



FACULTY OF PUBLIC GOVERNANCE AND
INTERNATIONAL STUDIES
DEPARTMENT OF INTERNATIONAL LAW

LINGUISTIC INTEGRATION OF MIGRANTS IN EUROPE:

**The protection of new minority languages in Europe and a non-assimilationist approach
to linguistic integration**

**Matheus Dresch
2023**

**University of Public Service
Faculty of Public Governance and International Studies
Department of International Law
Master's Degree in International Public Service Relations**

LINGUISTIC INTEGRATION OF MIGRANTS IN EUROPE:

**The protection of new minority languages in Europe and a non-assimilationist approach
to linguistic integration**

Thesis Supervisor:

Dr. Noémi Nagy PhD, Associate Professor

Program Co-ordinator:

Dr. Erzsébet Nagyné Rózsa PhD, Full Professor

Author:

Matheus Dresch

Hungary, Budapest,

2023

Abstract

Migration to Europe has been changing societies of the continent, especially the face of urban zones. Although the movement of persons inter States is not a new phenomenon, globalization, and transnational capitalism, from the late 1990s, made workforce mobility a common occurrence. Migrants seeking for economic opportunities move to European countries, generating a necessity of adaptation to the receiving society life, starting with a primary cultural challenge: learning a new language. Thus, a series of events take place once one immigrates: learning a new language and accommodating it in their linguistic repertoire, without forgetting their cultural heritage and native tongue. A migrant then can be part of a minority within a society, while other autochthonous minorities can be part of the same arriving country. In the introduction of this thesis, I present the role of the Council of Europe in promoting linguistic integration of adult migrants, and how it carries out this task with policy initiatives. I also present data on non-European languages spoken in the continent currently, migrant groups whose presence is shown in EU's data and introduce social science concepts related to migration. In Part II, I present the research topic that is economic migration of non-Europeans into Europe for labor or economic reasons, and the implications on language integration and minority social groups it has. I outline the theoretical framework on which my research is based (definitions of 'autochthonous minority', 'migrants', 'new minorities', 'minority languages', 'linguistic integration', 'super-diversity'). In Part III, I dissert on the Council of Europe's works for linguistic integration of adult migrants, recommendations, and resolutions on the topic. I also describe the main treaties of the Council of Europe regarding minority languages, national minorities, and human rights, as well as present policies and developments of the Language Policy Programme of the Council, from early times to the present, with the LIAM (linguistic integration for adult migrants) project. In Part IV, I present and analyze maps and quantitative data about contemporary migration to Europe, focusing on urban areas of the Member-States of the Council of Europe. Finally, I present a case study about the United Kingdom, comparing domestic legislation, data from a census carried out in 2011, the LIAM report of 2018, with a focus on protection of autochthonous language minorities and the absence of that for new minorities, the migrants. In my conclusion, I discuss possibilities of a non-assimilationist linguistic integration for migrants in Europe, as well as granting minority language rights also for new minorities that now compose expressive parts of European societies. In addition, I

compare language requirements for documentation for migrants to the minority language protection the UK delivers to its minority language groups.

Key words: linguistic integration of adult migrants, economic migration, minority language rights, Council of Europe, language policy, super-diversity, new minorities, autochthonous minority, the United Kingdom.

TABLE OF CONTENTS

<u>1. PART I - INTRODUCTION</u>	6
<u>2. PART II - THEORETICAL FRAMEWORK AND METHODOLOGY</u>	10
<u>2.1. Research topic</u>	10
<u>2.1.1. Definitions</u>	11
<u>2.1.2. Minority and autochthonous minorities</u>	11
<u>2.1.3. Migrants, new minorities, and minority languages</u>	13
<u>2.1.4. Linguistic integration</u>	15
<u>2.1.5. Super-diversity</u>	23
<u>2.2. Methodology</u>	24
<u>3. PART III - LEGAL AND POLICY FRAMEWORK</u>	26
<u>3.1. Legal framework</u>	26
<u>3.1.1. Council of Europe's treaties</u>	27
<u>3.2. Council of Europe's policy framework on linguistic integration for migrants</u>	35
<u>4. PART IV – EMPIRICAL EVIDENCE</u>	39
<u>4.1. Contemporary migration to Europe by numbers</u>	40
<u>4.2. Case study: the United Kingdom</u>	45
<u>4.2.1. Introduction</u>	45
<u>4.2.2. 2011 Census in the United Kingdom</u>	46
<u>4.2.3. Domestic protection for minorities and their languages</u>	49
<u>4.2.4. CoE's 2018 report on linguistic integration for adult migrants: the United Kingdom</u>	50
<u>5. PART V - CONCLUSION</u>	53
<u>REFERENCES</u>	57
<u>LIST OF ANNEXES</u>	65

1. PART I - INTRODUCTION

Linguistic integration, according to the Council of Europe (CoE), is a process that fosters social cohesion, intercultural understanding, and the development of pluralistic societies through the promotion of linguistic diversity and the learning of multiple languages¹. The international organization has played a significant role in supporting and advancing linguistic integration across its Member-States, with projects like the Common European Framework of Reference for Languages (CEFR) and the European Language Portfolio (ELP)².

Whether it refers to integration among European citizens, migrants that are not native to the continent, or diasporic descendants of European peoples, linguistic integration is a relevant issue. The topic is timely due to shifts in the perception of national identities in Europe. The growing tensions between majorities and minorities, especially involving migration flows into the continent, reveal changes in diversity and demand that governments and international organizations address the topic, legally and politically. Also, the increase in cultural diversity brings about the presence of globalization, creating competition for cultural spaces, frequently proxied in language use and linguistic integration. Finally, linguistic integration is important not only for cultural diversity, but also as an issue of educational policy, in the present case, education of adult migrants who come to the continent to work.

Europe, throughout its history, has constantly been composed of pluralistic societies, but now influenced by immigratory movements: humanitarian crises, economic migration, and displacement. A continent full of social diversity comes with a plurality of ethnicities, traditions, customs, and, more relevant to this work, languages.

According to the European Parliament³, 255 languages are spoken in Europe. Besides of the current 24 official languages of the European Union (EU), there are more than 60 regional or minority languages spoken in the EU countries⁴. These languages belong to several linguistic families, including Indo-European, Uralic, Altaic, Afro-Asiatic, and Kartvelian, among others.

¹ Council of Europe (2023) *Forms of Linguistic Integration*. Available at: <https://www.coe.int/en/web/lang-migrants/forms-of-linguistic-integration>.

² Council of Europe. (2020). *Common European Framework of Reference for Languages: Learning, Teaching, Assessment – Companion Volume*. (Strasbourg: Council of Europe Publishing). Available at: <https://www.coe.int/en/web/common-european-framework-reference-languages>.

³ European Parliament & Jones, M. (2013). *Endangered Languages and Linguistic Diversity in the European Union*. Available at: [https://www.europarl.europa.eu/RegData/etudes/note/join/2013/495851/IPOL-CULT_NT\(2013\)495851_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/note/join/2013/495851/IPOL-CULT_NT(2013)495851_EN.pdf)

⁴ European Parliament & European Commission. (2012). *Europeans And Their Languages: Special Eurobarometer 386*. Available at: <https://op.europa.eu/s/yCug>

In terms of non-autochthonous tongues, the EU has mapped 7 languages⁵, by 2012, that were spoken in EU countries, despite the fact they were not originated in Europe. Arabic counted as the native language of 3.73% of the Belgium's (BE) population; 2.64% in France; 1.38% in the United Kingdom (UK). Chinese was the mother tongue of 0.21% of the population in BE; 0.21% in Germany (DE); 0.2% in the UK. Hindi appeared as the mother tongue of 0.43% Portugal's population; 0.37% in the UK; 0.16% in Austria. Japanese counted as the first tongue learned by 0.23% (UK) and 0.11% of Hungary's population. Korean was the native language of 0.24% of the UK's population; 0.08% in Poland; 0.07% in Latvia. Turkish represented the mother tongue of 3.8% of Bulgaria's population; 2.33% in DE; 1.91% in BE; and 1.55% in Austria. Finally, Urdu was the first language of 1.05% of the UK's population and 0.3% in Denmark. Counting as a mother tongue and foreign language at the same time, Turkish is the third most spoken language in Europe⁶.

Addressing this scenario of multicultural societies with plurilingual challenges, the CoE has developed a series of language resources⁷ and policies aiming to deliver tools and studies in linguistic matters and policies to foster plurilingualism. In legislation, CoE has adopted treaties⁸ to minorities, minority language rights, and human rights.

However, the scope of these guarantees and the effectiveness of the implementation of these rights, at the international and domestic levels, are not homogeneous. It has been suggested that different minorities have access to different legal guarantees, and their right to language protection has been interpreted distinctly⁹. This research examines this question from the angle of the differences between autochthonous minorities and new minorities (migrants arriving to Europe). I wish to understand whether the legal framework and the implementation of language protection and linguistic integration are applied differently to these groups or not.

⁵ European Union (2012) *An Interactive Visualization Of Language Knowledge In Europe, Based On The European Commission's Latest And Authoritative Eurobarometer Survey Data On Languages In Europe, Resulting From 27,000 Interviews Across 27 European Countries In Early 2012*. Available at: <https://languageknowledge.eu/>

⁶ European Parliament & Jones, op. cit.

⁷ In the case of the Council of Europe, I cite the Common European Framework of Reference for Languages (CEFR, 2001), the Language Education Policy Profiles (LEPP, with a pilot profile made for Hungary, from 2002 to 2003), and the European Centre for Modern Languages (ECML, 1994).

⁸ In the case of the Council of Europe, I cite the European Convention on Human Rights (1950), the European Charter for Regional or Minority Languages (1992), the Framework Convention for the Protection of National Minorities (1995).

⁹ Boulter, C.; Medda-Windischer, R.; & Malloy, T. H. (2019). *Extending Protection to Migrant Populations in Europe* (R. Medda-Windischer, C. Boulter, & T. H. Malloy, Eds.). (London and New York: Routledge). <https://doi.org/10.4324/9780429490866>, p. 27-28.

There is evidence for this in the literature and in legal texts¹⁰, but it remains an open question that is essential to understand whether minority rights are fully realized.

The geographic scope of this research is Europe, especially the Member-States of the CoE. In the case study, I focus on the United Kingdom. I start by examining and defining the legal and policy framework applicable within the CoE and the UK, examining the state of protection for autochthonous and new minority groups.

This research is relevant within the context of increased conflicts between minority and majority groups, concerning matters of language learning, protection of minorities, and cultural rights¹¹. The variety of cultural backgrounds leads to a range of significant and potentially contentious topics, including regional self-rule, political devolution, educational policies, ownership disputes, and policies on immigration. Identifying ethically justifiable and politically feasible solutions to these issues is the most pressing challenge that confronts democracies today.

In regions like Central-Eastern Europe and the developing world, efforts to establish liberal democratic systems are hindered by aggressive nationalist strife. Meanwhile, in Western European countries, heated disagreements over the entitlements of immigrants, native populations, and other minority groups are challenging many long-held beliefs that have shaped politics for an extended period.

With that said, the aim of this work is to provide a critical and comparative analysis of the linguistic integration policies and minority language rights for migrants and for autochthonous minorities in Europe. The institutional framework is the one established by the CoE. Furthermore, I use data on migration into Europe to provide a case study about the United Kingdom (UK). I chose the country considering that its official language is also the world's *lingua franca*; there is comprehensive data on economic migration¹² for non-UK born migrants;

¹⁰ For instance, see Elias, S. (2009). *Regional Minorities, Immigrants, and Migrants: The Reframing of Minority Language Rights in Europe*. Berkley Journal of International Law (BJIL), Vol. 28, No. 1.

In terms of legislation, in the European Charter for Regional or Minority Languages (ECML), Article 1, languages of migrants are expressly excluded from the scope of the treaty.

¹¹ Kymlicka, W. (2001). *Politics in the Vernacular*. (Oxford: Oxford University Press), <https://doi.org/10.1093/0199240981.001.0001>, chapter 1 part 4 “two examples”.

¹² Fernández-Reino, M., & Rienzo, C. (2022). *Migrants in the UK Labour Market: An Overview*. (Migration Observatory at the University of Oxford). Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-labour-market-an-overview/> “The foreign born made up an estimated 18% of the employed population (5.9 million) in the third quarter (July-September) of 2021. (...) There is great uncertainty about how the migrant workforce has changed during the pandemic due to disruption to data collection (for a discussion of the effects of the pandemic on the migrant population estimates, see the Migration Observatory commentary ‘Where did all the migrants go?’). Provisional figures suggest that the number of EU-born workers in employment decreased from 2.5 to 2.3 million between Q1 2020 and Q1 2021, while the non-EU born working population remained relatively stable between the same period at 3.7 million”, p. 2-4.

the country is a Member-State of the CoE, hence, must comply with the minority and language treaties adopted under the auspices of the organization that it ratified, and carry out its linguistic integration policy. Moreover, as of 2022, the UK recognized 7 minority or regional languages, according to the Annex of the European Charter for Regional and Minority Languages (ECRML)¹³. The case study will cover the topics of linguistic integration (LIAM project) and language protection for migrants, in comparison to autochthonous minorities.

¹³ The regional or minority languages recognized by the United Kingdom as of 2022 are: Cornish, Irish, Manx Gaelic, Scots, Scottish-Gaelic, Ulster-Scots, Welsh. Council of Europe (1992). *European Charter for Regional or Minority Languages. Annex: States Parties to the European Charter for Regional or Minority Languages and their regional or minority languages*. Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaties-full-list-signature&CodePays=UK>

2. PART II - THEORETICAL FRAMEWORK AND METHODOLOGY

This research is built on concepts from legal studies and sociolinguistics to understand the phenomenon of linguistic integration in Europe from both these perspectives. This is in line with the growing research in socio-legal studies, which highlights the need for understanding legal frameworks in combination with social aspects for effective policy planning, languages legal protection, and linguistic integration. A convention on a paper is just a convention on a paper¹⁴.

In this chapter, I clarify some of the main concepts and the chosen methodology for examining the legal and policy frameworks for language protection and integration in Europe.

2.1. Research topic

This research focuses on the migration of persons who were not born inside the borders of Europe and came into the continent. I analyze economic migration that has implications on language policies, rights, and linguistic integration involving persons coming from third countries to Member-States of the CoE¹⁵. The organization has developed conventions and recommendations to tackle linguistic inclusion of migrant workers since 1977¹⁶. Later, it launched a Language Policy Programme for language teaching, with projects such as the Linguistic Integration of Adult Migrants (LIAM)¹⁷.

My focus is on the specific type of migration that involves movement of citizens from countries outside of the combined borders of EU's and CoE's Member-States, who come to work and with purpose of settling, since the middle of the 20th century to the present¹⁸. Differentiating it from other forms of migration is of utmost importance: Capstick highlights that in a most comprehensive approach to migration, one may study a range of matters that

¹⁴ On that matter, see Hathaway, O. (2002). *Do Human Rights Treaties Make a Difference?* The Yale Law Journal, Vol. 111, No. 8 (Jun. 2002), pp. 1935-2042, doi: 10.2307/797642.

¹⁵ The Council of Europe is an international organization founded in 1949 with the aim of promoting democracy, human rights, and the rule of law in Europe, and to establish a common democratic and legal area across the continent. It currently has 46 Member-States, that is all countries of the European continent, except Belarus and Russia. The institution works to develop common standards and policies in areas such as human rights, education, and culture. Website: <https://www.coe.int/en/web/about-us/who-we-are>.

¹⁶ Council of Europe. (1977). *European Convention on the Legal Status of Migrant Workers of 1977*.

¹⁷ Council of Europe / Language Policy Programme. (2006). *Linguistic Integration of Adult Migrants Project (LIAM Project)*: www.coe.int/lang-migrants

¹⁸ Capstick, T. (2021). *Language And Migration* (1st ed.). (New York: Routledge), p. 8.

varies from pre-historic movements of groups to contemporary, late 2000s, internal migration between neighborhoods of a city, in the same Nation-States¹⁹.

In a stricter delimitation, I aim to analyze cross-border migration that has implications on language policies, rights, and sociolinguistics. Persons coming from third countries who cannot speak the official languages of the CoE's State that they are arriving to.

2.1.1. Definitions

Venturing into the topic of linguistic integration in the European context, another fundamental step is to provide a summary of definitions regarding groups that are affected by the linguistic integration and language protection, as well as, academic concepts, and policy terminology. Interpretations of the terms: “minority”, “autochthonous minority”, “new minority”, “migrants”, “new minorities”, “minority languages” “superdiversity” and “linguistic integration” are spread across the work of several authors, legal instruments, and policy papers.

2.1.2. Minority and autochthonous minorities

There is no objective classification that sufficiently gives a final word about social minorities, or even if a “minority” is a term that can be too theoretical to be applied in the reality. Wheatley²⁰ explains that it is impossible to make an objective distinction between subcategories of minorities. However, for the author, one difference between those is the essence of their political claims: minorities and national minorities demand cultural safeguarding, whereas peoples seek to self-determine or self-govern themselves.

For this research, I chose to divide social minorities into two distinct groups: autochthonous minorities and migrants. The latter as a synonym for new minorities.

The first ones are defined as groups with traditions, customs, languages, and history attached to a piece of land that, throughout times, became part of a Nation-State, in line with

¹⁹ Ibid. p. 5-6. “In the nineteenth century, the idea of the nation-state evolved, consisting of a single homogenous people, sharing a constructed common origin and language. It is now one of the most distinctive political structures in the world, but it is increasingly being challenged by the notion of who belongs to the nation-state, what languages should they speak in order to demonstrate that belonging and what rights can be granted to migrants and refugees in a world that is increasingly on the move”.

²⁰ Wheatley, S. (2005). *Democracy, Minorities and International Law*, (New York: Cambridge Univ. Press). <https://doi.org/10.1017/CBO9780511584336>. APUD Kymlicka, W. (2007). *The Internationalization Of Minority Rights*. *International Journal of Constitutional Law*, 6(1), 1–32. <https://doi.org/10.1093/icon/mom032>

Kymlicka's work²¹. There is no consensus regarding the differences; however, there is a link between a non-majoritarian group, inside one or more national territories, wishing to preserve their identity apart from the identity of the majority.

In "Multicultural Citizenship: A Liberal Theory of Minority Rights", Kymlicka's theory is based on the premise that minority groups have distinct needs and interests to be accommodated with the interests of the State and the dominant population. He advocates for three main types of minority rights: "self-government rights, special representation rights, and polyethnic rights"²². Self-government rights pertain to the autonomy and self-determination of national minorities, special representation rights aim to ensure the fair representation of minority groups in politics, and polyethnic rights designed to protect the culture and customs of ethnic minorities.

In turn, Francesco Capotorti contributes to the topic of minority rights and the definition of minorities, in an analytical approach of international law²³. The author reinforces that there was no common definition for "minority". Treaties, United Nations' reports, international courts case-law did not seem to find a common denominator for the concept. Capotorti referenced UN Member-States opinions on necessary elements for defining a minority²⁴.

In his study's conclusion²⁵, the author states that objective and subjective criteria were proposed to define minorities. The first objective criterion would be the existence of distinct groups within a State's population, that possess diverse linguistic, religious, or ethnical distinctions from the majority. A second objective criterion would be the difference between the number of individuals belonging to majoritarian over minoritarian groups. The two last objective criteria would be that minorities must be in a social disadvantageous position within the society and that they necessarily are nationals of the same State that the majority is. In terms of subjective criterion, minorities' members must want to preserve their traits as a type of collective individuality, generally throughout time. This would unfold into a certain solidarity among minorities' members to contribute to the preservation of their characteristics.

²¹ Kymlicka, W. (1996). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. (Oxford: Oxford University Press). <https://doi.org/10.1093/0198290918.001.0001>.

²² Ibid. p. 27-31.

²³ Capotorti, F., Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, & UN. Centre for Human Rights. (1979). *Study On The Rights Of Persons Belonging To Ethnic, Religious And Linguistic Minorities*. Available at: <https://digitallibrary.un.org/record/10387?ln=en>, p. 5.

²⁴ Ibid. p. 6-11.

²⁵ Ibid. p. 95-96.

Finally, the author states, a definition for “minority” might be important for legal scholars, but must not, whatsoever, be a condition for the application of the Article 27²⁶ of International Covenant on Civil and Political Rights (1966), in its principles for equality and non-discrimination. Capotorti concludes:

A minority is a group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members - being nationals of the State - possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language.²⁷.

2.1.3. Migrants, new minorities, and minority languages

The other group of my interest is migrants, as a synonym for new minority.

Kymlicka also presents a comprehensive theory for understanding minority rights within liberal democracies, based on “liberal multiculturalism”²⁸. For the author, immigrant groups are individuals who have voluntarily moved abroad, during adulthood, in search economic opportunities. The scholar understands that those individuals arrive in a certain country under migration policies that provide legal means for them to become citizens of that arriving State, if they learn the official language and acquire knowledge about the host society²⁹. In this scenario, the author expressly excludes undocumented migrants, or any other migrants that cannot legally have the expectation of becoming citizens to a new country.

Immigrants or ethnic minorities, for Kymlicka, are “groups formed by individuals and families who have left their original homeland to emigrate to another country generally for economic and, sometimes, political reasons”, consisting of“(...) migrants and refugees and their descendants who are living, on a more than merely transitional basis, in another country than that of their origin”³⁰.

²⁶ United Nations (1966) *International Covenant on Civil and Political Rights (ICCPR)*. “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”.

²⁷ Capotorti, F., Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, & UN. Centre for Human Rights. (1979). *Study On The Rights Of Persons Belonging To Ethnic, Religious And Linguistic Minorities*. Available at: <https://digitallibrary.un.org/record/10387?ln=en>, p. 95.

²⁸ Kymlicka, W. (2017). *Liberal Multiculturalism as a Political Theory of State–Minority Relations*. *Political Theory*, 46(1), 81–91. doi:10.1177/0090591717696021.

²⁹ Kymlicka, W. (2001). *Politics in the Vernacular*. (Oxford: Oxford University Press), <https://doi.org/10.1093/0199240981.001.0001>, p. 153.

³⁰ Kymlicka, W. (1996). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. (Oxford: Oxford University Press). <https://doi.org/10.1093/0198290918.001.0001>, p. 11.

However, “new minorities” may currently also refer to emerging groups that do not fit neatly into Kymlicka’s original conception that economic migrants with citizenship expectations refer to new minorities. These groups may include refugees, internally displaced persons, climate migrants, and individuals who identify with intersectional identities, such as the descendants of migrants. For instance, refugees and climate migrants may not fit neatly into the category of immigrant groups, as they are often forced to leave due to circumstances beyond their decision, without expecting to get a new citizenship³¹.

Kymlicka’s theory of minority rights has initially contributed to the doctrine of minority rights and a definition for minority groups. Nonetheless, the emergence of new minorities necessitates a re-examination and expansion of his studies. The unique challenges faced by these new minorities, such as the loss of cultural identity, language barriers, and social marginalization, may require the further measures of protection, not initially considered by that author³². This to avoid that those migrants, as minorities, become “second-class citizens”³³.

Considering the theoretical framework exposed, I reduced the coverage of the concept “migrants as a new minority” to individuals who were not born within the borders of Europe and have decided to migrate to the continent for economic reasons.

Defining minority languages is also a hard task. A minority language might be a language spoken by less than the half of a population of certain group of countries, country, or region. However, this understanding does not embrace the political and legal elements involving the thematic. Neither a simplistic definition would encompass new perspectives on minority languages, such as the cases of immigrants’ languages whose speakers may constitute a numerical majority in their nation of origin but are a minority language group in arriving countries.

The topic of minority languages can be approached by the international law, as in the case of the European Charter for Regional or Minority Languages (ECRML). A minority language is one that is “traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State’s population, (...)”³⁴. Similarly, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious

³¹ Scarpa, S., Castles, S., & Schierup, C.-U. (2021). *The Oxford Handbook of the Welfare State* (D. Béland, S. Leibfried, K. J. Morgan, H. Obinger, & C. Pierson, Eds.; 2nd ed.). Oxford University Press. <https://doi.org/10.1093/oxfordhb/9780198828389.001.0001> p. 380-384.

³² Boulter, C.; Medda-Windischer, R.; & Malloy, T. H. (2019). *Extending Protection to Migrant Populations in Europe* (R. Medda-Windischer, C. Boulter, & T. H. Malloy, Eds.). (London and New York: Routledge). <https://doi.org/10.4324/9780429490866>, p. 72-79.

³³ Scarpa, Castles, & Schierup, op. cit. <https://doi.org/10.1093/oxfordhb/9780198828389.001.0001>, p. 382-384.

³⁴ Council of Europe. (1992). *European Charter for Regional or Minority Languages (ECRML)*. Article 1.

and Linguistic Minorities describes a minority language as: “a language used by a minority of the population of a State and different from the official language(s) of that State”³⁵.

These legislative definitions draw attention to the linguistic and numerical characteristics of minority languages and stress the value of preserving and advancing them as a component of cultural heritage of the humankind. The right to participate in cultural life, which is acknowledged in the Article 22 of Universal Declaration of Human Rights of 1948³⁶ and in the Article 15 of the International Covenant on Economic, Social, and Cultural Rights of 1966³⁷.

2.1.4. Linguistic integration

Linguistic integration refers to the process by which individuals with different language backgrounds acquire the language spoken in their new country, as well as the cultural norms associated with those languages³⁸. In turn, the recognition of a different culture through a different language can lead to respect for diversity, and in cases of migration flows, a door for the integration rather than the exclusion of migrants³⁹ into the new nation-State that will be the setting for linguistic integration process.

³⁵ United Nations. (1992). *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*.

³⁶ United Nations. (1948). *Universal Declaration of Human Rights (UDHR 1948)*. “Article 22 Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality”.

³⁷ United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights (ICESCR)*. “Article 15 1. The States Parties to the present Covenant recognize the right of everyone: (a) To take part in cultural life; (b) To enjoy the benefits of scientific progress and its applications; (c) To benefit from the protection of the moral and material interests resulting from any scientific, literary, or artistic production of which he is the author. 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. (...)”

³⁸ Council Of Europe. (2020). *Common European Framework Of Reference For Languages: Learning, Teaching, Assessment – Companion Volume*. (Strasbourg: Council of Europe Publishing). Available at:<https://www.coe.int/en/web/common-european-framework-reference-languages>, p. 136-137.

³⁹ I believe that it is important to mentioned that the term “integration” is not a given word without any debate. O’Leary and McGarry outline that there is a wide range of societal responses towards group diversity. According to the authors, “integration” of groups promotes one single public identity where anyone is equal before the law, but no recognition is given to minority groups in the public sphere. They also mentioned that privately, the State does not intervene with the organization of those groups. On the other hand, “accommodation” refers to the flexibilization of the unity aimed by integration, with a public affirmation of the diversity of groups that compose a State, as it promotes the “separate and overarching” public identities, with institutional recognition of group diversity. Both strategies oppose to the elimination of cultural differences, as in practices such as genocide, expulsion, assimilation, etc. O’Leary, B.; McGarry, J. (2012) *Chapter 3: The Politics Of Accommodation And Integration In Democratic States in The Study Of Ethnicity And Politics; Recent Analytical Developments* (Journal, 2012, ISSN 9783866494527), p. 79-83

Moreover, linguistic integration is promoted by the Council of Europe, referring to a process that migrants undergo to acquire the communication to participate fully in social, economic, and cultural spaces in their new country. The international organization has developed a set of standards for language learning, teaching, and assessment, known as the Common European Framework of Reference for Languages (CEFR), which provides basis for the development of language policies and curricula⁴⁰. The CoE also emphasizes the importance of promoting multilingualism and intercultural dialogue, as these are seen as key factors in fostering social cohesion⁴¹ and building bridges between different cultural communities. The organization supports a range of initiatives and programs for linguistic integration and multilingualism⁴², such as language classes and language evaluation tools.

In addition to the established definition, research has shown that linguistic integration is not a one-way process of teaching a new language and make the students practice it, but rather a complex interplay between the languages of the country of arrival, the immigrant's language, and their cultural background⁴³. Successful linguistic integration requires a positive attitude towards multilingualism, as well as support for the maintenance of immigrants' inherited languages⁴⁴.

But language policies will not work alone: social and economic policies can also affect how well people speak and understand each other. For example, access to education and employment opportunities can facilitate language exposure, faster acquisition and integration. A study by the Migration Policy Institute⁴⁵ found that immigrants who participate in language lessons and job training programs have higher earnings than those who do not join the lessons.

Conversely, social and economic marginalization can hinder linguistic integration and lead to exclusion. Policies that support the learning of the host country's named language, as

⁴⁰ Council Of Europe. (2020). *Common European Framework Of Reference For Languages: Learning, Teaching, Assessment – Companion Volume*. (Strasbourg: Council of Europe Publishing). Available at: <https://www.coe.int/en/web/common-european-framework-reference-languages>,

⁴¹ O'Leary, B.; McGarry, J. (2012) *Chapter 3: The Politics Of Accommodation And Integration In Democratic States in The Study Of Ethnicity And Politics; Recent Analytical Developments* (Journal, 2012, ISSN 9783866494527), p. 79-83

⁴² Council of Europe. (2007). *From Linguistic Diversity to Plurilingual Education: Guide for the Development of Language Education Policies in Europe*. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802fc1c4>

⁴³ Pöyhönen, S. *et al.* (2018). *Adult Migrant Language Education in a Diversifying World* IN Creese, A.; Bäckledge, A. (Eds. And Authors). *The Routledge Handbook of Language and Superdiversity* (New York: Routledge), p. 490-493

⁴⁴ Idem.

⁴⁵ Batalova, J., & Fix, M. (2010) *A Profile of Limited English Proficient Adult Immigrants*, Vol. 85, No. 4, Immigration: Expanding Definitions and Examining New Contexts.

well as the freedom to maintain migrants' inherited languages can facilitate successful linguistic integration. Social and economic policies that support access to education and employment opportunities can also contribute to linguistic integration⁴⁶.

Notwithstanding the positive perspective of integration of international migrants into societies to where they come, those conceptions can be subjects of criticism by linguistics and pedagogy scholars. García⁴⁷ points out that, as already mentioned, linguistic integration refers to ensuring that migrants will learn to speak the official language of the State to which they migrate to. The author explains that the rationale behind this simplification is that migrants who will not speak a State's language where they live neither will participate in the target society, nor will sum to its economy. García pose her critics to that perspective: can a State possess a language, or does it belong to its speakers? Furthermore, that reasoning creates a linguistic criterion to decide whether a migrant is welcomed or not. I would go further to say that underlines an idea of whether they will be useful or not. "Participating in a society" is what exactly? Have a chance of political organization? Exchanging cultural experiences? Or is it simply for them to take part in the economy, as employees in jobs that nationals do not want?

There is also another factor to be considered regarding stigmatization of migrants whose linguistic practices involve not only the State-Nation language, but also their inherited one, according to García:

By advancing the view that language belongs to the speaker rather than to the nation state, critical poststructuralist sociolinguists aim to break out of static conceptions of language that keep power in the hands of the few (Flores 2013; Flores and García 2014). The constructed national language matches the linguistic features of those who wield power, guaranteeing their authority. The different linguistic features of others, especially migrants, and by necessity their fluid language practices – the product of being forced to interact in a new communicative context – are then stigmatized (García and Li Wei 2014)⁴⁸.

The text challenges the notions of native speakers, second language acquisition, and that named national languages always match the linguistic profile of those who wield power as authorities in the States. All these debates, although preciously interesting, end up a little out of the scope of this work as they deep dive into advanced sociolinguistics.

⁴⁶ Allan, K., & Mcelhinny, B. (2020). *Neoliberalism, language, and migration* IN Canagarajah, Susan (Ed.) *The Routledge Handbook of Migration and Language* (New York: Routledge). p. 85-86.

⁴⁷ García, O. (2017). *Problematizing Linguistic Integration Of Migrants: The Role Of Translanguaging And Language Teachers* IN BEACCO, J. C et al. (Eds.). *The Linguistic Integration Of Adult Migrants/L'intégration Linguistique Des Migrants Adultes* (Boston/Berlin: Walter de Gruyter GmbH). p. 12-15.

⁴⁸ Ibid. p. 13.

The problematizations exposed serve as a basis for the necessity of “reframing the linguistic integration of migrants”. The necessity for reframing is that, in history, minoritized groups who had to shift their linguistic practices to dominant languages were not granted structural incorporation. The author cites the case of enslaved African peoples taken to the United States where they suffered a “relinguification” to English; yet they keep being linguistically excluded⁴⁹ and labelled as practitioners of a deviant form of English.

Interesting to note is that native speakers of an official language of a given arriving State have certain expectations towards the performance of that language by migrants. The main expectation is that migrants go linguistically unnoticed, performing the local majority language without a trace of difference from natives, and avoiding using their mother tongue in public spaces⁵⁰. Thus, newcomers will have fulfilled their “obligation” to the society which is receiving them. They must undergo a process of standardization of language use, although there is an expectation that they already possess a high level of proficiency in the official language. In those expectations underlies an implicit demand by locals and for migrants to showcase their loyalty and allegiance to the arriving country. Thus, a cultural shock is avoided, and locals do not feel culturally threatened or tensioned to relativize their own identity inside the territory they believe they belong to⁵¹.

That assimilationist pretension⁵² in linguistic integration is problematic because it puts the migrant, the non-native speaker, in a fragile social position where he or she must be in constant bidding for membership and belonging within the group, in every experience of linguistic interaction with others and with the State. Thus, each interaction carries a risk of reinforcing social exclusion, as the individual reveals signs of *otherness* against the prior sense of community that speakers of a majority language have⁵³.

The CoE considers that assimilationist expectations limit linguist integration into a one-way process of evaluating a speaker for their capacity in acquiring a new language and

⁴⁹ Baker-Beel, A. (2020). *Linguistic Justice: Black Language, Literacy, Identity, And Pedagogy* (New York: Routledge). Chapter 8.

⁵⁰ Council of Europe, Beacco, J.-C., Little, D., & Hedges, C. (2014). *Linguistic Integration of Adult Migration: Guide To Policy Development And Implementation*. (Strasbourg: Council of Europe Publishing), p. 13-15.

⁵¹ Council of Europe / Language Policy Programme. (2006). *Linguistic Integration of Adult Migrants Project (LIAM Project)*: www.coe.int/lang-migrants

⁵² Idem.

⁵³ Riley, P. (2007). *Language, Culture and Identity: An Ethnolinguistic Approach*. Sally Johnson, Ed.; 1st ed. (London: Blumsburry Publishing). p. 80-90.

absorbing a linguistic identity, what ignores the previous languages of a person⁵⁴. According to Beacco *et al.* there are diverse forms of linguistic integration, according to adjustments that each new speaker of a language makes to accommodate themselves in a new linguistic environment⁵⁵.

The previous languages of a person constitute their linguistic repertoire, that can be constituted by more than one previous tongue and by different knowledge levels of each one of them. Every time a speaker acquires an additional language, the balance of a person's repertoire is altered. In the case of adult migrants, however, this reorganization, which is imposed by a new linguistic circumstance, has important consequences for how they perceive themselves: fluent users of the language they are learning and individuals from their social circle are all witnessing the process⁵⁶.

The aforementioned authors differentiate linguistic integration into a passive integration, a functional integration, a proactive integration, and a form of integration that expands someone's linguistic identity. The passive form of integration refers to an insufficient capacity of communication in everyday situations. In the case of migrants, they did not reach an efficient level of language performance. However, Beacco *et al.* highlight that efficiency and sufficiency of language use also depend on the goodwill of the listeners and speakers. In the case of migrants, linguistic integration will depend on factors as the strangeness that their culture of origin causes on the native speakers, the sentiment, prejudice, and preconceptions they have towards a migrant⁵⁷, this all could tend to a lack of goodwill while trying to understand the newcomer.

Linguistic integration is functional when the resources in the dominant tongue and in the other languages of the repertoire are sufficient for adult migrants to manage most social, work-related, and personal tasks with relative success. As effectiveness is their number one goal, they are unconcerned about the various mistakes they commit. Their original linguistic identity(ies) are predominant and barely affected by the learning process of the dominant tongue of the arriving State. To the authors, the proactive integration involves a more intense seek to improve because of personal reasons like developing personal relationships with the local

⁵⁴ Council of Europe / Language Policy Programme. (2006). *Linguistic Integration of Adult Migrants Project (LIAM Project)*: www.coe.int/lang-migrants

⁵⁵ Council of Europe, Beacco, J.-C., Little, D., & Hedges, C. (2014). *Linguistic Integration of Adult Migration: Guide To Policy Development And Implementation*. (Strasbourg: Council of Europe Publishing), p. 20

⁵⁶ *Ibid.* p. 20-21.

⁵⁷ Riley, P. (2007). *Language, Culture and Identity: An Ethnolinguistic Approach*. Sally Johnson, Ed.; 1st ed. (London: Blumsburry Publishing). p. 24-25.

community, and there is an active effort to commit fewer mistakes while their knowledge grows⁵⁸.

Finally, the last nuance of linguistic integration is the one in which the new language is deeply acquired by the newcomer, and it is added to their previous repertoire (the languages know previously and the respective level of knowledge of each). In this case, their mother tongue, which may have been their sole linguistic identity, will give space to a new portion of linguistic identity, to be occupied by language used in the arriving country. In this sense, the presence of multiple languages of identity in a repertoire is comparable to having two nationalities⁵⁹.

Besides the sociolinguistic approach to linguistic integration, there is also a policy development perspective, according to the changes of paradigms of language teaching for migrants since the decade of 1960s.

In 1968, the Committee of Ministers of the CoE adopted the “Resolution 68 (18) on the teaching of languages to migrant workers”⁶⁰. The rationale behind the resolution was a very instrumental and pragmatic one: preparing workers to communicate in their work environment; enabling them to participate in vocational trainings; using deductive methods to teach languages that would also help workers to better perform their daily tasks. The resolution’s *consideranda* exposes a paradigm of education to an economic aim: “Noting that for migrants language study is mainly a means to an end”⁶¹.

With that said, the document was the first to address the linguistic integration of migrants, in the works of the CoE. From the literal interpretation of the recommendation, linguistic integration meant teaching the official language of the destination State of migrant workers, enhancing and qualifying their workforce, in a one-way process.

In 1977, the Council adopted the European Convention on the Legal Status of Migrant Workers⁶². I consider that, even though the object of the treaty was not linguist integration, it composes a pair of seminal documents with the Resolution 68 (18), in terms of addressing the overall integration of migrants in arriving countries. The Convention established a framework for the legal status and treatment of migrant workers that came from one State party of the CoE to another Member-State (Article 1). The Convention provides for equal treatment between

⁵⁸ Council of Europe, Beacco, J.-C., Little, D., & Hedges, C. (2014). *Linguistic Integration of Adult Migration: Guide To Policy Development And Implementation*. (Strasbourg: Council of Europe Publishing), p. 23

⁵⁹ *Idem*.

⁶⁰ Council of Europe (1968) *Resolution 68 (18) on the teaching of languages to migrant workers*.

⁶¹ *Ibid. Consideranda n. 6*.

⁶² Council of Europe (1977) *European Convention on the Legal Status of Migrant Workers of 1977*.

migrant and nationals works, in terms of employment, working conditions (Articles 16 and 21), forms of recruitment (Article 2), migration and work documentation (Articles 8 and 9), family reunion (Article 12).

My focus on this treaty are the Articles 14(1) and 15. The first, namely, “Pretraining – Schooling – Linguistic training – Vocational training and retraining”, states in its paragraph 2:

To promote access to general and vocational schools and to vocational training centres, the receiving State shall facilitate the teaching of its language or, if there are several, one of its languages to migrant workers and members of their families.

Article 15, in turn, reads:

The Contracting Parties concerned shall take actions **by common accord to arrange, so far as practicable, for the migrant worker's children, special courses for the teaching of the migrant worker's mother tongue, to facilitate, inter alia, their return to their State of origin.** (Emphasis added)

In Article 15, even in restrictive terms, migrants’ children were to be taught the mother tongue of their parents, for the purpose of facilitating the return of migrants’ families once economic and labor needs were fulfilled in the destination country. I perceive both texts as expressions of instrumentalization of migration to supply economic needs, and, in this context, the linguistic integration conceived was of teaching local or native languages either to ease adaptation to labor or to facilitate their return home. However, the promotion of the mother tongue’s teaching for the descendants of migrants must be taken into consideration as a give and take policy, somewhat in favor of the inherited culture and language of children, in the Article 15.

The European Social Charter of 1961 was established as a sister to the European Convention on Human Rights (1950); however, it has stayed in a marginal position within the framework of human rights of the Council. The Social Charter went through a revitalization process, resulting in the adoption of the Revised European Social Charter of 1996⁶³, an updating treaty that expanded the 1961 Charter's rights, from solely labor rights to social rights, establishing linguistic integration provisions for migrant workers and their families⁶⁴:

Article 19 – The right of migrant workers and their families to protection and assistance

⁶³ Council of Europe (1996) *European Social Charter (Revised)*.

⁶⁴ Nolan, A. (2020). *A Brief Overview of the European Social Charter System*. Working paper. Available at: https://www.housingrightswatch.org/sites/default/files/Nolan_A%20Brief%20Overview%20of%20the%20European%20Social%20Charter%20System.pdf

With a view to ensuring the effective exercise of the right of migrant workers and their families to protection and assistance in the territory of any other Party, the Parties undertake:

11. to promote and facilitate the teaching of the national language of the receiving state or, if there are several, one of these languages, to migrant workers and members of their families;

12. to promote and facilitate, as far as practicable, the teaching of the migrant worker's mother tongue to the children of the migrant worker.

The revised charter (1996) brings another aim for linguistic integration: not to enhance work performance or facilitate the return of migrants, but, at least in the legal text, linguistic integration for effectiveness of protection and assistance in any State party of this treaty. Moreover, the compromise for the States to promote and facilitate the teaching of national languages and the teaching of the migrants' worker mother tongue to their children, not with the goal of facilitating their return.

Beyond those legal documents, the CoE has continued discussions towards the linguistic integration of migrants⁶⁵. Numerous recommendations of both bodies treated about the topics, such as the Recommendations No. R (98) 6 and 82 (18) concerning modern languages; Recommendation CM/Rec (2008) 7 on the use of the Council of Europe's Common European Framework of Reference for Languages (CEFR) and the promotion of plurilingualism; Recommendation (2012)13 on ensuring quality education; Recommendation 1383 (1998) on linguistic diversification; Recommendation 1625 (2003) on policies for the integration of immigrants in Council of Europe Member-States⁶⁶.

In 2006, the Linguistic Integration of Adult Migrants (LIAM) project was launched aiming to support the linguistic integration of adult migrants arriving to the Member-States of the CoE, through language teaching and language assessment. The project has a focus on providing those States with guidelines, tools, and resources to help them develop and implement effective language support measures for adult migrants, considering their previous linguistic repertoire, their level of literacy. The project has also a component of surveys which are carried out in the Member-States regarding their policy and practice relating to the linguistic integration of adult migrants, so far made in 2007/8, 2009/10, 2013, and 2018, each followed by an intergovernmental conference where the surveys' results are shared and debated⁶⁷.

⁶⁵ Council of Europe - The Committee of Ministers, the P. A. the C. of L. and R. A. (2017). *Adult Migrants: Integration and Education - Extracts from Conventions, Recommendations, Resolutions and Reports*. <https://rm.coe.int/recommendations-resolutions-on-adult-migrants-and-education-rev-2017-168079335c>

⁶⁶ Ibid. P. 8-10, 15, 16.

⁶⁷ Minuz, F., Kurvers, J., Schramm, K., Rocca, L., & Naeb, R. (2022). *Literacy And Second Language Learning For The Linguistic Integration Of Adult Migrants* (Strasbourg: Council of Europe Publishing, p. 73-75

2.1.5 *Super-diversity*

Super-diversity has been a focus of attention in recent years, particularly to multiculturalism and plurilingualism. The social anthropologist Steven Vertovec coined the term to characterize a new phase in the diversification of modern societies, with Britain as a case study. To Vertovec, “super-diversity” occurs when societies become more diverse in terms of not only ethnicities and nationalities, but also migratory flows, languages spoken, faiths, cultures, and way of life. Diversity in superdiverse environments is qualitative as well as quantitative, which results in additional levels of complexity and unpredictability⁶⁸.

The author proposes five main characteristics of superdiversity: diversity of origins, diversity of legal statuses, diversity of cultures, plurilingualism, and multiple pathways⁶⁹. These characteristics emphasize how crucial it is to comprehend the “diversification of diversity”⁷⁰ in a society, a dynamic phenomenon that transcends conventional categories and bounds. This description has been expanded upon by other academics, who stress the necessity of new theoretical and methodological frameworks to adequately reflect the complexity of superdiversity⁷¹.

In practical terms, superdiversity has substantial implication on super concentration of multilingualism in urban areas. The author cites the example of London: by 2012, 300 languages were spoken in the capital of England, according to a survey carried out with schoolchildren regarding the languages spoken at their homes⁷². The linguistic complexity outlined, surged in superdiverse spaces, brings along challenges for linguistic integration and linguistic prejudice as a proxy for insurgence of racism, and demands policy responses for an unprecedented level of social diversity⁷³.

⁶⁸ Vertovec, S. (2007). *Super-Diversity And Its Implications*. *Ethnic and Racial Studies*, 30(6), 1024–1054. <https://doi.org/10.1080/01419870701599465>

⁶⁹ *Ibid.* p. 1045 – 1047.

⁷⁰ *Ibid.* p. 1025.

⁷¹ Creese, A., & Blackledge, A. (2010). *Translanguaging In The Bilingual Classroom: A Pedagogy For Learning And Teaching?* *The Modern Language Journal*, Vol. 94, No. 1 (Spring, 2010), pp. 103-115, doi: 10.2307/25612290.

⁷² Baker, P. and Mohieldeen, Y. (2000). *The Languages Of London's Schoolchildren*, in P. Baker and J. Eversley (eds), *Multilingual Capital*, London: Battlebridge, pp. 560 *APUD* Vertovec, S. (2007). *Super-Diversity And Its Implications*. *Ethnic and Racial Studies*, 30(6), 1024–1054. <https://doi.org/10.1080/01419870701599465>

⁷³ Vertovec, S. (2007). *Super-Diversity And Its Implications*. *Ethnic and Racial Studies*, 30(6), 1024–1054. <https://doi.org/10.1080/01419870701599465>

2.2. Methodology

As previously stated, this research is built on the combination of methods specific to legal science with approaches from other social sciences. In the larger picture, this fits within the movement of Empirical Legal Studies (ELS), a growing methodological approach which aims to expand the understanding of law with the contribution of empirical research⁷⁴.

First, I examine CoE's treaties and policy, by reviewing the three main international legal instruments and the opinion⁷⁵ of the CoE's Advisory Committee on the Framework Convention for the Protection of National Minorities. Then, as part of the policy analysis component of the research, I describe the programmes led by the Language Policy Programme.

Subsequently, I examine the available data on economic migration and language integration in Europe. I decided to carry out a case study examining the linguistic integration of migrants in terms of prerequisites for documentation and the protection of minority language rights in the United Kingdom (Cornish, Irish, Manx Gaelic, Scots, Scottish-Gaelic, Ulster-Scots, Welsh)⁷⁶. I designed the diagram below to summarize the methodology and the question posed by this research:

⁷⁴ For a methodological discussion on ELS, see Leeuw, Frans L., Empirical Legal Research: The Gap between Facts and Values and Legal Academic Training (July 02, 2015). Utrecht Law Review, Vol. 11, No. 2, p. 19-33, June 2015, Journal of Empirical Legal Studies (JELS), ISSN:1740-1461.

⁷⁵ Council of Europe. (2010). *Thematic Commentary No. 4: The Framework Convention for the Protection of National Minorities and its Advisory Committee: Fundamental Principles and Commentaries*. (Strasbourg: Council of Europe Publishing).

⁷⁶ Council of Europe (1992). *European Charter for Regional or Minority Languages. Annex: States Parties to the European Charter for Regional or Minority Languages And Their Regional Or Minority Languages*. Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaties-full-list-signature&CodePays=UK> (as of 2022).

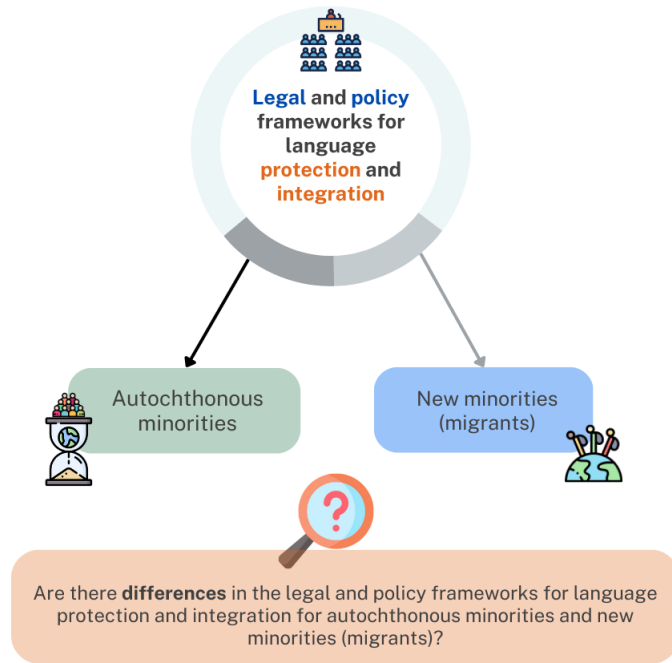


Figure 1 – Research question and methodology.

3. PART III - LEGAL AND POLICY FRAMEWORK

In this part, I aim to describe the policies and the international legal instruments that regulate the linguistic protection and integration both for migrants and for the old minorities of Europe (autochthonous). The Council of Europe was chosen as an international organization that provides legal and policy frameworks on language. I intend to go over three main international treaties of the CoE: the European Convention on Human Rights (ECHR, 1950), the European Charter for Regional or Minority Languages (ECRML, 1992), and the Framework Convention for the Protection of National Minorities (FCNM, 1994).

In terms of language policy, my aim is to focus on elaborating and critically analyzing CoE's projects and developments since the inauguration of the Modern Language Section until the contemporary policies carried out by the Language Policy Programme.

3.1. Legal framework

In 1997, the linguist Heinz Kloss⁷⁷ proposed a classification of language rights. In the context of linguistic minorities, Kloss divides language rights into the “tolerance-oriented” and “promotion-oriented”, in their way of application. This provides a useful scope for analysis of the normative framework that surrounds the protection of languages and linguistic integration.

The distinction centers around the actions of the State. Tolerance-oriented rights can be considered negative rights, meaning that they impose a duty of refrain from intervening to individuals and the State. In contrast, promotion-oriented rights, as positive rights, require the State or other Stakeholders to take action to promote the well-being of individuals or communities⁷⁸.

In the context of language protection, tolerance-oriented rights broadly cover the right to preserve and practice one's language in their individual sphere⁷⁹. The State action is to refrain from intervention in the space of private liberty of individuals to express their cultural inheritance.

Promotion-oriented rights, on the other hand, regulate the levels of recognition of minority rights within the public sphere, involving: “public authorities trying to promote a

⁷⁷ Kloss, H. (1997). *The American Bilingual Tradition*. Language in Education: Theory and Practice No. 88 (Washington: Center for Applied Linguistics and Delta Systems), p. 27-51.

⁷⁸ Ibid. p. 99.

⁷⁹ May, S. (2018). *Language Rights: Linking The Local And The Global*. Working paper. Available at: https://archive.unu.edu/globalization/2008/files/UNU-UNESCO_May.pdf

minority (language) by having it used in public institutions – legislative, administrative and educational, including the public schools”⁸⁰. Such initiatives require an active participation - and funding - of the State. Due to this, promotion-oriented language rights mostly apply to national minority groups, historically associated with autochthonous minorities.

In recent years, the focus on multiculturalism brought a significant increase in linguistic policies, and a general tendency can be observed: promotion-oriented rights – more demanding from governments - almost exclusively apply to autochthonous minorities; tolerance-oriented rights, however, “have, more often than not, been regarded as appropriate for immigrants”⁸¹. States often interpret tolerance rights as requiring an apathetic attitude⁸²; this, in turn, can lead to marginalization of large migrant communities, as the State fails to provide adequate linguistic integration for a sizeable immigrant community.

To address this, some have suggested using a “where numbers warrant”⁸³ principle to apply promotion-oriented rights to immigrant groups. Although controversial, this approach has been favored by international charters and conventions, including CoE’s FCNM⁸⁴, although the application of this principle has yet to happen. Despite its selective nature (more populous immigrant minorities are favored), the principle attempts to expand the FCNM’s scope of application to migrants in terms of minority language rights⁸⁵.

3.1.1. Council of Europe’s treaties

The Council of Europe has established a framework to promote and protect minority language rights in Europe. This framework includes international legal instruments and policies that are designed to ensure that individuals and communities enjoy the right to use their own language.

The European Charter for Regional or Minority Languages (ECRML)⁸⁶ is of utmost importance to the CoE’s system. The Charter was adopted in 1992 and has been ratified by 25 CoE’s Member-States. It recognizes the importance of regional or minority languages and

⁸⁰ Kloss, H. (1997). *The American bilingual tradition. Language in Education: Theory and Practice No. 88* (ISBN-1887744-02-9). Center for Applied Linguistics and Delta Systems. p. 102.

⁸¹ Kymlicka, W., & Patten, A. (2003). *Language Rights And Political Theory. Annual Review of Applied Linguistics*, 23, 3–21. <https://doi.org/10.1017/S0267190503000163>, p. 5-6.

⁸² McDermott, P. (2017). Language rights and the Council of Europe: A failed response to a multilingual continent? *Ethnicities*, 17(5), 603–626. <https://www.jstor.org/stable/26413976>

⁸³ Ibid. p. 620–626.

⁸⁴ Council of Europe. (1995). *Framework Convention for the Protection of National Minorities (FCNM)*. Article 10 para. 2.

⁸⁵ McDermott, P. (2017). *Language Rights And The Council Of Europe: A Failed Response To A Multilingual Continent?* *Ethnicities*, 17(5), 603–626. doi:10.1177/1468796816654725.

⁸⁶ Council of Europe. (1992). *European Charter for Regional or Minority Languages (ECRML)*.

obliges States to act in favor of their protection and promotion. I remark that this treaty expressively excludes migrant minorities from its scope⁸⁷. However, the treaty is worth mentioning because it adds cultural and education rights to minority language rights in Europe. Another purpose of citing this instrument is to provide a visualization of the shifting in the legal paradigm that based treaties throughout the decades, broadening their scope as new understandings on the topic arise.

Another important instrument in the Council of Europe's framework is the Framework Convention for the Protection of National Minorities (FCNM)⁸⁸. The convention was adopted in 1995 and has been ratified by 39 State parties. It recognizes the importance of protecting the national minorities' rights, including language rights.

The European Convention on Human Rights (ECHR) does not expressly protect language rights as a fundamental aspect of the right to freedom of expression, where it addresses that freedom, in Article 10⁸⁹. However, Nagy⁹⁰ identified that the European Court of Human Rights, regarding the Article 10 of the ECHR, has developed a rationale for protection of freedom of expression not only in terms of what is expressed, but in what form it is done so, thus including a protection of linguistic freedom. The author mentions the Court demonstrated an interpretation of freedom of expression that is undoable without the guarantee of freedom of language use, like in cases of apprehension of books in languages not official to a State, or sanctions against authorities that expressed themselves in minority languages in official acts or writings.

Furthermore, the Article 2 of Protocol No. 1 to the ECHR⁹¹ recognizes the right to education, which includes the right of individuals to be educated in their own language or in a language they understand. This provision aims to protect the linguistic and cultural identity of minority groups and ensure that they have access to education in their own language.

⁸⁷ Idem. "Part I – General provisions Article 1 – Definitions For the purposes of this Charter: a 'regional or minority languages' means languages that are: *i* traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population; and *ii* different from the official language(s) of that State; it does not include either dialects of the official language(s) of the State or the languages of migrants; (...)"

⁸⁸ Council of Europe. (1995). *Framework Convention for the Protection of National Minorities (FCNM)*.

⁸⁹ Council of Europe. (1950). *European Convention on Human Rights (ECHR)*. "Article 10 Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers."

⁹⁰ Nagy, N. (2018). *Language Rights As A Sine Qua Non of Democracy: A Comparative Overview Of The Jurisprudence Of The European Court Of Human Rights And The Court Of Justice Of The European Union*. Central and Eastern European Legal Studies Journal.

⁹¹ Council of Europe. (1954). *Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms*. Article 2.

In addition to these key documents, the Council of Europe has also established the European Centre for Modern Languages (ECML)⁹², which is tasked with promoting language education and multilingualism in Europe. The Council of Europe also supports the work of the European Language Resources Association (ELRA)⁹³, which is responsible for collecting and distributing language resources for research and development purposes.

The following treaties refer, in the framework of the CoE, to minority languages, either they have a broader scope of application to new minorities or not. For instance, the ECRML, as already mentioned, expressly excludes from its scope the languages of the migrants (see footnote 86).

3.1.1.1. European Convention on Human Rights (ECHR)

The purpose of the ECHR, opened for ratification in 1950, is to protect the civil and political rights of individuals under the jurisdiction of CoE Member-States. As more States ratify the Convention, individuals or groups can take a case to the European Court of Human Rights (ECtHR), if there is an allegation of human rights breach by a State party⁹⁴.

Although language rights are not explicitly mentioned, several articles broadly apply to language minorities. Article 14⁹⁵ ensures that all individuals are entitled to rights detailed in the ECHR, regardless of the language they speak, based on the non-discrimination principle for language reasons.

Articles 5 and 6, covering respectively rights to liberty and security and right to a fair trial can be considered the ones with most direct implications regarding linguistic integration policies amongst State parties, as they have direct impact on criminal law interpretation discussions⁹⁶. Under the right to a fair trial, if defendants cannot understand the language used in court proceedings, interpreters shall be made accessible (Article 6). Under liberty and security, anybody who is detained “must be told promptly, in a language he understands, of the reasons for his arrest and of any charge against him” in Article 5. These discussions led to some

⁹² European Centre for Modern Languages of the Council of Europe: <https://www.ecml.at/>

⁹³ ELRA Language Resources Association: <http://www.elra.info/en/>

⁹⁴ European Court of Human Rights. (2023). *Rules of Court*. Available at: https://www.echr.coe.int/documents/rules_court_eng.pdf

⁹⁵ Council of Europe (1950) *Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR). “Article 14: the enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.”

⁹⁶ McDermott, P. (2017). *Language Rights And The Council Of Europe: A Failed Response To A Multilingual Continent?* *Ethnicities*, 17(5), 603–626. doi:10.1177/1468796816654725.

formalization of language rights in numerous European countries⁹⁷. Thus, the ECHR, in Article 6⁹⁸, provides with minimum rights for a person criminally charged as preconditions for the right of a free trial, including the right of interpretation and the facilities to fully prepare a defense against the accusation.

The protection of the right to private and family life established in Article 8 has been one of the mechanisms utilized by speakers of both autochthonous and migrant minority languages. Cases usually surround the refusal of some states to allow the use of surnames and forenames by members of national minorities in non-state languages, such as on birth certificates and other official documents⁹⁹. However, such rights, are considered “weakly linked” in the practice of the ECtHR, as are most cultural claims¹⁰⁰.

Here we can see a pattern of application of tolerance and protection rights. The ECHR provides ample protection via tolerance rights (protection against discrimination), but is weak in implementing language rights, preferring a more “civic” rather than cultural rights approach¹⁰¹. This preference does not come without consequences, as McDermott illustrates that:

Nonetheless, the ECHR’s biggest flaw is that it takes the majority culture, including the linguistic culture, of each signatory state as a given ‘norm’ and fails to engage adequately with the role that cultural and linguistic exclusion can have on an individual’s ability to contribute to wider civil and political life. If individuals, such as migrants or national minorities, are denied representation in the public space for their group’s culture, then their equal participation as an individual in the society in question is also compromised. Thus, the ECHR ignores the role that a collective majority culture has in contributing to the marginalisation of citizens who are members of a minority.

3.1.1.2. *The European Charter for Regional or Minority Languages (ECRML)*

⁹⁷ Vogler, R. (2015). *Lost In Translation: Language Rights For Defendants In European Criminal Proceedings*. IN Ruggeri S. (2015). *Human Rights in European Criminal Law*. New York: Springer, p. 95–109

⁹⁸ Council of Europe (1950) *Convention for the Protection of Human Rights and Fundamental Freedoms*. “Article 6. (...) Everyone charged with a criminal offence has the following minimum rights: (a) to be informed promptly, in a language which he understands and in detail, of the nature and cause of the accusation against him; (b) to have adequate time and facilities for the preparation of his defence; (c) to defend himself in person or through legal assistance of his own choosing or, if he has not sufficient means to pay for legal assistance, to be given it free when the interests of justice so require; (d) to examine or have examined witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him; (e) to have the free assistance of an interpreter if he cannot understand or speak the language used in court”.

⁹⁹ European Court of Human Rights, & Council of Europe. (2011). *Cultural rights in the case-law of the European Court of Human Rights*. Available at: https://www.culturalpolicies.net/wp-content/uploads/2019/10/ECHR_Research_report_cultural_rights_ENG.pdf

¹⁰⁰ McDermott, P. (2017). *Language Rights And The Council Of Europe: A Failed Response To A Multilingual Continent?* *Ethnicities*, 17(5), 603–626. doi:10.1177/1468796816654725.

¹⁰¹ *Idem*.

The European Charter for Regional or Minority Languages (ECRML), drafted in 1992 and entered into force in 1998, aims to protect and promote the historical regional or minority languages of Europe, considered to be part of the continent's cultural heritage¹⁰². Article 1 brings definitions for the scope of the treaty, where a minority or regional language is the one spoken within the geographic territory of a State, by a numerical portion of nationals of that country that is smaller than the rest of the State's population. The Article also establishes as a scope premise that the minority or regional language to be protected must be different from the official language of that State, or its dialects, and not a language used by migrants.

Furthermore, the Article determines that in geographic areas where a minority or regional language is used, there must be a sizeable quantity of speakers to "justifying the adoption of the various protective and promotional measures provided for in this Charter".

In addition, the text excepts non-territorial languages¹⁰³, which may be recognized by the State parties as objects of protection and promotion, but with limited guarantees, as the treaty demands a territorial base for minority or regional languages in its scope¹⁰⁴. Thus, the treaty explicitly focuses on the criterion of indigeneity for languages to be protected as they are declared so by States when ratifying the charter¹⁰⁵. When a State ratifies the ECRML, it guarantees adherence to the eight general statements contained in part II of the document, which recognizes regional or minority languages as an essential "expression of cultural wealth" on the national territory¹⁰⁶.

In terms of protection for languages of migrants, the treaty expressly excludes them from its scope, as already stated. The official justification for the exclusion of immigrant languages is that the Charter was designed to protect endangered regional minority languages against the dominance of majority languages¹⁰⁷. Despite the explanatory report of the

¹⁰² Council of Europe. (1992). *European Charter for Regional or Minority Languages (ECRML)*.

¹⁰³ Ibid. "Part I – General Provisions (...) Article 1 – Definitions (...) b "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter; c "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof".

¹⁰⁴ Council of Europe (1992) *European Charter For Regional Or Minority Languages: Explanatory Report*. Available at: <http://conventions.coe.int/Treaty/en/Reports/Html/148.htm>

¹⁰⁵ McDermott, P. (2017). Language rights and the Council of Europe: A failed response to a multilingual continent? *Ethnicities*, 17(5), 603–626. <https://www.jstor.org/stable/26413976>

¹⁰⁶ McDermott, P. (2017). *Language Rights And The Council Of Europe: A Failed Response To A Multilingual Continent?* *Ethnicities*, 17(5), 603–626. doi:10.1177/1468796816654725.

¹⁰⁷ Ibid. p. 612.

ECMRL¹⁰⁸ states that the situation of non-European languages spoken by migrants who reach the continent with economic motivation should be addressed separately, no effort was shown by the Member-States to address immigrants' languages, maintaining its exclusive understanding of protection only for tongues linked to a specific territory¹⁰⁹.

3.1.1.3. *Framework Convention for the Protection of National Minorities (FCNM)*

The Framework Convention for the Protection of National Minorities (FCNM) is a treaty adopted by the CoE in 1995. It aims to promote and safeguard the rights of national minorities living in Member-States, to foment stability, democratic security, and peace¹¹⁰. The FCNM focuses on the protection of minority identities, languages, cultures, and traditions, while also ensuring equal access to public services, education, and media for minority groups¹¹¹. FCNM's Articles address the right of minorities to exist (Article 1), the right of members of national minorities to self-identify as such (Article 3), and the right of minorities to preserve and advance their culture (Article 5).

Monitoring of the implementation of the FCNM is the task of an Advisory Committee, which reviews State parties' reports and issues opinions and recommendations in response to those reports. While the FCNM is legally binding for signatory States, it does not establish an individual complaint mechanism for alleged violations of minority rights¹¹².

Despite the broad scope of its protections, the Framework Convention does not define national minorities, contrary to earlier attempts to establish a definition contained in Recommendation 120¹¹³. Upon ratification, most Member-States issue declarations that specify the criteria they use to recognize national minorities, sometimes in exhaustive lists. This case-by-case definition, therefore, limits the application of the FCNM, with some parties opting for

¹⁰⁸ Council of Europe (1992) *European Charter For Regional Or Minority Languages: Explanatory Report*. Available at: <http://conventions.coe.int/Treaty/en/Reports/Html/148.htm>

¹⁰⁹ McDermott, P. (2017). *Language Rights And The Council Of Europe: A Failed Response To A Multilingual Continent?* *Ethnicities*, 17(5), 603–626. doi:10.1177/1468796816654725.

¹¹⁰ Council of Europe. (1995). *Framework Convention for the Protection of National Minorities (FCNM)*. Consideranda n. 6.

¹¹¹ Council of Europe. (1995). *Framework Convention for the Protection of National Minorities (FCNM)*.

¹¹² *Ibid.* Articles 24-26.

¹¹³ Council of Europe. (1993). *Recommendation 1201 (1993): Additional protocol on the rights of minorities to the European Convention on Human Rights*.

very abstract definitions and others refusing to acknowledge the existence of any minority on their territory at all¹¹⁴.

Despite the existence of a somewhat variety in how national minorities are recognized across CoE's members, common (somewhat) objective criteria frequently used are historical links with the majority or state, numerical inferiority, cultural, linguistic, or religious differences, a shared identity and citizenship¹¹⁵. This trend coincides with Capotorti's definition, but the Advisory Committee's stances and practice have evolved since the first monitoring cycle.

3.1.1.3.1. FCNM's scope of application

In Thematic Commentary No. 4, the committee has taken a broad and flexible interpretation of the Convention, emphasizing the fundamental nature of self-identification¹¹⁶. While objective criteria can complement self-identification, the body strongly emphasizes that self-identification should be the primary determinant of minority status, except for situations where individuals claim minority status in bad faith to gain advantages¹¹⁷. The committee criticizes objective criteria such as citizenship, length of residency, territoriality, the existence of a substantial population, support from "kin-States", and specific identity markers for those categories might become discriminatory and restrictive¹¹⁸. The advisory committee even opposes the preconditions imposed by States for the recognition of groups as national minorities, considering them exclusionary and breaching of principles of the FCNM¹¹⁹. The committee adopts a functional interpretation of the Convention, viewing formal recognition as having a declaratory effect, rather than a constitutive one.

Remarkably, the scope of the treaty envisages the European societies entirely to handle diversity and guaranteeing minority rights, instead of establishing distinguishments between

¹¹⁴ Dragan, A. (2016). *The Framework Convention for the Protection of National Minorities: An Analysis of Its Scope and Application*. (Central European University Press: Vienna), p. 40-46

¹¹⁵ Idem.

¹¹⁶ Council of Europe. (2010). *Thematic Commentary No. 4: The Framework Convention for the Protection of National Minorities and its Advisory Committee: Fundamental Principles and Commentaries*. (Strasbourg: Council of Europe Publishing). Paras. 9, 10.

¹¹⁷ Dragan, A. (2016). *The Framework Convention for the Protection of National Minorities: An Analysis of Its Scope and Application*. (Central European University Press: Vienna), p. 40-46

¹¹⁸ Council of Europe. (2010). *Thematic Commentary No. 4: The Framework Convention for the Protection of National Minorities and its Advisory Committee: Fundamental Principles and Commentaries*. (Strasbourg: Council of Europe Publishing), Paras. 29-36.

¹¹⁹ Dragan, A. (2016). *The Framework Convention for the Protection of National Minorities: An Analysis of Its Scope and Application*. (Central European University Press: Vienna). p. 33.

groups that are under the protection from those who are not. Summed to that, the committee reinforces that treaty is in a living state, permanently open to new interpretations that befit social changes throughout times. In the words contained in the executive summary:

The Framework Convention was deliberately conceived as a living instrument. *Its interpretation must be adjusted regularly to ensure that minority rights can be enjoyed effectively in societies that are affected by constant transformation, including through mobility and migration.* The right to free self-identification is central to minority protection, including multiple and situational affiliations. It must not be disregarded through imposed categorisation based on predetermined characteristics. Individuals self-identify and form communities through a variety of evolving shared practices and through the common exercise of rights. *Societal changes also have an impact on identity perceptions of individuals and of communities and thereby on the applicability of minority rights.* (Emphasis added)

At the same time, the convention intends to amplify the universal human right to equality, by providing means of protection to individuals from minority groups, as they participate in the public sphere, without being assimilated by dominant groups.

In addition, it does not provide a definition for “national minorities”, from what one can mistakenly assume that the implementation of the FCNM relies solely on the discretion of its Member-States, due to the lack of a definition for national minority. This understanding is inaccurate. In Article 1, the FCNM reinforces that States do not have discretionary power over this inalienable human right:

(...) The protection of national minorities and of the rights and freedoms of persons belonging to those minorities forms an integral part of the international protection of human rights, and as such falls within the scope of international co-operation.¹²⁰

The Framework Convention's entire purpose would be defeated if states were given free reign to arbitrarily exclude national minorities from its protection. This “discretionarity” is also argued by scholarship¹²¹ to be in violation of Article 26 of the Vienna Convention on the Law of Treaties (VCLT)¹²² and the fundamental principle of *pacta sunt servanda*. This is illustrated in the Thematic Commentary No. 4, paragraph 5:

The superficial conclusion is sometimes made that the application of the Framework Convention, given the absence of a definition of national minority, is in

¹²⁰ Council of Europe. (1995). *Framework Convention for the Protection of National Minorities (FCNM)*.

¹²¹ Dragan, A. (2016). *The Framework Convention for the Protection of National Minorities: An Analysis of Its Scope and Application*. (Central European University Press: Vienna). p. 35-40

¹²² Article 26 of the Vienna Convention on the Law of Treaties (1969) is entitled "Pacta sunt servanda" and states that: "Every treaty in force is binding upon the parties to it and must be performed by them in good faith.". This principle of international law emphasizes that once a treaty is in force, the parties involved are obligated to adhere to its terms and carry out their responsibilities in a sincere and honest manner.

practice left solely to the discretion of states parties. This interpretation, however, is incorrect. *It runs counter to Article 26 of the Vienna Convention on the Law of Treaties and the basic principle of pacta sunt servanda.* The purpose of this Commentary is to make it clear that the absence of a definition in the Framework Convention is indeed not only intentional but also necessary to ensure that the specific societal, including economic and demographic, circumstances of states parties are duly taken into account when establishing the applicability of minority rights. (Emphasis added)¹²³

3.1.1.3.2. Thematic commentary no. 4

The FCNM is arguably the most robust – implementation wise – of the international instruments presented so far. Despite not explicitly mentioning “new minorities”, the specific mention of unrecognized minorities extends the scope of minority-specific rights to include them¹²⁴. Therefore, I can conclude that new minorities are included in the scope of both general and minority specific rights.

In conclusion, the Committee has long criticized States’ strict interpretation of the scope of application the Framework through several different argumentation lines, but at its center is the very nature of the FCNM as a functionalist instrument. Depriving new minorities of rights offered to groups often much smaller in numbers, goes against the core principles of the Framework. In the words of the Committee:

An exclusive view that separates the issue of traditional minority protection from broader questions surrounding the integration of society does not do justice to the aim and purpose of the Framework Convention but rather hinders the enjoyment of the rights of persons belonging to national minorities.¹²⁵

3.2. Council of Europe’s policy framework on linguistic integration for migrants

Linguistic integration has been a focus of attention of the Council of Europe since 1954¹²⁶. The first document that addresses the topic was the European Cultural Convention¹²⁷, as it expressly refers that Member-States compromise to *encourage the study of languages by nationals* and *endeavor to promote languages studies*, in the *Consideranda* and the Article 2.

Following the mentioned Convention, the Council of Europe worked on three conferences on modern languages teaching, resulting in the establishment of a Modern

¹²³ Advisory Committee On The Framework Convention For The Protection Of National Minorities. (2016). *Thematic Commentary No. 4 The Scope Of Application Of The Framework Convention For The Protection Of National Minorities*. Available at: https://www.coe.int/en/web/minorities/tc4_conference., para. 12.

¹²⁴ Idem. Para. 16.

¹²⁵ Idem. Para. 53.

¹²⁶ Council of Europe. (2023). *Milestones*. Available at: <https://www.coe.int/en/web/language-policy/milestones>

¹²⁷ Council of Europe (1954) *European Cultural Convention*.

Languages Section, a unit within the Council’s Secretariat that focused on the promotion of modern languages and the development of language policies¹²⁸. The Section has been substituted by the Language Policy Programme, within the Education Department of the Council.

Another significant mark of the development of language policies by the Council of Europe was the publication, in 1975, of the first “Threshold Level”. The publication set levels of vocabulary and language structures knowledge, using a lexicostatistical criterion to determine what was most frequent in a given language, classifying that as a basic level to more advanced levels¹²⁹. It also marked the beginning of the development of the Common European Framework of Reference for Languages (CEFR)¹³⁰. In 2001, the publication of the CEFR took place, providing a comprehensive guideline for learning, teaching, and assessing languages, offering six proficiency levels (A1, A2, B1, B2, C1, and C2).

In 2007, the Council published the Guide for the Development of Language Education Policies in Europe¹³¹. Created by the Language Policy Unit, it provided analytical tools for Member-States to develop comprehensive European language policies, including curriculum design, assessment, teacher training, and language promotion¹³².

In 2013, the Council of Europe introduced the Framework of Competences for Democratic Culture (FCDC). This set of competences outlines the skills individuals need to participate effectively in democratic societies, including linguistic competences and intercultural communication skills. The FCDC emphasizes the importance of language education in fostering democratic values and social cohesion¹³³.

¹²⁸ Council Of Europe. (2020). *Common European Framework Of Reference For Languages: Learning, Teaching, Assessment – Companion Volume*. (Strasbourg: Council of Europe Publishing). Available at:<https://www.coe.int/en/web/common-european-framework-reference-languages>.

¹²⁹ Trim, J. L. M. (2010). *The Modern Languages Programme Of The Council Of Europe As A Background To The English Profile Programme*. English Profile Journal, 1, e 2. <https://doi.org/10.1017/S2041536210000097>

¹³⁰ Council Of Europe. (2020). *Common European Framework Of Reference For Languages: Learning, Teaching, Assessment – Companion Volume*. (Strasbourg: Council of Europe Publishing). Available at:<https://www.coe.int/en/web/common-european-framework-reference-languages>.

¹³¹ Council of Europe. (2007). *From Linguistic Diversity to Plurilingual Education: Guide for the Development of Language Education Policies in Europe*. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802fc1c4>

¹³² Council of Europe. (2007). *From Linguistic Diversity to Plurilingual Education: Guide for the Development of Language Education Policies in Europe*. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802fc1c4>

¹³³ The Council of Europe (2013) *Reference Framework of Competences for Democratic Culture (RFCDC)*: <https://www.coe.int/en/web/reference-framework-of-competences-for-democratic-culture>

Lastly, in 2018, the CoE, in collaboration with the European Union, designated the European Year of Cultural Heritage. This initiative aimed to raise awareness of the importance of cultural heritage, including linguistic diversity, for European identity¹³⁴.

Since this work focuses on the linguistic integration of migrants, I must refer to the most significant Conventions, Recommendations, and Resolutions related to the linguistic integration of adult migrants within the Language Policy Program of the Council of Europe.

The Linguistic Integration of Adult Migrants (LIAM)¹³⁵ project was established in 2006 with the objective of supporting the linguistic integration of adult migrants arriving in CoE member states through language instruction and language assessment. The project also includes surveys of Member States' policy and practice regarding the linguistic integration of adult migrants, which have been conducted in 2007/8, 2009/10, 2013 and 2018, each followed by an intergovernmental conference in Strasbourg, at which the survey results are debated with the Member-States whose policies and domestic law underwent that research.

One of the main focuses of the project is also to provide not only linguistic studies, but also political analysis on integration tests required from migrants, in order to clarify lawful objectives for putting the newcomers into language examination and avoid creating implicit means of borders control or excluding vulnerable migrants through those tests¹³⁶.

The parliamentary assembly of the CoE itself expressed concerns regarding testing migrants about knowledge of the receiving society and the official language State, because at the same time tests supposedly ease their integration; however, in fact, working as a tool to manage migration and control the number of migrants how achieve these policies requirements to enter and remain documented in the territory¹³⁷. According to a parliamentary assembly resolution, not only the number of countries adopting such tests has risen, but also the marks that candidates must obtain to pass, from pre-entry requirements to citizenship obtention, also went up, causing the decrease in candidates seeking for those grants, demonstrating an opposite

¹³⁴ Council of Europe, European Union (2018) *European Year of Cultural Heritage*: <https://culture.ec.europa.eu/cultural-heritage/eu-policy-for-cultural-heritage/european-year-of-cultural-heritage-2018>

¹³⁵ Council of Europe / Language Policy Programme. (2006). *Linguistic Integration of Adult Migrants Project (LIAM Project)*: www.coe.int/lang-migrants

¹³⁶ Council of Europe. (2014). *Resolution 1973 (2014). Integration Tests: Helping or Hindering Integration*, 1–3.

¹³⁷Ibid. P. 2. “3. There are two primary concerns over the use of these tests. The first is whether they promote integration or have the opposite effect. The second is whether they are being used not so much as an integration measure, but rather as a migration management mechanism to limit the number of migrants entering and/or remaining in the country concerned. A drop of at least 20% of people seeking family reunion in one member State and a drop of 40% of those seeking or granted permanent residence permits in another gives a clear indication of the effect, intended or otherwise, that the introduction of these measures can have.”

effect, not intended in terms of integration facilitation¹³⁸. The document invites the Member-States of the CoE to reassess practices while establishing minimum levels to be achieved on the language tests, avoid discrimination regarding tests' marks (and consider efforts not only results, especially for previously low or non-literate migrants), usage of other means of evaluation, instead of purely written tests. Finally, the same document refers States to provide preparatory courses for the candidates, free of charge for migrants, as safe spaces for learning and practicing the new language to be integrated to¹³⁹.

The last report published (2020) about the surveys carried out in the framework of the LIAM project was named: "Linguistic Integration of Adult Migrants: Requirements and Learning Opportunities - Report on the 2018 Council of Europe and ALTE¹⁴⁰ Survey on Language and Knowledge of Society Policies for Migrants"¹⁴¹. The surveys are also the CoE's contribution to the United Nations' 2030 agenda¹⁴².

In terms of linguistic integration that is the thesis's focus, the mentioned report covers and analyses language requirements imposed by Member-States for pre-entry, temporary residence, permanent residency, and citizenship¹⁴³ for migrants who wish to enter and remain document in those territories. For instance, the UK has four requirement stages for migrants. A primary one to pre-enter¹⁴⁴ the country (A1 both in speaking and listening skills, according to the CEFR), receiving temporary residence permit (A1 or B2 in listening ability, B1 in reading, A2 or B1 in speaking, and B1 in writing capability), the grant of permanent residence and citizenship (equal scores of B1 in all four language skills)¹⁴⁵.

The survey that based the final 2018 report was sufficiently responded by 40 countries, 41 regions with linguistic distinctness¹⁴⁶, from the governments authorities' ends. Then, the

¹³⁸ Idem.

¹³⁹ Idem.

¹⁴⁰ Association of Language Testers in Europe (ALTE) INGO: <https://www.alte.org/>

¹⁴¹ Rocca, L., Carlsen, C. H., & Deygers, B. (2020). *Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities*. 2018 Report to the Council of Europe. Available at: <https://www.coe.int/en/web/lang-migrants/surveys>

¹⁴² United Nations (2015). *Transforming our world: the 2030 Agenda for Sustainable Development*. Available at: <https://sdgs.un.org/2030agenda>

¹⁴³ Rocca, L., Carlsen, C. H., & Deygers, B. (2020). *Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities*. 2018 Report to the Council of Europe. Available at: <https://www.coe.int/en/web/lang-migrants/surveys>. p. 35.

¹⁴⁴ Ibid. p. 22. "Pre-entry requirements imply that a certain level of proficiency in the host country's tongue and/or knowledge of its culture is required prior to entry. Typically, a person seeking family reunification with a spouse who is already situated in the arriving country is required to meet pre-entry requirements".

¹⁴⁵ Ibid. p. 22-32.

¹⁴⁶ Ibid. p. 16. "Albania, Andorra, Armenia, Austria, Belgium (Dutch speaking, hereafter Belgium (Fl.)), Belgium (French speaking, hereafter Belgium (Fr.)), Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Moldova, Monaco, the Netherlands, North Macedonia, Norway, Poland, Portugal, Romania, Russia, San Marino, Serbia, Slovak Republic, Slovenia, Spain, Sweden, Switzerland, Turkey and the United Kingdom (UK)". P. 16.

CoE received and compared those answers of 21 groups of specialists or independent scholars who work on the field (from the respondent countries), to crosscheck the data delivered by the States. Comparing to the previous surveys of 2007, 2009, and 2013, the number of respondent Member-States of the CoE's passed initially from merely 26 to 40 in 2018¹⁴⁷.

4. PART IV – EMPIRICAL EVIDENCE

¹⁴⁷ Ibid. p. 16. “*Figure 1 – Number of Council of Europe member states responding to surveys (2007-2018).*”.

4.1. Contemporary migration to Europe by numbers

Migration and mobility have become a commonplace occurrence in the contemporary globalized world. Migration is, of course, not a new phenomenon – the migratory waves post-II World War far outnumber data collected from international migration movements of the past decades¹⁴⁸ concerning Europe. However, with the progressive digitization and expansion of markets from the late 1990s to current times, workforce mobility became more and more frequent. Developed economies, similarly, rely more and more on workers from less developed countries to supply their operational necessities. A change of paradigm occurred: in the post-II War, the main motivating factor for migration was displacement; currently, most migratory movements occur due to *economic* reasons¹⁴⁹ - due to “customary labor market conditions”¹⁵⁰.

In 2021, 8.84 million non-EU citizens worked in the EU labor market, out of 189.7 million persons aged from 20 to 64, corresponding to 4.7% of the total¹⁵¹. According to Eurostat data, non-national populations of the EU and the Council of Europe States have been steadily on a rise since 2014 (Annexes I, II, III, IV in the end of this work). Below is the latest dataset:

¹⁴⁸ Capstick, T. (2021). *Language And Migration* (1st ed.). (New York: Routledge). p. 56.

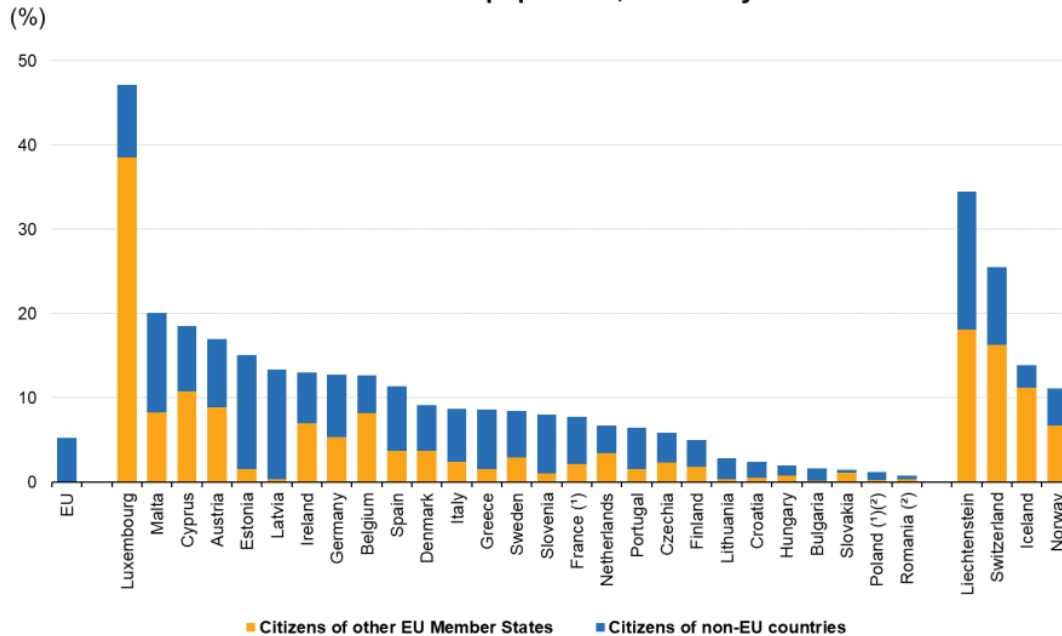
¹⁴⁹ International Labor Organization (2018) *Global Estimates on International Migrant Workers*, 2nd Ed. Available at: https://www.ilo.org/global/publications/books/WCMS_652001/lang--en/index.htm

“According to the UN International Labour Organization, migrant workers - defined as people who migrate with a view to being employed - stood at roughly 164 million worldwide in 2017 and represented nearly two thirds of international migrants.”. p. 8-15

¹⁵⁰ European Union. (2019). *Addressing Labour Migration Challenges In Europe: An Enhanced Functional Approach*. (Policy Brief: ESPON). Available at: <https://www.espon.eu/labour-migration>. P. 10-18.

¹⁵¹ European Union. (2022). *Statistics On Migration To Europe*. Available at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-of-life/statistics-migration-europe_en, p. 2-13

Share of non-nationals in the resident population, 1 January 2021



(*) Provisional.

(?) Estimate.

Source: Eurostat (online data code: migr_pop1ctz)

eurostat 152

Figure 2 – Share of non-nationals in the resident population, 1 January 2021.

Numbers vary, but the average EU Member-State has around 10% of its population composed by migrants, both EU and non-EU citizens accounted for. A pattern also emerges, with Western countries having a significantly higher percentage of migrants than Eastern countries, especially regarding non-EU citizens. The East/West divide is also visible in net migration: while in Northern and Western European regions the number is notably positive, they are substantially negative for Eastern and Southern European regions.

This disproportionality is desired by Western developed countries of the Global North, that rely on migrant workforce for both trained and untrained market gaps. Low skilled jobs are, as they have been in the past decade, the most prevalent, according to data from the European Commission¹⁵³. In 2021, non-EU citizens were overrepresented in the sectors of domestic work, construction, essential services, food and accommodation, and administration and support¹⁵⁴. However, as European markets shift towards a knowledge economy, a

¹⁵² Eurostat (2023) *Migration And Migrant Population Statistics*. Available at:

[https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics#Migration flows: Immigration to the EU from non-member countries was 1.9 million in 2020](https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Migration_and_migrant_population_statistics#Migration_flows:Immigration_to_the_EU_from_non-member_countries_was_1.9_million_in_2020), p. 4-7

¹⁵³ European Union. (2022). *Statistics On Migration To Europe*. Available at:

https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-of-life/statistics-migration-europe_en

¹⁵⁴ Idem.

developed tertiary sector is increasingly making its influence in migration trends - its presence or absence¹⁵⁵.

High-skilled migration is age selective, favoring young skilled professionals in detriment of older, less-educated ones. It is also the most promoted via facilitation of visa requirements, as seen in policies such as The EU Blue Card, introduced specifically to remediate skill shortages in Europe's labor markets¹⁵⁶. On domestic levels, similar incentive visas are also offered, mostly from Western and Northern countries. I cite Germany's Work Visa for Highly Qualified Professionals; Austria's Red-White-Red Card; Netherlands's Highly Skilled Migrant Permit; Spain's Residence Visa for Highly Skilled Professionals; UK's Skilled Worker Visa; Ireland's Critical Skills Employment Permit and Portugal's Highly Qualified Activity Visa.

Such policies, with the course of time, change the ethnic demography of countries, introducing ethnicities other than their usual historical minorities. Germany, as the country with the highest net immigration, showcases such a pattern. German law recognizes four national minorities (*Nationale Minderheiten*), being Danes, Frisians, Roma and Sinti, and Sorbs¹⁵⁷. This recognition comes with certain advantages, such as budget allotment for protection and promotion from the state, availability of native language options for education and public administration¹⁵⁸. However, data from the *Statistisches Bundesamt*¹⁵⁹ shows a much more multicultural composition, with significant presence of communities from Turkey (1.7%), Poland (1%), Syria (1%) and Romania (1%), amongst many others, to a total of 14% of the population¹⁶⁰.

One of the challenges in the recognition of migrant groups as minorities comes from the contrast of geographic distribution. While the concept of autochthonous minority usually requires some form of territoriality, the most recent wave of migrants is more likely to settle in metropolitan regions due to employment opportunities¹⁶¹. In addition, highly educated migrants

¹⁵⁵ European Union. (2019). *Addressing Labour Migration Challenges In Europe: An Enhanced Functional Approach*. (Policy Brief: ESPON). Available at: <https://www.espon.eu/labour-migration>.

¹⁵⁶ The EU Blue Card Network

¹⁵⁷ Germany (2023) *National Minorities*. Available at: <https://www.bmi.bund.de/EN/topics/community-and-integration/national-minorities/national-minorities-node.html>

¹⁵⁸ Gesley, J. (2018) *The Protection of Minority and Regional Languages in Germany*. Available at: <https://blogs.loc.gov/law/2018/09/the-protection-of-minority-and-regional-languages-in-germany/>

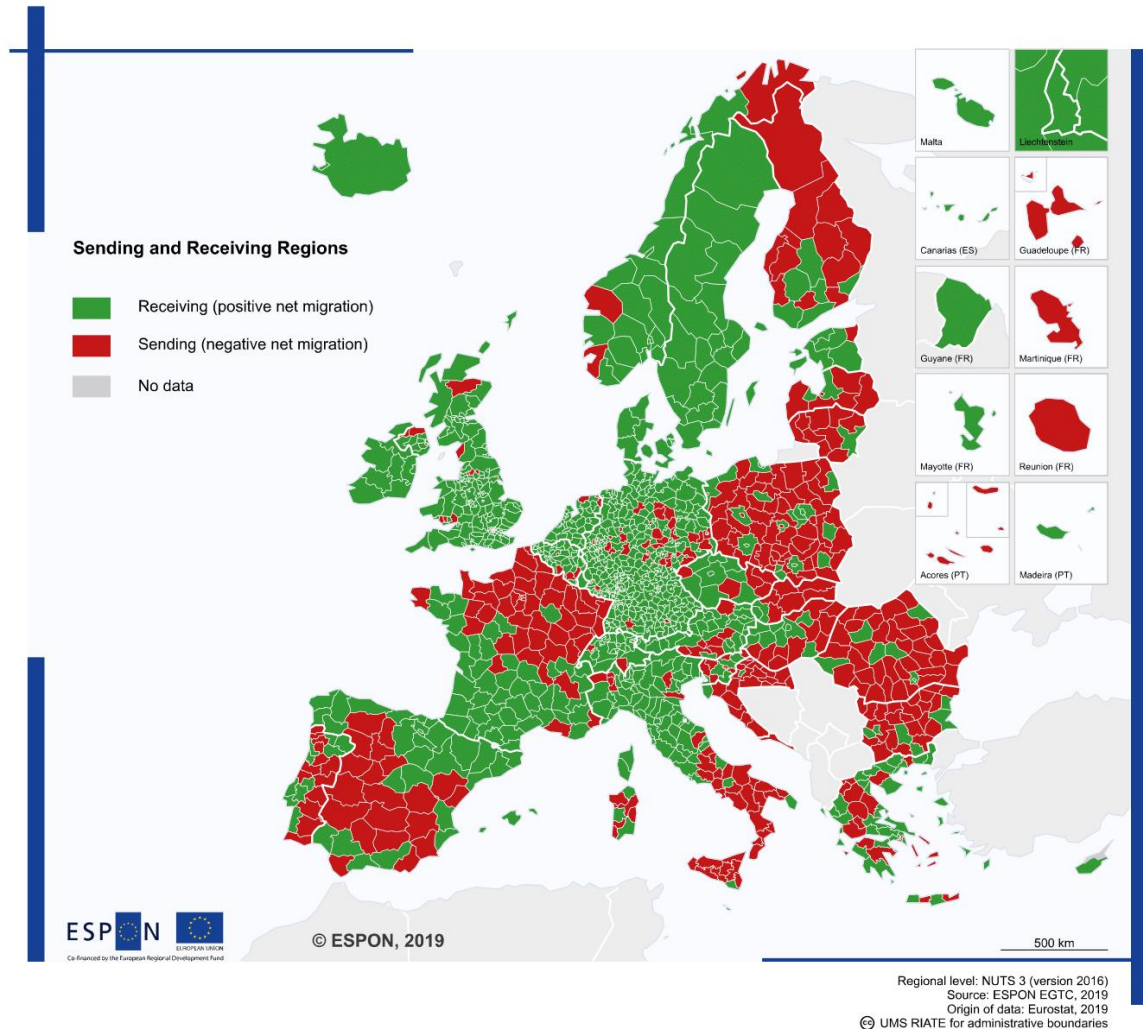
¹⁵⁹ Statistisches Bundesamt (2023) *Migration And Integration: Foreign Population By Selected Citizenships And Years*. Available at: <https://www.destatis.de/EN/Themes/Society-Environment/Population/Migration>

¹⁶⁰ Idem.

¹⁶¹ European Union. (2019). *Addressing Labour Migration Challenges In Europe: An Enhanced Functional Approach*. (Policy Brief: ESPON). Available at: <https://www.espon.eu/labour-migration>.

tend to settle in the same regions as their national counterparts, creating uneven concentrated migration patterns and intra-regional disparities that are now a significant political issue for the EU¹⁶². In the map below, this fragmentation of territoriality can be observed:

In- and out-migration, 2017



Source: ESPON EGTC, based on the ESPON EMPLOY project's methodology

Figure 3 – In- and out-migration, 2017.

Regions with a strongly positive demographic balance are mostly composed of more economically developed countries of West and North Europe. However, the concentrated migration patterns are clearly visible in Eastern Europe, with positive net migration areas

¹⁶² Idem.

corresponding to industrial areas and metropolitan areas, despite poor economic and labor market conditions¹⁶³.

The ESPON Report of 2019 addresses the “inner peripheralization” of the EU: the process by which some areas become cut off from social and economic networks, resulting in negative net migration and other issues. In comparison to other territories, inner peripheries (IPs) have poor economic performance and connectivity issues. The report divides IPs into one of four categories: depleting areas with poor economic and demographic performance, low economic potential, poor access to services of general interest, and high travel time to regional centers¹⁶⁴.

Migration can be both a cause and a consequence of inner peripheral areas, as it affects the population distribution and the economic activity across different regions. One of the solutions presented in the Report is more effectiveness in attracting new minority populations to regions that are experiencing negative net migration¹⁶⁵.

Considering the data contained in the report, some conclusions can be drawn. First, it showcases that the EU and its Member-States are aware of such labor-oriented pockets of migrants and that their distribution is unlike the one of autochthonous minorities. It also shows awareness that this market-focused migration movement was part of government policies for decades – hence the very existence of reports like this. The configuration does benefit European countries. Finally, utilizing migration as a tool to fulfill market gaps is not an innovation. Despite the clear evidence of brain drain as one of the causes of inner peripherization in Eastern Europe, one of the solutions offered is to create a similar problem elsewhere, outside of the EU borders.

Thus, it seems unreasonable that the “market-created” new minorities, often in a position of vulnerability, be denied access to minority rights and already existing protection frameworks – that serve other minorities – because of a theoretical discussion. How can these

¹⁶³ European Union. (2019). *Inner Peripheries: National Territories Facing Challenges Of Access And Connectivity*. (ESPON Policy Brief), 2019(1), 6-9. Available at: <https://www.espon.eu/sites/default/files/attachments/ESPON-Policy-Brief-Inner-Peripheries.pdf>

¹⁶⁴ Ibid. p. 7.

¹⁶⁵ Ibid. p. 3, the policy brief notes that: “accessibility and connectivity are key factors for the attractiveness of territories” and suggests that policies aimed at improving transport infrastructure or digital connectivity may help to attract new populations to underperforming regions. Similarly, on page 6, the policy brief notes that “the development of economic potential is a key factor for reversing negative demographic trends” and suggests that policies aimed at supporting entrepreneurship or innovation may help to create new job opportunities in these regions.

communities, called to the EU markets as part of policy decisions, not be granted minority rights only on the grounds of (lack) of historical connection and territoriality?¹⁶⁶

4.2. Case study: the United Kingdom

4.2.1. *Introduction*

In this part, I intend to analyze UK's legislation on minority rights, to better understand the legislative setting for the protection of minorities. I also wish to discuss the way the country has implemented the FCNM treaty in most recent years, exploring the UK's 4th report 2015 (latest to receive an official opinion from the Advisory Committee, and the opinion that the latter issued on the report). My focus is also on data presented in a 2011 census about the UK's population, minorities, and minority languages. An especial focus is given to FCNM related topics, since, as previously discussed, its Advisory Committee has opined on the possibility of broadening the scope of the treaty to other minorities beyond the territorial autochthonous ones.

To better assert the practical repercussions of the application of the FCNM - and therefore protections that exclude "new minorities" I compare the UK's legal framework in what concerns linguistic rights of both autochthonous and allochthonous groups. This difference in levels of protection showcases the loss of protection of languages spoken by new minorities due to States strict interpretation, despite the Advisory Committee's more generous approach to the FCNM's scope. I refer to data of the language groups and information of migrants as new minorities to the UK, their languages and whether they fit in the principles of sufficient number and especial identity, justifying the use of the data contained in the 2011 census. Finally, I intend to discuss the language requirements that the UK poses to newcomers, according to the 2020's report "Linguistic Integration of Adult Migrants: Requirements and Learning Opportunities"¹⁶⁷.

¹⁶⁶ European Union. (2019). *Inner Peripheries: National Territories Facing Challenges Of Access And Connectivity*. (ESPON Policy Brief), 2019(1), Available at: <https://www.espon.eu/sites/default/files/attachments/ESPON-Policy-Brief-Inner-Peripheries.pdf>, p. 16.

¹⁶⁷ Rocca, L., Carlsen, C. H., & Deygers, B. (2020). *Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities*. 2018 Report to the Council of Europe. Available at: <https://www.coe.int/en/web/lang-migrants/surveys>, p. 5

4.2.2. 2011 Census in the United Kingdom

A census carried out in the England and Wales, in 2011, one year before the Eurobarometer study already presented¹⁶⁸, reported that 8% of the population had their main language different from English. In that census, after English, the most common spoken languages in the households were, in descending order, Welsh, Polish, *Punjabi*, *Urdu*, *Bengali*, *Gujarati*, *Arabic*, French, *Chinese*, and Portuguese (emphasis added to non-European originated languages). This query received over 600 unique responses, which were divided into over 100 language categories; 49 major languages had a minimum of 15,000 speakers¹⁶⁹.

The data, in comparison with the super-diversity scenario presented about London¹⁷⁰, reinforces the existence of multicultural and plurilingual zones in the case of the UK¹⁷¹ in urban areas. They included non-European languages in between mostly spoken minority languages, as tongues spoken by migrants. In contrast, the UK has recognized in the Annex of the ratification of the ECMRL only 7 minority languages, all of them attached to a territory (therefore, autochthonous): Cornish, Irish, Manx Gaelic, Scots, Scottish-Gaelic, Ulster-Scots, Welsh¹⁷².

In the “United Kingdom’s 4th Report to the Council of Europe under the Framework Convention for the Protection of National Minorities”, received in 2015¹⁷³, the same census of 2011 carried out by the government of the UK was cited¹⁷⁴. The country informed to the Advisory Committee that, in the 2011 census, it has included other minorities in the survey of ethnic and minority identity:

¹⁶⁸ European Union (2012) *An Interactive Visualization Of Language Knowledge In Europe, Based On The European Commission's Latest And Authoritative [Eurobarometer Survey Data](#) On Languages In Europe, Resulting From 27,000 Interviews Across 27 European Countries In Early 2012*. Available at: <https://languageknowledge.eu/>

¹⁶⁹ Aspinall, P.J. et al. (2012). *Multilingual Britain*. Summary of Conferences Organized by the British Academy and Cumberland Lodge. *Smatterings: Why Languages Matter* held at Cumberland Lodge, 7-8 March 2012, Organized In Partnership With The British Comparative Literature Association; *The Language Cauldron: Making the Most of Multilingual Britain* held at the British Academy, 22 November 2012. Available at: <https://www.cumberlandlodge.ac.uk/sites/default/files/Multilingual%20Britain%20Report.pdf> p. 1-10

¹⁷⁰ Vertovec, S. (2007). *Super-diversity and its implications*. *Ethnic and Racial Studies*, 30(6), 1024–1054. <https://doi.org/10.1080/01419870701599465>

¹⁷¹ Turner, J. (2001). *Minority Rights Protection in the United Kingdom*. *European Yearbook of Minority Issues Online*, 1 (1), 395-419, doi: 10.1163/221161102x00185.

¹⁷² Council of Europe (1992). *European Charter for Regional or Minority Languages. Annex: States Parties to the European Charter For Regional Or Minority Languages And Their Regional Or Minority Languages*. Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaties-full-list-signature&CodePays=UK>

¹⁷³ The United Kingdom. (2015). *Fourth Report Submitted By United Kingdom Pursuant To Article 25, Paragraph 2 Of The Framework Convention For The Protection Of National Minorities*.

¹⁷⁴ Office for National Statistics (2011). *2011 Census*. Available at: <https://www.ons.gov.uk/census/2011census>

New response categories for ‘Gypsy and Irish Traveller’ and ‘Arab’ were introduced into the ethnicity question. Publicity was also given to the option available to respondents to record their identity using the write-in facility in either or both questions. *The write-in option will enable information to be recorded on persons from other minority groups or with other self-expressed identities for whom it has not been possible, within the space constraints of the census questionnaire to provide a separate tick box response in every case*¹⁷⁵. (Emphasis added)

Moreover, the 2011 census in the region of Scotland¹⁷⁶ had a modification in questions about ethnicity groups identification:

The census question on ethnicity changed between 2001 and 2011. In 2011, tick boxes were added for ‘White: Polish’ and ‘White: Gypsy / Traveller’. *Also, ‘African’ was included as a separate category, whereas in 2001 ‘African’ was a tick box within the ‘Black’ category.* Therefore, comparisons with 2001 have in some cases had to be carried out at a higher level. (Emphasis added)¹⁷⁷

(...)

*The Asian population is the largest minority ethnic group (3 per cent of the population or 141,000 people), representing an increase of one percentage point (69,000) since 2001. Within this, Pakistani is the largest individual category, accounting for 1 per cent of the total population. The African, Caribbean or Black groups made up 1 per cent of the population of Scotland in 2011, an increase of 28,000 people since 2001. Mixed or multiple ethnic groups represented 0.4 per cent (20,000) and other ethnic groups 0.3 per cent (14,000) of the total population. (Emphasis added)*¹⁷⁸

In terms of non-native British languages, the census did not even contain specific categories in the question about most frequently language spoken at home, in the region. Apart from Polish, all other tongues were grouped in a general category of “other languages”, as per the following graph¹⁷⁹:

¹⁷⁵ The United Kingdom. (2015). *Fourth Report Submitted By United Kingdom Pursuant To Article 25, Paragraph 2 Of The Framework Convention For The Protection Of National Minorities*. P. 5

¹⁷⁶ National Records of Scotland (2014). *2011 Census: Key Results from Releases 2A to 2D*. (Edinburgh: Crown Copyright 2014). Available at: <https://www.scotlandscensus.gov.uk/documents/2011-census-key-results-from-releases-2a-to-2d/>

¹⁷⁷ Ibid. p. 10-14

¹⁷⁸ Ibid. p. 16

¹⁷⁹ Ibid. p. 35

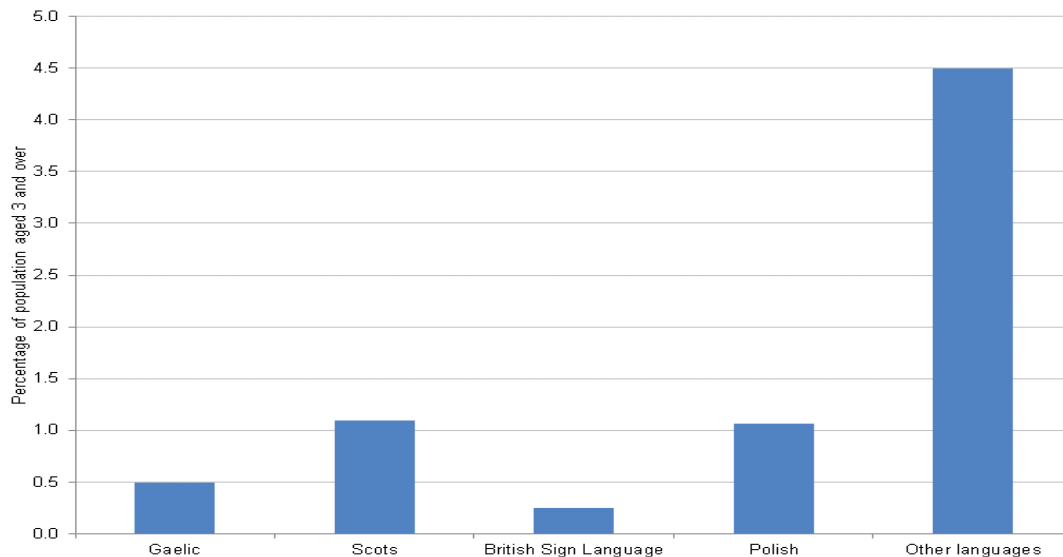


Figure 4 - Languages other than English used at home, Scotland, 2011.

The UK's report to the FCNM's Advisory Committee falls short on information about reporting autochthonous minority languages. It solely refers to Welsh, Gaelic, and Scots languages¹⁸⁰, despite the country's official recognition of 6 indigenous tongues. The 2011 census was again the object of report, where 19% percent of Welsh citizens aged 3 and older were able to speak Welsh. This is a decline from 2001, when 20.8% (582,000) of the population could speak Welsh, equal to roughly 562,000 individuals. In the case of Gaelic, the decline in number of speakers slowed down between 1991 to 2011; however, the language counts only 57,500 fluent users. Finally, Scots was object of survey in the 2011 census, resulting on more than 1.5 million people had *some skills* (emphasis added) in Scots¹⁸¹.

The Advisory Committee responded to the UK's report¹⁸², highlighting that the presence of multi-ethnicity and multiculturalism are marks of the society, and the protection of these characteristics have been addressed legally and in public policy for decades¹⁸³. In its recommendations for immediate action, the Committee recommended the adoption of laws to protect and promote the Irish minority language, to guarantee legal equality to all minorities of the country with formal education in Irish, in Northern Ireland schools. It also advised the

¹⁸⁰ The United Kingdom. (2015). *Fourth Report Submitted By United Kingdom Pursuant To Article 25, Paragraph 2 Of The Framework Convention For The Protection Of National Minorities*.

¹⁸¹ National Records of Scotland (2014). *2011 Census: Key Results from Releases 2A to 2D*. (Edinburgh: Crown Copyright 2014). Available at: <https://www.scotlandscensus.gov.uk/documents/2011-census-key-results-from-releases-2a-to-2d>

¹⁸² Council of Europe, & Advisory Committee On The Framework Convention For The Protection Of National Minorities. (2016). *Fourth Opinion on the United Kingdom*. Available at: <https://www.coe.int/en/web/minorities/united-kingdom>

¹⁸³ Ibid. p. 2.

government of the UK to take measures to facilitate access to linguistic and cultural rights of the FCNM to the Cornish minority, because the Committee had identified a full cutting of fundings to promote and preserve that autochthonous tongue¹⁸⁴. In terms of minority recognition *per se*, the Committee recommended the reformulation of the next survey for the census, presenting to the respondents a “tick-box” in the form for those identifying as part of the Cornish national minority¹⁸⁵.

4.2.3. Domestic protection for minorities and their languages

As in international treaties, the UK does not define, in domestic legislation, the term “national minority”¹⁸⁶, opting for a broader scope and a case-by-case approach. However, the 1999 State report drafted by the UK to the advisory committee of the FCNM exposes that the country adopts, as a concept of minority, the expression “racial group”, as per the domestic Race Relations Act (1976)¹⁸⁷. Under this Act, the definition of racial group is a collective of individuals defined by color, race, nationality (which includes citizenship), or ethnic or national origin, including minority ethnic groups. British courts also settled the interpretation that the definitions in the statute include autochthonous minorities of the UK: Scots, Irish and Welsh due to their national origin¹⁸⁸.

As Turner explains, the UK lists several groups as ethnic minorities: “Scots, Welsh, Northern Irish, Indians, Afro-Caribbeans, Pakistanis, Jews, Black Africans, Bangladeshis, Chinese, Roma/Gypsies, Manx-speakers, Irish, Cypriots and Vietnamese”, in the World Directory of Minorities¹⁸⁹.

¹⁸⁴ Ibid. p. 49-50.

¹⁸⁵ Ibid. p. 50.

¹⁸⁶ The United Kingdom. (1999). *Report Submitted By The United Kingdom Pursuant To Article 25, Paragraph 1 Of The Framework Convention For The Protection Of National Minorities*. Available at: <https://www.coe.int/en/web/minorities/united-kingdom>

¹⁸⁷ The United Kingdom (1976) *Race Relations Act 1976*. “(...) Part I, 3 Meaning of ‘racial grounds’, ‘racial group’ etc. (...) ‘racial grounds’ means any of the following grounds, namely colour, race, nationality or ethnic or national origins; ‘racial group’ means a group of persons defined by reference to colour, race, nationality or ethnic or national origins, and references to a person's racial group refer to any racial group into which he falls. (...)”

¹⁸⁸ Advisory Committee On The Framework Convention For The Protection Of National Minorities. (2016). *Thematic Commentary No. 4 The Scope Of Application Of The Framework Convention For The Protection Of National Minorities*. Available at: https://www.coe.int/en/web/minorities/tc4_conference. p. 65.

¹⁸⁹ Ibid. p. 396.

In terms of minority language protection, the country has progressively recognized autochthonous languages for the purposes of the ECML¹⁹⁰, until December 2020, recognizing Manx Gaelic as a minority language. Provisions for Welsh language use in Wales under the Welsh Language Act 1993 (Section 1), Scottish Gaelic language use in Scotland under the Gaelic Language Act 2005 (Section 1), and Irish language use in Northern Ireland, are all under the ECRML direct forms of minority language protection¹⁹¹.

The protection and promotion of those autochthonous minority languages, and not others – non-British ones that are as much minorities as the autochthonous ones in the UK – reveal double standards for minorities recognition and minority language rights. Despite the lack of distinction between those types of groups in society, a distinction is made between the collectives that form conventional categories of national origins in the UK and the minorities originated by migration. The country, however, alleges not defining national minorities in domestic law¹⁹².

In a familiar pattern, tolerance-oriented rights are offered to the diffuse scope of minority, while promotion-oriented rights are reserved for a case-by-case, strict approach¹⁹³. This raises the question of whether prior discrimination can be utilized as the basis for applying further fundamental rights and benefits.

4.2.4. CoE's 2018 report on linguistic integration for adult migrants: the United Kingdom

The 2018's report on linguistic integration had the highest number of respondent countries and regions of Member-States of the CoE¹⁹⁴. In total, 40 European countries and 41 regions replied to evaluation by the Council of Europe and the Association of Language Testers

¹⁹⁰ Council of Europe. (2021). *European Charter For Regional Or Minority Languages: Collected texts 2nd edition*. "With reference to Part III of the Charter, the Government of the United Kingdom declares in accordance with Article 2, paragraph 2, and Article 3, paragraph 1, of the Charter that it will apply the following provisions for the purposes of Part III of the Charter to the Manx Gaelic language, in respect of the territory of the Isle of Man for the international relations of which the United Kingdom is responsible: (...)". P. 159-160.

¹⁹¹ Turner, J. (2001). *Minority Rights Protection in the United Kingdom*. European Yearbook of Minority Issues Online, 1 (1), 395-419, doi: 10.1163/221161102x00185.

¹⁹² The United Kingdom. (1999). *Report Submitted By The United Kingdom Pursuant To Article 25, Paragraph 1 Of The Framework Convention For The Protection Of National Minorities*. Available at: <https://www.coe.int/en/web/minorities/united-kingdom>

¹⁹³ Kloss, H. (1997). *The American bilingual tradition. Language in Education: Theory and Practice No. 88* (ISBN-1887744-02-9). Center for Applied Linguistics and Delta Systems.

¹⁹⁴ Rocca, L., Carlsen, C. H., & Deygers, B. (2020). *Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities*. 2018 Report to the Council of Europe. Available at: <https://www.coe.int/en/web/lang-migrants/surveys>

in Europe, with the distinction that two regions of Belgium, Flanders (Dutch language) and Wallonia (French), represented distinct languages, thus responding separately to the study.

The last survey dedicated special attention to vulnerable groups in the context of linguistic integration, such as minors, low-literate migrants, and refugees¹⁹⁵. It also evaluated knowledge of society tests applied by some Member-States to migrants, along with language tests, as additional prerequisites for obtaining documented status to enter and remain in territories (entrance, temporary residence application, permanent residence, and citizenship)¹⁹⁶. Data collection for the survey lasted for 3 months (September to November 2018), and all the 47 State parties of the CoE, at that time, received the invitation to provide information for the research and its final report. In the case of 21 respondent countries, specialists not related to governments submitted their answers individually, which was used by the CoE and the ALTE as means triangulate data and check the credibility of official Member-States responses.

The results of the survey, in combination with qualitative data, are intended to provide a 2018's panorama of language and knowledge of the arriving society prerequisites for migrants in CoE's Member-States, providing a continuum of records for language policies, during the timelapse of 2007 and 2018¹⁹⁷.

The UK has been a constant respondent of the LIAM project surveys, since its first edition in 2007/2008. The State provided its data in the following surveys of 2009/2010, 2013, and lastly 2018¹⁹⁸. As mentioned, the data provided by the countries was exposed in the report into 4 different sections: pre-entry language requirement, temporary residence request, permanent residence application, and citizenship obtention. In the UK, language requirements for migrants to obtain documentation were reported as follows:

¹⁹⁵ Rocca, L., Carlsen, C. H., & Deygers, B. (2020). *Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities*. 2018 Report to the Council of Europe. Available at: <https://www.coe.int/en/web/lang-migrants/surveys>, p. 15

¹⁹⁶ Ibid. p. 15-17.

¹⁹⁷ Ibid. p. 11.

¹⁹⁸ <https://www.coe.int/en/web/lang-migrants/surveys>. All the 4 surveys final reports are available to the public for consultation on LIAM project website; however, presentations and reports about the intergovernmental conferences that occurred to discuss the surveys are not.

	Listening	Reading	Speaking	Writing
Pre-entry	A1	∅	A1	∅
Temporary Residence	A2/B1	B1	A2/B1	B1
Permanent Residence	B1	B1	B1	B1
Citizenship	B1	B1	B1	B1

Figure 5 – Type of documentation *versus* English language level (CEFR) in each of the 4 linguistic abilities in 2018¹⁹⁹.

Additionally, I present the description of each level of language skill, provided in the same report, from A1 to B1:

B1	Can understand the main points of clear standard input on familiar matters regularly encountered in work, school, leisure, etc. Can deal with most situations likely to arise while travelling in an area where the language is spoken. Can produce simple connected text on topics which are familiar or of personal interest. Can describe experiences and events, dreams, hopes and ambitions and briefly give reasons and explanations for opinions and plans.
A2	Can understand sentences and frequently used expressions related to areas of most immediate relevance (e.g. very basic personal and family information, shopping, local geography, employment). Can communicate in simple and routine tasks requiring a simple and direct exchange of information on familiar and routine matters. Can describe in simple terms aspects of his/her background, immediate environment and matters in areas of immediate need.
A1	Can understand and use familiar everyday expressions and very basic phrases aimed at the satisfaction of needs of a concrete type. Can introduce him/herself and others and can ask and answer questions about personal details such as where he/she lives, people he/she knows and things he/she has. Can interact in a simple way provided the other person talks slowly and clearly and is prepared to help.

Figure 6 – Common European Framework of Reference for Languages (CEFR), global scale²⁰⁰.

¹⁹⁹ Rocca, L., Carlsen, C. H., & Deygers, B. (2020). *Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities*. 2018 Report to the Council of Europe. Available at: <https://www.coe.int/en/web/lang-migrants/surveys>, p. 23, 25, 28, 32.

²⁰⁰ Ibid. p. 18.

5. PART V - CONCLUSION

Linguistic integration of migrants, the expression that composes the title of this thesis, is the process through which migrants learn and practice the language of the arriving countries to which they go. The process is discussed with critical lens in this work: adding languages to a person's linguistic repertoire is not just a matter of acquiring a new skill. It involves tensions in one's identity, individual and collective aspects regarding prejudice, social diversity, and tolerance to difference. Migrants then become a minority within the State of their arrival, they must (is it a civic duty?) learn its language, and this process is witnessed by native speakers that may not appreciate the otherness exposed in situations where both groups have social contact.

Minority languages, a phrase that also is in this thesis's title, are defined more with a political perspective, than with a linguistics' one. Languages used by minority groups existing inside a territory, now identified with a sovereign State, and speak a language that is not equal to the official one, *can* be defined as a minority language. The italics in the word "can" are intentional because the State itself must recognize the status of minority of a language for them to be protected, as well, as its speakers. This is deducted from the international treaties analyzed in this work: the European Convention on Human Rights (ECHR), the European Charter for Regional or Minority Languages (ECRML), and the Framework Convention for Protection of National Minorities (FCNM). The ratifying parties to the last two treaties declare, by the ratification manifestation, the national minorities, and languages they recognize, compromising to protect, not discriminate, and actively foster cultural aspects that are part of the minorities in question. Evidently, leaving that acquiescence for the ratifying States generates gaps of protection of human rights, minority rights, and public policy that promotes the realization of equality between minorities and the majoritarian population.

I also discussed the attempts of the monitoring body of the FCNM to fill the gaps through interpretation, report analysis, and official opinions. The treaties analyzed already provide with a legal an institutional framework to protect and promote minority languages, but minority languages spoken by migrants where the numbers of their population warrant protection measures are hindered by the scope of application of the ECMRL and the FCNM. This scope limitation of the treaties is somehow being questioned and the Advisory Committee of the FCNM proposed, since the publication of the thematic commentary n. 4, that the scope has to be broadened to encompass minorities like migrant groups, to protect their cultural identities as well. By including migrants, I do not mean that each individual migrant should be accounted for this purpose; I advocate that significant and sizeable groups have to be taken into

consideration: the Turkish population in Germany, and the Pakistani and Hindi in the UK, for instance. Largely settled groups in those countries, the migrant workers contribute to the welfare state that benefits the entire society. They must have a saying and receive legal protection regarding their cultures, their inherited languages, and the way they are put into a process of linguistic integration to learn German and English.

In practical terms, I used the case of the United Kingdom: the country has recognized 7 autochthonous languages besides English (Cornish, Irish, Manx Gaelic, Scots, Scottish-Gaelic, Ulster-Scots, Welsh). All of them are protected under the ECMRL, must be promoted through public policy, and receive legal guarantees. Having some language skills in Scots, speaking Cornish, Gaelic, or Irish are under legal protection and deserve cultural promotion. Why speaking Urdu is not in England? The simplistic, territorial, nationalist, and Eurocentric answer would be because Urdu is not an autochthonous language from Europe, the treaties only deal with European culture, etc. Those double standards, in my opinion, both in terms of social justice, and in the application of international human rights law. In the case of the UK, I demonstrated that in its last census, the survey considered non-European ethnicities to classify the population, so the State is aware and recognizes the existence of different ethnic groups that came from various places. Simultaneously, the UK demands strict language knowledge even as pre-entry requisites for migrants, as it is demonstrated and criticized in the “Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities - 2018 Report to the Council of Europe”. Language requirements are not tools for borders control or to avoid immigration, even less, they are not grounds for denying asylum for refugees.

Migration patterns in the world have changed in the past 80 years. The reasons for this change are intricate and complex; they are a multifaceted net that encompasses subjects such as technological development, globalization, political ideologies, transnational markets, economic crises, and environmental changes. Migrants, then, become part of the arriving societies they reach, become part of political discourses, subjects of public policy and human rights debates. Theoretically, as Wil Kymlicka and other scholars have been proposing, they turn into new minorities in nations, in phenomena driven by the circumstances and factors of our times. In the same fashion, autochthonous minorities were determined by the social circumstances of their times. Processes such as the one explored in this work (economic-labor migration, the unfolding questions of minority language rights, and linguistic integration) are of economic interest by the host States, and they have been happening for hundreds of years.

Coming from a German colony located in South America, I am part of a community that originally migrated to Brazil, from contemporaneous territories in Germany and Italy, in search

of better labor conditions, scaping from starvation, in the middle of the 19th century. The government of Brazil campaigned and funded the migration flows to boost white European immigration to Brazil, with an immigration policy for *whitening* the country's population²⁰¹. If Brazil was now a CoE's Member-State, the German minority of south Brazil surely would pass the requirements that usually separate new minorities from the formal status of national minorities: historical bonds, citizenship in the arriving country, and numbers and territorial concentration are present. They would have been granted legal protection, the host State (Brazil) would have been obliged actively to carry out public policy to foster their cultural heritage, and, mostly, their inherited languages would be safeguarded thoroughly by the FCNM, ECMRL, and the ECHR. So, what is the threshold of that division?

German Sinti and Roma groups are recognized as national minorities by Germany²⁰². Both those groups were not established due to that country's borders changes, but via their own migration, in the 14th and 15th centuries. Firstly, the Sinti "had official protection from the German Holy Roman Emperor Siegesmund, being welcomed in the territory of the Empire"²⁰³. However, throughout the following centuries, German municipalities, German regional governments, and finally the German State (during the two World Wars), carried persecutions, extermination, torture, and prejudice campaigns against the two minority groups. It was not until the 1980s that the Roma and Sinti could provoke the establishment of collective monitoring mechanisms to keep watch on, inform, and disclose what that State had done and continued doing against them.

The reason – and situation – of the Roma back in times of their arrival to Europe is not much different from the one experienced by the more than a million Turkish immigrants present in the same country. From the open invitation seeking to stabilize the labor shortage in West German markets due to the *Wirtschaftswunder* ('economic miracle') in the 1960s to the passing of the Foreigner's Law²⁰⁴ in the 1990s, it is a fact that the German State benefits from immigration as an economic tool – a privilege usually reserved to the Global North.

²⁰¹ Gregory, V. (2013). *Imigração Alemã No Brasil*. Cadernos adenauer XIV.

²⁰² Germany. (2023). *National Minorities*. Available at: <https://www.bmi.bund.de/EN/topics/community-and-integration/national-minorities/national-minorities-node.html>

²⁰³ Minority Rights Group International (2008) *World Directory of Minorities and Indigenous Peoples - Germany: Roma/Gypsies/Sinti*, 2008, available at: <https://www.refworld.org/docid/49749d1b2d.html>.

²⁰⁴ Stowasser, B. F. (2002). *The Turks in Germany: From Sojourners to Citizens*, in Haddad, Y. Y. (ed.), *Muslims in the West: From Sojourners to Citizens*, Oxford University Press, ISBN 978-0198033752, p. 49-54

Turkish is the second most spoken language in Germany²⁰⁵. If the objective of language integration (opposing here to social and linguistic assimilation) and minority language protection are minority rights derived from human rights, how could such a large sect of a society find itself disenfranchised? Despite the existing logic behind theoretical argumentations of treaties' scopes (mainly the discussed ECMRL and the FCNM), the focus on elements such as territoriality and time feel more as a justification when the nature of the relationship is vertical. The German State and its invited Turkish minority are not equals during negotiations. In fact, it is arguable that they have fewer bargaining points than the Sinti people more than 500 years ago.

It is not a big logical step to see that aspects such as a "territoriality" are not necessarily sign of belonging but can be a product of market necessity. 500 years ago, the market gap economies demanded was farming and land development. 100 years ago, workers for factory zones and rail expansion. Now, services and knowledge economy. The location is defined by demand, and that is true to both the Sinti and the Turkish communities, despite their vastly different special concentrations. Then we were left with the elements of time and citizenship, decided in *ad hoc* form, allowing for plenty of discretion from the host State.

It seems against not only the human rights treaties and frameworks discussed in this work, but the very principles of fairness, good faith and equality that instructs them, that a host State would deny, via its own discretion, protection to the most vulnerable, of whom they objectively obtain economic advantage. If it was not advantageous, immigration policies would not exist. That protection is also under the scope of several international commitments made by the same states, and yet, there is no political will. This lack is evident by, amongst other things, the attrition between the interpretation of the Advisory Committee regarding the scope of application of the FCNM and the one applied by State parties. While the discussions regarding the legal and theoretical nature of this topic take us in ontological and epistemological journeys through different academic fields, the fact is that the nature of the relationship is exploitative. That alone is enough reason for protection.

²⁰⁵ Pew Research Center (2020). *Speaking The National Language At Home Is Less Common In Some European Countries*, available at: <https://www.pewresearch.org/short-reads/2020/01/06/speaking-the-national-language-at-home-is-less-common-in-some-european-countries/>

REFERENCES

Advisory Committee On The Framework Convention For The Protection Of National Minorities. (2016). *Thematic Commentary No. 4 The Scope Of Application Of The Framework Convention For The Protection Of National Minorities*. Available at: https://www.coe.int/en/web/minorities/tc4_conference.

Allan, K., & Mcelhinny, B. (2020). *Neoliberalism, language, and migration* IN CANAGARAJAH, Susan (Ed.) *The Routledge Handbook of Migration and Language* (New York: Routledge).

Aspinall, P.J. et al. (2012). *Multilingual Britain*. Summary of Conferences Organized by the British Academy and Cumberland Lodge. *Smatterings: Why Languages Matter* held at Cumberland Lodge, 7-8 March 2012, Organized In Partnership With The British Comparative Literature Association; *The Language Cauldron: Making the Most of Multilingual Britain* held at the British Academy, 22 November 2012. Available at: <https://www.cumberlandlodge.ac.uk/sites/default/files/Multilingual%20Britain%20Report.pdf>

Baker-Beel. A. (2020). *Linguistic justice: Black Language, literacy, identity, and pedagogy* (New York: Routledge).

Batalova, J., & Fix, M. (2010). *A Profile of Limited English Proficient Adult Immigrants*, Vol. 85, No. 4, *Immigration: Expanding Definitions and Examining New Contexts*.

Boulter, C.; Medda-Windischer, R.; & Malloy, T. H. (2019). *Extending Protection to Migrant Populations in Europe* (R. Medda-Windischer, C. Boulter, & T. H. Malloy, Eds.). Routledge. <https://doi.org/10.4324/9780429490866>

Caitlin Boulter, Roberta Medda-Windischer, & Tove H. Malloy. (2019). *Extending Protection to Migrant Populations in Europe*. Routledge. <https://doi.org/10.4324/9780429490866>

Capotorti, F., Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, & UN. Centre for Human Rights. (1979). *Study on the rights of persons belonging to ethnic, religious and linguistic minorities*.

Capstick, T. (2021). *Language And Migration* (1st ed.). (New York: Routledge).

Council of Europe - The Committee of Ministers, the P. A. the C. of L. and R. A. (2017). *Adult Migrants: Integration and Education - Extracts from Conventions, Recommendations,*

Resolutions and Reports. Available at: <https://rm.coe.int/recommendations-resolutions-on-adult-migrants-and-education-rev-2017-/168079335c>

Council of Europe. (1950). *Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR)*.

Council of Europe. (1950). *European Convention on Human Rights (ECHR)*.

Council of Europe. (1954). *European Cultural Convention*.

Council of Europe. (1968). *Resolution 68 (18) on the teaching of languages to migrant workers*.

Council of Europe. (1977). *European Convention on the Legal Status of Migrant Workers of 1977*.

Council of Europe. (1992). *European Charter For Regional Or Minority Languages: Explanatory Report*. Available at: <http://conventions.coe.int/Treaty/en/Reports/Html/148.htm>

Council of Europe. (1992). *European Charter for Regional or Minority Languages. Annex: States Parties to the European Charter for Regional or Minority Languages and their regional or minority languages*. Available at: <https://www.coe.int/en/web/conventions/full-list?module=treaties-full-list-signature&CodePays=UK>

Council of Europe. (1992). *European Charter for Regional or Minority Languages (ECRML)*.

Council of Europe. (1995). *Framework Convention for the Protection of National Minorities (FCNM)*.

Council of Europe / Language Policy Programme. (2006). *Linguistic Integration of Adult Migrants Project (LIAM Project)*: www.coe.int/lang-migrants

Council of Europe, & Advisory Committee On The Framework Convention For The Protection Of National Minorities. (2016). *Fourth Opinion on the United Kingdom*. Available at: <https://www.coe.int/en/web/minorities/united-kingdom>

Council of Europe, Beacco, J.-C., Little, D., & Hedges, C. (2014). *Linguistic Integration of Adult Migration: Guide to policy development and implementation*. (Strasbourg: Council of Europe Publishing).

Council of Europe. (1954). *Protocol 1 to the European Convention for the Protection of Human Rights and Fundamental Freedoms*.

Council of Europe. (1993). *Recommendation 1201 (1993): Additional protocol on the rights of minorities to the European Convention on Human Rights*.

Council of Europe. (2001). *Common European Framework of Reference for Languages: Learning, teaching, assessment*. (Cambridge: Cambridge University Press).

Council of Europe. (2007). *From Linguistic Diversity to Plurilingual Education: Guide for the Development of Language Education Policies in Europe*. Available at: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016802fc1c4>

Council of Europe. (2010). *Thematic Commentary No. 4: The Framework Convention for the Protection of National Minorities and its Advisory Committee: Fundamental Principles and Commentaries*. (Strasbourg: Council of Europe Publishing).

Council of Europe. (2014). *Resolution 1973 (2014). Integration Tests: Helping or Hindering Integration*.

Council Of Europe. (2020). *Common European Framework Of Reference For Languages: Learning, Teaching, Assessment – Companion Volume*. (Strasbourg: Council of Europe Publishing). Available at: <https://www.coe.int/en/web/common-european-framework-reference-languages>.

Council of Europe. (2021). *European Charter For Regional Or Minority Languages: Collected Texts 2nd Edition*. (Strasbourg: Council of Europe publishing).

Council of Europe. (2023). *Milestones*. Available at: <https://www.coe.int/en/web/language-policy/milestones>

Creese, A., & Blackledge, A. (2010). *Translanguaging in the bilingual classroom: A pedagogy for learning and teaching?* *The Modern Language Journal*, Vol. 94, No. 1 (Spring, 2010), pp. 103-115, doi: 10.2307/25612290.

Dragan, A. (2016). *The Framework Convention for the Protection of National Minorities: An Analysis of Its Scope and Application*. (Central European University Press: Vienna).

Elias, S. (2009). *Regional Minorities, Immigrants, and Migrants: The Reframing of Minority Language Rights in Europe*. *Berkley Journal of International Law (BJIL)*, Vol. 28, No. 1.

ELRA Language Resources Association: <http://www.elra.info/en/>

European Centre for Modern Languages of the Council of Europe: <https://www.ecml.at/>

European Court of Human Rights. (2023). *Rules of Court*. Available at: https://www.echr.coe.int/documents/rules_court_eng.pdf

European Court of Human Rights, & Council of Europe. (2011). *Cultural rights in the case-law of the European Court of Human Rights*. Available at: https://www.culturalpolicies.net/wp-content/uploads/2019/10/ECHR_Research_report_cultural_rights_ENG.pdf

European Parliament, & European Commission. (2012). *Europeans and their languages: Special Eurobarometer 386*. Available at: <https://op.europa.eu/s/yCug>

European Parliament, & Jones, M. (2013). *Endangered Languages and Linguistic Diversity in the European Union*. Available at: [https://www.europarl.europa.eu/RegData/etudes/note/join/2013/495851/IPOL-CULT_NT\(2013\)495851_EN.pdf](https://www.europarl.europa.eu/RegData/etudes/note/join/2013/495851/IPOL-CULT_NT(2013)495851_EN.pdf)

European Union. (2012). *An Interactive Visualization Of Language Knowledge In Europe, Based On The European Commission's Latest And Authoritative [Eurobarometer Survey Data](#) On Languages In Europe, Resulting From 27,000 Interviews Across 27 European Countries In Early 2012*. Available at: <https://languageknowledge.eu/>

European Union. (2019). *Addressing Labour Migration Challenges In Europe: An Enhanced Functional Approach*. (Policy brief: ESPON). Available at: <https://www.espon.eu/labour-migration>.

European Union. (2022). *Statistics On Migration To Europe*. Available at: https://commission.europa.eu/strategy-and-policy/priorities-2019-2024/promoting-our-european-way-life/statistics-migration-europe_en

Fernández-Reino, M., & Rienzo, C. (2022). *Migrants in the UK Labour Market: An Overview*. (Migration Observatory at the University of Oxford) Available at: <https://migrationobservatory.ox.ac.uk/resources/briefings/migrants-in-the-uk-labour-market-an-overview/>

Frowein, J. A., & Bank, R. (1999). *The Effect Of Member States' Declarations Defining 'National Minorities' Upon Signature Or Ratification Of The Council Of Europe's Framework*

Convention. (Hidelberg: Max-Planck-Institut für ausländisches öffentliches Recht und Völkerrecht)

García, O. (2017). *Problematizing Linguistic Integration Of Migrants: The Role Of Translanguaging And Language Teachers* IN BEACCO, J. C et al. (Eds.). *The Linguistic Integration Of Adult Migrants/L'intégration Linguistique Des Migrants Adultes* (Boston/Berlin: Walter de Gruyter GmbH).

Germany. (2023). *National Minorities*. Available at: <https://www.bmi.bund.de/EN/topics/community-and-integration/national-minorities/national-minorities-node.html>

Gesley, J. (2018) *The Protection of Minority and Regional Languages in Germany*. Available at: <https://blogs.loc.gov/law/2018/09/the-protection-of-minority-and-regional-languages-in-germany/>

Hathaway, O. (2002). *Do Human Rights Treaties Make a Difference?* The Yale Law Journal, Vol. 111, No. 8 (Jun. 2002), pp. 1935-2042, doi: 10.2307/797642.

International Labor Organization (2018) *Global Estimates on International Migrant Workers*, 2nd Ed. Available at: https://www.ilo.org/global/publications/books/WCMS_652001/lang--en/index.htm

Kloss, H. (1997). *The American Bilingual Tradition*. Language in Education: Theory and Practice No. 88 (Washington: Center for Applied Linguistics and Delta Systems).

Kymlicka, W. (1996). *Multicultural Citizenship: A Liberal Theory of Minority Rights*. (Oxford: Oxford University Press). <https://doi.org/10.1093/0198290918.001.0001>.

Kymlicka, W. (2001). *Politics in the Vernacular*. (Oxford: Oxford University Press), <https://doi.org/10.1093/0199240981.001.0001>

Kymlicka, W. (2007). *The Internationalization Of Minority Rights*. International Journal of Constitutional Law, 6(1), 1–32. <https://doi.org/10.1093/icon/mom032>

Kymlicka, W., & Patten, A. (2003). *Language Rights And Political Theory*. Annual Review of Applied Linguistics, 23, 3–21. <https://doi.org/10.1017/S0267190503000163>

Leeuw, Frans L., (2015) *Empirical Legal Research: The Gap Between Facts And Values And Legal Academic Training*. Utrecht Law Review, Vol. 11, No. 2, p. 19-33, Journal of Empirical Legal Studies (JELS).

May, S. (2018). *Language Rights: Linking The Local And The Global*. Working paper. Available at: https://archive.unu.edu/globalization/2008/files/UNU-UNESCO_May.pdf

McDermott, P. (2017). *Language rights and the Council of Europe: A failed response to a multilingual continent?* *Ethnicities*, 17(5), 603–626. doi:10.1177/1468796816654725.

Minuz, F., Kurvers, J., Schramm, K., Rocca, L., & Naeb, R. (2022). *Literacy And Second Language Learning For The Linguistic Integration Of Adult Migrants* (Strasbourg: Council of Europe Publishing).

Minority Rights Group International. (2008). *World Directory of Minorities and Indigenous Peoples - Germany: Roma/Gypsies/Sinti*, 2008, available at: <https://www.refworld.org/docid/49749d1b2d.html>.

Nagy, N. (2018). *Language Rights As A Sine Qua Non of Democracy: A Comparative Overview Of The Jurisprudence Of The European Court Of Human Rights And The Court Of Justice Of The European Union*. *Central and Eastern European Legal Studies Journal*.

National Records of Scotland. (2014). *2011 Census: Key Results from Releases 2A to 2D*. (Edinburgh: Crown Copyright 2014). Available at: <https://www.scotlandscensus.gov.uk/documents/2011-census-key-results-from-releases-2a-to-2d/>

Nolan, A. (2020). *A Brief Overview of the European Social Charter System*. Working paper. Available at: https://www.housingrightswatch.org/sites/default/files/Nolan_A%20Brief%20Overview%20of%20the%20European%20Social%20Charter%20System.pdf

O’Leary, B.; McGarry, J. (2012) *Chapter 3: The Politics Of Accommodation And Integration In Democratic States IN The Study Of Ethnicity And Politics; Recent Analytical Developments* (Journal, 2012, ISSN 9783866494527)

Office for National Statistics (2011). *2011 Census*. Available at: <https://www.ons.gov.uk/census/2011census>

Pew Research Center (2020). *Speaking The National Language At Home Is Less Common In Some European Countries*, available at: <https://www.pewresearch.org/short-reads/2020/01/06/speaking-the-national-language-at-home-is-less-common-in-some-european-countries/>

Pöyhönen, S. *et al.* (2018). *Adult Migrant Language Education in a Diversifying World* IN Creese, A.; Backledge, A. (Eds. And Authors). *The Routledge Handbook of Language and Superdiversity* (New York: Routledge).

Riley, P. (2007). *Language, Culture and Identity: An Ethnolinguistic Approach*. Sally Johnson, Ed.; 1st ed. (London: Blumsburry Publishing).

Rocca, L., Carlsen, C. H., & Deygers, B. (2020). *Linguistic Integration Of Adult Migrants: Requirements And Learning Opportunities*. 2018 Report to the Council of Europe. Available at: <https://www.coe.int/en/web/lang-migrants/surveys>

Scarpa, S., Castles, S., & Schierup, C.-U. (2021). *The Oxford Handbook of the Welfare State* (D. Béland, S. Leibfried, K. J. Morgan, H. Obinger, & C. Pierson, Eds.; 2nd ed.). (Oxford: Oxford University Press). <https://doi.org/10.1093/oxfordhb/9780198828389.001.0001>

Statistisches Bundesamt (2023) *Migration And Integration: Foreign Population By Selected Citizenships And Years*. Available at: <https://www.destatis.de/EN/Themes/Society-Environment/Population/Migration>

Stowasser, B. F. (2002). *The Turks in Germany: From Sojourners to Citizens*, in Haddad, Y. Y. (ed.), *Muslims in the West: From Sojourners to Citizens*, Oxford University Press, ISBN 978-0198033752.

The United Kingdom. (1976) Race Relations Act of 1976.

The United Kingdom. (1999). *Report Submitted By The United Kingdom Pursuant To Article 25, Paragraph 1 Of The Framework Convention For The Protection Of National Minorities*. Available at: <https://www.coe.int/en/web/minorities/united-kingdom>

The United Kingdom. (2015). *Fourth Report Submitted By United Kingdom Pursuant To Article 25, Paragraph 2 Of The Framework Convention For The Protection Of National Minorities*.

Trim, J. L. M. (2010). *The Modern Languages Programme Of The Council Of Europe As A Background To The English Profile Programme*. English Profile Journal, 1, e 2. <https://doi.org/10.1017/S2041536210000097>

Turner, J. (2001). *Minority Rights Protection in the United Kingdom*. European Yearbook of Minority Issues Online, 1 (1), 395-419, doi: 10.1163/221161102x00185.

United Nations (1996) *International Covenant on Civil and Political Rights (ICCPR)*.

United Nations (2015). *Transforming Our World: The 2030 Agenda For Sustainable Development*. Available at: <https://sdgs.un.org/2030agenda>

United Nations. (1948). *Universal Declaration of Human Rights (UDHR 1948)*.

United Nations. (1966). *International Covenant on Economic, Social and Cultural Rights (ICESCR)*.

United Nations. (1992). *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*.

Vertovec, S. (2007). *Super-Diversity And Its Implications*. *Ethnic and Racial Studies*, 30(6), 1024–1054. <https://doi.org/10.1080/01419870701599465>

Vogler, R. (2015). *Lost In Translation: Language Rights For Defendants In European Criminal Proceedings*. IN Ruggeri S. (2015). *Human Rights in European Criminal Law*. New York: Springer, pp. 95–109

Wheatley, S. (2005). *Democracy, Minorities and International Law*, (New York: Cambridge Univ. Press). <https://doi.org/10.1017/CBO9780511584336>.

LIST OF ANNEXES

Annex I – Population of EU citizens in 42 countries on 1 Jan 2014

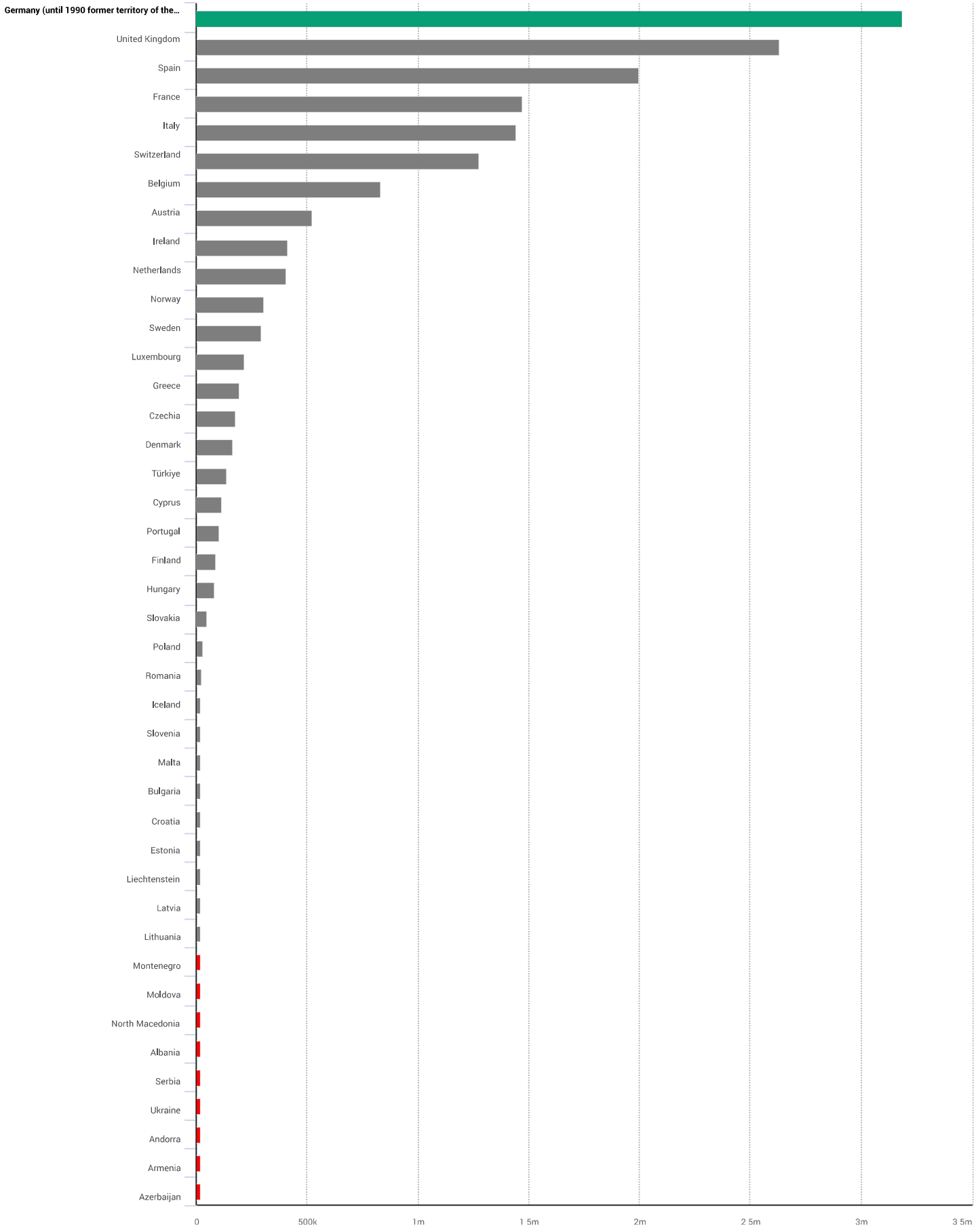
Annex II – Population of EU citizens in 42 countries on 1 Jan 2020

Annex III – Population of non-EU citizens in 42 countries on 1 Jan 2014

Annex IV – Population of non-EU citizens in 42 countries on 1 Jan 2020

Population on 1 January by age group, sex and citizenship

Geopolitical entity (reporting) / Time Time frequency:Annual Country of citizenship:EU28 countries (2013–2020) except reporting country Age class:Total Unit of measure:Number Sex:Total. Values for2014. Bars in red represent not available data..



Values

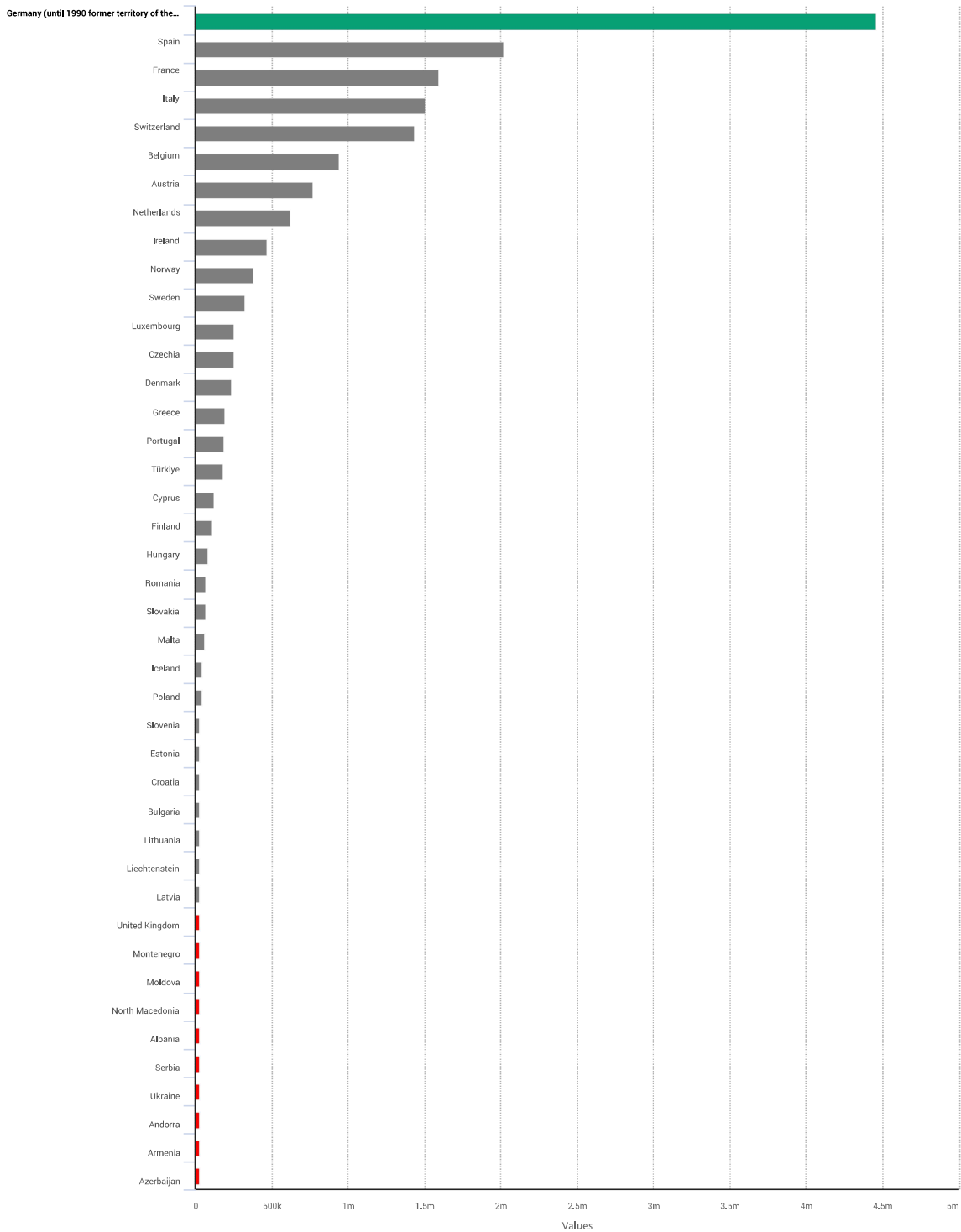
Population on 1 January by age group, sex and citizenship

Source of data: Eurostat (online data code: MIGR_POP1CTZ)
Last update 01/03/2023 23:00



Population on 1 January by age group, sex and citizenship

Geopolitical entity (reporting) / Time Time frequency:Annual Country of citizenship:EU28 countries (2013–2020) except reporting country Age class:Total Unit of measure:Number Sex:Total. Values for 2020. Bars in red represent not available data..



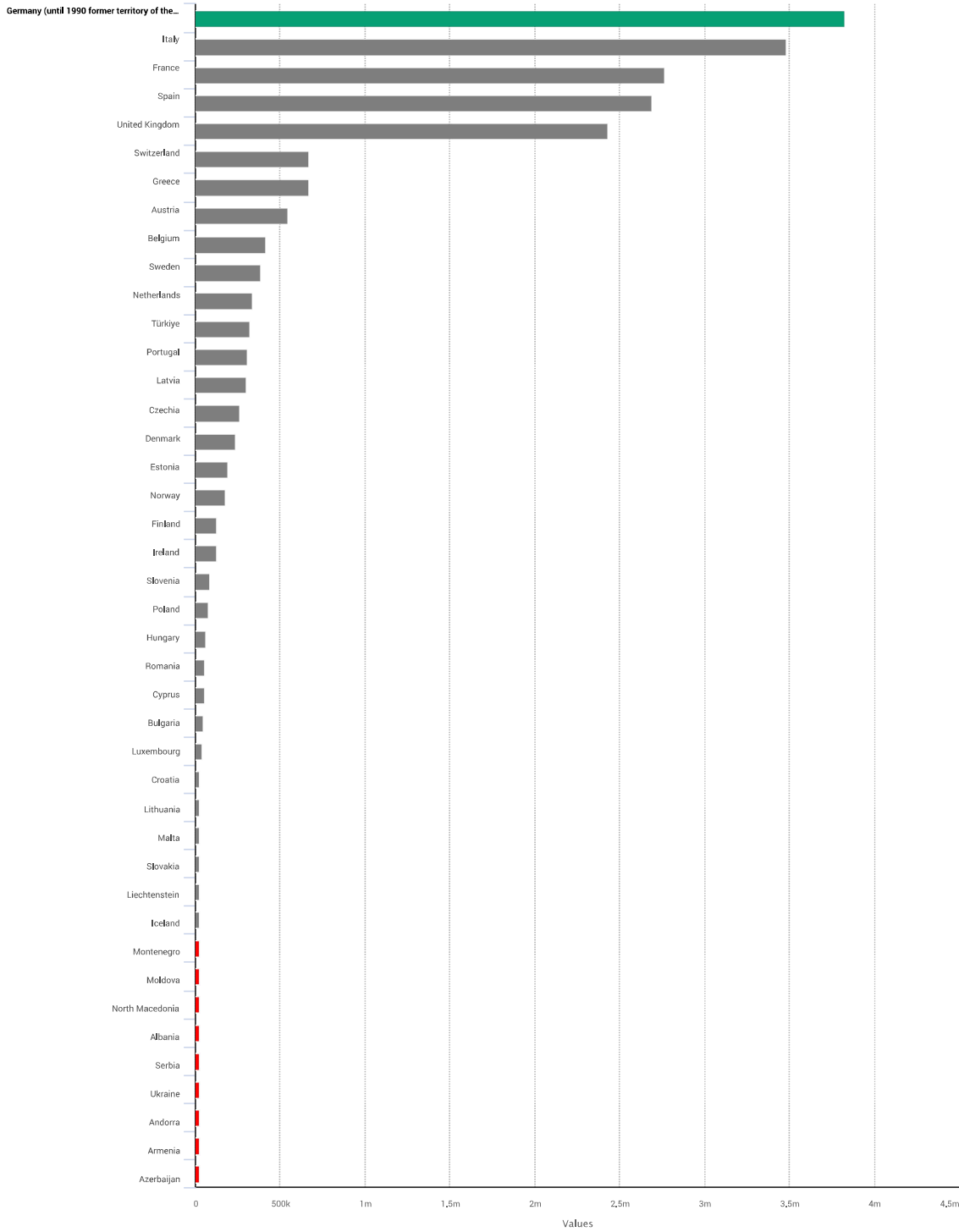
Population on 1 January by age group, sex and citizenship

Source of data: Eurostat (online data code: MIGR_POPI CTZ)
Last update 01/03/2023 23:00



Population on 1 January by age group, sex and citizenship

Geopolitical entity (reporting) / Time Time frequency:Annual Country of citizenship:Non-EU28 countries (2013-2020) nor reporting country Age class:Total Unit of measure:Number Sex:Total. Values for2014. Bars in red represent not available data..



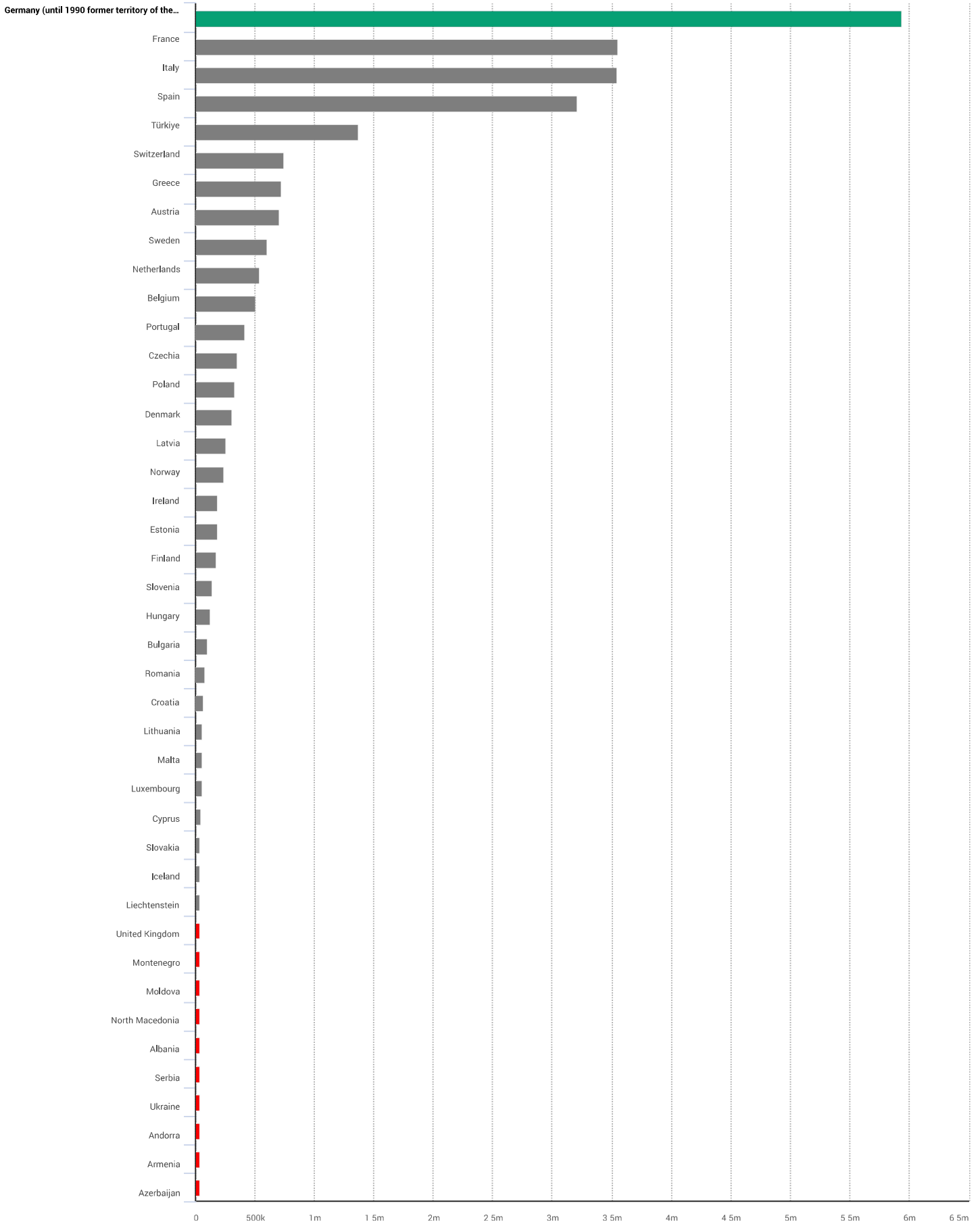
Population on 1 January by age group, sex and citizenship

Source of data: Eurostat (online data code: MIGR_POP1CTZ)
Last update 01/03/2023 23:00



Population on 1 January by age group, sex and citizenship

Geopolitical entity (reporting) / Time Time frequency:Annual Country of citizenship:Non-EU28 countries (2013-2020) nor reporting country Age class:Total Unit of measure:Number Sex:Total. Values for2020. Bars in red represent not available data..



Values

Population on 1 January by age group, sex and citizenship

Source of data: Eurostat (online data code: MIGR_POP1CTZ)
Last update 01/03/2023 23:00

