**JOKI458XA0 - Linguistic Rights - Law of Coexisting Languages**

Code: JOKI458XA0

Name: Linguistic Rights - Law of Coexisting Languages

Credit: 6

Requirement type: Report (three-scale)

Responsible lecturer: Dr. Gerencsér Balázs Szabolcs

Organizational unit: JÁK Közigazgatási Jogi Tanszék

Classes per week: Practical: 2

Purpose of education:

This course provides an introduction to the Linguistic Rights on a comparative basis. Its aim is to present the forms of the wide-spread legal regulations affecting languages as well as the case law of the ECtHR and the relating international instruments.

Course Content:

The first topic of the course is the legal position of the ‘official languages’. Both state’s and international organisations’ official language regulations will be under examination. The second main issue is the examination of those languages that are not in official use and often referred to as ‘minority or regional’ or ‘lesser used’ languages. During the semester we will have an overview of the history and present situation of the European legal regulations of linguistic rights. Instruments of the Council of Europe such as the Framework Convention and the Language Charter will be presented in-depth. Some in-state legal regulation and constitutional rule will be presented as well. During the semester the monitoring system of the CoE will be modelled with the participation of the students.

Exam and assessment system: exercises during the semester, according to the 3-stage evaluation system excellent (5), average (3), unsatisfactory (1)

Literature:

Tove Skutnabb-Kangas: Linguistic Human Rights. In: Tiersma - Solan (szerk): The Oxford Handbook of Language and Law. Oxford University Press, 2012. 235-236.

Fernand de Varennes: Language as a Rights in International Law: Limits and Potentials. In: Richter, D. [et al.] szerk.: Language Rights Revisited – The Challenge of global Migration and Communication. Wolf, Nijmegen, 2012. 43-52.

Snezana Trifunovska: Linguistic Rights of Minorities. International Journal on Minority and Group Rights, 2002/3 vol. 9. 235-236.

Francesco Capotorti: Study on the Rights of Persons belonging to Ethnic, Religious and Linguistic Minorities. New York, 1991. 7.

Andrássy György: Freedom of Language: A Universal Human Right to be Recognised. International Journal on Minority and Group Rights, 2012/2. 195-232.

Kontra Miklós: „Don’t Speak Hungarian in Public!” – A Documentation and Analysis of Folk Linguistc Rights. In: Kontra [et al.] (ed.): Language: A right and a Resource. CEU Press, 1999. 81-97.

Miklós Kontra: The Sociolinguistics of Hungarian Outside Hungary. Summary. Open Society Institute, 1999. 1-28.

Gerencsér Balázs Szabolcs: Protection of local indigenous communities in the scope of governance. IUSTUM AEQUUM SALUTARE 2013/2: pp. 83-94.

(Materials will be provided either electronically or in hard copies during the semester.)

Syllabus:

(A) Introduction

1. Relation between Language and Law

2. The Linguistic Diversity

(B) Languages in Official Use

3. Examples of Constitutional Regulations Regarding the Use of Languages

4. Official / Working Languages in International Organisations - the ‘lingua franca’ phenomenon (EU, CoE, UN, ICC, ICJ, OSCE)

(C) Non-official / Coexisting Languages

5. Historical overview of the development of the linguistic rights in the 20th century (international treaties and internal legal instruments in Europe)

6. International treaties: International Covenant on Civil and Political Rights (UN), Framework Convention (CoE)

7. International treaties: European Charter for Regional or Minority Languages (Coe) - Structure and implementation

8. International treaties: European Charter for Regional or Minority Languages (Coe) - individual and collective rights

9. Case law of the ECtHR

10. Examples of internal legal instruments such as minority or language acts

11. Excercise: Committee of Experts of the European Charter for Regional or Minority Languages (wording of an evaluation report and Recommendations)

12. Excercise: Committee of Experts of the European Charter for Regional or Minority Languages (wording of an evaluation report and Recommendations)