

Abstract

The linguistic rights of beneficiaries of international protection have not yet been subjected to an in-depth analysis aimed at reconstructing their content and determining a legal model for their protection. Linguistic rights of the individual (LR) are predominantly examined from the perspective of the rights of national or ethnic minorities or the right to use a regional language by communities residing in part of a given state and often holding its citizenship. They should, however, be understood as a set of entitlements vested in an individual qualified not only as a citizen of a state or a member of a minority whose legal status is recognised in that state, but also as an immigrant, particularly where such a person becomes a beneficiary of international protection (BIP).

In recent times, especially in Europe, phenomena such as cultural globalisation and mass migration have intensified, resulting in the movement or even resettlement of entire communities to territories that are ethnically and culturally foreign to them. The significance of this issue has been accentuated by the Russian-Ukrainian armed conflict that began in 2022. These phenomena necessitate a different, broader approach to the linguistic rights of BIP. This book takes these conditions into account and aims to determine the standard of linguistic rights of beneficiaries of international protection within the multicentric system of sources of law of the Republic of Poland.

The monograph consists of four chapters. The first two are devoted to outlining the theoretical foundations of the role of language in society, the concept of linguistic rights, multicentricity, and the specific legal status of beneficiaries of international protection. Chapters Three and Four analyse the linguistic rights of BIP in the context of international public law and the domestic law of the Republic of Poland.

Chapter One is devoted to developing the theoretical foundation of linguistic rights. In the scholarly literature, it is widely recognised that they constitute an integral component of human rights and are vested in both individuals and collectivities. Nevertheless, the definition and scope of these rights raise certain doubts. The definition of language proposed by the author makes it possible to address the key questions discussed in the subsequent chapters: who is the holder of linguistic rights, and what should be their scope? To construct this definition, grammatical, semantic and pragmatic models of language as an act of communication are employed and further developed by taking into account the perception of language within society. Drawing on Richard Ruíz's heuristic model of language orientations – “language as a right”, “language as a problem” and “language as a resource” – the approach to language in the social sciences is examined.

Chapter Two elaborates on the theoretical findings concerning linguistic rights and offers an analysis of the relevant literature. Two approaches to linguistic rights are presented: the concepts advanced by linguists such as Tove Skutnabb-Kangas and Robert Phillipson, and the legal approach developed by jurists. In addition, the notion of a beneficiary of international

protection, which is central to this book, is defined. The phenomenon of the system of sources of law's multicentricity is analysed in detail, as it enables a better understanding of the complexity of regulations governing the linguistic rights of beneficiaries of international protection. The conclusions reached in Chapter Two provide the basis for further research on international standards regarding the protection of linguistic rights and their adaptation within the Polish legal system.

Chapter Three discusses individual rights to use a language of one's choice, grounded in the universal system of human rights protection, beginning with the 1948 Universal Declaration of Human Rights. It also examines linguistic rights enshrined in other international instruments, such as the 1948 Convention on the Prevention and Punishment of the Crime of Genocide, the 1951 Convention relating to the Status of Refugees, the 1960 Convention against Discrimination in Education, the 1966 International Convention on the Elimination of All Forms of Racial Discrimination, the 1966 International Covenant on Civil and Political Rights, the 1966 International Covenant on Economic, Social and Cultural Rights, the 1989 Convention on the Rights of the Child, and the 1998 Rome Statute of the International Criminal Court. This chapter also analyses linguicide and linguicism as extreme forms of language elimination. Furthermore, it examines mechanisms for monitoring and enforcing linguistic rights within the European system for the protection of human rights, as well as instruments for their protection under European Union law.

In Chapter Four, the primary objective is to determine the status of protection of the linguistic rights of BIP in light of the solutions existing in the domestic legal order of the Republic of Poland. This analysis enables the identification of the extent to which the norms of international public law binding on Poland have been implemented. It begins with an examination of public law solutions in four Member States of the European Union with a higher level of the rule of law and respect for human rights than Poland, thereby allowing for comparative conclusions regarding the protection of BIP's linguistic rights. Subsequent sections discuss Polish legal solutions in this field, taking into account international safety standards. As a result of these findings, the book reconstructs the standard of linguistic rights of beneficiaries of international protection currently in force in the Republic of Poland. In addition, it presents a legal model for the protection of these rights and formulates *de lege lata* and *de lege ferenda* conclusions.