



**CHARTER ON LANGUAGE POLICY AND LANGUAGE
RIGHTS IN THE CREOLE-SPEAKING CARIBBEAN**

**Kingston, Jamaica
January 14, 2011**

PREAMBLE

The Creole-speaking Caribbean state parties to the Charter on Language Policy and Language Rights in the Creole-speaking Caribbean, meeting in Kingston, Jamaica from January 13 to 14, 2011,

Considering that the parties hereto are signatories to international instruments embodying rights relating to language use in the education system and in public administration such as: the Charter of the United Nations; the Universal Declaration of Human Rights of 1948; the International Covenant on Civil and Political Rights of 1966; and the American Convention on Human Rights of 1969;

Having regard to the Charter of the United Nations which, in outlining its purposes, encourages respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion (Article 1(3));

Having regard to the Universal Declaration of Human Rights (Article 2) and to the International Covenant on Civil and Political Rights (Article 2) which states that, “everyone is entitled to all the rights and freedoms set forth respectively in the Declaration and in the Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status..”;

Considering that the Universal Declaration of Human Rights (Article 7) and the International Covenant on Civil and Political Rights (Article 26) contain the right to equal protection of the law and protection against any discrimination;

Considering that the Universal Declaration of Human Rights (Article 26) recognizes a right to education and that the International Convention on Civil and Political Rights (Article 24) provides that every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State;

Having regard to the American Convention on Human Rights (Article 1) whereby the parties to the Convention undertake to respect the Convention, Rights and Freedoms, and to ensure all persons subject to their jurisdiction the free and full exercise of those rights and freedoms, without discrimination for reasons of race, colour, sex, language, religion, political or other opinion, national or social origin, economic status, birth, or any other social condition;

Considering that the International Covenant on Civil and Political Rights (Article 14) and the American Convention on Human Rights (Article 8) guarantee the right of an accused person to be assisted, without charge, by an interpreter if he does not understand or speak the language of the court;

Considering that the International Covenant on Civil and Political Rights provides that in states where 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 practice their own religion, or to use their own language;

Having regard to the principles set forth in the 2003 UNESCO Education Position paper, which has taken into account various international standard-setting instruments regarding language in education;

Recognizing that Creole-speaking states in the Caribbean are bi- and multilingual, in that in addition to the respective Creole language(s) spoken in a state, there exists a European language of wider communication, other languages not indigenous to the state and, in some states, languages of indigenous and maroon communities;

Recognizing that a majority of persons in Creole-speaking Caribbean states speak a Creole language as their first language and that many Caribbean Creole languages, though widely spoken, are not widely accepted as appropriate media of communication in public administration and in education;

Recognizing that indigenous and maroon languages spoken in Creole-speaking Caribbean states are endangered;

Believing that rights relating to language are necessary in Creole-speaking Caribbean states to ensure full observance and give full effect to the rights set forth in the various international instruments to which the parties hereto are signatories, to maximize communication between the public and state institutions, to improve education and to protect cultural knowledge and traditions;

Considering that an international instrument on linguistic rights in the form of a Universal Declaration of Linguistic Rights of 1996 has been developed, which embodies principles and rights on language and language use in various spheres including public administration, education, communication media, the socio-economic sphere and culture;

Considering that the Universal Declaration of Linguistic Rights took account of various international instruments embodying rights relating to language including the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights;

Taking account of the provisions in the Universal Declaration on Linguistic Rights and assessing their relevance and applicability to Creole-speaking Caribbean states;

And taking into account of the provisions of the UNESCO Declaration on Cultural Diversity of 2001 and their relevance and applicability to Creole-speaking Caribbean states;

HAVE AGREED ON THE FOLLOWING:

PART I CONCEPTS AND GENERAL PRINCIPLES

Article 1

1. This Charter considers as a *language community* any human society established historically in a particular territorial space, whether this space be recognized or not, which has developed a common language as a natural means of communication and cultural cohesion among its members. The term *territorial languages* refers to Creole languages, indigenous languages, the European language(s) designated in the territory as its official language(s) and such other languages as may be determined or so designated by national consensus.
2. This Charter considers, based on the extensive scientific work done on Creole languages over the past 5 decades, that a Creole language is a separate language from the European language from which it derives its vocabulary. A Creole language within a given territory may have dialects, either regional or social, but such languages are not dialects of European languages.
3. This charter does not distinguish between the media a language may be communicated, namely, whether spoken, written or signed. This means that in addition to spoken languages this charter will address the language rights of the Deaf in relation to signed languages and those of the blind in relation to language in written forms such as Braille.
4. This Charter takes as its point of departure the principle that linguistic rights are individual and collective at one and the same time. In defining the full range of linguistic rights it adopts as its referent the case of a historical language community within its own territorial space, this space being understood, not only as the geographical area where the community lives, but also the social and functional space vital to the full development of the language.

Article 2

1. This Charter considers that, whenever various language communities, be they monolingual, bilingual or tri/multilingual, share the same territory, the rights formulated in this Charter must be exercised on a basis of mutual respect and in such a way that democracy may be guaranteed to the greatest possible extent.
2. In the quest for a satisfactory sociolinguistic balance, that is, in order to establish appropriate articulation between the respective rights of such language communities and the persons belonging to them, various factors, besides their respective historical antecedents in the territory of their democratically expressed will, must be taken into account. Such factors, which may call for compensatory treatment aimed at restoring a balance, include the existing language practices and ideologies associated with the

languages and the degree of political, socioeconomic and cultural vulnerability of language communities.

Article 3

1. This Charter considers the following to be inalienable personal rights, which may be exercised in any situation:
 - the right to be recognized as a member of a language community;
 - the right to the use of one's own language both in private and in public;
 - the right to the use of one's own name;
 - the right to interrelate and associate with other members of one's language community;
 - the right to maintain and develop one's own culture;
 - the right to appropriate speech and language therapy in the event of a citizen suffering from language disorders.

2. This Charter considers that the collective rights of language groups may include the following, in addition to the rights attributed to the members of language groups in the foregoing paragraph, and in accordance with the conditions laid down in Article 2.2:
 - the right for their own language, culture and history, to be taught;
 - the right of access to cultural services;
 - the right to an equitable presence of their language and culture in the communications media;
 - the right to be addressed, to receive attention and feedback in their own language: from government bodies and in socioeconomic relations.

Article 4

1. This Charter considers that persons who move to and settle in the territory of another language community have the right and duty to maintain an attitude of *integration* towards this community. This term is understood to mean an additional socialization of such persons, in such a way that they may preserve their original linguistic and cultural characteristics, while sharing with the society in which they have settled sufficient references, values and forms of behaviour in linguistic and other areas; to enable them to function socially without greater difficulties than those experienced by members of the host community.

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

Article 5

1. This Charter is based on the principles that the rights of all language communities are equal and independent of the legal or political status of their languages as official, national, regional, minority, immigrant, indigenous or maroon languages.
2. This Charter considers discrimination against language communities to be inadmissible; whether it is based on their degree of political sovereignty; their situation defined in social, economic or other terms, the extent to which their languages have been codified, updated or modernized, or any other criterion.
3. All necessary steps must be taken in order to implement this principle of equality and render it effective.
4. The scope of this Charter covers emerging and/or newly developing languages such as Spanglish in Belize.

Article 6

1. All languages are the expression of a collective identity and of a distinct way of perceiving and describing reality and must therefore be able to enjoy the conditions required for their development in all functions.
2. All languages are collectively constituted and are made available within a community for individual use as tools of cohesion, identification, communication and creative expression.

Article 7

1. All language communities have the right to organize and manage their own resources so as to ensure the use of their language in all functions within the society.
2. All language communities are entitled to have at their disposal whatever means necessary to ensure the transmission and continuity of their languages.

Article 8

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

Article 9

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

Article 10

1. Everyone has the right to carry out all activities in the public sphere in his/her language, provided it is a territorial language where he/she resides.
2. Everyone has the right to use his/her language in the personal and family sphere.

Article 11

1. Everyone has the right to acquire knowledge of a territorial language of the territory in which he/she lives.
2. Everyone has the right to be polyglot and to know and use the language most conducive to his/her personal development or social mobility, without prejudice to the guarantees established in this Charter for the public use of territorial languages.

PART II PUBLIC ADMINISTRATION, OFFICIAL BODIES AND SOCIOECONOMIC SPHERE

Article 12

1. All language communities are entitled to the official use of their territorial languages and have the right to interact with and be served by public authorities in any territorial language.
2. All language communities have the right for legal and administrative acts, public and private documents and records in public registers which are drawn up in the territorial languages to be valid and effective such that no one can deny the existence of these languages.
3. All language communities have the right for records in public registers to be drawn up in the territorial languages.

Article 13

1. All language communities are entitled to have at their disposal and to obtain in any territorial language all official documents pertaining to relations which affect the territory whether such documents be in print, machine-readable or any other form.
2. Forms and standard administrative documents, whether in printed, machine-readable or any other form, must be made available and placed at the disposal of the public in all territorial languages by the public authorities.

Article 14

All language communities using the territorial languages have the right for laws and other legal and administrative provisions which concern them, to be published in their languages and/or made available in any other medium that would be accessible to them. If a written standard does not exist, such laws or legal provisions must be made available in audio format.

Article 15

National legislatures must have as their official languages the territorial languages spoken in the territory they represent.

Article 16

1. Everyone has the right to use the languages historically spoken in a territory, both orally and in writing, in the legal system within that territory. The courts of justice must use the territorial languages in their internal actions and, if on account of the legal system in force within the state, the proceedings continue elsewhere, the use of the original language must be maintained.
2. Everyone has the right, in all cases, to be informed of the charges and to be tried in a language which he/she understands and uses and if this is not practical to obtain the services of an interpreter free of charge.

Article 17

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

Article 18

1. Within the territory of a language community, everyone has the right to use any territorial language with full legal validity in economic transactions of all types, such as the sale and purchase of goods and services, banking, insurance, job contracts and others without exception.
2. Within the territory of a language community, everyone is entitled to have documents required for the above-mentioned operations at his/her disposal in his/her own language. Such documents include forms, cheques, contracts, invoices, receipts, delivery notes, order forms, and others.

Article 19

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

Article 20

1. Within the territory of a language community, everyone has the right to receive full oral, written and/or signed information in the territorial language(s) on the products and services provided by commercial establishments.
2. All public communications affecting the safety of persons must be expressed at least in the territorial languages, in conditions which are not inferior to those of any other language.

Article 21

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

Article 22

Everyone has the right to carry out his/her professional activities in a territorial language unless the functions inherent to the job require the use of other languages.

Article 23

Language communities are entitled to the use of their languages when health services are provided and to therapeutic support in these languages when its members suffer from language disorders.

PART III (a) EDUCATION IN SCHOOLS

Article 24

1. Education must help to foster the capacity for linguistic and cultural self-expression of the language communities of the territory where it is provided.
2. Education must help to maintain and develop the languages spoken by the language communities of the territory where it is provided.
3. Initial instruction in one's first language is crucial as it enhances conceptual development, language acquisition and development, learning in general, and education of the child.
4. Education must always be at the service of linguistic and cultural diversity and of harmonious relations between different language communities throughout the world.
5. Within the context of the foregoing principles, everyone has the following rights:
 - to at least initial instruction and literacy in their first language;
 - to learn the territorial languages of the territory in which he/she resides;
 - to learn any other language.
6. Education in one's first language should be continued for as long as is practical.

Article 25

All language communities are entitled to have at their disposal all the human and material resources necessary to ensure that their language is present to the extent they desire at all levels of education within their territory.

Article 26

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

Article 27

All language communities are entitled to an education which will enable their members to acquire knowledge of any language(s) related to their own cultural tradition.

Article 28

1. All language communities are entitled to receive an education in any or all the territorial languages of the territory where they reside.
2. This right does not exclude the right to acquire oral and written knowledge of any language which may be of use to them as an instrument of communication with other language communities.

Article 29

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

PART III (b) EDUCATION OUT OF SCHOOL

Article 30

All members of the language community have the right to a quality education and literacy in their first language outside the formal school system. This includes youth and adults who have not had the opportunity to attend school or who have dropped out. They also have the right to study (in) a second (and other) language(s).

Article 31

All language communities have the right to decide the extent to which their language is to be present in all forms of communications media in their territory, regardless of the method of dissemination or transmission employed.

Article 32

All language communities are entitled to have at their disposal the human and material resources required in order to ensure the desired degree of presence of their language and the desired degree of cultural self-expression in the communications media in their territory.

Article 33

All language communities have the right to receive, through the communications media, a thorough knowledge of their cultural heritage, as well as the information about any other culture they may wish to have.

Article 34

Members of all language communities are entitled to learn the history and evolution of their own language. The study of any language should not be discouraged.

Article 35

The languages and cultures of all language communities should receive non-discriminatory treatment in the communications media.

Article 36

Language communities are entitled to representation of their language in the communications media of their territories, specifically including news, weather reports, public safety and emergency messages.

Article 37

In the field of information technology, language communities are entitled to have at their disposal equipment, tools and products adapted to their linguistic systems so as to derive full advantage from the potential offered by such technologies.

PART IV CULTURE

Article 38

1. All language communities have the right to use, maintain and foster their language in all forms of cultural expression.

2. All language communities must be able to exercise this right to the full without any community's space being subjected to hegemonic occupation by a foreign culture.

Article 39

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

Article 40

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

Article 41

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

Article 42

All language communities have the right for their territorial languages to occupy a pre-eminent position in cultural events and services such as libraries, videothèques, cinemas, theatres, museums, archives, folklore, cultural industries, and all other manifestations of cultural life.

Article 43

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

Article 44

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

Article 45

1. All language communities have the right to use place names in the language proper to the territory, both orally and in writing, in the private, public and official spheres. These include all public signs, including those erected at visitor sites, seaports, airports, borders and boundaries between administration areas within the territory, alongside signage in official and/or international languages.
2. All language communities have the right to establish, preserve and, where necessary, revise autochthonous place names. Such place names cannot be arbitrarily abolished, distorted or adapted, nor can they be replaced if changes in the political situation, or changes of any other type, occur.

Article 46

All language communities have the right to refer to themselves by the name used in their own language and specifically in world and country maps produced in their territorial languages. Any translation into other languages must avoid ambiguous or pejorative denominations.

Article 47

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

Article 48

1. State parties have a duty to protect and preserve endangered languages.
2. In observing this duty, state authorities shall take appropriate steps to record and document these languages and make available to the public information regarding the history, structure and cultural contexts of these languages.
3. State parties have a duty to allow for the use of territorial languages in all communication with government offices, through the provision, where necessary, of translation and interpreting services.

ADDITIONAL DISPOSITIONS – GUIDELINES FOR POLICY IMPLEMENTATION

Article 49

In order to effect the rights set forth in Parts II, III(a), III(b) and IV, territories must take the necessary steps to review and, where necessary, have the research done which would ascertain the extent to which they may be currently in violation of rights contained within this charter, the steps that they would need to remedy these breaches, and the timelines for effecting these remedies. These steps include but are not limited to the following activities:

- i) Conducting a survey of language varieties used in the territory.
- ii) Determining which forms of speech constitute separate languages and which, by virtue of their distinctness, are protected by the terms of this charter.
- iii) Identifying language attitudes across all sectors of the population within the territory and determining what can be done to change negative attitudes where these exist.
- iv) Examining the range of options in public administration and education which would produce compliance with the rights embodied in this Charter.
- v) Determining the economic costs of current language policies and practices in education and public administration, in relation to the costs of adopting and implementing policies and practices which comply with the terms of this Charter.

Article 50

In order to effect the rights set forth in Parts II, III(a), III(b) and IV, states must take the necessary steps to develop, where necessary, the capacity of languages to function in public administration and in education, and to prepare language communities, attitudinally and practically, for the implementation of the rights. Such steps may include, but are not limited to, the following activities:

- the selection of an appropriate variety of the language(s);
- the development of appropriate vocabulary;
- the selection or development and standardization and popularization of a writing system;
- the formulation of styles and registers appropriate to public administration;
- the development of instructional material in the particular language;
- the training of teachers to deliver competent instruction in the language both as medium of instruction and subject;
- the training of competent translators and interpreters for the system of public administration;

- the training of police, judiciary and court recording clerks/reporters to represent and read the language in its written form.
- public education activities, including the promotion of those languages which are minority, indigenous and/or low in status.
- the passage of appropriate enabling legislation.

Article 51

In order to effect the rights set forth in Parts II, III(a), III(b) and IV, territories must, against the background of the measures outlined in Articles 49 and 50, produce a plan for the implementation of appropriate language policies and practices, with accompanying timelines.

Article 52

As part of effecting the rights sets forth in Parts II, III(a) III(b) and IV, territories must inform members of the speech communities whose rights are being protected, of the existence of these rights, in the language of the respective communities.

FINAL DISPOSITION

This Charter proposes the creation of a Regional Council of Languages within the Creole-speaking Caribbean. Parties to this Charter should establish this Council which should, among other tasks determined by the parties, monitor implementation by the parties of the rights contained in this Charter and assess compliance of territories which are parties to this Charter.

This Charter also proposes that there be established a Territorial Council of Languages for each of the Creole-speaking territories to which this Charter applies. The Territorial Council shall function as the local arm of the Regional Council.

Done in Kingston, Jamaica, this 14th day of January in 2011.

The Coordinator of the Jamaican Language Unit/Unit for Caribbean Language Research shall transmit certified copies to citizens of the Caribbean, civil society groups across the Creole-speaking Caribbean, as well as scholars of Caribbean languages within and outside the region, for signature.

ADDENDUM TO CHARTER

REGISTER OF LANGUAGES OF THE CREOLE-SPEAKING CARIBBEAN