquire knowledge of the language proper to the territory in which s/he lives.

2. Everyone has the right to be polyglot and to know and use the language most conducive to his/her personal development or social mobility, without prejudice to the guarantees established in this Declaration for the public use of the language proper to the territory.

Article 14

The provisions of this Declaration cannot be interpreted or used to the detriment of any norm or practice deriving from the internal or international status of a language which is more favourable to its use within the territory to which it is proper.

SECOND TITLE

Overall linguistic régime

Section I. *Public administration and official bodies*

Article 15

1. All language communities are entitled to the official use of their language within their territory.

2. All language communities have the right for legal and administrative acts, public and private documents and records in public registers which are drawn up in the language of the territory to be valid and effective and no one can allege ignorance of this language.

Article 16

All members of a language community have the right to interrelate with and receive attention from the public authorities in their own language. This right also applies to central, territorial, local and supraterritorial divisions which include the territory to which the language is proper.

Article 17

1. All language communities are entitled to have at their disposal and to obtain in their own language all official documents pertaining to relations which affect the territory to which the language is proper, whether such documents be in printed, machine-readable or any other form.

2. Forms and standard administrative documents, whether in printed, machine-readable or any other form, must be made available and placed at the disposal of the public in all territorial languages by the public authorities through the services which cover the territories to which each language is proper.

Article 18

1. All language communities have the right for laws and other legal provisions which concern them to be published in the language proper to the territory.

2. Public authorities who have more than one territorially historic language within their jurisdiction must publish all laws and other legal provisions of a general nature in each of these languages, whether or not their speakers understand other languages.

Article 19

1. Representative Assemblies must have as their official language(s) the language(s) historically spoken in the territory they represent.

2. This right also applies to the languages of the communities established in geographically dispersed locations referred to in Article 1, Paragraph 4.

Article 20

1. Everyone has the right to use the language historically spoken in a territory, both orally and in writing, in the Courts of Justice located within that territory. The Courts of Justice must use the language proper to the territory in their internal actions and, if on account of the legal system in force within the state, the proceedings continue elsewhere, the use of the original language must be maintained.

2. Everyone has the right, in all cases, to be tried in a language which s/he understands and can speak and to obtain the services of an interpreter free of charge.

Article 21

All language communities have the right for records in public registers to be drawn up in the language proper to the territory.

Article 22

All language communities have the right for documents authenticated by notaries public or certified by other authorized public servants to be drawn up in the language proper to the territory where the notary or other authorized public servant performs his/her functions.

Section II. *Education*

Article 23

1. Education must help to foster the capacity for linguistic and cultural self-expression of the language community of the territory where it is provided.

2. Education must help to maintain and develop the language spoken by the language community of the territory where it is provided.

3. Education must always be at the service of linguistic and cultural diversity and of harmonious relations between different language communities throughout the world.

4. Within the context of the foregoing principles, everyone has the right to learn any language.

Article 24

All language communities have the right to decide to what extent their language is to be present, as a vehicular language and as an object of study, at all levels of education within their territory: preschool, primary, secondary, technical and vocational, university, and adult education.

Article 25

All language communities are entitled to have at their disposal all the human and material resources necessary to ensure that their language is present to the extent they desire at all levels of education within their territory: properly trained teachers, appropriate teaching methods, text books, finance, buildings and equipment, traditional and innovative technology.

Article 26

All language communities are entitled to an education which will enable their members to acquire a full command of their own language, including the different abilities relating to all the usual spheres of use, as well as the most extensive possible command of any other language they may wish to know.

Article 27

All language communities are entitled to an education which will enable their members to acquire knowledge of any languages related to their own cultural tradition, such as literary or sacred languages which were formerly habitual languages of the community.

Article 28

All language communities are entitled to an education which will enable their members to acquire a thorough knowledge of their cultural heritage (history, geography, literature, and other manifestations of their own culture), as well as the most extensive possible knowledge of any other culture they may wish to know.

Article 29

1. Everyone is entitled to receive an education in the language proper to the territory where s/he resides.

2. This right does not exclude the right to acquire oral and written knowledge of any language which may be of use to him/her as an instrument of communication with other language communities.

Article 30

The language and culture of all language communities must be the subject of study and research at university level.

Section III. *Proper names*

Article 31

All language communities have the right to preserve and use their own system of proper names in all spheres and on all occasions.

Article 32

1. All language communities have the right to use place names in the language proper to the territory, both orally and in writing, in the private, public and official spheres.

2. All language communities have the right to establish, preserve and revise autochthonous place names. Such place names cannot be arbitrarily abolished, distorted or adapted, nor can they be replaced if changes in the political situation, or changes of any other type, occur.

Article 33

All language communities have the right to refer to themselves by the name used in their own language. Any translation into other languages must avoid ambiguous or pejorative denominations.

Article 34

Everyone has the right to the use of his/her own name in his/her own language in all spheres, as well as the right, only when necessary, to the most accurate possible phonetic transcription of his/her name in another writing system.

Section IV. *Communications media and new technologies*

Article 35

All language communities have the right to decide the extent to which their language is to be present in the communications media in their territory, whether local and traditional media, those with a wider scope, or those using more advanced technology, regardless of the method of dissemination or transmission employed.

Article 36

All language communities are entitled to have at their disposal all the human and material resources required in order to ensure the desired degree of presence of their language and the desired degree of cultural self-expression in the communications media in their territory: properly trained personnel, finance, buildings and equipment, traditional and innovative technology.

Article 37

All language communities have the right to receive, through the communications media, a thorough knowledge of their cultural heritage (history, geography, literature and other manifestations of their own culture), as well as the greatest possible amount of information about any other culture their members may wish to know.

Article 38

The languages and cultures of all language communities must receive equitable and non-discriminatory treatment in the communications media throughout the world.

Article 39

The communities described in Article 1, paragraphs 3 and 4, of this Declaration, and the groups mentioned in paragraph 5 of the same article, are entitled to an equitable representation of their language in the communications media of the territory where they are established or where they migrate. This right is to be exercised in harmony with the rights of the other language groups or communities in the territory.

Article 40

In the field of information technology, all language communities are entitled to have at their disposal equipment adapted to their linguistic system and tools and products in their language, so as to derive full advantage from the potential offered by such technologies for self-expression, education, communication, publication, translation and information processing and the dissemination of culture in general.

Section V. Culture

Article 41

1. All language communities have the right to use, maintain and foster their language in all forms of cultural expression.
2. All language communities must be able to exercise this right to the full without any community's space being subjected to hegemonic occupation by a foreign culture.

Article 42

All language communities have the right to full development within their own cultural sphere.

Article 43

All language communities are entitled to access to the works produced in their language.

Article 44

All language communities are entitled to access to intercultural programmes, through the dissemination of adequate information, and to support for activities such as teaching the language to foreigners, translation, dubbing, post-synchronization and subtitling.

Article 45

All language communities have the right for the language proper to the territory to occupy a pre-eminent position in cultural events and services (libraries, videothèques, cinemas, theatres, museums, archives, folklore, cultural industries, and all other manifestations of cultural life).

Article 46

All language communities have the right to preserve their linguistic and cultural heritage, including its material manifestations, such as collections of documents, works of art and architecture, historic buildings and inscriptions in their own language.

Section VI. *The socioeconomic sphere*

Article 47

1. All language communities have the right to establish the use of their language in all socioeconomic activities within their territory.
2. All members of a language community are entitled to have at their disposal, in their own language, all the means necessary for the performance of their professional activities, such as documents and works of reference, instructions, forms, and computer equipment, tools and products.
3. The use of other languages in this sphere can only be required in so far as it is justified by the nature of the professional activity involved. In no case can a more recently arrived language relegate or supersede the use of the language proper to the territory.

Article 48

1. Within the territory of his/her language community, everyone has the right to use his/her own language with full legal validity in economic transactions of all types, such as the sale and purchase of goods and services, banking, insurance, job contracts and others.
2. No clause in such private acts can exclude or restrict the use of the language proper to the territory.
3. Within the territory of his/her language community, everyone is entitled to have the documents required for the above-mentioned operations at his/her disposal in his/her own language. Such documents include forms, cheques, contracts, invoices, receipts, delivery notes, order forms, and others.

Article 49

Within the territory of his/her language community, everyone has the right to use his/her own language in all types of socioeconomic organizations such as labour and union organizations, and employers', professional, trade and craft associations.

Article 50

1. All language communities have the right for their language to occupy a pre-eminent place in advertising, signs, external signposting, and in the image of the country as a whole.
2. Within the territory of his/her language community, everyone has the right to receive full oral and written information in his/her own language on the products and services proposed by commercial establishments, such as instructions for use, labels, lists of ingredients, advertising, guarantees and others
3. All public indications affecting the safety of persons must be expressed at least in the language proper to the territory, in conditions which are not inferior to those of any other language.

Article 51

1. Everyone has the right to use the language proper to the territory in his/her relations with firms, commercial establishments and private bodies and to be served or receive a reply in the same language.
2. Everyone has the right, as a client, customer, consumer or user, to receive oral and written information in the language proper to the territory from establishments open to the public.

Article 52

Everyone has the right to carry out his/her professional activities in the language proper to the territory unless the functions inherent to the job require the use of other languages, as in the case of language teachers, translators or tourist guides.

ADDITIONAL DISPOSITIONS

First

The public authorities must take all appropriate steps to implement the rights proclaimed in this Declaration within their respective areas of jurisdiction. More specifically, international funds must be set up to foster the exercise of Linguistic Rights in communities which are demonstrably lacking in resources. Thus the public authorities must provide the necessary support so that the languages of the various communities may be codified, transcribed, taught, and used in the administration.

Second

The public authorities must ensure that the official bodies, organizations and persons concerned are informed of the rights and correlative duties arising from this Declaration.

Third

The public authorities must establish, in the light of existing legislation, the sanctions to be applied in cases of violation of the linguistic rights laid down in this Declaration.

FINAL DISPOSITIONS

First

This Declaration proposes the creation of a *Council of Languages* within the United Nations Organization. The General Assembly of the United Nations Organization is to be responsible for setting up this Council, defining its functions and appointing its members, and for creating a body in international law to protect language communities in the exercise of the rights recognized in this Declaration.

Second

This Declaration recommends and promotes the creation of a *World Commission on Linguistic Rights*, a non-official, consultative body made up of representatives of non-governmental organizations and other organizations working in the field of linguistic law.

Barcelona, June 1996