

Introduction

At the moment, almost every state in Europe is characterized by multi-ethnicity, multilingualism and multiculturalism, or by cultural diversity in the broadest possible sense. Such a state of affairs is conditioned by modern trends that require cooperation between countries and dictate intensive migration processes, but also by the constant exchange of ideas, cultural content and values. It is indisputable that at this level of civilizational development, the intertwining of many cultures is considered an advantage and a valuable resource for the further progress of humanity, and not an obstacle. However, this does not negate the fact that cultural diversity requires adjustments so that members of different races, nations, religions and other groups can truly exercise their rights and enjoy the freedoms that belong to every citizen regardless of personal traits, origin and material circumstances. Therefore, multiculturalism requires complex adjustments of the normative framework within which mechanisms should be envisaged for fostering equality regardless of individual characteristics. Adjustments of the normative framework are being made at the universal, European and national levels. This process has been going on for several decades and its end is not noticeable, given the new and increasingly complex needs that everyday life brings. Economic crises, wars and technological progress continuously put additional demands on the legal system, requiring constant changes, but also the development of new paradigms harmonized with the current moment. The legal analysis that follows focuses on legal documents that encourage and nurture cultural diversity within the three sectors crucial for the realization of human rights. These are the sectors of education, social services and youth work.

Documents of the organization of United Nations – social care and the right to education

We begin the review of international documents with a summary analysis of documents adopted by the United Nations as the most important universal organization in the present time. Namely, the period after the Second World War is characterized by the founding of the United Nations as an international organization that, in addition to preserving world peace and international cooperation, pleads for the respect of human rights in the broadest possible sense.

The realization of any group of human rights is based on the assumption that all human beings are born free and equal in dignity and rights. Hence, the whole system of human rights derives from the respect for the individual differences of each human being, which must not be an obstacle to the realization of rights and the enjoyment of freedoms. Nevertheless, the organization of the United Nations recognizes the *de facto* inequality of members of certain groups and has adopted some documents that explicitly prohibit all forms of discrimination and plead for the eradication of racial, gender and all other forms of inequality.

The following documents are recognized as most relevant:

- ◆ Universal Declaration of Human Rights, 1948
- ◆ International Covenant on Civil and Political Rights, 1966
- ◆ International Covenant on Economic, Social and Cultural Rights, 1966
- ◆ International Convention on the Elimination of All Forms of Racial Discrimination, 1965
- ◆ Convention on the Elimination of All Forms of Discrimination against Women, 2016
- ◆ Convention on the Rights of Persons with Disabilities (CRPD), 2006
- ◆ Convention against Discrimination in Education, 1960
- ◆ UNESCO Guidelines for Intercultural Education, 2006
- ◆ Convention on the Rights of the Child, 1989
- ◆ Universal Declaration on Cultural Diversity, 2001
- ◆ Agenda for Sustainable Development until 2030, 2015

The Universal Declaration of Human Rights (UN, 1948) is based on the inviolable postulate that everyone is entitled to human rights and freedoms, without distinction of any kind, such as race, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

International Covenant on Civil and Political Rights (UN, 1966), stipulates that the law will prohibit any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence. The Covenant obliges state parties to ensure equal rights for women and men. It is envisaged that the restriction of rights in extraordinary circumstances of public danger cannot take on extensive proportions and that restrictions on rights and freedoms must not be based on discriminatory grounds, for example, race, color, gender, language, religion or social origin.

International Covenant on Economic, Social and Cultural Rights (UN, 1966), guarantees the exercise of economic, social and cultural rights without any discrimination in respect of race, color, sex, language, religion, political or other opinions, national or social origin, property status, birth or any other status (Art. 2).

International Convention on the Elimination of All Forms of Racial Discrimination (UN, 1965), proclaims the prohibition of all forms of racial discrimination and the promotion of racial discrimination as desirable or acceptable conduct. State parties are to undertake, in accordance with their needs, special and concrete measures in the social, economic, cultural and other fields, so that they ensure the development or protection of certain racial groups, or individuals belonging to these groups, in order to protect their human rights and their freedoms. Measures may not result in the maintenance of unequal or different positions for different racial groups, once the objectives for which these measures were originally taken are achieved.

Convention on the Elimination of All Forms of Discrimination against Women

(UN, 1979), obliges states to take appropriate measures to eradicate unacceptable social patterns of behavior of men and women, and to eliminate prejudice, traditional customs and practices based on the notion of inferiority or superiority of one or the other sex, as well as the established expectations about the roles of men and women. Measures should be implemented in order to reform family education so that it includes an adequate understanding of motherhood as a social function and respect for the common responsibility of men and women in raising children, implying that in all cases the best interests of the child must be taken into account. An important factor in combating discrimination against women is the education system, as a result of which states are obliged to take measures to eliminate discrimination against women and to provide them with equal rights as men in education, especially: equal conditions in career and career guidance; in terms of opportunities for learning and obtaining diplomas in educational institutions of all categories, both in rural and urban areas; availability of equal curricula; removing the traditional understanding of the roles of men and women at all levels and in all forms of education by encouraging the creation of mixed classes and by revising textbooks and school curricula and adapting teaching methods; reducing the drop-out rate of girls and women and so on.

The Convention on the Rights of Persons with Disabilities (UN, 2006) prohibits all forms of discrimination against persons with disabilities and advocates for their equality. The basic principles are: respect for dignity, respect for personal abilities and independence of persons with disabilities, social inclusion, respect for differences and acceptance of persons with disabilities as an inherent segment of human diversity; access to all resources, equality of women and men and respect for the evolving capacities of children with disabilities.

The Convention against Discrimination in Education (UNESCO, 1960) condemns all forms of discrimination in education, emphasizing the need to promote equality in terms of educational opportunities and access to all levels of education. However, Art. 2 of the Convention supports the establishment of separate institutions for the purpose of educating members of different sexes, and also the establishment of special institutions for religious or linguistic reasons, but only if attending such institutions is voluntary and if they are not organized according to discriminatory criteria. The education must be accessible to everyone without administrative barriers, while primary education is compulsory and free of charge. States undertake to encourage the education of persons without primary or incomplete primary education and to enable the continuation of education in accordance with the individual traits of students. Article 5 obliges states to ensure that education is aimed at the full development of the individual and the strengthening of respect for human rights and fundamental freedoms, and also to promote understanding, tolerance and friendship among peoples, racial and religious groups.

Furthermore, citizens are guaranteed the right to educate children in institutions that respect their personal beliefs, while no one can be forced into a religious education that is contrary to his personal beliefs. Finally, members of national minorities are guaranteed the right to attend special institutions and study on the languages of national minorities, but this must not prevent members of

national minorities from understanding the language of the majority group and actively participating in the social life of the community as a whole. Also, if special institutions for members of national minorities are established, the curriculum in such institutions cannot be based on lower standards compared to educational institutions attended by the majority of the population, while attending such institutions must be voluntary.

The **UNESCO Guidelines for Intercultural Education** (2006) are based on the principle that multiculturalism covers cultural diversity as a basic feature of human society, while interculturalism is a dynamic concept that refers to ever-changing relationships between members of different cultural groups that can contain unique cultural expression and mutual respect. The document contains three basic guidelines, with the first guideline stipulating that intercultural education is education that respects the cultural identity of students, by providing culturally appropriate and quality education for each individual. According to the second guideline, intercultural education provides all students with cultural skills and knowledge in order to become active and responsible citizens of society. The third guideline stipulates that intercultural education provides knowledge, attitudes and skills that will enable students to develop respect, cooperation and understanding among individuals and ethnic, social and cultural groups and nations.

UN Convention on the Rights of the Child (1989), is a document that comprehensively defines the minimum standards and the protection mechanisms in all areas important for the development and exercise of the rights of minors. The Convention obliges the contracting parties to ensure the exercise and protection of the rights of every child without any discrimination, regardless of race, color, sex, language, religion ... or another status of the child, his parent or legal guardians (Art. 2).

The general comment of the UN Committee on the Rights of the Child (No. 9, 2006) on the rights of children with disabilities, among other things, emphasizes the need to provide special protection for girls with disabilities. The commentary points out that children with disabilities are often discriminated against in multiple ways, given that the problems of these children are particularly complicated if they live in rural areas or if they are of poor financial status. Also, isolating these children makes it difficult for them to be included in the formal education system, which in turn makes it difficult or even impossible for them to find employment and so further increases social exclusion. Therefore, states have special obligations towards children with disabilities and must pay special attention to their equality. The necessity of cooperation between different sectors was emphasized in order for children with disabilities to exercise all their rights and not just be limited to the rights in the field of narrowly understood social protection. It is noticed that the system of providing support for children with developmental disabilities is often disintegrated, which makes the child's position especially difficult, leading him to the situation of repeatedly turning to different services for similar forms of protection. States should support the work of civil sector in the field of protection of children with disabilities and organize educational campaigns to raise awareness of the need to fully respect the rights of these children.

It should be emphasized that children with disabilities claim the same status as all other children. Furthermore, not only do children with disabilities have the right to attend school, but the educational process must be such as to encourage their development and the realization of personal talents, as well as their mental and physical potential. Therefore, it is necessary to modify the teaching practice and train educators in regular schools in order to encourage the development of these children in the best possible way. At the same time, every child with developmental issues has the right for an individualized approach to be applied in order to develop communication skills, verbal capacities, ability to interact and the ability to solve various problems. People who work with children must monitor the child's progress, as well as how he communicates verbally and emotionally, in order to provide the best possible support for children's development.

The education of children with disabilities must be oriented towards the development of inclusive education within the standard and general education system, which does not mean that the needs of those children could be simply neglected. Namely, the general education system should strive to include children with disabilities, instead of a priori allocating them to special institutions, but, if necessary, inclusion in the general system may include specific support measures. However, the Committee on the Rights of the Child does not deny the factual situation in which not all the states are able to form an inclusive education system in the foreseeable future, due to existing constraints and insufficient resources. In connection with the above, it should be borne in mind that inclusion does not only mean the participation of children with disabilities in the general education system. On the contrary, inclusive education implies a system of values, principles and practices that provide quality education for all students, recognizing their very different personal and social predispositions. Hence, the system should primarily recognize student differences. Thus, inclusion may include the inclusion of students with disabilities in standard classes or the formation of special classes in standard schools, or maintaining a standard teaching process or teaching process with special segments of special education. Inclusion mustn't be equated with simply including students with disabilities in standard/general schools, without insight into the needs they may have. Special training is needed for educators and other school staff in order to fully enable them to develop an inclusive education system.

Universal Declaration on Cultural Diversity, adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization at its thirty-first session on 2 November 2001 is based on the assumption that respect for cultural diversity actually encourages and increases opportunities for personal development of all persons, not only in economic terms, but also in terms of personal and spiritual development of each individual.

The **UN Agenda for Sustainable Development** until 2030, which entered into force in 2016, promotes the intensive engagement of states in eradicating poverty, achieving full equality and overcoming the problems brought about by climate change. During the conception of the Agenda, attention has been given to the representation of the views of as many members of different groups as possible, such as: women, elderly citizens, young people, residents of rural areas, members

of the LGBTI population, Roma and others. Only some of the 17 goals envisaged by the agenda are: quality education - which includes providing inclusive and quality education and promoting lifelong learning opportunities; gender equality - which requires the achievement of essential gender equality and the empowerment of women and girls in the broadest possible sense and peace, justice and strong institutions – which includes promoting a peaceful and inclusive society, ensuring access to justice for all and building efficient and reliable institutions at all levels.

Council of Europe documents

The Council of Europe is an organization committed to respecting democratic values, rule of law and human rights, with cultural diversity being one of the cornerstones on which Europe has been built in the past and which must remain firmly rooted in its foundations. We begin with an overview of documents relevant to the social services sector and youth work, which is followed by a review of documents related to the exercise of the right to education.

The following documents are recognized as most valuable ones:

- ◆ European Convention for the Protection of Human Rights and Fundamental Freedoms, 1950
- ◆ Revised European Social Charter, 1996
- ◆ European Cultural Convention, 1954
- ◆ Reference Framework of Competences for Democratic Culture (RFCDC), 2013
- ◆ ECRI Recommendation on a general policy on combating racism and racial discrimination in and through school education, 2006
- ◆ Convention on the Participation of Foreigners in Public Life at Local Level, 1992
- ◆ Framework Convention for the Protection of National Minorities, 1994
- ◆ Recommendation of the Committee of Ministers of the Council of Europe to member states on "hate speech", 1997
- ◆ Recommendation of the Committee of Ministers to member states on the education of Roma and Travelers in Europe, 2009
- ◆ Recommendation of the Committee of Ministers to Member States on measures to combat discrimination on grounds of sexual orientation and gender identity, 2010
- ◆ Resolution on Access to Education and School for All Children, 2016
- ◆ Declaration of the Committee of Ministers on Cultural Diversity, 2000
- ◆ Declaration on Intercultural Dialogue and Conflict Prevention, 2003
- ◆ Declaration on 50 years of cultural cooperation in Europe, 2004