

**European Regional Forum on Education, Language and the Human Rights of Minorities,  
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**Panel 1: Human Rights and minority language education**

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The Framework Convention for the Protection of National Minorities (FCNM) is the only comprehensive legally binding multilateral instrument in the area of the protection of national minorities that is an integral part of the international protection of human rights (Article 1). A strong consensus is expressed among experts that its implementation expands on a broad range of other international human rights instruments inextricably linked with the topic of the Forum.

The FCNM goes far beyond the prohibition of discrimination as a legal basis evoked by a number of the UN Committees, making extensive references to States' positive obligations in the realm of: minority language use in private and in public and display of information in the minority language (Articles 10 and 11); recognition of surnames and first names in minority language (Article 11); the use of minority language before administrative authorities and display of bilingual topographical indications in the minority language in areas inhabited by national minorities "traditionally" or "in substantial numbers" (Articles 10 and 11); fostering of knowledge of the culture, history, language and religion of both majority and minorities (Article 12); recognition of the rights of minorities to set up and manage their educational institutions and learn their language (Articles 13 and 14); teaching minority language in areas traditionally inhabited by national minorities or where they reside in "substantial numbers" (Article 14). Nevertheless, the educational right of persons belonging to national minorities to be taught the minority language or receive instruction in this language should not prejudice the learning and teaching of the official language of the State (Article 14 (3)). Focus being made on the purpose of integration and equal opportunities in a cohesive society, the role of the official language cannot be overlooked.

Equal access to education is judged to hinge upon the effective implementation of the general equality provisions and prohibition of discrimination (Article 4), including the positive measures (Article 4(3)). The role of education in promoting a spirit of tolerance and intercultural dialogue of the Framework Convention (Article 6) in the field of minority education should be reiterated, in this context.

By ratifying the Framework Convention, States Parties concur to "*promote the conditions necessary for persons belonging to national minorities to maintain and develop their culture and to preserve the essential elements of their identity*", including language.

Human rights obligations are to be used supporting claims to education in a minority language or teaching of a minority language while the Convention's provisions have to be implemented in good faith (Article 2 FCNM) and in manner that allows for an effective protection of national minorities and of the rights and freedoms of persons belonging to those minorities (Preamble FCNM).

The jurisprudence of the FCNM Advisory Committee that counts over two decades places a special emphasis on the respect of the right to education as well as linguistic rights of persons belonging to national minorities. The Thematic work of the AC focuses specifically on the above-mentioned dimensions in its first and third Commentaries and it is an honour and a benefit of this gathering to have the authors and those who have been contributing to the dissemination and implementation of the recommendations of this comprehensive „body of knowledge” among the participants and speakers.

The Thematic commentaries of the AC FCNM are addressing the authorities, decision-makers, minority representatives, public officials, non-governmental organisations, academics and other relevant stakeholders. Their needs and aspirations may vary and should be constantly assessed and accommodated to the extent possible.

The perspective pursued by the Advisory Committee in its work touches upon a broad understanding of the rights to and in education. No other issue is given such space in the Framework Convention, with three specific provisions (out of sixteen operative provisions in its Section II), Articles 12-14, as well as explicit references to education in general provisions concerning equality and intercultural dialogue (Article 6) as reflected in the AC FCNM Thematic Commentary on Education.

Given the challenges that the implementation of the provisions may face as an issue arising on numerous occasions in the context of the monitoring work done by the AC FCNM as well as at the practical level, the interpretation and sharing of good practices are considered an important issue for minority language promotion and use.

Attention should also be offered to the *State Reports and AC FCNM Opinions* that include a broad spectrum of approaches, tools and solutions developed and used which could be regarded as good practices while proving their effectiveness, efficiency and sustainability. The reports provided by the States Parties to the Convention (in accordance with the Articles 24-26 of the FCNM), do refer extensively to promotion of intercultural perspective of education; teacher training and accessibility of learning and teaching materials as well as equal opportunities for access to education at all levels for persons belonging to national minorities (Article 12).

The progress, evolution of the particular situations at the national and regional levels as well as challenges faced by the States in their desire to adopt and implement pragmatic solutions, on one hand, and minority communities addressing their specific needs for full and effective enjoyment of rights they are entitled to, on the other hand, determine the developments in this domain. The obligation of the States to use the field of education not only to ensure the right of persons belonging to minorities to learn their minority languages (Article 14) contributes to mutual understanding and interaction between different groups in society and adds to the cohesion and dialogue strengthening. It is an evidence-based argument that multilingual approach taken in some contexts leads to significant benefits for the individuals and it contributes to intercultural comprehension and co-operation.

Yet, the instances of high illiteracy rates, low enrolment, high drop-out rates, school exclusion, underrepresentation in secondary and higher education, segregation practices addressing some minority groups outline a need for a more thorough and pro-active approach on behalf of the parties concerned and have always risen particular concerns of the AC FCNM.

These reoccurring issues should be addressed comprehensively both at the policy planning level as well as during the implementation of such policies. Special attention must be paid to the languages of numerically smaller minorities, such as those of indigenous groups, while their languages are often particularly threatened. States should also consider extending guarantees to geographically dispersed minorities and their languages, such as Romani. Particular weaknesses in the offer of minority language education are often observed at pre-school as well as at secondary school levels. Lack of incentives or insufficient possibilities at pre-school, secondary or higher level can seriously reduce the attractiveness of minority language learning. Particular problems may be encountered as regards opportunities for minority language learning, including the insufficient number of teaching hours, high numerical thresholds for establishing minority language classes, lack of teachers and teaching or learning materials, or insufficient availability of classes due to administrative reforms or optimisations (AC FCNM Thematic Commentary on the language rights of persons belonging to national minorities under the Framework Convention).

While the contexts, legal framework, peculiarities of the societies differ greatly in the region, but also in the world, there is no formal or closed list of recommendations that could be replicated in all the cases and circumstances.

Still, open and inclusive approach to minority languages in education prompts their protection and promotion in formal and informal education and has been recommended as an effective intervention. More should be done to create synergies among the monitoring mechanisms of the Council of Europe to reinforce the taken stands and facilitate the transposition of good practices ensuring durable progresses. There is also more room for joint work of the academia, legal experts, civil society organisations, international and inter-governmental organisations in order to harness cooperation and address the emerging challenges.