THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATION

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Abstract

The European Charter for regional or minority languages was adopted under the auspices of the Council of Europe on the 5th of November 1992 in Strasbourg and became effective on the 1st of March 1998. Romania signed the Charter on the 17th of July 1995 and ratified it by means of law 287/2007.

The regional or minority languages include the languages traditionally used in a certain area of a state by the citizens of that state which form a group numerically inferior to the rest of the state population and which are different from the official language or languages of the respective state. The phrase mentioned above does not refer to the dialects of the state's official language or to the languages used by immigrants.

In this article we have tried to identify the way in which the right to education in one's mother tongue is applied based on the provisions of the Charter and on the internal legislation, as well as its instruments. Also, we analyzed the main difficulties that one is confronted with in practice and we suggested a series of measures for the improvement of the institutional practices with regard to the right of the minorities from Romania to study in their mother tongue. The observance of this right necessarily assumes the creation of certain conditions for a proper development of the didactic process starting with the number of hours allocated, the proficiency of the didactic staff or of the handbooks.

Keywords:

education, minorities, language, right, regional

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ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
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Foreword

Romania does not have a law of the national minorities like other states do. In spite of this fact, although it is very difficult to elaborate a definition of the national minorities, we can still use the one offered by the bill of national minorities according to which: "A national minority is any community of Romanian citizens living on the territory of Romania from the moment the modern state was established, numerically inferior to the majority population, having their own ethnic identity, expressed by means of culture, language or religion which they want to preserve, promote and express. The people belonging to the national minorities are Romanian citizens expressing free and unhindered the affiliation to national community or minors whose parents or legal tutors declared this affiliation in accordance with the law".

The national minorities from Romania are the following communities: Albanese, Armenian, Bulgarian, Czech, Croatian, Greek, Jewish, German, Italian, Macedonian, Hungarian, Polish, Russian-Lippovan, Roma, Ruthenian, Serbian, Slovak, Tartar, Turkish, Ukrainian.

In our opinion the delay to adopt the status of the national minorities, especially after the request of the United Nations addressed to Romania in respect to this matter is wrong.

Chapter 2, section 1 of the paper refers to the process of education in the languages of the minorities and includes provisions from the Constitution of Romania and from the Law of Education. Next, we will present and assess these provisions. Moreover, we would like to mention that Romania signed and ratified the European Charter for Regional or Minority Languages. At the legislative level, Romania has to adopt a status of the minorities. We can say that, however, in spite of this, we have a legislative background capable of protecting one's right to study in one's minority mother tongue.

The principles of the charter

The principles on which the parties have agreed to base their policies regarding the regional or minority languages are provided by article 7 of the Charter and are as follows:

1. the recognition of the regional or minority languages as an expression of cultural wealth;

2. the respect of the geographical area of each regional or minority language in order to ensure that existing or new administrative divisions do not constitute an obstacle to the promotion of the regional or minority language in question;

3. the need for resolute action to promote regional or minority languages in order to safeguard them;

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

4. the facilitation and/or encouragement of the use of regional or minority languages, in speech and writing, in public and private life;

5. the maintenance and development of links, in the fields covered by this Charter, between groups using a regional or minority language and other groups in the State employing a language used in identical or similar form, as well as the establishment of cultural relations with other groups in the State using different languages;

6. the provision of appropriate forms and means for the teaching and study of regional or minority languages at all appropriate stages;

7. the provision of facilities enabling non-speakers of a regional or minority language living in the area where it is used to learn it if they so desire;

8. the promotion of study and research on regional or minority languages at universities or equivalent institutions;

9. the promotion of appropriate types of transnational exchanges, in the fields covered by this Charter, for regional or minority languages used in identical or similar form in two or more States.

The regional and minority languages include the languages traditionally used in a certain area of a state by the citizens of that state which form a group numerically inferior to the rest of the state population and which are different from the official language or languages of the respective state. The phrase "regional or minority languages" mentioned above does not refer to the dialects of the state's official language or to the languages used by immigrants. The "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this European Charter for Regional or Minority Languages.

Another term explained by the same Charter is "non-territorial languages" which refers to the languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

The regulation of the regional or minority languages use in the romanian system of education.

1. The provisions of the charter

Article 8 of the Charter refers to the way in which the principles enumerated in the previous section are reflected in the field of education. Thus, the Parties undertake, without prejudice to the teaching of the official languages of the state, to observe the following directions:

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

1. To make available pre-school / primary / secondary / technical / vocational / university education or a substantial part of the pre-school/primary/secondary/technical/vocational/university education in the relevant regional or minority languages, or to give this opportunity at least to those pupils whose families so request;

2. to arrange for the provision of adult and continuing education courses which are taught mainly or wholly in the regional or minority languages or to offer such languages as subjects of adult and continuing education or if the public authorities have no direct competence in the field of adult education, to favour and/or encourage the offering of such languages as subjects of adult and continuing education;

3. to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language;

4. to provide the basic and further training of the teachers required to implement those of paragraphs enumerated;

5. to set up a supervisory body or bodies responsible for monitoring the measures taken and progress achieved in establishing or developing the teaching of regional or minority languages and for drawing up periodic reports of their findings, which will be made public.

Internal legislation regulations

„The right of the people belonging to the national minorities to learn their mother tongue and the right to study in this language" is guaranteed by article 32, paragraph 3 from the Constitution of Romania. According to article 8, paragraph 2 from the Law of education no. 84 from 1995 "in each locality there must be units of education and study communities that use both the Romanian language and the mother tongue of the national minorities as educational languages, or one must be ensured to study in one's mother tongue in the nearest locality possible"[1].

Chapter 12 from the Law of Education entitled Education for the people belonging to the national minorities brings under regulation the following:

1.the right to study in the mother tongue at all levels, forms and types of education;

2. the teaching of the Romanian language and literature, of the History and Geography of Romania in the pre-university education;

3. the teaching of the History and customs of the national minorities;

4. the teaching of the Language and literature in the mother tongue as well as of the History and customs of the national minority in case of the

[1] http://www.dri.gov.ro/documents/carta_elrm_2009.pdf

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

children belonging to the national minorities who study in units of educations that use the Romanian language as teaching language;

5. the obligation to teach the special subjects from the public system of education from the arts and crafts schools, the completing year, as well as in high-school and the after high-school special education in the mother tongue;

6. the conditions for the organization of groups, cathedras, colleges and faculties that use the languages of the national minorities as teaching languages in the public university educational system;

7. the possibility to take the admission and graduation exam test in the mother tongue;

8. the specialization of didactic personnel in the mother tongue;

9. the provision of the handbooks and of other didactic material in the teaching language;

10. the representation of the members of the didactic staff belonging to minorities in the leading committees of the units and institutions of education which include groups, classrooms or departments which use the languages of the national minorities as teaching languages.

Besides the aspects brought under regulation in Chapter 12, the education for the people belonging to national minorities is further referred to in other articles of the law.

3. The role of the general department of education in the languages of the minorities and the relationship with the parliament within the ministry of education, research, of youth and sports

An important role in the protection of the national minorities' right to education in their mother tongue in Romania is played by the General Direction of Education in the Languages of the Minorities and the Relationship with the Parliament with the Ministry of Education, Research, Youth and Sports. The purpose of this department is the accomplishment of certain objectives regarded as primary for the present system of education, such as:

1. to take steps to ensure the leveling of the quality of education for the minorities by following the proficiency markers of the countries from the European Union;

2. to ensure the real access to different forms and types of education for minorities to all the children and young people belonging to the national minorities;

3. to guarantee equal chances to education;

4. the acquitting of the basic know-how for the support of the languages and cultures of the minorities that live in Romania;

5. the permanent update of the school curriculums, taking into account the needs specific to each national minority

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

6. continuous programs of training and formation for the didactic personnel who have to ensure a formative evaluation process and organize the exams based on the proficiency marker.

7. the reorganization of the school education network regarding the national minorities;

8. the obligation to ensure a proper endowment of the education units (books in the libraries from the public system of education, textbooks, means of education, etc.);

9. the elaboration and implementation of education protection and support projects or programs dedicated to the students belonging to the minorities groups, and especially to the Roma students.

The General Department for Education in Mother Tongue the Relation with the Parliament and Unions has to take steps in the following directions:

1. The organization of education in the mother tongue at all levels and types of education and the teaching of the mother tongue in schools which use the Romanian language or any other language different from the mother tongue as teaching language upon request; the establishment of an adequate management environment, proper for the development of the specific activity; the organization of the guidance and control actions in the schools units with mother tongue teaching or with partial mother tongue teaching; the teaching and management personnel must have access to specialized training; the establishment of an informational network for all the partners interested in the policies of education dedicated to the national minorities; the establishment of the specialized continuous training programs for the didactic personnel who teach in the mother tongues, as well as for the auxiliary didactic staff-librarians working in the public system of pre-university education[1].

The General Department for Education in Mother Tongue the Relation with the Parliament and Unions coordinates the way in which the development and reform strategy is applied with regard to the education system dedicated to the national minorities, the operational projects of the pre-university education reform for the reference field, the libraries from the public system of education regarding the appointment of the specialized personnel, the specialized education, the initial and continuous training of the didactic staff from the system of education dedicated to minorities and of the didactic staff appointed in libraries, the relationship of the institution with Romania's Parliament.

The Department is assisted by all the other general departments, directions, services and divisions which are part of the ministry, as well as by all the ministries, governmental and non-governmental organizations, by professional associations that take steps in the promotion of education for the national minorities; by the Parliament of Romania; by the unions of the national minorities from Romania; by the representatives of the embassies which are

[1] http://www.edu.ro/index.php/articles/11900

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

interested in the promotion of education for the national minorities on the basis of the bilateral agreements; by all the general departments, departments, services and divisions which are part of the ministry, as well as by other ministries, professional associations regarding the libraries from the public system of education;

Moreover, among the responsibilities of the department are those of legalization, approving and elaboration of various materials. Thus, it legalizes all the documents regarding the necessity to train the didactic personnel who work in the mother tongue teaching education system; the documents regarding the management of the educational institutions with mother tongue teaching; the documents obtained after participating in certain training sessions organized in the countries where the languages of the minorities from Romania are official languages; the school curriculums for the education destined to the national minorities; legislative bills regarding the education for minorities; the budget for the organization of the training programs for the didactic personnel working in the pre-university education system for minorities; the budgets for the organization of the training programs for the auxiliary didactic staff- librarians from the libraries in the pre-university system of education; the auxiliary didactic materials used in the education with teaching in the mother tongues of the national minorities; the fidelity of the translation of the textbooks with the support of the unions of the national minorities from Romania; the textbooks written in the languages of the mother tongues of the national minorities; the budget for the organization and development of the specific activities: school Olympiads, national contests, intern and extern travelling, etc; regulations, directives and methodologies regarding the pre-university education and especially the documents that bring under regulation the education with teaching in the mother tongues of the national minorities, namely the system of education for minorities; the legislative bills regarding the organization and activity of the libraries from the network of the ministry; it refers to the legislative bills elaborated by other ministries or central institutions in so far as they are related to the network of libraries from the education system; the methodologies, regulations, and directives regarding the activity of the libraries from the system of education.

Also, the Department decides weather to approve the answers to the letters received by the general department; the methodology and the guidance and control regulation; the schedule of travels, etc and participates in the elaboration of the budget for the organization and development of the specific activities: school Olympiads, national contests, intern and extern travelling, etc; it also deals with the strategy elements in the field of activity, with notes, reports, syntheses and other papers regarding the activity of the general direction and of the two sub-units.

The Department analyzes and is responsible of the organization, coordination and monitoring of the quality of education destined to the national

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

minorities; of the training and proficiency of the didactic personnel working in the system of education with teaching in the mother tongues of the national minorities; of the training and proficiency of the auxiliary didactic staff-librarians from the pre-university education; of the activity of the specialists it operates; of the elaboration of the reports regarding the responsibilities of the general department.

By analyzing the field of activity and the responsibilities of the Department we observe that this institution represents the main instrument of application of the provisions of the Charter and of the internal legislation with regard to the minority or regional languages.

3. Problems in the application of the charter and of the internal regulations

According to the census from 2002 mentioned by the Report of monitoring and implementation of the European Charter for regional or minority languages, the chapter of education (Kovacs, (2009), : 34) at that time there were 484 people who spoke Albanian as their mother tongue, 721 Armenians, 4170 Greeks, 951 people who spoke the Jewish language, 2531 Italians, 588 Macedonians, 2690 Poles, 237570 who spoke Romani as their mother tongue, 169 Ruthenians, 21272 Tartars.

The report we have mentioned shows a special situation which appeared, in the field of education, in case of the people who spoke Armenian, Greek and Polish. Thus, the General Department for Education in Mother Tongue the Relation with the Parliament and Unions within the Ministry of Education and Research, Youth and Sports deals with the organization and curriculums of education with teaching in the mother tongues of the Hungarian, German, Czech, Serbian, Slovakian and Ukrainian minorities, with the teaching of the language and literature in the mother tongue of the minorities in schools which use the Romanian language or any other language as teaching language: Bulgarian, Czech, Croatian, Serbian, Ukrainian, Russian, Turkish, Tartar, Hungarian, German, Slovakian, with the partial teaching in the mother tongue (teaching of other subjects in the mother tongue besides the Language and literature in the mother tongue and the History and Customs of the national minorities): Croatian, Turkish, and with the protection and support of the Roma children. Thus, we can observe the absence of the Armenian, Greek and Polish language.

According to the report quoted above, the most frequent obstacles in the way of ensuring the access to education in the mother tongue for the national minorities from Romanian are in great number. Consequently, not all the minorities benefit from a curriculum for the History and Customs of the minority (for example the case of the Bulgarian minority). Also, although in the

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

majority of the public or private superior education institutions there are directions of study in the language of the minorities, this is not valid for all the ethnic groups from Romania. Therefore, it is very important that we encourage the professional exchanges and the exchanges of didactic personnel with the mother countries of the national minorities. Also, we mention that there were cases when classrooms with teaching in a certain mother tongue were dissolved due to the reduced number of students. We believe that this action may be regarded as an action that trespasses one's right to education in one's mother tongue.

We believe that the quality of the education in the mother tongues of the national minorities has to be necessarily improved: starting with the quality of the textbooks, the number of study hours stipulated in the curriculum and continuing with the quality of the process of education and of the didactic personnel. The alternative handbooks exist only in case of the minorities with a great number of members. The same is the case with the endowment of the libraries.

The main problems that had been identified by the various institutional actors, experts in the implementation of the legislation regarding the system of education, refer especially to the lack of the adequate translations from Romanian to the languages of the minorities. The problem of translations extends over a wide domain, from the translation of the textbooks required in the educational institutions until the lack of the translation of the municipal and local councils' decisions. (Salat, (2008): 165)

Conclusions and recommendations

The right to education is a fundamental right of man, as stipulated by the Universal Declaration of Human Rights. The education is the one that shapes the life of the individual, the one which opens new opportunities of understanding, knowledge and self-assurance. For the ones who speak a minority or regional language in a state, the education in their respective mother tongue establishes a communicating bridge with the traditions, history and language of the community to which they belong. Besides the official language of the state in which they live and whose citizens they are, the right to have access to education in the mother tongue is fundamental.

The European Charter for regional or minority languages, the Constitution of Romania, the Law of Education and other legislative bills guarantee this right to the minorities from our country.

As there is a wide gap between theory and practice, we have tried to point out the main problems with which Romania is confronted after analyzing the legislative background. We continue to affirm the necessity to adopt a status of the minorities and we believe that the activity of the ethnic groups and of the

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

non-government organizations is also extremely important by means of the organization of camps, of the support offered for the endowment of the libraries, for the renovation of schools, etc.

Practically, the ratification of the Charter did not bring any new important things in the regulation of education in the regional or minority languages from Romania. This ratification is rather an international manifestation of certain principles that were included in the internal legislation and which is able to confer a higher level of protection of the national minorities' rights.

Our recommendation is an active correlation between the actions performed by the institutions of the state and those performed by non-governmental organizations, the study of The European Charter for regional or minority languages by the institutions involved in the process of education, the valorization of the minority customs and languages, as well as a politics of encouragement of the authors who write handbooks in the minority languages.

We believe that a reorganization of the institutional framework which refers to the protection of the right to education in the mother tongue is necessary by means of the establishment of new institutions able to co-operate for maintaining this right in case of all the minorities in our country and not only in case of the so-called big minorities.

ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010

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ETRARU, R., (2010) THE APPLICATION OF THE EUROPEAN CHARTER FOR REGIONAL OR MINORITY LANGUAGES IN ROMANIA IN THE FIELD OF EDUCATIO
n Jurnalul de Studii Juridice, Anul V, Nr. 3-4/2010