



Review article

Legal recognition and legal awareness of children with a different mother language

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Abstract

This scoping review examines the legal recognition of children with a different mother tongue, focusing on how educational and legal systems can better accommodate their unique needs. Legal recognition, distinct from legal awareness, involves acknowledging the rights of linguistically diverse children and adapting systems to uphold these rights. The review explores current gaps in research and policy, emphasizing the need for more inclusive frameworks that support bilingual education, especially for indigenous and immigrant populations. The findings highlight the challenges that children with different mother tongues face in existing legal and educational structures, and offer recommendations for improving inclusivity. This study aims to inform policy changes that will ensure a more equitable and supportive environment for all children, regardless of their linguistic background.

Keywords: Children; Different mother language; Legal awareness

Introduction

The importance of one's mother tongue relative to educational and legal systems is an increasingly pertinent topic, particularly in a world where linguistic diversity is both a reality and a challenge. This scoping review delves into the critical issue of legal recognition of children with a different mother tongue, examining how educational systems and legal frameworks can and should adapt to meet the unique needs of these children.

Central to this review is the exploration of legal recognition as a concept distinct from mere legal awareness. Legal recognition encompasses acknowledging the rights of children with diverse linguistic backgrounds and proactively adapting legal and educational structures to uphold these rights. This includes considering how countries recognize and implement policies for bilingual education, especially in the context of indigenous and immigrant populations.

Currently, the legal and educational frameworks often fail to adequately address the specific needs of children with different mother tongues. This review aims to bridge the gap in current research and policy, highlighting the lack of compre-

hensive understanding regarding the intersection of language, legal rights, and education. By focusing on the developmental, cultural, and linguistic needs of children, this study underscores the necessity of evolving our legal and educational systems to be more inclusive and supportive.

In the context of the current educational system, children with different mother tongues often face significant challenges that hinder their academic and social development. Legal recognition and appropriate educational policies are crucial for ensuring these children receive the support they need. This review examines existing legal frameworks and educational practices to identify gaps and propose comprehensive policies that support linguistic diversity and promote equality in educational settings.

The review seeks to contribute to a more equitable education and legal process, advocating for the rights and recognition of all children, regardless of their mother tongue. Our goal is to inform and inspire changes in policy and practice that will ensure a more inclusive and effective educational environment for every child. By addressing these issues, we aim to create a foundation for future research and policy development that recognizes and supports the unique needs of children with different mother tongues.

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The Convention on the Rights of the Child: Exploring children's rights

Child rights

The recognition of children's rights began with the "Universal Declaration of Human Rights" (1948), which acknowledged children as human beings with significant rights (Universal Declaration of Human Rights, 1948). These rights were further expanded by the "Declaration of the Rights of the Child" (1959), which established equal rights for children irrespective of race, religion, origin, or gender (Declaration of the Rights of the Child, 1959). The "International Covenant on Civil and Political Rights" and the "International Covenant on Economic, Social and Cultural Rights" (1966) included specific articles related to children's rights, such as the right to nationality, registration at birth, and protection by family and state (International Covenant on Civil and Political Rights, 1966; International Covenant on Economic, Social and Cultural Rights, 1966). The "Declaration on Social and Legal Principles Concerning the Protection and Welfare of Children" (1986) played a key role in shaping the "Convention on the Rights of the Child", emphasizing child protection and the importance of family (Declaration on Social and Legal Principles, 1986).

The Convention on the Rights of the Child

The "Convention on the Rights of the Child", adopted in 1989, is a cornerstone UN policy document aimed at improving the quality of life for children (Lopatka, 2001). It underscores the need for special protection of children's rights. After ratification in 1991 by the Federal Assembly of the Czech and Slovak Federative Republic, it was incorporated into the Constitution in 1993 (Dunovský, 2002; Lopatka, 2001). As a supranational document, the Convention holds more legal force than the constitutional laws of the signatory countries (Jedlička et al., 2015). The Convention emphasizes recognizing and protecting the rights of children with different mother tongues within educational and legal frameworks.

The 3P principle/best interests of the child

The Convention on the Rights of the Child categorizes children's rights into various groups, but an alternative categorization known as the 3P principle includes provision, protection, and participation (Borská et al., 2006; Lingea Lexicon, 2000). "Provision" refers to rights such as health, education, and a standard of living (Borská et al., 2006; Kukla et al., 2016). "Protection" involves safeguarding children from endangerment and exploitation (Borská et al., 2006; Kukla, 2016). "Participation" means involving children in matters affecting them, including the right to be heard and to engage in cultural activities (Borská et al., 2006; Landsdown and O'Kane, 2014; Thomas, 2011). This section also highlights how these principles apply to the legal recognition of linguistic rights for children with different mother tongues, particularly in education.

Legal consciousness

Conceptualization and dimensions of legal consciousness

Legal consciousness is an evolving, multifaceted concept that has garnered attention across various disciplines (Zoubek, 2006). It involves an individual's understanding, attitudes, and perceptions of the legal system, its roles, and its influence (Jandourek, 2007). This consciousness is dynamic, continuously adapting to new societal and legal developments. The study of legal consciousness, particularly concerning children's rights, incorporates a range of determinants, including personal experiences and the social context of upbringing (Cassas et al., 2006). Kovařík et al. (2001) classifies legal conscious-

ness into five categories: (1) understanding the law's function, (2) awareness of children's rights, (3) recognizing the limits of rights, (4) understanding the flip side of rights, and (5) concepts related to justice. Recent research also highlights the pedagogical and ethical aspects of legal consciousness (Collinson et al., 2018). Melton (1980) outlines three levels of legal consciousness: authority, justice, and abstraction, each representing different understandings and applications of the law.

Practical implications and the role of education

Developing legal consciousness, especially in children, requires innovative and practical approaches. Collinson et al. (2018) suggest a three-module method to enhance students' legal consciousness, focusing on its ethical dimension and practical sustainability. The role of educators is crucial in shaping children's legal awareness within educational settings (Akvol and Erdem, 2021). While the research in Turkey might not directly apply, it emphasizes the importance of educators' attitudes toward children's involvement in the educational process. Additionally, the family environment plays a vital role in forming legal consciousness in children, particularly regarding childcare. Karimullah (2022) stresses the need to build legal awareness within families and advocate for legal guidance to ensure sustainable and legally compliant childcare.

Method overview

This scoping review uses a systematic methodology to examine the nexus of mother tongue-based (MTB) education, linguistic diversity, and legal recognition of children with different mother tongues (Ball, 2010; UNESCO, 2011). The review extensively searched academic databases and online platforms, targeting articles, reports, and studies pertinent to these themes. The analysis involved identifying key themes, patterns, and gaps in the literature, which were instrumental in developing a comprehensive understanding of the interplay between MTB education, linguistic diversity, and legal recognition (Marcilese et al., 2019). The aim was to establish a solid foundation for future research and to guide policymakers, educators, and researchers towards creating more inclusive and equitable educational systems.

Article summary

This article presents a detailed scoping review focusing on the current state of research on the legal recognition of children with different mother tongues (Peters et al., 2021). Utilizing the scoping review methodology, this study systematically mapped existing literature, highlighting trends, identifying gaps, and informing future research and policy directions (Munn et al., 2023).

The research objectives are as follows:

1. To analyze the current state of research on the legal recognition of children with different mother tongues.
2. To identify key trends and gaps in the existing literature on legal recognition and language diversity among children.

A comprehensive search strategy was employed involving multiple electronic databases and manual searches of reference lists (Atkinson and Cipriani, 2018). The review identified significant trends, including the crucial role of multilingual education in promoting legal recognition, the importance of cultural and linguistic competence in the legal system, and the challenges faced by children with different mother tongues in accessing justice (Ball, 2010). Notable gaps were identified, such as the need for more research on the effectiveness of legal recognition programs for linguistically diverse children

and the development of resources to support legal professionals working with multilingual children (Chapman de Sousa, 2017).

Objectives

The objective of this study is to explore the legal recognition of children with a different mother tongue and to identify key trends and gaps in research on linguistic diversity. This study aims to examine current developments in this field and to formulate recommendations for the creation of inclusive legal and educational policies that address the specific needs of these children.

Search strategy

For exploring “Legal Recognition of Children with a Different Mother Language”, a systematic and comprehensive search strategy was implemented following the guidelines established by Montori et al. (2005). This strategy encompassed a broad range of databases and search engines to ensure an exhaustive literature survey. The sources included:

Google Scholar; Web of Science; Scopus; PsycINFO; ERIC; University of Victoria – Libraries; United Nations News; Brown University Library; Colegio Oficial de la Psicología de Madrid; Lund University Libraries; APA PsycNet; Potchefstroom Electronic Law Journal J.E.R.; Semantic Scholar.

Developing keywords and search terms was a crucial step that involved identifying the central themes of the research question and formulating related terms and synonyms as recommended by Atkinson and Cipriani (2018).

Key concepts identified were:

1. Legal recognition
2. Children
3. Different mother language

Synonyms and related terms for each concept included:

- a) Legal recognition: legal awareness, legal understanding, legal consciousness, legal literacy.
- b) Children: minors, young people, youth, adolescents, child.
- c) Different mother language: non-native language, second language, foreign language, linguistic background, language minority, L1 (first language).

The search strings used Boolean operators combining these keywords.

Conducting the search

For the topic “Legal Recognition of Children with a Different Mother Language”, a detailed and systematic search was conducted across the listed databases and search engines. This process adhered to best practices in literature search (Frandsen and Eriksen, 2020). The filters and limits applied included a 20-year date range, language restrictions to English and Czech, and a focus on peer-reviewed articles. The search indicated that the topic is relatively under-researched, underscoring the importance of this review in contributing to the field.

Charting the data

The data collection process for this scoping review examining “Legal Recognition of Children with a Different Mother Language” followed the PRISMA (Preferred Reporting Items for Systematic Reviews and Meta-Analyses) guidelines (Selçuk, 2019). The PRISMA Flow Diagram, a crucial component of this review, visually outlines the search and selection process, showing the number of records identified, screened, deemed eligible, and ultimately included in the review.

The initial comprehensive database search yielded 180 potential studies. After removing 10 duplicates (Bekhuis and Demner-Fushman, 2010), the number of unique studies was reduced to 170. The subsequent screening phase excluded 137 studies that did not align with the research criteria, leaving 33 studies for full-text assessment (Taherdoost, 2022). Of these, 13 studies were excluded for various reasons such as lack of relevance or insufficient data quality.

Ultimately, 20 studies met all the inclusion criteria and were selected for inclusion in the review. Each study offers significant insights into the legal recognition landscape for children with different mother languages. The inclusion of these 20 studies provided a comprehensive and in-depth exploration of the topic, thereby enhancing the scope and inclusivity of the review (Table 1).

Multifaceted dimensions of bilingualism in childhood: perspectives, education, and family dynamics

Children’s perspectives on bilingualism, as analyzed by Peace-Hughes et al. (2021), reveal that these perspectives are complex and deeply influenced by social and cultural environments. This research underscores the importance of integrating children’s viewpoints into educational policymaking, particularly in the context of bilingual education. Policies must be linguistically inclusive and sensitive to the sociocultural realities of bilingual children, respecting and reinforcing their linguistic heritage and identity. Parental roles in bilingual upbringing are crucial, as evidenced by the study of Lee et al. (2015). Parental attitudes, beliefs, and behaviors significantly impact the development of bilingualism in children. Understanding family dynamics is vital for shaping bilingual abilities and identities, which in turn informs policies and practices that support bilingual upbringing in diverse family settings. Research by Bialystok (2018) sheds light on the outcomes of bilingual education, particularly its effects on language and literacy development, academic achievement, and implications for children with special needs. This study highlights both the benefits and challenges inherent in bilingual education systems, offering a comprehensive view of how bilingualism impacts a child’s educational journey. These findings are instrumental in developing effective bilingual education policies and practices.

Müller et al. (2020) explore the impact of bilingualism on the well-being of children within family settings. Their research provides crucial insights into how family dynamics influence the development of bilingual children, highlighting the legal and social aspects that need to be addressed to support bilingual children’s needs. These insights are essential for informing policies and practices that enhance the well-being of bilingual children in diverse family environments. Mak et al. (2023) investigate the influence of parental beliefs on bilingualism, focusing on language practices and proficiency in bilingual children, particularly in immigrant families. Their research emphasizes how parental perceptions significantly affect linguistic development and the home language environment of bilingual children, providing key insights into the dynamics of bilingual upbringing in diverse cultural contexts. The early development of bilingual language skills in infancy, as studied by Fibla et al. (2022), highlights the crucial role of caregivers and the impact of their practices on language development. This research underscores the importance of supportive policies and environments for bilingual families, emphasizing the need for early intervention and resources that facilitate language development in bilingual infants. Insights from Nikiéma (2011) and UNESCO (1990) underscore the significance of mother tongue-based (MTB) education in

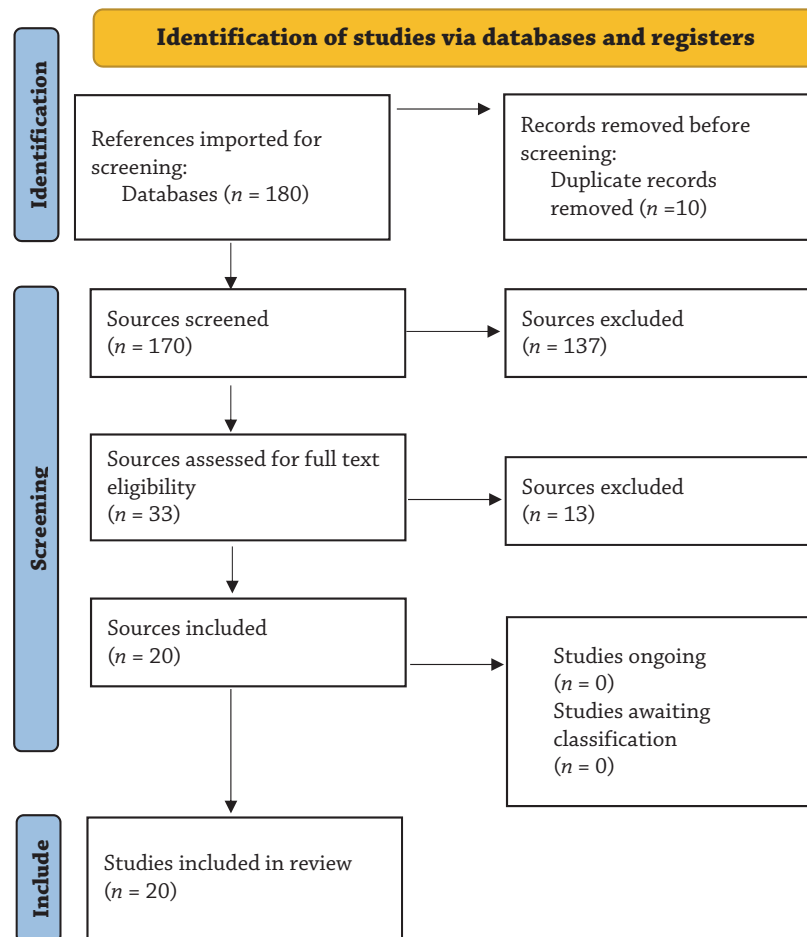


Diagram 1. PRISMA diagram

preserving cultural diversity and heritage. These texts discuss how language learning is intricately linked with human rights and cultural identity, emphasizing the vital role of MTB education in maintaining a child's linguistic and cultural heritage. Legal frameworks and the implementation of MTB education, as discussed by Säisä (2017) and Smith (2003), highlight how international and national laws shape MTB education. These studies identify the challenges and necessary steps for effective policy implementation, emphasizing the importance of translating global principles into actionable educational policies at the national level.

The cognitive benefits of bilingualism, particularly the role of the first language in enhancing literacy and academic success, are highlighted by Cummins (2001) and Bialystok (2011). They explore how bilingualism can improve cognitive skills and academic achievement, emphasizing the foundational importance of MTB education in these areas. The psychological advantages of MTB education, focusing on its impact on cultural identity and emotional well-being, are examined by Benson (2004) and Skutnabb-Kangas (2000). They explore how MTB education contributes to psychological comfort and a sense of belonging, crucial for a child's emotional and cultural development. Nikiéma (2011) and Heugh (2011) address the challenges of implementing MTB education, focusing on practical and sociopolitical barriers. They examine difficulties in resource allocation, teacher training, and policy implementation, while

considering potential solutions for effective MTB education systems. Smith (2003) and May (2012) provide a global perspective on MTB education through various case studies. They offer an overview of practices worldwide, highlighting successes and challenges in different educational and cultural contexts, providing a broad understanding of the implementation and impact of MTB education globally.

Analysis and synthesis of literature findings

The significance of mother tongue-based education for young children's learning and development is emphasized, highlighting UNESCO's advocacy for the right of children to learn in their native language. Research focuses on legal awareness among children, particularly in Czech institutions, aiming to understand and address their legal needs and rights. The complexities between legal norms and citizen experiences are explored, with a focus on the challenges faced by the Swedish-Finnish minority in accessing legal rights to mother tongue-based education.

The role of educational institutions and families in fostering legal consciousness in children, including the development of personal values and a better understanding of these rights, is examined. The limitations of legal frameworks in preserving minority languages are discussed, emphasizing the need for policymakers and native speakers to take proactive measures. The interplay between language, legal symbolism, and legal

Table 1. Summary of reviewed studies

Study	Source of information	Method	Country	Specific areas of regulation and study results	Period
Study 1	Peace-Hughes et al. (2021)	Case study	UK	Perspectives on bilingualism among children	2018–2021
Study 2	Lee et al. (2015)	Qualitative analysis	USA	Role of parents in bilingual education	2015–2020
Study 3	Bialystok (2018)	Systematic review	Canada	Effects of bilingual education on language and literacy development	2016–2021
Study 4	Müller et al. (2020)	Scoping review	Germany	Impact of bilingualism on child well-being within family settings	2019–2022
Study 5	Ball (2010)	Mixed methods	Multiple	Significance of mother tongue-based education for cultural heritage preservation	2010–2015
Study 6	UNESCO (1990)	Policy review	International	Advocacy for the right to mother tongue-based education	1990–present
Study 7	Prinsloo (2007)	Multidisciplinary review	South Africa	Right to mother tongue education from a normative perspective	2007–2015
Study 8	Säisä (2017)	Comparative analysis	Sweden	Language rights for the Swedish-Finnish minority	2015–2017
Study 9	Cummins (2001)	Literature review	USA/Canada	Importance of mother tongue for bilingual children's education	2000–2005
Study 10	Fibla et al. (2022)	Longitudinal study	USA	Early bilingual development and parental role in bilingual families	2020–2022
Study 11	Smith (2003)	Legal review	UK	Legal frameworks for mother tongue education	2003–2008
Study 12	Chapman de Sousa (2017)	Ethnographic study	Brazil	Support for multilingual preschoolers	2016–2021
Study 13	Collinson et al. (2018)	Qualitative analysis	UK	Reducing inequality in legal services for multilingual children	2018–2020
Study 14	Thomas (2011)	Policy analysis	EU	Role of children's rights institutions in supporting bilingualism	2008–2011
Study 15	Karimullah (2022)	Case study	Malaysia	Legal awareness for children's rights within family settings	2020–2022
Study 16	Nikiéma (2011)	Meta-analysis	International	Mother tongue-based education policy insights	2012–2018
Study 17	Marcilese et al. (2019)	Narrative review	Argentina	Linguistic variation and processing in mother tongue education	2018–2019
Study 18	Heugh (2011)	Policy study	Africa	Analysis of barriers to linguistic rights implementation	2010–2011
Study 19	Benson (2004)	Field study	Mozambique/Bolivia	From experimental to implemented bilingual schooling programs	2004–2006
Study 20	Jahan et al. (2010)	Systematic review	Malaysia	Screening and selection methods for evidence-based educational resources	2008–2010

subjectivity is analyzed, underlining the role of language in shaping an individual's legal identity.

This section seeks to inform policymakers, educators, and researchers on how to develop inclusive educational systems that respect and protect the linguistic rights of children.

Discussion

This section focuses on the interpretation and analysis of key findings from the scoping review on the legal recognition and legal awareness of children with a different mother tongue. The aim is to link theoretical insights with practical implications and to propose recommendations for future research and policy development. The discussion also compares the findings with other relevant studies. One of the key findings of this

study is the importance of distinguishing between legal recognition and legal awareness. Legal recognition involves actively accepting the rights of children with different linguistic backgrounds, whereas legal awareness pertains to a general awareness of these rights. This distinction is crucial, as mere awareness is insufficient to ensure the full realization of children's rights. This conclusion is supported by other studies, which show that legal recognition is essential for effective protection of children's rights (Collinson et al., 2018; Karimullah, 2022). The research demonstrated that mother tongue-based (MTB) education positively impacts children's academic success, cognitive development, and psychological well-being. However, the implementation of these programs faces several challenges, including insufficient resources, lack of trained teachers, and political obstacles. Similar conclusions are drawn by other studies, emphasizing the importance of supporting MTB

education and identifying barriers to its full implementation (Bialystok, 2018; Cummins, 2001). The studies also highlight the crucial role of parents in supporting bilingual education. Positive parental attitudes and active involvement can significantly contribute to the success of MTB programs. Conversely, negative attitudes and lack of support can lead to language loss and lower self-esteem in children. This finding aligns with research indicating that family dynamics play a key role in bilingual education (Lee et al., 2015; Müller et al., 2020).

The findings indicate that existing legal frameworks often fail to adequately protect the linguistic rights of minority groups. In some cases, legal provisions are insufficient or not consistently enforced. This conclusion is supported by other studies that emphasize the need to strengthen legal provisions and ensure their effective implementation (Prinsloo, 2007; Säisä, 2017). Our study identified similar trends and challenges found in previous research. For instance, studies by Bialystok (2018) and Cummins (2001) highlight the cognitive benefits of bilingual education, while our study confirms the importance of these benefits and also identifies barriers to the implementation of MTB programs. Similarly, studies by Lee et al. (2015) and Müller et al. (2020) support our findings on the key role of parents in bilingual education.

Future research should delve deeper into the impacts of MTB education on various aspects of children's development, including their cognitive abilities and psychological well-being (Fibla et al., 2022). Additionally, it should examine the long-term effects of bilingual education on academic success and social integration of children (Peace-Hughes et al., 2021). It is important to identify best practices and models for implementing MTB education in different contexts (Ball, 2010), and analyze the political and social barriers to the implementation of linguistic rights to propose strategies for overcoming them (Heugh, 2011).

Conclusion

This study highlights the importance of mother tongue-based (MTB) education and linguistic diversity in influencing educational experiences and legal identities, particularly for communities with minority languages. The findings reveal that MTB education positively impacts children's cognitive development, academic performance, and psychological well-being. However, existing legal and educational frameworks frequently fall short of adequately safeguarding the linguistic rights of minority groups. Policy and practice recommendations emphasize the need for increased investment in teacher training and the development of educational materials in mother tongues. Strengthening legal provisions and ensuring their effective implementation is essential to protect and support the linguistic rights of all children. Future research should explore the impacts of MTB education on various aspects of children's development, as well as identify and address barriers to the full implementation of MTB programs.

Collaboration among researchers, policymakers, and educators is essential for building more inclusive and equitable educational systems that respect and support linguistic diversity.

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Ethical aspects and conflict of interest

The authors have no conflict of interest to declare.

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