

## THE ENFORCEMENT OF LANGUAGE RIGHTS OF MINORITIES IN ROMANIA. THE PUBLIC POLICIES DESIGNED TO PROTECT AND PROMOTE THE ARMENIAN LANGUAGE

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### **Abstract**

The object of the article is to analyse a field not often addressed, that of public linguistic policies, and the means by which they are updated or upgraded by enforcing linguistic rights for minority languages at the national level. We begin our assessment from the idea that, in the linguistic field, macro-policies are targeting multiple levels: creating laws that impact the protection of minority languages, funding organizations representing minorities, establishing government institutions that implement and verify the enforcement of the linguistic rights of minorities. The legal framework stipulates these rights, the budgetary allocations provide concrete support for their enforcement, and the institutions verify their implementation. Additionally, we must cite a fourth major component, namely the cooperation between national authorities and the organizations representing minorities. All of these mechanisms are addressed with reference to the Armenian community, which is characterized by specificities and vulnerabilities layered on numerous levels, in an attempt to highlight: the language policies that fall exclusively in the responsibility of the government; the contexts where the need is felt for a close collaboration between the government and minorities (through their representative bodies), the way they complement each other to maintain the language continuity of a minority

### **Keywords**

Language policies, minority, minority language, public policies, the Armenian language.

## 1. THE ARMENIAN COMMUNITY IN ROMANIA

In approaching the Armenian community we must start by first addressing the definition of minority, as described by one of the most famous attempts to structure this concept, according to certain criteria that are considered fundamental. F. Capotorti<sup>1</sup>, UN Special Rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, shows that a minority is: "A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members – being nationals of the State – possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language" (Minority Rights, 2010). According to this approach, the first criterion is the numerical, quantitative one. From this point of view – the number of community members or, better said, the number of declared ethnics –, the Armenian minority is one of the smallest minority communities in Romania, the second smallest ethnic group reviewed in Romania, with only 1,361 members. We must state here that some ethnic groups like Ruthenians or Albanians, are not identified separately in the census and their numbers are therefore difficult to estimate.

The next criterion, a qualitative one, is represented by the position of "power" held by the minority in the territory it is located. In the case of the Armenian minority, we can say that, politically, socially and economically, it occupies a non-dominant position. Although history may have been different at times, in one region or another, with the Armenians enjoying not only an economic hegemony but also favourable social positions, we may now speak of only a fair

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<sup>1</sup> This is one of the best known definitions, yet not the most complete, due to the fact that the criteria used may be supplemented with many others, which are equally pertinent, such as: the seniority and origin criterion (the place of origin of the community and the time it first settled within the borders of a State), the "loyalty to one's own identity" criterion (the expression of a high degree of loyalty to one's own language, religion and traditions, while perceiving their mother tongue and national traditions as being in opposition to the language and customs of the majority and to those of the other minorities), the citizenship criterion, the residency criterion; a trend for associating on grounds of linguistic-cultural criteria; maintaining linguistic and cultural ties with other countries (the mother-country or other countries or host-countries of that given language minority); the efforts to conserve the vitality of the mother tongue etc.

political representation in the Parliament of Romania, a situation otherwise common to all national minorities.

The most subjective criterion and therefore the most difficult to measure is the manifestation of community's solidarity. Broadly speaking, one can say that the Armenian minority in Romania exhibits this trait in a reduced extent, an assessment which is also true with regards to the orientation towards preserving one's own cultural, linguistic and religious loyalty. The loyalty shown to one's own ethnicity, religion and language represents an important counterweight to what we may call "the loyalty to the host State".

On the one hand, this may be concluded after a simple research over the relevant statistical data, such as the degree of ethnic self-identification (the internal statistics, even if sometimes exaggerated, provide figures significantly higher in the number of ethnic Armenians than the official data, which are gathered and assessed based on free statements of ethnicity<sup>1</sup>), the preference for transferring the ethnic majority in mixed families<sup>2</sup> to the detriment of the ethnic minority, the small degree in assuming the Armenian national religion<sup>3</sup>, the low percentage in assuming the mother tongue<sup>4</sup>, and a small degree of ethnical-linguistic identification<sup>5</sup>. On the other hand, the statistical information is confirmed by the low involvement of ordinary members in the cultural-linguistic endeavours of

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<sup>1</sup> For example, the Armenian Church in Bucharest lists around 3,000 Armenian Orthodox parishioners, only in Bucharest. (Interview with Paul Bogdan, by Mădălina Şchiopu, „Dilema Veche”, No. 259 / 29 January - 4 February 2009).

<sup>2</sup> In 2011, out of 110 mixed couples with children, only in 33 cases the children took the Armenian ethnicity; in 69 family nuclei the transmitted ethnicity was Romanian and in 8 family nuclei the transmitted ethnicity was Hungarian (INS, 2011, Vol. IV - Family nuclei by types, based on individuals' ethnicity, by type of localities).

<sup>3</sup> Out of a total of 1,361 Armenians in 2011, only 212 declared themselves as belonging to the Armenian denomination; most of them (974 individuals) declared themselves Orthodox (INS, 2011, Vol. II, Population by ethnicity and religion, by counties).

<sup>4</sup> In 2011, of those who declared their affiliation to the ethnic Armenian community, only 705 have assumed the Armenian language as mother tongue (INS, 2011, Vol. II, Population by ethnicity and native language, by counties).

<sup>5</sup> Although marking an increase from the census in 2002, the ethnical-linguistic identification (the measured overlap between the recognition and affirmation of one's affiliation to an ethnic community and the awareness and claiming of the linguistic identity) inside the community is rather low (51.8%), one of the lowest among all ethnic minorities in Romania.

the community: small groups of students<sup>1</sup>, low participation in the activities of representative bodies<sup>2</sup>, etc.

While of concern, this situation is yet no less explainable, if one can understand the broader context determining such issues. The low number of declared ethnics – resulting in turn not only from the poor ethnic self-identification, but also from the emigration of young people to the West and the low birth rate, with the majority of Armenian households having only one child<sup>3</sup> – must be read in conjunction with the aging trend of the Armenian population<sup>4</sup>, but also with the inhomogeneous habitation and the geographical spread in all regions of the country, in small communities<sup>5</sup>. These factors are impacting even the language, if we are to think only of the limited base of selection for teaching courses in mother tongue, the difficulties of using the language inside communities and between them and the contextual pressure when living in small linguistic “islands”.

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<sup>1</sup> In Cluj, of a total of 25 children in the local Armenian community, there are only 7-8 students (aged between 5 and 8 years) who attend courses. Likewise, in Constanta, the number of children attending courses is 10. Finally, in Iasi, where classes should have been taught in an informal system and on a voluntary basis, there were no participants willing to attend the language classes.

<sup>2</sup> In this regard, we have two examples: "With regard to the process of transmitting not only our linguistic, but also our cultural heritage, things are also complicated by the resettlement abroad (Dubai, USA) of the young people, but also by the unwillingness to engage in the work needed. I am 63 years old and I ask myself who will replace me. I put my high hopes in Tania Varduca, a young woman who has just returned from a 3 weeks course in Armenia and will represent our subsidiary at the ProEtnica Festival in Sighisoara, and also in an repatriated Armenian family, who have five daughters who are very much involved in the activities of our subsidiary (the church, singing classes, courses). But one can never know what future brings" (Anna Steib interview of 2 August 2016). "Most of our young people go and study abroad – this is also the case for my family – and one can not know whether they are coming back or not. I'm a 'soldier', and I actively engage in the responsibilities of the Union. But I can not ask everyone to follow my example," (Mihai Stepan Cazazian interview of October 6, 2015).

<sup>3</sup> INS, 2011, Vol. IV, Family households by the ethnicity of head of the household, number of children and dependent children.

<sup>4</sup> According to the census of 2011, the analysis of the Armenian population by age shows that 57.89% of the individuals are over 50 years of age (INS, 2011, Vol. II, Population by gender, age group and ethnicity).

<sup>5</sup> The Armenian population is living in small nuclei, with a vast territorial distribution; the only somewhat cohesive communities are in Bucharest-Ilfov (627 ethnics) and the Southeast (371 ethnics).

Summarizing the ethno-linguistic characteristics of the Armenian community, we may conclude that it is defined by the following specific features:

- it is a small community, with a small number of individuals
- it settled in Romania in successive waves at different historical moments
- which led to the spread of the community in all regions of the host country
- and to the lack of homogeneous and powerful coagulation in an area
- it is currently in a non-dominant socio-economic and political position
- it is characterized by both a diminished sense of loyalty to its own identity and a high moral duty to the host-country
- which facilitates the trend of ethnic and linguistic integration of the community members

## 2.THE ARMENIAN LANGUAGE

The Armenian language is spoken by the majority of the population in Armenia and, as a minority language, by the Armenian Diaspora spread all over the world, in countries such as USA, France, Lebanon, Syria, Turkey, Egypt, Israel, Romania included. Worldwide, the language is spoken by approximately 6,000,000 users (Saramandu, Nevaci, 2009).

In its contemporary form, the Armenian language has two variants: the Eastern Armenian and the Western Armenian, but communication between the two groups is not hampered by such differences.

The first of these variants is used in Armenia, Iran, India and Russia; the second, the language of "Diaspora", spoken by the Armenian elite in the Ottoman Empire, is used by the refugees in the West, including those in Romania.

Hence one of the vulnerabilities of the Armenian language spoken in Romania, which is cut off from its "source", because the maintaining of linguistic links with the mother country is done only in part (for recent immigrants) to support continuity and to transfer the language heritage. Again, the worldwide "insular" destiny of the Armenian language also extends to Romania, and this is not the only issue that can pose questions relative to the linguistic survival of the minority. As the number of ethnics decreases continuously, as the "transferring flow" from generation to generation was discontinued in many Armenian families, either willingly or unwillingly (due to historical conditions,

intermarriage, the lack of a pragmatic use for it), as teaching the language was officially interrupted during the communist era, as it becomes increasingly more vernacular (“kitchen use Armenian”, as it is called by community members, due to its limited use), and as the Armenian language courses taught in Sunday schools stir little interest among ethnics, the organization representatives believe that this Western variant is threatened and that the future is pessimistic.

For a short look at the current status of the language, we can cite a document (Language Vitality and Endangerment, 2003), published by the UNESCO Ad Hoc Expert Group on Endangered Languages. It identifies six major factors to evaluate a language’s vitality and its state of endangerment: 1) Intergenerational Language Transmission; 2) Absolute Number of Speakers; 3) Proportion of Speakers within the Total Population; 4) Trends in Existing Language Domains; 5) Response to New Domains and Media; and 6) Materials for Language Education and Literacy. In turn, each of these factors includes several degrees of endangerment, according to which one can make a more complete evaluation.

Applying these criteria to the Armenian language, we find that:

- in terms of Intergenerational Language Transmission, the degree of endangerment is situated between 4 (unsafe): “The language is used by some children in all domains; it is used by all children in limited domains” and 3 (definitively endangered): “The language is used mostly by the parental generation and up”<sup>1</sup>).
- in terms of Absolute Number of Speakers, the Armenian is a small speech Community, which is always at risk
- in terms of the number of Speakers within the Total Population, its vitality is situated between 3 (definitively endangered): “A majority speak the language” and 2 (severely endangered): “A minority speak the language”<sup>2</sup>
- in terms of Trends in Existing Language Domains, the Armenian scores between 3 (Dwindling domains): “The non-dominant language loses ground

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<sup>1</sup> The assuming of the native language by age groups shows that the 50-85+ age group (391 people) assumes the native language in an greater degree than the 0-49 age group (348 people) (INS, 2011, Population by gender and age groups, by native language, by localities and counties).

<sup>2</sup> According to the ethnical-linguistic identification, which is 51.80%, one could argue that, technically, we are talking about a majority. However, the percentage is small, and the assuming of the native language does not always coincide with its frequent use, both in writing and orally and in various contexts of communication.

and, at home, parents begin to use the dominant language in their everyday interactions with their children; bilingual children may exist in families where the indigenous language is actively used” and 2 (Limited or formal domains): “The language is used in limited social domains and for several functions”

- in terms of the Response to New Domains and Media (schools, new work environments, new media, including broadcast media and the Internet), one can argue that the Armenian language is used in many domains (3 – receptive), but in a limited manner, all these elements having a bilingual profile and limited public exposure (2 – coping)

- Finally, in terms of the Materials for Language Education and Literacy, the Armenian language scores 4: “Written materials exist, and at school, children are developing literacy in the language. Writing in the language is not used in administration”.

Another criterion for judging the language vitality, noted by the document and pointed out above, i.e. the Community Members' Attitudes Toward Their Own Language, which, for the community in question is relatively low and corresponds to a degree of 2 in the UNESCO classification (“Some members support language maintenance; others are indifferent or may even support language loss”), is even more so an argument for the fact that the survival of the Armenian language in the national linguistic heritage may be under question.

### **3. THE LANGUAGE RIGHTS OF MINORITIES IN INTERNATIONAL DOCUMENTS. EDUCATION AND MEDIA**

In this respect, the measures undertaken by the state policies are of major importance, since they concern the enforcement of the language rights of the minority, thus supporting the perpetuation of the language use in various fields of social life. The better these rights are targeting multiple activities, the more elaborate and detailed they appear in legal texts and the richer they are in providing concrete means of implementation, but also assessment mechanisms, the higher is the protection level for minority languages.

These rights can be found in the instruments of international law initiated by European and international bodies and cover: the right to use the language in public or private, in speaking and in writing, the right to education in one’s

mother tongue, the right to use one's mother tongue in the media, the right to use it in court, the right to use it in relation to public authorities and services, the right to practice religion in one's own language, the right to establish and manage one's own non-governmental organizations, associations and institutions / freedom of association based on ethno-linguistic rights, the pursuit of cultural activities aimed at promoting the use of one's mother tongue.

For reasons pertaining to the relevance of fields, we shall assess two of the socio-cultural spheres to which these rights apply – education and media – as they appear stated in the instruments of international law, in order to detail the ways in which these are updated in the national legislation, but also their variable degree of materialization in the case of a “small” minority language as is the Armenian language.

### 3.1. The education in one's native language

Among international documents stipulating the general objectives regarding the need to adopt a multicultural perspective in education, we must cite the provisions of the *Universal Declaration of Human Rights*<sup>1</sup> and the *International Covenant on Economic, Social and Cultural Rights*<sup>2</sup>.

*The UNESCO Convention against Discrimination in Education* directly addresses minority issues.<sup>3</sup> The ways in which to use one's native language in school and to

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<sup>1</sup> See the Universal Declaration of Human Rights (UDHR), proclaimed by the United Nations General Assembly in Paris on 10 December 1948, [General Assembly resolution 217 A](#), Art. 26.1, 26.2, which states that: “everyone has the right to education”; “shall promote understanding, tolerance and friendship among all nations, racial or religious groups”.

<sup>2</sup> See the International Covenant on Economic, Social and Cultural Rights adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, Art. 13, which states: „The States Parties to the present Covenant recognize the right of everyone 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 friendship among all nations and all racial, ethnic or religious groups, and further the activities of the United Nations for the maintenance of peace”.

<sup>3</sup> For further details, see the UNESCO Convention against Discrimination in Education, adopted by General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 14 November to 15 December 1960, which, at its eleventh session, Art. 5, decided: „It is

teach classes in one's native language are left up to each country, pursuing to the educational linguistic policies adopted and implemented by them; the only conditionality under the Convention is referring to three aspects: this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty; the standard of education is not lower than the general standard laid down or approved by the competent authorities; attendance at such schools is optional.

The *Framework Convention for the Protection of National Minorities* (Council of Europe, 1994) obliges States Parties to „take measures in the fields of education and research to foster knowledge of the culture, history, language and religion of their national minorities“, which can be translated by implementing educational programs covering all these aspects, and to „promote equal opportunities for access to education at all levels for persons belonging to national minorities“ (*Framework Convention for the Protection of National Minorities*, 1994).

The *Document of the Copenhagen Meeting of the Conference on the Human Dimension* clearly stipulates the right of minorities to establish educational institutions in their own language (CSCE, 1990): „Persons belonging to national minorities have the right to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation“ (Art. 32.2).

Also, the *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities* (ONU, 1992) reiterates this provision: „States should take appropriate measures so that, wherever possible, persons belonging to minorities may have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue“ (Art. 4.3).

The legal instruments referred cover the implementation of the right to education in one's mother tongue and touch issues such as: tuition levels, the educational program, the curriculum, the creating of one's own educational institutions for

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essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language“.

minorities and the need to finance educational institutions in minority languages.

One of the most detailed documents remains the *European Charter for Regional or Minority Languages*, which also includes important details related to education in minority languages, stressing in Art. 8: the State's obligation to make available pre-school, primary, secondary and higher education in the relevant regional or minority languages; to arrange for the provision of adult and continuing education courses which are taught in the regional or minority languages; to make arrangements to ensure the teaching of the history and the culture which is reflected by the regional or minority language; to provide the basic and further training of the teachers; 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 (*European Charter for Regional or Minority Languages*, 1992).

Regarding the means by which one can achieve education in one's native language, Art. 5 in the *Framework Convention for the Protection of National Minorities* provides that „the Parties undertake 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, namely their religion, language, traditions and cultural heritage” (*Framework Convention for the Protection of National Minorities*, 1994), while refraining from policies or practices aimed at assimilating the members of minority communities.

Another example are the provisions contained in Paragraph 33 of the *Copenhagen Document*, which insists on due consultations which must occur between organizations or associations of minorities and the State: „The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State” (*Document of the Copenhagen Meeting*, 1990).

Also, Art. 4 of *The Hague Recommendations* concludes that sometimes „special measures should be adopted by States to actively implement minority language education rights to the maximum of their available resources, individually and

through international assistance and cooperation, especially economic and technical” (The Hague Recommendations, 1996).

### 3.2. The media

The right to freedom of expression is formulated in many international conventions<sup>1</sup> with implicit provisions on minority language communities.

The *Framework Convention for the Protection of National Minorities* contains a number of detailed provisions on information and access to information for minorities, but also the right of minority language communities to own and operate their own media channels (Art. 9.1-9.4): “The Parties undertake to recognize that the right to freedom of expression of every person belonging to a national minority includes freedom to hold opinions and to receive and impart information and ideas in the minority language, without interference by public authorities and regardless of frontiers [...]The Parties shall not hinder the creation and the use of printed media by persons belonging to national

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<sup>1</sup> See in this sense: “International Covenant on Civil and Political Rights”, adopted and opened for signature, ratification and accession by UN General Assembly resolution 2200A (XXI) of 16 December 1966, Art. 19.2: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice”; “Convention for the Protection of Human Rights and Fundamental Freedoms” of the Council of Europe, Rome, 4.XI.1950, as amended by Protocols Nos. 11 and 14 supplemented by Protocols Nos. 1, 4, 6, 7, 12 and 13, Art. 10.1: “Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises”; “Declaration on the Freedom of Expression and Information of the Council of Europe” (Adopted by the Committee of Ministers on 29 April 1982 at its 70<sup>th</sup> Session), II (a-d): “a) protection of the right of everyone, regardless of frontiers, to express himself, to seek and receive information and ideas, whatever their source, as well as to impart them under the conditions set out in Article 10 of the European Convention on Human Rights; b) absence of censorship or any arbitrary controls or constraints on participants in the information process, on media content or on the transmission and dissemination of information; c) the pursuit of an open information policy in the public sector, including access to information in order to enhance the individual’s understanding of, and his ability to discuss freely political, social, economic and cultural matters; d) the existence of a wide variety of independent and autonomous media, permitting the reflection of diversity of ideas and opinions”.

minorities. In the legal framework of sound radio and television broadcasting, they shall ensure, as far as possible, and taking into account the provisions of paragraph 1, that persons belonging to national minorities are granted the possibility of creating and using their own media" (Framework Convention for the Protection of National Minorities, 1994).

The provisions listed stipulate that a national minority should have access to information in their own language through various media outlets (print, audio-visual), which can be achieved either by the existence of minority's own media outlets which are distributed through the NGOs created, either by the reflecting of the minority language and culture within the broadcasts of the public national audio-visual outlets.

In this respect, and stressing that the media can be made available by the State or implemented by the minority language communities themselves, the *Oslo Recommendations Regarding the Linguistic Rights of National Minorities* cover the role owned by the direct participation of persons belonging to national minorities to the editorial process: "Mechanisms should be put in place to ensure that the public media programming developed by or on behalf of national minorities reflects the interests and desires of the community's members and is seen by them as independent. In this context, the participation of persons belonging to national minorities (acting in their private capacity) in the editorial process would go a long way in ensuring that the independent nature of the media would be preserved and that it would be responsive to the needs of the communities to be served" (Oslo Recommendations, 1998).

Regarding the NGOs created by minority language communities, as shown in the same document (The Media, Art. 10), the allocation of resources will be done in such a way that public „authorities should provide an equitable share of resources from the State budget to the activities of persons belonging to national minorities in, among others, the social, cultural and sports related fields. Such support can be made available through subsidies, public benefits and tax exemptions." (Oslo Recommendations, 1998).

The same *Recommendations* also describe the way in which the allocation of broadcasting times should be made, stressing that: „[...] Numerical strength and concentration, however, cannot be seen as the only criteria when judging the amount of broadcast time to be allocated to any given national minority. In the case of smaller communities, consideration must be given to the viable minimum

of time and resources without which a smaller minority would not meaningfully be able to avail itself of the media” (Oslo Recommendations, 1998).

### 3. EUROPEAN INSTITUTIONS INVOLVED IN THE PROTECTION AND PROMOTION OF MINORITY LANGUAGES

In fact, the results and impact of the existence of such rights are, of course, variable, depending not only on the actual needs of the national language minorities, but also on the political will, and on their recognition and implementation in a given country by competent authorities.

Therefore, there are two European bodies that went one step further in the efforts to protect minority languages, in an attempt to give more substance to abstract rights and to boost the efforts of protecting the ethnic minorities at national level. These initiatives are designed to go beyond intent by offering two new levers to assist the enforcement of the linguistic rights of minorities.

On the one hand, the European Union has effectively contributed to the protection and promotion of minority languages by the establishment, through the Arfé Resolution (Parliament Resolution, 1981), of the European Bureau for Lesser-Used Languages (EBLUL, 2002). Also the B3-1006 budget line<sup>1</sup> created in 1983, has provided support for projects promoting regional and minority languages, has significantly stimulated networking and has assumed the role of a catalyst for promoting the exchange of experiences and best practices. A breakdown of those funds is reflected in the before mentioned document “European Bureau for Lesser-Used Languages” of the EP in 2002, as shown below:

(€ thousands)	1992	1993	1994	1995	1996	1997	1998	1999	2000
Mercator Education	90	137	125	121	93	76	0	65	67
Mercator Media	40	42	63	83	94	99	0	74	67

<sup>1</sup> Succeeded by budget line B3-1000 and A-3015.

Mercator Legislation	0	60	76	87	103	92	0	63	67
<b>Total Mercator Centres</b>	<b>130</b>	<b>239</b>	<b>264</b>	<b>291</b>	<b>290</b>	<b>267</b>	<b>0<sup>1</sup></b>	<b>202</b>	<b>202</b>
Study Visits Programme	84	88	98	105	117	118	100	-	-
EBLUL Dublin Office	294	316	415	522	522	397	172	-	-
EBLUL Brussels Office	289	242	289	328	328	346	228	-	-
<b>Total EBLUL</b>	<b>667</b>	<b>646</b>	<b>802</b>	<b>955</b>	<b>967</b>	<b>743</b>	<b>500<sup>2</sup></b>	<b>798</b>	<b>797</b>
<b>Miscellaneous projects</b>	<b>1,703</b>	<b>2,615</b>	<b>2,434</b>	<b>2,746</b>	<b>2,807</b>	<b>2,991</b>	<b>3,367</b>	<b>2,479</b>	<b>2,499</b>
<b>TOTAL</b>	<b>2,500</b>	<b>3,500</b>	<b>3,500</b>	<b>3,992</b>	<b>4,064</b>	<b>3,734</b>	<b>3,867</b>	<b>3,479</b>	<b>3,499</b>

Until this budget line was suppressed, in 2001, after a decision of the European Court of Justice (1998), it has developed projects with a value of between 1,703 and 3,367 thousand euro; then the EU has decided to apply a mainstreaming strategy instead of setting up a separate programme. As a consequence of this decision, in 2008, a report to the Culture and Education Committee of the European Parliament noted, in the context of the Lifelong Learning Programme, that: “Investment in minority languages has been much lower” (Endangered Languages and Linguistic Diversity, 2013).

As for the *Council of Europe*, we must emphasize that the *European Charter for Regional or Minority Languages* (1992) – one of the most detailed and most comprehensive tools to protect linguistic or national minorities – contains (in Part IV) details about its implementation and about the steps taken to enforce the adopted measures. The first report is drawn one year after the entry into force of the document, and then, every three years; subsequently it is being submitted for approval to a committee of experts. If the signatory country does not provide sufficient data on the issues concerned, the committee can carry out their own

<sup>1</sup> This figure corresponds to the suspension of the budget line B3-1006 during the 98/99 period.

<sup>2</sup> The European Parliament agreed to provide a reserve of €500,000 to EBLUL for the second half of 1998 on condition that the representativity of all minority language communities was increased inside the organization.

investigations and propose a list of languages that are likely to be perceived as minority or regional languages.

Regarding the two above mentioned institutions, we are dealing with initiatives which are not only limited to the standardization of language rights, but also propose concrete support in the field, either through financing or through control and intervention measures (which lead to the adjustment of the reported issues).

Therefore, the model provided by the European institutions, which have understood the necessity for the law – be it protective – to be supplemented by fiscal and control measures, should be also applied by national governments.

Even though, in practice, situations may vary, applying this model leads to outlining the roles and responsibilities held by a national government in the protection of minority languages, which in turn can be separated into two segments: the intentional level (to provide the legal framework for protecting/promoting minority languages); and the level of impactful decisions (to create institutions that guarantee and monitor the implementation of the linguistic rights of minorities; to finance the enforcement of language rights). Additionally, we reiterate the idea that an efficient implementing of the linguistic rights inherently requires a close collaboration with the representative bodies of minorities.

#### **4. PUBLIC POLICIES DESIGNED TO PROTECT AND PROMOTE THE ARMENIAN LANGUAGE IN ROMANIA. EDUCATION AND MEDIA**

We shall further analyse each of the four protection mechanisms and the way they operate in the specific case of the Armenian language, while trying to emphasize their functions and their interactions, and their respective impact on the efficiency of the adopted macro-policies.

#### 4.1. The legislative mechanism

Romania signed or ratified the majority of treaties or documents in the field of interest developed by the European and international bodies: The Universal Declaration of Human Rights (UDHR) (signed by Romania, 1955), The Convention for the Protection of Human Rights and Fundamental Freedoms (ratified by Romania, 1994), The International Covenant on Civil and Political Rights (ratified by Romania, 1974), The International Covenant on Economic, Social and Cultural Rights (ratified by Romania, 1974), Helsinki Declaration/The final act of the Conference on Security and Co-operation in Europe (signed by Romania, 1975), UN Convention on the Rights of the Child (ratified by Romania, 1990), UNESCO Convention against Discrimination in Education (ratified by Romania, 1964), The Document of the Copenhagen Meeting of the Conference on the Human Dimension (signed by Romania, 1990), Framework Convention on the Protection of National Minorities (ratified by Romania, 1995), the European Charter for Regional or Minority Languages (ratified by Romania, 2007), etc.

##### 4.1.1. *The field of education*

With regards to the right to education, Art. 32.3 of the Romanian *Constitution*<sup>1</sup> states that "the right of persons belonging to national minorities to learn their mother tongue, and their right to be educated in this language are guaranteed; the ways to exercise these rights shall be regulated by law" (Constitution of Romania, 1991). By virtue of this constitutional right, the *National Education Law* of 10 January 2011 and the *Ministry of Education's Order no. 5671/10.09.2012* for the approval of the *Methodology regarding the education in maternal language and the study of maternal language and literature in minorities language* provides further clarifications on the organization and functioning of the education and study formations, the types of education for minorities; the available objects of study in

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<sup>1</sup> The Constitution of Romania, in its initial form, was adopted in the sitting of the Constituent Assembly of 21 November 1991, was published in the Official Gazette of Romania, Part I, No. 233 of 21 November 1991, and came into force after its approval by the national referendum of 8 December 1991.

one's mother tongue for minorities studying in Romanian language; the demands for teachers and continuous teacher training; the schoolbooks.

Thus, for the Armenian language, we note the following rights:

- individuals belonging to minorities have the right to study and receive instruction in their mother tongue at all levels, types and forms of pre-university and university education (Art. 45.1 and Art. 135) (LEN, 2011);
- the right of establishing classes or study groups in mother tongue upon request or schooling in units where such classes exist, with covering the expenses for transport, meals and accommodation, and without imposing a limit for distance (Art. 45. 2) (LEN, 2011);
- the providing, upon request and under the law, of education in Romanian language, with further study of three additional objects of study: native language and literature, history and traditions of the minority, music education (Art. 2) (OM no. 5671, 2012);
- in the pre-university education, the teaching activity and the study of maternal language and literature, history and tradition and musical education are performed based on specific syllabi and methodologies elaborated by teams of experts in the language and culture of the minority in question and approved in compliance with the law (LEN, 2011 and OM no. 5671, 2012);
- the teaching staff must prove their competence in the language of the respective minority and have the right to receive training and skills for the language in which they teach, within the country or abroad (Art. 45.11) (LEN, 2011);
- schoolbooks elaborated in the language of the minorities, books translated from the Romanian language or imported textbooks, approved by the Ministry of Education, Research, and Sports, for the unpublished textbooks, on account of their limited circulation (Art. 45.13) (LEN, 2011).

#### 4.1.2. *The media*

Similarly to other areas, here too, the most important legislative text is the *Romanian Constitution*, which, under Art. 30 and Art. 31, establishes the legal basis for guaranteeing the rights to freedom of expression and information to all its citizens of any ethnicity.

Thus, Art.30 shows that the freedom of expression and creation or communication is inviolable, and that censorship is prohibited. The freedom to establish publications and to express one self through them is guaranteed.

As stipulated in Art. 31, the right to access any information of public interest can not be restricted, while the media, either public or private, shall be bound to provide correct information to the public opinion.

On minorities, *The Audiovisual Law* states, in Art. 82.3, that, “in those areas where a national minority represents more than 20% of the population, distributors shall also provide for the free reception of programs in the language of the respective minority”. Art. 10.3. f of the same law adds that, among the obligations of the National Audiovisual Council of Romania (CNA) is included “the protection of the Romanian culture and language, as well as of the culture and languages of national ethnic minorities” (*Audiovisual Law*, 2002). Also, CNA is authorized to monitor “the correct expression in the Romanian language and in the languages of national minorities” (Art. 17.2).

*The Law on the organization and operation of the Romanian Radio Broadcasting Corporation (SRR) and of the Romanian Television Corporation (SRT)* provides, at Art. 4, the obligation of these institutions to “competently and exactly promote the values of the Romanian language, of the authentic national and universal cultural, scientific creation, of the national minorities, as well as of the democratic, civic, moral and sporting values, to militate for the national unity and independence of the country, for the cultivation of human dignity, of truth and justice”. Similarly, the Romanian Broadcasting Corporation and the Romanian Television Corporation are obliged “to reserve part of their transmission time for the political parties represented in Parliament, [...] by calculating one time unit for every parliamentarian, including the representatives of the national minorities” (Art. 5.4). Another article of interest to the field is Art. 15, regarding the activities of the SRR and SRT, which include “the carrying out of radio broadcasting or television programs, respectively, in the Romanian language, in the languages of the national minorities, or in other languages, for information, cultural, educational and entertainment purposes” (*Law no. 41*, 1994).

Although the Romanian legislation clearly reflects, and to a considerable extent, the requirements in the international documents to which Romania is a party, it can fulfil its role of protection only when provided with the necessary financial

means by which to enforce these rights, as well as with the institutions to control the needed language approaches at a national level.

#### 4.2. The institutional mechanism

Regarding the decisional consequences of these measures, we must reaffirm the fact that Romania has set up special public bodies and specialized directorates within ministries to ensure their proper implementation: The Minorities Department of the General Directorate on Education in Minority Languages, The Council for National Minorities, The National Council for Combating Discrimination, The Institute for Research on National Minorities, The Department of Interethnic Relations. Each of these bodies has important responsibilities in many of the areas of implementation of the language rights and we shall discuss some below.

In addition, following the country reports issued by the Council of Europe or the requests and proposals of the representative organizations, the State adopts new targeted measures for the minorities in question, aimed at removing dysfunctional practices and supplementing its efforts, where needed.

#### 4.3. The financial mechanism

Certainly, the most important means of implementation of minority language rights, without which neither the legislation nor the mere existence of institutions could have tangible and impactful results in protecting linguistic communities, are the budgetary allocations.

The financial amounts to support organizations and citizens belonging to national minorities are provided in the budget of the General Secretariat of the Government, Chapter 67.01 "Culture, recreation and religion", Title "Other expenses" and are summarized in Annex 3/13/02/a of the Law no. 339/2015 of the Budget Bill for 2016. The distribution and use are approved by Government decision.

For 2016, the organizations representing national minorities were given a total of 105,401 thousand lei, while the budget of the he Union of Armenians of Romania was 4,552.80 thousand lei.

The funds are distributed in accordance with a proposal made by the representatives of the organizations of national minorities, which are organized in the National Minority Council, the authoritative body for allocating those monies. The responsibility in using and distributing the amounts provided lies, under the law, with the minority organizations. The monitoring of the use of such amounts in accordance with the legal provisions falls in the responsibility of the Department of Interethnic Relations.

They are intended for specific expenditure categories, which, among other things, also concern some of the areas of interest of the present study:

- headquarters (central and subsidiaries) – which function as learning spaces/editorial offices/printing offices
- publications, books, schoolbooks
- participation in education and editorial activities
- organization of / participation in training sessions
- co-financing of cultural and educational projects (alongside European and international funds)
- purchasing of goods and services necessary for the planned activities, including educational and editorial activities
- salaries of the staff

In addition to the amounts allocated directly to each organization, the government is also funding interethnic programs to promote tolerance, designed and implemented jointly by organizations belonging to national minorities or initiated by the Department of Interethnic Relations (DIR), the body financing interethnic cultural projects. In 2016, the amount allocated to the Department of Interethnic Relations (DIR) for all minorities was 4,000 thousand lei, according to paragraph b) in Annex no. 3/13/02/a.

The educational system is funded separately, by a financed amount granted per student, with an increased coefficient assigned to those studying in a minority language. For example, according to GD. 136/2016, Annex 2, 2016, this coefficient amounted to 3,478 lei / year for secondary level students studying in a minority language in urban environment and 3,043 lei / year for students studying in the official language, taking into consideration the linguistic and geographical isolation, and the small number of pupils.

#### 4.3. The cooperation mechanism between the State and the organizations representing minorities

As shown, the Romanian State assumes its duties in all chapters representing public responsibilities designed to protect language communities, enjoying an adequate legal framework in accordance with the international norms, specific institutions representing (not only) the interests of language minorities and proposing an equitable funding, which takes into account the multiple inherent needs in protecting the area concerned.

According to the „Language Vitality and Endangerment” standard, the level of protection is 5 (“All of a country’s languages are valued as assets. All languages are protected by law, and the government encourages the maintenance of all languages by implementing explicit policies”).

However, the State is unable to respond to every individual need. The undertaken measures are having, in their practical application, various limitations related to the scope and the responsibilities of national authorities, but also the specificities of each language minority. Thus, the cooperation between the government authorities and the protected linguistic community becomes essential. We have seen that the international documents emphasized the need that the efforts made by public authorities are to be complemented by those of the representative bodies of minorities. In the case of education, for example, the law must create a framework for the establishment of schools in which to teach one’s mother tongue. The teaching effort must be assumed, however, by language communities, through their leaders, while benefitting from financial support from the government or from other sources. Similarly, for the media, the state must reflect the ethnic and linguistic diversity by granting broadcasting space in official media outlets, and also allowing the creation of minority media outlets, which means that this latter initiative too, also benefitting by financial support from the government or from other sources, must belong to minority representative bodies.

These assertions are also valid nationwide. It is only natural, as long as the State delegates, through its financial support, a number of responsibilities to the organizations representing minorities, in which the State has limited expertise while the representative bodies can perform adequately.

#### 4.3.1. Education

The best example in this sense is the case of education. We've already described the legal provisions regarding the establishment of classes, levels of education, textbooks and teachers for the Armenian language. The State has no direct competences in none of these areas. Thus, the government cannot impose the creation of classes, it cannot require the existence of all levels of education, and it cannot write textbooks in Armenian or propose competent teachers. All these tasks must fall naturally in the responsibility of the representative organizations, which are more competent in making the optimal choices. The support is indirect, be it by financing these approaches (funding per student, acquisition and printing expenses, etc.) or by "technical" support: licensing the textbooks, working closely with representatives of the minority, verifying the language proficiency certification.

The Union of Armenians of Romania, which is rightfully tasked with updating the legal framework by proposing its own measures, has made (six years ago) the official request to conduct formal courses at the Bucharest branch. It also provides the teachers needed. Currently, in the official system, there are: 1 teacher of Western Armenian (Narine Bogdan-Căuș) and 1 teacher of Eastern Armenian (Arshaluys Paronyan)<sup>1</sup>. Until recently there were no textbooks (neither for Western nor Eastern Armenian), and the learning materials for students were "imported" from abroad: from Armenia, USA, France and Russia. Certainly, this was a grave deficiency – the textbooks were designed for a different target audience and in most cases were written bilingually in a foreign language – which couldn't be bound to any legislation issues, nor to financial resources, but only to the needed involvement of the responsible community, the only one competent and savvy enough to change this. Fortunately, this process was quickly initiated by community leaders. Three years after the resumption of courses in the formal system, an expert from the Armenian minority developed a Western Armenian language schoolbook for beginners (middle school, high school), approved by the Ministry and published by the Didactic and

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<sup>1</sup> Data supplied by Narine Bogdan-Căuș, teacher of Western Armenian in Bucharest, in the individual interview of 21 December 2015 and in the questionnaire sent by mail on 14 December 2015.

Pedagogical Publishing House (author Ulnia Blănaru Maganian); for the Eastern Armenian language, a schoolbook was translated from a model in Russian.

The tuition levels are mostly directed towards secondary school and the courses are held in the Sunday school program of the UAR Bucharest. Due to the not so numerous classes of students, the teaching involved grouping them by language acquisition levels – beginner, intermediate and advanced – and not by tuition levels, a specificity derived from the need to learn/teach the language and to adapt to the existing realities.

There are also many examples where community representatives are complementing the authorities' initiatives, by updating the language rights of the ethnic Armenians. The UAR members and/or church representatives hold courses for adults (not only ethnic Armenians) in Bucharest, summer School (the Cluj branch); they enrich the school books fund (with guides and dictionaries); they propose alternatives of long-distance courses; they offer training and continuous training for teachers/language learning sessions (Ca'Foscari University, in collaboration with a Catholic Order on the island of San Lazzaro, the Spiurk summer school, with the help of the Ministry of Diaspora in Armenia); they participate with funds in the training courses (for transportation and / or accommodation); they purchase teaching materials.

#### 4.3.2. *The media*

The public policies can be materialized in the media either directly – by covering the language, culture, traditions and customs, events and news about the Armenian community in public media (printed or audio-visual, national and regional) – or indirectly – by financing the printing and publishing house, the salaries of the staff working in the Ararat<sup>1</sup> and Nor Ghiank<sup>2</sup> editorial offices, the preserving and extending of the book collection etc.

Regarding the coverage of the Armenian community and its language in the national media, the *Public Television* included in its 2015 broadcasts 530.74

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<sup>1</sup> Ararat is a monthly magazine, published in almost two thousand copies. It is entirely published in Romanian, currently having 32 pages.

<sup>2</sup> Nor Ghiank (New Life) is a bilingual monthly magazine (32 pages of which 6 pages are in Romanian).

minutes of air time dedicated to Armenians, representing 4.15% of the total broadcast time allotted to minorities (TVR activity report, 2015). They were included in the programs *Conviețuiri* (Cohabitations) (194.41 minutes), *Europolis* (180,00 minutes) and *Identități* (Identities) (46,9 minutes).

TVR Cluj is airing *Transilvania policromă* (Polychrome Transylvania), a 105 minutes infoainment program, addressed to minorities in Transylvanian, including Armenians, Russians and Poles. The same local station aired in 2015 the *Armenocid 100* (Armenocide 100), a series of programs which included interviews with descendants of the survivors of the Armenian Genocide and the live ceremonies in Yerevan commemorating the hundredth anniversary of the event (TVR activity report, 2015).

Regarding the public radio and the local radio stations, we must note that *Radio Constanța* airs programs in Greek, Tatar, Turkish, Armenian, Russian Lippovan and in the Aromanian dialect. The Armenian program, *Națiunea și civilizația armeană* (Armenian nation and civilization) is broadcast every Friday, between 07.03 and 08.00 p.m. (Second periodical report, 2016).

In the case of print media, we must bring forth the provisions of a *Programme for cooperation in culture, education and science* between the Government of Romania and the Government of Armenia (since September 8<sup>th</sup> 2011), which laid the foundation for a professional cooperation between the national press agencies of the two states, Agerpres, respectively Armenpres, embodied by exchanging information, press photos and experiences between journalists and other specialists – technical, marketing etc. – based on the cooperation protocol between the two agencies.

We may conclude that as in the case of education, although efforts are made, these initiatives do not cover all the identified needs: the broadcasts are mostly targeting socio-cultural issues (and are not necessarily language-related) or lacking sufficient air time.

Therefore, these approaches are supplemented by the steps taken by community leaders: the efforts to write, edit and print the two publications mentioned, to care and coordinate the publishing of books, documentary materials, etc., to update the site daily<sup>1</sup>, to stay in touch with the other organizations and to gather

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<sup>1</sup> See [www.araratonline.com](http://www.araratonline.com), content available in Romanian, and articles in Armenian and English.

news from the territory, to purchase new books for the library, to create relationships with cultural institutions and private media or NGOs in order for the community to obtain the best media reflection possible, and possibly to supplement some activities with their own funds.

## 5. CONCLUSIONS

We must first emphasize the fact that there are four mechanisms for implementing the language rights of minorities. The legal framework affirms the recognition of rights, the financial support provides the means for their implementation, the institutions ensure the compliance of the implementation and the consultation between the representative organizations, and the state authorities resolve the inherent “gaps” between the provisions of the law (as a general framework) and the individual needs of the linguistic communities, leading to an increased efficiency in resolving the responsibilities of the State in the field.

Were the legislation not completed by financial support, it could not be put into effect; it would lack its sense of usability and would remain at a formal stage, as a declaration of good intentions. Through this financial support – which encourages the enforcement of rights – the State also delegates a number of responsibilities to the organizations representing minorities, which then assume the role of updating and upgrading the legal framework through specific actions, depending on the priorities of the represented minority language.

This is also true for the institutions with responsibilities in the field. They represent the basis for creating a viable mechanism, which, once implemented, would automatically assess and regulate the issues, with the necessary support of the organizations representing the language communities.

Whether it's about approving a textbook or organizing a language Olympiad, whether it comes to the distribution of annual financial amounts allocated to minorities or resolving complaints related to the violation of rights (including linguistic rights) of minorities, all these issues require the active and uninterrupted participation of the bodies representing minorities.

Thus, the responsibility for planning appropriate language approaches falls on the shoulders of the minority language communities, through their

representatives. It is rightly assumed that they have at hand: the levers needed for implementation and adjustment, the necessary knowledge of the needs of the community, the means to mobilize members in the interest of language initiatives.

Even if we cannot conclude that the impact of language policies is yet complete, we may instead assess that the current effectiveness of language policies designed to protect and promote the Armenian language is due to the combined action of the macro-type efforts and those initiated by the minority representative organization.

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