

# Armenia's Language Policy on Minorities' Education Rights Based on the Reports of the European Charter for Regional and Minority Languages

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## Abstract

Documents on the fundamental and linguistic rights of minorities in Europe were drawn up and adopted in the 1990s. These documents are The European Charter for Regional and Minority Languages and The European Charter of Local Self-Government. The correct application of the Charter is monitored by a Committee of Experts (COMEX). The Charter requires the states that have ratified the document to submit three-yearly reports on the implementation of the Charter. Armenia ratified the Charter in 2002. By accepting the Charter Armenia is responsible for submitting reports on which of their commitments have been achieved and to what extent. Since ratification, Armenia has submitted its fifth report. The main aim of this article is to introduce what commitments has Armenia made by ratifying the Charter. Furthermore, analysis of the latest report prepared by the Committee of Experts and to what extent the commitments made in the Charter have been met and put into practice. Using the critical discursive analysis the researcher examined this report. The findings show that Armenia didn't fulfil its expectations based on the report.

**Keywords:** language policy, language policy in education, minorities, minority rights, European Charter, The European Charter for Regional and Minority Languages

## 1. Introduction

The European Charter for Regional and Minority Languages (ECRML) was prepared within the framework of the Council of Europe and opened for signature in Strasbourg on 5 November 1992. The European Charter of Local Self-Government, which also covers the use of regional and minority languages in connection with local authorities, is of importance. The overall goal of the ECRML is to protect and promote historical regional and minority languages in Europe.

Upon accession to the Council of Europe, the Republic of Armenia undertook to sign and ratify the Charter by 25 January 2002. The Charter was signed on 11 May 2001 and entered into

force in respect of Armenia on 1 May 2002. The correct application of the Charter is monitored by a Committee of Experts (COMEX) (Article 17).

Committee of Experts of the European Charter for Regional or Minority Languages prepares periodic reports on how states, including Armenia, apply these international documents on their territory.

The investigation and evaluation of these reports is crucial since they serve as *“important guidelines, an objective standard, before the international and domestic fora about the state of minority rights: compliance with minority rights requirements is often not assessed in comparison to the treaties’ text, but to their interpretation adopted by the expert bodies”* (Fiala-Butora, 2018: 8).

The article will examine the following:

- a) what commitments Armenia entered into when ratifying the European Charter for Regional or Minority Languages;
- b) the content of the last report of the Committee of Experts of the Charter
- c) finally, in the light of this report we seek to establish whether, in relation to the protection of minorities’ language rights, Armenia is complying with the obligations it accepted when ratifying the Charter.

## 2. Objectives

### **The European Charter for Regional and Minority Languages**

The European Charter for Regional and Minority Languages (ECRML) was prepared within the framework of the Council of Europe and opened for signature in Strasbourg on 5 November 1992.<sup>1</sup>

The Charter is not the only instrument of the Council of Europe which is relevant for the protection of regional and minority languages. The European Charter of Local Self-Government<sup>2</sup>, which also covers the use of regional and minority languages in connection with local authorities, is of importance.

The objective of the Council of Europe is to strengthen the bonds between its members, to protect and advance the values and ideas that comprise their shared history; maintaining and expanding Europe's cultural diversity and traditions by preserving minority languages which face ultimate extinction.

According to Gerard-René de Groot (2018) *the preamble to the ECRML states that one of the objectives of this convention is the maintenance and development of regional and minority languages as a desirable manifestation of cultural wealth. Additionally, the ECRML stresses that the provisions legislated in the Charter are the basis of the fundamentals of democracy and cultural diversity.*

The Charter names two levels of protection: **basic** and **advanced**. Basic protection has to be granted to all regional and minority languages traditionally present on the territory of a state (Article 2(1)). The basic protection accorded to these languages is enshrined in Part II of the Charter (Article 7).

A state may then decide to grant advanced protection (Article 2(2)), which is regulated in Articles 8-13.

The Charter provides the following definitions in Article 1 (part a) on "**regional or minority languages**":<sup>3</sup>

a (i) - traditionally used within a given territory of a State by nationals of that State who form a group numerically smaller than the rest of the State's population;

a (ii) - different from the official language(s) of that State;

However, it is important to highlight on that the Charter does not include either dialects of the official language(s) of the State or the languages of migrants.

The first article also lists further categorise (b and a c part) of "**regional or minority languages**" and giving them specific definitions.

b - "territory in which the regional or minority language is used" means the geographical area in which the said language is the mode of expression of a number of people justifying the adoption of the various protective and promotional measures provided for in this Charter;

c - "non-territorial languages" means languages used by nationals of the State which differ from the language or languages used by the rest of the State's population but which, although traditionally used within the territory of the State, cannot be identified with a particular area thereof.

Part II of the Charter obliges a member to grant protection to a regional or minority language which consists of:<sup>3</sup>

- a) Recognition of the regional or minority language as an expression of cultural wealth
- b) Respect for the geographical area of each regional or minority language

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- c) Resolute action to promote a regional or minority language
  - d) Facilitation and/or encouragement of the use of such languages in speech and writing as well as in public and private life.
  - e) Maintenance of ties with other groups speaking the same or similar regional or minority languages.
  - f) The provision of appropriate forms and means for the teaching and study of nsuch languages at all appropriate stages (preschool, primary school, secondary school, vocational training, university).
  - g) Facilities enabling adult non-speakers living in the area where a certain regional or minority language is spoken to learn it.
  - h) Study and research at universities or equivalent institutions.
  - i) The promotion of relevant transnational exchanges with speakers of the same or similar languages abroad.
  - j) The elimination of all forms of unjustified distinction, exclusion, restriction or preference relating to the use of a regional or minority language and intended to discourage or endanger its maintenance or development.
  - k) The promotion by the state of mutual understanding between all the country's linguistic groups.
  - l) Consideration of the needs and wishes of the speakers of regional or minority languages, i.e. by establishing bodies (including speakers) to advise authorities.

The main fields of protection in Part III are:

- Article 8: Education,
- Article 9: Judicial authorities,
- Article 10: Administrative authorities and public services,
- Article 11: Media,
- Article 12: Cultural activities and facilities,
- Article 13: Economic and social life,
- Article 14: Transfrontier exchanges

The states are required to select at least 35 of the undertakings in each Part III clause in addition to the basic protection offered by Part II (Article 7).

The specific undertakings may vary from language to language, but ideally they should be in line with the preferences of each language's speaker, if a state chooses to safeguard several regional or minority languages in accordance with Part III.

### The situation of the regional or minority languages in Armenia

According to Article 29 of the Constitution of the Republic of Armenia, *discrimination based on sex, race, skin colour, ethnic or social origin, genetic features, language, religion, world view, political or other views, belonging to a national minority, property status, birth, disability, age, or other personal or social circumstances shall be prohibited*<sup>4</sup>

In Armenia, the Law of the Republic of Armenia “On the Human Rights Defender” was adopted in 2003 (amended in 2016, becoming a Constitutional Law of the Republic of Armenia), and the Staff to the Human Rights Defender has been established on the basis of the Law. Since 2011, a defender of the rights of the national minorities has been functioning within the Staff to the Human Rights Defender. In 2012, "Department of Vulnerable Groups Protection and Co-operation with Non-governmental Organisations" was established under the Staff to the Human Rights Defender, one of the strategic objectives of which is protection of the linguistic rights of national minorities. Since 2013, inter alia, the person responsible for protection of the rights of the national minorities has been the Adviser to the Human Rights Defender.<sup>5</sup>

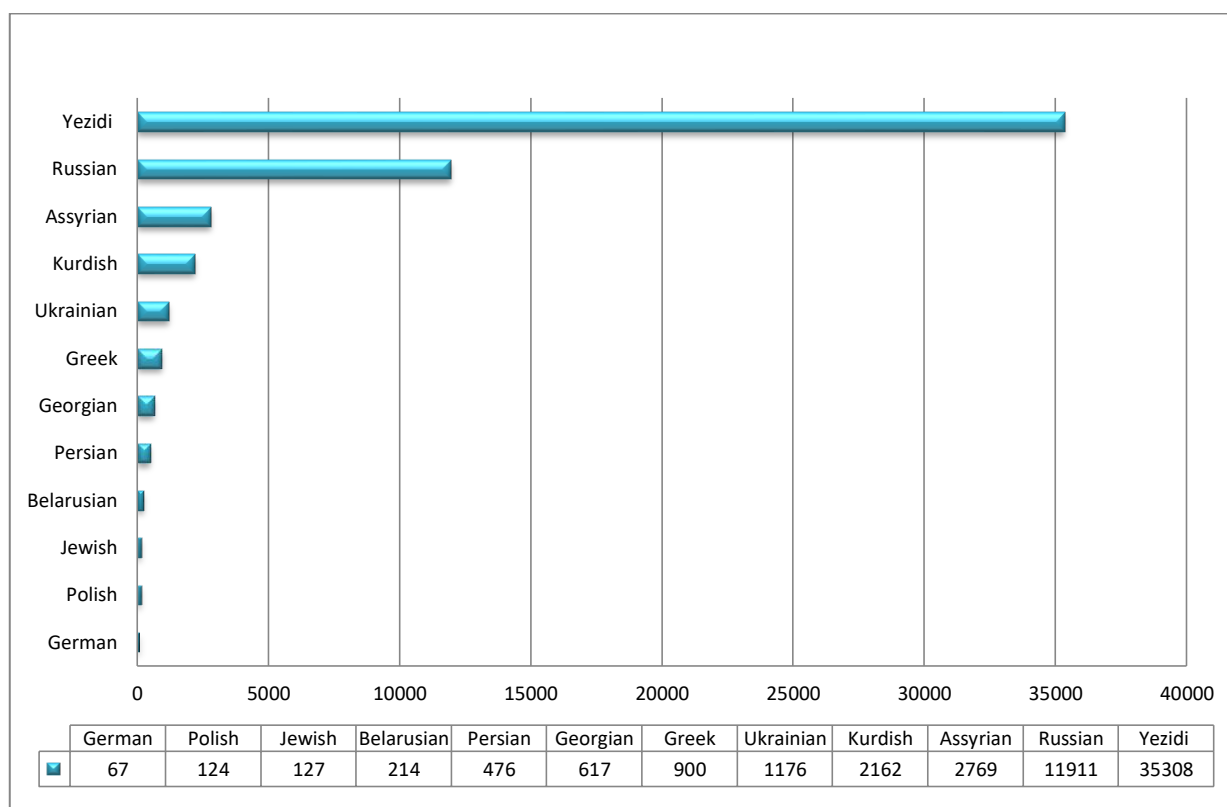


Figure 1. Native speakers of minority languages in Armenia (2001 census data)

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A greater proportion of the population is **Yezidi**. Yezidi is not used in pre-school education, however in secondary schools Yezidi is taught outside the curriculum. Concerning teaching materials for Yezidi, topics and methodology are out of date. Professional education is not provided for teachers of Yezidi and there is no applicable specialisation offered in higher education in Armenia as well. Yezidi is not taught in technical and vocational education. The Yezidi National Committee in Yerevan organise cultural activities and events (exhibitions, film presentations, workshops and seminars).

**Russian** has a very strong role in Armenia. In Armenia teaching in and of Russian are made available at all levels of education. Teaching materials are either conducted in Armenia or imported from the Russian Federation. Russian can be studied as a university subject in several higher education institutions. Research institutions grant the opportunity to carry out several researches in Russian. Russian is extensively used in public and is utilized in both business and social interactions.

**Assyrian** is taught to a certain extent in primary schools. The only country which specified learning outcomes for Assyrian learners is Armenia. Since higher education institutes in Armenia don't provide any appropriate specializations, Assyrian teachers lack a particular professional education. The majority of Assyrian cultural events are organized in the municipalities where Assyrians make up a sizable section of the population.

**Greek** is taught at Sunday schools (on Saturday, Sunday and Wednesday) arranged by the Greek minority with funding from the Greek Embassy in Armenia. The capital Yerevan is the centre of the Greek language and Greek culture. Greece provides educational materials for teaching Greek. In Armenia no educational resources are produced in Greek. The government intends to resume teaching Greek in two Yerevan schools at some point in the future. At the Yerevan State University and the Yerevan Brusov State University of Languages and Social Sciences students can study Greek.

**Kurdish** is inter alia taught at the secondary school in Alagyaz (the largest Kurdish-populated municipality in Armenia). However, Armenian universities don't have a specialization for the training of Kurdish language teachers. Concerning topics and methods, the Kurdish teaching materials are outdated. Kurdish is not taught in pre-schools or in technical and vocational education either. The Yerevan State University allows the opportunity for students to learn this language and researchers can conduct researches on this language too. Kurdish community celebrate the Kurdish

national holiday every year, organized by the Kurdish National Committee of Armenia and the Kurdistan Committee of NGOs.

	Pre-school	Secondary-school	Higher Education/ University	Technical/ Vocational school	Teaching material	Professional education for teachers	Cultural Activities
Yezidi	-	+	-	-	-	-	+
Russian	+	+	+	+	+	+	+
Assyrian	-	+	-	-	-	lack of prof. education	+
Greek	-	only in Sunday schools	Can be learnt individually	-	+	-	+
Kurdish	-	+	+	-	outdated	-	+

Table1. The availability of Educational Institutions for minorities in Armenia

### 3. Results

#### Monitoring the application of the Charter

The European Charter for Regional or Minority Languages is a treaty of the Council of Europe putting obligations on its states parties to protect and promote the country's traditional minority languages in all fields of public life: education, judicial authorities, administrative authorities and public services, media, cultural activities and facilities, economic and social life, and transfrontier exchanges. Upon accession to the Council of Europe, the Republic of Armenia undertook to sign and ratify the Charter by 25 January 2002. The Charter was signed on 11 May 2001 and entered into force in respect of Armenia on 1 May 2002. It applies to the following languages: Assyrian, German, Greek, Kurdish, Russian, Ukrainian and Yezidi<sup>3</sup>

Article 15 (1) of the Charter requires states parties to submit three-yearly reports on the implementation of the Charter. Armenia's fifth periodical report was submitted in June 2019.

Armenia submits the Fifth Report on the course of measures aimed at implementation of the principles of the Charter and its provisions, on results of the fourth round of observations of the Committee of Experts on application of the Charter in Armenia, as well as on practical steps implemented at national level within the framework of the Recommendation of the Committee of Ministers of the Council of Europe Staff of the Prime Minister of the Republic of Armenia<sup>6</sup>

- National Assembly of the Republic of Armenia;
- Ministry of Education and Science of the Republic of Armenia;
- Ministry of Justice of the Republic of Armenia;
- Ministry of Culture of the Republic of Armenia;

- Ministry of Labour and Social Affairs of the Republic of Armenia;
- Ministry of Territorial Administration and Development of Armenia;
- Statistical Committee of the Republic of Armenia;
- Ministry of Sport and Youth Affairs of the Republic of Armenia;
- National Commission on Television and Radio of the Republic of Armenia

	State Report	Committee of Experts' Evaluation and Recommendations	Committee of Ministers' Recommendation
Report 1	01.05.2003	25.11.2005	14.06.2006
Report 2	15.02.2008	22.04.2009	23.09.2009
Report 3	11.10.2012	20.06.2013	15.01.2014
Report 4	29.09.2015	16.11.2016	11.05.2017
Report 5	28.06.2019	02.07.2020	08.12.2020

Table 2: Monitoring of the application of the Charter in Armenia

The correct application of the Charter is monitored by a Committee of Experts (COMEX) (Article 17). This committee consists of 25 members (one for each contracting state) and has its own secretariat. The monitoring procedure is regulated by Article 15 of the Charter: every three years, member states have to submit a periodical report to the Council of Europe

The COMEX issued relatively lengthy evaluation reports until 2017 that contained a significant amount of information that had already been included in preceding reports. Sometimes it was difficult to find the remarks relevant for a particular regional or minority language. Since 2017, brief reports have been created, containing tables for every regional or minority language and an assessment of the essential initiatives. For part III languages, an evaluation is provided of all 35+ undertakings chosen by a state from the menu card for a given regional or minority language.

For each undertaking the tables indicate whether the obligations are *fulfilled/ partly fulfilled/formally fulfilled/not fulfilled* or whether *no conclusion* can be drawn (e.g. if no or insufficient information is provided).<sup>7</sup>

Chapter 2 of the report of the Committee of Experts on the implementation of the Charter in Armenia, adopted on 28 June 2019 (Comex, 2019), evaluates the compliance of Armenia with its undertakings under the Charter for the languages covered. The Committee of Experts used the following categories for the evaluation of compliance (Cserniczkó, Márku, (2020)):

- (4) Fulfilled: policies, legislation and practice are in conformity with the Charter.



- (3) Partly fulfilled: policies and legislation are wholly or partly in conformity with the Charter, but the undertaking is only partly implemented in practice.
- (2) Formally fulfilled: policies and legislation are in conformity with the Charter, but there is no implementation in practice.
- (1) Not fulfilled: no action in policies, legislation and practice has been taken to implement the undertaking or the Committee of Experts has over several monitoring cycles not received any information on the implementation.
- ( ) No conclusion: the Committee of Experts is not in a position to conclude on the fulfilment of the undertaking as no or insufficient information has been provided by the authorities.

	Assyrian	Greek	Kurdish	Russian	Yezidi
8.1. a iv	1	1	1	4	1
8.1. b iv	0	1	0	4	0
8.1. c iv	0	1	0	4	1
8.1. d iv	1	4	1	4	1
8.1. e iii	1	4	4	4	1
8.1. f iii	1	3	1	4	1

Table 3: Compliance of Armenia with its undertakings under the Charter, according to the evaluation of COMEX 2019 (Article 8: Education)

The investigation and evaluation of these reports is crucial since they serve as “*important guidelines, an objective standard, before the international and domestic fora about the state of minority rights: compliance with minority rights requirements is often not assessed in comparison to the treaties’ text, but to their interpretation adopted by the expert bodies*” (Fiala-Butora, 2018: 8). As a result, these reports act as a form of impartial mirror in local and international forums on the condition of minority rights.

As it can be seen in Table 3 Armenia has not fulfilled its obligations for each language concerning education rights. The country has only fulfilled its obligations only to one language and that is Russian. The indicators of the Russian language stand out in comparison with the other languages. This is due to the fact the important position that the Russian language plays in the country. The cultural life of the minorities is provided and fulfilled in the following minorities: Greek, Kurdish and Russian. Furthermore, the language learning in higher education is only provided in two languages: Greek and Russian.

#### 4. Discussion

The fifth periodic report on Armenia did not provide the Committee of Experts with enough specific material to draw any conclusions on the accomplishment of any Charter commitment.

If the Armenian government had completely fulfilled all its obligations under the Charter, there would be a number 4 in each cell of the above table (table 3), this is clearly not the case. If we analyse the numbers of the evaluation given by the Committee in Article 8, it can be seen that the average value is critically low, especially concerning education in *pre-schools, primary schools and vocational schools*. Armenia has practically not complied with its obligations under Article 8, as the average value is closest to the evaluation of **not fulfilled**, which means that “*no action in policies, legislation and practice has been taken to implement the undertaking or the Committee of Experts has over several monitoring cycles not received any information*” (table 2).

In the last monitoring cycle, the Committee of Ministers recommended that Armenia.”<sup>8</sup> The state report further indicates that Kurdish and Yezidi children attend pre-schools, but does not state whether they receive education in Kurdish and Yezidi (Article 8.1. a iv).

Primary and secondary education is available in Russian (Article 8.1. a iv and Article 8.1. c iv), furthermore in technical and vocational education Russian is also taught (Article 8.1.d iv). According to the governmental report, there is no secondary level curriculum for teaching Yezidi. (Article 8.1. d iv).

The Committee of Experts has been instructed by the Armenian authorities that secondary education is offered in Greek with regards to this language. (Article 8.1. c iv). Furthermore, Greek is taught in higher education as well (Article 8.1. e iii).

At university, German, Greek, Kurdish and Russian can be studied as subjects (Article 8.1. e iv). This is not the case for Assyrian and Yezidi (Article 8.1. e iii). Russian is the only minority language which is taught in continuing education (Article 8.1.fiii).

The absence of minority language instructors, according to representatives of the majority of national minorities, is one of the major obstacles to the advancement of minority language education (8.1. e iii.). The poor (particularly financial) attraction of a teaching career and deficiencies in teacher preparation are the two key structural issues.

Associations of national minorities continue to organize "Sunday schools" with the opportunity for adults to attend language courses (Articles 8.1.fiii).

In view of the data, extensive measures should be taken to enhance the preparation of minority language instructors. The Armenian authorities should include proper changes in order to improve teaching and learning. The teaching materials for minority languages need to be improved, and there is a need to produce teaching materials for all educational levels and for all minority

languages with the exception of Russian.

Generally speaking, the Committee of Experts is unable to reach a conclusion in all cases based on the information provided by the Armenian authorities regarding the teaching of minority languages in pre-schools, primary schools, and vocational schools because it is not sufficiently clear and language-specific.

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