

CHILDREN'S RIGHTS TO MOTHER-TONGUE EDUCATION. A SMALL CASE QUALITATIVE STUDY IN CHERNIVTSI¹

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Abstract: *The right to mother tongue education, before being seen as a linguistic right specific to minorities, or as a particularity of the right to education, must first of all be seen as a unique, fundamental right, alongside the other rights of children. Language is essential for human culture, being considered one of the most important expressions of identity (Ozfidan, 2014). This fact highlights the importance of language aspects and their significance for ethnic and linguistic minorities. Linguistics rights can be described as a series of obligations of the state to recognize and support the use of the languages of national minorities. The importance of these rights has implications for the inclusion and social participation of members of a minority.*

Key words: *education; mother-tongue; children's right.*

1. Introduction

A multitude of studies conducted in the field of linguistics have focused on approaching the topic as language providing the basic tool of interaction (Killen, 1998), leading to language development from a pedagogical and cognitive approaches. This has, to some extent, isolated the legislative approach and the treatment of children's right to mother-tongue education with the same priority as the other rights provided by law. Likewise, the lack of this topic from the public discourse has resulted in the disinformation of the masses regarding the evolution and legal changes that cover the area of linguistic rights of minorities, children's rights, the right to education and other fundamental rights.

Research in recent years supports the idea that mother tongue education in the first 6-8 years of life increases children's self-confidence, the level of participation of minority children in school activities, lowers the drop-out rate, indicates an academic performance of these children and ultimately participates in a better social integration of national minorities (apud. United Nations Special Rapporteur on minority issues, 2017)

1.1. The Romanian community in Chernivtsi in the context of the current educational system of Ukraine

Romanians are the third largest ethnic minority community in Ukraine, after Russians and Ukrainians, if it weren't artificially divided into Romanians and Moldovans (Ministry of Romanians Abroad, 2020²). According to data provided by the Ministry for Romanians Abroad, the Romanian community in the Chernivtsi region is the densest, accounting for 44.38% of the total Romanian diaspora in Ukraine. Members of this community face several problems like the official use of the Romanian language, access to mother-tongue education, the use of the Romanian language in administration and justice, lack of representation in Parliament, etc.. Education in

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² 151,000 Romanians and 258,600 Moldovans, while in Chernivtsi region are a total of 181,780 persons speaking Romanian language.

Romanian language in this region has undergone drastic changes in the last decade, with the number of Romanian schools and the number of children enrolled in these schools decreasing considerably. In the school year 2001-2002, there were 83 Romanian schools in the region (with 21,672 students) and 9 mixed schools (with 2,141 students). In 2016 there were only 63 Romanian schools and 17 Romanian-Ukrainian mixed schools (with only 13,751 students) (Ungureanu, 2016: 29).

One of the fundamental rights set in UN Convention on the Rights of the Child is the right to education in mother-tongue. Despite the agreements signed between the two states, Romania and Ukraine, pressures from the EU, the commitments and the need to comply with the criteria imposed by the EU for countries intending to join European community, on September 2017 the Verkhovna Rada of Ukraine has decided to pass a New Education Law (no. 2145-VIII), starting strong reactions. On October 10th, 2017, the Parliamentary Assembly of the Council of Europe discussed the controversial article 7, concluding that the new law entails a strong reduction in the rights of national minorities, because these, who were previously entitled to have monolingual schools and fully fledged curricula in their own language, now find themselves in a situation where education in their own languages can be provided, along with education in Ukrainian, only until the end of primary education. Therefore, the Parliamentary Assembly recommends that these provisions to be further examined by the Venice Commission and to amend the new Education Law according to its recommendations and conclusions. Furthermore, the Venice Commission's Opinion no. 902 issued on December 11th, 2017 contained critical reservations regarding the same article 7 of the Education Law, pointing the non-compliance with the international obligations Ukraine is a part, with regard to protection the language rights of national minorities, the reduction of the existing level of protection and non-compliance with the principle of non-discrimination of these minorities.

However, Toronchuk and Markocskyi, (2018) state that this criticism of article 7 of the Education Law by these European institutions seems to be biased and, sometimes, even unreasonable. But we will further discuss this matter from a child's rights perspective.

1.2. Education in the mother tongue - a children's right approach

The access to education in mother tongue and the development of the education system, including for minority children, must be in accordance with the principles of equality and non-discrimination, as stipulated by UN Convention of the Rights of the Child. Every child has the right to education on the basis of equal opportunity and to use his or her own language. This is possible only through the active involvement of the State which has the responsibility to implement policies, measures and opportunities that make education accessible to all. Therefore, access to mother-tongue education which guarantees the enjoyment of cultural rights is considered the most important legal aspects of minorities (Kaya, 2009). This interdependent relationship between education in mother-tongue and unlimited equal access to education "is a key-mechanism for creating an inclusive education system and in providing equal opportunities" for children (Malherbe, 2004:23).

International laws classify linguistic rights as 'individual rights'. All international documents guarantee the right to mother-tongue education for everyone and provide mechanisms for the protection of the rights of minorities. Thus, for children belonging to national minorities, such as those from Chernivtsi on whom this paper focuses, the right to mother-tongue education is guaranteed by the following international legal provisions, to which Ukraine is a signatory part of:

Table 1: Ukraine signing and ratification of major international and regional treaties regarding protection of minorities.

	Year adopted by the International Body	Year ratified by the Ukrainian Parliament
Universal Declaration of Human Rights	1948	
UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities	1992	
International Covenant on Civil and Political Rights (ICCPR)	1966	1973
International Covenant on Economic, Social and Cultural Rights (ICESCR)	1966	1973
Convention on the Rights of the Child (CRC)	1989	1990
UNESCO Convention against Discrimination in Education	1960	1962
UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions	2005	2010
European Charter for Regional or Minority Languages	1992	2005
CoE Framework Convention for the Protection of National Minorities	1995	1998

Source: generated by the authors

Article 28 of the CRC guarantees the right to education on the basis of equal opportunities and the principle of non-discrimination. Furthermore, Article 30 stipulates: "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language." This article reiterates the provisions of Article 27 of the ICCPR. These are in line with the provisions of Article 5 (para.1, letters (c)) of the UNESCO Convention on Combating Discrimination in Education, which provides: "(c) It is 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, provided however." Of particular importance in recognizing the influence that mother tongue education has on the process of social inclusion of minorities is provision of Article 4 (para. 3) from the Declaration on the Rights of National, Ethnic, Religious and Linguistic Minorities, which mention: "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."

2. Method

2.1. Aim

The paper uses a qualitative approach using unstructured interviews, aiming to identify how children from the Romanian community in Chernivtsi relate to the right to mother-tongue education and to present the effects of legislative change on their future educational path. Two research questions guided our study: (1) *What is the perspective of children, who are part of the Romanian community in Chernivtsi, on the right to mother-tongue education?* and (2) *How the New Law on Education influences the freedoms and rights of children of Romanian minorities in Chernivtsi?* Three research objectives were followed:

- Description of legal provisions on children's rights as a standard for providing education in mother tongue according to the New Law on Education;
- Identifying interfering elements among children's rights to education and right to education in mother tongue;
- Identifying the consequences of violating the right to education in mother tongue.

2.2. Participants

Invitation to participate in the research was sent to a total of 17 children through the WhatsApp application. The final sample included 13 children (8 girls and 5 boys). All are part of the Romanian community in Chernivtsi and are enrolled in second grade in a Romanian school.

Table 1. Sample study (N = 13)

Identification	Gender	Age
A.	M	8
B.	M	9
C.	F	8
D.	F	9
E.	F	8
F.	M	9
G.	M	8
H.	F	8
I.	F	8
J.	F	8
K.	M	9
L.	F	8
M.	F	9

Source: generated by the authors

2.3. Instrumentalization

An unstructured interview was used with one question as an anchor: "How important is it for you to learn at school in the same language that you also speak at home?". This decision started from the assumption that interview with children allows a better and deeper understanding of children's perspective on the right to educate in their mother-tongue. But the most important advantage of the unstructured interview is the „possibility it offers respondents to express their values, beliefs, attitudes, experiences and emotions in relation to the topic studied" (Atkinson, 2002: 125).

In this way we get different perspectives on the topic studied, which will lead us to a more complex understanding of children's perspectives on the right to mother tongue education.

In selecting this research method we took into account the following factors:

1. The age of children (8-9 years) which is characterized by a continuous need for activity and a lower ability to focus on more detailed questions or a longer interview;

2. Children's availability to participate, their time being equally important as the researcher's. Therefore, the interview lasted on average between 5-15 minutes.

2.4. Data collection and analytical procedure

Considering the context in which the research was carried, we collected data using Zoom platform. This allowed real-time recording and archiving the data on the personal computer that later was used in analytical procedure. However, we must also mention the limitation of this approach because when the interview takes place online, it is more difficult to build an interpersonal connection, and it's difficult to interpret the nonverbal language of the respondent, these indicators being relevant in the process of collecting qualitative data (Denzin and Lincoln, 2018).

Content analysis was then used for coding and seven themes emerged:

- 1) Mother-tongue as a school success indicator;
- 2) Mother-tongue as a tool of socialization;
- 3) Mother-tongue and family comfort;
- 4) Mother-tongue and cultural values and identity;
- 5) Role of mother-tongue in future educational path;
- 6) Mother-tongue and multilingualism;
- 7) "Zero emotions".

A relevant aspect mentioned by several participants in the research, refers to the method by which Romanian children have learned the Ukrainian language. Most of them arguing that access to new technologies played a key role in the process of learning the new language. This observation supports the conclusions of several studies, (Grimley, 2012; Celik and Yesilyurt, 2013; Aesaert, Nijlen *et al*, 2015; Chaudron, 2015; Dedkova, 2015; Beyens and Beullens, 2016; Ratheeswari , 2018), which focused on identifying the relationship between the new media and the instructive-educational process. Alternative methods of learning a new language offered by new technology have proven to be effective not only in a child's individual study monitored by parents, but also in school framework. Thus, the new media becomes a facilitator that speeds up the process of acquiring the majority language and ultimately, positively influences the inclusion of minority children in the classroom through facilitating the teacher-student relationships.

2.5. Ethical considerations

Based on the basic ethical principles in doing research with children, the following ethical indicators were followed: obtaining an oral and free informed consent from parents, absence of coercion (Gavrilovici, 2004), and assuring the confidentiality of data through anonymisation technique.

3. Results

Mother-tongue as a school success indicator

All participants recognized the importance of the usage of mother-tongue in education. For them, the Romanian language is the primary tool in achieving academic

success. "*At school, the Romanian language helps me to make friends and learn better. If I didn't know Romanian, maybe it would have been harder for me to understand the exercises and answer the questions.*" (B, 9 y.o., b). Education in the mother-tongue includes three dimensions: (1) Improves the process of accumulating information: "*The Romanian language helps me to get good grades, because it helps me to understand what the teacher wants from me*" (H, 8 y.o., f); (2) Supports children in specific tasks: "*For me it is important to learn in Romanian, because I understand better what the teacher says and I can do my homework properly*" (A, 8 y.o., b); and (3) It is the key factor of teacher-student relationship: "*It is good that we learn in Romanian because we understand teachers requirements.*" (M, 8 y.o., f).

School success is mainly defined by grades "...you must have good grades" (H, 8 y.o., f), but also in relation to belonging to a 'successful' group ("*I like to learn in Romanian at school because it helps me to achieve better results, as other children do*" - J, 8 y.o., f).

Previous research concluded that children who start education in their mother-tongue are more successful in school compared to those who learn in a different language (Daniel, 2003).

Mother-tongue as a tool of socialization

Beside the role of mother-tongue in cognitive development, studies also show the role in socialization process (Golu, 2015): "*The Romanian language helps me to have better relationships with my colleagues. If I want to say something, they understand what I am telling them*" (C, 8 y.o., f). Through the usage of mother-tongue, children develop their significant relationships with peers ("...*my friends are here, I don't want to go to another school*" - G, 8 y.o., b) and internalize the attitudes of their colleagues in relation with themselves and tend to use them as a measure of self-worth: "*If I did not talk Romanian I think no one would play with me. In classroom we use the same language and we understand each other*" (H, 8 y.o., f).

Mother-tongue and family comfort

Mother-tongue education includes, from the child's perspective, a strong family dimension associated with connectedness: "*I think it is important to learn in a language that we know, because, when we speak in mother-tongue, it reminds us about the mother and her affection*" (D, 9 y.o., f). Mother-tongue education gives children a sense of security contributing to a general sense of well-being: "*We use this language at home and I feel good that we also use it at school*" (J, 8 y.o., f).

Mother-tongue and cultural values and identity

The usage of mother-tongue allows the transmission of the cultural values of their group: "*With colleagues, sometimes we speak in Ukrainian during the breaks, but I am glad that mother taught me Romanian because I like playing Romanian folk songs and to go the (Romanian) dance classes*" (M, 8 y.o., f). Mother-tongue becomes a part of the cultural identity and values ("*Romanian language makes us different from other children*" - J, 8 y.o., f). Through "cultural values" children understand the entire extracurricular activities including folk dances, traditional songs, poems and historical information about Romania. The close relationship between the child's mother-tongue and his/her culture, will later influence the cultural behavior in which the child will engage when he/she becomes an adult, the linguistic factor being the most valuable thing of the Romanian community in Chernivtsi, which offers identity and communication support (Otovescu, Păsătoiu and Cioacă, 2020).

Role of mother-tongue in future educational path

Children measure their future educational path depending on the level of knowledge of Ukrainian language. Schools teaching entirely in Romanian are most often encountered at the elementary level. Starting with secondary level, most teaching is delivered in Ukrainian. This happens in big cities as well where there is a large minority population (e.g. in Chernivtsi, even if there are high schools that teach in Romanian, half of the classes are taught in Ukrainian because there are no specialized teachers). However, children see their future education in Romania: "*Mother wanted to come at a Romanian school to learn Romanian better and when I'll grow up I'll go to Romania*" (G, 8 y.o., b.).

Mother-tongue and multilingualism

Children assign the following features to people who can speak two or more languages (multilingualism):

- Possibility to travel - children are aware of the linguistic diversity and the advantage that multilingualism has: "*After graduating, I want to go to university and become a man who knows several languages. In that way I will be able to travel the world without the need for a translator, and I will make a lot of money.*" (F, 9 y.o., b);
- Social adherence - language as a primary tool of interaction that promotes children's inclusion in school and society;
- Independence - knowing several languages gives children a sense of independence or at least a personal plan for an independent future: "*Mother and father told me that it is better to know both languages because it will help me in the future*" (F, 9 y.o., b).

"Zero emotions"

Among the children who participated in this study, there were two who consider that mother-tongue education has no special influences. "*Zero emotions! I speak Ukrainian and Romanian at school. I don't know if that helps me with something, I don't think that language is important and it doesn't help me at all.*" (K, 8 y.o., b). In the process of interpreting the data, the expression "zero emotions" was codified as a perspective that finds education in the mother-tongue irrelevant. However, the participants identify the influence that language has on the learning process even and in the group of friends: "...*but it is easy for me to learn in Romanian at school and to get along with my friends.*" (K, 8 y.o., b)

4. Conclusions and Discussion

Children have the right to education provided in their mother-tongue as the international documents mention. National authorities need support in developing and implementing educational policies that promote linguistic diversity. The guarantees of the Ukrainian state for "*multilateral development and functioning of the Ukrainian language in all areas of social life on the territory of Ukraine*", result from Articles 10 and 53 of the Constitution of Ukraine, which also acknowledge for the national minorities the right of "*learning in the mother tongue or learning the mother tongue in state and communal educational institutions or through national cultural associations*". However, the New Education Law limits the content of rights (e.g. right to education), because its provisions and implementation may reduce the number of people with access to education in mother-tongue. Because of this law, many schools with teaching in

mother-tongue have been closed or are assimilated by Ukrainian language; by limiting the right to compulsory education in mother-tongue it ultimately reduces the equal opportunities for children from different ethnic minority communities to access a higher form of education. In conclusion, the New Education Law has the following implications on children who are members of the Romanian community:

- heightened pressure on the Romanian community in Chernivtsi to educate children in the Ukrainian language;
- due to the intrusive nature of the law and the inconsistency with international legal norms, undermining the child's right to education in the mother tongue;
- impeding the fulfilment of educational rights through limited access to education and affecting his/her academic outcome;
- hinders the child's process of socialization and social inclusion;
- affecting the child's right to manifest his/her cultural identity.

Fulfilment of the right to education in mother-tongue is a good indicator of the fight against ignorance, discrimination and marginalization of ethnic minority groups. Thereby, from the experience of children, the right to education in mother-tongue has the following positive long-term implications:

- influences children's school success through better assimilation of knowledge, understanding and carrying tasks, and developing a positive climate in schools;
- gives an opportunity to access literature and to understand what they are reading;
- it is associated with the child's need to socialization and belonging to a social group;
- eliminates language barriers that are associated with the phenomenon of marginalization and discrimination within the group of students;
- allows the cultural preservation of the group of which children are a part of and supports cultural diversity defined by children as "*what makes us different from others*".

Children also recognize that the acquisition of the state language is a basic condition for a real social integration. In order to have access to all social, medical, judicial services it is necessary to know the Ukrainian language.

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