

## The Dimensions of Social Inclusion in the Right to Education

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### ABSTRACT

Ensuring high-quality and inclusive education contributes to the development of the talent and potential of all learners, by making the right to education available, accessible, acceptable and adaptable to ever-changing society. The right to education is a universal right widely sanctioned at the international and national level. Despite legal protection, the realization encounters obstacles due to the social conditions and economic difficulties of individuals. The right to education knows no borders and nationality. Universality of the right to education is a prerequisite which require by the state, as the bearer of obligations, the construction of different bridges in legislation and policies towards inclusion in education. The paper addresses the social inclusion in education as a means to achieve and enjoy the right to education on equal bases. The research identifies different marginalised groups and the gaps that exist between their right to education and its realization. The dimension of social inclusion will be oriented based on the analyses of the key documents, legal framework, policies and strategies implemented by Albania. The paper highlights the steps needed to be taken by the state to implement inclusion in education, with the aim of enjoying the universal and unlimited right to education. Therefore, analyses of inclusive education will serve to take further steps toward universal right to education, as an embedded right in international human right law.

*Keywords:* Albania, educational policies, social inclusion, state obligations, the right to education, universal human rights

### Introduction

The right to education is a fundamental human right with an inclusive nature. It is legally guaranteed to all without discrimination and it is recognized internationally as a universal right since the moment of the adoption of the Universal Declaration of Human Rights, 1948 (United Nations, 1948). The right

to education is known to both children and adults in every stage of life. Article 26 of the declaration, by stipulating that: “*Everyone has the right to education*”, opened the way for the education of young people and adults in addition to children (Volio, 1979). Education aims to achieve an adequate standard of living, well-being, self-development and protection of human dignity (Beiter, 2006).

Provisions on education stipulated in the Universal Declaration of Human Rights are reaffirmed, reinforced and detailed later through a number of international instruments of the United Nations and other international organizations working in the field of human rights, the right to education and child’s rights. However, all the covenants, conventions, declarations and frameworks in the field of education highlight the inclusive nature of the right to education, as a right that is known to everyone, regardless of the circumstances or factors that make individuals different from others (McCowan, 2010; Office of the High Commissioner for Human Rights, 1999; Coomans, 2007).

In order to implement the principles sanctioned in the Universal Declaration of Human Rights, the United Nations General Assembly adopted two international instruments, the International Covenant on Economic, Social and Cultural Rights (United Nations International Covenant on Economic, Social and Cultural Rights, 1966) and the International Covenant on Civil and Political Rights (ICCPR) on 1966 (United Nations International Covenant on Civil and Political Rights, 1966). The elements of economic, social and cultural rights constitute entitlement to receive an education, while the elements of civil and political rights are related to freedom in the right to education. Articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights have delineated the right to education, highlighting the features of this right (Tomasevski, 2003).

Further guarantees and protection are given to the right to education by a number of other international instruments such as the International Convention on the Elimination of All Forms of Racial Discrimination (United Nations International Convention on the Elimination of All Forms of Racial Discrimination, 1965), the Convention on the Elimination of All Forms of Discrimination against Women (United Nations Convention on the Elimination of All Forms of Discrimination against Women, 1979) and the Convention on the Rights of children of the United Nations (United Nations Convention on the Rights of the Child, 1989). Moreover, special attention has been given to inclusive and equal access to education through the UNESCO Convention against Discrimination in Education (The United Nations Educational, Scientific and Cultural Organization [UNESCO], Convention against Discrimination in Education, 1960). At the regional level, the right to education is guaranteed by article 2 of Protocol 1 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (Convention for the Protection of Human Rights and Fundamental Freedoms (Council of Europe European Convention on Human Rights, as amended) (ECHR), Prot. 1, 1952).

Article 2 of the First Protocol of the European Convention on Human Rights: “*No person shall be denied the right to education*” categorically prohibits the denial of the right to education, making this right accessible for everyone (Pillai, 2012; Miço, 2019).

However, the right to education is not realized in the same way for all regions of the world. According to McCowan (2010), about 75 million children are out of school altogether – nearly half of these in sub-Saharan Africa – with many more having sporadic attendance and dropping out before completion. Even in Europe, despite increased policy effort and resources through the European Structural Funds to reduce the average of people who leave school early, the progress is slow. In 2007 the average EU rate of early school leaving for 18-24-year-olds was still 14.8%, 2.8 percentage points lower than in 2000 (Commission of the European Communities, 2008). While UNESCO raised the voice for unequal distribution of educational resources and opportunities given that an estimated 258 million children, adolescents and youth, or 17% of the global total, are not in school. At the same time, the number of out-of-school children in sub-Saharan Africa is growing (UNESCO, 2020).

Inclusiveness and education for all continue to remain one of the most discussed issues of education in Albania as well (Save the Children, 2012; Byrne, 2014; Byrne et al., 2021), regardless of the fact that the right to education is widely recognized and protected in the legal framework, starting from the Constitution of Albania (Constitution of Albania Law of 1998, Pub. L. No. 8417/1998). The Constitution of Albania has considered the right to education as one of the basic human rights, categorizing it in the group of economic, social and cultural rights. The right to education is guaranteed in equal basis for all citizens living in Albania, without discrimination, including in particular the persons belonging to the minority groups, foreigners and stateless persons. The legal framework in the field of pre-university education, higher education and vocational education and training guarantees this right by providing the appropriate means to make it available, accessible, acceptable and adaptable for all (On Pre-university Education System in the Republic of Albania Law of 2012, Pub. L. No. 69/2012; On Higher Education and Scientific Research in Institutions of Higher Education in the Republic of Albania Law of 2015, Pub. L. No. 80/2015; On vocational education and training in the Republic of Albania Law of 2017, Pub. L. No. 15/2017).

Regardless of legal guarantees, the cumulative dropout rate in Albanian primary education was 6.8 percent in 2016 (the most recent year for which there are international data), more than double the rate in the EU (2.5%) (Institute of Statistics, Institute of Public Health, ICF, 2018). According to the data published from the Institute of Statistics, UNESCO, the number of out-of-school children in 2020 is almost doubled in comparison to 2019, reaching 6221 children and 4823

adolescents. These data emphasize the need for inclusiveness in education translated into strategic governmental objectives. According to National Education Strategy 2021-2026, the government's overall goal remains to ensure education for all, including equity, equality and non-discriminatory access for children with disabilities and children belonging to minorities (Albanian Council of Ministers, 2021).

## Background

In an increasingly diverse society, an important issue to be addressed is how human rights and freedoms are respected (Crépeau & Sheppard, 2013). Guarantees for the realization of basic human rights in a diversified society imply social inclusion of groups that carry the dynamics of culture traditions, ethnic and cultural identities, religious and other beliefs, artistic and socio-economic ideas, works and concepts (Council of Europe, 2016). Social inclusion is arisen as a consequence of social exclusion in society.

According to different studies, social inclusion is defined as the process of improving the terms of participation in society for people who are disadvantaged on the basis of age, sex, disability, race, ethnicity, origin, religion, or economic or other status, through enhanced opportunities, access to resources, voice and respect for rights (United Nations Department of Economic and Social Affairs, 2016). Whereas social inclusion in education is related to both society and the individual. According to Muijs et al. (2007), on the one hand social inclusion can be viewed as the meaningful participatory access of social groups and individuals into mainstream society. On the other hand, it can also mean the way how different individuals and groups are given recognition for who and what they are.

Regardless of the circumstances that limit the individual to enjoy the right to education, everyone has the right to participate meaningfully in the respective social group to realize this right. This is because the right to education has an inclusive nature. Social inclusion in education means that despite a variety of factors that bring exclusion, the right to education recognized by the state for each individual, will be enjoyed by all. Inclusion and equity in and through education require to address all forms of exclusion and marginalization, disparities and inequalities in access, participation and learning outcomes (UNESCO, 2016). This requires the will of the state to take multifaceted measures to make the right to education accessible to everyone.

According to Graham et al. (2019), a wide range of approaches ensure inclusive and equitable quality education. They may include enhancing access to quality and inclusive mainstream education and training for all learners despite their background; promoting more gender-balanced educational choices; using formal

and non-formal learning for facilitating the effective acquisition of the language of instruction and employment by migrants; promoting civic, intercultural, and social competences, mutual understanding and respect, and ownership of democratic values and fundamental rights at all levels of education and training; enhancing critical thinking, along with cyber and media literacy (Hyttén & Bettez, 2011; Council of European Union & European Commission, 2015).

While in Albania, the issue of social inclusion in education occupies an important place not only in the legal framework (On Pre-university Education System in the Republic of Albania Law of 2012, Pub. L. No. 69/2012) but also in the national education strategy. According to the Albanian national education strategy, inclusion in education, as an integral part of the Sustainable Development Goals (SDG4), means the creation of conditions for all boys and girls, regardless of abilities and other characteristics, to attend classes together, taking care of their individual needs (Albanian Council of Ministers, 2021). The demand for inclusive education is connected to equal access to education, equality between educational paths, an inclusive school environment and inclusive teaching methods (Organising Bureau of European School Student Union, 2014).

Disadvantaged students are mainly inclined to remain outside the school system or to be forced to interrupt school. Studies show that a variety of factors influence social exclusion in education, such as gender, socioeconomic groups, ability or disability, mother tongues, learning styles and so on (Commission of the European Communities, 2008; UNESCO, 2015; Watson, 2009). However, regardless of the obstacles that lead to discrimination in enjoying the right to education, the role of education is indisputable in overcoming difficulties and eliminating the root causes of social isolation (Slijepčević, 2016). According to UNESCO (2015), no education target should be considered met unless met by all.

Social inclusion in education has become part of the agenda of a number of international organizations, anticipating as well the most successful policies to eliminate barriers to inclusion in education (UNESCO, 2015; European Union, 2016; United Nations [UN], 2014). In the focus of the policies, it is the support of the school to promote a more inclusive and engaging school culture towards well-being of the entire school community. Special attention is paid to the children with special educational needs and those from disadvantaged backgrounds and at particular risk in order to improve the access to inclusive settings and facilitate the transitions within the education system and from school to the labour market (European Union, 2017).

Developing teaching in a more personalized way through the improvement of competencies is considered one of the efficient approaches towards inclusive education. A personalized teaching process together with financial support

to schools attracting disadvantaged pupils, will reduce social differences and promote school attendance (Commission of the European Communities, 2008).

Inclusion of all learners in quality education from early childhood and throughout life is done by providing the necessary support to them according to their particular needs, including those from disadvantaged socioeconomic backgrounds, those from a migrant background, those with special needs and the most talented learners. To understand the best approach towards inclusive education, it is crucial to review and, where necessary, to improve the existing policies and practices in the field of education, training and non-formal learning in order to have efficiency (European Union, 2018).

## Methodology

The dimensions of social inclusion in the right to education will be analysed in the light of international instruments, conventions and treaties approved by the United Nations, UNESCO and European organizations, the international and European policies, strategies and directives on school development and teaching, on school cooperation, social protection and social inclusion by following qualitative research method. The analysis will continue with Albanian legislation in the field of education, and strategies in the framework of social policies and inclusiveness. This article examines the function of documents as a data source in qualitative research and discusses document analysis in the context of identification of different factors that lead to social exclusion (Bowen, 2009). The document analysis will continue with the identification of problems and social groups that are excluded or limited from the opportunity to fully enjoy the right to quality education, based on the primary field studies of state organizations, international and local organizations, focusing on the reasons that led them toward social exclusion. The article will discuss the appropriate approaches dedicated to each specific group, that must be followed by the state as the duty-bearer to make education a priority right for everyone. The literature review will highlight the strengths and the weaknesses of strategic policy directions and legislative changes implemented in Albania, which have an impact on social inclusion in education. The analyses will answer to the following research question: what are the appropriate political and legislative mechanisms to follow towards an education without discrimination in a diverse society?

## Results

The difference in the provision of the right to education in Albania has been recognized by different analyses of the education system. Differences are noticed between rural and urban schools, the quality of teaching staff and the availability

of resources. These differences are mainly felt by marginalized groups of children, such as Roma, Balkan Egyptians, low-income students, and students with disabilities (UNESCO, 2017; Poni, 2013; Taraj, 2018) affecting social exclusion or dropping out of school (UNESCO, 2015).

Although, various studies in Albania, supported from the respective legislation, have identified more categories of children of different social groups, who are at risk of being excluded from the right to education (Miço & Zaçellari, 2021). We can mention children isolated due to blood feud (People's Advocate, 2014; Meçe, 2017) or those who have dropped out of school, children from low-income families, children who live in deep mountainous areas, girls in areas with a backward mentality and other social problems, children out of parental care, children who are victims of domestic violence accompanied or not with the loss/removal of parental responsibility, street children and those who work, children in conflict with the law, migrant children and asylum seeker children, etc. (Miço, 2019; UNICEF, 2010; People's Advocate, 2015). The exclusion of these children from obtaining the right to education comes not only as a result of economic burden, but also due to the belonging to a certain minority group, (ex. Roma children), due to the lack of appropriate measures for life security from blood feud or other human rights and freedoms that affect the enjoyment of the right to education, due to labour migration or asylum, or due to backward mentality (the case of children living in conflict zones or in deep rural areas).

For each of these risk factors that endanger social inclusion in education, appropriate measures should be taken to make the child who belongs to that group, part of the school community. The measures should be multi-planned with the aim of solving in a sustainable way the inclusion of children in education.

The summary presented in the Table 1, shows the category of children at risk for social exclusion in education, the specific needs, the legal approach and the alignment of the measures with the Education 2030 Incheon Declaration, towards inclusive education.

Table 1. The summary of governmental approaches towards social inclusion in education

Priority target	Issues	Guidelines	The approach	Education 2030 Incheon Declaration (2016)
1				
Children of compulsory school age who have either dropped out of school or interrupted school attendance	School dropout; Irregular attendance.	Law no. 69/2012 “On pre-university education in the Republic of Albania”; Instruction no. 29, dated 02.08.2013, of the Ministry of Education and Science, “On the procedures for following part-time basic education”.	“The second chance” is an educational program, which serves to reintegrate children till 17 years old, who have dropped out of school in the educational process. The school year for these children is expected to last less than the normal duration, offering a reduced learning process.	Second chance/re-entry program.
2				
Hidden children for the education system	The children belong to the age of compulsory basic education (up to 16 years), who have never attended educational institutions and may not be equipped with an identification number. These children are easily found on the streets when they should be in school.	Law no. 69/2012 “On pre-university education in the Republic of Albania”; Joint order “On the approval of the regulation for the implementation of the cooperation agreement dated 02.08.2013, “On the identification and registration in school of all children of compulsory school age”.	Engagement of education, health, and internal affairs structures in the process of tracking and identifying registered and unregistered children in educational institutions with the aim of access to school.	Elimination of barriers.
3				
Children isolated as a result of the blood feud phenomenon	Children isolated as a result of the blood feud phenomenon do not participate in the educational process, since their lives are in danger if they leave the house.	Law no. 69/2012 “On pre-university education in the Republic of Albania” Instruction “On the procedures for the education of isolated children due to blood feud”.	Method of providing the educational process outside of school, with limited time, in the homes of isolated children due to blood feud.	Special measures for education content.



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Table 1. Continued

Priority target	Issues	Guidelines	The approach	Education 2030 Incheon Declaration (2016)
4				
Children who are in detention and prison institutions	Interruption of the educational process of children who are in conflict with the law and the socialization of children.	Code of Criminal Justice for Minors” Law 69/2012 “On pre-university education in the Republic of Albania”.	Education of minors in conflict with the law, through education even as a compulsory measure to be followed by minors, either as an obligation imposed by the court in the form of attending compulsory education or an educational program.	Second chance/re-entry program.
5				
Roma and Egyptian children	Lack of access to education for Roma children; Segregation.	Law “On the protection of national minorities in the Republic of Albania”; Law 69/2012 “On pre-university education in the Republic of Albania”; Instruction no. 34, dated 8.12.2004, of the Ministry of Education “On the implementation of the project “Second chance” for the education of pupils who have dropped out of school and pupils stuck due to blood feud”. Instruction no. 6, dated 29.03.2006, of the Ministry of Education and Science, “On school registration of Roma students who do not have a birth certificate”. Decision No. 107, dated 10.2.2010, of the Council of Ministers, “On the publication, printing, distribution and sale of textbooks of the pre-university education system”.	Easing the economic and administrative barriers of Roma families, in order for the children to attend school; Providing scholarships/food quotas for Roma students throughout the school year.	Second chance/re-entry program; Elimination of cost, health and administrative barriers; Provision of school meals.

Table 1. Continued

Priority target	Issues	Guidelines	The approach	Education 2030 Incheon Declaration (2016)
		Decision no. 298, dated 19.05.2021, of the Council of Ministers, "On the approval of the pilot project "On measures to promote learning, attendance and progress of the students of the 9-year school 'Naim Frashëri' Korçë, for the school year 2021-2022".		
6				
Children with disabilities	Need for adapted education, with equal access according to the needs of children with disabilities.	Law 69/2012 "On pre-university education in the Republic of Albania"; Decision no. 837, dated 03.12.2014, of the Council of Ministers "On the recognition of sign language in the Republic of Albania, published in the Official Gazette no. 190, 2014, Instruction no. 38, dated 07.10.2014 of the Ministry of Education and Sports, "On the criteria of assistant teachers for students with disabilities in public institutions of pre-university education"; Order no. 195, dated 25.4.2016, of the Ministry of Education and Sport "On the approval of the document "Education and training of teachers for inclusiveness – Profile of the inclusive teacher" Guideline of the Agency for Quality Assurance in Pre-University Education (2020). On the realization of the subject program and the evaluation of the students during the home learning.	The integration of children in general public education, the presence of an assistant teacher during the teaching process with special knowledge to treat children with disabilities and the creation of a suitable environment.	Special measures for education content; Teacher training on inclusive education.

Table 1. Continued

Priority target	Issues	Guidelines	The approach	Education 2030 Incheon Declaration (2016)
7				
Refugee and asylum seeker children	The inclusion of refugee and asylum-seeking children in the educational system and the need for a more suitable education for them.	The Convention for the Protection of Human Rights and Fundamental Freedoms. (1950) and the First Protocol of the Convention (1952). UN Convention relating to the Status of Refugees 28 July 1951. The law no. 10/2021 “On asylum”, Law 69/2012 “On pre-university education in the Republic of Albania”; Decision of the Council of Ministers, “On determining the minimum living conditions and social conditions for international protection applicants”. Instruction no. 10, dated 10.05.2021 of the Ministry of Education and Sport, “On registration and support in public pre-university educational institutions of children of persons in migration / asylum situation, refugees, unaccompanied foreign children, children returning from emigration, from areas of conflict or children, victims of trafficking, in the Republic of Albania”.	The inclusion of children into the mainstream education. The right to education is provided conditionally, in accordance to the status of children. In the case of international protection, the right to education is limited only to children.	Individual educational teaching plan; assistance in learning and teaching materials; Elimination of administrative barriers.
8				
Returned migrants’ children	The inclusion of returned migrants’ children in the educational system and the need for a more suitable education for them.	Law 69/2012 “On pre-university education in the Republic of Albania”; Instruction No. 44, dated 21.8.2013 of the Ministry of Education and Science, “On determining the criteria and procedures for the equivalence of the diploma in pre-university education	Drafting of a special curriculum for the Albanian language in order to help the children of the returned migrants, as well as the organization of summer schools	Individual educational teaching plan; assistance in learning and teaching materials; Elimination of administrative barriers.

Table 1. Continued

Priority target	Issues	Guidelines	The approach	Education 2030 Incheon Declaration (2016)
		of students coming from abroad". Instruction no. 10, dated 10.05.2021 of the Ministry of Education and Sport, "On registration and support in public pre-university educational institutions of children of persons in migration / asylum situation, refugees, unaccompanied foreign children, children returning from emigration, from areas of conflict or children, victims of trafficking in the Republic of Albania".	for this purpose (Zaçellari & Miço, 2019).	

## Discussion

As discussed above, the groups at risk of social exclusion in Albanian education are helped by different approaches, some of which are similar to the measures provided by the Education 2030 Incheon Declaration. As part of the strategies that promote inclusion in education, other measures have been provided to ensure that no child is left out of the education system, such as the provision of school meals/nutrition and health services, inclusive school facilities and language policies to address exclusion (Education 2030 Incheon Declaration, 2016).

However, not every measure taken by the state serves to social inclusion in education. In the context of isolated children due to blood feud, the establishment of the educational mechanism where the teacher goes two or three times a week to one of the isolated families to partially explain variety of subjects held in school, is more an attempt to offer a partial educational process, than to create social inclusion in education for this group. Children remain excluded from their age group by not being part of regular teaching and learning. In this way, they neither manage to feel secure in enjoying life, nor participate in the educational process in a full and regular way, nor feel included in teaching process (Meçe, 2017). Moreover, in relation to this category of children, it is necessary to work towards increasing the educational role through redesigning

the teaching programs and educational activities with the spirit of tolerance, against self-judgment, blood feud and revenge (People's Advocate, 2015).

The provision of food (meal) for Roma children in "Naim Frasheri" elementary school located in the south eastern part of Albania, has increased the segregation of Roma children, who instead of feeling more included in the school, they feel isolated within the community. Regarding this issue, the European Court of Human Rights has found the Albanian government guilty of segregating Roma and Egyptian children at a school in Korca in the country's south (Case of X and Others v. Albanian (*Applications no 73548/17 and 45521/19*)).

On the other hand, the inclusion of children with disabilities in mainstream education, without implementing the legal requirements for assistant teachers, has not helped the children to feel included in classroom or in learning process (Save the Children, 2012). Starting from 2020, the necessary legal framework began to be implemented for licensing the teachers in change of taking care of children with disabilities. This process was also accompanied with the opening of the assistant teacher positions, especially for helping children with disabilities to integrate into the learning process and class community (Albanian Ministry of Education and Sport, 2019).

Moreover, despite the fact that nine groups of citizens are legally recognized as national minorities (On the protection of national minorities in the Republic of Albania, Pub. L. No. 96/2017), only a few of them may exercise the right to learn the language of the minority. The lack of teaching, both in the language of the minority and in the Albanian language, excludes these children from belonging to the class within the context of the diversity they carry.

It is necessary to identify the children according to the specific group, by understanding the level and type of obstacle regarding their inclusion in education. For this, it is necessary to track the children in time, and to understand the follow-up of each one's problem. In order to plan the inclusion of each child in education in the framework of the diversity that the child carries, it is required to find the mechanisms that serve for inclusion in education each specific category of children. The adaptation of the right to education according to the needs of special social groups makes possible the full realization of this right in the context of the current social diversity.

## Conclusions

The need to address social inclusion in education comes as a result of the increasing diversity of society both at the global and national level. The paper has identified different social groups that are most likely to be inclined towards social exclusion in education, emphasizing the conditions that lead towards the lack of enjoyment of the right to education. The analysis of marginalized groups

highlighted the specific needs of each group, the legal framework that serves as a tool to achieve social inclusion in education, as well as the comparison of specific Albanian policy approaches with those provided for in international strategic documents such as the Education 2030 Incheon Declaration.

During the analysis, it is highlighted the need for cross-sector policies and plans consistent with the overall 2030 Agenda for Sustainable Development, in order to address the social, cultural and economic barriers that deprive children of education and quality learning.

Through the research and analysis of the organizations that deal with the protection of human rights in Albania, the need to have multi-dimensional plans, together with multiple approach solutions was emphasized in order for the policy discourse to focus on specific policies for equal access to quality education.

Under the light of the first principle of the European Pillar of social rights, which states that: “Everyone has the right to quality and inclusive education, training and life-long learning ...”, the social inclusion in education will strengthen social cohesion and will serve the children to have positive and inclusive common sense of belonging in society.

## REFERENCES

Albanian Council of Ministers. (2021, October 22). “*On the approval of the National Education Strategy 2021–2026 and the action plan for its implementation*”. Decision no. 621, dated 22.10.2021 of the Council of Ministers. <https://arsimi.gov.al/wp-content/uploads/2021/05/Draft-Strategjia-per-Arsimin-2021-2026.pdf>.

Albanian Council of Ministers. (2021, December 29). “*On determining the minimum living conditions and social conditions for international protection applicants*”, Decision no. 855, dated 29.12.2021, of the Council of Ministers. [www.qbz.gov.al](http://www.qbz.gov.al).

Albanian Ministry of Education and Sports, Ministry of Internal Affairs and Ministry of Health. (2015, January 05). “*On the approval of the regulation for the implementation of the cooperation agreement dated 02.08.2013, “On the identification and registration in school of all children of compulsory school age*”, Ministry of Education and Sports, Ministry of Internal Affairs and Ministry of Health Joint Order no. 2, dated 05.01.2015. Official Gazette no. 202, dated November 25, 2015. [www.qbz.gov.al](http://www.qbz.gov.al).

Albanian Ministry of Education and Science (2013, August 13). “*On the procedures for the education of isolated children due to blood feud*”. Instruction no. 36, dated 13.08.2013, of the Ministry of Education and Science. Official Gazette No. 141, dated August 23, 2013. [www.qbz.gov.al](http://www.qbz.gov.al).

Albanian Ministry of Education and Science. (2013, August 21). “*On determining the criteria and procedures for the equivalence of the diploma in pre-university education of students coming from abroad*”. Instruction No. 44, dated 21.8.2013 of the Ministry of Education and Science, as amended. Official Gazette No. 146, dated 05.09.2013. [www.qbz.gov.al](http://www.qbz.gov.al).

Albanian Ministry of Education and Sport. (2019, October 14). “*On some amendments on the Instruction no. 10, dated 03.04.2015, “On the content and form of the license that the candidate obtains at the end of the state exam for exercising the regulated profession of teacher*”. Instruction No. 23, dated 14.10.2019 of the Ministry of Education and Sport. Official Gazette No. 144,

dated 25.10.2019. <https://www.qbz.gov.al/eli/udhezim/2019/10/14/23/55ed5f77-2e2e-4d5f-9d0f-9077f4227565;q=udhezimi%20nr%20%2023%20date%2014.10.2019%20i%20ministrise%20se%20arsimit>

Albanian Quality Assurance Agency in Pre-university Education. (2020). *On the realization of the subject program and the evaluation of the students during the home learning*. Guideline of Albanian Quality Assurance Agency in Pre-university Education 21.03.2020. [https://www.ascap.edu.al/wp-content/uploads/2020/03/Udhezues-vleresimi-ne-kushte-te-shtepise\\_.pdf](https://www.ascap.edu.al/wp-content/uploads/2020/03/Udhezues-vleresimi-ne-kushte-te-shtepise_.pdf).

Beiter, K. (2006). *The protection of the right to education by international law*. Martinus Nijhoff Publishers. <https://lawcat.berkeley.edu/record/434637>.

Bowen, G. (2009). Document Analysis as a Qualitative Research Method. *Qualitative Research Journal*, 9(2), 27–40. <http://dx.doi.org/10.3316/QRJ0902027>.

Byrne, K. (2014). *Analysis of policies and reforms affecting the situation of children in Albania*. Tirana, UNICEF.

Byrne, K., Kulluri E., Gedeshi I. (2021). *Situation Analysis of Children and Adolescents in Albania*. UNICEF Albania, Tirana. <https://www.unicef.org/albania/media/4071/file/Situation%20Analysis%20of%20Children%20and%20Adolescents%20in%20Albania.pdf>.

Case no. 73548/17 and 45521/19, *Final Judgement of 31 August 2022: X and Others v. Albania*. European Court of Human Rights. <https://hudoc.echr.coe.int/fre#%7B%22tab-view%22:%5B%22document%22%5D,%22item%22:%5B%22001-217624%22%5D%7D>.

Code of Criminal Justice for Minors, Pub. L. No. 37/2017, 30.03.2017. [https://www.drejtesia.gov.al/wp-content/uploads/2017/11/03\\_Ligj\\_37\\_2017\\_30.03.2017\\_Kodi\\_i\\_Drejtise\\_Penale\\_per\\_te\\_Miturit.pdf](https://www.drejtesia.gov.al/wp-content/uploads/2017/11/03_Ligj_37_2017_30.03.2017_Kodi_i_Drejtise_Penale_per_te_Miturit.pdf).

Commission of the European Communities. (2008). Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions *Improving competences for the 21st Century: An Agenda for European Cooperation on Schools* {SEC (2008) 2177}. <https://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2008:0425:FIN:EN:PDF>.

Commission of the European Communities. (2008). *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. Improving competences for the 21st Century: An Agenda for European Cooperation on Schools*. SEC (2008) 2177. Brussels, 3.7.2008. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A52008DC0425>.

Constitution of the Republic of Albania, adapted by the law no. 8417, dated 21.10.1998, as amended. <https://www.parlament.al/Files/sKuvendi/kushtetuta.pdf>.

Coomans, F. (2007). Content and Scope of the Right to Education as a Human Right and Obstacles to Its Realization. In Y. Donders & V. Volodin (eds). *Human Rights in Education, Science and Culture – Legal Development and Challenges*. Paris and Aldershot: UNESCO Publishing / Ashgate. pp 183.

Council of Europe. (1950). Convention for the Protection of Human Rights and Fundamental Freedoms. In *Council of Europe Treaty Series 005*. Council of Europe. [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

Council of Europe. (1952). *The European convention on human rights*. Protocol 1. March, 20. 1952. [https://www.echr.coe.int/documents/convention\\_eng.pdf](https://www.echr.coe.int/documents/convention_eng.pdf).

Council of European Union. (2016). *Resolution of the Council and of the Representatives of the Governments of the Member States, meeting within the Council, of 24 February 2016 on promoting socioeconomic development and inclusiveness in the EU through education: the contribution of education and training to the European Semester 2016*. (2016/C 105/01) Official Journal

- of the European Union C105/1 19.03.2016. <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42016Y0319%2801%29>.
- Council of European Union & European Commission. (2015). *On the implementation of the strategic framework for European cooperation in education and training (ET 2020). New priorities for European cooperation in education and training*. 2015 Joint Report of the Council and the Commission (2015/C 417/04). Official Journal of the European Union C 417/25, 15.12.2015. Retrieved from <https://op.europa.eu/en/publication-detail/-/publication/b370b902-a2fe-11e5-b528-01aa75ed71a1/language-en>.
- Council of European Union. (2017). *Council Conclusions on school development and excellent teaching*. (2017/C 421/03) Official Journal of the European Union C 421/2 08.12.2017. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XG1208\(01\)&rid=4](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:52017XG1208(01)&rid=4).
- Council of European Union. (2018). *Council Recommendation of 22 May 2018, on promoting common values, inclusive education, and the European dimension of teaching*. (2018/C 195/01) Official Journal of the European Union C 195/1 07.06.2018. [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0607\(01\)&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32018H0607(01)&from=EN).
- Crépeau, F., & Sheppard, C. (2013). Introduction. In F. Crépeau, & C. Sheppard, (Eds.). *Human Rights and Diverse Societies: Challenges and Possibilities*. Cambridge Scholars Publishing.
- Council of Europe. (2016). *Human Rights in Culturally Diverse Societies. Guidelines Adopted by the Committee of Ministers and Compilation of Council of Europe Standards*. <https://rm.coe.int/guidelines-hr-in-culturally-diverse-societies/168073dced>.
- Education 2030. Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4. Insure inclusive and equitable quality education and lifelong learning for all. UNESCO, UNICEF, the World Bank, UNFPA, UNDP, UN Women, & UNHCR. (2016). P. 32. [https://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en\\_2.pdf](https://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf).
- Graham, B., White, C., Edwards, A., Potter, S., Street, C. (2019). *School exclusion: a literature review on the continued disproportionate exclusion of certain children*. Department of Education, UK. [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/800028/Timpson\\_review\\_of\\_school\\_exclusion\\_literature\\_review.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/800028/Timpson_review_of_school_exclusion_literature_review.pdf).
- Hytten, K. & Bettez, S. (2011). Understanding Education for Social Inclusion. *Educational Foundations, Winter-Spring, 5*(1–2), 7–24. ISSN-1047-8248. <https://eric.ed.gov/?id=EJ925898>.
- Institute of Statistics, Institute of Public Health, ICF. (2018). *Albania Demographic and Health Survey 2017–18*. Tirana. <https://dhsprogram.com/pubs/pdf/FR348/FR348.pdf>.
- McCowan, T. (2010). Reframing the universal right to education. *Comparative Education, 46*(4), 509–525. <https://www.jstor.org/stable/25800021>.
- Meçe, M. (2017). Living in Uncertainty: Resurgence of Blood Feud in Albanian Post-Socialist Society and Its Consequences on Children and Young Adults. *Contemporary Readings in Law and Social Justice, 9*(2), 28–38. <https://doi.org/10.22381/CRLSJ9220172>
- Miço, H. (2019). “An overview of the right to education in Albania. The performance of this right in accordance to European legislation.” (Unpublished Doctoral Dissertation). Institute of European Studies, University of Tirana, Albania. <http://www.doktoratura.unitir.edu.al/2020/01/nje-veshtrim-i-pergjithshem-mbi-te-drejtjen-per-arsim-ne-shqiperi-ecuria-e-kesaj-te-drejte-ne-perputhje-me-standardet-nderkombetare-dhe-legjislacionin-evropian/>
- Miço, H., & Zaçellari, M. (2021). Barriers to implementation of the child’s rights to inclusive education: the case of Albania. *A child in history- between dignity and enslavement, Vol 1. The child as a foundation of human rights*. Publishing House of the University of Bialystok. Sc. Ed. Elwira J. Kryńska, Łukasz Kalisz, Agnieszka Suplicka. Bialystok, pp. 365–378.



## H. MIÇO. The Dimensions of Social Inclusion in the Right to Education

Muijs, D., Ainscow, M., Dyson, A., Raffo, C., Goldrick, S., Kerr, K., Lennie, C., & Miles, S. (2007). *Every Child Matters. Leading schools to promote social inclusion: a study of practice*. National College for School Leadership. [www.ncsl.org.uk/publications](http://www.ncsl.org.uk/publications)

Office of the High Commissioner for Human Rights. (1999). Implementation of the International Covenant on Economic, Social and Cultural Rights, General Comment No. 13 (twenty-first session of the Committee on Economic, Social and Cultural Rights, 1999), The right to education (Art. 13 of the Covenant), Document E/C.12/1999/10, 8 December 1999. <https://www.refworld.org/pdfid/4538838c22.pdf>

On Pre-University Education System in the Republic of Albania, Pub. L. No. 69/2012, 21.06.2012. <https://arsimi.gov.al/wp-content/uploads/2019/02/Permbledhje-parauniversitari-8-Tetor-2020.pdf>

On Higher Education and Scientific Research in Institutions of Higher Education in the Republic of Albania, Pub. L. No. 80/2015, 21.09.2015. <https://www.qbz.gov.al/eli/fz/2015/164/c13c78e5-b989-46e5-9be2-3589d6f768e0>

On vocational education and training in the Republic of Albania, Pub. L. No. 15/2017, 09.03.2017. <https://www.qbz.gov.al/eli/ligj/2017/02/16/15-2017/775399c6-d451-49a2-a55c-a2e4f38e577b;q=ligji%2015%2F2017>

On the protection of national minorities in the Republic of Albania, Pub. L. No. 96/2017, dated 13.10.2017. <https://www.kmd.al/wp-content/uploads/2018/05/1524738824-Ligji-Per-Mbrojtjen-e-Pakicave-Kombetare-ne-R.Sh-2017.pdf>

On asylum in the Republic of Albania, Pub. L. No. 10/2021, dated 24.02.2021. <https://www.parlament.al/Files/Akte/20210203145606ligj%20nr%20%2010%20dt%20%201%20%202021.pdf>

Organising Bureau of European School Student Union. (2014). *Guidelines on social inclusion in education*. Vienna, Austria. [https://www.obessu.org/site/assets/files/1310/2014\\_-\\_guidelines\\_on\\_social\\_inclusion\\_in\\_education.pdf](https://www.obessu.org/site/assets/files/1310/2014_-_guidelines_on_social_inclusion_in_education.pdf)

People's Advocate (2014). *Tracing, Analysis and Evincing Factors Affecting Increase of Asylum Applications by Albanian Nationals in Member States of Schengen Area*. Retrieved from [www.avokatipopullit.gov.al](http://www.avokatipopullit.gov.al)

People's Advocate. (2015). Mbi fenomenin e gjakmarrjes në Shqipëri. Raport i veçantë II. (On the phenomenon of blood feud in Albania. Special Report II). Tirana. <https://www.avokatipopullit.gov.al/media/manager/website/reports/RAPORT%20I%20VE%20C3%87ANT%C3%8B%20%20nr.%202.%20per%20gjakmarrjen.pdf>

Pillai, S. (2012). Right to Education under European Convention for the Protection of Human Rights and Fundamental Freedoms 1950. *Christ University Law Journal*, 1(1), 101–115. ISSN 2278-4322. <https://doi.org/10.12728/culj.1.7>

Poni, M. (2013). Inclusion of children with disabilities in mainstream education in Albania: lessons from three regions. *Education for the knowledge society*. [https://core.ac.uk/display/152488211?utm\\_source=pdf&utm\\_medium=banner&utm\\_campaign=pdf-decoration-v1](https://core.ac.uk/display/152488211?utm_source=pdf&utm_medium=banner&utm_campaign=pdf-decoration-v1)

Save the Children. (2012). *Child Rights Situation Analysis Albania*. Tirana. Save the Children. <https://albania.savethechildren.net/sites/albania.savethechildren.net/files/library/Child%20Rights%20Situation%20Analysis%20Albania%5B1%5D.pdf>

Save the Children. (2012). Inclusive Education in Albania – Analytical Study. [https://resourcecentre.savethechildren.net/pdf/inclusive\\_education\\_in\\_albania\\_-\\_analytic\\_study.pdf/](https://resourcecentre.savethechildren.net/pdf/inclusive_education_in_albania_-_analytic_study.pdf/)

Slijepčević, D. (2016). Education as a mechanism of social inclusion – The role of education in reducing the risks of social exclusion. *Социолошки дискурс*, 6(11). <https://doi.org/10.7251/SDENG1611093S>

Taraj, G. (2018). Equal Opportunities for all Albanian Learners. *Journal of Educational and Social Research*, 8(1). De Gruyter. <https://doi.org/10.2478/jesr-2018-0004>

The number of out-of-school children in Albania is published on the official page of UNESCO, Institute of Statistics. <http://uis.unesco.org/en/country/al>

Tomasevski, K. (2003). *Education denied: costs and remedies*. Zed Books. <https://www.amazon.com/Education-Denied-Remedies-Katarina-Tomasevski/dp/1842772511>

UNESCO. (1960, December 14). Convention against Discrimination in Education. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-against-discrimination-education>

UNESCO. (2020). Global Education Monitoring Report 2020: *Inclusion and education: All means all*. Paris. UNESCO. <https://unesdoc.unesco.org/ark:/48223/pf0000373718>

UNESCO. (2016). Incheon Declaration and Framework for Action for the implementation of Sustainable Development Goal 4. Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all. <http://uis.unesco.org/en/files/education-2030-incheon-framework-action-implementation-sdg4-2016-en-pdf-1>

UNESCO. (2015). *Education 2030: Framework for Action – Towards inclusive and equitable quality education and lifelong learning for all*. [http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en\\_2.pdf](http://uis.unesco.org/sites/default/files/documents/education-2030-incheon-framework-for-action-implementation-of-sdg4-2016-en_2.pdf)

UNESCO. (2015). UNESCO Country Programming Document for Albania 2014-2017. Second edition – January 2015. <https://unesdoc.unesco.org/ark:/48223/pf0000233036>.

UNESCO. (2017). Albania Education Policy Review: Issues and Recommendations Extended Report. Paris, August 2017. <https://unesdoc.unesco.org/ark:/48223/pf0000259245>

UNICEF, (2010). *Politikat e përfshirjes sociale për fëmijët dhe financimi i tyre në Shqipëri*. Tirana [https://www.unicef.org/albania/Children\\_Social\\_Inclusion\\_Shqip13.pdf](https://www.unicef.org/albania/Children_Social_Inclusion_Shqip13.pdf)

United Nations Department of Economic and Social Affairs. (2016). Report on the World Social Situation 2016 Leaving no one Behind: The Imperative of Inclusive Development. <https://doi.org/10.18356/5aa151e0-en>

United Nations. (1948). Universal Declaration of Human Rights. <https://www.un.org/en/about-us/universal-declaration-of-human-rights>

United Nations. (1966, December 16). International Covenant on Economic, Social and Cultural Rights. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-economic-social-and-cultural-rights>

United Nations. (1966, December 16). International Covenant on Civil and Political Rights. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>

United Nations. (1965, December 21). International Convention on the Elimination of All Forms of Racial Discrimination. <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

United Nations. (1979, December 18). Convention on the Elimination of All Forms of Discrimination against Women. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

- United Nations. (1989, November 20). Convention on the Rights of the Child. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>.
- United Nations Human Rights. (2014). The Convention on the Rights of Persons with Disabilities Training Guide. *Professional Training Series No. 19*. [https://www.ohchr.org/sites/default/files/Documents/Publications/CRPD\\_TrainingGuide\\_PTS19\\_EN\\_Accessible.pdf](https://www.ohchr.org/sites/default/files/Documents/Publications/CRPD_TrainingGuide_PTS19_EN_Accessible.pdf).
- United Nations *Convention relating to the Status of Refugees* opened for signature 28 July 1951. 189 U.N.T.S. 150, (entered into force April 22, 1954). United Nations. 1951. UN Protocol relating to the Status of Refugees. New York, 31 January 1967. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-relating-status-refugees>.
- Volio, F. (1979). The child's right to education: a survey. In G. Mialaret (Eds). *The child's right to education*. UNESCO (pp. 19–34). <https://unesdoc.unesco.org/ark:/48223/pf0000032391>.
- Watson, L. (2009). The challenge of social inclusion for Australian Schooling. *Australian Social Policy Conference – Children, Young people and Families*, pp. 1–12. University of New South Wales. Australia. <https://researchprofiles.canberra.edu.au/en/publications/the-challenge-of-social-inclusion-for-australian-schooling>.
- Zaçellari, M., & Miço, H. (2019). Issues Regarding Quality Education for the Returned Migrants' Children into Albania. *Shaping the future through dialogue, quality and education*. Szabo, Peter. "Kodolanyi Janos University" (2019), Budapest, Hungary. ISBN 978-615-5075-52-0.