

Reviewing the Relation of Language and Minorities' Rights

Mohsen Davarzani, Ehsan Lame, Mohammad Taghi Hassan Zadeh

Abstract—Language is considered as a powerful and outstanding feature of ethnicity. However, humiliating and prohibiting using human language is one of the most heinous and brutal acts in the form of racism. In other words, racism can be a product of physiological humiliations and discrimination, such as skin color, and can also be resulted from ethnic humiliation and discrimination such as language, customs and so on. Ethnic and racial discrimination is one of the main problems of the world that minorities and occasionally the majority have suffered from. Nowadays, few states can be found in which all individuals and its citizens are of the same race and ethnicity, culture and language. In these countries, referred to as the multinational states, (eg, Iran, Switzerland, India, etc.), there are the communities and groups which have their own linguistic, cultural and historical characteristics. Characteristics of human rights issues, diversity of issues and plurality of meanings indicate that they appear in various aspects. The states are obliged to respect, as per national and international obligations, the rights of all citizens from different angles, especially different groups that require special attention in order of the particular aspects such as ethnicity, religious and political minorities, children, women, workers, unions and in case the states are in breach of any of these items, they are faced with challenges in local, regional or international fields.

Keywords—Law, language, minorities, ethnicity.

I. INTRODUCTION

CONSIDERING the ethnic required motivation through the worldwide and fueling ethnic sources of nationalism, it seems that all countries will somehow face this issue in the next decade. Since ethnicity is considered as one of the key indicators in understanding the natural capacity to achieve stability and non-violence, the security of states will not be achieved without this issue in the next decade.

Today, respecting ethnic rights and the issue of non-discrimination between majority and minority were more interest of nations, governments and international organizations. Accordingly, some regulations and measures have been taken for minority rights, providing the security and peaceful coexistence of various ethnic groups. Today there have been sometimes witnessed some violent clashes in the world, different groups or hostile or destructive acts contrary to human rights, ethnic cleansing of the majority against the minority, alienation, destruction of specific ethnic identity. This is one of the fundamental principles of human rights and

the dignity of all human beings are born free and have equal rights. Discrimination and persecution based on race and ethnicity is a clear violation of this principle. Discrimination against ethnic groups can have different forms. It is the most brutal racism. Genocide, apartheid and less obvious forms infringe upon the rights of nations (assimilatory, cultural destruction, humiliation and insult formal, forced migrations, and...), all methods can be considered as racist. These methods deprive the ethnic groups from having equal rights, civil, political, economic, and social and other disadvantaged rights.

II. LANGUAGE AND ETHNIC

Language is the distinctive factor of distinguishing one nation against another nation. "Though language is not the only factor or the most important factor which distinguishes ethnic groups, many scholars have so far argued that language is among the key factors in terms of which an ethnic group is distinguished from other group(s). And many authors admit that, in extreme cases, language is raised to the only symbol representing the entire relationship of the conflicting ethnic groups in question" (Nelde, 1987, Ozolins 1996) [1]. But these scholars have seldom gone beyond this categorical assertion, as if the relationship between a particular language and a particular ethno national group is given and granted. The present paper is an attempt to push a little further by exploring the modalities of the relationships between language and an ethno-national group. It is because, as Uldis Ozolins once suggested, there are "a variety of possible relations between language and ethnicity in different historical context" (Ozolins 1996: 182)" [2]. Shared feelings and thoughts deep and unbreakable ties of the language of a nation are crystallized.

Of course, the language together with national culture, representing the inner character of a society is considered as a society's identity. As we can see, people in different countries speak one while their national identities are different. Literature, epic tales, poems, stories, events, history and culture of a country flavor of the language of the dead to speak, and thus their national feelings, which are common to all, are expressed. In this case, the sense of solidarity and dependency among the members of the society will be increased (Ali Riahi: a brief history of calligraphy and calligraphy in Iran, Torch of Freedom, 1345, p 154) [3].

Although most of the population speak in Persian, but there are six major ethnic groups within national units and their impact on historical change is an indisputable fact and can be the basis for prediction of the future of security [4].

"The discussion on language rights is affected by some confusion on the nature and status of rights. In this

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paper, a rigorous characterization of language rights is proposed. It is argued that the general assimilation or equation between language rights and human rights is not only erroneous as far as it is inaccurate, but it leads to a distorted image of the relationship between law and politics. While human rights do limit (at least, ideally) state behavior, language rights are, more often than not, an issue devolved to the political process. " (Xabier Arzo, 1977) [4].

III. MIND AND LANGUAGE RIGHTS

If we recognize all the human rights a kind of "moral rights" directing toward the human dignity, that all human beings possess this right, and all other humans (and institutions) are obliged to respect the it, brain and language have a two-way interaction with each other, in other words either our thought and our mind can influence our language and speech and vice versa. In other words, the more moral, the more ethical mind will follow, and intellectual, the more moral; the more ethical language will follow.

"Language rights" and "linguistic human rights" are human rights which have an incidence on language preferences of or use by state authorities, individuals and other entities. Language rights are usually considered broader than linguistic human rights and this guide will use both terms as it discusses both necessary minimal and possible extra measures that can be taken to effectively implement the rights of linguistic minorities. As language is central to human nature and culture, and is an expression of identity, issues surrounding language are particularly important to linguistic minority communities seeking to maintain their distinct group and cultural identity, sometimes under conditions of marginalization, exclusion and discrimination [11]. More precisely, if every human being possesses the following five trends:

1. Field of cognitive-opinionative. We believe that "A is B" and.... We have a set of ideas, beliefs, whether they have reached the stage of science or not, such as our scientific and non-scientific beliefs, beliefs and opinions we take of benefits or not.
2. Field of emotions; what we like and dislike. Our tastes, our friendly obscene, creativity, trends, trends and pleasant
3. field of wills and desires; what we do or not do; Where to get or not get, what position to take or not to take
4. Field of Speech
5. Field of conduct

Considering the relationship between language and ethics, human rights and modernity, can be one of the solutions to the developing and transitional society (e.g. Iran). Because the moral of human rights and modernity open up cultural and linguistic horizons, it Seems that the changes in human lifestyle, is also bringing him inevitable language transformation (speech) and vice versa, speech changes will affect lifestyle. Language like any other animals has its own living environment, and an immoral environment (from the perspective of human rights) creates immoral language and vice versa (Mustafa Malekian, 2004) [5]. If we in our

literature speech less the words contrary to Human rights, we use our minds to the concept of human rights is likely to be more prepared in that way, step- by better will be the harvest. This means, for example, if the word "cowardly", the implication is that gender valuation, the word "no knowledge" we have probably over thought, speech and mind, and thus closer to the values of human rights will We accelerated the good life, happiness and wealth came to be. Seeking equality in a language of literature and speech, equality -seeking leads us into the mind and secretary and vice-versa. Indeed, a person who in his speech Realm of the existential meditation, the human rights, it's another one of its four dimensions as well (thoughts, feelings, desires, and actions), probably more ethical lives, with regard to human rights.

Human rights are an integral part of the legal revolution that has taken place in the world since 1945 They have also become a significant element of modern political culture. The discourse of rights has permeated the popular political culture and even many non-legal scientific disciplines.

Linguistic human rights can be described as a series of obligations on state authorities to either use certain languages in a number of contexts, not interfere with the linguistic choices and expressions of private parties and may extend to an obligation to recognize or support the use of languages of minorities or indigenous peoples. Human rights involving language are a combination of legal requirements based on human rights treaties and guidelines to state authorities on how to address languages or minority issues, and potential impacts associated with linguistic diversity within a state. Language rights are to be found in various human rights and freedoms provisions, such as the prohibition of discrimination, freedom of expression, the right to private life, the right to education, and the right of linguistic minorities to use their own language with others in their group. They are also elaborated upon in a variety of external guideline documents, such as in the UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, UNESCO's Principles of Language and Education, the various Recommendations of the UN Forum on Minority Issues on Implementing the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, the Council of Europe's Thematic Commentary No. 3 on the Language Rights of Persons Belonging to National Minorities under the Framework Convention, and the OSCE's Oslo Recommendations regarding the Linguistic Rights of National Minorities. Despite some differences, all of these describe similar basic approaches for state authorities to meet their human rights obligations involving language according to which they must:

- respect the integral place of language rights as human rights;
- recognize and promote tolerance, cultural and linguistic diversity and mutual respect, understanding and cooperation among all segments of society;
- have in place legislation and policies that address linguistic human rights and prescribe a clear framework of standards and conduct;

- implement their human rights obligations by generally following the proportionality principle in the use of or support for different languages by state authorities, and the principle of linguistic freedom for private parties;
- integrate the concept of active offer as an integral part of public services to acknowledge a state's obligation to respect and provide for language rights, so that those using minority languages do not have to specifically request such services but can imminently use them when needs arise;
- have in place effective complaint mechanisms before judicial, administrative and executive bodies to address and redress linguistic human rights issues (Minority Rights: International Standards and Guidance for Implementation, Office of the UN High Commissioner for Human Rights, Geneva)

When an individual or a group has a claim, it tends to be formulated in a rights discourse and, more often than not, in a human rights discourse. Certainly, the rights discourse has proven very useful for many groups in recent decades. For example, the legal situation of some groups such as lesbian, gay, bisexual, and transsexual individuals have improved enormously in a short period of time, in part as a result of appealing to the idea of human rights [6].

In fact, the aim of this paper is to draw the attentions to Persian language from the perspective of human rights and modernity. The language can be one of the distress factors in the world we live in. Also, the more attention to the interaction of the five aspects of human existence, the glorified humanity is considered. It seems that this idea will not succeed unless a large portion of people, in a long and continuous period to follow it whether in the position to produce its related concepts (by the intellectuals) or to apply the concepts in everyday life and writings (by individuals in society). Among the intellectual community of Iran, Dariush Ashouri Project "Open language" has taken an approach, interesting and useful, in modernizing Persian language.

It seems, that would be worthy of Iranian intellectuals, to further reform the overlay women's rights are given, and the moral vision of human rights reform in Farsi pay is suggested. For different parts of Iran's intellectual community (especially schools, religious intellectuals, most of the other groups in the transition to modern intellectual tradition has been modified), it works as a project to define and expand their intellectual and defining and implementing it are diligent. One can imagine, if this approach is pursued consistently, probably after fifteen or twenty years, software must change society and culture, language and moral life. Affiliate tracking, this approach is essential. For more than a hundred years ago, so far this has been done, but so should those discerning continuously, the attention has not seen much and is sitting on top. The newspaper forms, in over a hundred ago, you provided an important consideration during the state constitution, and constitutional language requires the interaction of mind and language:

"The basis of specific information and the expression of any information Special words and expressions can

also be the rights of minorities in the Islamic Republic of Iran." (Afrasyabi, Nima, mind, language, and women's rights, 2003) [7].

Although there have not been taken any acceptable action, in practice, to recognize mother language of ethics in Iran, the right to respect for it and the rights of education in the laws and regulations is evident in the law of Iran. with regard to ethnic, racial, religious, ethnic and religious minorities, Islamic Republic of Iran's constitution have predicted some rights and privileges so that the latter part of Article 15 of the Constitution is quite clearly states on this issue " ...the use of regional and tribal languages in the press and mass media, and teaching of their literature in schools in addition to Persian is allowed". Articles 19, 22 and 23 of this Act also refer to equality and non-discrimination of any kind of social, cultural and other inalienable rights of human beings. The Iranian government's accession to several international treaties, including the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights of the Child and the Convention on the Civil Code, in accordance with Article 9 of the decree laws passed by parliament has recognized the right to education in their native language without any pre-conditions. So, there is no doubt in the acceptance of the right to education in the mother tongue. (Hashemi SM, the fundamental rights of the Islamic Republic of Iran, Volume I, published in 2000, p. 219) [8].

The constitution, nevertheless, has obliged the Islamic Republic of Iran and Muslims to treat the non- Muslims who did not conspire against Islam and the Islamic Republic of Iran well and to respect their human rights on justice and equity. (Nazarpour M., Understanding the constitution of the Islamic Republic of Iran, Maaref Publications Office, ninth edition 2000, p 50) [9].

IV. THE PRINCIPLE OF SELF-DETERMINATION AS A PRINCIPLE OF INTERNATIONAL LAW AND DOMESTIC LAW (THE CONSTITUTION)

Replacing the concept of national self-determination in a precise meaning arrived in law texts after World War II. These changes were significantly influenced by the response to the increasingly nationalist pathologies by totalitarian regimes in Europe in the late 30th century and during the recent war. Self-determination rights of people became a law based on which local political movements in the colonial territories of Europe, legitimized the country's claims against to imperial or at least for autonomy and self-government on their own within the government.

This is symbolic of the collapse of the Berlin Wall and the collapse of the Soviet empire in Eastern Europe and Russia in their lands, in the 80 AD came to an abrupt end. One of the main legacies of the postwar world order was the bipolar system of international relations for over a century, was based on the assumption that system. Peaceful coexistence of the two blocks would be related thereto. Decay and finally dissolution of the Federal Republic of Yugoslavia represents a remarkable case study for examining the scope and extent of the legal principle of self-determination in the world today.

These areas are associated with effective institutions and fundamental rights are able and willing to implement them in specific cases. Such practical skills, particularly in the political leadership of Socialist Federal Republic of Yugoslavia during the Tito have not been available. We are able to provide policy bottlenecks in searching for the original norm (Grundnorm), new or updating and rewriting the original norm, to look at the social conditions extremely various fields meet in the world or in a national political community. These areas can include historical background of modern Yugoslavia, the former colonial empire of Great Britain and its political trajectory toward free country and a sovereign, independent states, former Soviet Union and the sudden collapse of Independent States (CIS) by the Declaration of Alma Ata, and examples specific political problems multi ethnic societies such as Canada, India, Nigeria, and is even in Belgium.

V. CONCLUSIONS

Ethnic groups, especially minorities are often exposed to violence. Violence simply does not mean physical conflict against minority groups, but it also involves any policies of social inequality, economic, political, cultural, official and public insult and humiliation, change of the ethnic group identification, the lack of language education and prevention of holding workshops, and cultural and religious rituals and practices. Human rights norms force the governments to stop such efforts and to adopt the necessary measures against them.

Unfortunately, over more than a century effort of international systems to destroy any ethnic - religion discrimination in the world, we have witnessed, every day around the world, tumultuous invasions discrimination and lack of respect between the majority and minority governments, we which are the characteristics of dictatorial powers that cannot stand the minority rights and fundamental and legitimate freedoms of them [7].

Minority children around the world are much more likely to receive little or no formal education. According to the World Bank (2000):

"Fifty percent of the world's out of school children live in communities where the language of the schooling is rarely, if ever, used at home. This underscores the biggest challenge to achieving Education for All: a legacy of non-productive practices that lead to low levels of learning and high levels of dropout and repetition."

When mother tongue is used as medium of instruction for at least 6-8 years, the results are impressively positive: enhanced self-confidence, self-esteem and classroom participation of minority children [13], lower dropout rates, higher levels of academic achievement [12], longer periods in school, better performance in tests and greater fluency and literacy abilities for minority (and indigenous) children in both the mother tongue and official or dominant language [14].

We hope that the international community to reach to the degree of development and perfection that all human beings, regardless of ancestry, race, language, religion, nationality, gender and nationality to live free of discrimination and

inequality in the world under the perfection of human conscience, justice and peaceful situation.

In order to use all areas of national and ethnic and to respect their common national goals by preserving the traditions and beliefs in the overall collection of Islamic and Iranian culture and civilization, the fifteenth article of constitution has emphasized the local and ethnic language in media and schools. (Khosravi, H., fundamental Rights 2, Tehran, Payam Noor University Press, second edition, 2000, p 66) [10].

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