Abstract

The right to education is a social right guaranteed by both European and wider international legal tools such as the European Convention on Human Rights and the Universal Declaration of Human Rights. The hypothesis of this research was that the right to education evolves constantly, influencing educational policies. An interview-based study with officials, judges and policy-makers from UNESCO, OECD, ILO, CoE, ECHR and CJEU was mobilised in order to check this hypothesis. The thematic analysis demonstrated that the right to education encompasses, not only margin of appreciation and subsidiarity, but also axes concerning compulsory education and alphabetisation, mobility and non-discrimination.

Keywords: right to education, political analysis, International Organisations, United Nations Education, Science and Culture Organisation (UNESCO), Organisation for Economic Co-operation and Development (OECD), International Labour Organisation (ILO), Council of Europe (CoE), European Court of Human Rights (ECHR), European Union (EU), Court of Justice of the European Union (CJEU).

Rezumat

Dreptul la educaţie este un drept social garantat de către ambele instrumente juridice internaţionale mai largi, cum ar fi Convenţia Europeană a Drepturilor Omului şi Declaraţia Universală a Drepturilor Omului. Ipoteza acestei cercetări a fost că dreptul la educaţie evoluează în mod constant, influenţând politicile educaţionale. Pentru a testa această ipoteză, a fost realizat un studiu bazat pe interviuri cu funcţionari, judecători şi factori de decizie de la UNESCO, OCDE, OIM, CoE, CEDO şi CJUE. Analiza tematică a demonstrat că dreptul la educaţie cuprinde nu numai marja de apreciere şi de subsidiaritate, dar şi aspecte referitoare la învăţământ obligatoriu şi alfabetizare, mobilitate şi non-discriminare.

Cuvinte-cheie: dreptul la educaţie, analiză de politici, organizaţii internaţionale, Organizația Națiunilor Unite pentru Educație (UNESCO), Organizația pentru Cooperare Economică și Dezvoltare (OECD), Organizația Internațională a Muncii (OIM), Consiliul Europei (CoE), Curtea Europeană a dreptului.
Research framework, purpose and working hypothesis

“In the current world economy, educational deprivation has dire consequences for human welfare” (Spring, 2000, p. 1). Globally speaking, the right to education comported compulsory education and higher education for all, including minorities and disadvantaged groups. Legally, claims regarding the right of education look at language rights, religion classes and religious symbols, schooling in special classes or corporal punishment at school (Berger, 2014). From a pedagogical point of view, the right to education must respect pluralism and diversity (Davis, 2013).

For Tomasevski (2004), taking a right-based approach to education involves making education „available, accessible, acceptable and adaptable” (Tomasevski, 2004, p. 1). However, the right to education has not always been formulated in this way, but there are a multiple conceptualisations of the right to education. Consequently, the right to education is guaranteed by national, European and international legislation which administer the right to education in different ways: free and compulsory education, vocational training, full development of human beings and the scope of parental conviction to educate their child. When discussing the right to education and its implications on educational policies, some current terms are frequently used: „case law”, „international”, „supranational”, „margin of appreciation”, „principle of subsidiarity” and „discrimination”. These terms will be briefly defined to familiarise the reader.

It would be important to highlight that the right to education is guaranteed for each learner given that all forms of discrimination are prohibited. The Convention on Discrimination in Education, 1960, defines discrimination as „any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth” (Convention against Discrimination in Education, Art. 1). All decisions taken in the field of education must respect the margin of appreciation. This principle „means that the state is allowed a certain measure of discretion, subject to European supervision, when it takes legislative, administrative or juridical action in the area of a Convention right” (Harris, O’Boyle & Warbrick, 2009, p. 11). The margin of appreciation doctrine underscores the principle of subsidiarity, that is to say that European or International conventions supervise the states which have the primary responsibility in the protection of human rights. In other terms, the
principle of subsidiarity means that „states have the primary duty to secure human rights and they are allowed a degree of freedom of choice” (Davies, 2009, p. 131). In ordinary language, case law defines the totality of the decisions taken by the court of appeals or other national and supranational courts which will generate new interpretations of the law. The term „international” describes the action involved in two or more countries while the term „supranational” qualifies the control beyond the oversight of one country.

Out of hand, it is important to mention that the research presented in this article draws from a larger study, jointly organised between political and educational sciences. The aim of this article is to enrich the existing juridical and theoretical contributions by nuanced and meaningful claims concerning the involvement of the right to education not only for a law-specialist audience, but also for an education-specialist audience. Researchers and lawyers have analysed the right to education rather under legal methodology. For that reason, the present purpose is to conduct an investigation combining theory with practice in the field. The motivation was to discover the major developments concerning the right to education and to cross the legal and pedagogical framework with testimonials provided by the legal actors. As a result, the following research problem is formulated:

In the light of current case law, in what manner could the evolution of the right to education and its implications for the educational policies at the supranational level be described?

The main goal is to analyse the discourse of the legal actors regarding the right to education. On this basis, the research was has tried to provide innovative and interdisciplinary fieldwork to enhance legal and pedagogical analysis concerning the right to education. In connection with the research problem and the principal goal, a research hypothesis has been formulated: Founded on the principle of subsidiarity and the margin of appreciation, the right to education is constantly evolving to enrich its significance for educational policies by guarantying non-discrimination, compulsory and vocation training, as well as involvement in the labour market.

In this research project, I seek to examine if and how the right to education has evolved in the last XX years, and in what ways it has influenced educational policies. In order to check this hypothesis, legal framework and discourse analysis on the right to education will be corroborated. Firstly, juridical tools governing the right to education will be presented and secondly, several practical arguments regarding the case law will be provided.
2. Theoretical and conceptual framework regarding the right to education

Education has become a significant debate in all societies. The concept is for instance, defined as „all learning activity undertaken throughout life, which results in improving knowledge, know-how, skills, competences and/or qualifications for personal, social and/or professional reasons“ (Tissot, 2004, p. 123). Educated could be assimilated to the development process of the human being at all ages and involves children, young people, adults and seniors. In order to complete the meaning of this term, researchers defined the learning process as „a change in the ability to perform a task under the effects of interaction with the environment“ (Van Zanten, 2008, p. 16).

Pedagogically speaking, the universal right to education is linked to the recognition of multiple forms of education - formal, informal and non-formal. Legally, education is included among the social rights guaranteed to everyone inhabiting the planet and has become a condition for exercising and the enjoyment of other political and economic rights. The current mission of researchers and educational actors is to guarantee the right to education, not only in legal texts but also in daily practice. Judicially, at an international level, there are some treaties under which education is governed, primarily the Universal Declaration of Human Rights and the Convention on the Rights of the Child. At the European level, there is the European Convention on Human Rights and Fundamental Freedoms, and the European Social Charter and the Charter of Fundamental Rights. At a national level, constitutions and legal instruments created by the Ministries of Education govern the right to education. A scheme which summarises the main articles and characteristics of the right to education guaranteed by these legal tools will be furnished in the practical part of this paper. In the field of education, States are free to act by virtue of the margin of appreciation and principle of subsidiarity. Supranational organisations interpose to assist national intervention only respecting these two principles, even if in the European Union situation seems changing.

2.1. Right to education at the international level

Concretely, beyond its approach regarding core competencies, UNESCO refers to the right to education as a social right through two legal instruments, namely the Universal Declaration of Human Rights (Art. 26), and the International Covenant on Economic, Social and Cultural Rights (art. 13). Based on the Universal Declaration of Human Rights (1948), Article 26 guarantees the right to education. In view of this article, the reference to all forms of education – primary, secondary and technical – is present. Paragraph
2 provides an additional element making reference to the „full development“ of the human personality. The right of parents to choose the education of their children has been included in the European Convention on Human Rights and Fundamental Freedoms, but also in the Charter of Fundamental Rights. Later, the International Covenant on Economic, Social and Cultural Rights adopted in 1966 recognises the right to education as a socio-cultural right and in article 13 provides a detailed explanation of that.

The United Nations Convention on the Rights of the Child (1989) is another legal instrument guaranteeing the right to education worldwide. Article 28 of this Convention covers certain general elements referring to the right to education. There are some statements about primary education which must be free and compulsory, but also information about the organisation of secondary and higher education, without neglecting the importance of school counselling. As a further matter, article 29 defines the purpose of education. The variety of educational goals is highlighted and the human dignity of every child is proclaimed. These statements are extremely important for teachers because the learning process must entirely respect the right of learners and students and to contribute to their full development. Additionally, the Child Rights Committee has interpreted the educational purposes of Article 29 in a broad sense, integral development being linked to the special needs of the child: identity, socialisation and interaction.

2.2. Right to education at the European level

At European level, the European Convention on Human Rights and Fundamental Freedoms of 1950 is the legal instrument jointly recognised by the Council of Europe and the European Union. In 1952, the Additional Protocol 1 to the European Convention on Human Rights, under article 2 guarantees the right to education. In its terms, education is closely linked to the right of parents to educate children given their religious and philosophical convictions. In most cases, the right to education is interpreted in close conjunction with article 8 concerning respect for private and family life; article 9 proclaiming freedom of thought, conscience and religion, and article 14 regarding the prohibition of discrimination. Thus, „article 2 extends to all forms of education provided or permitted by the state-primary, secondary and higher education” (Harris, O’Boyle & Warbrick, 2009, p. 698) while states are obliged „to ensure that the religious and philosophical convictions of parents over the education of their children are respected” (Davis, 2013, p. 463).

Furthermore, the European Social Charter is a legal instrument of social rights created in 1961 in order to meet the needs of society. The European Social
Charter was revised as the result of social changes on May 3rd, 1996. Article 9 guarantees „the right to vocational guidance” and Article 10 „the right to vocational training” proclaiming education as a fundamental socio-cultural right of a democratic society. The right to vocational guidance has become more important given the lifelong learning approach and involves all vulnerable and disadvantaged groups.

Finally, in article 14, the Charter of Fundamental Rights of the European Union (2000) guarantees the right to education. Paragraph 1 of article 14 covers education at all ages and paragraph 2 guarantees free compulsory education for all European Union’ citizens. Similarly with the European Convention on Human Rights and the Universal Declaration which guarantee the right of parents to educate children in conformity with their religious or philosophical beliefs, paragraph 3 of article 14 regulates the right to education in the same terms. This short presentation of the legal instruments concerning the right to education informs readers allowing them to take advantage of the juridical foundations of the educational and pedagogical process which has been developing daily all around the world in kindergartens, schools, universities, training centres.

3. Research methodology and analysis of scientific data

In order to check and interpret the work hypothesis, the qualitative method was used. Semi-structured interviews (Lessard-Hébert, Goyotte & Boutin, 1997; Dépelteau, 2002) completed with a participative observation, were in coherence with the research question which tried to identify pedagogical implications of the right to education extended by testimonials from European and international actors. Interviews were chosen to enrich the analysis of the right to education since research was based on direct apprehensions of judges or policy-makers. Thus, the research presented in this article focuses on the discourse analysis of the interviews conducted with officials, judges and policy-makers from international organisations, European institutions and Courts of justice like the European Court of Human Rights and the Court of Justice of the European Union.

In the beginning, measures on education were organised at the European Commission on the EACEA – Education, Audiovisual and Culture Executive Agency - Eurydice in Brussels and at the Council of Europe in the European Social Charter Division in Strasbourg. This professional experience was useful to conduct „explanatory interviews” (Tessier, 1993), to become familiarised with the legal work of these institutions and to meet specialists in the field of education. Additionally, research fellowships at the United Nations Education,

Next, the interview guide was prepared. The relevant questions of this guide focused on European Court case law, the principal features of the right to education and its pedagogical implications, the evolution of the right to education linked to the improvement of lifelong learning policies. After testing the interview guide, a letter of invitation was sent to different officials, judges and policy-makers from the above institutions. Coming up with the sampling was an arduous element of the research given that international and European officials are difficult to meet as well as bound by professional secrecy. Based on the „mock-up principle“ and „purposive sampling“ (Van der Maren, 1995), an essential sampling was identified. Thus, interviewees were people who are:

- Officials, judges and policy-makers familiar with the right to education at European and international levels
- People granting interviews as part of this academic research.

Once these criteria selected, preference was given to „face to face“ interviews (Mucchielli, 1991). For this purpose, visits were organised on each site – Brussels, Geneva, Hamburg, Paris, Luxembourg, Strasbourg, Thessaloniki and Turin. Almost fifty interviews in French, Italian, Romanian and English with policy-makers, officials and judges and from UNESCO, OECD, ILO, CoE, the European Parliament, the European Commission, CEDEFOP, ETF, the European Court of Human Rights and the Court of Justice of the European Union. According to the agreement with the interviewees, interviews was recorded (Kaufmann, 1996) and subsequently, translated (Albarello, 2003) and interpreted, whilst respecting confidentiality.

Semi-structured interviews allowed the opportunity to obtain useful and manifold information (Quivy & van Campenhoudt, 2006). The content analysis (Bouillaguet & Robert, 1997) was the core element of this qualitative method. In order to ensure the proportionality of the sampling, twenty-one interviews with interlocutors from international organisations and twenty-one with staff working in European institutions was conducted. In all, forty-two interviews were analysed and interpreted. An „analysis grid“ was developed for the interpretation of the interviews (Guittet, 2002; Quivy & van Campenhoudt, 2006; Schernell 2010). Each thematic-unit was dissected in several variables.
Afterwards, after encoding and decoding the content, scientific data was analysed. The main results concerning the right to education will be presented below.

4. Results analysis – The right to education between margin of appreciation and international priority

The debate concerning the right to education is increasingly present at the national and supranational levels. Researchers, policy-makers and civil society representatives pay attention to education. The aim of this article is to enrich the current debate about educational policies by interviewing people involved in the legal work concerning the right to education. In this way, several testimonials – presented in italicized characters – provided by the officials, judges and policy-makers interviewed will be analyzed.

Firstly, it is noted that educational discourse of interviewees is focused on the activities of two legal institutions: the European Court of Human Rights and the Court of Justice of the European Union. Secondly, some main axes, namely the „emergence of legal framework in education”, the „margin of appreciation” and the „right of parents to choose their children’s education” are developed during the interviews.

4.1. International emergence of a legal framework in the right to education

As for the emergence of the legal framework in international education the field of education at the international level, the interlocutors mentioned the international instruments governing the right to education. Internationally, recognition of education as a social right seems to be an „enormous gain” for humanity. The XX century was extremely rich in contributions for the right to education because humanity passed from adult education to education for every learner – lifelong learning for all. At legal and theoretical levels, education seems to have become an important social right. For the international organisations, „firstly, education is a fundamental right. In principle, everyone must have access to a good education. Secondly, education is the instrument for combating social exclusion. These are the two relevant social sides because education is important for everyone” (Interview with policy-maker from an international organisation). In particular for UNESCO, the right to education is advocated as a „right for all”. The same discourse was upheld by the interlocutors: „In education, the most important is education for all. For us, of course, the most pertinent are the goals of literacy” (Interview with a policy-maker from an international organisation). The right to education is declined in several core goals such as inclusive education, holistic education, adult
education, reading skills and professional qualifications. UNESCO is also involved with the alphabetisation given that this organisation carries out work in developing countries. Literacy is crucial to the labour market.

For almost all international organisations, the right to education is translated as „the right of every individual to have access to a good education and to develop lifelong learning, but it is also a necessity in the world of work, in order to avoid the wastefulness of human resources” (Interview with a policy-maker). Employability, competence, flexibility in the labour market, but also competition, economic growth and adaptability are words used to describe the variety of aspects declined by the right to education. One international interlocutor called attention to the fact that the right to education for all reflects „functional literacy, sometimes learners can do it but they need some support, they need basic techniques. It is not just to know how to read and write, but they need techniques to understand medication instructions or town plans” (Interview with policy-maker from an international organisation). Thus, the right to education should cover labour market skills, but also social and personal competence. The right to education became an important preoccupation to prepare for professional mobility. After proclaiming the right to education in legal instruments at the end of the Second World War, the responsibility was to pass from theory into practice. In this way, „from 1960 we started to take care about education. At that time, the idea was to get equivalence of degrees, mobility among teachers, students and pupils” (Interview with lawyer from an international organisation).

International organisations cooperated with one another in order to help Members States in their educational policies. There was even mutual inspiration between these organisations. The European Union was interested in education later in comparison with the other international organisations. Nonetheless, under one interlocutor, its actions seem to inspire global activities and, at the same time „the European Union draws heavily on the work of UNESCO and the OECD. But the others are also inspired much of the European Union. Because, for example, Confintea was focused on the work of the European Union which is a model for other countries and for other regions” (Interview with policy-maker from an international organisation). Despite these similarities in the right to education, there also was a great difference reported by the people interviewed. In institutional approaches – whether economically or socially centred – there remains a gap. For example, „UNESCO emphasizes the right to education, the education as important right for every individual, while for the European Union the concept is related to the concept of economic development” (Interview with lawyer from an international organisation).
4.2. European legal changes concerning the right to education

At the same time, at a European level, the people interviewed referred chiefly to the evolution of case law provided by the Court of Justice of the European Union in Luxembourg. Historically, at the beginning of the European construction, education was not specified. Article 128 of the Rome Treaty only mentioned „vocational training“ from a common market point of view. Little by little, education became a concern at the European level and in 1985, through the Gravier judgement, a springboard for vocational training to education was realised. Briefly, in this case Gravier, a French student who wanted to study in a Belgian Académie Royale des Beaux-Arts is forced to pay a bigger enrolment fee than the Belgian students. She filed suit in the European Court of Justice of the European Union which decided that there was discrimination in education because of nationally. At the European level, the Gravier judgement was an important moment in the legal development of education given that „For the first time, the Court was faced to the principle of equal treatment and of non-discrimination on the basis of the student’s nationality regarding the access to education and the vocational training” (Interview with judge at the Court of Justice of the European Union). After that, education was introduced in the Maastricht Treaty in 1992 under Article 149 and included in the Lisbon Treaty in Article 165.

With this judgement, thanks to changes from vocational training to education, some changes were possible. One of the interviewees provides evidence about what happened with the creation of a „sliding door“ by the judgment: „The profound philosophy of Gravier judgement was the non-discrimination on the basis of nationality in connection with the article 128 concerning the vocational training. As a principle, non-discrimination based on nationality is applicable only in the substantive scope of the treaties on which the European Union is founded. In 1985, the only point of real connection with the Treaty was an article - that seems quite vague - on the vocational training” (Interview with judge at the Court of Justice of the European Union). At the same time, there was the principle of non-discrimination to ensure the common market. The combination of these two elements has changed the case law in the field of education.

Later, other elements were developed, such as foreign languages acquisition and the European dimension of education. More precisely, „This law helped understanding that teaching and education are a fact picked up by the Union law, not in its generality, but in many of these important aspects: mobility of children, teachers and researchers, learning of foreign languages, but also matters such as the European dimension of education” (Interview with policy-
maker at the European Union level). Moreover, following this case law, changes were made in the Treaties and the right to education appears in the Lisbon Treaty. In a certain way, with the evolution of European case law, a willingness to move from a „common labour market” to a „common space of education” occurred among European policy makers. These explanations could help teachers and professors to better understand the evolution of the right to education in the European context.

4.3. The right to education – between juridical subsidiarity and parental convictions

As for the right to education linked to the right of parents to choose an education for their children, the discussion has also been animated. As mentioned above, the right to education mentioned by the Universal Declaration on Human Rights (art. 26), by the Charter of Fundamental Rights of the European Union (art. 14) and by the European Convention on Human Rights (art. 2 of Protocol 1) makes explicit reference to the right of parents to raise their children in accordance with their „philosophical, religious or educational convictions”. In the beginning, the introduction of education in the legal international and European instruments sparked a great debate. The argument was to avoid the extension of Nazi ideology through education. For this reason, at the European level, education was not included among the initial articles of the Convention, but only in the first Protocol. Finally, the dispute was settled in 1952 with the ratification of Protocol 1 of the European Convention on Human Rights.

Concerning the case law issued by the European Convention on Human Rights, Lautsi v. Italy (2009) the judgement deals with the right of parents to choose education their child. Briefly, in the case Lautsi, the applicant, mother of two sons, claims that the presence of a crucifix in the classrooms violates the right to educate children in conformity with her convictions since she is agnostic. European Court of Human Rights decided that there is no violation of the article 2 of Protocol 1 because the presence of crucifix, cultural symbol of the Italian society, is inoffensive and consequently, without any implications in the development of the children’s applicant. Thus, the right to education in European bodies appealed to the margin of appreciation. Regarding national specificity, a country’s history becomes the central factor in the treatment of these affairs. In a general sense, it „is a particular history and each state has a story about the relationship between religion and state. There is a little, a specifically reason” (Interview with judge at the European Court of Human Rights).
In the Lautsi judgement, the European Court of Human Rights made reference to the national margin of appreciation, but, as stated by one interlocutor, this has not been the central point of the case: „The Court has spoken about the margin of appreciation but in the context of its argumentation. The idea of the national margin of appreciation was rather marginal. You have to think to this expression in the sense that the Court is animated by a specific context rather scholastic. The Court has said that it did not want to address the issue outside this context. It had mentioned that, due to the passive nature of the symbol of the crucifix, this one was no impact“ (Interview with judge at the European Court of Human Rights). The scope of this judgement is enormous for current case law on the European and international landscape. The right of parents to educate children conforming to their convictions is guaranteed by the European Convention of Human Rights, but also by the Universal Declaration of Human Rights.

In this way, there is a continuity with previous case law and consequently, as highlighted by one of the persons interviewed, it is difficult to delineate a “before” and an “after” Lautsi judgement: „I confess that I see some continuity. I do not see an interruption that would be presented by the Lautsi judgement. I hope the Court will come to be coherent in its approach: to protect, of course, the religious freedom as well as to respect the principle of neutrality which is a principle of its action in the context of the article 9 of the Convention and in the context of the right to education, which is the guaranteed in the Protocol number 1. There, the Court strives to be coherent even if this consistency can be problematic for some commentators. It is quite legitimate to see inconsistencies in that context“ (Interview with judge at the European Court of Human Rights). Consequently, there is continuity in the case law concerning the right to education at the European and universal level, given that this mention appears in European and international legal tools.

The „margin of appreciation“ is a legal concept under which, jurisdiction is declined in favour of the Member States because of the complexity of the affair. Each country, being closer to the reality on the ground, is able to make the best decision, taking into account the national, social, cultural and religious aspects. Linked with the national margin of appreciation, there are the principles of subsidiary. Understanding the evolution of the right to education helps educational actors pay more attention to the education policies which are not a common competence in the European Union. Legally, member States of the European Union are responsible for educational measures since education remains a national competence. At the same time, the example of this case law shows the complexity and the finesses of decisions taken in the field of education.
4.4. The right to education at the universal level – rich diversity „all in one”

The right to education is governed by some international and European legal frameworks. These different legal tools are complementary and monitor adherence of the right to education for each learner, in all countries and in all continents. When thinking about better understanding educational policies and the foundations of the activities developed in the classrooms, teachers have to refer to all these instruments. Thus, the right to education is guaranteed as a „social right” – embellished with some features by the Universal Declaration of Human Rights (article 26), the International Covenant on Economic, Social and Cultural Rights (article 13), the United Nations Convention on the Rights of the Child (article 29), the European Convention on Human Rights (article 2 of Protocol 1), the European Social Charter (articles 9 and 10) and the Charter of Fundamental Rights of the European Union (article 14). Summing up these legal instruments, the juridical variety could be described in the following table:

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<th>Nr.</th>
<th>Legal Instruments</th>
<th>Articles</th>
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| 1   | Universal Declaration of Human Rights     | Art. 26  | Free and compulsory elementary education  
|     |                                           |          | Full development of the human personality  
|     |                                           |          | Rights of parents to choose the education of their children in conformity with their pedagogical, religious and philosophical convictions |
| 2   | International Covenant on Economic, Social | Art. 13  | Free and compulsory elementary education  
|     | and Cultural Rights                        |          | Full development of the human personality  
|     |                                           |          | Rights of parents to choose the education of their children in conformity with their pedagogical, religious and philosophical convictions |
| 3   | United Nations Convention on the Rights   | Art. 29  | Development of the personality  
|     | of the Child                               |          | Talents, mental and physical abilities  
|     |                                           |          | Non-discrimination                       |
The picture demonstrates the interrelation and the reciprocity of legal tools not only at an international but also at a European level. Some features are common to several instruments. In this way, education could be remembered as the right to free and compulsory education, the full development of human being and the scope of parents’ pedagogical, philosophical and religious convictions in the education of their children. As mentioned by the interviewees, it is relevant to keep in mind the importance of education case law as well as the weight of some legal principles such as margin of appreciation or principle of subsidiarity.

5. Conclusions

In conclusion, combining theoretical elements and practical findings collected from judges, lawyers and policy-makers from International and European Organisations interviewed, provides a clear view of the educational architecture in the 21st century. All components concerning the right to education can be illustrated in the ensuing picture.

The picture gives explanations about the right to education which is subject to juridical tools and, at the same time, enriched by various elements due to the case law formulated by different Courts of Justice at international and European levels. The picture shows the junction between legal and pedagogical approaches concerning the right to education. Conclusions can be drawn that the working hypothesis was entirely confirmed. Aside from the legal principles such as
subsidarity, some educational points for current global pedagogy have been raised. Thereby, the right to education encompasses the personal conviction of parents, the principles of non-discrimination, but also the mobility and professional competencies for the labour market, compulsory education, but also vocational training and lifelong learning. Thus, judges, policy-makers, parents, researchers and pedagogists have the mission to oversee, for now and in the future, the respect of the right to education in all its legal and pedagogical variety given that „the right to education also has an important role to play as a linkage and as a key to the unlocking of other human rights – economic, social and cultural as well as civil and political ones“ (Koch, 2009, p. 149).

REFERENCES

Juridical and pedagogical references

**Methodological books**

**Treaties and Conventions**