

REFERENCE DOCUMENT

EDUCATION, DISCRIMINATION AND LANGUAGE

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1. Introduction

This is a reference document to try to clarify what is the position of international human rights in relation to the language of instruction in education. It includes many commentaries on the relevance of discrimination in language of education claims, as well as focuses on the concluding observations of a number of UN committees which have tended to recognise that – at least in some situations – international human rights treaties may have provisions guaranteeing the use of minority or indigenous languages in education.

Is there a right to education in one’s language?

From a strictly legal point of view, the answer is not straightforward. Most international treaties are ambiguous about the actual medium of instruction in education, proposing for example that a minority language can be simply taught as a subject or be used as the language of instruction in schools (to an unspecified degree), according to national laws.

There are a few treaties that seem to say yes, particularly for indigenous peoples or subject to practicality considerations (where there are sufficient concentration and numbers of students, etc.). In Europe, two treaties follow this path: the Framework Convention for the Protection of National Minorities, and the European Charter for Regional or Minority Languages. Neither of these treaties is directly enforceable. The European Charter does not create any rights which individuals or groups can claim, only obligations on state authorities. The Framework Convention, even though it is a human rights treaty, cannot directly be enforced in any court of law: it is only a “framework treaty” and thus requires national legislation to be applied in a country.

Jurisprudence does not clarify much: different treaties are still relatively “young” and there may be different approaches in the interpretation of the question of language in education. In one of the most important cases in this area, the European Court of Human Rights clearly stated that there is no “automatic” right to be educated in one’s language under Article 2, Protocol 1 of the European Convention on Human Rights (Belgian Linguistic Case), even in combination with the prohibition of discrimination on the ground of language. Contrary to what has often been written by some experts, it did not exclude the possibility that in appropriate circumstances, it could be discrimination on the ground of language to not use one’s mother tongue as medium of instruction. So the proper understanding of the Belgian Linguistic Case should be: there is no automatic right to be educated in one’s language (at least under right to education in the European Convention on Human Rights), but it could be discriminatory to not provide education in one’s language if the refusal or exclusion to do so is unreasonable and unjustified.

So on the one hand, most treaties do not spell out clearly a right to be educated on one’s own language in human rights law; though a few unenforceable treaties in Europe do.

The approaches of different UN and other committees

But for some international committees, there seems no doubt that minorities and indigenous peoples do have a right to be educated in their own language – to an appropriate degree. In

addition, it is also clear that such a right, where it is practical, is also enshrined in treaties such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages in the way it is applied by these treaties' respective advisory committee of experts.

Therefore, the actual way various international and European bodies understand and apply the right to education, the prohibition of discrimination and the use of a particular language in education under treaties such as the Convention on the Rights of the Child is more flexible than the strict wording of the treaties they are meant to interpret.

However, there are often inconsistencies and even contradictions: this is unavoidable since UN committee membership for example changes periodically, with new members bringing with them different views, priorities or even understandings of the content of human rights under UN treaties. Over a period of decades, there may also be an evolution as to how international law standards are interpreted in their meaning and application, especially in relation to indigenous peoples or minorities. Additionally, certain concepts such as an individual's "right to identity" – even though not actually recognised in most treaties – have had an influence in how various bodies understand and apply the legal obligations in areas such as education where language is often portrayed as an important component of education.

While most reports tend to confirm an acceptance to the right to education in a minority's or indigenous people's mother tongue, at times referring to this as including higher education in public institutions and not subject to any restrictions, in others (such as in 2014 in Kyrgyzstan) there are sometimes comments that this should be "multilingual" schools that includes children from the majority linguistic community. It is not always clear how in practical terms, whether this means that single-medium education in a state's official language should itself be avoided, and would seem to be impractical, especially in country's with a large number of minority languages. There are also observations which seem to adopt contradictory positions between two reports for the same country: while the 2001 report for Latvia seems to firmly side on the need to have secondary education maintained in the minority Russian language, this concern appears no longer to be clearly present in the 2006 concluding observations. Certainly, the position in the 2006 report on Latvia is hard to reconcile with other concluding observations where it is unambiguously indicated that minorities have the right to be educated in their own language in public schools, including secondary schools and even public universities, where this is reasonable and practical.

What does it all mean in practice?

There are three different legal situations where there can be a right to be educated in one's language – to an appropriate degree:

1. The right to education
2. The right of a minority to use its own language (among themselves)

3. The prohibition of discrimination (on the basis of language, ethnicity or race) in education

It must be noted that the use of a minority or indigenous language as medium of instruction cannot exclude the opportunity to learn an official or majority language.

The different committees have not yet gone beyond generalities: there are situations where they have not hesitated to assert that there is a “right to be educated in a mother tongue” (Austria) – but also other times when they seem to deny this for a particular minority (Latvia), or limit it in the name of “bilingual education” (itself not defined).¹

Although there is no unanimity, there are trends. One of these is that in general most committees tend to be sympathetic to claims of a right to be educated in one’s mother tongue, particularly if this is a human rights claim from: (a) an indigenous group; (b) where education in the minority or indigenous language already exists (c) where there is a very large and concentrated population. They are less sympathetic when a government claims it is not allowing or reducing education in a minority or indigenous language for the sake of integration to ensure that the state’s official language will be acquired properly.

Why claims of discrimination in education as a way to have one’s mother tongue used as medium of instruction?

If some committees link the choice of the language of instruction to the right to education, or even to the right of minorities to use their own language among themselves, why is the issue of discrimination used in quite a few situations?

Discrimination is a human rights claim that is often raised there is not an “automatic” right to education in one’s own language. It is the only possible basis for the Committee on the Elimination of Racial Discrimination to comment on the issue of language and education in its concluding observations. The possibility of using non-discrimination to support the use of a particular language in public education was also admitted by the European Court of Human Rights in the Belgian Linguistics Case (where a refusal to do so by authorities could be deemed arbitrary, unreasonable or unjustified).

Simply put, individuals can be disadvantaged if they are not taught in school in their own language. This could under certain conditions constitute direct discrimination on the ground of language, or indirect ethnic or racial discrimination.

¹ *Education in a Multilingual World*, UNESCO, Paris, 2003, pp. 17-18: “UNESCO adopted the term ‘multilingual education’ in 1999 in the General Conference Resolution 12 to refer to the use of at least three languages, the mother tongue, a regional or national language and an international language in education.6 The resolution supported the view that the requirements of global and national participation, and the specific needs of particular, culturally and linguistically distinct communities can only be addressed by multilingual education. In regions where the language of the learner is not the official or national language of the country, bilingual and multilingual education can make mother tongue instruction possible while providing at the same time the acquisition of languages used in larger areas of the country and the world. This additive approach to bilingualism is different from the so called subtractive bilingualism which aims to move children on to a second language as a language of instruction.”

Students from indigenous or minority background will have better academic results (they learn better) and will stay in school longer (lower dropout rates) when they are taught in a language with which they are most familiar – usually their own. When this happens, especially when they stay in school longer, they will not only acquire a stronger basis and literacy in their own language, they will also be able to gain greater fluency in the official/majority language. A number of UNESCO and other studies confirm this in Asia, Africa, Europe and the Americas.²

To what degree then is there a right to education in one’s language?

Despite the uncertain references at times to an unqualified “right to education in the mother tongue” – and on other occasions to something as vague as simply “bilingual education” – and no clear guidance of the exact extent to education in a particular language, there are still a few indications as to the extent a minority or indigenous people could claim the use of its language as medium of education.

1. “Where reasonable and justified”: the degree of use of a language depends on the specific context.

Though the above may sound vague, it is clear that all committees are sensitive to what is realistically feasible. This also explains even the wording used in treaties such as the Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages: the degree a minority language is used in education must be appropriate or “according to the situation of each language”. In terms of the prohibition of discrimination, it is obviously not unreasonable and unjustified not to use a minority or indigenous language as language of instruction where this would be nearly impossible, as where the language is only spoken by a small number of individuals.

Most committees appear to be less hesitant in other words to recognise the right to be educated in the mother tongue when dealing with a large, well-established minority (Algeria). This is particularly true when education in a minority language has been used as medium of instruction, or has a long literary tradition with educational material already available in that language. In such situations where there are no reasonable justification to refuse or restrict the use of a minority language as medium of instruction in public schools, various UN committees have been more willing to recognise a right to education in a minority language. In this type of situation, what is “reasonable and justified” would be for the minority language to be used as the main language of instruction to the final years of public education, up to and even including instruction in their language in public university programmes (Israel, Macedonia). The European Charter for Regional or Minority Languages recognises this possibility when it refers to the obligation on governments “to

² “There is much research which shows that students learn to read more quickly when taught in their mother tongue. Second, students who have learned to read in their mother tongue learn to read in a second language more quickly than do those who are first taught to read in the second language. Third, in terms of academic learning skills as well, students taught to read in their mother tongue acquire such skills more quickly”; Mehrotra, S. (1998), *Education for All: Policy Lessons From High-Achieving Countries: UNICEF Staff Working Papers*, New York, Unicef.

make available university and other higher education in regional or minority languages” where appropriate for the situation of a particular language.

When dealing with much smaller groups of students or where there is not a well-established educational tradition, particularly with indigenous populations, many of the committees tend to lean towards what is called a “bilingual, multicultural” form of education, though what this means in practice is of course vague and will depend on the circumstances in place. At minimum, some teaching of the mother tongue at the primary years of education would seem to be required – if at all possible. Beyond that, the degree that a minority language should be used in upper grades would be to the degree possible, in a kind of sliding-scale based on local conditions: how many students, if education is already provided in minority language, the availability of teachers and educational material in a minority language, etc.

The easiest way to describe what would be “reasonable and justified” in the use of a minority language in education could be as much teaching as possible, at the highest level possible: for pedagogical and other reasons a mother tongue should be the language of instruction, where practical, and at the very least be taught as a subject where this is not really feasible.

2. Public or private education

A few treaties such as the UNESCO Convention against Discrimination in Education and the Framework Convention for the Protection of National Minorities make it clear that minorities have the right to establish and operate private schools and educational institutions that use their language as medium of instruction. General human rights treaties do not clarify this, nor do provisions such as Article 27 of the International Covenant on Civil and Political Rights on the right of linguistic minorities to use their own language among themselves, or Article 28 of the Convention on the Rights of the Child on the right to education.

Concluding observations from different UN committees seem however to take it for granted that minorities are entitled to such private schools, and have been willing to recognise it in their responses – even though at times it is not always clear if they are talking about public or private schools, or what are a national governments legal obligations under the right to education, or Article 27, in relation to public as opposed to private schools using minority language. Article 27 for example only refers to the use of a minority language among members of a minority themselves, not between members of a minority and a public institution (such as a state school).

None of the general human rights treaties refer to an obligation to financially support private minority schools, though there is one case where the UN Human Rights Committee concluded that it can be discriminatory to fund some private religious schools and not the private schools of other (minority) religious groups.³

³ Waldman v. Canada, 3 November 1999, (Communication No. 694/1996), CCPR/C/67/D/694/1996.

This is therefore an area where there is a great deal of uncertainty. The following interpretations appear to be fairly well supported, at least for private education activities:

- a. Private minority schools and educational activities using a minority language seem to be guaranteed under Article 27 (and similar provisions). It is less clear if the right to education in general includes this aspect.
- b. The prohibition of discrimination suggests that minorities may be able to claim the right to establish private schools, even if private schools in general are prohibited in a country (Minority Schools in Albania Case).
- c. It could also be discriminatory to allow private schools operating in some languages, but not others.
- d. Financial support for private minority schools is less well defined in the observations of various committees: while it is clear that governments cannot discriminate if they provide funding to some private schools, this does not mean that there is an automatic entitlement to financial support for private minority schools.
- e. However, there are comments which seem to suggest that to truly respect the identity of minorities, some degree of support must be provided to their private institutions: whether this is really a legal obligation, and on what basis, is less certain.
- f. One issue that appears to be more strongly enshrined from a legal point of view is that the existence of private minority schools must be recognised legally – these private schools must be acknowledged as valid legal entities – and the education and diplomas obtained in these schools must also be legally recognised for example for purposes of admission to further studies, etc.
- g. States are entitled to require that the curriculum in private minority schools conform to national quality and content standards in different subject-matters, though this cannot be used to affect the use of a minority of language as medium of instruction in these schools.
- h. Students in private minority schools must always have the opportunity of learning the official, national or majority language.

There is another issue concerning the interaction between public and private schools that is not yet clear in the interpretation of various committees and the right to education in general. While individuals have a right to education, it appears that states may comply with this right through private or public education measures. What counts is not a particular model of education, but that the right to education of individuals is respected in practice. If state authorities have an obligation to provide language in a mother tongue (whether it is on the basis of Article 27 of the ICCPR, the right to education, or the prohibition of education), and this is done completely or in part with private education measures, then these same authorities would need to provide the necessary support, financial and material, to ensure that this is done on the basis of equality with similar measures or institutions in the official or majority language.

3. Teaching and the Official/Majority Language

One aspect which is absolutely clear from an international legal point of view is that whatever degree of use of a minority language as medium of instruction, in private or public schools, students must always be afforded the opportunity of learning the official or majority language. In most documents such as the Framework Convention for the Protection of National Minorities refers in Article 14(3) to implementation (of education in a minority language) “without prejudice to the learning of the official language or the teaching in this language.” The European Court of Human Rights even went so far in the recent judgment of *Catan and Others v. Moldova and Russia* to contradicting its previous conclusions in the *Belgian Linguistic Case* that the right to education under the European Human Rights Convention while on its face being “language neutral” necessarily had to include an implicit right to be educated in the national language of a state, since “the right to education would be meaningless if it did not imply in favour of its beneficiaries, the right to be educated in the national language or in one of the national languages”.

A number of concluding observations emphasise this aspect, at times linking it to the concept of integration which at times has been used in support of some form of bilingual education.

2. Guidance Note of the UN Secretary General on Racial Discrimination and the Protection of Minorities (2013)

The present Note provides guidance for the UN system on how to address racial discrimination and protection of minorities. It makes the following 19 recommendations to ensure comprehensive and coherent action:

18. Reinforce rights-based education curricula that include bilingual or mother-tongue education, support pluralism and diversity and expand knowledge of the history, traditions, language and culture of minorities.

...

50. In its technical support and other work in the area of education, the UN system should reinforce rights - based education curricula that support pluralism and diversity and expand knowledge of the history, traditions, language and culture of minorities while providing minorities opportunities to gain knowledge of the society as a whole. The UN should also underline the role of bilingual or mother-tongue education in ensuring accessible, acceptable and relevant education that helps minority children to reach their full potential.

3. Marginalised Minorities in Development Programming: A UNDP Resource Guide and Toolkit (2010)

Education is a key component of the protection of minority identity. Issues of particular concern are access to education, the language of educational instruction and the cultural content of education.

...

Minorities have a right to educational instruction in their mother tongue. Minorities may be disadvantaged because they do not speak the language of instruction in state schools. The UN Declaration on the Rights of National or Ethnic, Religious and Linguistic Minorities says “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” (article 4.3). Minority groups could establish their own educational facilities for providing instruction in their language (the State may also require these facilities to teach the state language). The State may also provide mother tongue education in public schools. States may be supported in providing courses and/or instruction in the minority language at the secondary and tertiary levels, in particular where the minority group has expressed a need for it and is sizeable enough to justify the provision. Even where minority languages are not written languages, there is potential to integrate them into the education system by engaging community members in classroom activities to share cultural knowledge, skills and arts.

4. UNESCO Principles on Language and Education (2003)

Principle I

UNESCO supports mother tongue instruction as a means of improving educational quality by building upon the knowledge and experience of the learners and teachers.

1. Mother tongue instruction is essential for initial instruction and literacy and should ‘be extended to as late a stage in education as possible’:

- ‘every pupil should begin his [or her] formal education in his [or her] mother tongue’;

- ‘adult illiterates should make their first steps to literacy through their mother tongue, passing on to a second language if they desire and are able’;

- _if a given locality has a variety of languages, ways and means should be sought ‘to arrange instruction groups by mother tongue’;

- ‘if mixed groups are unavoidable, instruction should be in the language which gives the least hardship to the bulk of the pupils, and special help should be given those who do not speak the language of instruction’.

2. Literacy can only be maintained if there is an adequate supply of reading material, for adolescents and adults as well as for school children, and for entertainment as well as for study.

- The production and distribution of teaching materials and learning resources and any other reading materials in mother tongues should be promoted.
3. With regard to teacher training and mother tongue instruction: ‘All educational planning should include at each stage early provision for the training, and further training, of sufficient numbers of fully competent and qualified teachers of the country concerned who are familiar with the life of their people and able to teach in the mother tongue.’

Principle II

UNESCO supports bilingual and/or multilingual education at all levels of education as a means of promoting both social and gender equality and as a key element of linguistically diverse societies.

1. ‘Communication, expression and the capacity to listen and dialogue [should be encouraged], first of all in the mother tongue, then, [if the mother tongue is different from the official or national language,] in the official [or national] language in the country, as well as in one or more foreign languages’ through:

- ‘the early acquisition... of a second language in addition to the mother tongue’;
 - the introduction of ‘the second language... as a subject of instruction’ the amount of which ‘should be increased gradually’ and which should not become the medium of instruction ‘until the pupils are sufficiently familiar with it’.
 - ‘further education in this second language at primary-school level based on its use as a medium of instruction, thus using two languages for the acquisition of knowledge throughout the school course up to university level;
 - intensive and trans-disciplinary learning of at least a third... language in secondary school, so that when pupils leave school they have a working knowledge of three languages – which should represent the normal range of practical linguistic skills in the twenty-first century’.
2. International exchanges of primary- and secondary-school teachers [should be promoted] for teaching their subjects in schools in other countries, using their own languages and thus enabling their pupils to acquire both knowledge and linguistic skills’.
3. Emphasis should be given to the formulation of ‘strong national policies designed to promote... language teaching in cyberspace [and the strengthening and extension of] international support and assistance to developing countries to facilitate the development of freely accessible materials on language education in the electronic form and to the enhancement of human capital skills in this area’.

Principle III

UNESCO supports language as an essential component of inter-cultural education in order to encourage understanding between different population groups and ensure respect for fundamental rights.

1. Measures should be taken ‘to eliminate discrimination in education at all levels on the basis of gender, race, language, religion, national origin, age or disability or any other form of discrimination’.
2. The ‘educational rights of persons belonging to ... minorities, as well as indigenous peoples’ should be fully respected, through:
 - the implementation of ‘the right to learn in the mother tongue’ and the ‘full use of culturally appropriate teaching methods of communication and transmission of knowledge’;
 - the teaching of and through, not only the mother tongue, but also the national or official languages, as well as global languages of communication, so that minority and indigenous peoples have the opportunity to participate in and contribute to the larger community.
3. Education should raise ‘awareness of the positive value of cultural [and linguistic] diversity’, and to this end:
 - ‘curriculum [should be reformed] to promote a realistic and positive inclusion of the minority [or indigenous] history, culture, language and identity’.
 - the cultural component of language teaching and learning should be strengthened in order to gain a deeper understanding of other cultures;
 - ‘languages should not be simple linguistic exercises, but opportunities to reflect on other ways of life, other literatures, other customs’.

5. Minorities and the right to education: Recommendations of the first session of the UN Forum on Minority Issues (2008)

4. Bad education strategies can violate human rights as much as good strategies enhance rights and freedoms. Unwanted assimilation imposed through the medium of education, or enforced social segregation generated through educational processes, are harmful to the rights and interests of minority communities and to the wider social interest.
16. 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. These measures are most critical in preschool and primary schools, but may extend to subsequent stages of education. School curricula must encourage knowledge among all students of the history, traditions, language and culture of the minorities existing within their territory and also ensure minorities adequate opportunities to gain knowledge of the society as a whole.
17. In the field of education and minorities, there is a compelling need for accurate data that are qualitative and quantitative, disaggregated by sex, race, ethnicity and disability status in order to assess the necessary requirements in the development, institutionalization,

implementation and monitoring of targeted education policies. Data should also be gathered on poverty status and on the access to education and progress of children who do not speak the dominant language. Indicators and benchmarks are necessary for the accurate appraisal of education policies, including assessments of the extent of discrimination against minorities and the success or failure of policies to eliminate discrimination. Such data should include research into causes of poor school enrolment and drop-out rates where applicable. Disaggregation of the data according to sex will expose the barriers that prevent girls and women from accessing education and learning. All data should be made accessible to the public on a regular basis.

27. State or local policies or practices that, de jure or de facto, result in separate classes or schools for minority pupils, or schools or classes with grossly disproportionately high numbers of minority pupils, on a discriminatory basis, are prohibited, except in limited and exceptional circumstances. In particular, the misuse of psychological or learning ability tests for enrolment of children in primary schools must be subjected to close scrutiny with respect to their potential to engender discriminatory outcomes. The creation and development of classes and schools providing education in minority languages should not be considered impermissible segregation, if the assignment to such classes and schools is of a voluntary nature. However, where separate educational institutions are established for minorities for linguistic, religious or cultural reasons, no barriers should be erected to prevent members of minority groups from studying at general educational institutions, should they or their families so wish.

50. States should act to remedy situations where there is a lack of trained teachers who speak minority languages.

53. States should promote and systematize active consultation and cooperation between parents of children of minorities and the school authorities, including, where appropriate, through the employment of mediators to improve parent-school communication, and interpreters where parents do not speak the language of the school administration.

54. The form and substance of education, including curricula and teaching methods, must be acceptable to parents and children as relevant, culturally appropriate and of a quality equal to national standards.

57. In cases where members of minorities establish their own educational institutions, their right to do so should not be exercised in a manner that prevents them from understanding the culture and language of the national community as a whole and from participating in its activities.

58. States should provide adequate opportunities to persons belonging to minorities to learn their mother tongue or to learn through the medium of the mother tongue, alternatives which should not be understood as mutually exclusive. Specific forms of such opportunities should be chosen in consultation with persons belonging to minorities and taking into account their freely expressed wishes.

59. School language regimes for the initial stages of education in State schools should ideally employ the language of the child as the predominant medium of instruction, with a gradual introduction of the State language or dominant local language, if different from that of the child, at a later stage, where possible by bilingual teachers sensitive to the cultural backgrounds of minority children.

61. Curricula should adequately reflect the diversity and plurality of society and the contribution of minorities to society.

62. Curricula should promote the preservation and defence of minority languages, and identify and equip members of minorities with the educational tools necessary for their full participation in the society concerned.

65. The promotion of the cultural rights of minorities is necessary to further the fulfilment of their educational rights. These rights include access to written, audio and visual media materials in their own language in order to enrich the cultural lives of minorities. There must also be the free exchange of books and other educational materials and access to universities run by members of their national group in other States.

6. Guaranteeing the rights of minority women and girls: Recommendations of the Fourth Session of the UN Forum on Minority Issues (2011)

52. To warrant equal opportunity for women belonging to minorities, it is essential that they and their children be offered the opportunity, upon their request, to have access to education in their minority language, without impeding the high level acquisition of the official State language.

55. Governments should develop and implement inclusive and targeted education policies that provide access to high-quality learning environments for all women and girls belonging to minorities in their languages. They should develop adult-literacy schemes for minority women who missed out on education. The core principles of equality and non-discrimination should be at the centre of the design of their education systems.

57. In reforming school curricula, Governments and other relevant stakeholders should pay particular attention to empowering girls belonging to minorities. A good understanding of cultural and religious identity issues will assist Governments and education authorities in designing better educational interventions. Intercultural education approaches that are minority and culturally sensitive and that address gender discrimination should be adopted, with particular attention paid to countering stereotypes and myths with regard to minority women and girls. Educational programmes and learning environments, including non-formal and flexible learning approaches, appropriate for minority girls should be developed in collaboration with minority groups to ensure that they respect their history, culture, religion and language, as well as distinct minority cultures of learning. As well, more resources should be created to highlight relevant role models and include them in the education curriculum.

62. National human rights institutions should develop material on the importance of access to education for all, including women and girls, and make sure that such material is tailored to the situation of all minority groups present in their State and available in minority languages.

83. Minority women frequently find themselves confined to specific low-skill, low-status and low-paid sectors of employment. Governments should therefore allocate resources to expand the employment opportunities available to minority women, including through education, literacy (including in minority languages), vocational training (including skills to run small businesses), credit and market access to that they can realize their economic rights, and both seek and create new forms of employment within and beyond their communities.

7. Recommendations of the UN Forum on Minority Issues at its fifth session: Implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities: Identifying positive practices and opportunities (2012)

43. Governments should develop and implement inclusive and targeted education policies that ensure access to high-quality education for all persons belonging to minorities, and the opportunity to learn and be taught in their language as required by the Declaration. Intercultural education approaches that are minority-sensitive should be adopted, with particular attention paid to reflecting the diversity within society and the contribution of minorities to society and to countering negative stereotypes and myths.

8. Concluding Observations of the Human Rights Committee (International Covenant on Civil and Political Rights)

Armenia

Concluding observations on the periodic report of Armenia, Human Rights Committee, UN Doc. CCPR/C/79/Add.100 (1998).

22. The Committee expresses its concern about the State party's position that it is not possible to ensure that small national minorities have access to educational facilities in their language of origin. The Committee recommends that measures be taken in conformity with article 27 of the Covenant.

Bolivia

Concluding observations on the periodic report of Bolivia, Human Rights Committee, UN Doc. CCPR/C/79/Add.74 (1997).

13. The Committee notes the penal reforms that have abolished the discrimination against the Amazon Indians where it was considered that they were not criminally responsible by mere reason of their Indian origin. It also welcomes the reforms that have introduced legislation which allows the indigenous populations to receive education in their mother tongues, and the enactment of measures which permit the Indian communities to maintain their traditional means of livelihood.

Bosnia and Hercegovina

Concluding observations on the periodic report of Bosnia and Hercegovina, Human Rights Committee, UN Doc. CCPR/C/BIH/CO/1 (2006).

24. The Committee is concerned by reports of discrimination and violence perpetrated against the Roma and notes the lack of information in the State party's report on the opportunities for the Roma to receive instruction in and of their language and on their culture. (arts. 26 and 27)

The State party should vigorously undertake programmes of public information to combat anti-Roma prejudice in society. It should also include in its next periodic report detailed information on the measures implemented to give effect to the linguistic and educational rights of the Roma that are protected under the Law on the Protection of Rights of Persons Belonging to National Minorities, the effectiveness of these measures, the number of Roma children receiving instruction in or of their language and on their culture, as well as data disaggregated by sex, age and place of residence, and information regarding the hours of instruction per week.

Concluding observations on the periodic report of Bosnia and Hercegovina, Human Rights Committee, UN Doc. CCPR/C/BIH/CO/2 (2012).

21. The Committee recalls its previous recommendations (CCPR/C/BIH/CO/1, para. 24) and reiterates its concern regarding the de facto discrimination of the Roma. The Committee is particularly concerned that Roma children continue to be subjected to the segregated system of mono-ethnic schools, and that they lack opportunities to receive instruction in their languages. The Committee is also concerned at the poor indicators of the Roma in areas of, inter alia, access to housing, health care, employment and participation in the conduct of public affairs (arts. 26 and 27).

The Committee reiterates its previous concluding observations (CCPR/C/BIH/CO/1, para. 24) that the State party should take necessary measures to give effect to the linguistic and education rights of the Roma as protected under the Law on the Protection of Rights of Persons Belonging to National Minorities. The State party should strengthen efforts to ensure that Roma children can receive education instruction in their mother tongue. The State party should also take practical measures to improve the rights of the Roma with regard to access to housing, health care, employment and their participation in the conduct of public affairs.

China (Hong Kong)

Concluding observations on the periodic report of China (Hong Kong), Human Rights Committee, UN Doc. CCPR/C/CHN-HKG/CO/3 (2013)

22. The Committee is concerned that ethnic minorities are underrepresented in higher education and that no official education policy for teaching Chinese as a second language for non-Chinese speaking students with an immigrant background in Hong Kong has been adopted. The Committee also notes with concern the report of the Equal Opportunities Commission that non-Chinese speaking migrants face discrimination and prejudice in employment due to the requirement of written Chinese language skills, even for manual jobs (art. 26).

In light of the recommendation made by the Committee on the Elimination of Racial Discrimination (CERD/C/CHN/CO/10-13, para. 31), Hong Kong, China, should intensify its efforts to improve the quality of Chinese language education for ethnic minorities and non-Chinese speaking students with an immigrant background, in collaboration with the Equal Opportunities Commission and other groups concerned. Hong Kong, China, should further intensify its efforts to encourage the integration of students of ethnic minorities in public school education.

Denmark

Concluding observations on the periodic report of Denmark, Human Rights Committee, UN Doc. A/43/40 (1988)

195. With reference to that issue, members of the Committee... also asked whether the residents of Greenland, including the Inuit, were also accorded the preferential treatment given by the State to minorities, whether officials in Greenland had been associated with the preparation of Denmark's second periodic report, whether the German-speaking minority had the possibility of arranging for their children to be educated in the German language and, if so, whether German was the first or second language of instruction, whether the German-speaking minority could use German for official business and whether the people of the Faroe Islands enjoyed autonomy or desired home rule.

196. The law provided that the children of minorities could be educated in their own language at State schools provided that there were enough pupils (at least 10 or 12). Education in German was provided to the German-speaking minority, but the representative was unaware of the precise conditions under which such instruction was provided. Evening courses could also be provided to adults where teachers and adequate educational materials were available.

Ecuador

Concluding observations on the periodic report of Ecuador, Human Rights Committee, UN Doc. A/47/40(SUPP) (1993)

222. Another important human rights development in recent years had been the initiation of a dialogue with indigenous communities. Following the largest uprising of indigenous peoples in Ecuador's history in 1990, a dialogue was undertaken with the leaders of the Indian community, which had proved to be very fruitful. In-depth and far-reaching reforms had been adopted, including the introduction of bilingual education and the donation of over 1 million hectares of land.

Finland

Concluding observations on the periodic report of Finland, Human Rights Committee, UN Doc. CCPR/C/FIN/CO/6 (2013)

16. ...The State party should also take appropriate measures to facilitate, to the extent possible, education in their own language for all Sami children in the territory of the State party.

Georgia

Concluding observations on the periodic report of Georgia, Human Rights Committee, UN Doc. CCPR/C/GEO/CO/4 (2014)

19. While noting the State party's efforts to integrate minorities into political and public life, the Committee remains concerned that poor knowledge of Georgian language continue to be the main barrier to their integration that translate into their limited representation in political life, as well as marginalization. It also remains concerned that local authorities must provide written replies to minorities in Georgian even if minority applicants do not read this language, a requirement that may also exclude members of linguistic minorities from assuming certain official functions at the local level. It is also concerned about the lack of specific programmes aimed at the social and economic integration of Roma (arts. 25, 26 and 27).

The State party should strengthen its programmes for teaching of the Georgian language to minorities, promote their representation in political and public bodies at all levels, and consider the possibility of allowing the use of minority languages at the level of local government and administration.

Iran

Concluding observations on the periodic report of Iran, Human Rights Committee, UN Doc. CCPR/C/IRN/CO/3 (2011)

30. The Committee is concerned about the restrictions and conditions placed on the enjoyment of cultural, linguistic and religious freedoms of minorities in the State party, such as the Kurds, Arabs, Azeris and Baluch, including the use of minority languages in schools, and publication of journals and newspapers in minority languages (art. 27).

The State party should ensure that all members of ethnic, religious and linguistic minorities enjoy effective protection against discrimination and are able to enjoy their own culture and use their own language in media and schools, participate in public affairs and are provided with effective remedies against discrimination.

Japan

Concluding observations on the periodic report of Japan, Human Rights Committee, UN Doc. CCPR/C/79/Add.102 (1998)

13. The Committee is concerned about instances of discrimination against members of the Japanese-Korean minority who are not Japanese citizens, including the non-recognition of Korean schools. The Committee draws the attention of the State party to General Comment No. 23 (1994) which stresses that protection under article 27 may not be restricted to citizens.

14. The Committee is concerned about the discrimination against members of the Ainu indigenous minority in regard to language and higher education, as well as about non-recognition of their land rights.

Concluding observations on the periodic report of Japan, Human Rights Committee, UN Doc. CCPR/C/JPN/CO/5 (2008)

31. The Committee is concerned that State subsidies for schools that teach in the Korean language are significantly lower than those for ordinary schools, making them heavily dependent on private donations, which are not exempted or deductible from taxes, unlike donations to private Japanese schools or international schools, and that diplomas from Korean schools do not automatically qualify students to enter university (art. 26 and 27).

The State party should ensure the adequate funding of Korean language schools by increasing State subsidies and applying the same fiscal benefits to donors of Korean schools as to donors of other private schools, and recognize diplomas from Korean schools as direct university entrance qualifications.

32. The Committee notes with concern that the State party has not officially recognized the Ainu and the Ryukyu/Okinawa as indigenous peoples entitled to special rights and protection (art. 27).

The State party should expressly recognize the Ainu and Ryukyu/Okinawa as indigenous peoples in domestic legislation, adopt special measures to protect, preserve and promote their cultural heritage and traditional way of life, and recognize their land rights. It should also provide adequate opportunities for Ainu and Ryukyu/Okinawa children to receive instruction in or of their language and about their culture, and include education on Ainu and Ryukyu/Okinawa culture and history in the regular curriculum.

Concluding observations on the periodic report of Japan, Human Rights Committee, UN Doc. CCPR/C/JPN/CO/6 (2014)

26. While welcoming the recognition of the Ainu as an indigenous group, the Committee reiterates its concern regarding the lack of recognition of the Ryukyu and Okinawa, as well as of the rights of those groups to their traditional land and resources and the right of their children to be educated in their language (art. 27).

The State party should take further steps to revise its legislation and fully guarantee the rights of Ainu, Ryukyu and Okinawa communities to their traditional land and natural resources, ensuring respect for their right to engage in free, prior and informed participation in policies that affect them and facilitating, to the extent possible, education for their children in their own language.

Kyrgyzstan

Concluding observations on the periodic report of Kyrgyzstan, Human Rights Committee, UN Doc. CCPR/C/KGZ/CO/2 (2014)

27. While noting the State party's efforts to integrate minorities into political and public life, the Committee remains concerned about the low level of representation of minorities in political and public institutions, at both the national and local levels. The Committee is concerned at reports that several schools have changed the language of instruction from the minority language to Kyrgyz, and that some of the Uzbek-language media were closed, including two independent Osh-based Uzbek-language television stations, Mezon TV and Osh TV, following the June 2010 events (art. 27).

The State party should strengthen its efforts to ensure representation of minorities in political and public bodies at all levels, including the judiciary and law enforcement, to facilitate education in minority languages for children belonging to minority ethnic groups and promote the use of minority languages in the media, including by restoring Uzbek-language television stations.

Latvia

Concluding observations on the periodic report of Latvia, Human Rights Committee, UN Doc. CCPR/CO/79/LVA (2003)

20. While noting the explanation provided by the State party for the adoption of the Education Law of 1998, particularly the gradual transition to Latvian as the language of instruction, the Committee remains concerned about the impact of the current time-limit on the move to Latvian as the language of instruction, in particular in secondary schools, on Russian-speakers and other minorities. Furthermore, the Committee is concerned about the distinction made in providing State support to private schools based on the language of instruction (arts.26 and 27).

The State party should take all necessary measures to prevent negative effects on minorities of the transition to Latvian as the language of instruction. It should also ensure that if State subsidies are provided to private schools, they are provided in a non-discriminatory manner.

Concluding observations on the periodic report of Latvia, Human Rights Committee, UN Doc. CCPR/C/LVA/CO/3 (2014)

20. While noting that 22 per cent of educational institutions offer bilingual education in Latvian and one of seven minority languages, the Committee is concerned at the prevailing negative effects on minorities of the transition to Latvian as the language of instruction, based on the Education Law, and the gradual decrease of measures in support of teaching minority languages and cultures in minority schools (arts. 26 and 27).

The State party should intensify measures to prevent the negative effects on minorities of the transition to Latvian as the language of instruction and in particular to remedy the lack of textbooks in some subjects and the lack of quality of materials and training in the Latvian language for non-Latvian teachers. The State party should also take further steps in support of the teaching of minority languages and cultures in minority schools.

Macedonia

Concluding observations on the periodic report of Macedonia, Human Rights Committee, UN Doc. CCPR/C/79/Add.96 (1998)

16. The Committee notes the increase since 1990 in minority participation in political, administrative, cultural and other institutions, but expresses its concern at the fact that it is still well below a level commensurate with their proportion of the population. The Committee encourages the State party to strengthen its programmes to increase the representation of the Albanian and other ethnic minorities in public life, including the civil service, army and police. The Roma population are a matter of particular concern. The Committee further recommends that the State party continue to encourage minority participation in the design, organization and functioning of the educational system, in particular at the secondary and higher educational levels, and provide for the training of teachers of minority languages in public establishments.

Concluding observations on the periodic report of Macedonia, Human Rights Committee, UN Doc. CCPR/C/MKD/CO/2 (2008)

19. The Committee, while commending efforts taken by the State party to improve the situation of minorities, including the Roma population, remains concerned about the inadequate opportunities for members of minority groups, in particular Roma, to receive education at the primary and secondary levels in their language, as well as the high level of premature termination of schooling among Roma children. Segregationist trends and the harassment against Roma children in schools remain a source of concern to the Committee (arts. 26, 27).

The State party should continue to strengthen its efforts towards providing children of minorities with adequate opportunities to receive education in their own language and should take measures to prevent premature termination of schooling among such children.

Mauritius

Concluding observations on the periodic report of Mauritius, Human Rights Committee, UN Doc. CCPR/C/79/Add.60 (1996)

31. Lastly, the Committee suggests that steps be taken to disseminate in all languages spoken in Mauritius information about the Covenant and about the report and the proceedings before the Committee. It also suggests that steps be taken to publish educational material, particularly for children, in the most used vernacular languages.

Concluding observations on the periodic report of Mauritius, Human Rights Committee, UN Doc. CCPR/CO/83/MUS (2005)

4. The Committee also notes with satisfaction the measures taken by the State party to promote the use of written Creole in schools.

Morocco

Concluding observations on the periodic report of Morocco, Human Rights Committee, UN Doc. A/47/40(SUPP) (1993)

74. Concerning that issue, members of the Committee asked whether there were any ethnic, religious or linguistic minorities in Morocco, and if so, how the enjoyment of their rights under the Covenant was ensured; what minorities other than religious minorities existed; what facilities such minorities enjoyed with regard to the use of their own language and access by their children to schools where instruction was given in that language; and what rights the Berber people enjoyed with regard to protection of their language.

75. In reply, the representative stated that there were no problems in Morocco regarding ethnic, religious and linguistic minorities. The Jewish community was not considered a

minority since it lived in symbiosis with the rest of Moroccan society. The Berbers were completely integrated with the rest of the population. Foreigners living in Morocco were free to open schools if they so wished.

Poland

Concluding observations on the periodic report of Poland, Human Rights Committee, UN Doc. A/47/40(SUPP) (1993)

172. With reference to that issue, members of the Committee wished to have information on ethnic, religious and linguistic minorities in Poland and regarding measures taken to guarantee their rights under article 27 of the Covenant; on the composition and powers of the National and Ethnic Minorities Commission; and on the situation of gypsies in Poland. Further clarification was sought concerning the possibility of minorities receiving general education instruction in their mother tongue,

Slovakia

Concluding observations on the periodic report of Slovakia, Human Rights Committee, UN Doc. CCPR/C/79/Add.79 (1997).

24. With respect to article 27 of the Covenant, the Committee notes with concern that no steps have yet been taken to adopt legislation to implement articles 6 (b) and 34, paragraph 2 (b), of the Constitution on the use of minority languages after the annulment of the 1990 Act on the Official Language, and that, as a consequence, the use of minority languages in official communications is not secure. Therefore: the Committee recommends that legislation be rapidly adopted to secure language rights for minorities, with due consideration being given to the provisions of the Covenant and to the Committee's general comment 23(50). The Committee is concerned that insufficient provision, in particular in relation to allocation of resources, is made in the field of educational and cultural rights for the benefit of the Hungarian minority.

Concluding observations on the periodic report of Slovakia, Human Rights Committee, UN Doc. CCPR/CO/78/SVK (2003)

18. The Committee notes the introduction of programmes such as pre-school grades at elementary schools, the inclusion of Romani language education, and positions of teacher's assistants for Roma pupils. However, the Committee is concerned about the grossly disproportionate number of Roma children assigned to special schools designed for mentally disabled children, which causes a discriminatory effect, in contravention of article 26 of the Covenant.

Turkmenistan

Concluding observations on the periodic report of Turkmenistan, Human Rights Committee, UN Doc. CCPR/C/TKM/CO/1 (2012)

22. The Committee is concerned at the limited access of ethnic minorities to employment in the public sector and in decision-making bodies. The Committee is concerned at reports of the alleged use of a forced assimilation policy of ‘Turkmenisation’, which seriously reduces opportunities for ethnic minorities in the fields of employment, education and political life (arts. 25, 26 and 27).

Uzbekistan

Concluding observations on the periodic report of Uzbekistan, Human Rights Committee, UN Doc. CCPR/CO/71/UZB (2001)

5. The Committee welcomes the information provided by the State party in relation to its language policy, whereby education at all levels is offered in 10 languages, including the languages of the minority groups.

9. Concluding Observations Committee on the Rights of the Child

Albania

Concluding observations on the combined second to fourth periodic reports of Albania, Committee on the Rights of the Child, UN Doc. CRC/C/ALB/CO/2-4 (2012).

70. ... The Committee is also concerned that:

(g) Contrary to the law, minority children, and in particular Roma children, have limited possibility to be taught in their own language and learn their history and culture within the framework of the national teaching curricula.

71. In the light of its general comment No. 1 (CRC/GC/2001/1), the Committee urges the State party to significantly increase its budgetary allocations to the education sector. The Committee also urges the State party to take all necessary measures to:

(g) Train educators and develop curricula, textbooks and other aids in order to provide minority-language education, particularly for Roma children, and develop curricula units for children at school level, including in relation to Roma history and culture, in order to promote understanding, tolerance and respect for the rights of Roma in Albanian society and consider ratifying the European Charter for Regional and Minority Languages.

Algeria

Concluding observations of the Committee on the Rights of the Child, Algeria, U.N. Doc. CRC/C/15/Add.269 (2005).

83. The Committee regrets the lack of information in the report about the compliance of the State party with its obligations concerning the rights guaranteed under article 30 of the Convention with regard to children belonging to minorities. The Committee notes that according to the Algerian Constitution, the fundamental components of Algerian identity are “Islam, Arabité and Amazighité”. However, it is concerned that the existing domestic laws and policies do not adequately preserve and promote the Amazigh identity of children, including their right to use their own language.

84. In light of article 30 of the Convention, the Committee recommends that the State party continue and strengthen its efforts to protect and promote the identity and the rights of the Amazigh children, including by allocating adequate human and financial resources for the teaching of the Amazigh language, Tamazight, in schools. Furthermore, the Committee recommends that the State party provide more detailed information in its next periodic report on the implementation of article 30 of the Convention on children belonging to minorities.

Concluding observations of the Committee on the Rights of the Child, Algeria, U.N. Doc. CRC/C/DZA/CO/3-4 (2012).

63. ...The Committee is however concerned that:

(g) Teaching of written or spoken Berber languages in the State party’s schools remains unavailable in most of the State party’s schools despite the guarantee contained in the 2008 Education Act.

64. The Committee recommends that the State party strengthen its efforts to eliminate illiteracy, to promote girl’s education and to develop pre-school education. The Committee also urges the State party:

(f) To ensure that Berber languages are effectively taught in the State party’s schools as guaranteed by the Education Act (Act No. 08–04);

Argentina

Concluding observations of the Committee on the Rights of the Child, Argentina, U.N. Doc. CRC/C/ARG/CO/3-4 (2010).

Non-discrimination

31. The Committee notes Decree No. 1086/2005 establishing a national plan against discrimination. While welcoming the efforts of the State party to attend to the needs of disadvantaged children, as well as to establish programmes to promote bilingual and intercultural education for indigenous children and health programmes focusing on the needs of indigenous children, the Committee is nevertheless concerned at persistent reports

of discrimination, social exclusion and physical, sexual and psychological abuse of indigenous children, who represent about 3 to 5 per cent of the total population in the country.

Armenia

Concluding observations of the Committee on the Rights of the Child, Armenia, U.N. Doc. CRC/C/15/Add.119 (2000)

44. In line with the Committee on Economic, Social and Cultural Rights (E/C.12/1/Add.39), the Committee is concerned at the decline in budgetary allocation to the education sector, and the deterioration in the quality of education. The Committee remains concerned at the persistence of high drop-out, repetition and absenteeism rates, as well as poor access to education in rural areas. Moreover, in line with the Committee on the Elimination of Racial Discrimination (CERD/C/304/Add.51), the Committee expresses its concern that the requirement for teaching in the Armenian language may in practice deny full access to education to ethnic and national minorities...

Concluding observations of the Committee on the Rights of the Child, Armenia, U.N. Doc. CRC/C/15/Add.225 (2004)

54. ... The Committee is also concerned about the low rate of early childhood education and the high rates of non-attendance, absenteeism and dropout in primary and secondary education. Moreover, in line with the concluding observations of the Committee on the Elimination of Racial Discrimination (CERD/C/61/CO/1), the Committee expresses its concern about the inadequate access by minority children to education in their mother tongue.

55. The Committee recommends the State party:

(e) Ensure, whenever possible, that children belonging to minority groups have access to education in their mother tongue;

Concluding observations of the Committee on the Rights of the Child, Armenia, U.N. Doc. CRC/C/ARM/CO/3-4 (2013)

45. The Committee welcomes that children belonging to minority groups have access to education and textbooks in their mother tongue.

Bangladesh

Concluding observations of the Committee on the Rights of the Child, Bangladesh, U.N. Doc. CRC/C/BGD/CO/4 (2009)

74. In addition, the Committee is concerned at the reported mistreatment of children by their teachers and the frequent cases of bullying and sexual harassment, particularly of

girls, at school and on the way to school; the lack of separate sanitation facilities for girls and boys; the extremely low rate of primary school completion, and the very low enrolment in secondary school; the inadequate facilities for vocational education and training, including for children who dropped out of school before completion; the lack of coordination and equivalencies between the formal and non-formal educational programmes, and the still low budgetary allocation for education in the budget of the State party.

75. The Committee recommends that the State party:

(e) Consider making multilingual education available in remote areas for minority and indigenous children;

Belarus

Concluding observations of the Committee on the Rights of the Child, Belarus, U.N. Doc. CRC/C/15/Add.180 (2002)

49. The Committee, while acknowledging the State party's efforts to include human rights in school curricula, notes with concern that the availability of education in the Belarusian language is becoming increasingly limited, from early childhood to secondary education. Further, it notes that the number of children in secondary education is decreasing and that education standards, particularly in the secondary system, vary greatly to the disadvantage of lower-income neighbourhoods and rural areas.

50. In light of articles 28 and 29 of the Convention, the State party should:

(a) Ensure the availability of education in the Belarusian language and the accessibility for Roma children and those belonging to other minorities to good quality education;

Belize

Concluding observations of the Committee on the Rights of the Child, Belize, U.N. Doc. CRC/C/15/Add.99 (1999)

27. ... The Committee expresses further concern that the school curricula do not adequately address the special situation of non-English speaking children, particularly the minority indigenous and Spanish speaking children. The Committee recommends that all appropriate measures be taken to improve the quality of education and to provide access for all children within the State party. In this regard, it is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO...

Bhutan

Concluding observations of the Committee on the Rights of the Child, Bhutan, U.N. Doc. CRC/C/BTN/CO/2 (2008)

62. The Committee, while noting as positive the planned re-opening of schools in south Bhutan and the abolishment of the “no objection certificate” announced by the State party during the dialogue, is still concerned about the prevailing discrimination in the field of education against children of Nepalese ethnic origin. The Committee notes with concern that these children have reduced access to education due to the lack of educational institutions at all levels and that they are denied education in their own language. The Committee is concerned about the lack of data on children of Nepalese ethnic origin attending school.

63. The Committee recommends that the State party, in light of its obligations under articles 28, 2 and 30 of the Convention, provide education for all children within its jurisdiction, including for children of Nepalese ethnic origin, non-Bhutanese and stateless children.

Bolivia

Concluding observations of the Committee on the Rights of the Child, Bolivia, U.N. Doc. CRC/C/BOL/CO/4 (2009)

68. The Committee recommends that the State party:

(d) Improve the quality of teacher training, particularly with regard to inter-cultural and bilingual education;

Cambodia

Concluding observations of the Committee on the Rights of the Child, Cambodia, U.N. Doc. CRC/C/KHM/CO/2-3 (2011)

66. The Committee recommends that the State party:

(f) Further expand bilingual education for non-Khmer speakers;

Chile

Concluding observations of the Committee on the Rights of the Child, Chile, U.N. Doc. CRC/C/15/Add.173 (2002)

62. The Committee recommends that the State party:

(c) Ensure the expansion of the bilingual intercultural programme for indigenous peoples and maintain consultations with indigenous communities in order to evaluate the programme;

73. The Committee regrets that the Constitution still does not contain specific provisions recognising indigenous peoples and their rights. The Committee is concerned over the high level of correlation between poverty and indigenous origins and the de facto discrimination indigenous children continue to face, in particular in the areas of education and health. The Committee welcomes the positive steps taken to establish a bilingual education programme, however it notes that the coverage and resources are limited and that dropout rates remain high...

China

Concluding observations of the Committee on the Rights of the Child, China, U.N. Doc. CRC/C/15/Add.56 (1996)

19. The Committee shares the concern expressed by the State party as regards the number of children in China who still do not attend school. It is also concerned about reports that school attendance in minority areas, including the Tibet Autonomous Region, is lagging behind, that the quality of education is inferior and that insufficient efforts have been made to develop a bilingual education system which would include adequate teaching in Chinese. These shortcomings may disadvantage Tibetan and other minority pupils applying to secondary and higher level schools.

Concluding observations of the Committee on the Rights of the Child, China (including Macau and Hong Kong), U.N. Doc. CRC/C/CHN/CO/2 (2005)

77. The Committee recommends that in mainland China, the State party:

(d) Ensure that all teaching and learning materials for the primary and secondary level are also available in ethnic minority languages and with culturally sensitive content;

Concluding observations of the Committee on the Rights of the Child, China (including Macau and Hong Kong), U.N. Doc. CRC/C/CHN/CO/3-4 (2013)

25. The Committee is deeply concerned at the continuous violations of the rights of and discrimination against Tibetan and Uighur children and children of Falun Gong practitioners in mainland China, including their right to freedom of religion, language and culture...

75. ... [The Committee] is further concerned about:

(c) The lack of measures to promote the use and learning of mother-tongue and minority languages in the context of the bilingual education policy and discrimination against Tibetan and Uighur children and children of migrant workers within the Chinese education system;

(d) The multiple barriers in the use and promotion of the Tibetan language in schools in Tibet, China and reports of closure of schools and detention of teachers;

76. The Committee recommends that the State party continue to strengthen programmes and policies to ensure the accessibility of quality education for all children in mainland China, particularly children of migrant workers, children from ethnic minorities and refugee and asylum-seeking children. It further urges the State party to:

(c) Effectively implement the bilingual language policy to ensure use and promotion of ethnic minority languages and ensure participation by ethnic minorities, including Tibetan and Uighur children, at the local and regional levels in the decision-making process of the education system;

(d) Eliminate all restrictions, including the closure of Tibetan schools, that severely restrict the ability of Tibetan children to learn and use the Tibetan language in schools; it should also ensure that all teaching and learning materials for the primary and secondary level are also available in ethnic minority languages and with culturally sensitive content, as guaranteed by the Constitution of China;

78. The Committee recommends that Hong Kong, China:

(c) Intensify its efforts to implement legislation and policies on bilingual education at all levels of education, ensuring high-quality education in Chinese as a second language;

Colombia

Concluding observations of the Committee on the Rights of the Child, Colombia, U.N. Doc. CRC/C/15/Add.137 (2000)

52. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary school, and at the disparities in access to education between rural and urban areas. The Committee is particularly concerned about the situation of children belonging to Afro Colombian and indigenous groups, as well as those living in camps for the displaced regarding their access to education and the low relevance of the current bilingual educational programmes available for them.

53. In the light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and vocational training for drop-out students; to extend coverage and to improve the quality of education, respecting geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous and Afro-Colombian groups.

Concluding observations of the Committee on the Rights of the Child, Colombia, U.N. Doc. CRC/C/COL/CO/3 (2006)

76. ... The Committee continues to have a number of serious concerns with regards to the implementation of the right to education, including the following:

(e) The policy of etnoeducación (bilingual education) for indigenous communities lacks coverage and is often done without sufficient consultation with the communities;

77. The Committee urges that national legislation be amended to clearly reflect the right to free primary education and also recommends the State party to:

(e) Provide further resources and conduct prior consultations with indigenous communities in order to design and effectively provide them with bilingual and culturally sensitive education;

94. ... Despite an established programme for bilingual education (etnoeducación) the coverage is limited and illiteracy rates high. The Committee is concerned that, despite affirmative legal provision, children of ethnic minorities are victims of social exclusion and racial discrimination.

Costa Rica

Concluding observations of the Committee on the Rights of the Child, Costa Rica, U.N. Doc. CRC/C/CRI/CO/4 (2011)

69. The Committee notes with concern that native language and intercultural education for indigenous children is scarcely offered in primary schools and only in the indigenous territories, that the number of lessons is insufficient, and that there are no education materials in indigenous languages.

70. The Committee recommends that the State party:

(a) Reinforce bilingual and intercultural education models for indigenous children by, among others, increasing the number of school teachers in the indigenous territories;

(b) Expand the coverage and number of lessons on indigenous language and culture, including at the preschool and secondary levels;

(c) Develop specific training programmes and improve the conditions for teachers of such classes in and outside the sub-systems for indigenous education, in cooperation with public universities and in accordance with the specific cultural needs of indigenous children;

(d) Make available textbooks and child-friendly education materials in indigenous languages;

Cyprus

Concluding observations of the Committee on the Rights of the Child, Cyprus, U.N. Doc. CRC/C/CYP/CO/3-4 (2012)

44. While welcoming the State party's Zones of Educational Priority policy to increase the availability of more diverse education in a non-discriminatory manner, the Committee is concerned that:

(a) Cypriot Turkish-speaking children continue to have limited access to education, beyond in the restricted context of language lessons, in their native language;

45. The Committee urges the State party to take measures to:

(a) Allocate resources for ensuring that Turkish Cypriot children are provided with the option of receiving bilingual education, including in their mother tongue;

Czech Republic

Concluding observations of the Committee on the Rights of the Child, Czech Republic, U.N. Doc. CRC/C/15/Add.201 (2003)

55. Noting the State party's efforts in this domain, the Committee recommends that the State party:

(a) Ensure the availability and accessibility of free primary education for all children in the State party, giving particular attention to children in rural communities, children from Roma and other minorities, as well as children from disadvantaged backgrounds such as refugees, illegal migrants, particularly unaccompanied minors, to good quality education, including in their own language;

Denmark

Concluding observations of the Committee on the Rights of the Child, Denmark, U.N. Doc. CRC/C/DNK/CO/4 (2011)

55. ... The Committee is further concerned that, under current education programmes, only children of European Union or European Economic Area citizens are entitled to mother-tongue instruction.

56. ... It also recommends that mother-tongue education be reintroduced for bilingual pupils who do not receive municipally organized mother-tongue lessons.

Ecuador

Concluding observations of the Committee on the Rights of the Child, Ecuador, U.N. Doc. CRC/C/15/Add.93 (1998)

5. The Committee welcomes the measures taken by the State party to include the teaching of the Convention in the school curricula and for the establishment of bilingual education programmes for indigenous children.

Concluding observations of the Committee on the Rights of the Child, Ecuador, U.N. Doc. CRC/C/ECU/CO/4 (2010)

82. The Committee welcomes the constitutional definition of Ecuador as a plurinational and intercultural State, as well as the participatory process and framework of understanding that has produced the Agreement between the State and Indigenous Peoples and Nationalities for Children and the Plan for Good Living from the Beginning of Life, which encompasses the Minimum Agenda for Indigenous Children of Ecuador. It also welcomes current efforts to define and implement local goals for protection and promotion of indigenous children's rights in 54 cantons, and the sustained advances in intercultural and bilingual education. Nevertheless, the Committee remains concerned at the low budgetary allocation per capita to the educational system in provinces with majority indigenous population, and the lack of information on its evaluation. Likewise, it notes with concern the barriers for adolescents in having access to culturally and gender-sensitive sexual and reproductive health information and education.

83. The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children, respect their culture and guarantee their enjoyment of the rights enshrined in the national constitution, domestic law and the Convention. In this regard, the Committee refers the State party to its general comment no. 11 (2009) on indigenous children and their rights under the Convention. The Committee also recommends that the State party implements the Minimum Agenda for Indigenous Children in Ecuador, fully respecting its nature and the participatory process from which it originated, trains indigenous and local leaders and related public services staff accordingly and provides adequate resources, ensuring that monitoring and evaluation mechanisms are put in place. The Committee encourages the State party to continue to strengthen intercultural and bilingual education, paying due attention to the culture of indigenous children in accordance with article 30 of the Convention.

El Salvador

Concluding observations of the Committee on the Rights of the Child, El Salvador, U.N. Doc. CRC/C/SLV/CO/3-4 (2010)

91. The Committee remains concerned at the limited enjoyment of rights, including protection and prevention against discrimination, by indigenous children and at the incomplete information provided by the State party on this issue. The Committee is also concerned at the cultural invisibility of the indigenous population in the State party, which

result in the lack of specific public policies to promote the development and wellbeing of indigenous children, the discrepancies in the standard of living of indigenous people (more than 38 per cent reportedly live in extreme poverty) and the steep rise of emigration of indigenous adolescents. The Committee is also concerned at the lack of sufficient opportunities for the expression of indigenous culture and practices, including intercultural and bilingual education, as well as at the daily life discrimination to which indigenous people and their children are subjected.

92. The Committee recommends that the State party take all necessary measures to protect the rights of indigenous children against discrimination and to guarantee their enjoyment of the rights enshrined in domestic law and in the Convention, including the right to intercultural and bilingual education, in accordance with article 30 of the Convention. To this end, the State party should take into account, *inter alia*, general comment No. 11 (2009), as well as the recommendations contained in the outcome document of the 2009 Durban Review Conference).

Eritrea

Concluding observations of the Committee on the Rights of the Child, Eritrea, U.N. Doc. CRC/C/15/Add.204 (2003)

3. The Committee notes with appreciation the State party's successful efforts, following its independence in 1993:

(b) To increase enrolment and literacy rates, and the introduction of the mother tongue as a language of instruction in primary schools;

51. The Committee is encouraged by the State party's efforts to increase enrolment rates in basic education, reduce illiteracy, promote cultural and recreational activities and provide education in the native language of all nine ethnic groups. However, it is concerned that enrolment and literacy levels are still low, particularly in secondary and pre-primary education, and that there is a significant disparity between the number of boys and girls in school. It also notes with concern that there are few trained teachers and limited opportunities for teachers to upgrade their skills.

52. The Committee recommends that the State party:

(e) Prioritize and continue to strengthen and expand efforts at teacher training and expand recruitment of qualified teachers, in particular women and persons from all ethnic groups for education in mother-tongue programmes;

Concluding observations of the Committee on the Rights of the Child, Eritrea, U.N. Doc. CRC/C/ERI/CO/3 (2008)

66. The Committee welcomes the improved enrolment rates in schools of all levels, in particular in kindergarten and community centres, the increased budget allocation for

education, the provision of education in various languages, as well as, improved collection of statistics of the school attendance of children. The Committee however is concerned that the literacy rate remains high as access to primary education is insufficient and net enrolment still low. Furthermore, the Committee is concerned at the large number of school dropouts; overcrowding in classrooms; the low rate of transition to secondary school; the limited provisions for vocational training; the insufficient number of trained teachers and available school facilities; and the poor quality of education.

Estonia

Concluding observations of the Committee on the Rights of the Child, Estonia, U.N. Doc. CRC/C/15/Add.196 (2003)

43. The Committee encourages the State party:

- (d) To further enhance the system of education for national minorities;
- (f) To take all the appropriate measures to implement Regulation No. 209 for mother tongue instruction for students whose mother tongue is not Estonian, providing also for the teaching of their culture and history;

Finland

Concluding observations of the Committee on the Rights of the Child, Finland, U.N. Doc. CRC/C/FIN/CO/4 (2011)

63. The Committee is concerned that children who belong to the Roma minority and Sami indigenous groups do not receive health services, including mental health services, therapy or psychiatric care, in Romani and Sami languages. It is also concerned at the insufficient level of educational services and recreational activities in Romani and Sami language and that such services and activities in Sami language are limited to their main areas of domicile.

64. The Committee recommends that the State party:

- (b) Ensure that Roma and Sami children have the right to culturally sensitive education and health-care services in their own language, including for those Sami children who live outside the Sami homeland;
- (c) Cooperate more closely with the Governments of Sweden and Norway, inter alia concerning school curricula, teacher training, producing teacher materials and providing media content for Sami children;

Georgia

Concluding observations of the Committee on the Rights of the Child, Georgia, U.N. Doc. CRC/C/15/Add.124 (2000)

52. While the Committee notes that the Constitution provides for the right to education and that the 1997 Education Act was adopted with a view to improving the situation of education in the State party, it remains concerned at the situation of education, particularly of children in conflict zones and the mountainous regions. In this connection, the Committee expresses concern at the impact of the economic situation on the educational system as well as the decline in enrolment and attendance rates, particularly at the secondary level; the poor infrastructure, including inadequate heating, classrooms and other facilities for instruction; the limited availability of learning materials; insufficient resources, both human and financial; and inadequate instruction in local languages. The Committee also notes with concern that the current economic conditions in the State party and the increasing cost of childcare services have led to a significant decline in the enrolment of children in pre-school.

53. The Committee recommends that the State party take all appropriate measures, including the allocation of adequate financial, human and technical resources, to improve the situation of education and ensure that all children enjoy the right to education. The Committee further recommends that the State party seek to implement additional measures to encourage children to stay in school, particularly during the period of compulsory education, and to facilitate pre-school education. The Committee encourages the State party to take all appropriate measures to improve the quality of teaching, to develop child-friendly schools, and to facilitate the introduction of traditional languages into the school curricula. It is recommended that the State party seek to strengthen its educational system through closer cooperation with UNICEF and UNESCO.

Concluding observations of the Committee on the Rights of the Child, Georgia, U.N. Doc. CRC/C/15/Add.222 (2003)

71. The Committee encourages the State party to take measures to combat racism, xenophobia, discrimination and intolerance by, inter alia, ensuring follow-up to the recommendations of the United Nations treaty bodies and ECRI, in particular as they relate to children. The Committee recognizes the important role of education in this respect and encourages the State party to continue to support education in languages of the minorities as well as education in their mother tongue for the ethnic Georgian population not having access to it.

Concluding observations of the Committee on the Rights of the Child, Georgia, U.N. Doc. CRC/C/GEO/CO/3 (2008)

75. While recognizing the State party's efforts to ensure equal enjoyment of rights for children belonging to minority groups, including the establishment, in 2005, of the Council of National Minorities and the National Council on Civic Integration and Tolerance (NCCIT), the Committee remains concerned that children from minority populations

experience discrimination in the enjoyment of their rights as stipulated in the Convention, in particular, concerning culture and language.

76. The Committee notes that after the “Rose Revolution”, the State party has been encouraging its population, through the enforcement of its language law, to use Georgian in all public spheres. However, the Committee is concerned that insufficient efforts have been made by the State party to facilitate learning by children belonging to minority groups in Georgia, both in Georgian and in their own language.

77. The Committee urges the State party to:

(a) Recognize the rights of children belonging to minority groups in line with article 30 of the Convention by which a child belonging to such a minority has the right to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language, and to consider adopting a comprehensive legal act providing protection of their rights;

(b) Guarantee, in the context of the State Language Programme, the quality of instruction of the Georgian language to children belonging to minority groups so as to ensure that minority-language-speaking children can participate on a more equal level with Georgian-speaking children, in particular at higher education levels;

(c) Take the necessary measures to ensure that access to higher education by pupils belonging to minority groups is not hindered solely by their inability to pass the Georgian language exams;

(e) Ensure that the rights of all children to use their own language is guaranteed in practice, through, inter alia, strengthened efforts to address linguistic needs of children belonging to minority groups; and

(f) Strengthen its mechanisms for data collection on children belonging to minority groups so as to identify existing gaps and barriers to exercise their rights to their own culture, use of their own language and preservation and development of their own identity, with a view to developing legislation, policies and programmes to address such gaps and barriers.

Greece

Concluding observations of the Committee on the Rights of the Child, Greece, U.N. Doc. CRC/C/15/Add.170 (2002)

66. Acknowledging the many activities of the State party towards improving access to education and the quality of education and introducing multicultural teaching, the Committee remains concerned about a variety of problems that still exist, such as:

(f) The poor quality of education in many schools that teach in languages other than Greek, including the use of outdated textbooks and late term starting dates; the very high

estimated illiteracy rates among Roma children; the low proportion of children from distinct ethnic, religious, linguistic or cultural groups who attend secondary school and that some children, particularly from these groups, are accepted in school only as auditors and not permitted to gain academic credit for their studies;

67. The Committee recommends that the State party:

(e) Expand the practice of recruiting second teachers who speak languages other than Greek to cover all relevant schools and major languages;

Guatemala

Concluding observations of the Committee on the Rights of the Child, Guatemala, U.N. Doc. CRC/C/15/Add.58 (1996)

37. ... With a view to ensuring the implementation of articles 28 and 29 of the Convention, the Committee recommends that the State party focus greater efforts on providing for compulsory and free primary education, eradicating illiteracy and ensuring the availability of bilingual education for indigenous children. Moreover, greater efforts should be made in training qualified teachers. Such measures will contribute to the prevention of any form of discrimination on the basis of language with regard to the right to education.

Concluding observations of the Committee on the Rights of the Child, Guatemala, U.N. Doc. CRC/C/15/Add.154 (2001)

46. ... Further, it notes with concern that bilingual education is offered only in a limited number of indigenous languages and only at pre-school level and in the first three grades of primary schooling.

47. In light of articles 28 and 29 of the Convention, the Committee recommends that the State party undertake appropriate measures to increase budgetary allocations for education, ensure regular attendance at schools and the reduction of drop-out rates, and strengthen the quality of education in order to achieve the goals stated in article 29.1, in line with the Committee's General Comment No. 1 on the aims of education (CRC/C/GC/2001/1). It also reiterates its recommendation (*ibid.*, para. 37) that the State party should continue to strengthen the teacher training programme in order to increase the number of trained teachers and improve the quality of teaching and the bilingual education programme. In this respect, the Committee encourages the State party to seek additional technical cooperation from, among others, UNESCO and UNICEF.

Concluding observations of the Committee on the Rights of the Child, Guatemala, U.N. Doc. CRC/C/GTM/CO/3-4 (2010)

79. The Committee welcomes Governmental agreement No. 22-2004, which establishes the comprehensive application of bilingual education and the compulsory use of national languages in instruction. Under this agreement, the teaching and practice of

multiculturalism and interculturalism in the classroom in Mayan languages, Garifuna or Xinca and/or Spanish is compulsory.

101. The Committee is concerned at the exclusion of Maya, Garifuna and Xinca children in relation to access to basic services necessary for their comprehensive development, such as registration in the civil registry, health services and education adapted to their culture, history and languages, the difficult access to land and the lack of respect for their traditional lands. The Committee is concerned that the Convention and its two Optional Protocols have not yet been translated into the indigenous languages, preventing these populations from taking action to demand the fulfilment of the rights of the child. The Committee shares the concern expressed by the Committee on the Elimination of Racial Discrimination (CERD/C/GTM/CO/12-13, para. 11) that the State party continues to allow indigenous peoples to be dispossessed of land that has historically belonged to them.

102. The Committee recommends that:

(a) The State party ensure that indigenous children are registered in the civil registry, and that they receive health services and education adapted to their culture, history and languages;

Honduras

Concluding observations of the Committee on the Rights of the Child, Honduras, U.N. Doc. CRC/C/15/Add.24 (1994)

17. Notwithstanding the initiative taken by the State party to provide bilingual education to children in schools, the Committee is deeply concerned at the insufficiency of measures taken by the State party to implement the provisions of article 28 of the Convention concerning the right of the child to education, especially in view of the low level of enrolment and retention of children in schools and the lack of vocational training in schools as well as the inadequacy of teacher training programmes and teaching material.

Concluding observations of the Committee on the Rights of the Child, Honduras, U.N. Doc. CRC/C/HND/CO/3 (2007)

67. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education (2001):

(d) Increase educational opportunities for indigenous children, inter alia by continuing to provide bilingual education, where necessary;

Israel

Concluding observations of the Committee on the Rights of the Child, Israel, U.N. Doc. CRC/C/ISR/CO/2-4 (2013)

6. The Committee further welcomes the following institutional and policy measures:

(c) The Arabic language education programmes in pre-school, elementary school and high school for improving the Arab populations' language skills;

66. The Committee reiterates its recommendation (CRC/C/OPAC/ISR/CO/1, para. 27) of systematic inclusion of peace education both in the Israeli and Palestinian school system, and again encourages joint initiatives, bringing together both Israeli and Palestinian children, to be undertaken to promote peace education. The Committee also draws the attention to its general comment No. 1 (2001) on the aims of education and reminds the State party of its duty to ensure that Palestinian children are educated with respect to their cultural identity, language and values and therefore urges the State party to cancel the prohibitions of using Palestinian textbooks and curricula.

Japan

Concluding observations of the Committee on the Rights of the Child, Japan, U.N. Doc. CRC/C/15/Add.231 (2004)

49. The Committee notes the State party's efforts to reform the education system and bring it into greater conformity with the Convention; however, it is concerned that:

(f) Children of minorities have very limited opportunities for education in their own language;

50. The Committee recommends that the State party:

(d) Expand opportunities for children from minority groups to enjoy their own culture, profess or practise their own religion and use their own language;

Kazakhstan

Concluding observations of the Committee on the Rights of the Child, Kazakhstan, U.N. Doc. CRC/C/15/Add.213 (2003)

62. The Committee recommends that the State party to:

(a) Ensure the availability of free primary education and accessibility for all children in the State party, giving particular attention to children in rural communities, children from minorities, including repatriates and refugees or asylum seekers, children from disadvantaged groups and those who need special attention, and high quality education, including in children's own languages;

(e) Improve the quality of education in the whole country in order to achieve the goals mentioned in article 29 (1) of the Convention and the Committee's general comment No. 1 on the aims of education, and ensure that human rights education, including children's

rights, is included into the school curricula, in the different languages of instruction where applicable.

Kiribati

Concluding observations of the Committee on the Rights of the Child, Kiribati, U.N. Doc. CRC/C/KIR/CO/1 (2006)

56. The Committee welcomes the reported increased access to primary and secondary education and the consequential increase in enrolment rates, as well as the reduction of the gender gap. However, the Committee is concerned that the quality of education available to students is decreasing, the access to adequate educational facilities for children in remote areas remains limited, the cost of education is often prohibitive, and the absence of training required for teachers is leading to low-quality teaching and to disparities in pre-school education. The insufficient bilingual education in English and I-Kiribati is also a cause of concern as it negatively impacts access to higher education, which is only available in English in neighbouring countries. The Committee regrets that aside from informal vocational training provided by national NGOs, there are no vocational or educational opportunities within or outside the formal school system.

Kyrgyzstan

Concluding observations of the Committee on the Rights of the Child, Kyrgyzstan, U.N. Doc. CRC/C/KGZ/CO/3-4 (2014)

55. The Committee is concerned about:

(f) The tendency to reassign Uzbek Language schools into Kyrgyz and mixed-medium schools following the 2010 ethnic violence.

56. Taking into account its General Comment No. 1 on the Aims of Education (CRC/GC/2001/1), the Committee recommends that the State party:

(f) Take measures to ensure that children from minority communities, in particular Uzbek children, have access to education in their native language without any restrictions.

59. The Committee is concerned about the discriminatory practices against minority groups, and the still existing atmosphere of insecurity and tension since the ethnic conflict in 2010. It is particularly concerned about the increased segregation of minorities in many respects such as language and social polarization, largely mono-ethnic schools and decrease in inter-ethnic friendships. The Committee is furthermore concerned about the discriminatory practice against members of the Lyuli community in daily life.

60. The Committee recommends that the State party strengthen its efforts in reconciling communities and preventing discrimination against members of minority groups, through

multilingual common education and awareness raising campaigns in order to promote tolerance and friendship among communities.

Latvia

Concluding observations of the Committee on the Rights of the Child, Latvia, U.N. Doc. CRC/C/15/Add.142 (2001)

51. The Committee notes with concern that the Education Law of 1998 foresees that, as of 2004, all State-funded schools will provide secondary education in Latvian only, while bilingual education will be available only until 9th grade. Further, it notes the slow pace of the National Programme for Integration of Society in Latvia, owing in particular to a lack of funding.

52. The Committee encourages the State party to ensure that children belonging to minorities can also use their own language in secondary education, in accordance with articles 29 and 30 of the Convention. Further, it encourages the enforcement of the integration process, in particular at community level, and the provision of more information about the process.

Concluding observations of the Committee on the Rights of the Child, Latvia, U.N. Doc. CRC/C/LVA/CO/2 (2006)

63. The Committee notes that bilingual education for minorities will be provided until the ninth grade only (end of primary education), and that comprehensive and professional secondary education, as well as vocational education, will be provided in the Latvian language only, with the exception of subjects related to language, identity, and culture of minorities, which can be taught in the minority language. While the State party declares that it is carefully monitoring this process, the Committee remains concerned that those children required to learn in a new language may experience difficulties in following the instruction.

64. The Committee recommends that the State party:

- (a) Continue to provide information to children and their parents about the shift to the Latvian language in secondary education;
- (b) Assist children who have language deficits;
- (c) Train teachers to ensure that children are not disadvantaged by the new medium of instruction; and
- (d) Continue to monitor and to include information on the implementation of the language policy in the educational system in the next State party report.

Macedonia

Concluding observations of the Committee on the Rights of the Child, Macedonia, U.N. Doc. CRC/C/15/Add.118 (2000)

44. The Committee recognizes the State party's significant efforts to make primary and secondary education available in minority languages, but expresses its concern that many primary and secondary schools are under-resourced and, in particular, that primary and secondary school education available in minority languages is of a lower standard than that available in the Macedonian language. The Committee notes, further, the inevitable effect of poor primary and secondary education in discouraging enrolment, raising the number of children who drop out and in limiting the numbers of children from minorities who are able to pass examinations leading to university education.

45. With reference to articles 2 and 28 of the Convention on the Rights of the Child, and with a view to ensuring an equal standard of educational services in all schools, to encouraging increased enrolment, to discouraging children from dropping out and to increasing the numbers of children from minorities who follow higher education, the Committee recommends that the State party review the allocation of financial and other resources to all primary and secondary schools, with particular attention to raising the quality of education in minority language schools. The Committee recommends, in addition, that the State party consider increasing the numbers of hours of teaching of the Macedonian language in minority language schools, on a voluntary basis, with a view to ensuring that children who are minority language speakers are able to participate on a more equal level with Macedonian-speaking children at higher education levels at which entrance examinations and teaching are conducted primarily in the Macedonian language. The Committee suggests further that the curricula in all schools should include a greater focus on the personal development and vocational training of students and on inter-ethnic tolerance. The Committee recommends that the State party seek technical assistance from UNICEF in this regard.

Concluding observations of the Committee on the Rights of the Child, Macedonia, U.N. Doc. CRC/C/MKD/CO/2 (2010)

84. While noting with appreciation that mother tongue education is available for most communities, namely in the Macedonian, Albanian, Turkish and Serbian languages and the introduction of "Romani language and culture", the Committee regrets the limited availability and lower quality of education in the language of certain minorities, particularly the Roma and Vlach communities.

85. The Committee recommends that the State party:

(a) Take all necessary measures to protect the rights of children belonging to minority groups, respect their culture and guarantee their enjoyment of the rights enshrined in the national constitution, domestic law and the Convention;

- (b) Train educators and develop curricula, textbooks and other aides in order to increase the availability and raise the quality of minority-language education, particularly for Roma (for all those groups who are using their own language) and Vlach children; and
- (c) Ratify the European Charter for Regional or Minority Languages, which it has already signed.

Mali

Concluding observations of the Committee on the Rights of the Child, Mali, U.N. Doc. CRC/C/15/Add.113 (1999)

6. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the elaboration and recent implementation of the "Ten-Year Programme for the Development of Education" (PRODEC) which aims, inter alia, to establish parity between boys and girls in terms of recruitment and enrolment, to expand the use of national languages in education and to improve the overall quality of education.

Mauritius

Concluding observations of the Committee on the Rights of the Child, Mauritius, U.N. Doc. CRC/C/MUS/CO/2 (2006)

60. The Committee acknowledges the remarkable improvement made in the field of education, including the ongoing reforms of the education system. The Committee welcomes the introduction of the Zone Education Prioritaire (ZEP) as an affirmative action measure to reduce disparities in the educational achievement of children. However, the Committee is concerned that the proposed reform may introduce an element of unfair classification in accessing the national secondary schools based upon a high cut-off mark. It is also concerned that English as the official language of instruction in schools is not supplemented by educational materials in Creole. In addition, the Committee expresses its concern at the lack of human rights education in the school curriculum.

- 61. The Committee recommends that the State party:
 - (b) Develop a policy regarding the use of Creole in the Early Childhood Development (ECD) stage and at primary levels;

Mexico

Concluding observations of the Committee on the Rights of the Child, Mexico, U.N. Doc. CRC/C/15/Add.112 (1999)

28. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary schools, and the disparities in access to education between rural and urban areas. The Committee is particularly concerned about the situation of children belonging to indigenous groups regarding their access to education and the low relevance of the current bilingual educational programmes available for them. In the light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue its efforts in the field of education by strengthening its educational policies and system in order to reduce regional disparities in access to education and to strengthen ongoing retention programmes and vocational training for drop-out students. The Committee also recommends that the State party continue taking effective measures to improve the educational situation of children belonging to the most vulnerable groups, in particular, with regard to bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia, from UNICEF and UNESCO.

Concluding observations of the Committee on the Rights of the Child, Mexico, U.N. Doc. CRC/C/MEX/CO/3 (2006)

56. The Committee welcomes the establishment of the Oportunidades Programme and of the "Programme for Reducing Arrears in Initial and Basic Education", the reform of article 3 of the Constitution adopted in 2001 making preschool education compulsory for all as of 2008/9, as well as measures taken to increase the quality of education, in particular in remote areas. However, the Committee is concerned at continuing low enrolment rates, especially among migrants and indigenous children; the insufficient resources allocated to education; the considerable disparities in the coverage and quality of education between urban and rural areas; high dropout rates, particularly among adolescents as well as rural, indigenous and migrant children; and the low quality of teaching. The insufficient bilingual intercultural education in indigenous areas is also a cause of concern as it negatively affects the dropout rate in these areas.

57. The Committee recommends that the State party:

(c) Strengthen measures to reduce the high dropout rate among indigenous children, inter alia, by providing them with bilingual and bicultural education;

Moldova

Concluding observations of the Committee on the Rights of the Child, Moldova, U.N. Doc. CRC/C/MDA/CO/3 (2009)

62. The Committee is concerned that school enrolment rates of Roma children are lower than those of non-Roma children at all educational levels, that a significant proportion of Roma children do not attend primary school compared to non-Roma children

and that only half of Roma children attend secondary school. The Committee is also concerned at the limited possibilities for instruction in the Romani language.

Morocco

Concluding observations of the Committee on the Rights of the Child, Morocco, U.N. Doc. CRC/C/15/Add.60 (1996)

14. In the light of article 30, the Committee is concerned at the lack of measures taken to provide school education in all the existing languages and dialects.

Myanmar

Concluding observations of the Committee on the Rights of the Child, Myanmar, U.N. Doc. CRC/C/15/Add.69 (1997)

19. With regard to the implementation of articles 28, 29 and 30 of the Convention, the Committee is concerned by the high drop-out and repetition rates. It is also concerned by the lack of resources in the field of vocational training. Finally, the Committee is concerned by the insufficient measures taken by the State party to provide education in minority languages.

39. The Committee further recommends that the State party take all appropriate measures, including by reinforcing existing international cooperation programmes, to reduce the rates of school drop-out and repetition. It also recommends that the State party allocate resources to translate school materials into minority languages in order to encourage schools and teachers in the appropriate regions to provide education in minority languages.

Concluding observations of the Committee on the Rights of the Child, Myanmar, U.N. Doc. CRC/C/15/Add.237 (2004)

63. The Committee recommends that the State party:

(f) Adapt school curriculum to suit the particularities of the local communities, in particular for ethnic minority groups, and make use of local teachers to help children who are experiencing language difficulties;

Concluding observations of the Committee on the Rights of the Child, Myanmar, U.N. Doc. CRC/C/MMR/CO/3-4 (2012)

75. While noting the statement of the delegation that resources allocated to education will increase, the existence of a National Plan of Action (2003–2015) “Education for all”, the Education Activities in the Framework of the Rural Development and Poverty Alleviation Plan (2011–2015) and the construction of schools in the framework of the border-area development programme, the Committee remains concerned about:

(g) The absence of teaching in other languages than Myanmar.

76. The Committee recommends that the State party, taking into account the general comment No. 1 (2001) on the aims of education:

(g) Adapt the school curriculum to suit the particular situation of the local communities, make use of local teachers to help children who are experiencing language difficulties and revise the language-instruction policy to reflect international standards regarding cultural rights.

Netherland (Aruba)

Concluding observations of the Committee on the Rights of the Child, Netherlands (Aruba) U.N. Doc. CRC/C/15/Add.227 (2004)

12. As noted in paragraph 6 above, the Committee welcomes the legislative reforms aimed at improving conformity with the Convention. However, the Committee is concerned that some domestic legislation in the Netherlands and in Aruba does not yet fully conform with the principles and provisions of the Convention, inter alia, with regard to education in minority languages and juvenile justice as well as compulsory education in Aruba.

13. The Committee recommends that the State party take all necessary measures to ensure that its domestic legislation in the Netherlands and in Aruba conforms fully with the principles and provisions of the Convention, in particular with regard to education in minority languages, juvenile justice as well as compulsory education in Aruba.

51. The Committee notes the information provided by the delegation that efforts will be strengthened in the Netherlands and Aruba to prevent and assist school dropouts and the intention to expand bilingual education (Papiemento and Dutch) to secondary schools in Aruba. However, the Committee is concerned that primary education is not compulsory in Aruba and that early childhood education is not universally available throughout the State party.

52. The Committee recommends that the State party:

(d) In Aruba, ensure that sufficient teaching materials are available in Papiemento for primary and secondary students;

New Zealand

Concluding observations of the Committee on the Rights of the Child, New Zealand U.N. Doc. CRC/C/15/Add.216 (2003)

43. The Committee welcomes the development of bilingual education for Maori; however, it notes with concern the persistent disparities in enrolment and dropout rates among children of different ethnic groups.

44. The Committee recommends that the State party:

(c) Take effective measures to address disparities in enrolment and dropout rates between ethnic groups, including by strengthening programmes for bilingual education;

Nicaragua

Concluding observations of the Committee on the Rights of the Child, Nicaragua, U.N. Doc. CRC/C/NIC/CO/4 (2010)

83. The Committee notes that the rights of indigenous peoples and ethnic communities of African descent are formally recognized in the Constitution and in the Autonomy Law. However, the Committee is concerned that indigenous and Afro-descendant children face significant challenges in exercising their substantive rights under the Convention, more specifically the right to enjoyment of their culture and language.

84. The Committee recommends that the State Party:

(c) Ensure that the rights of indigenous and Afro-descendant children are specifically protected with regard to their culture and language, particularly in the provision of access to basic services, and by promoting culturally- and linguistically-sensitive education and health policies and programmes;

Nigeria

Concluding observations of the Committee on the Rights of the Child, Nigeria, U.N. Doc. CRC/C/NGA/CO/3-4 (2010)

77. The Committee is concerned at the lack of information in the State party's report on minorities, particularly the Ogoni community (Niger Delta region). Furthermore, the Committee is concerned by discrimination against ethnic minorities and notes that provisions of the National Policy on Education conferring special status on the three major languages (Hausa, Igbo and Yoruba) may be interpreted as discriminatory. The Committee notes that no strategies have been developed to ensure appropriate curricula for minorities, which takes into account the right of children of minority groups to use and receive education in their own language.

78. The Committee urges the State:

(a) To conduct a study analysis in order to respond adequately to their needs, particularly the Ogoni community;

(b) To ensure that children of minority groups be given equal access to education and equal chances to develop qualifications through the introduction of appropriate and adequate curricula which recognizes their right to use and receive education in their own language.

Panama

Concluding observations of the Committee on the Rights of the Child, Panama, U.N. Doc. CRC/C/15/Add.68 (1997)

4. The Committee notes with satisfaction the efforts made by the Government of Panama in the field of law reform and welcomes the initiatives being undertaken by the Government to further the protection of the family and children by the adoption of the new Family Code, in force since January 1995. The Committee welcomes the promulgation of the Education Law which guarantees intercultural bilingual education for indigenous children and adults.

Concluding observations of the Committee on the Rights of the Child, Panama, U.N. Doc. CRC/C/15/Add.233 (2004)

63. The Committee, acknowledging the adoption of the new legislation creating three indigenous comarcas, remains concerned that lack of economic resources is an obstacle to developing specific programmes on education, health and social services for indigenous children. The Committee is also concerned about the preservation of the identity of indigenous children since bilingual education remains a challenge in indigenous areas and education lacks resources of all kinds.

64. The Committee recommends that the State party take all necessary measures to ensure that indigenous children enjoy all their rights without discrimination, including equal access to culturally appropriate services including health, education, social services, housing, potable water and sanitation. The Committee also recommends that the State party, with the full participation of indigenous communities and children, develop public awareness campaigns, including through the mass media, to combat negative attitudes and misperceptions about indigenous children. The Committee also recommends that the State party pay particular attention to guarantee the preservation of the identity of indigenous and Afro-Panamanian children, e.g. by the implementation of the national plan to develop bilingual intercultural education.

Concluding observations of the Committee on the Rights of the Child, Panama, U.N. Doc. CRC/C/PAN/CO/3-4 (2011)

62. The Committee welcomes the State party's efforts in reaching universal enrolment in primary education, the increased support for informal pre-school education in indigenous areas and the efforts to revise and modernize the national curricula. The Committee notes that an educational subsidy (Bono escolar) was made available to poorer families. The Committee also welcomes legislation introduced in 2010 recognizing the

right of indigenous people to bilingual and intercultural education. The Committee remains concerned, however, that:

- (e) Access to multicultural and bilingual education is persistently lacking.
63. The Committee recommends that the State party:
- (e) Allocate sufficient human, technical and financial resources for the roll out of the intercultural and bilingual education programme in all indigenous territories as well as in other areas with indigenous populations.

Paraguay

Concluding observations of the Committee on the Rights of the Child, Paraguay, U.N. Doc. CRC/C/15/Add.27 (1994)

3. The Committee... also notes that efforts are being undertaken by the State party to provide bilingual programmes within the primary education system.

Concluding observations of the Committee on the Rights of the Child, Paraguay, U.N. Doc. CRC/C/PRY/CO/3 (2010)

60. The Committee welcomes the efforts carried out by the State party to increase school attendance in order to reduce dropouts and recognizes the progress made, including the adoption of the Indigenous Education Act No. 3231/07. However, the Committee is concerned at the poor quality of education in many schools, partly a result of the weak training of the teachers, and the dropout rates during the third cycle, sometimes owing to a lack of financial resources by families to face fees and other costs. The Committee is further concerned at the difficulties arising for indigenous children in accessing education and the insufficient measures taken to reflect the multilingual nature of the population. The Committee also takes note of the increase of early childhood education in the years before school, although it is concerned at the insufficient preschools and the limited access of rural and indigenous children. It regrets the almost complete lack of care and education facilities for the youngest children. The Committee also misses information about vocational training for adolescents who decide for a non-academic occupational career.

61. The Committee recommends that the State party:
- (c) Reinforce of the multilingual nature of the population (Guarani-Spanish and others) and adapt the education methodologies and materials to this reality;
 - (d) Improve the quality of teacher training, particularly with regard to intercultural and bilingual education;

Peru

Concluding observations of the Committee on the Rights of the Child, Peru, U.N. Doc. CRC/C/15/Add.120 (2000)

25. While the Committee notes with appreciation the State party's achievements in the field of education, it remains concerned about the high drop-out and repetition rates in primary and secondary school, and about the disparities in the access to education between rural and urban areas. The Committee is particularly concerned about the limited access to education for children belonging to indigenous groups and the low relevance of the current bilingual educational programmes available for them. In light of articles 28, 29 and other related articles of the Convention, the Committee recommends that the State party continue with its efforts to strengthen its educational policies and system in order to improve ongoing retention programmes and vocational training for drop-outs; to extend school coverage and to improve school quality, making schools more responsive to geographical and cultural diversity; and to improve the relevance of bilingual education programmes for children belonging to indigenous groups. The Committee encourages the State party to consider seeking technical assistance in this area, inter alia from UNICEF and UNESCO.

Concluding observations of the Committee on the Rights of the Child, Peru, U.N. Doc. CRC/C/PER/CO/3 (2006)

60. The Committee welcomes the active role of school councils as well as the programmes developed by the State party especially in the field of pre-primary education, such as PRONEI and WAWA WASI. Likewise, the Committee also welcomes the increase in the completion rate of primary education. However, it is still concerned about:

(c) The lack of adequate training of teachers, including skills for intercultural bilingual education to indigenous communities;

61. The Committee recommends that the State party:

(e) Improve intercultural bilingual education;

Philippines

Concluding observations of the Committee on the Rights of the Child, Philippines, U.N. Doc. CRC/C/15/Add.259 (2005)

69. The Committee is encouraged by the State party's efforts to promote indigenous, minority and local languages in education including, inter alia, through the Lingua Franca Project.

70. In the light of articles 28 and 29 of the Convention and the Committee's general comment No. 1 (2001) on the aims of education, the Committee recommends that the State party allocate adequate financial, human and technical resources in order to:

(f) Provide indigenous children and children belonging to minority groups with equal access to quality education which respects their distinct cultural patterns and uses local indigenous and minority languages in education through, inter alia, the Lingua Franca Project;

Romania

Concluding observations of the Committee on the Rights of the Child, Romania, U.N. Doc. CRC/C/ROM/CO/4 (2009)

77. The Committee recommends that the State party:

(d) Involve Roma parents and communities in the development of educational curricula appropriate for and sensitive to the Roma culture and customs, provide material assistance adjusted to children's conditions of living and respect the children's language and culture in the interactive learning processes and social life in school;

Rwanda

Concluding observations of the Committee on the Rights of the Child, Rwanda, U.N. Doc. CRC/C/RWA/CO/3-4 (2013)

52. While welcoming the State party's various initiatives to improve educational outcomes for children, including the Education Sector Strategic Plan (ESSP) 2010-2015, a five-year (2008-2013) campaign, titled 'Making a difference for girls' and increased budgetary allocations, the Committee is concerned about the following:

(c) The remaining challenges to implementing the change in language of instruction policy from French to English, including the urgent need to develop teachers' capacities and training in both the English language and teaching methodology;

53. The Committee recommends that the State party:

(d) Intensify its efforts to develop the capacity of teachers through English language and pedagogical training at all levels of the educational system, and monitor the impact of the language policy on learning outcomes;

Serbia

Concluding observations of the Committee on the Rights of the Child, Serbia, U.N. Doc. CRC/C/SRB/CO/1 (2008)

60. ... Nevertheless, the Committee remains concerned at:

(e) The slow progress in training sufficient numbers of teachers able to teach in minority languages;

Slovakia

Concluding observations of the Committee on the Rights of the Child, Slovakia, U.N. Doc. CRC/C/15/Add.140 (2000)

47. The Committee notes with concern that most Roma children attend special schools because of real or perceived language and cultural differences between the Roma and the majority; that the School Act does not offer instruction in the Roma language; and the negative, stereotypical description of the Roma and their children in general, but especially in the initial report.

48. The Committee recommends that the State party design further measures aimed at ensuring that Roma children have equal access to and opportunities to attend regular school with supportive education, if necessary. The Committee further recommends that the State party examine to what extent the current situation of the Roma language in the education system, with respect to both law and practice, meets the demands of the Roma population and their children and consider, as appropriate, further measures aimed at ensuring education or instruction in the Roma language, with reference to article 29 of the Convention. Teacher training in this language should be strengthened. The Committee recommends that the State party, in accordance with article 29 (c) of the Convention, ensure that the education system and the media in particular foster positive attitudes towards minorities and intercultural dialogue between the minorities and the majority, including children.

South Africa

Concluding observations of the Committee on the Rights of the Child, South Africa, U.N. Doc. CRC/C/15/Add.122 (2000)

8. The Committee appreciates the State party's initiatives within the school environment. In this regard, it welcomes the enactment of the South African Schools Act (1996) which has led to enhanced participatory rights for children within the educational system; the right of children to choose their own language of learning (multilingualism);

Sudan

Concluding observations of the Committee on the Rights of the Child, Sudan, U.N. Doc. CRC/C/15/Add.190 (2002)

56. The Committee recommends that the State party:

(b) Significantly strengthen teacher training through, inter alia, improving the quality of training and significantly raising the number of teachers trained, including teachers able to teach in local languages;

Tajikistan

Concluding observations of the Committee on the Rights of the Child, Tajikistan, U.N. Doc. CRC/C/TJK/CO/2 (2010)

62. ... However, the Committee is concerned that the education of children is hampered by:

(f) Insufficient training for teachers in minority languages and lack of school textbooks and materials in minority languages.

63. The Committee recommends that the State party:

(g) Strengthen efforts to train teachers in minority languages and increase the number of textbooks in minority languages;

Thailand

Concluding observations of the Committee on the Rights of the Child, Thailand, U.N. Doc. CRC/C/THA/CO/2 (2006)

62. The Committee welcomes various legislative, administrative, policy and budgetary measures to increase compulsory schooling from 6 to 9 years and to provide free education for up to 12 years, as well as to expand access to education, improve educational facilities and provide education in local or minority languages....

63. ... In light of article 28 of the Convention, the Committee recommends that the State party allocate adequate financial, human and technical resources in order to:

(c) Continue efforts to provide indigenous and minority children with equal access to quality education, which respects their distinct cultural patterns and uses local indigenous and minority languages;

(d) Ensure the supervision by the Ministry of Education of all schools within the jurisdiction of the State party to ensure that children receive the same educational curricula while respecting the rights of minorities to study their own language and religion, and to ensure that every child receiving education is protected from extremist political or religious ideology;

Concluding observations of the Committee on the Rights of the Child, Thailand, U.N. Doc. CRC/C/THA/CO/3-4 (2012)

68. The Committee commends the State party for having already achieved the MDGs on education, adopting the 15-year free compulsory education for all programme, and initiating policies and measures to enhance early childhood development. However, it regrets that:

(e) The use of ethnic and minority languages in the school system from early years is grossly inadequate;

69. In light of its general comments Nos. 1 (2001) on the aims of education and 7 (2005) on implementing rights in early childhood, the Committee urges the State party to:

(g) Implement the National Language Education Policy of 2010 to ensure effective bilingual education from the early years especially for non-Thai speaking children in accordance with article 30 of the Convention;

Timor Leste

Concluding observations of the Committee on the Rights of the Child, Timor Leste, U.N. Doc. CRC/C/TLS/CO/1 (2008)

64. ...The Committee is also concerned about the inadequate level of teacher training, the scarcity of the most basic learning materials, as acknowledged by the State party, and the possible impact that the transition to the Portuguese language in schools may have on the level of comprehension.

65. In the light of article 28 of the Convention, Committee recommends that the State party allocate adequate financial, human and technical resources in order to:

(d) Continue to pay due attention to issues of comprehension during the transition of the multilingual school system to the Portuguese language;

Turkmenistan

Concluding observations of the Committee on the Rights of the Child, Turkmenistan, U.N. Doc. CRC/C/TKM/CO/1 (2006)

59. The Committee is concerned at information that the educational system of Turkmenistan has deteriorated over the past few years. In particular, it is concerned that:

(h) Students belonging to ethnic minorities, notably Kazakh, Uzbek, Armenian and Russian children, have increasingly limited possibilities to study and receive education in their mother tongue, despite legislative provisions in this respect.

60. The Committee recommends that the State party, taking into account the Committee's general comment No. 1 on the aims of education (2001), take all necessary

measures to ensure that articles 28 and 29 of the Convention are fully implemented, and in particular that it:

- (d) Reopen Kazakh-, Uzbek-, Armenian- and Russian-language classes and schools for children of ethnic minorities;

Ukraine

Concluding observations of the Committee on the Rights of the Child, Ukraine, U.N. Doc. CRC/C/15/Add.191 (2002)

60. The Committee welcomes the efforts undertaken by the State party to improve the education system with the introduction of the Act “On education”, which includes such aims as ensuring the delivery of compulsory secondary education to all children of school age. The Committee also welcomes the adoption of State standards for higher education. The Committee remains concerned, however, that:

- (e) There are important regional disparities in the number of education establishments and in the quality of education available, with rural areas being at a particular disadvantage, and that children of small national minorities such as Roma do not get quality education, including in their own language;

61. The Committee recommends that the State party:

- (a) Ensure the availability of free primary education and accessibility for all children in the State party, giving particular attention to children in rural communities, Roma children, Crimean Tatar children and children of other minorities, as well as children from disadvantaged backgrounds, to good quality education, including in their own language;

75. The Committee recommends that the State party:

- (b) Develop and implement a plan aimed at integrating all Roma children into mainstream education and prohibiting their segregation in special classes and which includes pre-school programmes for them to learn the primary language of schooling in their community;

Vanuatu

Concluding observations of the Committee on the Rights of the Child, Vanuatu, U.N. Doc. CRC/C/15/Add.111 (1999)

21. The Committee notes the importance of the role of traditional education, particularly in remote island communities. The Committee expresses grave concern that primary education is still not compulsory and free to all children in the State party. Further, the Committee is concerned about the limited access to education, the low rate of enrolment of girls, the low literacy rate, the poor quality of education, the general lack of relevant

learning material and other resources, and the insufficient numbers of trained/qualified teachers. There is a concern that efforts have not been made to introduce local languages into the education curricula. Many parents continue to see education as having a negative impact on the behaviour of children. In the light of article 28.1 (a), it is strongly recommended that the State party undertake, within two years, to elaborate, adopt and submit to the Committee a detailed plan of action for the progressive implementation, within a reasonable number of years, of compulsory education free of charge for all. The Committee further recommends that the State party undertake a study of the educational system with a view to improving access to education at all levels of the system, increasing the enrolment rate of girls, particularly at the secondary level, introducing local languages as additional tools of instruction, and improving the overall quality of education. The Committee also recommends that a public education campaign be undertaken to promote the importance of education and to influence cultural attitudes positively in this regard. It is recommended that the State party seek technical cooperation from, inter alia, UNICEF and UNESCO.

Vietnam

Concluding observations of the Committee on the Rights of the Child, Vietnam, U.N. Doc. CRC/C/VNM/CO/3-4 (2012)

67. The Committee welcomes the adoption of the Education Development Strategic Plan 2001-2010 and the National Education for All Action Plan 2003-2015. While appreciating efforts to implement its previous recommendations (CRC/C/15/Add.200, para. 48), inter alia, to increase budget allocations, to increase rates of primary and secondary school enrolment, and to develop financial education incentives to marginalized groups, and while appreciating the joint efforts of the State party together with UNICEF to provide for bilingual teaching for children belonging to ethnic minorities, the Committee is concerned at the following:

(d) Continuing high rates of dropout at the primary and secondary school levels and in particular among children of ethnic minorities, mainly due to lack of access, poverty-related reasons, and linguistic barriers;

(e) Limited access to mother tongue-based education for ethnic minorities and indigenous groups; an insufficient number of ethnic minority and indigenous teachers and a lack of appropriate training for these teachers to teach in bilingual education, as well as the low quality of textbooks for children belonging to ethnic minorities or indigenous groups, which impedes the right of children belonging to such groups to learn adequately their distinctive language and preserve it;

68. The Committee recommends that the State party take into account its general comment No. 1 (2001) on the aims of education, and:

(e) Embark on an adequately resourced policy to support bilingual education for ethnic minority groups which establishes the minority language as the medium of instruction at the early school level and which is aimed at ensuring the proficiency of ethnic minority children in both languages, so as to enable them to fully take part in the wider society; intensify the provision of training and instructions for teachers who speak ethnic minority languages; and finance sufficiently the issuance of quality school textbooks for children who belong to ethnic minorities and invite the local teachers to participate in writing the content of textbooks;

Yugoslavia

Concluding observations of the Committee on the Rights of the Child, Yugoslavia, U.N. Doc. CRC/C/15/Add.49 (1996)

18. The Committee takes note that concern is expressed that the costs of children's education may be growing beyond the reach of certain families. It is also noted that a decline in preschool education has been recorded in recent years. Reports of the progressive exclusion of teaching in languages other than Serbian, such as Bulgarian, are also disquieting to the Committee.

28. ... It is also suggested that measures should be taken to improve the activities of the mass media in imparting information for children in their own language, including Albanian.

29. On the basis of information presented to it, the Committee suggests that the State party give further consideration to the need to allocate greater resources to education and to reverse any trends in the education system which may perpetuate gender discrimination or stereotyping as well as to addressing other problems, including those relating to teaching in national languages.

10. Concluding Observations of the Committee on Economic, Social and Cultural Rights

Albania

Concluding observations on the combined second and third periodic reports of Albania of the Committee on Economic, Social and Cultural Rights, E/C.12/ALB/CO/2-3 (2013).

35. The Committee regrets the reportedly limited access to education in minority languages in public schools and lack of steps taken to preserve, protect and promote minority languages and cultures (arts. 13-15).

The Committee requests the State party to take measures to ensure access to education in minority languages in public schools as well as to preserve, protect and promote minority languages and cultures as part of cultural diversity and heritage. The Committee also encourages the State party to consider increasing the budget allocated to cultural development and participation in cultural life in line with article 15 of the Covenant.

Algeria

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Algeria, U.N. Doc. E/C.12/1995/18, paras. 278-305 (1995).

285. The Committee takes note with satisfaction of the considerable progress in education achieved by the State party since independence and of the low school drop-out rate. The progress made in respect of education includes a steady and substantial increase in the rate of school attendance by girls. The Committee takes note with interest of the introduction of instruction in the Amazigh (Berber) language since the beginning of the 1995-1996 school year.

Concluding observations of the Committee on Economic, Social and Cultural Rights, Algeria, U.N. Doc. E/C.12/DZA/CO/4 (2010).

22. The Committee is concerned that the Amazigh language has not yet been recognized as an official language, despite its recognition in 2002 as a national language, and that the teaching of the Amazigh language is not generally available to all age-levels and in all regions. (article 15)

The Committee recommends that the State party recognize the Amazigh language as an official language, and further strengthen its current efforts to ensure the teaching of the Amazigh language and culture in all regions and at all education levels, including through increasing the number of qualified Amazigh language teachers. The Committee draws the attention of the State party to its General Comment No. 21 (2009) on the right of everyone to take part in cultural life.

Angola

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Angola, U.N. Doc. E/C.12/AGO/CO/3 (2008).

38. The Committee notes with concern that: (a) indicators for education in the State party are very low; (b) the illiteracy rate among people over 15 years is very high; (c) children from poor families, girls, children with disabilities, victims of mine accidents and children living in both urban and remote rural areas have limited access to education, including education in their mother tongue, and often drop out of school.

Argentina

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Argentina, E/C.12/ARG/CO/3 (2011).

24. The Committee is concerned that despite the efforts by the State party to ensure universal access to education there are still incidences of children remaining outside of the education system, illiteracy, course repetition and school dropout, especially among disadvantaged and marginalized indigenous communities. It also notes with regret that indigenous communities do not always enjoy the right to intercultural bilingual education (art. 13).

The Committee recommends that the State party effectively implement existing legislation to guarantee the right to education and to address, in particular, the problems of children remaining outside the education system, illiteracy, course repetition and school dropout. The Committee urges the State party to continue its efforts to remove disparities between different societal groups and promote the educational advancement of those disadvantaged and marginalized groups and provinces. It also recommends that the State party undertake effective steps to guarantee the access to intercultural education of indigenous peoples and to ensure that it is adapted to their specific needs.

Austria

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Austria, U.N. Doc. E/C.12/1994/16 (1994).

9. The Committee notes with satisfaction the various measures taken by the State party to ensure the protection of the various ethnic minorities and to guarantee them both the right to be educated in their mother tongue and the right to preserve and maintain their cultural identity. In this regard, the Committee welcomes the recognition of the Rom minority as a national minority, and notes with satisfaction the allocation of subsidies for the promotion of the cultural activities of minorities, and the establishment within the Federal Chancellery of Advisory Boards on Ethnic Minorities.

Belarus

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Belarus, U.N. Doc. E/C.12/BLR/CO/4-6 (2013).

29. The Committee is concerned about the limited use of the Belarusian language in education, particularly in higher education, and in cultural life (arts. 13-15).

The Committee requests the State party to take all the necessary steps to ensure that those wishing to study in Belarusian-language classes, including at the higher education level, are provided with such opportunities. It also requests the State party to take effective

measures to promote the wider use of the Belarusian language in all areas of life, including cultural life, and report on the progress made in its next periodic report.

Bolivia

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Bolivia, U.N. Doc. E/C.12/1/Add.60 (2001).

24. The Committee expresses its concern about the limited possibilities for indigenous populations to enjoy education in their mother tongue and to use their mother tongue in their dealings with public authorities.

Bulgaria

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Bulgaria, U.N. Doc. E/C.12/1/Add.37 (1999).

19. The Committee regrets the lack of opportunities for minorities to receive education in their own languages.

27. The Committee calls upon the State party to continue its efforts to integrate ethnic minorities into society, and to undertake measures to provide the opportunity for such minorities to be educated in their own languages.

Cambodia

Concluding observations of the Committee on Economic, Social and Cultural Rights, Cambodia, U.N. Doc. E/C.12/KHM/CO/1 (2009).

34. The Committee notes with concern that primary education is not compulsory in the State party although the primary education net enrollment ratio has increased over the last few years and has expanded to cover most parts of the country. The Committee notes that primary education continues to be a problem for the various ethnic minorities in the north and east of the country where there are 20 minority languages spoken by these groups as their mother tongue while the formal education curriculum has only used Khmer as the medium of instruction. The Committee also notes with concern that indigenous communities may lose their culture and language as a result of a lack of education and information in their own languages. (art. 13, 14 and 15)

The Committee recommends to the State party to extend the coverage of the Education Law to ensure the right to education to all Cambodian children whose first language is not Khmer.

China

Concluding observations of the Committee on Economic, Social and Cultural Rights, People's Republic of China, U.N. Doc. E/C.12/1/Add.107 (2005).

38. The Committee notes with concern the reports regarding the discrimination of ethnic minorities in the State party, in particular in the field of employment, adequate standard of living, health, education and culture. In this regard, the Committee regrets the insufficient information provided by the State party regarding the enjoyment of economic, social and cultural rights enshrined in the Covenant, by the populations in the ethnic minority areas. The Committee notes with concern the reports from sources other than the State party relating to the right to the free exercise of religion as a right to take part in cultural life, and the use and teaching of minority languages, history and culture and the Xinjiang Uighur Autonomous Region (XUAR) and the Tibet Autonomous Region (TAR).

Costa Rica

Concluding observations of the Committee on Economic, Social and Cultural Rights, Costa Rica, U.N. Doc. E/C.12/CRI/CO/4 (2008).

7. The Committee notes with satisfaction the State party's efforts to promote further the cultural development for the indigenous population, including the creation of the Department of Indigenous Education in the Ministry of Education, which has contributed to the revival of indigenous languages, as well as the reflection of indigenous culture in school curricula and the adoption of programmes to promote bilingual education in the indigenous language and Spanish.

Cyprus

Concluding observations of the Committee on Economic, Social and Cultural Rights, Cyprus, U.N. Doc. E/C.12/CYP/CO/5 (2009).

24. The Committee is concerned about the still limited opportunities for Cypriot Turkish speaking children to receive instruction in their native language.(art.13)

The Committee urges the State party to take all appropriate measures to increase opportunities for Turkish Cypriot children to receive teaching in their mother tongue. The Committee also encourages the State party to strengthen its efforts to ensure that education in school meets the needs of a diverse society and revise school curricula to include a better understanding of the contribution of Cypriot's communities and minorities to the State party's history.

Denmark

Committee on Economic, Social and Cultural Rights, Consideration of Reports Submitted by States Parties Under Article 16 and 17 of the Covenant, Denmark (1999).

6. The Committee notes the significant degree of autonomy enjoyed by the people of Greenland, which is evident in the existence of an elected parliament, with devolved powers over a wide range of issues, inter alia education, health, taxation, trade, fisheries and hunting. It notes with appreciation that the culture of the Greenlandic community is well respected and, in particular, that the indigenous language is official and consequently may be used in contacts with public bodies and before the courts.

Djibouti

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Djibouti, U.N. Doc. E/C.12/DJI/CO/1-2 (2013).

37. The Committee regrets that the Somali and Afar languages have no legal status in the State party and that they have still not been incorporated in school curricula (art. 15, para. 1).

The Committee recommends that the State party grant legal status to the two most widely spoken languages in its territory, Somali and Afar. The Committee encourages the State party to include teaching of those languages in its school curriculum.

Estonia

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Estonia, U.N. Doc. E/C.12/1/Add.85 (2002).

32. The Committee is concerned about the persisting lack of attention to the issue of minority languages and cultural rights, including the realization of the right to education in minority languages.

57. The Committee recommends that the Law on Cultural Autonomy of National Minorities be revised to provide for the expedient and full recognition of the rights of minority groups. The Committee also calls upon the State party to ensure that ethnic groups continue to have ample opportunities to be educated in their own languages, as well as to use these languages in public life.

Concluding observations of the Committee on Economic, Social and Cultural Rights, Estonia, U.N. Doc. E/C.12/EST/CO/2 (2011).

30. The Committee regrets that adequate information has not been provided to enable it to ascertain the full enjoyment of the rights guaranteed to the several national, ethnic and linguistic minorities in the State party. The Committee is also concerned about the absence

of a legislative framework recognizing the identities and the cultural rights of minorities, in spite of the activities undertaken for their promotion. (art. 15)

The Committee recommends that the State party guarantee in its legislation the status and rights of national, ethnic and linguistic minorities, including by adopting a comprehensive law, so as to ensure the protection and promotion of economic, social and cultural rights for all minorities. In particular, the Committee recommends that an adequate status be granted to minority languages. For the implementation of this recommendation, the Committee draws the attention of the State party to its general comment No. 21 (2009) on the right to everyone to take part in cultural life. The Committee also requests the State party to include in its next periodic report information on the share of the public budget invested in the promotion of the culture of minorities.

Finland

Concluding observations and recommendations of the Committee on Economic, Social and Cultural Rights, Finland, U.N. Doc. E/C.12/1/Add.8 (1996).

7. The Committee notes with satisfaction the measures aimed at promoting the teaching of the Roma and Sami languages in schools and welcomes the possibility provided to the elected representatives of the Sami people to address the Parliament on issues affecting their interests.

Concluding observations of the Committee on Economic, Social and Cultural Rights, Finland, U.N. Doc. E/C.12/FIN/CO/5 (2008).

28. The Committee recommends that the State party intensify its efforts to improve access to inclusive education for Roma children, inter alia by:

(b) facilitating the recruitment of Roma teachers so as to ensure, to the widest extent possible, adequate opportunities for Roma children to receive instruction in their native language;

(c) increasing the availability of schoolbooks in the Romani language; and

France

Concluding observations of the Committee on Economic, Social and Cultural Rights, France, U.N. Doc. E/C.12/FRA/CO/3 (2008).

50. The Committee, while taking note that the recognition of minority groups or collective rights is considered by the State party to be incompatible with its Constitution, wishes to reiterate that the principles of equality before the law and prohibition of discrimination are not always adequate to ensure the equal and effective enjoyment of human rights, in particular economic, social and cultural rights, by persons belonging to minority groups.

The Committee therefore recommends that the State party consider reviewing its position with regard to the recognition of minorities under the Constitution, and recognize officially the need to protect the cultural diversity of all minority groups under the jurisdiction of the State party, in accordance with the provisions of article 15. In this regard, the Committee reiterates the recommendation formulated in its previous concluding observations (E/C.12/1/Add.72, para. 25) that the State party (a) withdraw its reservation to article 27 of the International Covenant on Civil and Political Rights and to article 30 of the Convention on the Rights of the Child and (b) consider ratifying the Council of Europe Framework Convention for the Protection of National Minorities, as well as the European Charter for Regional or Minority Languages.

51. The Committee reiterates the recommendation formulated in its previous concluding observations (*ibid.*, para. 26) that the State party increase its efforts to preserve and promote regional and minority languages and cultural heritage, *inter alia* by ensuring that sufficient financial and human resources be allocated to the teaching of regional and minority languages and cultures in public schools and to TV and radio broadcasting in these languages. The Committee also recommends that the State party consider reviewing its position concerning the lack of formal recognition of regional and minority languages in the Constitution of the State party.

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, France, U.N. Doc. E/C.12/1/Add.72 (2001).

26. The Committee also recommends that the State party increase its efforts to preserve regional and minority cultures and languages, and that it undertake measures to improve education on, and education in, these languages.

Guatemala

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Guatemala, U.N. Doc. E/C.12/1/Add.93 (2003).

27. The Committee is concerned that only 30 per cent of children living in rural communities complete primary education and, in the case of indigenous children, only 20 per cent complete the primary level of education. The Committee also expresses its concern about the limited access for indigenous peoples to enjoy education in their mother tongue and to use their mother tongue in their dealings with public authorities.

45. The Committee urges the State party to make efforts to increase school attendance of children, particularly of indigenous children. The Committee recommends that the State party broaden its intercultural bilingual education and allocate adequate funds and human resources to the Department of Bilingual Education, and improve the working conditions of teachers by paying them better salaries and providing them with training as well as hiring additional teachers to fully cover rural areas.

Honduras

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Honduras, U.N. Doc. E/C.12/1/Add.57 (2001).

29. The Committee expresses its concern about the limited possibilities for indigenous peoples to be educated and to have access to the judicial system in their native languages.

52. The Committee recommends that the State party undertake measures to ensure that indigenous populations are able to be educated and to have access to the judicial system in their own languages.

Hungary

Concluding observations of the Committee on Economic, Social and Cultural Rights, Hungary, U.N. Doc. E/C.12/HUN/CO/3 (2008).

28. The Committee is concerned about the limited opportunities for minorities, including for the Roma, to receive instruction in, or of, their native language and of their culture.

51. The Committee recommends that the State party ensure adequate opportunities for minorities, including for the Roma, to receive instruction in, or of, their native language and of their culture and, to that end, increase resources allocated to minority language education, as well as the number of teachers instructing minority languages, in cooperation with local governments and minority self-governments.

Indonesia

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Indonesia, U.N. Doc. E/C.12/IDN/CO/1 (2014).

36. The Committee is concerned that the lack of education services or their poor quality in some areas, including cases where teachers do not report to duty, leave the State party with a large number of illiterate persons. It is also concerned that measures taken by the State party, such as the deployment of less qualified teachers in remote areas, perpetuate the discriminatory situation. Moreover, the Committee is concerned at indirect costs borne by parents and at higher drop-out rates among girls (art. 13).

The Committee urges the State party to ensure quality and culturally adequate education, especially in remote areas, including by ensuring that resources invested and programmes such as the operational assistance for schools lead to effective enjoyment of the right to education. The Committee also recommends that the State party ensure that primary education is free of charge and that it take measures, including awareness-raising, to address school dropout among girls. Moreover, the Committee recommends that the State

party introduce, in consultation with local communities, education in local languages where appropriate. The Committee refers the State party to its general comment No. 11 (1999) on plans of action for primary education.

40. The Committee is concerned that a number of languages in the State party are at risk of disappearance, in spite of the measures taken by the Language Development Agency (art. 15).

The Committee recommends that the State party pursue efforts aimed at the preservation of endangered languages, including by promoting their use and by documenting them. In this regard, the Committee recommends that the State party invest resources for the effective implementation of Ministry of Education and Culture Regulation 81 A of 2013 on Implementation of Curriculum for the inclusion of the teaching of local languages in the primary school curricula, especially as it pertains to endangered languages.

Iran

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Iran, U.N. Doc. E/C.12/1993/7 (1993).

5. The Committee regrets that the documentation made available to it by non-governmental organizations and the report of the Special Rapporteur of the Commission on Human Rights, Mr. Renaldo Galindo Pohl (E/CN.4/1993/41), confirm the broad consensus that there has been practically no progress in ensuring greater respect and protection for rights of the non-Muslim religious communities in the Islamic Republic of Iran in general, and of the economic, social and cultural rights of persons belonging to those minority groups in particular. The Committee draws again the attention to the following concerns expressed at its fifth session in 1990 about the situation of certain minority groups, which have not been satisfactorily answered in the course of the present session:

(d) Insufficiency of the education offered to the children belonging to the Kurdish minority;

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Iran, U.N. Doc. E/C.12/IRN/CO/2 (2013).

29. The Committee is concerned that ethnic minorities face severe restrictions in practice with regard to education in their mother tongue, including Azeri, Kurdish, and Arabic, despite policies protecting the use of non-Persian languages (arts. 13 and 14).

The Committee recommends that the State party take steps to ensure that ethnic minorities have the opportunity to receive education in their mother tongue, in addition to Farsi.

Israel

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Israel, U.N. Doc. E/C.12/1/Add.27 (1998).

10. The Committee expresses concern that excessive emphasis upon the State as a "Jewish State" encourages discrimination and accords a second-class status to its non-Jewish citizens. The Committee notes with concern that the Government of Israel does not accord equal rights to its Arab citizens, although they comprise over 19 per cent of the total population. This discriminatory attitude is apparent in the lower standard of living of Israeli Arabs as a result, inter alia, of lack of access to housing, water, electricity and health care and their lower level of education. The Committee also notes with concern that despite the fact that the Arabic language has official status in law, it is not given equal importance in practice.

43. The Committee calls upon the State party to undertake measures addressing the inequalities in the educational system at the secondary and university levels, particularly in terms of budget allocations. The Committee recommends that a study be made of the viability of establishing an Arab university within Israel for the purpose of ensuring equal opportunities and access to higher education in the respective official languages.

Japan

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Japan, U.N. Doc. E/C.12/1/Add.67 (2001).

32. The Committee expresses its concern about the fact that there are very limited possibilities for children of minorities to enjoy education in their own language and about their own culture in public schools. The Committee is also concerned about the fact that minority schools, such as Korean schools, are not officially recognized, even when they adhere to the national education curriculum, and therefore neither receive central government subsidies nor are able to provide qualification for university entrance examinations.

60. The Committee strongly recommends that mother-tongue instruction be introduced in the official curricula of public schools enrolling a significant number of pupils belonging to linguistic minorities. The Committee further recommends that the State party officially recognize minority schools, in particular Korean schools, when they comply with the national education curriculum, and consequently make available to them subsidies and other financial assistance, and also recognize their school leaving certificates as university entrance examination qualifications.

Latvia

Concluding observations of the Committee on Economic, Social and Cultural Rights, Latvia, U.N. Doc. E/C.12/LVA/CO/1 (2008).

12. The Committee is concerned that the State Language Law which mandates the use of Latvian in all dealings with public institutions, including administrative districts, may be discriminatory in effect against linguistic minorities living in the State party, including the Russian-speaking minority which constitutes a significant proportion of the population. In particular, the Committee is concerned that members of linguistic minorities, especially older persons, may be disadvantaged in their claims to public authorities with regard to their entitlement to public services. This has a negative impact on their enjoyment of economic, social and cultural rights.

Libya

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Libyan Arab Jamahiriya, U.N. Doc. E/C.12/LYB/CO/2 (2006).

22. The Committee is concerned that the Amazigh population is not recognized as a minority in the State party and that the Amazigh language does not have any legal recognition and status, despite information that the Amazigh population amounts to a large percentage of the population.

23. The Committee is concerned that the teaching of Amazigh language in school is prohibited, as well as the use of this language in public, including in the media and in the relationship with the administration. Amazigh cultural associations and institutions are furthermore reported to not be allowed to operate freely in the country.

24. The Committee expresses deep concern about domestic law prohibiting the use of languages other than Arabic in many fields, or the registration of non-Arabic names for newborn children.

40. The State party should provide the Committee with detailed information about the ethnic, linguistic and religious composition of the population. The Committee recommends that the State party recognize the existence of the Amazigh minority, and envisage granting legal status to the Amazigh language, with a view to ensure the implementation of the rights recognized under article 15 of the Covenant.

41. Amazigh associations and institutions should be authorized to freely operate. The Committee further recommends, given the reported considerable number of persons belonging to the Amazigh community, that the State party consider adopting measures ensuring that Amazigh persons have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue, that their access to media be facilitated, and that they be granted the right to use their language in their relationship with the administration.

42. The Committee strongly recommends that the State party abolish Law 24 of 1991 as well as the Names Correction Committee. It should ensure the full respect of every person to use his or her own language, in private and in public, orally and in writing, freely and without interference or any form of discrimination. The State party should, in particular,

recognize the right of every person to use his or her surname and first names in his or her own language.

43. The Committee recommends that the State party create favourable conditions to enable all groups, including minorities and ethnic groups, to express and develop their culture, language, traditions and customs. The State party should also take measures in the field of education and information, to encourage knowledge of the history, traditions, language and culture of the various groups, including the Amazigh community, existing within its territory.

Macedonia

Concluding observations of the Committee on Economic, Social and Cultural Rights, The Former Yugoslav Republic of Macedonia, U.N. Doc. E/C.12/MKD/CO/1 (2008).

28. The Committee notes with concern reports on the refusal of parents to send their children to ethnically mixed schools, clashes between Macedonian and Albanian pupils over the introduction of additional classes in Albanian and the functioning of ethnically mixed schools, segregation of Roma and other minority or refugee children in separate schools, the lack or poor quality of classes in minority languages and the lack of textbooks, as well as inadequate training of teachers in minority languages.

48. The Committee recommends that the State party end the practice of segregating Roma and other minority and refugee children in separate schools; ensure, to the extent possible, adequate opportunities for minority children to receive instruction in their native languages by effectively monitoring the quality of minority language instruction; providing textbooks and increasing the number of teachers instructing in minority languages; and intensify its efforts to promote respect for the cultural values of ethnic communities and the right of everyone to take part in cultural life, in order to enhance understanding, tolerance and mutual respect among the different ethnic groups in the State party.

Mauritania

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Mauritania, U.N. Doc. E/C.12/MRT/CO/1 (2012).

31. While noting the Arabic-French bilingualism in education in the State party, the Committee is concerned that the teaching and use of the other national languages – the Pulaar, Soninke and Wolof – are not sufficiently promoted.

The Committee calls on the State party to promote the teaching of the Pulaar, the Soninke and the Wolof in school as well as their use in official proceedings so as to avoid discrimination against non-Arabic speakers.

Mauritius

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Mauritius, U.N. Doc. E/C.12/1994/8 (1994).

16. ...The Committee further notes with concern that Kreol and Bhojpuri, the only languages spoken by the large majority of the population, are not used in the Mauritian educational system.

17. Regarding article 15 of the Covenant, the Committee is concerned that the use of the two main languages spoken by 92 per cent of the population, namely Kreol and Bhojpuri, is still banned in the Mauritian National Assembly and actively discouraged in all Government institutions.

Concluding observations of the Committee on Economic, Social and Cultural Rights, Mauritius, U.N. Doc. E/C.12/MUS/CO/4 (2010).

30. The Committee is concerned about the slow progress in education particularly among children in some disadvantaged areas, and that one third of all children do not pass the Primary School Leaving Certificate examinations. The Committee views that the use of English as the language of instruction contributes to this situation, in light of the fact that Creole is spoken by the large majority of the population. The Committee is also concerned about the negative impact of private tuition on the universal access by children to secondary education. (art. 13)

The Committee recommends that the State party increase its efforts to ensure that children in disadvantaged areas are able to complete school, including by maintaining and extending the system of Zones d'Education Prioritaire. It further recommends that the State party continue its experiments with the use of Creole as a medium of instruction in schools, and that it produce educational materials in Creole. The Committee also recommends that the State party eliminate the competitive system for entry to secondary schools and admit children to secondary schools near to their place of residence and not based on their performance.

Mexico

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Mexico, U.N. Doc. E/C.12/1993/16 (1994).

8. The Committee notes with concern the economic, social and cultural situation of many indigenous groups who suffer from the difficult conditions brought about by the economic situation and by the imbalance of wealth in the country. It notes the difficulties being experienced by these groups in preserving their culture and in teaching their language. It notes that although the Government publishes and distributes textbooks in 25 languages free of charge, overall government programmes devoted to these groups nevertheless remain inadequate.

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Mexico, U.N. Doc. E/C.12/MEX/CO/4 (2006).

26. The Committee expresses its concern about the lack of teachers in primary and secondary schools, especially in indigenous and remote areas, the low school attendance by indigenous children, their comparatively poor school performance, the high illiteracy rate among the indigenous population and the limited access to education for, in particular, indigenous and migrant children and agricultural workers under the age of completion of compulsory education. The Committee is also concerned about the reduction in the budget allocated to intercultural and bilingual education.

45. The Committee urges the State party to increase the number of primary and secondary school teachers, especially in indigenous and remote areas, as well as the budget for education, in particular for intercultural and bilingual education, to strengthen and upgrade schooling programmes for indigenous and migrant children, child workers and children belonging to other disadvantaged and marginalized groups, in particular girls, and to report on the progress made in achieving universal access to compulsory primary and secondary education in its next report.

Moldova

Concluding observations of the Committee on Economic, Social and Cultural Rights, Republic of Moldova, U.N. Doc. E/C.12/MDA/CO/2 (2011).

29. The Committee is concerned about the limited availability and accessibility of schooling for Roma children living in remote rural settlements, as well as reported anti-Romani discrimination in a number of schools. The Committee is also concerned about the high illiteracy rate among Roma, as well as the low number of Roma with a higher education degree (arts. 13 and 14).

The Committee recommends that the State party ensure the availability and accessibility of schooling for Roma children, including through the provision of financial and material support especially targeted at Roma parents, improvement of the school infrastructure in rural areas, the prevention and combating of discrimination against Roma in schools, as well as the development of the school curriculum in the Roma language.

Morocco

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Morocco, U.N. Doc. E/C.12/MAR/CO/3 (2006).

30. The Committee notes with concern that the State party has a two-speed education system with a striking difference in level between public and private education which denies equal opportunities to low-income sectors of society. It is also concerned at the

disparities in school enrolment rates between girls and boys and between rural and urban areas. It is also concerned that primary and secondary education is given in Arabic whereas higher education in scientific subjects is available only in French, making it difficult for pupils from the public sector to enrol.

31. The Committee takes note of the State party's efforts to implement literacy programmes. It regrets, however, that such programmes are conducted only in Arabic, thereby preventing adult, non-Arabic-speaking Amazigh people from becoming literate in their mother tongue.

32. The Committee takes note of the action taken by the State party to promote Amazigh culture. It is nevertheless concerned that Amazigh names are not accepted by municipal registry offices. It also observes that, since Arabic is the only official language in the State party, the Amazigh population, which makes up a large part of the Moroccan population, is denied the right to use its mother tongue in official business, and that the right of the Amazigh people to their cultural identity is not fully respected.

57. The Committee recommends that the State party take the necessary steps to bolster the public schooling system and achieve equality in education between girls and boys and between rural and urban areas. The Committee encourages the State party to take the necessary steps to ensure that higher education in scientific subjects is also available in Arabic.

58. The Committee recommends that the State party set up literacy programmes in the Amazigh language. It also invites the State party to provide free schooling in Amazigh at all levels.

59. The Committee invites the State party to consider making Amazigh an official language under the Constitution. It encourages the State party to take the necessary steps to enable parents to give their children an Amazigh name. It also urges the State party to take the necessary steps to guarantee fully the right of the Amazigh community to exercise its own cultural identity, in accordance with article 15, paragraph 1 (a), of the Covenant, which establishes the right to take part in cultural life.

Netherlands

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, The Netherlands, U.N. Doc. E/C.12/1/Add.25 (1998).

52. The Committee expresses its concern at the increase in the school drop-out rate, the causes of which include the difficulties which have emerged in education due to the existence of several tongues spoken as first languages on the islands and the use of Dutch as the language of education.

57. The Committee encourages the government, in addressing the school drop-out problem, to expedite the implementation of its programme for education in the students' mother

tongues along with the progressive introduction of Dutch. It also recommends the urgent adoption of a plan of action to move towards the provision of free compulsory primary education as required by article 14 of the Covenant.

Peru

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Peru, U.N. Doc. E/C.12/1/Add.14 (1997).

10. The Committee notes with satisfaction the reforms introduced by the Government to improve the educational system and to make it accessible to all sectors of society. It views the literacy and school-building programmes to foster the education of children and adults in rural areas and the comprehensive assistance programme for children as positive steps towards ensuring realization of the right to education. The indigenous-language literacy and education programmes are also of particular importance, as, beyond their practical objectives, they help to preserve indigenous languages and to strengthen the cultural identity of the groups speaking the languages concerned.

15. The Committee is particularly concerned at the insufficiency of the fulfilment of the rights of indigenous and black populations to education. It notes for example that about 22% of Quechua speaking inhabitants of Peru, and among them 31% of females over 6 year old, receive no schooling at any level. This situation has lately been aggravated as a result of the decline in government expenditures relative to GDP.

Serbia

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Serbia and Montenegro, U.N. Doc. E/C.12/1/Add.108 (2005).

64. The Committee urges the State party to take effective measures to promote school attendance by Roma children and children belonging to other minority groups, as well as refugee and internally displaced children, by increasing subsidies, scholarships and the number of teachers instructing in minority languages. It also urges the State party to eradicate ethnically discriminatory attitudes, by taking effective measures, in the fields of teaching, education, culture and information, to promote understanding, tolerance and mutual respect among all ethnic groups living on its territory.

Concluding observations of the Committee on Economic, Social and Cultural Rights, Serbia, U.N. Doc. E/C.12/UNK/CO/1 (2008).

31. The Committee notes with concern the low enrolment of girls, especially from non-Serbian minority communities, in secondary schools, the low school attendance and high dropout rate among Roma, Ashkali and Egyptian children, especially girls, and the very limited opportunities for children from non-Serbian minority communities, in particular

Roma, Ashkali and Egyptian children, to receive instruction in or of their mother tongue and on their history and culture. (art. 13)

The Committee recommends that UNMIK identify funds and advise the relevant Kosovo authorities on the urgent need to (a) sensitize parents on the importance of education for their children, including for their daughters; (b) increase the number of catch-up classes and Albanian language classes for, in particular, Roma, Ashkali and Egyptian children; and (c) ensure that children from non-Serbian minority communities, in particular Roma, Ashkali and Egyptian children, have adequate opportunities at all levels of education to receive instruction in or of their mother tongue and on their history and culture, that sufficient teaching staff and textbooks are available for that purpose, and that the cultures and traditions of minority communities are adequately reflected in the revised curriculum.

Slovenia

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Slovenia, U.N. Doc. E/C.12/SVN/CO/1 (2005).

11. The Committee is concerned about discrimination against the Roma, as well as about the distinction made in practice between indigenous and non-indigenous Roma. The Committee is also concerned that the latter do not enjoy protection of their cultural rights, such as the right to education in their mother tongue, unlike members of other minorities who enjoy this right under bilateral international agreements.

24. The Committee urges the State party to take measures to combat discrimination between indigenous and non-indigenous Roma and to guarantee access without distinction to Roma children in school. The State party is called upon to take measures to guarantee that education is provided also in the mother tongue of minorities.

Suriname

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Suriname, U.N. Doc. E/C.12/1995/6 (1995).

15. With respect to education, the Committee notes that education is provided only in Dutch, the official language of Suriname. It regrets that no efforts are being made by the Government to promote the use of Sranan Tongo, which is spoken by most Surinamese, or to preserve the native languages of the various indigenous groups. The Committee is further concerned that education provided in Dutch only may serve as a contributing factor to the high incidence of school drop-outs.

22. With respect to education, the Committee recommends that the Government consider promoting the use of Sranan Tongo in schools and elsewhere and make efforts to preserve

the native languages of indigenous groups. It further recommends that the Government undertake investigations into the phenomenon of school drop-outs.

Sweden

Concluding observations of the Committee on Economic, Social and Cultural Rights, Sweden, U.N. Doc. E/C.12/SWE/CO/5 (2008).

26. The Committee reiterates its recommendation that the State party ensure that all children entitled to mother tongue education receive it in practice, including by providing an adequate availability and accessibility of such teaching (E/C.12/1/Add.70, para. 38).

Togo

Concluding observations of the Committee on Economic, Social and Cultural Rights, Togo, U.N. Doc. E/C.12/TGO/CO/1 (2013).

34. The Committee notes with concern the high illiteracy, dropout and repetition rates in the State party, particularly among girls. The Committee is further concerned that the education system in the State party is affected, inter alia, by a critical shortage of teachers, insufficient infrastructure and the proliferation of primary and secondary schools arising from local initiatives (arts. 13 and 14).

The Committee recommends that the State party: (a) allocate sufficient resources to uphold the right to education; (b) address the underlying causes of its school dropout and repetition rates and of the disparity between girls and boys with respect to their enjoyment of the right to education; (c) adopt a literacy and non-formal education policy; and (d) ensure that minority languages and human rights are taught at all levels of the education system. The Committee draws the State party's attention to its general comment No. 13 (1999) on the right to education.

Turkmenistan

Concluding observations of the Committee on Economic, Social and Cultural Rights, Turkmenistan, U.N. Doc. E/C.12/TKM/CO/1 (2011).

26. The Committee is concerned that, in spite of specific legislative provisions in this regard, the possibilities for ethnic minorities, notably Kazakh, Uzbek, Armenian and Russian, to study in their mother tongue are limited. The Committee is also concerned that a number of Turkmen students enrolled in universities abroad have been prevented from leaving the country to pursue their studies.

The Committee recommends that the State party take the necessary action to facilitate access to Kazakh, Uzbek, Armenian and Russian language classes and schools for children

of ethnic minorities. The Committee also recommends that the State party take all appropriate measures to ensure that Turkmen students enrolled at universities abroad are allowed to leave the country and pursue their studies.

Uzbekistan

Conclusions and recommendations of the Committee on Economic, Social and Cultural Rights, Uzbekistan, U.N. Doc. E/C.12/UZB/CO/1 (2006).

8. The Committee welcomes the information that public education in the State party is free and compulsory until the completion of secondary education and that it is conducted in seven languages.

67. The Committee encourages the State party to strengthen its efforts to provide education in the seven languages referred to in its report, including through the provision of an adequate number of schools that use those languages, and the development of adequate learning materials and the qualification of teachers in such schools.

11. Concluding Observations of the Committee on the Elimination of Racial Discrimination (CERD)

Algeria

CERD, CERD/C/DZA/CO/15-1, Concluding observations on Algeria, 20 February 2013

"14. While noting the measures taken to promote the Amazigh language and culture, including teaching of the language in schools, the Committee is concerned by reports that there are not enough qualified teachers and teaching materials and that Amazigh-language teaching has been abolished in several wilaya communes. It also regrets that, despite its status as a national language, the Amazigh language is not yet recognized as an official language and is thus excluded from areas of public life such as the public administration and the justice system (art. 5).

15. The Committee notes the State party's statement on the additional efforts that will be made and strongly encourages it to ensure that the Amazigh language is taught at all levels of education and is established as an official language so as to further promote its use throughout the country. "

Argentina

(10 December 2004, CERD/C/65/CO/1, Concluding observations on sixteenth to eighteenth report, paras. 5 and 19)

“The Committee welcomes the entry into force of Immigration Law No. 25871 in January 2004, which replaces the former Immigration Law No. 22439, and provides, inter alia, for the following: ...

b) migrants’ access to basic rights such as education and health irrespective of their migration status; ...

“The Committee regrets that despite the State party’s efforts, the right to a bilingual and intercultural education for indigenous peoples recognized by the Constitution is not fully respected in practice. It takes note with concern of allegations regarding the lack of adequate training provided to indigenous teachers and discrimination faced by them, as well as the insufficient measures to preserve indigenous languages and to include the history and culture of indigenous peoples in school curricula.

The Committee recommends that the State party adopt all necessary measures to ensure, in consultation with the indigenous communities, a bilingual and intercultural education for indigenous peoples with full respect for their cultural identity, languages, history and culture, bearing also in mind the wider importance of intercultural education for the general population. It further recommends that adequate training be provided to indigenous teachers and effective measures be adopted to combat all forms of discrimination against them. The Committee also requests the State party to provide information on the number and percentage of indigenous children taught in primary and secondary schools, including bilingual schools.”

Azerbaijan

(14 April 2005, CERD/C/AZE/CO/4, Concluding observations on third/fourth report, paras. 12 and 14)

“While welcoming the information provided on minority groups, the Committee regrets the insufficiency of information on the participation of these groups in the elaboration of cultural and educational policies. It is also concerned at the lack of programmes to support minority languages, and that those languages are not used in the educational system to an extent commensurate to the proportion of the different ethnic communities represented in the State party's population (art. 5).

The Committee invites the State party to facilitate the participation of ethnic minorities in the elaboration of cultural and educational policies. The Committee also recommends to the State party that it take the necessary measures to create favourable conditions that will enable persons belonging to minorities to develop their culture, language, religion, traditions and customs, and to learn or to have instruction in their mother tongue. The Committee invites the State party to include in its next periodic report detailed information on this issue.”

Brazil

(28 April 2004, CERD/C/64/CO/2, Concluding observations on fourteenth to seventeenth report, para. 21)

“The Committee takes note that the report has not provided sufficient information on the cultural rights of persons belonging to minorities, in the context of article 5 of the Convention. In particular, no reference is made to the right of minority and ethnic groups to receive education in their own languages.

Czech Republic

(11 April 2007, CERD/C/CZE/CO/7, Concluding observations on seventh report, para. 21)

The Committee recommends that the State party include in textbooks, at all appropriate levels, chapters about the history and culture of minorities, including the Roma, and encourage and support the publication and distribution of books and other printed materials as well as the broadcasting of television and radio programmes, as appropriate, about their history and culture, including in languages spoken by them. The Committee also recommends that the State party ensure the participation of minorities in the elaboration of such materials and programmes. It also wishes to receive more information about the extent to which minority languages, including the Roma languages, are taught in schools and used as languages of instruction.”

Ecuador

(15 August 2008, CERD/C/ECU/CO/19 Advance Unedited Version, Concluding observations on seventeenth to nineteenth report, paras. 19 and 20)

“While the Committee is pleased to note the introduction of a system of bilingual education in Ecuador, providing instruction to indigenous children in Spanish and in their own languages, the Committee is concerned at the poor application of the intercultural bilingual system in practice (art. 5 (e)(v)).

The Committee recommends that the State party should strengthen the legal arrangements underpinning indigenous institutional structures. Specifically, it is recommended that the Department of Bilingual Intercultural Education, the Department for Intercultural Health and the Council of Nationalities (CODENPE) should be given legal status and allocated the necessary resources so that they can perform their functions effectively.”

Germany

(21 August 2008, CERD/C/DEU/CO/18 Advanced Unedited Version, Concluding observations on sixteenth to eighteenth report, paras. 23 and 24)

“The Committee is concerned about the fragile situation of the Sorbian school network in Saxony and Brandenburg, caused in part by falling school enrolment, which may have an impact on the general principle of the use of minority languages in the school system. (art. 5(e) (v))

The Committee recommends that the State party ensure effective implementation of the legal provisions with regard to the use of minority languages in the school system. The State party should encourage the authorities of Saxony and Brandenburg to consider means of strengthening the involvement of the Sorbian minority in decision-making in this field and ensure the continuation of a viable Sorbian school network, including secondary schools, in order to sustain Sorbian language and culture.”

The Committee urges the State party to take steps in the short and medium terms to implement measures to reduce illiteracy, especially in rural areas and among women and girls. The Committee recommends that the State party consider increasing the number of bilingual schools, particularly in rural areas. In this connection the Committee recommends that the State party pursue educational reform through culturally relevant curricula, bearing in mind the provisions of the Agreement on Identity and Rights of Indigenous Peoples.”

Guatemala

(15 May 2006, CERD/C/GTM/CO/11, Concluding observations on eleventh report, para. 20)

The Committee urges the State party to take steps in the short and medium terms to implement measures to reduce illiteracy, especially in rural areas and among women and girls. The Committee recommends that the State party consider increasing the number of bilingual schools, particularly in rural areas. In this connection the Committee recommends that the State party pursue educational reform through culturally relevant curricula, bearing in mind the provisions of the Agreement on Identity and Rights of Indigenous Peoples.”

Kazakhstan

(10 December 2004, CERD/C/65/CO/3, Concluding observations on initial/second/third report, para. 12)

“The Committee notes the absence of legislation regarding the status of languages and that little information has been provided by the State party on the participation of minorities in the elaboration of cultural and educational policies. The Committee is concerned that minority languages are not used in the educational system to an extent commensurate to the proportion of the different ethnic communities represented in the student body.

The Committee recommends that the State party adopt legislation on the status of languages and that it include detailed information in its next periodic report regarding the

use of ethnic minority languages in education and how ethnic minorities participate in the elaboration of cultural and educational policies.”

Kyrgyzstan

(19 April 2013, CERD/C/KGZ/CO/5-7, Concluding observations on the fifth to the seventh periodic reports of Kyrgyzstan)

12. The Committee notes that the Constitution of the State party (art. 10) and the State Languages Act guarantee the right of persons belonging to minorities to be taught in their languages. However, the Committee is concerned at the lack of qualified teachers, translators, textbooks and teaching material in minority as well as in the State languages. The Committee is particularly concerned at reports that since the June 2010 events, many schools in Osh and Jalal-Abad have changed the language of education from minority languages into Kyrgyz, and that some of them do no longer benefit from State funding enabling them to ensure classes in minority languages. The Committee is also concerned at information on a decision of the State party according to which the high school testing will be conducted in Kyrgyz, thus creating a discrimination with regard to minority children who were educated partially in minority languages and do not have proficiency to be tested in Kyrgyz; such a situation may prevent their admission to universities or access to the labour market on equal footing with members of the majority. Moreover, the Committee remains concerned at reports that textbooks and curricula for primary and secondary schools do not adequately provide information on the history and culture of different ethnic groups living in the territory of the State party (arts. 2, 5 and 7).

The Committee encourages the State party to strengthen its efforts to promote education in minority languages for children belonging to minority ethnic groups in particular in the regions of Osh and Jalal-Abad. The Committee also recommends that the State party review its decision to introduce high school testing in Kyrgyz and take appropriate measures to ensure that children belonging to minorities be tested in languages in which they were mainly educated. The Committee reiterates its previous recommendation (CERD/C/KGZ/CO/4, para. 14) that the State party include in curricula and textbooks for primary and secondary schools information about the history and culture of different ethnic groups living in its territory. The Committee requests that the State party provide information on follow-up given to this recommendation in its next periodic report.

Lao People’s Democratic Republic

(18 April 2005, CERD/C/LAO/CO/15, Concluding observations on sixth to fifteenth report, para. 19)

“The Committee notes with concern that, according to certain reports, a major obstacle to the education and vocational training of persons belonging to ethnic groups is the fact that

education is provided only in Lao. Language barriers are also apparently responsible for the many problems encountered in obtaining access to social services (art. 5).

The Committee recommends to the State party that it take all possible measures to ensure that persons belonging to ethnic groups receive education and vocational training in their mother tongue and that it increase its efforts to ensure that they learn Lao.”

Libyan Arab Jamahiriya

(10 May 2004, CERD/C/64/CO/4, Concluding observations on fifteenth to seventeenth report, para. 15)

“The Committee notes that, according to some information, there is no recognition of Amazigh language and culture in the Libyan Arab Jamahiriya and Amazighs are impeded from preserving and expressing their cultural and linguistic identity.

The Committee stresses the obligation of the State party, under article 5 of the Convention, to respect the right of Amazighs to enjoy their own culture and to use their own language, in private and public, freely and without discrimination. It invites the State party to enhance the enjoyment of the right of association for the protection and promotion of Amazigh culture, and to take measures especially in the field of education in order to encourage knowledge of the history, language and culture of Amazighs.

Macedonia

(13 June 2007, CERD/C/MKD/CO/7, Concluding observations on seventh report, paras. 17 and 18)

““The Committee notes with concern that despite the efforts made by the State party to increase the participation of ethnic Albanian and Turkish pupils in the secondary and higher levels of education, the drop-out rate from the school system of children belonging to these communities remains high (article 5 (e) (v) of the Convention).

The Committee recommends that the State party intensify its efforts to reduce the high drop-out rate in the secondary and higher levels of education among ethnic Albanian and Turkish children. In this regard, the Committee encourages the State party to improve the quality of teaching in Albanian and Turkish schools, inter alia by ensuring the availability of textbooks in minority languages and adequate training of teachers instructing in these languages. In order to facilitate access to higher education, the Committee further recommends that the State party take steps to ensure that ethnic Albanian and Turkish children have access to Macedonian language classes.

Mauritania

(10 December 2004, CERD/C/65/CO/5, Concluding observations on sixth/seventh report, paras. 20, 21 and 22)

“The Committee notes with concern that no provision is made in the educational curriculum for the inclusion of the national languages Pulaar, Soninke and Wolof.

The Committee recommends that the State party study this question again in consultation with the population groups concerned and that it consider including national languages in the education system for those children who wish to receive an education in those languages. The Committee recalls that, in any event, education in national languages should not lead to the exclusion of the group concerned and should meet the minimum standards with regard to the quality of the courses offered.

“The Committee notes with concern the State party's policy of ensuring that the curricula in private and public schools are identical. While taking account of the State party's desire to monitor the quality of private education, the Committee nevertheless has doubts whether such control over private schools is conducive to the teaching of the languages and cultures of minority groups.

The Committee recommends that the State party respect parents' freedom to choose the type of education they wish for their children and to choose for their children private schools that offer programmes meeting their expectations in terms of culture and language.

“The Committee is concerned about the delegation's statement that the Berber language is no longer spoken in Mauritania. According to some reports, a minority still uses this language, which is in danger of disappearing from the country.

The Committee recommends that the State party, in consultation with the community concerned, take steps to preserve the Berber language. Room should be made for Berber language, history and civilization in school textbooks, education and cultural events.”

Moldova

(16 May 2008, CERD/C/MDA/CO/7, Concluding observations on seventh report, paras. 6, 18 and 19)

“The Committee notes with appreciation that the State party has included education on the Holocaust and the causes of the genocide of Jews and Roma between 1941 and 1944 in school curricula, and that modern history textbooks contain chapters on the Holocaust and the genocide of Jews and Roma.

“The Committee notes with concern that the Ukrainian, Gagauz and Bulgarian languages and cultures are taught as subjects only in a limited number of schools where the language of instruction is Russian, that Ukrainian or Bulgarian are the language of instruction only in certain classes in a few experimental schools, that there are no schools where the Roma,

Azeri or Tatar language and culture are taught, and that the quality of Moldovan language education for minority children is reportedly poor (art. 5 (e) (v)).

The Committee recommends that the State party intensify its efforts to provide adequate opportunities for minority children to receive instruction in their native language and in Moldovan, and/or study their language and culture throughout the entire cycle of education, including by (a) extending the teaching of Ukrainian, Gagauz and Bulgarian to schools where the language of instruction is Moldovan; (b) increasing the number of schools where these languages are the language of instruction; and (c) introducing languages of numerically smaller minorities as school subjects whenever there is sufficient demand. The State party should also continue and intensify further its efforts to improve the quality of Moldovan language education for minority children. In that context, it is encouraged to proceed with its planned accession to the European Charter for Regional or Minority Languages, and to consider applying it also to numerically smaller minorities.

Mongolia

(19 October 2006, CERD/C/MNG/CO/18, Concluding observations on eighteenth report, para. 21)

“The Committee is concerned about the lack of practical measures to support minority languages and to facilitate access to education by children belonging to ethnic minority groups. Furthermore, the Committee, while appreciating the State party’s efforts to provide Kazakh children with education in their native language, is also concerned about the lack of measures to ensure that children whose mother tongue is a minority language, including Kazakh children, are provided with adequate opportunities to learn Mongolian as a second language (art. 5 (e) (v) and (vi)).

The Committee recommends to the State party that it facilitate the participation of ethnic minorities in the elaboration of cultural and educational policies that will enable persons belonging to minorities to learn or to have instruction in their mother tongue, as well as in the official language. The Committee requests that the State party include in its next periodic report detailed information on this issue, and provide the text of the Official Language Law and the Law on Culture.”

Pakistan

(16 March 2009, CERD/C/PAK/CO/20, Concluding observations on fifteenth to twentieth report, para. 22)

“The Committee ... is also concerned that minority languages may not be used in the educational system to an extent commensurate to the proportion of the different ethnic communities represented in the student body. (art. 5 (e) (vii))

The Committee recommends that the State party ... aim to preserve minorities' languages and culture by, inter alia, encouraging and promoting the use of mother tongues in the fields of education.... It invites the State party to include, in its next periodic report, detailed information regarding the use of ethnic minority languages“.

South Africa

(19 October 2007, CERD/C/ZAF/CO/3, Concluding observations on third report, paras. 13, 18, 22 and 27)

“While noting the constitutional rights to receive education in the language of one’s own choice, the Committee wishes to point out the lack of information on the implementation of these rights as well as on the measures taken with regard to the promotion of constitutionally recognized languages, inter alia, the Khoi, San, Nama and sign languages. The Committee also notes the absence of information on the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities (art. 5 (e)).

The Committee recommends that the State party provide information on all languages recognized in the Constitution, especially their use in education, and on the measures to promote indigenous languages, as well as on the status, activities and resources of the Commission for the Promotion and Protection of the Rights of Cultural, Religious and Linguistic Communities.

Suriname

(13 March 2009, CERD/C/SUR/CO/12, Concluding observations on eleventh and twelfth report, paras. 15 and 16)

“The Committee reiterates its concern with regard to repeated information highlighting the fact that children from indigenous or tribal groups continue to experience discrimination in, inter alia, access to education.... The Committee notes that this discrimination relates to indigenous and tribal communities living in the interior as well as to those in assimilated suburban settings. However, it regrets that in the absence of disaggregated statistical information, the Committee finds it difficult to assess the extent of equal enjoyment of the rights guaranteed in the Convention. (art.5)

The Committee recommends that the State party provide relevant statistical information, on including budgetary allocations in subsequent reports and emphasizes that such data is necessary to ensure the application of adequate legislation to ensure equal enjoyment of economic, social and cultural rights by Surinamese citizens.

“The Committee expresses concern that no special measures are taken to preserve the native languages of the country’s indigenous and tribal people, and that this is reflected in

the area of education. Of particular concern are the illiteracy rates that are almost double the national average for indigenous and tribal peoples. (art. 5)

The Committee, appreciating the value of multilingual education, reiterates its recommendation that the State party take steps to give adequate recognition to native languages and encourages the State party to seek strategies with a view to introducing bilingual education.“

(28 April 2004, CERD/C/64/CO/9, Concluding observations on initial to tenth report, para. 21)

The Committee recommends that greater efforts be undertaken by the State party, in particular as regards the education plan of action for the interior. It also recommends the inclusion in agreements with large business ventures – in consultation with the peoples concerned – of language specifying how those ventures will contribute to the promotion of human rights in areas such as education.

“While noting the State party’s legitimate desire to ensure that the official language is taught and to promote the teaching of Spanish and English, the Committee is disturbed at the lack of plans to preserve the native languages of the country’s indigenous and tribal peoples. It is also concerned that Sranan Tongo, which is spoken by the majority of the population, is not given sufficient prominence in education.

The Committee invites the State party to encourage the learning of mother tongues, in particular Sranan Tongo, with a view to preserve the cultural and linguistic identity of the various ethnic groups.”

Tajikistan

(10 December 2004, CERD/C/65/CO/8, Concluding observations on initial to fifth report, paras. 17 and 22)

17. The Committee, while appreciating the State party's efforts to provide children belonging to ethnic minorities with education in their native languages, notes with regret that there is an insufficient number of Uzbek textbooks in the Latin alphabet, adapted to new curricula.

The Committee encourages the State party to undertake consultations with the Uzbek minority and make every effort to address their concerns on this issue. The State party should submit additional information on the effective implementation of the Education Act, in particular on the number of schools teaching in minority languages and their geographical distribution, the quality of education provided and the difficulties encountered, if any.

Turkey

(24 March 2009, CERD/C/TUR/CO/3, Concluding observations on initial to third report, para. 20)

“While noting the adoption of the ‘Law on Foreign Language Education and Teaching, and the Learning of Different Languages and Dialects by Turkish Citizens’ and its ‘By-law on Education in Different Languages and Dialects traditionally used by Turkish Citizens’ of 2003, the Committee remains concerned at the inadequate possibilities for children belonging to ethnic groups to learn their mother tongue, in particular having regard to the information given by the State party that schools offering private language courses have been ‘all been closed down by their founders and owners due to lack of interest and non-attendance’ (article 5 (e) (v))“.

The Committee recommends that the State party ensure effective implementation of the above-mentioned laws. The Committee also recommends the State party to consider further amendments to the legislation to allow teaching of languages traditionally used in Turkey in the general public education system and encourages it to establish a public school network offering teaching of these languages, and consider means of strengthening the involvement of the members of the local communities in decision-making in this field.”

Turkmenistan

(27 March 2007, CERD/C/TKM/CO/5, Concluding observations on initial to fifth report, paras. 15 and 20)

“The Committee is concerned about information that persons belonging to national and ethnic minorities are impeded from exercising their right to enjoy their own culture. In particular, it is concerned about the reported closure of minority cultural institutions and of numerous schools teaching in minority languages, in particular Uzbek, Russian, Kazakh and Armenian languages, and the reduced possibilities for the use of minority languages in the media (arts. 2 and 5).

The Committee recommends that the State party fully respect the cultural rights of persons belonging to national and ethnic minorities. In particular, the State party should consider reopening Uzbek, Russian, Kazakh, Armenian and other minority language schools.

Uzbekistan

(4 April 2006, CERD/C/UZB/CO/5, Concluding observations on fifth report, paras. 4 and 19)

“The Committee notes with appreciation that the law guarantees the freedom of citizens to choose their language of instruction, and that there are a number of primary and secondary public schools where education takes place in minority languages.

“While appreciating the State party’s efforts to provide children belonging to ethnic minorities with education in their native language, the Committee notes the reports according to which in practice there is a lack of educational materials/textbooks in some languages (article 5, paragraph e (v)).

The Committee encourages the State party to undertake consultations with concerned minority groups, and make every effort to address their concerns in this regard. The State party should submit information on the measures taken, and provide disaggregated data on the number of schools teaching in minority languages, their geographical distribution, quality of education provided, and difficulties encountered, if any. It should ensure that all public schools have equal access to public funds for education, including educational materials and infrastructure.”

12. General Comments of the Committee on Economic, Social and Cultural Rights

Committee on Economic, Social and Cultural Rights, General comment No. 21, Right of everyone to take part in cultural life (art. 15, para. 1 (a)), U.N. Doc. E/C.12/GC/21 (2009).

27. The Committee wishes to recall in this regard that educational programmes of States parties should respect the cultural specificities of national or ethnic, linguistic and religious minorities as well as indigenous peoples, and incorporate in those programmes their history, knowledge and technologies, as well as their social, economic and cultural values and aspirations. Such programmes should be included in school curricula for all, not only for minorities and indigenous peoples. States parties should adopt measures and spare no effort to ensure that educational programmes for minorities and indigenous groups are conducted on or in their own language, taking into consideration the wishes expressed by communities and in the international human rights standards in this area.⁴ Educational programmes should also transmit the necessary knowledge to enable everyone to participate fully and on an equal footing in their own and in national communities.

Committee on Economic, Social and Cultural Rights, General Comment 13, The right to education (Twenty-first session, 1999), U.N. Doc. E/C.12/1999/10 (1999), reprinted in *Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies*, U.N. Doc. HRI/GEN/1/Rev.6 at 70 (2003).

33. In some circumstances, separate educational systems or institutions for groups defined by the categories in article 2 (2) shall be deemed not to constitute a breach of the Covenant.

⁴ In particular the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Declaration on the Rights of Indigenous Peoples and the International Labour Organization Convention concerning Indigenous and Tribal Peoples in Independent Countries (Convention No. 169).

In this regard, the Committee affirms article 2 of the UNESCO Convention against Discrimination in Education (1960).

13. Treaty Provisions and Primary Documents

a. Convention against Discrimination in Education (UNESCO)

Article 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of article 1 of this Convention:

- (a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;
- (b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;
- (c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

Article 5

1. The States Parties to this Convention agree that:

- (a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;
- (b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and

moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

(c) It is essential to recognize the right of 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, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

b. Protocol No. 1, European Human Rights Convention (Council of Europe)

Article 2

No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.

c. International Covenant on Economic, Social and Cultural Rights

Article 2

2. The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 13

1. The States Parties to the present Covenant recognize the right of everyone to education. They agree that education shall be directed to the full development of the human personality and the sense of its dignity, and shall strengthen the respect for human rights and fundamental freedoms. They further agree that education shall enable all persons to participate effectively in a free society, promote understanding, tolerance and friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace.

2. The States Parties to the present Covenant recognize that, with a view to achieving the full realization of this right:

- (a) Primary education shall be compulsory and available free to all;
- (b) Secondary education in its different forms, including technical and vocational secondary education, shall be made generally available and accessible to all by every appropriate means, and in particular by the progressive introduction of free education;
- (c) Higher education shall be made equally accessible to all, on the basis of capacity, by every appropriate means, and in particular by the progressive introduction of free education;
- (d) Fundamental education shall be encouraged or intensified as far as possible for those persons who have not received or completed the whole period of their primary education;
- (e) The development of a system of schools at all levels shall be actively pursued, an adequate fellowship system shall be established, and the material conditions of teaching staff shall be continuously improved.

3. The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.

4. No part of this article shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph (1) of this article and to the requirement that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 15

1. The States Parties to the present Covenant recognize the right of everyone:

- (a) To take part in cultural life;

2. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for the conservation, the development and the diffusion of science and culture.

d. International Covenant on Civil and Political Rights (United Nations)

Article 2

1. Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the

present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 26

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

Article 27

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practise their own religion, or to use their own language.

e. International Convention on the Elimination of All Forms of Racial Discrimination (United Nations)

Article 5

In compliance with the fundamental obligations laid down in article 2 of this Convention, States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

...

(e) Economic, social and cultural rights, in particular:

...

(v) The right to education and training;

f. Convention on the Rights of the Child (United Nations)

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) Make primary education compulsory and available free to all;

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and

take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

Article 29

1. States Parties agree that the education of the child shall be directed to:

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.”

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

g. Convention (No. 169) Concerning Indigenous and Tribal Peoples in Independent Countries (International Labour Organisation)

Article 28

1. Children belonging to the peoples concerned shall, wherever practicable, be taught to read and write in their own indigenous language or in the language most commonly used by the group to which they belong. When this is not practicable, the competent authorities shall undertake consultations with these peoples with a view to the adoption of measures to achieve this objective.

2. Adequate measures shall be taken to ensure that these peoples have the opportunity to attain fluency in the national language or in one of the official languages of the country.

3. Measures shall be taken to preserve and promote the development and practice of the indigenous languages of the peoples concerned.

h. Framework Convention for the Protection of National Minorities (Council of Europe)

Article 12

1. The Parties shall, where appropriate, take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities and of the majority.
2. In this context the Parties shall inter alia provide adequate opportunities for teacher training and access to textbooks, and facilitate contacts among students and teachers of different communities.
3. The Parties undertake to promote equal opportunities for access to education at all levels for persons belonging to national minorities.

Article 13

1. Within the framework of their education systems, the Parties shall recognise that persons belonging to a national minority have the right to set up and to manage their own private educational and training establishments.
2. The exercise of this right shall not entail any financial obligation for the Parties.

Article 14

1. The Parties undertake to recognise that every person belonging to a national minority has the right to learn his or her minority language.
2. In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.
3. Paragraph 2 of this article shall be implemented without prejudice to the learning of the official language or the teaching in this language.

i. Thematic Commentary No. 3, The Language Rights of Persons Belonging to National Minorities under the Framework Convention (Council of Europe)

Part VI: Language Rights and Education

1. Access to Education

68. Article 12 of the Framework Convention requires the commitment of States Parties to promote equal access to education at all levels for persons belonging to national minorities.⁵ Language may, however, constitute a significant ‘gate-keeping factor’ and is thus considered a crucial element in access to all levels of education. Disadvantages and discrimination can result from the exclusion of minority languages from education, from a lack of adequate possibilities to learn (in) minority language(s), and from segregation that is language-based, or justified as language-based, into ‘special schools’ or ‘special classes’.⁶ The curriculum in such classes may often be significantly reduced in scope, volume and quality, as compared to the officially prescribed teaching programme. Disadvantages are visible in high illiteracy rates, low enrolment, high drop-out rates, school exclusion, as well as considerable under-representation in secondary and higher education of persons belonging to national minorities. While the Advisory Committee is particularly concerned, in this regard, by the situation of the Roma, the development of inclusive education policies requires general attention.

69. Authorities must also take demographic developments into account, as persons belonging to national minorities may migrate outside their areas of traditional settlement (see comments related to Article 10.2 above). The preservation of local minority language school networks should be guaranteed, and persons living outside the areas of traditional settlement should, where feasible and where living in substantial numbers, be given opportunities to be taught their language or in their language.⁷ As the fulfilment of the conditions set out in Article 14 with regard to demand for minority language education and substantial numbers of persons belonging to national minorities in certain areas may vary, the measures taken by states to offer minority language education should be flexibly designed in order to adapt well to a given situation.⁸ For minority languages that are only spoken by small numbers of people, there may be a particular need to revitalise the language, for instance through the creation of separate classes or through language immersion. The functions and needs of the different languages and language speakers must thus be assessed to establish ‘demand’ in line with Article 14.2. In addition, requests for minority language teaching must be accommodated in an equitable manner and refusals made subject to the possibility of legal challenge.⁹ Linguistic skills within the community of minority language speakers may vary. It is unacceptable, however, to bar pupils from having access to minority language education solely on the basis of their insufficient language skills.

2. Adequate Opportunities for Teaching and Learning of and in Minority Languages

⁵ The Advisory Committee devoted its first Thematic Commentary to Education under the Framework Convention, see Footnote 3.

⁶ Third Opinion on Croatia. See also *D.H. and Others v. the Czech Republic*, Application no. 57325/00, Judgment 13 November 2007, <http://www.echr.coe.int/echr>.

⁷ See, for instance, Third Opinion on Germany; Third Opinion on Austria,

⁸ See also ACFC First Thematic Commentary on Education.

⁹ Second Opinion on Ukraine.

2.1. Open and inclusive approach to minority languages in education

70. Authorities are encouraged to adopt detailed legislative guarantees for the protection and promotion of minority languages in formal and informal education and to monitor regularly the implementation of legal provisions in practice. The Advisory Committee welcomes measures that extend the guarantees contained in Article 14 to other groups, as well as legislation that includes additional minority languages. Special attention must be paid to the languages of numerically smaller minorities, such as those of indigenous groups, as their languages are often particularly threatened.¹⁰

States should also consider extending guarantees to geographically dispersed minorities and their languages, such as Romani.¹¹

71. The Advisory Committee appreciates the fact that minority language teaching is often offered in response to local demand and therefore encourages the regular monitoring of such demands. A purely passive approach on the part of the authorities is therefore not an adequate response; demands for education in a minority language should actually be stimulated through awareness-raising among parents and young people, and the promotion of existing possibilities for minority language teaching. Parents belonging to national minorities must be enabled to make informed choices about the language education of their children.

72. The right to learn and to develop one's minority language, as contained in Article 14.1 of the Framework Convention, is not only linked to the preservation of individual identity, but also forms an important basis for the development of the individual linguistic repertoire and the acquisition of additional languages.¹² The possibility of being taught in a minority language can also be an important factor in ensuring equal access to education and contributing towards full and effective participation in society. Nevertheless, it is equally important, as stressed in Article 14.3, that proper knowledge of the official language(s) is acquired, as the lack thereof seriously restricts opportunities for persons belonging to national minorities to effectively participate in public life, and may inhibit their access to university education.¹³ There should be no mutually exclusive choice between the learning of a minority language or the official language(s) and authorities should encourage multilingual and dual medium education models, which attract children from majority and minority backgrounds and cater for children who grow up bilingually, or in 'mixed' families.¹⁴ Bi- or multilingual education open to students from all linguistic groups, including minorities and the majority, can, apart from having significant cognitive benefits for the individuals, contribute to intercultural comprehension and co-operation.

¹⁰ Third Opinion on the Russian Federation.

¹¹ Second Opinion on Spain.

¹² OSCE HCNM, The Hague Recommendations, 1996.

¹³ See, for instance, First Opinion on Georgia.

¹⁴ First Opinion on Serbia and Montenegro; First Opinion on Norway.

73. The possibilities for teaching and learning of and in minority languages vary according to the specific parameters of local situations: bi- or multilingual schools may offer minority language education in parallel to that in the official language; minority language classes may be included in the public education system; or there may be private minority language schools or ‘Sunday classes’ organised by communities, with or without support from neighbouring states or the State Party.¹⁵ The Advisory Committee encourages the inclusion of minority languages in the public school system and in the mandatory curriculum, including languages of numerically smaller minorities. Schools should also offer education in and of Romani where appropriate.¹⁶ Special attention is drawn in this context to the Curriculum Framework for Romani developed by the Council of Europe.¹⁷ In addition, the Advisory Committee also welcomes private or community initiatives which are supported by the authorities.

74. A number of particular problems may be encountered as regards opportunities for minority language learning, including the insufficient number of teaching hours of or in a minority language or the organisation of classes outside normal school hours, high numerical thresholds for establishing minority language classes, lack of teachers and teaching or learning materials, or insufficient availability of classes due to the closure or merger of village schools. This raises questions of compatibility with Article 14.2, even in cases where transport to alternative schools is organised and financed by the authorities.¹⁸ In particular, minority representatives must be effectively consulted on all changes related to education reforms or decentralisation, as they often affect directly and negatively the opportunities for minority language teaching. In cases of school mergers, efforts can be made, for instance, to maintain different language classes in one school or develop bi- or multilingual teaching methodologies to reduce negative impacts on minority communities.

75. In order to develop minority language skills as an added value for their speakers, whether belonging to a minority or not, there must be continuity in access to teaching and learning of and in minority languages at all levels of the education system, from pre-school to higher and adult education. Particular weaknesses in the offer of minority language education are often observed at pre-school as well as at secondary school level. Lack of incentives or insufficient possibilities at pre-school, secondary or higher level can seriously reduce the attractiveness of minority language learning at primary level. A specific obstacle is also represented by high school graduation or university entry exams provided in the official language only, since they may reduce the chances of persons belonging to national minorities to gain access to higher education and thereby negatively impact on their subsequent professional opportunities. As university entrance exams are usually not developed for multilingual purposes and are not adapted to the needs and skills of minority

¹⁵ See also ACFC First Thematic Commentary on Education.

¹⁶ Third Opinion on Hungary; Third Opinion on Cyprus; Third Opinion on Croatia; Second Opinion on Poland.

¹⁷ A Curriculum Framework for Romani. Language Policy Division, Council of Europe, Strasbourg, 2008, prepared in co-operation with the European Roma and Travellers Forum.

¹⁸ Third Opinion on Germany.

language speakers, they may discourage the academic learning of minority languages at the highest level of proficiency. This further reduces the acceptance and functionality of a minority language in public life. Conversely, the Advisory Committee has repeatedly welcomed the provision of access to university education in minority languages as an important contribution to the development and prestige of minority languages in the country.¹⁹

2.2. Means to enable the full enjoyment of educational rights

76. In order to ensure the quality of education in and of minority languages, adequate school curricula and standards must be developed and teaching methodology, as well as material, adapted. A particularly important aspect in ensuring the quality of education in and of minority languages, however, is teacher training. It is essential that teachers working in minority languages are trained in sufficient numbers and that such training is of adequate quality, preparing teachers for all levels of education, including at pre-primary or nursery levels. In many situations, these teachers are required to work in bilingual or trilingual contexts. Bearing in mind the difficulties in recruiting and training minority language teachers able to work in such environments, the Advisory Committee welcomes and encourages the development of modern and interactive methodologies that are suited to multilingual teaching environments.

77. The Advisory Committee considers the availability of textbooks in minority languages a prerequisite for raising interest among students and parents in minority language learning and an indispensable element for providing quality education. While aware of the high cost of producing materials with low level distribution, the Advisory Committee considers that such materials should be free of charge or at least not more expensive than materials in majority languages. Especially on the level of secondary education, there is often a more general lack of teaching material. As it is important that the content and language use are tailored to the specific needs of the minority groups concerned, including as regards specific minority language terminology of technical subjects, priority should be placed on materials produced in the country. Materials developed in neighbouring states may also be approved and made available where appropriate.²⁰ Co-operation of this form is explicitly encouraged in Article 17 of the Framework Convention. However, attention must be paid to the risk this may entail with regard to the emergence of parallel education systems, which can threaten social cohesion.²¹

78. In addition, measures to attract students to study minority languages or study in minority languages, such as for example the reservation of university places or the abolition of restrictive quotas are encouraged.²² Research on minority languages and linguistic practices has a specific role to play with a view to developing quality teaching as well as learning methods and materials. It is equally important for terminology development,

¹⁹ See, for instance, Third Opinion on Romania.

²⁰ Third Opinion on Cyprus; Third Opinion on Croatia.

²¹ Second Opinion on Bosnia and Herzegovina.

²² Third Opinion on Germany.

interpretation and translation. In this field, authorities are encouraged to pay special attention to the languages of numerically small or dispersed minorities, which are in the process of codification.²³ In this context, attention must be paid to the fact that the process of codification does not ‘freeze’ the language and that the speakers’ opinions remain central to the understanding of the language.

2.3. Striking a balance between majority and minority languages in education

79. Article 12 of the Framework Convention calls for concrete measures to promote knowledge about minority and majority languages. Language plays an important role in promoting integration, mutual respect among groups, and social solidarity. This implies not only providing language education for members of national minority communities, but also education about and of minority languages for the benefit of the majority language speakers and society as a whole. The possibility for majority language speakers to learn minority languages and especially possibilities of attending bi- and multilingual education for all can enhance intercultural understanding and co-operation.²⁴ Within the meaning of life-long learning, this also includes adult education. Where states have introduced measures to promote the official language(s), it is particularly important that these go hand in hand with measures to protect and develop the languages of minorities, as otherwise such practices may lead to assimilation rather than integration.

80. On the other hand, lack of knowledge of the official language(s) can limit possibilities of equal participation in society, of access to higher education and access to employment. Parents may as a result opt for enrolling their children in mainstream schools as these seem to offer better opportunities to integrate into society and obtain gainful employment. Therefore, minority language schools must provide an adequate development of the speakers’ proficiency in the official language(s). However, care must be taken in this regard to prevent a lowering of general education standards as a result of policies that suddenly introduce more official language learning. This can be a risk when minority language teachers are called upon to teach in the official language, without proper support and preparation.²⁵ Education reforms that aim at promoting increased official language teaching in minority language schools must be implemented gradually and flexibly to allow for adaptation to the needs of the teachers and the students concerned. In this context, it is important to monitor regularly the quality of education provided throughout the reform process. This should be carried out in close consultation with representatives of the school board, teacher and parents’ organisations.

81. The Advisory Committee encourages the development of bi- or multilingual teaching models as part of the mandatory school curriculum.²⁶ Ideally, if the situation so allows, dual-medium approaches may be adopted in which minority and majority languages are present in equal proportions. In specific situations, however, it can also be useful to

²³ Third Opinion on Norway.

²⁴ See also ACFC First Thematic Commentary on Education.

²⁵ Third Opinion on Estonia.

²⁶ Third Opinion on Hungary; First Opinion on Sweden; Second Opinion on Switzerland.

promote one or another language in order to counterbalance differentials in language prestige, to guarantee the rights of speakers of numerically small minority languages, and to meet the legitimate needs of parents and children as protected under the Framework Convention. Dual-medium approaches can achieve their aim by alternating the languages, based on weekdays or subject, or by applying the one-teacher-one-language model. When languages are determined by subject, minority languages should not be limited to cultural or historical subjects. The Advisory Committee recommends that the authorities, in close consultation with persons belonging to national minorities, develop a comprehensive long-term strategy in order to promote multiple language development in education policies.²⁷

2.4. The promotion of linguistic diversity and intercultural education

82. School education should offer a fair reflection of the linguistic and cultural diversity of society and thereby promote the values of tolerance, intercultural dialogue and mutual respect. In addition to teaching in and of minority languages, the mandatory curriculum should therefore also include information on the history and contribution of minorities to the cultural heritage and the society of the State Party. Such teaching should not be limited to areas traditionally inhabited by national minorities, so that awareness of and respect for the linguistic diversity of society is promoted throughout the country from an early age onwards. In this context, the Advisory Committee welcomes the use of maps for history and geography teaching that indicate the areas of historical importance to national minorities and mark the local names in minority languages. In addition, it has underlined the importance of introducing multiple perspectives into history teaching.²⁸

83. In terms of social cohesion, initiatives to attract children from other communities to enrol in schools with minority languages as a medium of teaching and learning are welcomed by the Advisory Committee, as are measures that encourage intercultural and trans-border contacts and promote language learning through partial or total immersion programmes. When developing such inter-cultural approaches, it is important that not only the structure of the education system (such as through diversified classes, schools, and school administration boards) but also the content of the education itself promote the values of mutual respect and inter-ethnic understanding, whilst taking into account other elements of identity such as religion, geographical location, or gender.²⁹

j. European Charter for Regional or Minority Languages (Council of Europe)

Article 8 - Education

²⁷ See also ACFC First Thematic Commentary on Education.

²⁸ Third Opinion on Estonia.

²⁹ See also ACFC First Thematic Commentary on Education.

1. With regard to education, the Parties undertake, within the territory in which such languages are used, according to the situation of each of these languages, and without prejudice to the teaching of the official language(s) of the State:

a

i to make available pre-school education in the relevant regional or minority languages; or

ii to make available a substantial part of pre-school education in the relevant regional or minority languages; or

iii to apply one of the measures provided for under i and ii above at least to those pupils whose families so request and whose number is considered sufficient; or

iv if the public authorities have no direct competence in the field of pre-school education, to favour and/or encourage the application of the measures referred to under i to iii above;

b

i to make available primary education in the relevant regional or minority languages; or

ii to make available a substantial part of primary education in the relevant regional or minority languages; or

iii to provide, within primary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils whose families so request and whose number is considered sufficient;

c

i to make available secondary education in the relevant regional or minority languages; or

ii to make available a substantial part of secondary education in the relevant regional or minority languages; or

iii to provide, within secondary education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

d

i to make available technical and vocational education in the relevant regional or minority languages; or

ii to make available a substantial part of technical and vocational education in the relevant regional or minority languages; or

iii to provide, within technical and vocational education, for the teaching of the relevant regional or minority languages as an integral part of the curriculum; or

iv to apply one of the measures provided for under i to iii above at least to those pupils who, or where appropriate whose families, so wish in a number considered sufficient;

e

i to make available university and other higher education in regional or minority languages; or

ii to provide facilities for the study of these languages as university and higher education subjects; or

iii if, by reason of the role of the State in relation to higher education institutions, sub-paragraphs i and ii cannot be applied, to encourage and/or allow the provision of university or other forms of higher education in regional or minority languages or of facilities for the study of these languages as university or higher education subjects;

f

i to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages; or

ii to offer such languages as subjects of adult and continuing education; or

iii if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

g to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

h to provide the basic and further training of the teachers required to implement those of paragraphs a to g accepted by the Party;

i to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

2. With regard to education and in respect of territories other than those in which the regional or minority languages are traditionally used, the Parties undertake, if the number of users of a regional or minority language justifies it, to allow, encourage or provide teaching in or of the regional or minority language at all the appropriate stages of education.

k. The Hague Recommendations regarding the Education Rights of National Minorities (Organization for Security and Cooperation in Europe)

The spirit of international instruments

1. The right of persons belonging to national minorities to maintain their identity can only be fully realised if they acquire a proper knowledge of their mother tongue during the educational process. At the same time, persons belonging to national minorities have a responsibility to integrate into the wider national society through the acquisition of a proper knowledge of the State language.

2. In applying international instruments which may benefit persons belonging to national minorities, States should consistently adhere to the fundamental principles of equality and non-discrimination.

3. It should be borne in mind that the relevant international obligations and commitments constitute international minimum standards. It would be contrary to their spirit and intent to interpret these obligations and commitments in a restrictive manner.

Measures and resources

4. States should approach minority education rights in a proactive manner. Where required, special measures should be adopted by States to actively implement minority language education rights to the maximum of their available resources, individually and through international assistance and cooperation, especially economic and technical.

Decentralization and participation

5. States should create conditions enabling institutions which are representative of members of the national minorities in question to participate, in a meaningful way, in the development and implementation of policies and programmes related to minority education.

6. States should endow regional and local authorities with appropriate competences concerning minority education thereby also facilitating the participation of minorities in the process of policy formulation at a regional and/or local level.

7. States should adopt measures to encourage parental involvement and choice in the educational system at a local level, including in the field of minority language education.

Public and private institutions

8. In accordance with international law, persons belonging to national minorities, like others, have the right to establish and manage their own private educational institutions in conformity with domestic law. These institutions may include schools teaching in the minority language.

9. Given the right of persons belonging to national minorities to establish and manage their own educational institutions, States may not hinder the enjoyment of this right by imposing unduly burdensome legal and administrative requirements regulating the establishment and management of these institutions.

10. Private minority language educational institutions are entitled to seek their own sources of funding without any hindrance or discrimination from the State budget, international sources and the private sector.

Minority education at primary and secondary levels

11. The first years of education are of pivotal importance in a child's development. Educational research suggests that the medium of teaching at pre-school and kindergarten levels should ideally be the child's language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

12. Research also indicates that in primary school, the curriculum should ideally be taught in the minority language. The minority language should be taught as a subject on a regular basis. The official State language should also be taught as a subject on a regular basis preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Towards the end of this period, a few practical or non-theoretical subjects should be taught through the medium of the State language. Wherever possible, States should create conditions enabling parents to avail themselves of this option.

13. In secondary school, a substantial part of the curriculum should be taught through the medium of the minority language. The minority language should be taught as a subject on a regular basis. The State language should also be taught as a subject on a regular basis, preferably by bilingual teachers who have a good understanding of the children's cultural and linguistic background. Throughout this period, the number of subjects taught in the State language, should gradually be increased. Research findings suggest that the more gradual the increase, the better for the child.

14. The maintenance of the primary and secondary levels of minority language education depends a great deal on the availability of teachers trained in all disciplines in the mother tongue. Therefore, ensuing from their obligation to provide adequate opportunities for minority language education, States should provide adequate facilities for the appropriate training of teachers and should facilitate access to such training.

Minority education in vocational schools

15. Vocational training in the minority language should be made accessible in specific subjects when persons belonging to the national minority in question have expressed a

desire for it, when they have demonstrated the need for it and when their numerical strength justifies it.

16. The curriculum of vocational schools providing training in the mother tongue should be devised in a way which ensures that, upon completion of these programmes, students are able to practice their occupation both in the minority and the State language.

Minority education at tertiary level

17. Persons belonging to national minorities should have access to tertiary education in their own language when they have demonstrated the need for it and when their numerical strength justifies it. Minority language tertiary education can legitimately be made available to national minorities by establishing the required facilities within existing educational structures provided these can adequately serve the needs of the national minority in question. Persons belonging to national minorities may also seek ways and means to establish their own educational institutions at the tertiary level.

18. In situations where a national minority has, in recent history, maintained and controlled its own institutions of higher learning, this fact should be recognised in determining future patterns of provision.

Curriculum development

19. In view of the importance and value that international instruments attach to intercultural education and the highlighting of minority histories, cultures and traditions, State educational authorities should ensure that the general compulsory curriculum includes the teaching of the histories, cultures and traditions of their respective national minorities. Encouraging members of the majority to learn the languages of the national minorities living within the State would contribute to the strengthening of tolerance and multiculturalism within the State.

20. The curriculum content related to minorities should be developed with the active participation of bodies representative of the minorities in question.

21. States should facilitate the establishment of centres for minority language education curriculum development and assessment. These centres could be linked to existing institutions providing these can adequately facilitate the achievement of the curriculum related objectives.

I. Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (United Nations)

Article 4

2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion,

traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

3. 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.

4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

m. Declaration on the Rights of Indigenous Peoples (United Nations)

Article 14

1. Indigenous peoples have the right to establish and control their educational systems and institutions providing education in their own languages, in a manner appropriate to their cultural methods of teaching and learning.
2. Indigenous individuals, particularly children, have the right to all levels and forms of education of the State without discrimination.
3. States shall, in conjunction with indigenous peoples, take effective measures, in order for indigenous individuals, particularly children, including those living outside their communities, to have access, when possible, to an education in their own culture and provided in their own language.

14. International Jurisprudence (Caselaw)

a. Rights of Minorities in Upper Silesia (Minority Schools)

Germany v. Poland, judgment of 26 April 1928

Permanent Court of International Justice

[106] Turning, then, to the second contention advanced by the German Government, the Court recalls that this contention implies that persons legally responsible for the education of a pupil or a child have unfettered liberty "to choose the language of instruction and the corresponding school for such pupil or child, subject to no verification, dispute, pressure or hindrance on the part of the authorities".

[107] The provisions which the German Government invoked in support of the contention are, in addition to Article 74, the interpretation of which the Court has given above, Articles 106 and 131 of the Geneva Convention, the terms of which are as follows:

"Article 106.

§ 1.

1.- Il sera créé une école minoritaire, sur la demande d'un ressortissant, appuyée par les personnes légalement responsables de l'éducation d'au moins quarante enfants d'une minorité de langue, à condition que ces enfants soient ressortissants de l'Etat, appartiennent à une même [p36] communauté scolaire (Schulverband - zwiqzek szkolny), aient l'âge où l'enseignement est obligatoire, et soient destinés à fréquenter ladite école.

2. - Si quarante de ces enfants au moins appartiennent à la même confession ou religion, il sera créé sur demande une école minoritaire du caractère confessionnel ou religieux demandé.

3. - Dans le cas où la création d'une école minoritaire n'est pas expédiente pour des raisons spéciales, il sera formé des classes minoritaires.

§ 2.

Il devra être donné satisfaction aux demandes mentionnées aux alinéas 1 et 2 du paragraphe premier, dans le plus bref délai possible et au plus tard au début de l'année scolaire qui suivra la demande, à condition que celle-ci ait été présentée neuf mois au moins avant le début de l'année scolaire [FN1].

[FN1] Translation by the Registry:

Article 106.

§ 1.

1. - A minority school shall be established on the application of a national, supported by the persons legally responsible for the education of at least forty children belonging to a linguistic minority, provided that these children are nationals of the State, that they belong to the same school district (Schulverband - zwiqzek szkolny), that they are of the age at which education is compulsory, and that the intention is that they should attend the said schools.

2. - If at least forty such children belong to the same denomination or religion, a minority school of the denominational or religious character desired shall be established on application.

3. - Should the establishment of a minority school be inexpedient for special reasons, minority classes shall be formed.

§ 2.

The applications mentioned in paragraphs 1 and 2 of § 1 shall be complied with as expeditiously as possible and not later than the beginning of the school-year following the application, provided that the latter has been submitted at least nine months before the beginning of the school-year.

Article 131.

1. - Pour établir quelle est la langue d'un élève ou enfant, il sera uniquement tenu compte de la déclaration verbale ou écrite de la personne légalement responsable de son éducation. Cette déclaration ne pourra faire l'objet d'aucune vérification ou contestation de la part des autorités scolaires. [p37]

2. - Les autorités scolaires devront de même s'abstenir d'exercer toute pression, si minime qu'elle soit, ayant pour but le retrait de demandes de création d'institutions scolaires de minorités [FN1]."

[FN1] Translation by the Registry:

"Article 131.

1. - In order to determine the language of a pupil or child, account shall be taken of the verbal or written statement of the person legally responsible for the education of the pupil or child. This statement may not be verified or disputed by the educational authorities.

2. - Similarly, the educational authorities must abstain from exercising any pressure, however slight, with a view to obtaining the withdrawal of requests for the establishment of minority educational institutions."

[108] In order to indicate what is to be understood by "language of instruction", it is necessary to give also Article 132, which is as follows:

"Article 132.

§1.

Par langue véhiculaire ou par langue considérée comme matière d'enseignement, on entend la langue littéraire correcte soit polonaise, soit allemande.

§2.

Là où la langue d'une minorité est la langue véhiculaire, elle Test pour l'enseignement de toutes les matières, sauf pour l'enseignement du polonais dans la partie polonaise du territoire plébiscité et pour l'enseignement de l'allemand dans la partie allemande dudit territoire, lorsque l'enseignement de ces langues fait partie du programme scolaire.

§ 3.

Les cours minoritaires de la langue de la minorité seront donnés dans cette langue .[FN2]"

[FN2] Translation by the Registry;

"Article 132.

§1.

By language for imparting instruction or language considered as a subject of the curriculum is meant correct literary Polish or German as the case may be.

§2.

When a minority language is the language for imparting instruction, it shall be used for the teaching of all subjects except for the teaching of Polish in the Polish part of the plebiscite territory and for the teaching of German in the German part of that territory, when instruction in these languages forms part of the school curriculum.

§ 3

Minority courses in the minority language shall be given in that language."

[109] The Polish contention in the form in which it appears in the alternative (éventuelle et subsidiaire) submission is, on the other hand, that the persons legally responsible for the education of the pupil or child are free "to declare what is the language of the pupil or child". This contention is a negation of freedom of choice as regards language of instruction and the corresponding school. It also follows from the proceedings that Poland does not unreservedly accept that all verification or dispute by the authorities is excluded as regards the declaration.

[110] Besides the articles quoted in the German submission, the Polish Government relies on Article 69 of the Convention, the first paragraph of which should here be recalled:

1.-En matière d'enseignement public, le Gouvernement allemand accordera dans les villes et districts où réside une proportion considérable de ressortissants allemands de langue autre que la langue allemande, des facilités appropriées pour assurer que dans les écoles primaires l'instruction sera donnée dans leur propre langue aux enfants de ces ressortissants allemands. Cette stipulation n'empêchera pas le Gouvernement allemand de rendre obligatoire l'enseignement de la langue allemande dans lesdites écoles [FN1]

1. - En matière d'enseignement public, le Gouvernement polonais accordera dans les villes et districts où réside une proportion considérable de ressortissants polonais de langue autre que la langue polonaise, des facilités appropriées pour assurer que dans les écoles primaires l'instruction sera donnée dans leur propre langue aux enfants de ces ressortissants polonais. Cette stipulation n'empêchera pas le Gouvernement polonais de rendre obligatoire l'enseignement de la langue polonaise dans lesdites écoles. [p39]

[FN1] Translation by the Registry:

1.- Germany will provide in the public educational system in towns and districts in which a considerable [p39] proportion of German nationals of other than German speech are residents, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such German nationals through the medium of their own language. This provision shall not prevent the German Government from making the teaching of the German language obligatory in the said schools. 1.- Poland will provide in the public educational system in towns and districts in which a considerable proportion of

Polish nationals of other than Polish speech, are residents, adequate facilities for ensuring that in the primary schools the instruction shall be given to the children of such. Polish nationals through the medium of their own language. This provision shall not prevent the Polish Government from making the teaching of the Polish language obligatory in the said schools.

[111] That Government infers that the minority language schools, classes or courses provided for by Article 105 of the Convention (see Annex) are only intended for pupils of a tongue other than Polish whose parents are also of that other tongue. The Polish Government consequently considers that the declaration provided by Article 131 for the purposes of establishing what is the tongue of the pupil or child contemplates the ascertainment of a fact and not the expression of an intention or of a wish.

[112] As regards the point whether Article 131 contemplates a declaration which ascertains a fact and not an expression of an intention or of a wish, the Court adopts the construction put upon it by the Polish Government. The terms of the article clearly bear this meaning {pour établir quelle est la langue d'un élève ou d'un enfant). These terms are also completely in harmony with the terms of Article 105 (enfants d'une minorité de langue) as well as with those of Article 107 (élèves... qui... appartiennent à une minorité de langue). This construction is moreover in conformity with the meaning of the words dans leur propre langue used in Article 69. The Court does not find in the text of the Convention any grounds for construing Article 131 as does the German Government, as solely contemplating a declaration of intention or of a wish that the instruction of a child or pupil should be given in the minority language. On this point the Court refers also to what it has stated above in regard to Article 74.

[113] The Court having to adjudicate upon contentions submitted on the basis of the Geneva Convention, cannot attribute any particular importance to the fact that the Voivode of Silesia, in conformity with an opinion given by the President of the Mixed Commission, has struck out from the forms for the requests provided for under Articles 106 and 107 [p40] the passage requiring a declaration as regards the "mother-tongue" of the child. This action may moreover be explained by the fact that the text itself of the articles in question does not require a declaration on this point and that the Convention does not employ the phrase langue maternelle (mother-tongue).

[114] Nor does the Court attach much importance to the argument which the German Government drew from the attitude adopted by the Polish Government during the negotiations which took place between Poland and the Free City of Danzig and which led to the Agreement of October 24th, 1921, concluded less than one month before the commencement of the negotiations with Germany relating to Upper Silesia. According to the German Government, the Polish Government had then demanded the adoption of the principle which the German Government now maintains. The Court does not find this to be quite correct. Poland then advocated two things: (1) that the admission to the minority schools at Danzig should not depend upon the condition that the child should be both racially and linguistically Polish, but that it should be sufficient for it to be either Polish by

origin or Polish by language; (2) that the declaration of the person responsible for, the education of the child should be decisive as to whether the child was of Polish tongue or of Polish origin, any verification of the truth of this declaration by the school authorities being prohibited. Poland thus claimed two different bases each of which was to suffice for admission to minority schools, namely, either the Polish origin or the Polish tongue of the child. The second basis alone would seem to have been adopted in the Geneva Convention. The request of Poland in this respect appears to correspond perfectly with the substance of the first paragraph of Article 131 of the Geneva Convention and therefore cannot provide an argument in favour of the construction of this article proposed by Germany.

[115] But although the conclusion drawn by the Court from the terms of the Convention is that Article 131 contemplates a declaration which on principle must refer to the existence of a fact and not express an intention or a wish, that does not exclude the possibility, when appreciating those facts, of properly taking into account a subjective element. Indeed, [p41] what is to be understood as a person's tongue is not always clear and beyond doubt; particularly when a child reaching the school age is concerned, it is no doubt proper not exclusively to take into account the language which the child generally employs if the parents employ another language to satisfy their cultural requirements and if it is that language which they by preference consider as their own. What has just been stated is particularly true as regards Upper Silesia, considering the very special conditions which, according to the information supplied in the course of the proceedings, appear to exist there from a linguistic point of view.

[116] The German contention raises yet another question: namely whether, according to the Convention, the admission of a pupil or child to the minority schools (classes or courses) depends upon a declaration in accordance with Article 131.

[117] In this connection the Court observes that it seems to be beyond doubt that Article 69 does not imply an obligation for the States in question to grant "appropriate facilities" for instruction in the language of the minority to be given in public primary schools to other pupils or children than those whose language is that of the minority. But, according to what has been stated above in regard to the relations between the provisions of Division I and those of Division II, it would be unreasonable to construe these stipulations of the article in question as being opposed to an extension by the Convention of the participation in the same advantages to other pupils and children. The question therefore is whether the Convention has provided for such an extension. The President of the Mixed Commission considered that it was necessary to distinguish between, on the one hand, requests for the purpose of establishing a minority school or courses in a minority language - with regard to which Articles 106 and 107 laid down certain rules - and, on the other hand, simple requests for the admission of a pupil to an existing minority school. The latter, with regard to which the Convention has not laid down any rules, are not, according to him, subject to any formality or any condition, with regard to language. The basis of this construction appears in the first place to be the "subjective principle" which, according to the German

Government, was laid down by Articles 74 and 131, but which [p42] according to the above construction placed on these articles by the Court cannot be inferred therefrom.

[118] Another ground for this construction would appear to be the right of equal treatment which Article 68 of the Convention guarantees to minorities; the terms of this article are as follows [FN1]:

Les ressortissants allemands appartenant à des minorités ethniques, de religion ou de langue, jouiront du même traitement et des mêmes garanties en droit et en fait, que les autres ressortissants allemands. Ils auront notamment un droit égal à créer, diriger et contrôler à leurs frais des institutions charitables, religieuses ou sociales, des écoles et autres établissements d'éducation, avec le droit d'y faire librement usage de leur propre langue et d'y exercer librement leur religion.

Les ressortissants polonais appartenant à des minorités ethniques, de religion ou de langue, jouiront du même traitement et des mêmes garanties en droit et en fait que les autres ressortissants polonais. Us auront notamment un droit égal à créer, diriger et contrôler à leurs frais des institutions charitables, religieuses ou sociales, des écoles et autres établissements d'éducation, avec le droit d'y faire librement usage de leur propre langue et d'y exercer librement leur religion.

[FN1] Translation by the Registry :

German nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other German nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein. Polish nationals who belong to racial, religious or linguistic minorities shall enjoy the same treatment and security in law and in fact as the other Polish nationals. In particular they shall have an equal right to establish, manage and control at their own expense charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

[119] Although this article has not been invoked in the German submissions as regards the contention in question here, it appears from the proceedings that the German Government finds in Article 68 an argument to prove that there exists a freedom to choose the minority school without any obligation of making the declaration provided for by Article 131. The Court therefore considers it necessary to examine this argument. [p43]

[120] In the course of the oral proceedings the German Government expressed the opinion that the principle of equal treatment of all nationals laid down by Articles 67 and 68 of the Convention would be violated if, as regards the mere admission of a child to a minority school, a declaration containing anything besides a mere request for admission were to be demanded from the person responsible for the child's education. This reasoning appears to be as follows : no special declaration is required for the admission of the child to a majority

school; consequently, by virtue of the principle of equal treatment, the same should be the case as regards admission to minority schools.

[121] The Court is unable to adopt this reasoning. It considers that Article 67 (see Annex) has no relation to the question set out above. As regards Article 68, it should be observed that it cannot be construed leaving Article 69 out of consideration. In laying down the obligation to grant appropriate facilities for a child speaking the language of the minority to be taught in public primary schools in its own language, this article clearly shows that it is perfectly compatible with the principle of the "same treatment" guaranteed by Article 68, to restrict the enjoyment of these "facilities" to children whose language is the minority language. And if, to ensure the observance of this rule, a declaration as to the language of the child is required, that also cannot be regarded as a violation of the principle of the "same treatment" established by Article 68.

[122] Article 69, in fact, bestows an advantage which is dependent on the fulfilment of certain conditions; the fact that this advantage is not obtainable if the conditions in question are not fulfilled does not therefore raise any question of equality of treatment. It follows from what has already been said that a refusal to admit to minority schools (classes or courses) children who, according to the declaration of the persons responsible for their education, only speak Polish or in respect of whom the declaration as to the child's language is lacking, cannot be regarded as contrary to the Convention.

[123] If a declaration has been made, it must always be respected. With regard to Article 131, as well as to Article 74, the Court [p44] holds that the prohibition as regards any verification or dispute does not cease to apply in cases where it appears that the declaration is not in accordance with the facts. In regard to this, the Court refers to what it has already said concerning Article 74.

[124] Approaching now the third contention of the German Government, the Court observes that Article 68 of the Convention is alone relevant in this connection. For Article 65 (see Annex), which the German Government has also cited, adds nothing to the principles contained in Article 68, but endows them with a peculiarly important and predominant character. As regards Article 72, paragraph 2, and the Pre-amble to Division II (see Annex), which are also cited, no explanation has been given enabling the Court to take them into consideration.

[125] According to the German contention, the measures in question are those described in the original English version as "singling out the minority schools to their detriment". This expression, in the opinion of the Court, means measures which constitute a treatment of minority schools less favourable or more unfavourable than the treatment accorded to other schools, and a treatment which is at the same time of a more or less arbitrary character.

[126] In support of its contention, the German Government, in its Reply, has alleged that, since the putting into force of the Convention, the German minority schools have been, in most cases, organized and maintained in face of strong opposition on the part of the Polish

authorities. It has stated that more than 700 petitions emanating from members of the minority who complain of arbitrary interference on the part of the Polish authorities in the affairs of minority schools, are still pending, and that seven collective petitions also exclusively relating to minority schools, have been submitted to the Council of the League of Nations, in accordance with Articles 149 and 157. In proof of its statement that the attitude of the Polish authorities has been hostile to the minority schools, the German Government has cited the fact that, in an Opinion given on October 12th, 1927, the President of the Mixed [p45] Commission, in regard to the enquiry ordered by the competent authorities for the purpose of hearing all persons who had asked for the establishment of a minority school at Gieraltowice, made the following statement:

"L'interrogatoire dut faire aux personnes légalement responsables de l'éducation l'impression d'un essai de pression destinée à les faire renoncer à la création d'une école minoritaire, d'autant plus que la minorité est engagée depuis des années dans une lutte permanente avec les autorités sur le terrain de l'école minoritaire. D'après l'article 131, alinéa 2, il est interdit aux autorités d'exercer une influence, si minime qu'elle soit, en vue du retrait de la demande faite dans le sens de l'article 106; il est donc évident que les autorités compétentes ont violé cet article [FN1]."

[FN1] Translation by the Registry :

"The persons legally responsible for the children's education must have received the impression that, the enquiry was an attempt to exert pressure to induce them to abandon the request for the creation of a minority school, more especially seeing that the minority has been engaged for years in a continuous struggle with the authorities in regard to the question of the minority school. Under Article 131, paragraph 2, the authorities are forbidden to exercise any pressure, however slight, with a view to obtaining the withdrawal of requests made under Article 106; it is therefore obvious that the competent authorities have contravened this article."

[127] As examples of a partial attitude on the part of the authorities, the German Government has also cited two special cases, one relating to the attitude adopted by the police of Brzezine in connection with a Christmas festivity arranged by the minority school, and the other concerning the fact that in the commune of Brzezinka, the school authorities had established the minority school at a place situated about three quarters of an hour away from the locality where most of the children entered for the school lived, though premises could have been found in that locality.

[128] The Court considers that a generally hostile attitude on the part of the authorities in regard to minority schools, an attitude manifested by more or less arbitrary action, is not compatible with the principle laid down in Article 68. The Court, moreover, has found nothing in the documents and statements submitted in the course of the proceedings which would show that Poland questions, as not well founded, Germany's contention that any measure singling out the [p46] minority schools to their detriment is incompatible with the equal treatment guaranteed by Article 68. On the other hand, the Court does not intend to

express an opinion on the question whether the attitude of the authorities has, in fact, been discriminatory, for it has not been asked for a decision in regard to any concrete measure alleged to be of this character.

[129] In these circumstances, the Court holds that it is not incumbent upon it to pass judgment on the third of the German contentions.

[130] FOR THESE REASONS, The Court, having heard both Parties, by eight votes to four, gives judgment as follows:

(1) that the objections, whether to the jurisdiction or respecting the admissibility of the suit, raised by the Respondent, must be overruled;

(2) that Articles 74, 106 and 131 of the German-Polish Convention of May 15th, 1922, concerning Upper Silesia, bestow upon every national the right freely to declare according to his conscience and on his personal responsibility that he does or does not belong to a racial, linguistic or religious minority and to declare what is the language of a pupil or child for whose education he is legally responsible;

that these declarations must set out what their author regards as the true position in regard to the point in question and that the right freely to declare what is the language of a pupil or child, though comprising, when necessary, the exercise of some discretion in the appreciation of circumstances, does not constitute an unrestricted right to choose the language in which instruction is to be imparted or the corresponding school;

that, nevertheless, the declaration contemplated by Article 131 of the Convention, and also the question whether a person [p47] does or does not belong to a racial, linguistic or religious minority, are subject to no verification, dispute, pressure or hindrance whatever on the part of the authorities ;

(3) that the Court is not called upon to give judgment on that portion of the Applicant's submission according to-which any measure singling out the minority schools to their detriment is incompatible with the equal treatment guaranteed by Articles 65, 68, 72, paragraph 2, and by the Preamble of Division II of Part III of the Convention.

b. Minority Schools in Albania, Advisory Opinion No. 26

6 April 1935

(Permanent Court of International Justice)

[48] The idea underlying the treaties for the protection of minorities is to secure for certain elements incorporated in a State, the population of which differs from them in race, language or religion, the possibility of living peaceably alongside that population and cooperating amicably with it, while at the same time preserving the characteristics which distinguish them from the majority, and satisfying the ensuing special needs.

[49] In order to attain this object, two things were regarded as particularly necessary, and have formed the subject of provisions in these treaties.

[50] The first is to ensure that nationals belonging to racial, religious or linguistic minorities shall be placed in every respect on a footing of perfect equality with the other nationals of the State.

[51] The second is to ensure for the minority elements suitable means for the preservation of their racial peculiarities, their traditions and their national characteristics.

[52] These two requirements are indeed closely interlocked, for there would be no true equality between a majority and a minority if the latter were deprived of its own institutions, and were consequently compelled to renounce that which constitutes the very essence of its being as a minority.

[53] In common with the other treaties for the protection of minorities, and in particular with the Polish Treaty of June 28th, 1919, the text of which it follows, so far as concerns the question before the Court, very closely and almost literally, the Declaration of October 2nd, 1921, begins by laying down that no person shall be placed, in his relations with the Albanian authorities, in a position of inferiority by reason of his language, race or religion. Thus, Article 2 stipulates for all inhabitants of Albania a certain minimum of rights, which are to be granted to them "without distinction of birth, nationality, language, race or religion"; and Article 3 guarantees that Albanian nationality will not be refused to any person fulfilling the conditions mentioned in that Article.

[54] Article 4 only relates to Albanian nationals and stipulates on their behalf equality before the law and the enjoyment of [p18] the same civil and political rights, without distinction as to race, language or religion. It also defines certain of these rights, with the same object of preventing differences of race, language or religion from becoming a ground of inferiority in law or an obstacle in fact to the exercise of the rights in question.

[55] In all these cases, the Declaration provides for a régime of legal equality for all persons mentioned in the clause; in fact no standard of comparison was indicated, and none was necessary, for at the same time that it provides for equality of treatment the Declaration specifies the rights which are to be enjoyed equally by all.

[56] After having regulated, as indicated above, the legal position of certain persons who, whether or not possessing Albanian nationality, come under Albanian sovereignty, and the legal position of Albanian nationals in general, the Declaration goes on to make special provision for Albanian nationals belonging to minorities of race, language or religion. That is the subject dealt with in paragraph 1 of Article 5, the provision which is expressly referred to in the first question put to the Court, and with which the Court must now occupy itself more particularly.

[57] It has already been remarked that paragraph 1 of Article 5 consists of two sentences, the second of which is linked to the first by the words in particular: for a right apprehension

of the second part, it is therefore first necessary to determine the meaning and the scope of the first sentence.

[58] This sentence is worded as follows:

"Albanian nationals who belong to racial, linguistic or religious minorities, will enjoy the same treatment and security in law and in fact as other Albanian nationals."

[59] The question that arises is what is meant by the same treatment and security in law and in fact.

[60] It must be noted to begin with that the equality of all Albanian nationals before the law has already been stipulated in the widest terms in Article 4. As it is difficult to admit that Article 5 set out to repeat in different words what had already been said in Article 4, one is led to the conclusion that "the same treatment and security in law and in fact" which is provided for in Article 5 is not the same notion as the equality before the law which is provided for in Article 4.

[61] Moreover, as Article 4 stipulates equality before the law for all Albanian nationals, while Article 5 stipulates the "same treatment and security in law and in fact" for Albanian nationals [p19] belonging to racial, religious or linguistic minorities as compared with other Albanian nationals, it is natural to conclude that the "same treatment and security in law and in fact" implies a notion of equality which is peculiar to the relations between the majority and minorities.

[62] This special conception finds expression in the idea of an equality in fact which in Article 5 supplements equality in law. All Albanian nationals enjoy the equality in law stipulated in Article 4 ; on the other hand, the equality between members of the majority and of the minority must, according to the terms of Article 5, be an equality in law and in fact.

[63] It is perhaps not easy to define the distinction between the notions of equality in fact and equality in law ; nevertheless, it may be said that the former notion excludes the idea of a merely formal equality; that is indeed what the Court laid down in its Advisory Opinion of September 10th, 1923, concerning the case of the German settlers in Poland (Opinion No. 6), in which it said that:

"There must be equality in fact as well as ostensible legal equality in the sense of the absence of discrimination in the words of the law."

[64] Equality in law precludes discrimination of any kind; whereas equality in fact may involve the necessity of different treatment in order to attain a result which establishes an equilibrium between different situations.

[65] It is easy to imagine cases in which equality of treatment of the majority and of the minority, whose situation and requirements are different, would result in inequality in fact; treatment of this description would run counter to the first sentence of paragraph 1 of

Article 5. The equality between members of the majority and of the minority must be an effective, genuine equality ; that is the meaning of this provision.

[66] The second sentence of this paragraph provides as follows:

"In particular they shall have an equal right to maintain, manage and control at their own expense or to establish in the future, charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein."

[67] This sentence of the paragraph being linked to the first by the words "in particular", it is natural to conclude that it envisages a particularly important illustration of the application of the principle of identical treatment in law and in fact that is stipulated in the first sentence of the paragraph. For the institutions mentioned in the second sentence are indispensable to enable the minority to enjoy the same treatment as the [p20] majority, not only in law but also in fact. The abolition of these institutions, which alone can satisfy the special requirements of the minority groups, and their replacement by government institutions, would destroy this equality of treatment, for its effect would be to deprive the minority of the institutions appropriate to its needs, whereas the majority would continue to have them supplied in the institutions created by the State.

[68] Far from creating a privilege in favour of the minority, as the Albanian Government avers, this stipulation ensures that the majority shall not be given a privileged situation as compared with the minority.

[69] It may further be observed that, even disregarding the link between the two parts of paragraph 1 of Article 5, it seems difficult to maintain that the adjective "equal", which qualifies the word "right", has the effect of empowering the State to abolish the right, and thus to render the clause in question illusory; for, if so, the stipulation which confers so important a right on the members of the minority would not only add nothing to what has already been provided in Article 4, but it would become a weapon by which the State could deprive the minority régime of a great part of its practical value. It should be observed that in its Advisory Opinion of September 15th, 1923, concerning the question of the acquisition of Polish nationality (Opinion No. 7), the Court referred to the opinion which it had already expressed in Advisory Opinion No. 6 to the effect that "an interpretation which would deprive the Minorities Treaty of a great part of its value is inadmissible".

[70] If the object and effect of the second sentence of the paragraph is to ensure that Albanian nationals belonging to racial, linguistic or religious minorities shall in fact enjoy the same treatment as other Albanian nationals, it is clear that the expression "equal right" must be construed on the assumption that the right stipulated must always be accorded to the members of the minority. The idea embodied in the expression "equal right" is that the right thus conferred on the members of the minority cannot in any case be inferior to the corresponding right of other Albanian nationals. In other words, the members of the minority must always enjoy the right stipulated in the Declaration, and, in addition, any more extensive rights which the State may accord to other nationals. The right provided by

the Declaration is in fact the minimum necessary to guarantee effective and genuine equality as between the majority and the minority; but if the members of the majority should be granted a right more extensive than that which is provided, the principle of equality of treatment would come into play and would require that the more extensive right should also be granted to the members of the minority. [p21]

[71] The construction which the Court places on paragraph 1 of Article 5 is confirmed by the history of this provision.

[72] No. 5 of the proposals which the Greek Government submitted to the Council of the League of Nations on May 17th, 1921, and which have in part been reproduced above, was worded as follows:

"That all Albanian subjects belonging to racial, religious or linguistic minorities should enjoy the same treatment and the same security, both in fact and in law, as other Albanian subjects; and that they should be entitled to establish, to administer and to control at their own expense, charitable, religious or scholastic institutions of all kinds, to employ their own language and to practise their own religion freely without interference by the authorities, provided that the interest of public order is safeguarded."

[73] It is clear that the right of minorities to have their own charitable, religious or educational institutions was envisaged in that proposal as a right which they were to enjoy in any case, irrespective of the legal situation of other Albanian nationals.

[74] This proposal was not contested by the Albanian Government in its reply of June 21st of the same year, the relevant part of which has been quoted above; and the report submitted to the Council by the British representative on October 2nd observed that the Declaration met most of the Greek Government's suggestions. The points mentioned in the report in which it failed to do so, in no case affect the subject of the proposal in question. That being so, the Court is unable to attach any importance to the fact that the word "equal" does not appear in the fifth Greek proposal, whereas it is used in Article 5 of the Albanian Declaration which, in this respect, follows the exact wording of the minorities treaties.

[75] On the other hand, it was probably with the object of meeting, in so far as was consistent with the general minority régime, the desire expressed by the Greek Government in its sixth proposal that the words "to maintain", which do not appear in Article 8 of the Treaty with Poland of June 28th, 1919, were inserted in paragraph 1 of Article 5.

[76] Another argument in support of the interpretation placed by the Court on paragraph 1 of Article 5 is supplied by Article 6 of the Declaration, which is worded as follows:

"Provision will be made in the public educational system in towns and districts in which are resident a considerable proportion of Albanian nationals whose mother-tongue is not the official language, for adequate facilities for ensuring that in the primary schools instruction shall be given to the children of such nationals through the medium of their own language, it being understood that this provision does not prevent teaching of the official language being made obligatory in the said schools. [p22]

In towns and districts where there is a considerable proportion of Albanian nationals belonging to racial, religious or linguistic minorities, these minorities will be assured an equitable share in the enjoyment and application of sums which may be provided out of public funds under the State, municipal or other budgets, for educational, religious or charitable purposes."

[77] Beginning as it does with the words "in the public educational system", which thus follow directly after Article 5, Article 6 appears to assume that State education, so far as it is intended for members of the minorities, will be something additional to private education, and is not meant to take the place of private education. For that reason, the Court cannot regard as relevant the information supplied to it by the Albanian Government concerning the present conditions of State education in Albania and the reforms already introduced, or about to be introduced, in order to meet the needs of the minority in the State schools.

[78] The Court, having thus established that paragraph 1 of Article 5 of the Declaration, both according to its letter and its spirit, confers on Albanian nationals of racial, religious or linguistic minorities the right that is stipulated in the second sentence of that paragraph, finds it unnecessary to examine the subsidiary argument adduced by the Albanian Government to the effect that the text in question should in case of doubt be interpreted in the sense that is most favourable to the sovereignty of the State.

[79] The Court therefore finds that paragraph 1 of Article 5 of the Declaration of October 2nd, 1921, ensures for Albanian nationals belonging to racial, linguistic or religious minorities the right to maintain, manage and control at their own expense or to establish in the future charitable, religious and social institutions, schools and other educational establishments, with the right to use their own language and to exercise their religion freely therein.

**c. South West Africa (Namibia) cases, 1962 Judgment (I.C.J. Reports 1962),
Dissenting Opinion, Judge Kōtarō Tanaka**

[I]f we consider education...we cannot deny the value of vernacular as the medium of instruction and the result thereof would be separate schooling as between children of diverse population groups... In this case separate education and schooling may be recognised as reasonable [and therefore not discriminatory]. This is justified by the nature of the matter in question.

d. Case "relating to certain aspects of the laws on the use of languages in education in Belgium" (Belgian Linguistic Case), Application no 1474/62; 1677/62; 1691/62; 1769/63; 1994/63; 2126/64, judgment of 23 July 1968 (European Court of Human Rights)

7. The first question concerns exclusively those provisions of the Acts of 1932 and 1963 which prevented, or prevent, in the regions which are by law deemed unilingual, the establishment or subsidisation by the State of schools not in conformity with the general linguistic requirements.

In the present case, this question principally concerns the State's refusal to establish or subsidise, in the Dutch unilingual region, primary school education (which is compulsory in Belgium) in which French is employed as the language of instruction.

Such a refusal is not incompatible with the requirements of the first sentence of Article 2 of the Protocol (P1-2). In interpreting this provision, the Court has already held that it does not enshrine the right to the establishment or subsidising of schools in which education is provided in a given language. The first sentence of Article 2 (P1-2) contains in itself no linguistic requirement. It guarantees the right of access to educational establishments existing at a given time and the right to obtain, in conformity with the rules in force in each State and in one form or another, the official recognition of studies which have been completed, this last right not being relevant to the point which is being dealt with here. In the unilingual regions, both French-speaking and Dutch-speaking children have access to public or subsidised education, that is to say to education conducted in the language of the region.

...The Court...does not consider that the measures adopted in this matter by the Belgian legislature are so disproportionate to the requirements of the public interest which is being pursued as to constitute a discrimination contrary to Article 14 of the Convention, read in conjunction with the first sentence of Article 2 of the Protocol...

...

Article 14 does not prohibit distinctions in treatment which are founded on an objective assessment of essentially different factual circumstances and which, being based on the public interest, strike a fair balance between the protection of the interests of the community and respect for the rights and freedoms safeguarded by the Convention.

In examining whether the legal provisions which have been attacked satisfy these criteria, the Court finds that their purpose is to achieve linguistic unity within the two large regions of Belgium in which a large majority of the population speaks only one of the two national languages. This legislation makes scarcely viable schools in which teaching is conducted solely in the national language that is not that of the majority of the inhabitants of the region. In other words, it tends to prevent, in the Dutch-unilingual region, the establishment or maintenance of schools which teach only in French. Such a measure cannot be considered arbitrary. To begin with, it is based on the objective element which the region constitutes. Furthermore it is based on a public interest, namely to ensure that all schools dependent on the state and existing in a unilingual region conduct their teaching in the language which is essentially that of the region.

... the legislation has instituted an educational system which, in the Dutch unilingual region, exclusively encourages teaching in Dutch, in the same way as it establishes the linguistic homogeneity of education in the French unilingual region. These differences in treatment of the two national languages in the two unilingual regions are, however compatible [with Articles 2 and 14].

e. Cyprus v. Turkey, Application no. 25781/94, judgment of 10 May 2001, (European Court of Human Rights)

273. The applicant Government averred that the children of Greek Cypriots living in northern Cyprus were denied secondary-education facilities and that Greek-Cypriot parents of children of secondary-school age were in consequence denied the right to ensure their children's education in conformity with their religious and philosophical convictions. The applicant Government relied on Article 2 of Protocol No. 1, which states:

“No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

...

277. The Court notes that children of Greek-Cypriot parents in northern Cyprus wishing to pursue a secondary education through the medium of the Greek language are obliged to transfer to schools in the south, this facility being unavailable in the “TRNC” ever since the decision of the Turkish-Cypriot authorities to abolish it. Admittedly, it is open to children, on reaching the age of 12, to continue their education at a Turkish or English-language school in the north. In the strict sense, accordingly, there is no denial of the right to education, which is the primary obligation devolving on a Contracting Party under the first sentence of Article 2 of Protocol No. 1 (see the *Kjeldsen, Busk Madsen and Pedersen v. Denmark* judgment of 7 December 1976, Series A no. 23, pp. 25-26 § 52). Moreover, this provision does not specify the language in which education must be conducted in order that the right to education be respected (see the above-mentioned Belgian linguistic judgment, pp. 30-31, § 3).

278. However, in the Court's opinion, the option available to Greek-Cypriot parents to continue their children's education in the north is unrealistic in view of the fact that the children in question have already received their primary education in a Greek-Cypriot school there. The authorities must no doubt be aware that it is the wish of Greek-Cypriot parents that the schooling of their children be completed through the medium of the Greek language. Having assumed responsibility for the provision of Greek-language primary schooling, the failure of the “TRNC” authorities to make continuing provision for it at the secondary-school level must be considered in effect to be a denial of the substance of the right at issue. It cannot be maintained that the provision of secondary education in the south

in keeping with the linguistic tradition of the enclaved Greek Cypriots suffices to fulfil the obligation laid down in Article 2 of Protocol No. 1, having regard to the impact of that option on family life (see paragraph 277 above and paragraph 292 below).

279. The Court notes that the applicant Government raise a further complaint in respect of primary-school education and the attitude of the “TRNC” authorities towards the filling of teaching posts. Like the Commission, it considers that, taken as a whole, the evidence does not disclose the existence of an administrative practice of denying the right to education at primary-school level.

280. Having regard to the above considerations, the Court concludes that there has been a violation of Article 2 of Protocol No. 1 in respect of Greek Cypriots living in northern Cyprus in so far as no appropriate secondary-school facilities were available to them.

**f. Catan and Others v. Moldova and Russia, Applications nos. 43370/04, 8252/05 and 18454/06, Grand Chamber judgment of 5 September 2012
(European Court of Human Rights)**

137. Moreover, although the text of Article 2 of Protocol No. 1 does not specify the language in which education must be conducted, the right to education would be meaningless if it did not imply in favour of its beneficiaries, the right to be educated in the national language or in one of the national languages, as the case may be (Case “relating to certain aspects of the laws on the use of languages in education in Belgium”, cited above, § 3).

...

142. While it is difficult for the Court to establish in detail the facts relating to the applicants’ experiences following the reopening of the schools, it nonetheless notes the following. First, Article 6 of the “MRT” Law on Languages” was in force and the use of the Latin alphabet constituted an offence in the “MRT” (see paragraph 43 above)...

143. The schools were at all times registered with the Moldovan Ministry of Education, using a curriculum set by that Ministry and providing teaching in the first official language of Moldova. The Court therefore considers that the forced closure of the schools, based on the ““MRT” Law on languages” (see paragraphs 43-44 above), and the subsequent measures of harassment constituted interferences with the applicant pupils’ rights of access to educational institutions existing at a given time and to be educated in their national language (see paragraph 137 above). In addition, the Court considers that these measures amounted to an interference with the applicant parents’ rights to ensure their children’s education and teaching in accordance with their philosophical convictions. As stated above, Article 2 of Protocol No. 1 must be read in the light of Article 8 of the Convention, which safeguards the right to respect for private and family life, inter alia. The applicant parents in this case wanted their children to be educated in the official language of their country, which was also their own mother tongue. Instead, they were placed in the invidious position of having to choose, on the one hand, between sending their children to schools where they would face the disadvantage of pursuing their entire secondary education in a combination of language and alphabet which they consider artificial and which is unrecognised

anywhere else in the world, using teaching materials produced in Soviet times or, alternatively, subjecting their children to long journeys and/or substandard facilities, harassment and intimidation.

144. There is no evidence before the Court to suggest that the measures taken by the “MRT” authorities in respect of these schools pursued a legitimate aim. Indeed, it appears that the “MRT”’s language policy, as applied to these schools, was intended to enforce the Russification of the language and culture of the Moldovan community living in Transdnistria, in accordance with the “MRT”’s overall political objectives of uniting with Russia and separating from Moldova. Given the fundamental importance of primary and secondary education for each child’s personal development and future success, it was impermissible to interrupt these children’s schooling and force them and their parents to make such difficult choices with the sole purpose of entrenching the separatist ideology.

...

149. The Court notes that there is no evidence of any direct participation by Russian agents in the measures taken against the applicants. Nor is there any evidence of Russian involvement in or approbation for the “MRT”’s language policy in general. Indeed, it was through efforts made by Russian mediators, acting together with mediators from Ukraine and the OSCE, that the “MRT” authorities permitted the schools to reopen as “foreign institutions of private education” (see paragraphs 49, 56 and 66 above).

150. Nonetheless, the Court has established that Russia exercised effective control over the “MRT” during the period in question. In the light of this conclusion, and in accordance with the Court’s case-law, it is not necessary to determine whether or not Russia exercised detailed control over the policies and actions of the subordinate local administration (see paragraph 106 above). By virtue of its continued military, economic and political support for the “MRT”, which could not otherwise survive, Russia incurs responsibility under the Convention for the violation of the applicants’ rights to education. In conclusion, the Court holds that there has been a violation of Article 2 of Protocol No. 1 to the Convention in respect of the Russian Federation.

g. Legal Consequences for States of the Continued Presence of South Africa in Namibia (South West Africa) Notwithstanding Security Council Resolution 276 (1970), Advisory Opinion, 21 June 1971 (International Court of Justice)

For instance, if we consider education...we cannot deny the value of vernacular as the medium of instruction and the result thereof would be separate schooling as between children of diverse population groups... In this case separate education and schooling may be recognised as reasonable. This is justified by the nature of the matter in question.

h. Sawhoyamaya v. Paraguay, Judgement (IACtHR, 29 Mar. 2006)

230. With the foregoing in mind and in view of the conclusions contained in the chapter related to Article 4 of the American Convention (supra para. 156 to 180), the Court orders that, while the members of the Community remain landless, the State shall immediately, regularly and permanently adopt measures to: ... e) provide the school of the “Santa Elisa” settlement with all necessary material and human resources, and establish a temporary school with all necessary material and human resources for the children of the “Kilómetro 16” settlement. The education provided must, inasmuch as possible, respect the cultural values of the Community and of Paraguay, and is to be bilingual; in the Exent language, and at the discretion of the members of the Community, either in Spanish or in Guarani.

i. Mavlonov and Sa’di v. Uzbekistan, Comm. 1334/2004, U.N. Doc. CCPR/C/95/D/1334/2004, 19 March 2009 (UN Human Rights Committee)

8.7 In this respect, the Committee has noted the authors' uncontested claim that "Oina" published articles containing educational and other materials for Tajik students and young persons on events and matters of cultural interest to this readership, as well as reported on the particular difficulties facing the continued provision of education to Tajik youth in their own language, including shortages in Tajik-language textbooks, low wages for teachers and the forced opening of Uzbek-language classes in some Tajik schools. The Committee considers that in the context of article 27, education in a minority language is a fundamental part of minority culture. Finally, the Committee refers to its jurisprudence, where it has made clear that the question of whether Article 27 has been violated is whether the challenged restriction has an 'impact [...] [so] substantial that it does effectively deny to the [complainants] the right to enjoy their cultural rights [...]'. [FN13] In the circumstances of the present case, the Committee is of the opinion that the use of a minority language press as means of airing issues of significance and importance to the Tajik minority community in Uzbekistan, by both editors and readers, is an essential element of the Tajik minority's culture. FN14 Taking into account the denial of the right to enjoy minority Tajik culture, the Committee finds a violation of article 27, read together with article 2.

j. Waldman v. Canada, Comm. No. 694/1996, CCPR/C/67/D/694/1996, 3 November 1999 (UN Human Rights Committee)

Concurring opinion, Martin Scheinin:

Providing for publicly funded education in minority languages for those who wish to receive such education is not as such discriminatory, although care must of course be taken that possible distinctions between different minority languages are based on objective and reasonable grounds. The same rule applies in relation to religious education in minority religions. In order to avoid discrimination in funding religious (or linguistic) education for some but not all minorities States may legitimately base themselves on whether there is a constant demand for such education.

k. 1989 REPORT OF THE COMMISSION OF INQUIRY appointed under article 26 of the Constitution of the International Labour Organisation to examine the observance by Romania of the Discrimination (Employment and Occupation) Convention, 1958 (No. 111)

229. The information available confirms the reduction in the share of members from national minorities in all kinds of teaching, and even their virtual absence. This situation was the subject of several warnings made to the Government of the Socialist Republic of Romania by members of the Magyar or German minorities, either through institutions supposed to represent the minorities or in communications published outside the country. It does not appear that these appeals have resulted in any measures to correct the discriminatory effects of the education policy, since new measures have been taken to reduce even further the opportunities for access to education by members of the minority group in their mother tongue. Referring to the question of the network of schools in the Hungarian language, the report of the Parliamentary Committee of Inquiry into the events at Tirgu-Mures points out that it "was seriously affected by the administrative measures taken by the dictatorship during recent decades". (Endnote 101)

230. It appears from the various information which the Committee has received and been able to verify that the period prior to the filing of the complaint saw a significant reduction in teaching in the languages of the national minorities, in particular Hungarian and German. The reduction in the number of students in the German language sections closely parallels the reduction in the number of persons from this minority following the permanent emigration to Germany of approximately 10,000 persons a year. This is not the case for the members of the Magyar minority whose numbers, according to the results of censuses, have increased in absolute terms. However, the number of children educated or trained in Hungarian has constantly fallen in percentage terms and in absolute numbers as compared with the total population and the Magyar population.

231. It is not possible to ascribe the full extent of this reduction to a numerically significant movement of parents of children of Magyar origin choosing to place their children in a different teaching system even if this kind of choice is available. The ever-decreasing opportunities for following technical and vocational training courses in a mother tongue, enabling the students to take up a job with a future, encourages the choice of a system which offers a wider range of job outlets. That being so, the Magyar population has, as a whole, shown unequivocal resistance to the various measures taken by the authorities of the Socialist Republic of Romania to encourage or accelerate this reduction in teaching in the Hungarian language.

232. The movement has not been spontaneous. It has been encouraged by several series of measures taken to dismantle gradually the network of teaching in the Hungarian language: the loss of administrative autonomy, the establishment of high quotas for the setting up or continuation of classes, reduction in the share of subjects taught in the mother tongue, the failure to advertise vacant posts, the appointment of Hungarian language teachers in schools, gymnasia or high schools where there are no classes in the Hungarian language, etc. These measures have been adopted one after another at a time when the existence and functioning of teaching in the languages of the minorities continued to be one of the aspects of the policy of equal opportunity and treatment which the Government of the Socialist Republic of Romania said it was applying.

Thus, the information communicated to the supervisory bodies of the International Labour Organisation and to the Director-General of the International Labour Office, under article 26 of the Constitution of the ILO, have continued to refer to this policy of education and training in the languages of cohabiting nationalities.

233. Article 2 of the Convention stipulates that a member State which ratifies the Convention undertakes to declare and pursue a national policy designed to promote equality of opportunity and treatment with a view to eliminating the discriminations covered by Article 1. The policy applied must conform to the policy which is defined, which has not been the case as regards the education and training of the members of national minorities in their mother tongue. The Committee believes that the policy applied by the Government of the Socialist Republic of Romania has partially invalidated the policy which had been defined. Furthermore, although the Convention leaves the choice of methods for promoting equal opportunity and treatment to the Government concerned, the text does however imply that once measures have been adopted and a certain degree of protection against discrimination attained, the existing system of protection may not be dismantled unless it is accompanied by the adoption of an alternative system which increases or maintains rather than reduces the protection granted or the guarantees given.

...

590. As regards education, the period under consideration is marked by a progressive decrease in the possibilities of receiving an education in the mother tongue, in respect of the number of schools and classes in which Hungarian was the language of instruction. Besides, the systematic implementation of the system of arbitrarily assigning young graduates to posts outside the regions where the majority of Magyars live, discouraged many young persons from commencing or continuing their studies at this level. The failure to assign Hungarian-language teachers to posts in the schools and colleges of the areas where the majority of Magyars live has led to a teacher shortage, which has accelerated the trend towards the closure of classes in Hungarian for lack of numbers. The numerus clausus established by the authorities, on the basis of no known objective criterion, meant that many schools could not be maintained in view of the dispersal and ethnic heterogeneity of the Transylvanian region.

591. All these practical measures, taken as a whole and systematically applied, were in contradiction to the laws and regulations, as well as to the majority of the statements made by the authorities.

...

Situation of minorities since December 1989

595. The changes which have occurred since December 1989 have appreciably modified the situation of members of minority groups in respect of employment and education.

...

598. Moreover, the question of education in the mother tongue continues to give cause for anxiety, among both the members of the Magyar minority and persons belonging to the Romanian majority. Decision No. 521/1990, respecting the organisation and functioning of

teaching in Romania for the academic year 1990-91, contains provisions which, if fairly and justly applied, are acceptable to all, apart from the following exception: the Decision excludes vocational training in the mother tongue; it is to be provided in Romanian only. The members of the Magyar minority consider this exclusion unacceptable.

599. The Commission is aware of the importance that this question of training provided in the mother tongue can have, both for the Magyar minority and for Romanian society as a whole. Apart from its practical aspects, it has become a symbol for each side. Future relations between the Magyar minority and Romanian society, of which it is a part, will depend on a fair and just solution to this question, and such a solution cannot be found exclusively under the terms of Convention No. 111.