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Inclusive education for Roma children in Albania and Belarus (legal situation, accessibility, opportunities to learn in own language and support of ethnic identity)

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ABSTRACT

This article is devoted to the analysis of the situation regarding the education of Roma children in Albania and Belarus, evidencing the similarities and differences in legislation and policies in both countries, aiming at highlighting the best practices for each state. The study also analyses whether there is any real approach for inclusive education, despite the legislation in force in both countries, as well as evaluating the next steps to be followed for achieving inclusive education for Roma children, whether as part of a minority group or not. Inclusive education is the main focus of those European policies and legislation that guarantees the right to education to everyone. Vulnerability and marginalization are present in all countries. Even the more developed societies have categories of their population that are defined as vulnerable or marginalized. They may not suffer from poverty, but other factors, such as disability or linguistic/ethnic particularities can be sources of marginalization and underachievement. Every human being is different. Because of this diversity, the law should find ways of treating everybody as equal, and with the same access to education and to every other human right. One of the main causes of discrimination and lack of access to education is being a member of a minority group, especially those ones which are not fully recognised as national minorities, such as the Roma.

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After the fall of communism in Albania, the transitional period towards a democratic system affected the right to education for Roma children, making them suffer from a lack of access to education. The same is reflected in Belarus, where the right to education for Roma children is more protected by non-governmental organizations rather than the state. Treating Roma children with equal access to education will not only help this marginalized group, but also the whole of society by accepting the differences as a normal phenomenon.

KEYWORDS:

Inclusive education, Roma children, Albania, Belarus, legislation, language

Introduction

Societies are very diverse and consist of different social layers, which need education tailored to their needs and culture. Adaptation and inclusion in education are part of many international conventions and treaties, starting from Universal Declaration of Human Rights, 1948. The international legal framework has been fulfilled by milestone conventions of the UN such as: "The International Convention on Economic, Social and Cultural Rights", "The International Convention on Civil and Political Rights" as well as "UNESCO Convention Against Discrimination in the field of education". Both Albania and Belarus have ratified a wide variety of conventions related to the protection of human rights with a special focus on the right to an education. These conventions are the main source of the states' obligations towards protection and realization of the right to education for all groups in society.

Roma people constitute one of the largest minority groups in Europe (more than 10 million) and unfortunately one of the most disadvantaged. Despite a variety of international policies, the people of this community are discriminated and excluded from society. From the research conducted, there has been "centuries of discrimination" suffered by Roma people throughout European history (Tremlett, 2011). The statistics of the European Union Agency for fundamental rights show that 53% of young Roma children attend early childhood education ("80 % of Roma," 2016). In various reports focusing on the inclusion of the Roma community in society, education is seen as the main factor for the full integration of an individual into a particular society. Consequently, the exclusion of Roma children in school is one of the main reasons for the marginalization of this group.

The Constitution of Albania recognizes the right to education of all citizens including minorities, foreign citizens as well as stateless persons. In Belarus, the constitutional provisions establish the right of everyone to be equal before the law and to enjoy without any discrimination, the equal protection of rights and legitimate interests. This means equality of rights regardless of gender, race, nationality, origin, social and property status, education, language, place of residence, attitude to religion and other circumstances.

Both states have adopted a variety of international conventions and treaties focusing on the protection of human rights, equal treatment and inclusive education. International obligations have pushed Albania and Belarus to adopt a number of laws to make possible the implementation of inclusive education. Thus, since 2017, Roma community has been known as a minority in Albania, while in Belarus, the Roma community does not have such a status, but is integrated in the general education system.

However, the problems with educating Roma children in different societies seem to be the same. According to UNESCO (2010, p. 45), even in the most developed societies, the widespread involvement of these children in the education system is not at satisfactory levels. This fact becomes undoubtedly more problematic in less developed, low-income countries with a high level of poverty, or in societies that have suffered from severe dictatorships, as is the case of Albania.

The same situation occurs in Belarus. Studies show that ("Children of Belarus," n.d.), more than a quarter of the population lives below the poverty line. As in other European countries, even in Belarus, discrimination is one of the most worrying phenomenon. Most Roma children are not accepted by society, and are treated unequally, with limited access to public services, such as education or health care ("Children of Belarus," n.d.). Thus, in 2013, the UN Committee on the Elimination of Racial Discrimination in its recommendations urged the Belarusian authorities to adopt comprehensive legislation prohibiting racial discrimination in its direct and indirect forms. Special attention was paid to the situation of Roma communities. However, after five years, such legislation has not been adopted (United Nations, 2013, p. 2).

Even though Albania and Belarus have similarities in the adaptation of an international legal framework towards inclusive education into the national legislation, the reality differs in both countries. In Albania, despite the status of being a minority, the inclusion in education of Roma children suffers from low participation. The level of enrolment of children in school is low, while 1 in 2 Roma children have dropped out of school (Decision of Council of Ministers, 2016, p. 15). Meanwhile in Belarus, even though the legislation hasn't covered in details the obligations of the international legal framework, the statistics show a high percentage of participation in education including Roma children, where the dynamic of the enrolment of children in general basic and secondary education is in at 99.5 % for the school year 2013/2014 (Ministry of Education of the Republic of Belarus, 2013/2014).

Despite the educational challenges, both countries aim to include Roma children in the normal mainstream of education system, through the means of legislation and policies.

This paper will examine the legal framework towards inclusive education for Roma children and its implementation in the context of Albania and Belarus, as well as

analysing whether there is any real approach for inclusive education, and evaluating the next steps to be followed for achieving inclusive education for Roma children.

Recognition of the right to education of Roma children in the Albanian legal framework

The right to education constitutes a principle sanctioned by the Constitution of the Republic of Albania, which guarantees equality before the law and freedom from discrimination (Alb. Const. art. 18). The realization of this important right is in accordance with the Convention on the Rights of the Child and other international instruments ratified by Albania in the framework of quality and inclusive education⁴.

Special attention is also given to the right to education for national minorities. The Constitution of the Republic of Albania considers national minorities to be an integral part of Albanian society. It guarantees them full equality before the law in exercising their freedoms and rights, as well as the right to express freely, without banning or forbidding, their ethnic, cultural, religious and linguistic background. According to Article 20 of the Constitution of Albania, they have the right to preserve and develop their ethnic, cultural, religious and linguistic background, to learn and to be taught in their mother tongue, and to join in organizations and associations for the protection of their interests and identity.

Such rights also belong to the Roma community, who were recognized for the first time in Albania, in 2017 as a minority according to the law "On the Protection of National Minorities in the Republic of Albania" (2017, p. 9511). Ratification of the Framework Convention "On the Protection of National Minorities", by Albania through law no. 8496, dated 03.06.1999, strengthens the respect and protection of the right to education of persons belonging to national minorities. Under the Convention, the state has a duty to take measures and to create conditions for persons belonging to national minorities to learn and to be taught in the minority language in order to preserve their identity. To enforce such a right, the state should provide appropriate opportunities for teacher qualification and provision of textbooks and should promote equal opportunities for attending education at all levels for persons belonging to national minorities. A special place must be shown in legislation towards freedom of education by recognizing and providing the right to open private educational institutions to persons belonging to national minorities (Council of Europe, 2012, p. 4402).

4 Note: Albania's accession to the Convention on the Rights of the Child has been adopted by the law. No. 7531, dated 11.12.1991, published in the Official Gazette of Extra 89, dated 20 November 2013. Albania has acceded on 27 February 1992.

Further guarantees for the recognition and protection of the right to education of minorities are laid down by the law “On the pre-university education system” (2012, p. 4402). The law “On Pre-University Education” of 2012 provides that the right to education in the Republic of Albania shall be guaranteed to Albanian citizens, foreign citizens and those without citizenship, without discrimination in terms of gender, race, colour, ethnicity, language, sexual orientation, political or religious convictions, economic or social status, age, residing location, disability or other grounds being referred to in the Albanian legislation.

Although the Roma community has been known recently as minority in Albania, the law of pre-university education system ensures that the principle of inclusion will be implemented in educational institutions and that every student is entitled to the right to a quality education and equal opportunities in education. On the other side, the legal framework in the educational field stipulates special care for the students of vulnerable families, disabled students and students who have a learning difficulty.

The applicable law “On pre-university education” has recognized and protected the right to education of national minorities. Article 10 provides the state with an obligation to create opportunities for persons belonging to national minorities to create opportunities to learn and to be taught in their mother tongue and to learn their history and culture. This serves to safeguard the identity of persons belonging to national minorities and their respect without discrimination in the country.

However, the way in which the curricula is organized and the ratio of the use of the mother tongue to the Albanian language is left to the competence of the state.

Despite the recognition of the right to education made by the pre-university education law, the Roma community was recognized with the status of an ethnic-linguistic minority and not a national minority. It is the law “On the Protection of National Minorities in the Republic of Albania” that is focused in particular on the recognition of the right to education in minority languages and provides concrete measures for the realization of this right. In addition to the aspect of recognition and protection of the right to education in the language of minorities, the law also states the obligations of the state towards exercising of this right. Specifically, in the case of sufficient demand by persons belonging to national minorities in local self-government units where these individuals traditionally or substantially reside, the state has the duty to provide educational opportunities in the minority language. However, the vague specification of “sufficient demand” in the law associated without a proper definition, makes the right to education of Roma children shapeless.

In order to recognize the culture, history, language and religion of national minorities and the majority, it is foreseen that appropriate measures in the field of education and research will be set up to serve this process. In addition, in order to make the right to education for the Roma minority feasible, textbooks in the roma language are needed

for the subjects offered in this language, initial training, further professional teacher training and development as well as creation and operation of classes in this language (On the Protection of National Minorities in the Republic of Albania, 2017, p. 9511).

The implementation of the right to education of the Roma minority

The right to education is universal and does not allow any form of exclusion or discrimination. However, countries face challenges in guaranteeing equal access to education, especially for marginalised groups including the Roma minority.

Before the 1990s, the indicators of registration of Roma children in compulsory education were quite satisfactory and at levels almost equal to the rest of the children living in Albania. But the same cannot be said for the levels of secondary and higher education. However, in the early 1990s, the Roma community suffered the highest rate of school abandonment (OSCE, 2006, p. 12.).

Since 2003, a number of state policies have been undertaken in Albania to facilitate access to education for the Roma community by relieving some economic and social obstacles. The adoption of the Strategy “On improving the living conditions of the Roma minority” has acknowledged the lack of access to education of Roma children, evidencing the violation that was done to Roma people by them not being educated in their mother tongue (On the adoption of a strategy for improving the living conditions of the Roma minority, 2003, p. 3738). Given the lack of realization of the right to education for Roma people, in 2004, the Ministry of Education created the “Second Chance” project as a possibility for offering education to Roma children who dropped out of compulsory schools (Ministry of Education and Sports guideline, 2014).

This measure was accompanied with another mitigating policy, offering the possibility to Roma children to be registered in school without a birth certificate, given that Roma families do not all register their children in Registry Offices (Ministry of Education and Science Instruction, 2006.)

Furthermore more, financial support to improve school attendance was provided via financial facilities for children’s textbooks for grades I to IX, which will be provided free of charge (Council of Ministers, 2010, p. 767), and accompanied by financial support of Roma students for higher education fees.

Unfortunately these are sporadic measures, which do not impact on every part of the education system in Albania to help the Roma minority to exercise their right to an education. Studies show that the Roma minority suffers from discrimination and a lack of access to education related to economic and often geographic conditions (UNESCO, 2017. p. 13), as well as segregation (Annual Reports of People’s Advocate in Albania, 2014–2017). Currently, there are about 5,000 Roma children aged 3-16 in Albania. The

level of enrollment of children in school, according to the law, is low, while 1 in 2 Roma children have dropped out of school (Council of Ministers, 2016, p. 15)

Belarusian legal framework for inclusive education for Roma children

The Constitution on Belarus is the main legal source for sanctioning and protecting fundamental human rights and freedoms in the country. The principle of equality is enshrined in Article 22 of the Constitution according to which everyone is equal before the law and has the right, without any discrimination, to equal protection of rights and legitimate interests. Such equality means equality of rights regardless of gender, race, nationality, origin, social and property status, education, language, place of residence, attitude to religion and other circumstances (BLR. Const. art. 22).

This principle is associated with the recognition of the right of everyone to maintain their national identity, as well as the prohibition of coercion to determine and indicate national affiliation. The guarantee of the realization of this right goes hand in hand with the sanctioning of another constitutional provision according to which the insult of national dignity is prosecuted according to the law.

Furthermore, the recognition of the right to education for everyone combined with other constitutional principles serves to protect and realize inclusive education for people belonging to a minority or ethnic group such as the Roma community. According to Article 49 of the Constitution of the Republic of Belarus accessible and free general, secondary and vocational and technical education is guaranteed to all. While secondary specialized and higher education shall be accessible to all in accordance with the capabilities of each individual.

The framework for the protection of human rights in Belarus has been completed by a number of international treaties that contain provisions on equality and non-discrimination as well as on the protection of the rights of national minorities.

1. Article 27 of the International Covenant on Civil and Political Rights of 1966⁵ establishes that “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”.

5 Note: This treaty is ratified by the Republic of Belarus on October 5, 1973 and entered into force for the Republic of Belarus on March 23, 1976.

2. According to the UNESCO Convention against Discrimination in the Field of Education⁶, the Republic of Belarus recognizes that persons belonging to national minorities have the right to conduct their own educational work, including school management, and, in accordance with the educational policy of each state, to use or teach their own language.
3. the UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions is another international instrument that protects the rights of minorities. In accordance with this convention, the Republic of Belarus has committed itself to create an environment on its territory that helps individuals and social groups to create, produce and distribute their own cultural expressions and have access to them with due attention to the special conditions and needs of women, as well as various social groups, including persons belonging to minorities and indigenous peoples.
4. While the UN Convention on the Rights of the Child⁷ specifies special protection towards people who belong to ethnic groups. The Republic of Belarus has committed itself to ensuring that children belonging to ethnic, religious or linguistic minorities have the right to use their culture, practice their religion and perform its rites, and use their native language.

These are some of the international instruments ratified by the Belarusian Republic. Together with the Copenhagen Document and the CIS Convention on Human Rights and Fundamental Freedom⁸, they show the obligations taken by the state to ensure equality and non-discrimination and to create guarantees for the implementation of belonging to national minorities, the right to individually, jointly and without hindrance express, preserve and develop their ethnic, linguistic, cultural or religious identity.

The inner legal framework that has been established in the Republic of Belarus regulates the right to education for children and young people. The fundamentals of state policy in the sphere of education presuppose its being based on the humanistic and secular nature of education, ensuring equal access to education, and the public nature of the management of education. The right to education for all citizens is ensured and guaranteed on the basis of the free accessibility of general secondary and vocational education, and the free accessibility of secondary special and higher education on a competitive basis.

6 Note: The convention is ratified by the Republic of Belarus on November 17, 1962 and entered into force on March 12, 1963.

7 Note: This convention is ratified by the Republic of Belarus on July 28, 1990 and entered into force for the Republic of Belarus on October 31, 1990.

8 Note: The Republic of Belarus is a party to the Commonwealth of Independent States (CIS) and has ratified the CIS Convention on Human Rights and Fundamental Freedoms which entered into force for the Republic of Belarus on August 11, 1998.

At the legislative level, minors who are foreign citizens and stateless persons temporarily or permanently residing in the Republic of Belarus, as well as minors who have been granted refugee status or additional protection in the Republic of Belarus or who apply for refugee status or additional protection in the Republic of Belarus have the right to receive pre-school, general secondary and special education on an equal basis with minor citizens of the Republic of Belarus.

On the other side, the national legislation of the Republic of Belarus recognizes and protects the legal status of national minorities and their right to education. Actually, the Law "On National Minorities in the Republic of Belarus" (1992) regulates the situation of national minorities in the Republic of Belarus. According to Article 1, persons belonging to national minorities are understood as persons permanently residing in the territory of the Republic of Belarus and having citizenship of the Republic of Belarus who by origin, language, culture or traditions differ from the main population of the Republic. Thus, permanent residence and citizenship are inherent criteria for classifying a community or a person as a national minority. In this sense, the wording of the law is restrictive. Such an approach does not correspond to the essence of the international obligations of the Republic of Belarus on the protection of the rights of national minorities (Kutuzova et al. 2015, p. 6). Thus, Article 27 of the International Covenant on Civil and Political Rights stipulates that "in countries where ethnic, religious and linguistic minorities exist, persons belonging to such minorities cannot be denied the right to share with other members of the same group their culture, practice their religion and perform its rites, and use their native language".

The Law "On National Minorities in the Republic of Belarus" as a framework law establishes a number of rights and guarantees for national minorities, without establishing a mechanism for their implementation.

The right of national minorities to access an education in their native language is sanctioned in the Law "On Languages in the Republic of Belarus" (1990). Article 3 of the Law stipulates that citizens have the right to use their national language and choose the language of intercourse. According to part 2 of the article 21 of the Law "On Languages", persons belonging to national minorities who live in the Republic of Belarus have the right to receive education in their native language in accordance with the legislation of the Republic of Belarus. On the basis of Article 22 of the Law "On Languages", in accordance with the wishes of pupils, students and their legal representatives, by decision of local executive and administrative bodies, agreed with the Ministry of Education of the Republic of Belarus, pre-school, general secondary education institutions or groups in pre-school education institutions can be established classes, groups in institutions of general secondary education, in which training and education are carried out in the language of the national minority or the language of the national a minority.

Thus, education in the language of a national minority is possible only with secondary education. Education and training in vocational, specialized secondary and higher educational institutions is carried out only in the Russian and (or) the Belarusian languages. An analysis of national legislation on languages and education (Kutuzova et al., 2015, p. 9) shows that the right to study in the language of a national minority is essentially not a right, but an opportunity provided by law, which depends on the “wishes of citizens” and the decision of the authorities. At the same time, the law does not regulate the mechanism for registering the “wishes of citizens” by officials on this issue.

While, regarding the community, in the Republic of Belarus, it is not considered to be a minority (“Countries and their cultures”, n.d.) rather than an ethnic group and there are no special regulations governing the situation of the Roma community.

The realization of the right to education to Roma community in Belarus

The Republic of Belarus is a multinational state. According to the 2009 census, representatives of about 140 nationalities (ethnic groups) live in the country, while the proportion of representatives of non-titular ethnic groups is about 16% of the total population (National Statistical Committee of the Republic of Belarus, 2010). According to the 2009 census, 7,079 people officially declared themselves Roma. But the Roma community says about 60,000 Roma live in Belarus today. The inaccuracy of the statistical data is due to the legislative problems – many Roma have no documents so there is no statistical data. Only 80 % of the Roma children have a basic and secondary education, although the majority of them only finished a course of basic education. 12 % of the Roma at the age of 10 and older can't read and write (“Social integration of the Roma population in Belarus: providing the right for equality”, 2016).

On the other side in the Republic of Belarus, the literacy rate of the adult population is 99.6%, the rate of basic, general secondary and higher education of the employed population is 98% (The official portal of the President of the Republic of Belarus, 2019). Belarus is at the level of the developed countries in Europe and the world in terms of enrollment in primary and secondary schools and the number of students in higher education institutions. The state policy in the sphere of education is based on strengthening the leading principles of the development of Belarusian schools, including:

- a. The public-state nature of management;
- b. Ensuring principles of fairness and equal access to education;
- c. Improving the quality of education for everyone.

According to the statistics, the Roma community is included in mainstream schools by offering the same education as the majority of the population, without taking into consideration their needs and specifications at least as an ethnic minority. Given the fact that the Roma community is considered to be an ethnic group, consequently they have the right to use their language and culture. But the reality shows that the use of the Roma language in the Belarusian education system is not permitted within the legal framework.

Linguistic diversity and Roma language in school

Language is the main and the most important component of national identification and has an irreplaceable role not only in social communication, but also in our relationship to thousands of years of history. The most valuable asset is the language with which we express thoughts and emotions.

Different people speak different languages. By adopting multilingualism, inclusive education is provided for all communities as an integral part of society. It would be ideal to have education delivered in the native language of each child. However, school language has always been an obstacle to the comprehensive education of children belonging to certain communities or minorities. Speakers of native languages, which are not the same as the national or local language, are disadvantaged in the education system, because they have the disadvantage of learning in an official foreign language. Studies show that getting educated in your mother-tongue is considered an important component of quality education, especially in the early years (Bühmann & Trudell, 2008, p. 7). Consequently, for children belonging to different groups, such as Roma children, this education is violated from the first years of school.

Roma people are bilingual, which means that besides the Roma language (Romani/Gipsy) they also use the language of their country of residence or of the society they belong to. According to scientific data, the growth of children in a bilingual environment, among others, can affect their verbal development. In fact, the bilingualism of Roma children at school is not taken as a priority, being seen mostly as a negative phenomenon, due to the low status of Roma languages anywhere in the world (Kychukov, 2018, p. 2)

As emphasized above, the Roma have been discriminated through centuries. They have also been discriminated for their language. Historical facts speak of stringent measures (the Roma were subjugated by the Catholic Church, because of their language with the claim that they were speakers of a language no one knew) and in some cases inhumane (if someone was caught speaking Romani, their tongues could

be cut of). While in some communist countries the use of the Roma language was prohibited by law and anyone who used it in public was punished.

Meanwhile, during the Second World War, the Roma of many Eastern European countries were persecuted in the death camps. However, in many cases there are no accurate statistics of these persecutions. Thus, in Belarus the absence of an educated strata within the Roma group and aggressive politics of forgetting made impossible the recording of testimonies of the Soviet Roma tragedy immediately after the war. In Belarusian historiography, information about the genocide of the Roma is minimal (Kotljarchuk, 2013, p. 19)

While in Albania, unlike what happened in other Eastern European countries, the Roma community was considered part of the Albanian population, but until 1960 they were still nomadic. (We should also note that the even the majority of the Roma in Belarus led a nomadic life before the war). Meanwhile, it is thought that the urbanization imposed on the Roma by the Albanian communist state, caused most of them to lose their language. "They do not write their language and have had no schools in which to teach it" (Kocollari, 2009, p. 2).

Nowadays, in Albania and Belarus, the language of national minorities/ethnic groups is protected by law. Article 13 The Right to Education in Minority Language of Law no. 96/2017 "On the Protection of National Minorities in the Republic of Albania" states that: Persons belonging to a national minority enjoy the right to learn in a minority language and that in local self-government units where they reside traditionally or in substantial numbers, if there is sufficient demand, they are provided with opportunities to learn or take lessons in the language of the minority, in accordance with relevant legislation in the field of education. Based on this law, in Albania, in September 2018, the Ministry of Education presented an initiative for introducing the Roma language into schools. However, this was not accompanied by further explanations about how the introduction of this language would be implemented in schools or whether this process would be accompanied by the insertion in schools of languages of other communities living in Albania (Macedonian, Montenegrin, Greek etc.), in order to avoid discrimination and disadvantage towards only one minority or community.

Earlier in 2015, the Roma language was introduced as an elective course at a 9-year school in Elbasan, where 1/4 of students were from the Roma community, with a view to knowing Roma culture and traditions. But the introduction of the Roma language into the curriculum presents difficulties, even for given fact that Romani is a language that, until recently, was exclusively passed on orally and did not exist in a written form. It has not developed a generally accepted written standard and, as a consequence, no prescriptive norms. "Their socio-historical situation explains why Romani is labelled a stateless diaspora language" (Halwach, 2012, p. 2)

In Albania there is also a Bachelor study program offered in the Albanian and Roma languages⁹. However, this study programme is offered as a mixture between Albanian and Roma languages, and does not serve to prepare future students towards any profession in general and even less towards the teaching profession. The Roma language isn't known by the Ministry of Education in Albania in terms of teaching (Instruction no.10, 2015), as a consequence of which no future teachers for the Roma minority are going to be prepared for the near future. Furthermore, this measure is not associated with the preparation of proper textbooks for Roma language and history. This is a step that still need to be taken by the state for the Roma minority. In this way, the offering of this study programme in Roma languages doesn't contribute to the implementation of the right to an education of the Roma minority in Albania. In addition to this, as noted in the report on "Strategies to combat the segregation of Romani children in schools" (Bagnoud, 2015, p. 13) there is insufficient formal teacher training on bilingual education and language deficiencies, which means that the educational systems are not adequately equipped in terms of human resources, training, or manuals for bilingual education.

While in Belarus, the Law on the Rights of the Child (Article 6(1), 1993) sets out a general principle of equality for access to education for all children regardless of their ethnic and linguistic background. It also then sets forth two important rights, namely the right of a child to receive a free education in his native language and the right to choose an educational institution to study in (On child's rights, amend. 2008).

Article 4 of the Law on National Minorities in the Republic of Belarus (1992, amend. 2007) also specifies that any direct or indirect limitation of the right to education of citizens of the Republic of Belarus due to their belonging to national minorities and attempts to assimilate against their will are prohibited. The main languages of education in the educational institutions of the Republic of Belarus are Belarusian and Russian (BLR. Const. art. 17)

However, the Law on Education and the Law on Languages (No. 187–3/1998) makes an exceptional remark that education in the state languages is done without prejudice to the minority language rights of which the state guarantees the right to choose the language of education; the state "takes care of the development and use of all national languages used by the republic's population" (Article 2(3) and guarantees for persons of other nationalities living in the republic the right to an education in their native language (Article 21(2)).

9 Note: This program is offered by A. Xhuvani University in Elbasan. It aims to provide the basic knowledge for Albanian and Roma language and linguistics, for the history of literature (world literature, as well as Albanian and Roma), and special Roma culture. The program specifically aims at recognizing, studying and identifying the Roma community in these aspects: origin, historical background, dissemination, ethno-cultural development at different stages of development of this community.

But, education in the language of a national minority in Belarus is possible only with secondary education. Education and training in vocational, specialized secondary and higher educational institutions is carried out only in Russian and (or) Belarusian languages. Although the right to learn and be taught in the native language of a minority group is recognised by law, we may say that it is partially recognised as such. Practicing the mother tongue only in secondary education doesn't help the persons who belong to that minority to learn their language properly. The language of the minority should be part of the whole education system starting from primary education, otherwise the right to education to the persons belonging to a national minority is violated.

However, although in Belarus the education system has been designed in such a way that Roma children (as well as other communities) have equal access to knowledge, they almost immediately lag behind their peers, and then completely drop out of school, having received only a primary education.

Conclusions

The protection of the right to education both in Albania and Belarus from the legal point of view is sanctioned in the main legal documents, starting from the Constitution, and continuing with a great variety of international conventions and focusing in the inner legislation of both countries.

During the last years, Albania has given the status of being a minority to the Roma community, while in Belarus, they are known as an ethnic minority, despite the extensive legal basis for the protection of minorities.

But although Albania has accepted the Roma community as a minority, no steps have been taken towards recognition and realization of the right to an education for Roma people as minority, and Roma children suffer from low participation in the compulsory education.

Meanwhile in Belarus, even though the legislation hasn't covered in detail the obligations from international legal framework, statistics show a high percentage of participation in education including Roma children.

Thus, as provided by the law, children of the minorities, respectively Roma, have the same rights to an education as Belarusian's do. In fact, compared to Albania, in Belarus the attendance of Roma children in school is higher. According to the public association "Belarusian Roma Diaspora", there are about 60 thousand Roma in Belarus, and about 80% of Roma children are enrolled in secondary education (Social integration of the Roma population in Belarus, 2018, p. 7). However, Roma people are not fully

adapted in Belarusian society, and the main problem remains the low level of education, both in children and adults.

Despite the fact that the Roma community is not denied the right to an education, in both countries, at least from the legal point of view, this right is not offered in accordance with the needs of this community, including the promotion of the Roma language and culture. Lack of formal teaching in the Roma language has a direct impact on the preservation of the national identity of this community.

References

- Annual Reports of People's Advocate in Albania. (2014–2017). Retrieved from: <https://www.avokatipopullit.gov.al/en/> (accessed: November 30, 2018).
- Bagnoud, F.H. (2015). *Strategies to combat segregation of Romani children in schools. Case studies in Bulgaria, Croatia, the Czech Republic, Greece, Hungary, and Romania*. Harvard University. Retrieved from: <https://cdn2.sph.harvard.edu/wp-content/uploads/sites/114/2017/12/Romani-Segregation-2015-brief-version-final.pdf> (accessed: November 15, 2018).
- Bühmann, D., & Trudell, B. (2008). *Mother tongue matters: Local language as a key to effective learning*. Paris, France: UNESCO. Retrieved from: <https://unesdoc.unesco.org/ark:/48223/pf0000161121> (accessed: October 10, 2018).
- Center of Equal Rights and Expertise *Social integration of the Roma population in Belarus: providing the right for equality* 2016, p. 3–4. Retrieved from: http://romaintegration.by/wp-content/uploads/2016/09/Roma_en_forsite.pdf (accessed: November 18, 2018).
- Council of Europe Framework Convention, "On the Protection of National Minorities" Retrieved from: <https://rm.coe.int/16800c10cf> (accessed: December 11, 2018).
- Convention on Human Rights and Fundamental Freedom. Retrieved from: https://www.echr.coe.int/Documents/Convention_ENG.pdf (accessed: December 22, 2018).
- Constitution of the Republic of Belarus with amendments and additions adopted at republican referendums on November 24, 1996 and October 17, 2004. Retrieved from: <http://www.pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/> (accessed: December 22, 2018).
- Decision no. 633, dated 18.09.2003 of the Council of Ministers "On the adoption of a strategy for improving the living conditions of the Roma minority", published in the Official Gazette no. 85, Oct. 2003.
- 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", published in the Official Gazette no. 25 of 2010.
- Document of the 1990 Copenhagen Conference on the Human Dimension of the CSCE Retrieved from: <https://www.osce.org/odihr/elections/14304> (accessed: December 20, 2018).
- Halwachs, W.D. (2012). Linguistic Diversity, Dominated Languages and the Internet: The Case of Romani. University of Graz. *RomIdent Working Paper*. Retrieved from: <http://>

- romani.humanities.manchester.ac.uk/virtuallibrary/librarydb/web/files/pdfs/357/Paper4.pdf (accessed: October 10, 2018).
- Ministry of Education of the Republic of Belarus. (2013/2014) *Belarusian education in the context of international indicators*. State statistical reporting. Retrieved from: <https://edu.gov.by/en-uk/> (accessed: December 20, 2018).
- Instruction No. 10, dated 3.4.2015 of the Ministry of Education and Sport. *On the content and form of the license of the successful candidate at the state exam for exercising of the regulated profession of teacher*.
- Instruction no. 6, dated 29.03.2006, of the Ministry of Education and Science. *On the registration of Roma students who are not equipped with a certificate of birth*.
- International Covenant on Civil and Political Rights (1966). Retrieved from: [http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2200\(XXI\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/2200(XXI)) (accessed: December 22, 2018).
- Kocollari, N. (2009). Challenges of integration and social segregation of Roma people in Levan commune, southern Albania. *Journal of Alb-Shkenca Institute*, III(4), 2.
- Kotljarchuk, A. (2013). World War II Memory Politics: Jewish, Polish and Roma Minorities of Belarus. *The Journal of Belarusian Studies*, 7(1), 7–37, Retrieved from: <https://docs.google.com/viewer?url=http://belarusjournal.com/sites/default/files/World+War+II+Memory+Politics.pdf> (accessed: November 20, 2018).
- Kyuchukov, H. (2018). *Transformative education for Roma (gypsy) children: an insider's view. Roma transformative education*. Open Society Institute. New York. DOI: 10.1080/14675980020002420. p. 2.
- Кутузова, Н., Рыбаков, М., & Черных, Д. (2015). *Право на равенство и недискриминацию этнических меньшинств в Беларуси. Аналитический отчет*, p. 46. Retrieved from: http://romaintegration.by/wp-content/uploads/2015/11/Pravo_na_ravenstvo_rus_web.pdf (accessed: October 10, 2018)
- Law no. 69/2012, dated 21.06.2012. *On the pre-university education system in the Republic of Albania*, published in the Official Gazette No. 87 of 2012.
- Law no. 96/2017, dated 13.10.2017. *On the Protection of National Minorities in the Republic of Albania*, published in the Official Gazette No. 19 of 2017.
- Law of the Republic of Belarus no. 2570-XII, dated 19.11.1993. *On Child's Rights*. Retrieved from: https://base.spininform.ru/show_doc.fwx?rgn=1844 (accessed: December 20, 2018).
- Law of the Republic of Belarus no. 1926-XII, dated 11.11.1992. *On National Minorities in the Republic of Belarus*. Retrieved from https://base.spininform.ru/show_doc.fwx?rgn=1835 (accessed: December 20, 2018).
- Law of the Republic of Belarus no. 187-3/1998, dated 26.01.1990. *On Languages in the Republic of Belarus*. Retrieved from http://base.spininform.ru/show_doc.fwx?rgn=1869 (accessed: November 20, 2018).
- MoES Guideline No. 34, dated 8.12.2004. *On the implementation of the project: Second Chance for the education of students who have dropped out of school and students stuck for blood feud*.

- MoES. (2016). *Strategy On the Development of Pre-University Education, for the period 2014–2020*. approved by the Decision of Council of Ministers No. 11.
- National Statistical Committee of the Republic of Belarus (2010). *Population by nationality and native language*. Retrieved from: http://www.belstat.gov.by/upload-belstat/upload-belstat-pdf/perepis_2009/5.8-0.pdf (accessed: December 20, 2018).
- OSCE. (2006). *National Strategy of Improving Roma living conditions*, Tirane: Pegi. p. 12.
- Portal of the President of the Republic of Belarus. (2019). *Higher education in Belarus*. Retrieved from: http://president.gov.by/ru/university_ru (accessed: December 20, 2018).
- Project on *Social integration of the Roma population in Belarus: providing the right for equality*. (2014). Retrieved from: <http://romaintegration.by/wp-content/uploads/2015/03/Social-integration-of-the-Roma-population-in-Belarus.pdf> (accessed: November 20, 2018).
- Strategy On the Development of Pre-University Education, for the period 2014–2020* approved by the Decision of Council of Ministers No. 11, of 11.01.2016.
- The Constitution of the Republic of Albania approved by law no. 8417, dated 21.10.1998 of the People's Assembly, approved by referendum on 22.11.1998 and promulgated by Decree no. 2260, dated 28.11.1998 of the President of the Republic of Albania.
- Tremlett, A. (2011). *Trying to solve a European problem: a comprehensive strategy for Roma minorities*. Retrieved from: <https://www.opendemocracy.net/annabel-tremlett/trying-to-solve-european-problem-comprehensive-strategy-for-roma-minorities> (accessed: December 20, 2018).
- UNESCO. (2010). *Reaching the marginalized*. Retrieved from: https://www.unicef.org/social-policy/files/Reaching_the_Marginalized.pdf (accessed: November 20, 2018).
- UNESCO. (2017). *Albania, Education Policy Review, Issues and Recommendations*. Paris. April 2017 ED-2017/WS/23, Retrieved from: https://ec.europa.eu/epale/sites/epale/files/albania_education_policy_review_issues_and_recommandations_april_2017.pdf (accessed: June 02, 2018).
- UNESCO. (1966). *Convention against Discrimination in the Field of Education*. Retrieved from: http://www.un.org/ru/documents/decl_conv/conventions/educat.shtml (accessed: November 20, 2018).
- UNESCO. (2005). *Convention on the Protection and Promotion of the Diversity of Cultural Expressions*. Retrieved from: http://www.un.org/ru/documents/decl_conv/conventions/cultural_expression.shtml (accessed: November 20, 2018).
- United Nations. (2013). *International Convention on the Elimination of All Forms of Racial Discrimination, Committee on the Elimination of Racial Discrimination. Concluding observations on the combined eighteenth to nineteenth periodic reports of Belarus, adopted by the Committee at its eighty-third session*. Retrieved from: https://www.ecoi.net/en/file/local/1355528/1930_1388738531_g1347014.pdf (accessed: November 20, 2018).
- United Nations. (1989). *Convention on the Rights of the Child*. Retrieved from: http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/44/25 (accessed: November 20, 2018).