Minority Issues in Europe:
New Ideas and Approaches

Volume 2

Tove H. Malloy / Caitlin Boulter (eds.)

Frank & Timme

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Edited by

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Acknowledgements

The second volume of this textbook series demonstrates the expanding scope that the teaching of the research team at the European Centre for Minority Issues (ECMI) has covered since the first textbook volume was published. The first volume, which covered the disciplines of law, history, political science and policy analysis, was very well received by both students and readers around Europe. Most of all, it has proved invaluable to our teaching of the MA course titled "The European Minority Rights and Protection Regime" at the Europa-Universität Flensburg. As we developed new research portfolios and added new members to the team, we were able to offer both different approaches and diverse perspectives to the curricula. The new topics have been incorporated into our teaching by alternating themes from semester to semester while maintaining the core and essential topics. This led us to prepare a second volume of the textbook to support this new approach. In this volume, we present chapters based on disciplines such as sociology, cultural anthropology, educational sciences and political psychology as well as new topics, such as gender equality, empowerment, media, and populism. Together with the first volume, we hope that this volume will assist our students as well as a broader circle of interested readers in better understanding the complex field of minority issues in Europe.

The co-editors of this volume would like to thank again first and foremost our colleagues who have contributed to this volume, both those at ECMI and close colleagues from other European institutions involved in minority research. We acknowledge the work of Raul Cârstocea in fostering the earliest stages of this book. Thank you also to Elisabeth Brennen, who has assisted with the language editing and proof reading of the contributions, and to David Gunther for his assistance in editing the chapter "Minorities and News Media in Europe: Symbols, Stigma and Stories". We also would like to extend our thanks to Brill Publishers of the Netherlands for permitting us to use the chapter, "Standards To Eliminate Compounded Discrimination: The Case Of The Intersectionality Of 'Minorities Within Minorities' Or, Why Universal Legal Standards Must Engage With The Concept Of Culture" (from Kristin Henrard, ed., *Double Standards Pertaining to Minority Protection*) and reprint it as "Women in Minorities: 'Minorities within Minorities' and Intersectionality."

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Flensburg, February 2019   Tove H. Malloy
                                                                   Caitlin Boulter

Introduction

Tove H. Malloy and Caitlin Boulter

The Aim of the Book

This book seeks to expand the field of traditional minority studies presented in Volume I with new ideas, approaches, and perspectives selected from recent research and presented by young scholars in the field. Thus, it represents some of the latest research elaborated in the field and it welcomes new, fresh voices. It also expands the field by delivering input from disciplines not usually included or accepted in the field of minority studies, such as sociology of education, media studies, and political psychology. In this way, the book complements but also expands upon the multi-disciplinary approach applied in the first volume. It sets the bar higher by addressing new topics that have emerged as a result of the post-liberal influence on societal integration, such as mass migration waves and the rise in populism, or the need to connect traditional minority protection with the need for protection of newcomers. The field of minority studies is experiencing a healthy growth in attention and sensitivity towards current political and social issues that provides for new trends in scientific approaches. The aim of the book is, therefore, to equip advanced students already familiar with minority studies with new ideas and tools to understand and analyse contemporary phenomena.

Minorities as Actors and Agents of Change

A major concern in this book is the inability of many scholars to see members of minority groups as actors in their own right. Most of the literature on minority rights and protection sees minority issues and politics through the lens of paternalism, in the sense of exerting control over minority groups through legislation and the institutionalisation of their existence and participation in public affairs. This view assumes that members of minority groups are objects in need of directional guidance through law and policy, rather than subjects of common societal integration processes through individual and collective au-

tonomy. Members of minorities are, therefore, not seen as actors directing their own fate through reflexive action, nor are they seen as agents of change influencing societal development.

Reflexivity is a late modernity[1] activity based on individual autonomy. It denotes a characteristic that is required of human beings living in the complex world of late modern society – the ability to recognise the forces acting upon oneself, and to actively respond to those forces. In particular, the confluence of the cultural, the social, and the political contributes to the need for enhanced reflexivity. Reflexive reasoning and action can be both negative and positive. For instance, according to experts, a low rate of reflexivity results in the individual's identity formation being outer-directed, meaning lack of capabilities to reason and think independently and critically, whereas a high rate of reflexivity results in independent action forming a pro-active and inner-directed identity that allows the person to reason and think autonomously.[2] More technically, reflexivity avoids the pitfall of one-directional thinking and reasoning about binary relationships, such as cause-and-effect relations. On this notion, reflexivity promotes a circular mode of thinking and reasoning about phenomena, such as for instance minority-majority relations, whereby human thinking and action is bidirectional and guided by dialectic reasoning. When thinking and acting reflexively, a person is able to understand cause-and-effect from several perspectives and may be able to imagine these changing roles. Some anthropologists have viewed this negatively, whereas culturalists consider it a positive process.[3] In more specific terms, minorities are taking reflexive action and are influencing European discourses, largely through bottom-up democratisation. They do so by seeking new spaces in politics, and this in turn has been seen to transform institutions.[4] The reflexivity argument calls, therefore, for a new research agenda in minority studies.

What would such a new research agenda look like? What would be required for studying these phenomena? A broad label for what would be required is critical thinking and theorising. More specifically, critical theory must be explanatory, practical, and normative at the same time; it must explain what is wrong with the current social reality, identify the actors who can change it, and provide both clear norms for criticism and achievable practical goals for social transformation. It must focus on human beings as producers of their own life. Searching for reflexive action is a good beginning, but critiquing mediocre theories of social transformation is also necessary.

The Plan of the Book

The three parts of the book are devoted to the substantive sub-categories selected for this series of textbooks, rights, concepts, and policies In Part I, we begin with a normative discussion of two of the most fundamental rights in minority rights protection: non-discrimination and education. They are linked here in the notion that exclusion based on one or more grounds will lead to violation of the rights of minorities. In Chapter 1, Zora Popova explains that exclusion from access to education will lead to not only the inability to interact with other human beings and thus function in society, but also to devastating economic exclusion. Education is thus not only a question of learning how to impart information and participate in communication, but may also be vital for the socialisation of the individual and for good societal integration. Such social factors are also the focus of Chapter 2, in which Tove Malloy explains the concept of compounded discrimination, in the sense of suffering exclusion or being scapegoated on several or multiple grounds. The social ramifications of experiencing disadvantages in several domains of life, which is often a given for women and girls, can have a very severe impact on the lives of members of minorities and especially the women and girls within those communities.

In Part II, we turn to an examination of new and emerging concepts in the field of minority studies, as well as new focus areas in existing theories and intersecting fields of study. These chapters provide an introduction to more discursive and interdisciplinary approaches to research. They examine narratives through the lenses of sociology, anthropology, and media and communication studies. Through the presentation both of theoretical frameworks (Chapters 3 and 4) and case studies (Chapters 5 and 6), this section aims to broaden the scope of minority studies in order to enrich the discussions on justice, discrimination, policy, and access to rights that the field has traditionally encompassed. In Chapter 3, Sonja Wolf explores the notion of empowerment in order to form new definitions of the processes that lead to minority communities claiming agency in their social and political contexts. This examination of structural obstacles and opportunities is carried through into Chapter 4, in which Caitlin Boulter proposes three lenses through which to examine news media discourse and the marginalising effects of (mis)representation. Both chapters bring together theories from adjacent fields to shed new light on everyday mechanisms and narratives that have an impact on the way minorities interact with their larger societies. In Chapter 5, Andreea Racleş reconsid-

ers concepts of ethnicity, identity, and cultural difference through an anthropological account of the experiences and cultural practices of a Roma community in Romania. Her investigation of the micro-level perspectives of a minority group provides an interesting counterpoint to Viktoria Martovskaya's case study of macro-level discourses within right-wing populism in Germany in Chapter 6. In light of the rise of populism built through the utilisation of hate speech across Europe, this discussion is both timely and vital. Together, these two chapters portray the earlier chapters' ideas around inclusion and exclusion in action.

Part III of the book is, in a sense, a synthesis of rights issues and new concepts, with practical examples and suggestions of how to implement policies that facilitate minority agency and accommodate the new realities of Europe's diverse communities. Ljubica Djordjević describes the role of consultative bodies for minority participation in Chapter 7 by assessing the internal and external factors that contribute to their effectiveness and accountability. This comprehensive overview of examples in various European contexts provides insight into the existing limitations of policies and the challenges facing minorities in accessing decision-making power. The book concludes with Roberta Medda-Windischer's contemplation of the challenges of applying the minority rights framework to groups resulting from migration, who have thus far been excluded from key instruments of this rights provision, and her proposal of a model that would provide a differentiated system of protection for both old and new minorities within Europe. This highlights the opportunities presented by not only introducing new theories and concepts to the scholarship of minority studies, but also by exporting the models and lessons of minority rights protection to other areas of study, in order that both might benefit from the truly interdisciplinary nature of the field.

Notes

1   For a discussion of late modernity, *see* G. Delanty, 'Modernity' Blackwell Encyclopedia of Sociology (Wiley-Blackwell, 1st edn, 2007).

2   A. Giddens, The Self and Society in the Late Modern Age (Stanford University Press, 1991).

3   *See* P. Bourdieu, The Field of Cultural Production (Polity, 1993) and The Rules of Art (Polity, 1996).

4   T. H. Malloy, "Reflexive Minority Action: New narratives, new discourses in 21st Century Europe" in Sophie Croisy (ed.), Globalization and "Minority" Cultures; The Role of "Minor" Cultural Groups in Shaping Our Global Future (Brill, 2014).

PART I: RIGHTS

1. Minority Rights in Education

Zora Popova

Summary

Education theory is an umbrella term, encompassing a number of disciplines and theories about the construction, acquisition and transfer of information, about teaching and learning about the application and management of education, etc. To understand the interplay between minority rights and education however, it is necessary to address some of the key approaches the field of sociology of education, which are concerned with explaining study structures, processes and practices, interactions as well as how social factors such as poverty, inequality, discrimination and others impact on education.

Introduction

Among the key components of the post-WWII human rights agenda, ensuring equality and non-discrimination regardless of ethnic, religious, linguistic or other cultural belonging have been particularly emphasised. Although the protection and promotion of minority rights is an integral part of this agenda, it only developed as a policy framework over the past 20 years. Setting standards and monitoring their implementation, the Council of Europe's Framework Convention for Protection of National Minorities (FCNM) and European Charter for Regional or Minority Languages (ECRML) have become the key international instruments for ensuring respect for the rights of minorities in many spheres, including those typically regulated exclusively by national governments, such as education.

Recognised as a fundamental human right,[1] education is also a tool for the transfer of knowledge and information, for skill acquisition, and for sharing values, ideas, and attitudes – and hence for developing and maintaining identities. Ensuring the rights of minorities in the field of education is therefore crucial, not only for enabling the persons belonging to non-mainstream communities to preserve their language, culture, and traditions, but also for enabling them to actively participate as full members of their societies.

In discussing these two different perspectives on education – as a human right and as a tool for achieving particular pragmatic and/or symbolic goals – and its role as seen by theorists and policy makers, this chapter touches upon the theoretical debate and looks at the legal instruments that protect and promote the implementation of the rights of minorities *to* education and *in* education. In the second part of the chapter, a framework for the assessment and analysis of the achievements and/or shortfalls in the implementation of the minority rights in the field will be presented and supported with some positive and negative examples. Adopting such an approach, the text does not focus on providing explanations but rather on enabling the reader to develop an understanding of the complexity of the issues presented and on inspiring critical thinking and analysis in a comparative perspective.

The Role of Education: Theoretical Approaches

Education theory encompasses a number of theoretical approaches to the construction and acquisition of knowledge as well as its transfer. It further involves theories of teaching, application, and management of education. Thus, to understand the interplay between minority rights and education, it is necessary to examine some of the key approaches to the sociology of education and the field's views on study structures, processes and practices, interactions, and social factors (e.g. poverty, inequality, discrimination) as contributing to or impeding the achievement of the specified policy and educational objectives.

Scholars have been concerned with the role and purpose of education since ancient times. From Confucius, Socrates and Aristotle, through Thomas Aquinas, John Locke, and Jean-Jacques Rousseau, until present times, a range of philosophers have reflected on the process and role of education. Their ideas have become the basis for the development of the theories and approaches that are currently shaping modern educational systems.[2] To introduce the general frameworks of the debate, the chapter will outline some of the key lines of thought that have had a major impact on the current policies and practices. The scientific views are presented as building upon each other and therefore the chronological order of the approaches is not followed strictly.

The sociology of education is the study of educational structures, processes and practices, as well as interactions and how social power, such as poverty,

family, inequality, and/or discrimination impact education. This approach to understanding education begins with the works of Émile Durkheim, a French philosopher who lived from 1858 to 1917. According to Durkheim's functionalist theory, education serves the needs of society and its primary goal is to pass on basic knowledge and skills to future generations.

At a second level, education is a tool that socializes people into the mainstream society. Through the sense of discipline and willingness to behave according to the group's collective interests, "moral education" enables people from diverse backgrounds to come together and form cohesive social structures. It is precisely the shared values and adherence to a system of norms for social control that make these structures sustainable; their transmission through education is therefore important.[3] Through its goals, the curricula, or promoted 'appropriate' behaviour models, education becomes the instrument that shapes individual identities according to the societal standards (e.g. individualism vs. collectivism). For example, by introducing competition as an educational method, teachers prepare students for life in a market-economy environment. Similarly, by promoting the advantages and benefits of the respective system of governance, education can contribute to the maintenance of the established political structures.[4] At the same time, due to its capacity to transmit knowledge and skills across generations, education can empower individuals to change and hence to transform culture in general. As a powerful tool for socialization through its 'hidden curricula'[5] and networking mechanisms, education also has the potential to sort people according to their merit and establish respective social circles.[6]

Taking as a starting point the idea of the twofold role of education as a tool that can either maintain the status quo or bring about fundamental social and political changes, the conflict theory – influenced by the works of Karl Marx, Friedrich Engels, and Max Weber – contributed to the development of the modern perspective on education. In their views, free education protected and guaranteed by the state could become a tool for overcoming inequalities. The French Marxist philosopher Louis Althusser elaborated on the role of the state as a machine for repression in the 1970s,[7] arguing that the role of education is to enable the ruling class to ensure their domination. He thus pointed out that education is a part of the ideological state apparatus,[8] alongside the church, media, family, and law.

The French philosopher and social theorist Pierre Bourdieu also adopted the view of education as a mechanism to maintain inequalities. His theory on

the reproduction of cultural capital had a significant impact on the contemporary understanding of education.[9] He takes as a starting point the sociological analytical approach known as the 'structure and agency method'.[10] Exploring the relationship between structure and agency, Bourdieu outlined that despite the impact of the objective structures of the social, political, economic, and cultural environment, the 'habitus' is also formed by the individual's position in various fields,[11] such as the family and their everyday experience. At the same time, by reproducing the cultural capital of the dominant groups (in terms of practices, ideas, beliefs, attitudes, and norms) education legitimizes these values. Groups that are culturally distant from the imposed model face the risk of marginalization unless they adopt the values of the dominant culture.[12]

Developing alongside the functionalist approach, the instrumentalist approach adopted a different perspective on education. Instrumentalists argued that education is a set of social conditions that can enable persons to gain a range of experiences and to develop whatever capacities, interests, and desires each individual might have. The instrumentalist approach focuses on the processes of learning rather than on schooling (and its social functions), and as such, the idea that education is not only a field of knowledge acquisition but of 'learning to live' skills was introduced and developed by the American philosopher John Dewey (1859 – 1952).[13]

As early as 1938, Dewey drew a line between traditional education as an educational system that focuses on curriculum and cultural heritage, on the one side, and progressive education that focuses on the learner's interests and impulses without constraints from the educator, on the other.[14] In contrast to the traditional educational model focused on docility, receptivity, and obedience, progressive education would encourage individualism by offering free activities, learning through experience, and the acquisition of skills as a means of attaining ends. Hence, education was seen as an instrument that would support a person in developing their full potential and the ability to use the acquired but not pre-set skills for the greater good.

The conviction that "[e]ducation is not preparation for life; education is life itself"[15] underlying the philosophy of John Dewey is one of the key principles that the contemporary non-formal and in-formal methods for teaching and learning are based on. However, Dewey insisted that the required social reforms should take place at the social institution of the school. He argued that the school should become a place where students become reflective, autono-

mous, and capable of defining social truths – i.e. citizens prepared for ethical participation in society – rather than being an institution that maintains the status-quo through the mastering of facts and disciplining of bodies to cultivate passiveness and obedience.[16]

The fast social, economic, and technological development after World War II resulted in the development of a postmodernist perspective on education. It could be argued that the new developments were responsible for the death of the big ideologies and fostered the replacement of the fixed with fluid identities, as well as promoted consumerism and individual choice as the driving forces of all processes. The postmodern thinkers such as Jean-Francois Lyotard,[17] Jacques Derrida,[18] Michel Foucault,[19] Richard Rorty,[20] and Ferdinand de Saussure[21] also had a significant impact on the understanding of the purpose and role of education. In a shift from the modernist ideas that education needed to provide institutionalized learning in a national context, the postmodern world promoted the fragmented individual approach to knowledge acquisition, based on personal experience and subjective reflections, lifelong learning, critical thinking and tolerance to diversity.[22] This fragmented approach is the key characteristic of education in the postmodern society. Education should correspond to the needs of the learners and to the changes of the world that people live in. And yet, although promoting the fragmentation of the world as a norm, according to the post-modernists, the school would still be the place where atomised individuals can be socialized and become respectful to the social values and order.[23]

This brief and non-exhaustive overview of the systematic development of theoretical approaches to the sociology of education over the past century outlined some of the key roles of education as seen through various perspectives, which should not be seen as contradictory to each other but rather as complementary. Understanding the role of education as a tool for the transfer of knowledge and skills, for identity development and socialization, for maintaining the status quo and for empowering people to strive for positive social change is the context within which the approach to education as a human right should be placed.

Education as a Human Right: The Policy Perspective

The perspective on education as a human right has developed in the second half of the 20th century and has introduced a particular policy line at the international level.[24] The section below will present some of the key international and European instruments that have established the view on education as a right that every human being shall be entitled to without discrimination, which have had a significant impact on individual state policies. As the goal here is not to analyse the particular cases but to outline the platform, the text will not look at the ratification of the individual documents nor their transposition at the national level. The emphasis is put on their general approach towards the implementation of minority rights in the field of education and particularly on the FCNM as the respective key international instrument.

From a historical perspective, the right to education has been viewed as a privilege affiliated with a specific group, class, or gender. It was only with the Universal Declaration of Human Rights[25] (1948) and its Article 26 that education was affirmed as a right in itself that every human being is entitled to:

Article 26
(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
(3) Parents have a prior right to choose the kind of education that shall be given to their children.

Although not a treaty itself, the Declaration, developed for the purposes of supporting the UN Charter, is a milestone document that sets common standards with regards to fundamental human rights and their protection. It has become a moral and political force and has had a significant impact on the development of international and national policy agendas and their legal

frameworks. The principles laid out by the Declaration were developed further by the binding UN Covenants and international treaties particularly relevant to the protection of minority rights in the field of education, such as the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the International Convention on the Elimination of Discrimination Against Women, and the United Nations Convention on the Rights of the Child.

In 1960, the UNESCO Convention against Discrimination in Education (1960)[26] acknowledged that a crucial role of education is to ensure equality of opportunity for members of all racial, national, or ethnic groups and to empower them to become active participants in the transformation of their societies. The Convention particularly outlines that on no grounds such as race, colour, sex, language, religion, origin, or economic condition can a person be excluded from or limited in their access to all levels of education, nor can they be refused standard and quality education under conditions that respect the dignity of every individual. Furthermore, Article 1 specifies that no segregation shall occur on these grounds. With the 1979 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)[27] and the Beijing Declaration of 1995, the UN showed determination to ensure non-discriminatory education, where both men and women can enjoy equal access and equal treatment.[28]

A key document that has had a major impact on the development of the agenda concerning the protection of the minority rights in the field of education is the 1966 International Covenant on Economic, Social and Cultural Rights.[29] Article 13 and Article 14 reconfirmed the right of every person to education and specified the steps and measures needed for the implementation of this provision. As outlined by the Committee on Economic, Social and Cultural Rights,[30] Article 13 is the most comprehensive article on the right to education in international human rights law. Emphasising that education should enable the full development of the human personality and highlighting its role in promoting tolerance and understanding, paragraph 1 introduced at this early stage some basic principles that were further developed in 1995 to become key aspects of the Council of Europe Framework Convention provisions regarding minority rights in the field of education.

Article 13
1. The States Parties to the present Covenant recognize the right of every-
one to education. They agree that education shall be directed to the full
development of the human personality and the sense of its dignity, and
shall strengthen the respect for human rights and fundamental freedoms.
They further agree that education shall enable all persons to participate
effectively in a free society, promote understanding, tolerance and friend-
ship among all nations and all racial, ethnic or religious groups, and fur-
ther the activities of the United Nations for the maintenance of peace.

At the European level, the first document that explicitly addressed the right to education for all was the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR).[31] With the harmonization of the basic economic and social standards between its members as its aim, in 1961 the Council of Europe adopted the European Social Charter,[32] which besides outlining the connection between education and the labour market (Article 7 and 10), emphasises that people with disabilities shall be provided with educa-tion and training in the frameworks of the general schemes (Article 15), that all children are entitled to free primary and secondary education, and that their attendance at school shall be encouraged so as to enable them to develop their personalities in full (Article 17).

The recognition of education as a specific field of policies and rights came with the UNESCO World Declaration on Education for All (1990),[33] which outlined in detail the key principles and standards that national governments should adopt and adhere to. Through the accompanying Framework for Action, the document provided guidelines regarding the development and implementa-tion of policies aiming to ensure that all people are able to enjoy their fundamen-tal human right to education. With respect to the subsequently elaborated upon framework for protection of minority rights, Article 3(4) is particularly relevant:

Article 3(4)
An active commitment must be made to removing educational disparities.
Underserved groups: the poor; street and working children; rural and
remote populations; nomads and migrant workers; indigenous peoples;
ethnic, racial, and linguistic minorities; refugees; those displaced by war;
and people under occupation, should not suffer any discrimination in
access to learning opportunities.

The outbreak of the armed conflicts in former Yugoslavia and some of the Soviet Republics in the 1990s raised the awareness throughout the international community that there is a need for structured and institutionalised protection of the rights of people belonging to the ethnically and culturally diverse groups in Europe. Recognising the need for particular instruments to protect the rights of minorities, the Council of Europe (CoE) elaborated and adopted adopted the two aforementioned key documents – the ECRML and the FCNM, in 1992 and 1994, respectively. The two documents entered into force in 1998, demonstrating the commitment of the Council of Europe and its member-states to promoting and supporting linguistic and cultural diversity in Europe. They also became standard-setting tools for the development and implementation of policies and measures that ensure the protection of linguistic and national minorities. Recognising the key importance of education in the process of building identities and in fostering intercultural dialogue and peaceful coexistence and cohesion within multicultural societies, the two instruments outlined a number of specific provisions, which are discussed below.

The protection of the rights of the linguistic and national minorities in education has also become a priority for the High Commissioner on National Minorities, established in 1992 by the Organisation for Security and Cooperation in Europe (OSCE). The OSCE's Oslo Recommendations regarding the Linguistic Rights of National Minorities[34] (issued in 1996) and the OSCE/HCNM Hague Recommendations Regarding the Education Rights of National Minorities[35] (issued in 1998) have contributed to the affirmation of the common goal of ensuring that education becomes a system of policies and practices that is culturally tolerant and respectful to diversity, does not discriminate on the basis of ethnicity, culture, language, or religion. This system should incorporate the understanding that the sustainable approach to the protection of the rights of minorities is by cultivating and fostering the values and norms of intercultural dialogue and cooperation.

The policy perspective addressing education as a human right, developed at international and European levels and further adapted and transposed into the national state policies of a number of states, establishes that:

- Education is a fundamental human right and every human being is entitled to it
- Every person is entitled to free primary and secondary education

- As a fundamental human right, no person shall be restricted or denied access to quality education at all levels (no discrimination shall occur on grounds such as race, ethnicity, nationality, faith, language, culture and/or gender, or on any social or economic condition)
- No segregation shall occur in the provision of education
- The right to education is a right to the development of individual identities and of the knowledge and skills that empower people to become active participants in their societies and in various spheres of life
- Education shall protect and promote linguistic diversity
- Education shall ensure that national minorities are also able to develop their identities in full

Minority Rights in Education

On the basis of the interplay of the two approaches to education introduced above (as a tool and as a right), minority rights in education can be seen as a platform ensuring not only protection from discrimination on the grounds of ethnic/cultural belonging, but also ensuring the opportunity for minorities to develop their identities in full and to acquire the knowledge and skills needed for their active societal participation. The current section will therefore focus on the specific provisions of the FCNM as the key instrument for the protection of the rights of national minorities in Europe and on the ECRML, which makes particular provisions with regard to language rights and their implementation.

Although the terms '*minority education*' and '*education for minorities*' might seem interchangeable, in order to avoid any negative connotations, the concept of '*minority rights in education*' is the most appropriate one to use when discussing the issues in focus. While the first term instantly puts forward the idea of a line of differentiation between the majority and minority education, and the second has a subtle implication that minorities are in need of specialized education, the third notion emphasises clearly that there is one field of education in which the rights of different people and/or groups must be ensured and safeguarded.

Adopted on 10 November 1994 by the Committee of Ministers and entered into force on 1 February 1998,[36] the FCNM is the first legally binding multilat-

eral instrument devoted to the protection of national minorities and the rights of the individuals belonging to these groups. This Convention has been signed and ratified by 39 CoE member states to date.[37] The FCNM sets out principles and goals, allowing that states, through national legislation and appropriate governmental policies, translate its provisions with respect to the specific country's situation.[38] Through the country-specific opinions and thematic commentaries, the Advisory Committee on the Framework Convention monitors and evaluates the implementation of the FCNM in state parties, and is therefore a key institution for the protection of minority rights in the field of education.

As Article 1 of the FCNM states, the protection of persons belonging to national minorities and their rights and freedoms is an integral part of the international human rights agenda and despite the fact that the enjoyment of certain rights has a collective aspect, the specific focus of the instrument is on the balanced maintenance and development of cultures and identities. With the goal of promoting awareness and knowledge about the language, culture, and traditions of national minorities and acknowledging education as a core mechanism that would allow for the achievement of these objectives, the FCNM guarantees to minorities not only the right *to* education but also specific rights *in* education that refer to both formal and non-formal activities and practices as well as to educational systems and policies.

Besides the specific provisions as developed in Article 12, Article 13, and Article 14, the FCNM makes particular reference to education in some other articles, outlining the fundamental conditions that need to be ensured so that persons belonging to minorities can fully enjoy their rights. Addressing the issues of equality and non-discrimination, Article 4 promotes the role of education as a tool for fighting and eliminating discrimination and for promoting integration. The focus of the provisions is also on the need to ensure equality in educational opportunities for minorities and the access to relevant resources. By acknowledging the role of education in the process of preservation of persons' cultural identity (Article 5) and in the process of development and fostering tolerance towards diversity (Article 6), the FCNM promotes education as a key measure to fight discrimination, hostility and violence based on ethnic and/or cultural grounds (Article 6).

The FCNM emphasizes the importance of developing an understanding of national minorities as a cultural asset and thereby addresses the states as key players in ensuring possibilities for and facilitating the interaction between the

minority and majority communities. It also calls for mutual learning of the culture, history, language and religion of both minorities and majorities (Article 12). The specific provisions outlined in Articles 12 to 15 acknowledge the complexity of education and focus on the rights of national minorities to their private educational institutions (Article 13), to qualified teachers and appropriate textbooks, to access to quality education at all levels (Article 12), and to direct involvement with the management of the educational process, seen as a means for the effective participation of national minorities in public life (Article 15).

With regard to the content of the educational process, Article 12 also focuses on the need for promoting intercultural education both for minorities and for majorities, which also entails the revision of curricula, schoolbooks, and approaches to history in order to foster multicultural contacts among students and teachers.

The major emphasis of the FCNM is placed, however, on the rights of the persons belonging to national minorities to study their mother tongue. Alongside the general reference to language in Articles 6 and 10, Article 14 (2) explicitly outlines:

Article 14 (2)
In areas inhabited by persons belonging to national minorities traditionally or in substantial numbers, if there is sufficient demand, the Parties shall endeavour to ensure, as far as possible and within the framework of their education systems, that persons belonging to those minorities have adequate opportunities for being taught the minority language or for receiving instruction in this language.

Although terms such as "substantial numbers" and "sufficient demand" allow for wide interpretation with regard to the conditions under which the provisions should be implemented, the article stipulates that states shall make the necessary arrangements to ensure that minorities can enjoy their linguistic rights in education. At the same time, the FCNM does not stipulate that states should open or maintain minority schools – Article 13 stipulates that minorities have a right to private educational institutions, but it does not entail any financial obligations to the states. Hence, ensuring educational opportunities for minorities within the existing educational systems, even in compact minor-