

THE IMPORTANCE OF LANGUAGE RIGHTS IN THE INFORMATION AGE

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I. A ROSE BY ANY OTHER NAME IS NOT A ROSE

A proposed Lakota word for internet, *tǎwókaške*, remains “unconfirmed.”¹ It has yet to make it into everyday use or official status in the new dictionary of Lakota neologisms. In the summer of 2016, a group of Lakota speakers and teachers created it at Sitting Bull College on the Standing Rock Reservation in North Dakota, part of an annual effort to update a language that has long lacked the terminology for many features of 21st-century life.² This modernization is key to keeping the language alive for its youngest speakers. Contemporary gaps in Lakota’s functionality illustrate the losses incurred after the systematic dismantling of Sioux culture—and that of native communities throughout the United States and Canada—under assimilationist policies during the 20th century.³

Beyond simply having discouraged or forbade two or more generations of indigenous children from using their home language,⁴ those policies continue to threaten the rights of linguistic minorities by leaving modern revival efforts hobbled in reenergizing these languages. For to view a native language as some fixed snapshot of a past and a people, as many in the

¹ *Tǎwókaške – Internet*, KIWICHOIYE LAKOTA NEOLOGISMS (June 6, 2016), <https://kiwichoie.com/computers/t%c8%9fawokaske-internet/>.

² Thiyáta, KIWICHOIYE LAKOTA NEOLOGISMS (Last visited Dec. 2, 2019), <https://kiwichoie.com/>; J.P. Lawrence, *How do you say “smartphone” in Lakota?*, THE OUTLINE (Mar. 7, 2018), <https://theoutline.com/post/3615/lakota-modern-language-peter-hill?zd=1&zi=btqthdcc>.

³ *Id.*

⁴ Larisa Warhol, *Native American Language Policy in the United States*, CENTER FOR APPLIED LINGUISTICS - HERITAGE BRIEFS (2011), <http://www.cal.org/heritage/pdfs/briefs/native-american-language-policy.pdf>; *Honoring the Truth, Reconciling the Future*, TRUTH AND RECONCILIATION COMMISSION OF CANADA 1–21 (2015), http://www.trc.ca/assets/pdf/Honouring_the_Truth_Reconciling_for_the_Future_July_23_2015.pdf.

cultural majority tend to romanticize,⁵ is to perpetuate a woefully colonial view of indigenous life. Consider the rich development of common English over the past couple decades next time you *google* a good spot to *brunch* and then *text* your friends the *selfie* you snapped there on your *smartphone*. The language you speak is “not your grandma’s” English—neither was the phrase “not your grandma’s.”⁶ Language does, however, have a unique way of tethering our distant heritage to the cultural present, one good example being popular hip-hop lyrics replete with Shakespeare references.⁷ Lakota and many other endangered languages were stymied in experiencing that same development process, and new speakers today are often limited by learning a language whose vitality was arrested when it was their *great-grandma*’s or even before that.⁸ The resulting lack of utility for the way life actually is today pushes these languages further to the margins.

Nowhere is this shortfall more clear than when it comes to technological communication in the information age. It’s not just that our emoji libraries lack images resonant for, say, Mapuche users, though they certainly do.⁹ In a world where everything is moving online, from

⁵ See Barbara A. Meek, *And the Injun Goes “How!”: Representations of American Indian English in white public space*, 35(1) LANGUAGE IN SOCIETY 93 (2006) (“Some of the most frequent representations portray American Indians as timeless, silent, savage Plains warriors . . . These linguistic images perpetuate the historical placement of Native Americans as characters who exist only in a national past and not in a modern present.”).

⁶ The now-popular trope may have kicked off with the “not your father’s Oldsmobile” ad campaign that some credit with killing the brand. *Oldsmobile: Victim of Its Own Brand*, SLATE (Dec. 13, 2000), <https://slate.com/business/2000/12/oldsmobile-victim-of-its-own-brand.html>.

⁷ Think 2Pac reciting “What’s in a name, what’s in a name . . .” Lauren Nostro, *Shakespeare References in Rap Lyrics: An Animated History*, GENIUS (July 7, 2017), https://genius.com/a/shakespeare-references-in-rap-lyrics-an-animated-history?utm_source=home_featured_stories.

⁸ Canada’s admitted cultural genocide began in the latter half of the 19th century and lasted over 100 years. *Honoring the Truth*, *supra* note 4, at 1.

⁹ Eduardo Avila, *Emojis Created for and by Indigenous Peoples in Latin America*, GLOBAL VOICES (Sept. 20, 2016), <https://globalvoices.org/2016/09/20/emojis-created-for-and-by-indigenous-peoples-in-latin-america/>.

the news¹⁰ to the bank¹¹ to all the ways we interact with our governments,¹² navigating the basic social structures of life becomes increasingly difficult unless one can do so in a few select languages that dominate the internet.¹³ In 2016, the U.N. passed a non-binding resolution declaring that states must protect and improve access to the internet.¹⁴ This connectivity is important to safeguard other essential human rights such as freedom of expression, privacy, education, and development.¹⁵ An emerging challenge is thus how to square our robust sense of the necessity of digital connectivity and our interest in development on that front with our longstanding recognition of extant failures in the respect, protection, and fulfilment of indigenous and minority rights.

At the United Nations, 2019 was officially the “International Year of Indigenous Languages.”¹⁶ “To be able to communicate in one’s language is fundamental to human dignity and freedom of expression,” wrote the members of the Expert Mechanism on the Rights of Indigenous Peoples in a statement supporting the label.¹⁷ “Beyond daily communications,

¹⁰ Nic Newman, *Overview and Key Findings of the 2018 Report*, DIGITAL NEWS REPORT (Last visited Dec. 3, 2019), <http://www.digitalnewsreport.org/survey/2018/overview-key-findings-2018/> (“News apps, email newsletters, and mobile notifications continue to gain in importance”).

¹¹ Alicia Phaneuf, *The disruptive digital transformation of banking services in 2019*, BUSINESS INSIDER (Sept. 12, 2019), <https://www.businessinsider.com/digital-banking>.

¹² See, e.g., Sally White, *Government plan to move almost all services online within seven years*, SYDNEY MORNING HERALD (June 12, 2018), <https://www.smh.com.au/politics/federal/minister-s-bid-to-be-leader-in-digital-government-by-2025-20180612-p4z101.html>.

¹³ Holly Young, *The Digital Language Divide*, THE GUARDIAN (2018), <http://labs.theguardian.com/digital-language-divide/>.

¹⁴ *Resolution 32/13: The promotion, protection, and enjoyment of human rights on the internet*, U.N. Doc. A/HRC/RES/32/13, UNITED NATIONS HUMAN RIGHTS COUNCIL (July 18, 2016).

¹⁵ *Id.*

¹⁶ *About IYIL 2019*, IYIL2019.ORG, <https://en.iyil2019.org/about#about-1> (last visited Dec. 3, 2019).

¹⁷ *Statement on the International Year of Indigenous Languages, 2019*, U.N. EXPERT MECH. RIGHTS INDIGENOUS PEOPLES (Jan. 28, 2019), <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24122&LangID=E>.

indigenous peoples' languages derive and are also crucial to identity, culture, health, governance, socio-economic well-being, spiritual traditions, histories, and philosophies.”¹⁸ The purpose of the “International Year” was to “draw attention to the critical loss of indigenous languages” and encourage states and other actors to participate in a broad range of symposia and activities centered around action in response to this issue.¹⁹ Indeed, UNESCO estimates that some 43% of the world’s approximately 6000 languages are endangered.²⁰ The organization’s “Atlas of the World’s Languages in Danger of Disappearing” describes the importance of language as follows:

“Each language reflects a unique world-view and culture complex, mirroring the manner in which a speech community has resolved its problems in dealing with the world, and has formulated its thinking, its system of philosophy and understanding of the world around it. In this, each language is the means of expression of the intangible heritage of a people.”²¹

The “International Year” closed with a strategic outcome document that sets forth insights and recommendations following its more than 800 connected activities around the world.²² After noting that linguistic freedom is a “prerequisite” to numerous rights enshrined in the Universal Declaration of Human Rights (UDHR) and the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), the document describes key conclusions focused on development, human rights, strategies, empowerment, progress, synergy, and sustainability.²³ On human rights, the report concludes that “[i]ndigenous peoples’ languages are an integral part of

¹⁸ *Id.*

¹⁹ *Resolution 71/178: Rights of Indigenous Peoples* ¶ 13, U.N. Doc. A/RES/71/178, U.N. GENERAL ASSEMBLY (Dec. 19, 2016).

²⁰ *Statistics: UNESCO Atlas of the World’s Languages in Danger*, UNESCO (Last updated July 5, 2017), <http://www.unesco.org/languages-atlas/index.php?hl=en&page=atlasmap>.

²¹ *The Role of Languages and Culture in the Promotion and Protection of the Rights and Identity of Indigenous Peoples*, UNESCO submission to U.N. EXPERT MECH. RIGHTS INDIGENOUS PEOPLES 11–12 (2012).

²² *Strategic Outcome Document of the 2019 International Year of Indigenous Languages*, UNESCO, Doc. no. 40 C/68 (Nov. 15, 2019).

²³ *Id.* at 5–8.

their identity and inseparable from internationally recognized human rights and fundamental freedoms. The vitality and sustainability of indigenous languages are only possible by applying all rights and freedoms.”²⁴

Importantly, linguistic expression is not merely the cultural capital that accrues *after* “all rights and freedoms” have allowed someone the liberty and the platform to pursue it. Language rights and cultural rights are certainly of a piece, and some writers have even relegated language to “an element of culture.”²⁵ But concerns about cultural flourishing often get short shrift in human rights discussions because of needed focus on alarming violations of more flagship human rights.²⁶ Treating culture and language rights as if they are one and the same threatens to similarly diminish the latter. Linguistic human rights in fact become essential *before* a person can even exercise basic rights such as the right to a fair public hearing and to be informed of criminal charges,²⁷ the right to freedom of movement,²⁸ the right to take part in the government and have access to public service,²⁹ and the right to education.³⁰ Language should not be a barrier to the fulfilment of these rights, and beyond them it remains the conduit to further development,

²⁴ *Id.* at 5.

²⁵ See Moria Paz, *The Failed Promise of Language Rights: A Critique of the International Language Rights Regime*, 54 HARV. INT’L L. J. 157, 160 n.11 (2013) (describing a variety of scholarship linking or embedding language and culture).

²⁶ See, e.g., Januz Symonides, *Cultural rights: a neglected category of human rights*, 50 INT’L SOC. SCI. J. 559 (taking stock of the “underestimation” and “underdevelopment” of cultural rights at the end of the 20th century).

²⁷ Article 10, Universal Declaration of Human Rights, G.A. Res. 217A, U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter UDHR]; Article 14(1), (3), International Covenant on Civil and Political Rights, G.A. Res. 2200A(XXI) (Dec. 16, 1966) (entered into force Mar. 1976) [hereinafter ICCPR].

²⁸ Article 13, UDHR; Article 11(1), ICCPR.

²⁹ Article 21, UDHR; Article 25, ICCPR.

³⁰ UDHR, *supra* note 27, at Art. 26; Art. 13, International Covenant on Economic, Social and Cultural Rights, G.A. Res. 2200A(XXI) (Dec. 16, 1966) (entered into force Jan. 1976) [hereinafter ICESCR].

deriving indigenous communities' "political, economic, and social structures . . . especially their rights to their lands, territories, and resources."³¹

Respect for minority language rights also ameliorates the "alienation, marginalization, and exclusion" that lead to "ethnic tensions and conflicts."³² "[W]here the use of only one official language discriminates dramatically against minorities, violence is more likely to occur."

³³ For example, isolated communities in Bolivia, after generations of ethnic discrimination, have acquired acute distrust for governmental justice systems.³⁴ This disconnect in combination with stark linguistic barriers leads to a prevalence of "self-help" forms of often more violent local justice.³⁵ And in direct conflicts such as that between the Turkish government and Kurdish people within (and without) its territory, "attempted linguistic" has been a tool for oppression and a catalyst for violence.³⁶

In the 21st century, insurgent movements such as the Kurd's and other widespread conflicts over civil rights have been bolstered in no small part by technology.³⁷ From memes to democracy movements to music to master's programs, so much vital expression is connected online. Should all these opportunities be limited to the linguistic majority or to those who can assimilate? Or should our digital world reflect the real world, in all its diverse voices? In the

³¹ *Preamble*, United Nations Declaration on the Rights of Indigenous Peoples, U.N. Doc. A/61/L.67, G.A. Res. 61/295 (Sept. 13, 2007) [hereinafter UNDRIP].

³² *Language Rights of Linguistic Minorities: A Practical Guide for Implementation*, UNITED NATIONS SPECIAL RAPPORTEUR ON MINORITY ISSUES 9 (2017).

³³ *Id.*

³⁴ James M. Cooper, *Legal Pluralism and the Threat to Human Rights in the New Plurinational State of Bolivia*, 17 WASH. U. GLOBAL STUD. L. REV. 1, 7–9 (2018).

³⁵ *Id.*

³⁶ Sevda Arslan, *Language Policy in Turkey and its Effect on the Kurdish Language* (2015) (Master's thesis, Western Michigan University) (on file with ScholarWorks).

³⁷ See, e.g., Taylor Dewey et al., *The Impact of Social Media on Social Unrest in the Arab Spring*, STANFORD UNIV. PUB. POL'Y (Mar. 20, 2012).

information age, it becomes more important to view language through a human rights lens. Already there are “too few positive examples of the promotion and revitalization of languages,”³⁸ and if states do not take up the task of safeguarding language rights and investing in their protection today, many languages’ extinction is at stake.

Adequate space for linguistic development goes beyond the gift of, say, some Lakota hip-hop genius or an indigenous *Hamilton* musical;³⁹ the right to language is not merely an artistic reference point but is central to one’s identity and dignity. Gertrude Stein riffed that “a rose is a rose is a rose,” stressing that our merest words for things have rich and serious meaning enough.⁴⁰ No one with concerns for indigenous human rights should doubt how words matter. Language rights cannot be respected, protected, and fulfilled without the self-determination to call things what they are in one’s own tongue and to be heard doing it. Today, states and human rights advocates must better understand the important legal bases for language rights and the growing imperative to focus on them in our internet-dominated societies.

II. A TAPESTRY OF RIGHTS, A TANGLE TO TRANSLATE

A. Language Rights Are Human Rights

The international human rights regime has woven an elaborate tapestry of rights, and language rights are threaded integrally in several corners of the broader picture. Far from being a

³⁸ *Role of languages and culture in the promotion and protection of the rights and identity of indigenous peoples: study of the Expert Mechanism on the Rights of Indigenous Peoples*, U.N. Doc. A/HRC/21/53, UNITED NATIONS HUMAN RIGHTS COUNCIL 10 (Aug. 16, 2012) [hereinafter *Role of Languages Study*].

³⁹ See, e.g., Adrienne K., *Where Are the Natives in Hamilton?*, NATIVE APPROPRIATIONS (Aug. 5, 2016), <https://nativeappropriations.com/2016/08/where-are-the-natives-in-hamilton.html>.

⁴⁰ Gertrude Stein, “Sacred Emily” (collected in *SELECTED WRITINGS OF GERTRUDE STEIN*, Vintage Books 1990), http://writing.upenn.edu/library/Stein-Gertrude_Rose-is-a-rose.html.

modern progressive concern, language rights have a long history and are situated throughout numerous human rights instruments dating back to the UDHR in 1948.⁴¹ Article 2 of that document sets out a broad anti-discriminatory mandate including language among its categories.⁴² Its adoption came at a time in which the drafters felt that such a broad, universal equal protection instrument would be superior to several “Minorities Treaties” that had preceded the UDHR in the wake of World War I.⁴³ Nonetheless, however, additional measures special to minority rights continued, such as in the Genocide Convention in 1948, continued work by the U.N. Sub-Commission on the Prevention of Discrimination and the Protection of Minorities that had begun in 1947, and the International Convention of the Elimination of All Forms of Racial Discrimination in 1965.⁴⁴ Article 5 of the last document incorporated cultural expression and education needs,⁴⁵ and the Committee on the Elimination of Racial Discrimination has interpreted that provision as calling for conditions “to ensure that indigenous communities can exercise their rights to practise and revitalize their cultural traditions and customs and to preserve

⁴¹ Minority protections have been a staple of international law in Europe at least since as early as the Congress of Westphalia in 1648. Not until the 20th century, however, were *linguistic* minorities a subject of concern. Because the linguistic elements of minority and ethnic protection are closely linked to religion, the lack of legal language rights prior to 1920 “must not be taken too literally.” Nonetheless, formal legal protection with specific reference to language began with the League of Nations after World War I, with debatable impact. After the atrocities of World War II, distrust of nationalist ideas catalyzed a focus on individual minority rights to the exclusion of collectivist rights such as those that accompany language. Collective minority rights consequently received little serious attention until around the 1990s. Eduardo Javier Ruiz Vieyetz, *The Protection of Linguistic Minorities: A Historical Approach*, 3(1) INT’L J. MULTICULTURAL STUDIES 5, 5–14 (2001).

⁴² UDHR, *supra* note 27, at Art. 2.

⁴³ Paz, *supra* note 25, at 171.

⁴⁴ *Id.* at 171 n.60.

⁴⁵ Art. 5, International Convention on the Elimination of All Forms of Racial Discrimination, U.N. G.A. Res. 2106(XX) (Dec. 21, 1965) (entered into force Jan. 1969).

and practice their languages.”⁴⁶ By the 1990s, the General Assembly had declared that “states shall take measures” in the furtherance of minority language rights specifically.⁴⁷

All the binding human rights instruments that followed the UDHR reflect its equal protection mandate and the categories therein.⁴⁸ Beyond language as a facet of non-discrimination, however, each of the following international treaties as well as other regional instruments⁴⁹ contain further legal constructs relevant to supporting language rights. These supportive rights will have particular resonance given the role that some of them also play in contemporary discussions of internet and technology at the United Nations.

The International Covenant on Civil and Political Rights (ICCPR)

Article 26 of the ICCPR mirrors the equal protection provision of the UDHR, but Article 27 goes further in spelling out minority rights:

“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.”⁵⁰

⁴⁶ Role of Languages Study, *supra* note 38, at 5 (citing the Committee on the Elimination of Racial Discrimination’s general recommendation no. 23 and U.N. doc. CERD/C/304/add.13).

⁴⁷ Art. 4, Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, U.N. G.A. Res. 47/135 (Dec. 18, 1992).

⁴⁸ *See, e.g.*, ICCPR Art. 26; ICESCR Art. 2(2); CRC Art. 2.

⁴⁹ A thorough survey of the scope and interpretation of regional instruments is beyond the scope of this article, but it is worth noting that case law under these bodies often gets closer to on-the-ground application of language rights. The provisions in these instruments often mirror those of the U.N., such as in the European Human Rights Convention (Art. 1; Art. 14; Art. 5 criminal charges “in a language he can understand”), the African Charter on Human and People’s Rights (Art. 2), the Arab Charter on Human Rights (Part II, Art. 2), or the ASEAN Declaration on Cultural Heritage (language within the definition of cultural heritage). Europe also has a Charter for Minority Languages, though case law at the European Court of Human Rights has gone little further than to place some focus on individual accommodation with regard to issues like school choice. *See Paz, supra* note 25. The Inter-American Court of Human Rights has touched on language rights in the context of the demarcation of lands and resources. *See Mayagna (Sumo) Awas Tingni Community v. Nicaragua* (2001).

⁵⁰ ICCPR, *supra* note 27, at Art. 27.

The Human Rights Committee (HRC) has also robustly interpreted Article 27 to include positive duties incumbent on States. Several communications in discrete disputes have led the HRC to delineate rights under Article 27 related to territorial and resource claims, the need for indigenous consultation, and self-determination.⁵¹ In response to an ICCPR report submitted by El Salvador in 2010, the HRC expressed its “concern” about indigenous marginalization there, with the “absence of special measures to promote the realization of their rights as peoples, and the absence of measures to protect indigenous languages.”⁵² The HRC called on El Salvador to, “after consultation with all indigenous peoples, adopt measures to revive their languages and cultures.”⁵³ A Study of the Expert Mechanism on the Rights of Indigenous Peoples has read this comment to thus establish a positive duty for all states under Article 27.⁵⁴

The International Covenant on Economic, Social, and Cultural Rights (ICESCR)

The ICESCR provides much more extensive structure for the codification of language rights. Beyond its equal protection text in Article 2, Article 15 describes the right “to take part in cultural life” and “to enjoy the benefits of scientific progress,” calling on states to take steps towards “the conservation, the development, and the diffusion of science and culture.”⁵⁵ In its most thorough elaboration on this provision, the HRC has stated that culture for Article 15

⁵¹ Role of Languages Study, *supra* note 38, at 4–5 (citing *Lubicon Lake Band v. Canada*, communication No. 167/1984 (1990); *Poma Poma v. Peru*, communication No. 1457/2006 (2009); *Mahuika v. New Zealand*, communication No. 547/1993 (2000)).

⁵² Consideration of reports submitted by States parties under article 40 of the Covenant, U.N. Doc. CCPR/C/SLV/CO/6, UNITED NATIONS HUMAN RIGHTS COUNCIL ¶ 18 (Nov. 18, 2010).

⁵³ *Id.*

⁵⁴ Role of Languages Study, *supra* note 38, at 5.

⁵⁵ ICESCR, *supra* note 30, at Art. 15.

purposes “encompasses... ways of life, language, oral and written literature” and other facets.⁵⁶

The Committee also notes that the Article 15 right to culture is interdependent with other ICESCR rights, namely Article 1’s right to self-determination.⁵⁷

The HRC crafted five alliterative elements of the right to take part in cultural life: availability, accessibility, acceptability, adaptability, and appropriateness.⁵⁸ Each of these tilts towards the accommodation of substantive language rights. And the HRC expressly finds that the acceptability prong includes “the right of everyone to seek, receive, and share information on all manifestations of culture in the language of the person’s choice.”⁵⁹ The HRC also takes care to define in detail what it means to “participate” in cultural life. The ability to participate includes the right to expression in the language of one’s choice.⁶⁰ “Everyone also has the right to seek and develop cultural knowledge and expressions and to share them with others.”⁶¹

Further, the HRC spells out positive states’ duties to respect and protect language rights under Article 15, “including financial measures.”⁶² The Committee’s recommendations include “measures aimed at enhancing diversity through public broadcasting in regional and minority languages” and going “beyond the material aspects of culture (such as museums, libraries, theatres, cinemas, monuments and heritage sites)” to actively promote access to intangible

⁵⁶ General comment no. 21, U.N. Doc. E/C.12/GC/21, COMMITTEE ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS ¶ 13 (Dec. 21, 2009).

⁵⁷ *Id.* ¶ 2.

⁵⁸ *Id.* ¶ 16.

⁵⁹ *Id.*

⁶⁰ *Id.* ¶ 15.

⁶¹ *Id.*

⁶² *Id.* ¶ 52.

culture such as language.⁶³ In interpreting Article 15, the HRC has also found it “intrinsicly linked” to the right to an education.⁶⁴

Articles 13 and 14 of the ICESCR provide a glowing vision of educational rights, tying them to “the full development of the human personality and the sense of its dignity” and requiring free, compulsory primary education.⁶⁵ The Expert Mechanism on the Rights of Indigenous Peoples has found that Article 14 requires indigenous autonomy over education and a right to be taught in one’s own language.⁶⁶ And the HRC notes that “educational programmes should also transmit the necessary knowledge to enable everyone to participate fully and on an equal footing in their own and in national communities.”⁶⁷ It calls on states parties to “spare no effort” in adopting measures that ensure education in indigenous languages.⁶⁸

The United Nations Declaration on the Rights of Indigenous Peoples

An important precursor to UNDRIP, the International Labor Organization’s 1989 Indigenous and Tribal Peoples Convention (Convention 169), placed language rights in another context regarding state communications with indigenous people:

“Governments shall adopt measures appropriate to the traditions and cultures of the peoples concerned, to make known to them their rights and duties, especially in regard to labour, economic opportunities, education and health

⁶³ *Id.* ¶ 70.

⁶⁴ *Id.* ¶ 2.

⁶⁵ ICESCR, *supra* note 30, at Art. 13–14.

⁶⁶ *Study on Lessons Learned and Challenges to Achieve the Implementation of the Rights of Indigenous Peoples to Education*, U.N. Doc. A/HRC/12/33, UNITED NATIONS HUMAN RIGHTS COUNCIL ¶ 32 (Aug. 31, 2009).

⁶⁷ General comment no. 21, *supra* note 56, at ¶ 27.

⁶⁸ *Id.* These efforts should be carried out “taking into account the international human rights standards in this area,” namely, ILO Convention No. 169, the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and UNDRIP.

matters, social welfare and their rights . . . If necessary, this shall be done by means of written translations and through the use of mass communications in the languages of these peoples.”⁶⁹

When UNDRIP was finally approved in 2007, it added several important facets to the language rights frameworks discussed above, though through less binding means than the Covenants. Article 8 expressly disavows assimilationist policies and cultural destruction.⁷⁰ Article 9 stresses the importance of a community of traditions and customs.⁷¹ Articles 11-15 expand on ideas about rights to culture.⁷² Article 13 reiterates the importance of transmitting languages from one generation to the next and notes that states should “ensure that indigenous peoples can understand and be understood in political, legal and administrative proceedings.”⁷³ Article 16 provides that “Indigenous peoples have the right to establish their own media in their own languages” and calls on state media to reflect indigenous perspectives.⁷⁴ Under UNDRIP’s educational provisions, the document lays out four aspects of cultural heritage, the ability to “maintain, control, protect, and develop” things like language as well as traditional knowledge, sciences, and technology.⁷⁵

The Convention on the Rights of the Child (CRC)

The CRC reiterates the rights against non-discrimination present in other human rights instruments and stresses the importance of these rights to children.⁷⁶ It is especially salient,

⁶⁹ Indigenous and Tribal People’s Convention (No. 169), Art. 30, INTERNATIONAL LABOUR ORGANIZATION (1989).

⁷⁰ UNDRIP, *supra* note 31, at Art. 8.

⁷¹ *Id.* Art. 9.

⁷² *Id.* Art. 11-15.

⁷³ *Id.* Art. 13.

⁷⁴ *Id.* Art. 16.

⁷⁵ *Id.* Art. 31.

⁷⁶ Art. 2, Art. 30, Covenant on the Rights of the Child, G.A. Res. 44/25 (Nov. 20, 1989) (entered into force Sep. 1990) [hereinafter CRC].

however, in how it expands on a child's right to an education. Article 28 describes the right, and Article 29 directs education to, among other things, "the development of respect for the child's parents, his or her own cultural identity, language and values."⁷⁷

Other findings on children's educational rights have made similar points. UNESCO's three principles on language and education note the importance of learning primarily in one's mother tongue and the benefits that confers later in education.⁷⁸ The 1962 Convention Against Discrimination in Education calls for the use or teaching of minorities' own language.⁷⁹ In Europe, a report by the High Commissioner on National Minorities at the Hague notes as follows: "educational research suggests that the medium of teaching at preschool and kindergarten levels should ideally be the child's language. Wherever possible, States should create conditions enabling parents to avail themselves of this option."⁸⁰

In interpreting the CRC, the Committee on the Rights of the Child has placed emphasis on the "right to be heard."⁸¹ In this context, the Committee has described the importance of media. Article 17 of the CRC asks states to "encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous."⁸² In its comments, the Committee encourages access to media in indigenous languages. It also notes

⁷⁷ *Id.* Art. 28–29.

⁷⁸ *Education in a Multilingual World*, UNESCO 30 (2003), <https://unesdoc.unesco.org/ark:/48223/pf0000129728>.

⁷⁹ Art. 4, Convention Against Discrimination in Education, UNESCO Doc. 11 C/Resolutions, CPG.61/VI.11 (1961).

⁸⁰ The Hague Recommendations Regarding the Education Rights of National Minorities & Explanatory Note, High Commissioner on National Minorities, ORGANIZATION FOR SECURITY AND COOPERATION IN EUROPE 6 (1996).

⁸¹ General comment No. 11, Indigenous Children and Their Rights Under the Convention, U.N. Doc. CRC/C/GEN/11 ¶ 40, COMMITTEE ON THE RIGHTS OF THE CHILD (Feb. 12, 2009).

⁸² CRC, *supra* note 76, at Art. 17.

how vital media can be to education and endorses the use of internet-based educational tools for indigenous children.⁸³

B. Translating Treaties into Action

Language rights remain an area in need of active concern, and this robust international legal framework can provide the rhetorical or hortative support to better pursue their protection. Nonetheless, the loss of languages and their concomitant civil rights remains acute and alarming; there is a push to carry forward the “International Year” into a decade of sustained focus on language rights issues.⁸⁴ This would be a needed response to the longstanding sense that adequate revitalization and protection measures have “seemed impossible or untimely.”⁸⁵ Substantive decisions and guidance regarding the weakness of states’ measures on this front have tended to be soft in terms of criticism, with broad recommendations, commentary touching on best practices and notes on efforts that deserve some praise.⁸⁶ Miguel de Cervantes famously wrote that language translation “is like viewing a piece of tapestry on the wrong side, where though the figures are distinguishable there are so many ends and threads that the beauty and exactness of the work is obscured.” Translating the exposition of human rights into meaningful action is no different, and an abundance of beautiful commentary on their importance can often look a tangled mess when viewed from the real world.

The lack of resources to bolster language rights has led some scholars to consider new approaches to the whole regime. One writer criticizes the use of the human rights framing

⁸³ General comment No. 11, *supra* note 81, at ¶ 61.

⁸⁴ *Statement on the International Year of Indigenous Languages*, *supra* note 17.

⁸⁵ *Id.*

⁸⁶ *See generally Language Rights of Linguistic Minorities*, *supra* note 32 (providing numerous small examples of media, educational and other language investments).

altogether given the mediocrity of its results and the conflation of language and culture.⁸⁷ Noting that the HRC has never found a direct violation of Article 27 of the ICCPR over languages, Moria Paz argues that the distributional nature of language accommodations makes them a poor fit for the human rights framework.⁸⁸ Surveying case law at the HRC, in the European Court of Human Rights, and in other regional bodies, she notes an emphasis on non-discrimination but a narrowly “limited due process accommodation of minority language in the public sphere.”⁸⁹ “Our international linguistic rights regime leans in the direction of assimilation on fair terms, not accommodation, and minority languages are structured as a disability, not an asset for cultural diversity,” she writes.⁹⁰

Less critical of our international frameworks but cognizant of their shortcomings, Professor Lorie Graham argues for the necessity of a “right to media” framing.⁹¹ This would shift the focus of language rights into an emphasis on their intersection with the right to freedom of opinion and expression. This right, as noted by the Special Rapporteur tasked with its analysis, is both civil and political and “an essential test right, the enjoyment of which illustrates the degree of enjoyment of all human rights” in the UDHR.⁹² Freedom of expression is intrinsically linked to freedom of information, and the ICCPR and other instruments directly require states to act when “a concentration of the media threatens the diversity of opinion or the access to published

⁸⁷ Paz, *supra* note 25, at 165-66.

⁸⁸ *Id.*

⁸⁹ *Id.* at 164.

⁹⁰ *Id.*

⁹¹ Lorie M. Graham, *A Right to Media?*, 41 COLUM. HUM. RTS. L. REV. 429 (2010).

⁹² *Id.* at 443 (quoting Comm’n on Human Rights, Question of the Human Rights of All Persons Subjected to Any Form of Detention or Imprisonment ¶ 14, U.N. Doc. E/CN.4/1998/40 (Jan. 28, 1998)).

opinion.”⁹³ In the indigenous context, “media remains marginalized in comparison to mainstream media.”⁹⁴ Inadequate funding and issues of access and visibility continue to threaten endangered languages the world over.⁹⁵ The rise of the internet and the role it plays in concentrating media exacerbates this problem, and language rights deserve new attention as web-based media become a focus of international concern.

C. Discussion of the Internet and Human Rights

Discussion of the internet by international human rights bodies began in earnest in the 21st century.⁹⁶ Various committees brought up the internet in 246 recommendations between 2007 and 2017.⁹⁷ The Committee on the Rights of the Child brought up the subject the most.⁹⁸ In 2011, Frank La Rue, the Special Rapporteur on Freedom of Expression and Opinion, published a report focused on information access via the internet.⁹⁹ “Facilitating access to the Internet for all individuals, with as little restriction to online content as possible, should be a priority for all States,” he recommended.¹⁰⁰ He made no mention of language barriers on the internet but did briefly note that disadvantaged and minority groups can have issues “accessing the Internet in a way that is meaningful, relevant and useful to them in their daily lives.”¹⁰¹

⁹³ ICCPR, *supra* note 27, at Art. 19.

⁹⁴ Graham, *supra* note 91, at 504.

⁹⁵ Role of Languages Study, *supra* note 38, at 9; *Statement on the International Year of Indigenous Languages*, *supra* note 17.

⁹⁶ Lukasz Szoszkiewicz, *Internet Access as a New Human Right? State of the Art on the Threshold of 2020*, ADAM MICKIEWICZ UNIV. L. REV. 49 (2018).

⁹⁷ *Id.* at 52.

⁹⁸ *Id.*

⁹⁹ *Report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Frank La Rue*, U.N. Doc. A/HRC/17/27, U.N. HUMAN RIGHTS COUNCIL (May 16, 2011).

¹⁰⁰ *Id.* ¶ 2.

¹⁰¹ *Id.* ¶ 61.

The Committee on Economic, Social and Cultural Rights has focused its internet discussion on issues of education and of cultural rights. For example, in comments on a communication by Guatemala in 2014, the committee stressed issues of internet access for indigenous people there and recommended “educational and information centres” to better facilitate the use of technology.¹⁰² Interestingly, however, the committee has never addressed issues with internet access under the ICESCR’s right to benefit from scientific progress in Article 15.¹⁰³

In 2016, the U.N. General Assembly weighed in on the subject by adopting the HRC’s resolution on “the promotion, protection, and enjoyment of human rights on the Internet.”¹⁰⁴ The key statement in the non-binding resolution that generated the most press was a condemnation of governments disrupting internet access.¹⁰⁵ “[T]he same rights that people have offline must also be protected online, in particular freedom of expression,” the Committee wrote.¹⁰⁶ The resolution only broadly touches on issues relevant to language rights specifically. It requests “all States to make efforts to bridge the many forms of digital divides” and calls upon states to adopt “policies that have the objective of universal access and enjoyment of human rights at their core.”¹⁰⁷

The 2016 resolution notes that access to information on the internet “can be an important tool in facilitating the promotion of the right to education.”¹⁰⁸ This dovetails well with the

¹⁰² *Concluding observations on the third periodic report of Guatemala*, U.N. Doc. E/C.12/GTM/CO/3, COMMITTEE ON ECONOMIC, SOCIAL, AND CULTURAL RIGHTS ¶ 27 (Dec. 9, 2014).

¹⁰³ Szoszkiewicz, *supra* note 96, at 58.

¹⁰⁴ *Resolution 32/13: The promotion, protection, and enjoyment of human rights on the internet*, U.N. Doc. A/HRC/RES/32/13, UNITED NATIONS HUMAN RIGHTS COUNCIL (July 18, 2016).

¹⁰⁵ *Id.* ¶ 10.

¹⁰⁶ *Id.* ¶ 1.

¹⁰⁷ *Id.* ¶ 5, ¶ 12.

¹⁰⁸ *Id.* ¶ 15.

concerns of the HRC’s Expert Mechanism on Indigenous Rights about the implementation of adequate bilingual education systems, with insufficient funding and too often “exclusive use of mainstream languages in government education systems.”¹⁰⁹ That research also notes the importance of internet media as “particularly valuable tools to educate children.”¹¹⁰

These internet discussions have not quite, as some press have reported, declared the internet a human right; what they have done is stressed the importance of the internet as an increasingly indispensable means of achieving well-enumerated and obligatory human rights standards such as the right to an education and the right to freedom of opinion and expression. The question that follows, then, is how we should square this recognition about the internet with linguistic concerns when they overlap in terms of the substantive rights at issue. For example, a locus of debate about information on the internet today is in countering hate speech.¹¹¹ The 2016 resolution on internet access “stresses the importance of combating advocacy of hatred that constitutes incitement to discrimination or violence on the Internet, including by promoting tolerance and dialogue.”¹¹² There is widespread debate today about the role that social media platforms have played in providing spaces for incitement of violence—criticisms of Facebook’s role in spreading genocidal attitudes in Myanmar provide a great example.¹¹³ In this context, much commentary dwells on appropriate ways to conceive of or to regulate the online

¹⁰⁹ Role of Languages Study, *supra* note 38, at 9.

¹¹⁰ *Id.* at 12.

¹¹¹ See, e.g., Sherif Elsayed-Ali, *Commentary: How to stop social media from supercharging hate speech*, REUTERS (Feb. 24, 2018), <https://www.reuters.com/article/us-elsayedali-hatespeech-commentary/commentary-how-to-stop-social-media-from-supercharging-hate-speech-idUSKCN1G72UU>.

¹¹² *Resolution 32/13*, *supra* note 104, ¶ 11.

¹¹³ See Alexandra Stevenson, *Facebook Admits It Was Used to Incite Violence in Myanmar*, NEW YORK TIMES (Nov. 6, 2018), <https://www.nytimes.com/2018/11/06/technology/myanmar-facebook.html>.

“marketplace of ideas” and the free exchange of information.¹¹⁴ What’s missing from this conversation, however, is a proportional reckoning with the problem that many of the people who are most harmed by the proliferation of hate speech can also be those who lack adequate access to this increasingly important “marketplace,” due to language or other barriers.

III. A WORD TO THE WIRED IS NOT ENOUGH

The leap from homogenous to hegemonic is an easy one, not just phonetically (though this is a piece about language) but more importantly in the information space. Access to the internet may be a noble-minded goal, but advocates must think critically about what that means when the homogeneity of content on the internet—such as in the platforms and languages used—functions in the service of assimilation. “Indigenous peoples’ control over their languages can be a tool in their decolonization,”¹¹⁵ but issues of accountability and private enterprise in the tech world should raise concerns about who has the control when technology is used in the service of social development. Far superior in reach to, say, the Lakota neologism website, the attitudes expressed—and the language used—by the English-speaking internet majority continue to evolve. Illustratively, the top-trending word of 2019 was “woke,” highlighting a growing interest in social justice.¹¹⁶ The internet today fosters more discussion than ever about ways to

¹¹⁴ See, e.g., Margaret O’Mara, *Opinion: Letting the Internet Regulate Itself Was a Good Idea — in the 1990s*, NEW YORK TIMES (July 5, 2019), <https://www.nytimes.com/2019/07/05/opinion/tech-regulation-facebook.html>; Brian Miller, *There’s No Need to Compel Speech. The Marketplace of Ideas is Working*, FORBES (Dec. 4, 2017), <https://www.forbes.com/sites/briankmiller/2017/12/04/theres-no-need-to-compel-speech-the-marketplace-of-ideas-is-working/#358e21bb4e68>; Claudio Lombardi, *The Illusion of a “Marketplace of Ideas” and the Right to Truth*, 3(1) AMERICAN AFFAIRS (2019), <https://americanaffairsjournal.org/2019/02/the-illusion-of-a-marketplace-of-ideas-and-the-right-to-truth/>.

¹¹⁵ Role of Languages Study, *supra* note 38, at 7 (citing a submission by the Mohawk Language Custodians).

¹¹⁶ *‘Woke’ is the Top Trending Word of 2019, Thus Far*, GLOBAL LANGUAGE MONITOR (Sep. 5, 2019), <https://www.languagemonitor.com/top-words-of-the-year/woke-is-the-top-trending-word-of-2019-thus-far/>.

combat legacies of colonialism, racism, and marginalization. But by design, these efforts can exclude the many linguistic minorities desperate to benefit from them.

That phrase, *by design*, is not so much a normative, cynical description of contemporary “woke” aims; rather, it is a literal depiction of our technological architecture. For example, digital communication systems are set up to function by recognizing a narrow subset of script types relative to the wide variety used by the world’s diverse languages.¹¹⁷ This immediately places those who want to create technological in-roads for small languages at a disadvantage. Then, working such capacity into our various text-based software creates a dependence on dominant third-parties, the major tech companies. Computer programming itself operates in a number of “languages,” most of which were designed by majority language speakers for use by majority language speakers.¹¹⁸ How might twisting one’s own, already marginalized language to function well within such platforms mesh with the important requirements of self-determination and control in the language rights space?

At a recent conference in Latin America on “multilingualism in cyberspace,” a representative from Peru’s Ministry of Education noted that “technology is a linguistic domain.”¹¹⁹ One of her concerns was combating diglossia, a linguistic term for when language use differs hierarchically depending on context; this can range from simple formal/informal dialects to more

¹¹⁷ Lorraine Boissoneault, *The Complicated Decisions That Come With Digitizing Indigenous Languages*, SLATE (Sep. 9, 2019), <https://slate.com/technology/2019/09/indigenous-languages-technology-breath-life.html>.

¹¹⁸ See, e.g., Outi Kaarina Laiti, *Ethnoprogramming: An Indigenous Approach to Computer Programming*, A Case Study in Ohcejohka Area Comprehensive Schools (2016) (Post-graduate thesis, University of Lapland) (“A programming language can be all-graphic or all-text or both. Like a natural language, every programming language has a grammar and a vocabulary: together they form the syntax of a language . . . If we want to see a new generation of computer programmers who blur the borders of language, gender and culture, the ethnic side of computing needs to be in public debate . . . ethnoprogramming is a concept under ethnocomputing and it includes an assumption that different cultures will bring different views to programming on a dialectic process.”).

¹¹⁹ *Annex 2, Conference Report: Multilingualism in Cyberspace: Indigenous Languages for Empowerment*, REGIONAL CONFERENCE FOR CENTRAL AMERICA (Nov. 27–28, 2015).

onerous situations such as altering one’s language in the service of a submissive distinction of social class.¹²⁰ The Peruvian representative noted that “there is a political imaginary of language symmetry,” meaning that many in the tech world imagine it a breeze to substitute one language for another in digital communications.¹²¹ Instead, however, there is an unfortunate prevalence of “cyberglossia,” whereby minority language users communicate in one language verbally and in another digitally.¹²² The practical hurdles of overcoming cyberglossia are many, especially for languages with much richer oral than written traditions.¹²³

Similarly, the strictures of digital design should temper excitement about the possibilities of translation technology. For one thing, ceding autonomy over a community’s language to, say, Google, for its translation programs raises concerns about the extent to which such businesses are poised to be mindful of human rights obligations. People are quick to celebrate many online indigenous language revival projects such as Google’s profiling of endangered languages on its map apps or enabling its searches in small languages like Maori.¹²⁴ However, these projects can raise sensitive issues with regard to minority rights; often, even well-intentioned non-indigenous actors can show a lack of thoughtful respect for their role in language preservation and revival.¹²⁵ Some language materials may not be appropriate, given a community’s customs or religion, for wide broadcasting on the web, and mining language data for the training of automatic translation

¹²⁰ *Id.*

¹²¹ *Id.*

¹²² Ronald Cardenal et al., *Siminchik: A Speech Corpus for Preservation of Southern Quechua*, PROCEEDINGS OF THE ELEVENTH INTERNATIONAL CONFERENCE ON LANGUAGE RESOURCES AND EVALUATION (2018).

¹²³ *Id.*

¹²⁴ See, e.g., Role of Languages Study, *supra* note 38, at 12.

¹²⁵ Alissa J. Stern, *Can the Internet Revitalize Local Languages?*, STANFORD SOCIAL INNOVATION REVIEW (Jan. 12, 2018), https://ssir.org/articles/entry/can_the_internet_revitalize_local_languages; Boissoneault, *supra* note 117.

software can run afoul of individual and collective privacy and consultation.¹²⁶ As discussed above, important tenets of human rights for linguistic minorities are to be free from assimilative pressure, to maintain self-determination, and to be respectfully consulted on legal, educational, and other matters. It is imperative to ensure that tech-based projects in the service of linguistic diversity bear these obligations in mind. At-risk linguistic communities themselves should be central actors in such efforts. As one tech journalist describes it,

“the glossy end-product of a language project may not reveal much about how community stakeholders benefited from the process. If you come across an article with claims that a language will be ‘saved’ by a new app or website, keep in mind that ‘apps don’t save languages. People do.’”¹²⁷

Computer scientist and Maori expert Te Taka Keegan cautions that “[w]e can be colonized through data. We need to be aware of that, and we need to take steps to make sure we’re not.”¹²⁸ Optimistic about tech’s potential but critical of corporate actors, he described his work with Google’s translation team skeptically. “[T]o be honest, no one in Google really cared about the Māori language. The people that care about the Māori language are the people that speak the Māori language. If we want to create technologies for our own language, we have to do it ourselves.”¹²⁹ Under international human rights law, it is the states that bear the burden of ensuring human rights are not violated in the private sphere.¹³⁰ At the same time, the Committee

¹²⁶ *Id.*

¹²⁷ Greg Dickson, *Taking Indigenous Languages Online: can they be seen, heard, and saved?*, THE CONVERSATION (Oct. 5, 2016), <https://theconversation.com/taking-indigenous-languages-online-can-they-be-seen-heard-and-saved-64735>.

¹²⁸ Andrea Smith, *The New Corporate Threat to Indigenous Languages*, THE TYEE (July 4, 2019), <https://thetyee.ca/News/2019/07/04/Corporate-Threat-Indigenous-Languages/>.

¹²⁹ *Id.*

¹³⁰ General Comment No. 21, *supra* note 56, at ¶ 62, ¶ 73.

on Economic, Social and Cultural Rights at the U.N. has stressed that private parties carry parallel obligations towards cultural and language rights to those of state parties.¹³¹

The HRC has created a set of Guiding Principles on Businesses and Human Rights, which reflect obligations to honor linguistic diversity particularly in transactional settings such as negotiations and financial agreements.¹³² Broad and robust language rights as discussed above, however, are a thornier issue. Even in the absence of minority concerns, big tech companies are developing an increasingly troubling influence on public life, and human rights advocates are fighting for stronger state actions to ensure their accountability.¹³³ Recall that the historical colonial enterprises establishing the imbalanced hegemonies that human rights bodies now seek to overcome were largely a scheme of private capital. That dynamic is no less prevalent today, and given the enormity of private influence in technology, administrators of our human rights instruments should make more effort to grapple with the consequences of that dynamic when they advocate for tech-based solutions to tricky long-term problems such as those surrounding language rights.

Rita Izsák, an Independent Expert on Minority Issues for the HRC, expresses cautious optimism about the internet:

¹³¹ *Id.*

¹³² See Guiding Principles on Businesses and Human Rights, U.N. Doc. HR/PUB/11/04, OFFICE OF THE HIGH COMMISSIONER ON HUMAN RIGHTS (2011) (“To enable business enterprises to assess their human rights impacts accurately, they should seek to understand the concerns of potentially affected stakeholders by consulting them directly in a manner that takes into account language and other potential barriers to effective engagement.”).

¹³³ See, e.g., Emma Woollacott, *Big Tech is ‘Almost Human Rights-Free Zone,’ UN Report Warns*, FORBES (Oct. 16, 2019),

<https://www.forbes.com/sites/emmawoollacott/2019/10/16/big-tech-is-almost-human-rights-free-zone-un-report-warns/#7fe03ca93217>; Emanuel Moss & Jacob Metalf, *The Ethical Dilemma at the Heart of Big Tech Companies*, HARVARD BUSINESS REVIEW (Nov. 14, 2019),

<https://hbr.org/2019/11/the-ethical-dilemma-at-the-heart-of-big-tech-companies>.

“The growth of the Internet and web-based information has made dramatic changes in the ways that people communicate and use and transmit language. In the globalization of communication and media that has taken place, some languages dominate, a phenomenon that may also be seen at the national level. The challenge to ensure that all population groups can benefit equally requires solutions that include the packaging of information in minority languages and provision of low-cost access for all. The Internet clearly also has the potential to assist in the preservation, dissemination and teaching of minority languages.”¹³⁴

No one should lose sight of the reality, however, that some half of the world’s languages are at risk of disappearing over the next century.¹³⁵ The top ten global languages make up over 80% of the content on the internet, and we should be cognizant that improving access for marginalized people needs to go hand-in-hand with efforts to combat the assimilative pressures of turning to such a platform.¹³⁶ “Looking through the lens of language leaves claims that the internet is an inclusive, egalitarian public place sounding more and more hollow.”¹³⁷

It’s remarkable that those who benefit from the privilege of the linguistic majority far more frequently invoke phraseology from their “dead” language predecessor than from myriad other active, if shrinking, global tongues and the wisdom they carry. One common latin phrase, “*verbum sapienti sat est*,” *a word to the wise is enough*, implies that for smart people, deep explanations of things are not required. It’s clear, however, that for all the undeniably smart people working on technological development, a word is not enough. “Woke,” for example, is a word that illustrates the dominance of privileged actors in pursuing social justice—it’s a self-aggrandizing term and a problem when issues of justice and human rights turn on indigenous

¹³⁴ *Report of the Independent Expert on minority issues, Rita Izsák*, U.N. Doc. A/HRC/22/49, HUMAN RIGHTS COUNCIL ¶ 84 (Dec. 31, 2012).

¹³⁵ *Stern*, *supra* note 125.

¹³⁶ *Young*, *supra* note 13.

¹³⁷ *Id.*

self-determination, minority language control, and the shrinking voices of disadvantaged groups. To adequately safeguard invaluable human rights, we need countless words, in diverse languages the world over. True efforts to provide fully realized language rights require empowered expressions by those who bear them, loudly and clearly in the same vital communication streams as everyone else.