

## **Escaping the dilemma of minority students and parents. Notes on the importance of quality assurance in educational rights advocacy in the case of linguistic minorities**

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My broad and general argument is that quality assurance in education should be of central concern in minority rights advocacy. From this perspective, empirical research focusing on education, such as student assessment and the empirical analysis of educational inequalities should be considered as relevant from the perspective of both minority and human rights. Without making use of such empirical inquiries, the protection of the educational rights of ethnic or linguistic minorities remains rather vague and under-informed.

It is also important that we approach the issue in a contextual manner. Consequently, I wish to emphasize that in this short contribution I focus only on certain minorities. Dichotomies - such as small and large, new and old or dispersed and territorially concentrated - are less useful to define the minorities that I deal with. For my argument the institutional and internal legal settings are more important: I refer only to minorities that 1. enjoy the possibility of native-language education, as domestic (national) legislation guarantees this right to them and 2. The educational system in respective countries is truly multilingual. It is also important that I refer here only to state-financed public education and not to private educational institutions.

My home country and primal area of investigation, Romania fulfills the criteria outlined above. The 2011 Education Law guarantees the right of national minorities to native-language education. In case of certain minorities, most importantly Transylvanian Hungarians, an extended native-language educational (sub)system exists. Further examples are:

- Belgium (with a German-language system next to the Dutch and French ones),
- Switzerland (with education systems in French, German and Italian),
- Finland (with a Swedish-language system),
- the United Kingdom (with Gaelic-language education),
- Spain (with education in Basque and Catalan languages),
- Moldova, Latvia, Estonia (with Russian-language education),
- Lithuania (with Polish and Russian languages),
- Slovakia and Serbia (with Hungarian-language education).

In such settings a paradoxical situation may arise if minority-language education exists but is (or is perceived as being) of significantly lower quality compared to the majority-language system. I argue that such a situation may lead to what I call the *dilemma of minority parents and students*.

The situation arises from the fact that minority-language education has always two distinct functions and these functions may come to be at odds in certain (unfortunate) situations:

- On the one hand, minority-language education serves language preservation and the reproduction of speech communities. On the contrary, majority-language education is a channel of linguistic acculturation of minority students and shift towards majority-language use.

- On the other hand, education is the most important channel of (individual) social mobility and status reproduction. It is the most important factor defining life chances and labor market opportunities in all modern societies.

The dilemma arises when:

- (1) Minority parents prefer education in the vernacular and linguistic reproduction instead of education in the majority language and linguistic assimilation,
- (2) The minority-language educational system exists, but it is of lower quality than the majority-language system.

If minority parents prefer majority-language education and/or minority-language education is not of lower quality, then the dilemma (and the problem addressed in my intervention) does not exist.

My argument is very simple: the dilemma of minority parents is not only an interesting phenomenon that social scientists should analyse, but it is also quite problematic from a human rights perspective. One cannot deduce from international law any obligation for states to maintain a wholesale system of education in the vernacular languages of their minorities. Still, a number of states decide to do so because of their philosophy of diversity management or due to compromises reached by minority and majority political actors. I argue that once a state had decided to guarantee minority-language education and to institutionalize a multilingual educational system, the state should also undertake efforts towards solving the dilemma of minority parents and students. In such cases failing to provide equal resources for minority-language education or equal chances for minority students is nothing else than discrimination, and it is discrimination not because international law would oblige states to provide resources for minority-language education but because they themselves had decided to do so. From a sociological perspective the problem is that existing but significantly lower quality minority language education leads to the marginalization of students who are enrolled in it.

According to this way of argumentation the following aspects should be regarded as discrimination (within case the legal-institutional context described above):

- If students learning in minority languages end up with lower quality or fewer manuals and other educational materials
- If minority-language schools are less well equipped
- If in mixed schools (where both majority- and minority-language classes or groups exist) the minority-language classes are assigned lower quality buildings or less well-equipped classrooms
- If the number of teaching personnel is lower than necessary or if they are less well-trained
- If minority students systematically achieve lower performances in student assessment programs
- If minority students are not provided with satisfactory opportunities to learn the majority language (which is also an important factor shaping labour market opportunities).

Regarding the last aspect, prejudices that members of minorities “do not want” to learn the majority language are rather widespread among majority populations. This is the case of my own minority community two, where it is often emphasized even by social scientists that Hungarians do not want to learn Romanian in spite of fact that numerous representative sociological surveys have proved

that there is a quasi-consensus among ethnic Hungarian parents, teachers and policy makers that ethnic Hungarian children should learn the Romanian language.

I would also like to emphasize that our research group based in Cluj is engaged in an empirical research project aiming not only to describe the current situation in Romania, but also to elaborate certain well defined indicators through which the dilemma of minority parents can be better understood.

My example of best practices is connected to the PISA competence evaluation (Programme for International Student Assessment), which could also be used for this purpose if properly designed (at national level). In the PISA studies students are tested in their language of education and it is a matter of sample design (primarily size) whether the performance of minority students can be analysed properly.

**Tabel 1. Linguistic minorities tested in their native languages in the PISA 2012 data**

Sample type	Countries/linguistic communities	Total number of 15 year old students*	Number of students who had been tested
Standardised subsample for minorities	Belgium – Germans	625	577
	Italy – Germans	3915	1495
	Switzerland – Italians	2493	325
	Spain – Basque speakers	3699	1123
	United Kingdom – Gaelic speakers	3863	411
	Finland – Swedes	3647	1469
No special standard subsamples, but more than 500 students tested	Latvia – Russian speakers	2280	904
	Estonia – Russian speakers	1696	715
	Republic of Moldova – Russian speakers**	5272	988
No special standard subsamples; under 500 students tested	Lithuania – Russian speakers	1250	180
	- Poles	1539	180
	<b>Romania – Hungarians</b>	<b>7033</b>	<b>227</b>
	Serbia – Hungarians	816	54
	Slovakia – Hungarians	3686	313

In some cases, such as in Italy, Belgium, Switzerland, Spain, United Kingdom and Finland, separate representative subsamples are drawn from the population of students studying in minority languages. In Belgium for instance virtually all German-language students are tested. Conversely, in other cases, such as in Lithuania, Romania, Serbia and Slovakia, there are no such efforts. As a consequence, in case of the largest minority-language student group in Europe, namely that of Transylvanian Hungarians, there is no possibility to analyse school performances in a proper way.

One might also note a close correlation between the resources invested in quality assurance and the extent to which the opportunities of minorities to exercise control over (their own) educational issues are institutionalized/formalized (e.g. forms of educational autonomy). But this could be the

topic of another intervention. Now I would only like to emphasize that in order to effectively protect the human rights of minority students and parents, both educational policies and minority rights advocacy should rely more on empirical research about minority-language education and should monitor systematically inequalities in the quality of education provided for minority and majority students.