

# Parental Agency and Children's Rights at the European Court of Human Rights

## *A Case-Based Inquiry into Legal Culture and Access to Justice*

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### Abstract

The act of seeking judicial remedies in matters concerning education and the right to education depends on a range of factors, including cultural values, legal systems, structural conditions, and the development of parental agency. This paper explores how and why parents turn to the European Court of Human Rights (ECtHR) in response to violations of their children's rights, with the broader aim of promoting democratic awareness and civic engagement around children's rights in Europe. The paper employs a qualitative analysis of ECtHR judgments, legal frameworks, and secondary literature to examine how cultural norms, legal barriers, and structural inequalities shape parental access to supranational justice. Where relevant, media coverage and public discourse are also considered as influencing factors. Focusing on the Albanian context, the case of *X and Others v. Albania* (2022), concerning the educational segregation of Roma and Egyptian children, is used as a central example. The analysis reveals that while parental engagement with the ECtHR is often hindered by limited structural conditions, legal literacy and insufficient access to legal aid, it can also serve as a catalyst for legal and policy reform or as a means to challenge existing laws. The paper concludes with recommendations for improving access to justice for marginalized families, including the expansion of legal support services, targeted public awareness campaigns, and inclusive educational policy reforms.

**Key words:** *parental agency, right to education, court, legal systems, cultural values, structural conditions*

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### Short CV

Dr. Valbona Nathanaili is a scholar in the field of education, lecturer at University College "LOGOS" and is actively involved in several international education and research projects. Her academic focus includes education policy, pedagogical theory and reform. Dr. Nathanaili has led national initiatives such as the STEM campaign and recognition of the right of professionals from diverse fields to enter the teaching profession upon completing training in pedagogy & psychology. She has also directed university publishing houses.

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