

INCLUSIVE EDUCATION AND HUMAN RIGHTS: ENSURING THE RIGHT TO EDUCATION FOR PERSONS WITH DISABILITIES IN UKRAINE AND EUROPE**Vintoniak Y.***PhD in Law**ORCID 0009-0002-4427-134X*<https://doi.org/10.5281/zenodo.17121592>**Abstract**

The article analyzes the legal and institutional framework for ensuring the right to education for persons with disabilities in Ukraine within the context of European standards of inclusive education. Particular attention is given to the principles of equality, non-discrimination, and accessibility, which gain special importance in the conditions of war and the growing number of persons with disabilities. International and national legal acts, as well as the practices of EU member states (Poland, Germany, Slovakia), are examined, and gaps in the implementation of inclusive policies in Ukraine are identified. The article substantiates the prospects for harmonizing the Ukrainian education system with European practices within the framework of the country's European integration course.

Keywords: right to education; inclusive education; persons with disabilities; equality; non-discrimination; accessibility; European standards; Ukraine.

Statement of the problem. The right to education is a fundamental human right guaranteed by several international documents, including the 1948 Universal Declaration of Human Rights [1], the 1966 International Covenant on Economic, Social and Cultural Rights [2], and the 2006 UN Convention on the Rights of Persons with Disabilities [3]. In the European legal space, it is enshrined in the European Convention for the Protection of Human Rights and Fundamental Freedoms [4] and the Charter of Fundamental Rights of the European Union [5]. Of particular importance is the issue of realizing the right to education for persons with disabilities, which is not only a manifestation of social justice but also an indicator of the maturity of a democratic state governed by the rule of law.

In Ukraine, the right to education is enshrined in the Constitution [6] and detailed in special legislation, in particular in the Law "On Education" [7] and the Law "On Complete General Secondary Education" [8]. At the same time, ensuring its accessibility for persons with disabilities remains a pressing challenge, requiring the implementation of effective mechanisms for inclusive education. European experience shows that inclusion in the educational environment is a legal obligation and a tool for integrating such persons into society and ensuring their active participation in public life and the labor market.

Despite positive developments, barriers remain in Ukraine regarding infrastructure inaccessibility, a lack of specially trained teaching staff, and insufficient funding for adapted programs and assistive technologies. An additional challenge is the consequences of Russia's armed aggression against Ukraine, which has led to an increase in the number of persons with disabilities, including children, who need inclusive education services.

European countries have already accumulated considerable experience in inclusive education based on the principles of equality, non-discrimination, and universal access. A comparative analysis of legal mechanisms for ensuring the right to education for persons with disabilities in Ukraine and Europe is essential for forming national policy. It allows us to identify the

strengths and weaknesses of domestic legislation, outline areas for its adaptation to European standards, and propose practical ways to implement the right to education as an integral part of human rights.

The purpose of this article is to provide a comprehensive analysis of the legal mechanisms for ensuring the right to education for persons with disabilities in Ukraine in comparison with European standards, as well as to identify practical tools for inclusive policy that can be implemented in the domestic education system, taking into account international obligations and current challenges.

Materials and methods of research. The work uses a comparative legal method to compare Ukrainian legislation with European approaches in inclusive education. Historical and legal analyses were used to trace the evolution of legal regulation of the right to education for persons with disabilities. Systemic and structural-functional methods assessed the relationship between international norms, national legislation, and educational practice. A problem-oriented approach was also used to identify key barriers and develop practical recommendations for improving inclusive policies in Ukraine.

Research findings and discussion. Effective enforcement of the right to education for persons with disabilities in Ukraine is only possible if national legislative initiatives are combined with best European practices in inclusive education based on equality, non-discrimination, and accessibility. The principle of equality means equal recognition of the right to education for all categories of citizens, regardless of their health or social status. Non-discrimination prohibits any form of restriction or prejudice against persons with disabilities in the educational environment. The principle of accessibility covers physical, informational, and digital dimensions, ensuring barrier-free learning opportunities. Today, in the context of war, when the number of people with disabilities is growing due to injuries and trauma, and the educational infrastructure is being destroyed, the importance of these principles is particularly relevant. Their implementa-

tion is also a key condition for Ukraine's European integration course, which harmonizes educational policy with European standards of human rights and inclusion.

The development of inclusive education and ensuring the right to education for persons with disabilities in Ukraine are inextricably linked to forming a multi-level regulatory framework that includes international documents of the UN, the Council of Europe, and the European Union, as well as national legislation. These acts enshrine the universal principles of equality, non-discrimination, and accessibility, which are gradually being implemented in Ukraine's domestic legal system. However, in practice, there remain gaps and problems in their implementation.

At the universal level, the fundamental act is the 1948 Universal Declaration of Human Rights, Article 26 of which proclaimed the right of every person to education as an inherent and universal right [1]. This document became the basis for developing legal approaches in education, which were later detailed in the 1966 International Covenant on Economic, Social, and Cultural Rights. Article 13 of the Covenant defined education as a universal right to be progressively ensured by the participating states, emphasizing the obligation of states to create conditions for universal access to and compulsory basic education [2].

Of particular importance for inclusive policy is the 2006 UN Convention on the Rights of Persons with Disabilities, ratified by Ukraine in 2009. Article 24 of this document provides for creating an inclusive education system at all levels and lifelong learning, emphasizing equal access without discrimination, the need to adapt curricula, and the creation of reasonable accommodations [3]. Another important earlier act was the Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993), which systematized the basic requirements for creating educational opportunities in the field of inclusion.

At the regional level, the Council of Europe has significantly contributed to developing inclusive education. The European Convention on Human Rights (1950), specifically Article 2 of Protocol No. 1, enshrines the right to education, which was subsequently specified in the European Court of Human Rights case law. The Court emphasized that this right must also be guaranteed for vulnerable groups, including persons with disabilities. In addition, the European Social Charter (revised in 1996), in Article 15, explicitly provides for the obligation of states to ensure the right of persons with disabilities to independence, social integration, and participation in public life, which includes the right to education. Several recommendations by the Committee of Ministers of the Council of Europe are also significant, particularly Recommendation No. R(92)6 on strengthening cooperation in special education for children with disabilities, which enshrined the approach to inclusion as a universal right [9].

Despite the absence of a separate education convention, the European Union has created several strategic documents that set standards for inclusive education. First and foremost, it is worth highlighting the European Disability Strategy 2010-2020 and its continuation and the EU Strategy on the Rights of Per-

sons with Disabilities 2021-2030. These acts emphasize the removal of barriers, the creation of accessible infrastructure, the introduction of digital technologies in education, and the provision of academic mobility for students with disabilities. In addition, Article 14 of the Charter of Fundamental Rights of the European Union (2000) enshrines the right to education, and Article 21 prohibits discrimination on any grounds, including disability [4].

Ukrainian legislation is also gradually being harmonized with European standards. Article 53 of the 1996 Constitution of Ukraine guarantees the right of everyone to education, and Article 24 enshrines the principle of equality of citizens and the prohibition of discrimination [6]. The Law of Ukraine "On Education" (2017) was the first normative act in which the principle of inclusiveness was enshrined as a state priority. Article 19 explicitly provides for the right of persons with special educational needs to education and outlines mechanisms for creating an inclusive environment [7]. The Law of Ukraine "On Complete General Secondary Education" (2020) detailed the work of inclusive classes, the provision of teacher assistants, and the use of adapted programs [8]. This framework is supplemented by the Law of Ukraine "On the Rehabilitation of Persons with Disabilities in Ukraine" (2005), which defines the right to educational services as a component of social integration [10].

However, there are significant gaps compared to European standards. First, in practice, the principle of accessibility is not fully implemented: a substantial number of educational institutions are not architecturally adapted to the needs of persons with disabilities. Second, funding for inclusive education in Ukraine is fragmented, while the EU has dedicated funds and grant programs. Thirdly, digital inclusion, a key European priority, is being implemented slowly in Ukraine due to technical and human resource constraints. Fourthly, the monitoring and accountability system is still being developed. While the EU has powerful institutional mechanisms, particularly through the ombudsperson institution, this area remains underdeveloped in Ukraine.

In the context of war, the problem of inclusive education in Ukraine has become particularly acute. The number of people with disabilities has increased as a result of hostilities, and a significant part of the educational infrastructure has been destroyed or damaged. This requires the restoration of the material and technical base and the integration of modern inclusive practices adapted to the conditions of wartime and post-war development. In particular, the digitisation of education and the introduction of distance learning technologies, which allow access to education even without physical infrastructure, are of particular importance.

Ukraine's European integration course creates additional obligations to harmonize education policy with European standards. Implementing the provisions of the European Social Charter and the EU Strategy on the Rights of Persons with Disabilities 2021-2030 should form the basis for modernizing Ukrainian education legislation and practices. This will not only contribute to increasing the level of inclusiveness of education in

Ukraine, but also ensure that the national education system meets the Copenhagen criteria, which is necessary for the process of accession to the European Union.

When it comes to the practical implementation of inclusive education, it requires the coordinated action of at least four interrelated components: physical and digital accessibility of the educational environment, professional training of teaching staff, provision of assistive technologies and services, and sustainable financial mechanisms. Their synergy determines the real ability of the education system to integrate persons with disabilities into the learning process at all levels, from preschool to higher and postgraduate education.

First, it is worth talking about the accessibility of educational institutions. In the modern understanding, accessibility covers not only the architectural and spatial dimension (barrier-free entrance, elevators, ramps, sanitary rooms, Braille navigation), but also information and communication accessibility (alternative formats of materials, subtitling, sign language interpretation, web accessibility according to WCAG standards), as well as organizational procedures (reasonable adjustment of schedules, individual study plans, support). In recent years, Ukraine has made noticeable progress in forming a “barrier-free culture”, but the actual condition of many buildings and digital services remains uneven. Against the backdrop of destruction caused by the war, the problem of physical accessibility is compounded by the need to combine barrier-free access with safety requirements (shelters, evacuation routes, and ensuring the accessibility of shelters).

In EU countries, architectural accessibility is institutionalized through building codes strictly enforced during the design and commissioning stages. For example, in Germany, barrier-free access is standard for public buildings, and funding programs run by federal states and municipalities cover the adaptation of existing buildings. Poland systematically implements barrier-free solutions through PFRON (State Fund for Rehabilitation of Disabled Persons) programs, which provide grants to schools and universities for architectural and digital modernization. Slovakia combines architectural requirements with regional school support programs, focusing on equal access in small communities. For Ukraine, it is relevant to combine regulatory oversight with targeted support for communities and institutions in reconstruction and typical “universal design” project solutions to speed up reconstruction.

Secondly, teacher training is worth mentioning. The quality of inclusion is determined not only by infrastructure, but above all by the competence of teachers. An inclusive school or university needs a team that includes a teacher/lecturer, a teacher/lecturer assistant, a psychologist, a speech therapist, rehabilitation specialists, tutors, and assistive technology specialists. Ukraine has introduced the institution of teaching assistants and inclusive resource centers. Still, staff shortages and uneven training of specialists remain challenging, especially in communities that host large numbers of internally displaced persons.

Germany practices a dual teacher training model: special modules on inclusion are integrated into teacher training programs, and schools have access to external

mobile support teams. Poland is systematically developing postgraduate courses in inclusive competence for teachers and assistants, and universities are expanding the role of “accessibility offices” with specialists who advise teachers on adaptations. In Slovakia, the emphasis is on regional support centers that provide advice to schools and supervise individual plans. Ukrainian educational institutions should scale up short modular professional development programs (microcredentials) emphasizing practical cases, working with mixed groups, building individual educational trajectories, and using assistive technologies.

The third important factor is technology and digital inclusion. Assistive technologies from screen readers, speech-to-text and text-to-speech software, to adaptive keyboards, tactile devices, and FM systems are key to participation in education. University “accessibility offices” in EU countries provide individual selection of technologies, training in their use, and technical support. At the school level, cloud platforms with universal learning design (UDL) are widespread, allowing content to be accessed in various formats.

In recent years, Ukraine has made a significant leap in the digitization of education: remote platforms, electronic journals, and educational resources. However, content accessibility (alternative text descriptions, subtitling, keyboard navigation, etc.) often needs improvement. An important area is the implementation of web accessibility standards (WCAG 2.1/2.2) for websites and LMS, as well as the centralized procurement of software licenses for assistive solutions. It would be appropriate to borrow from Polish practice: state or industry tenders for nationwide licenses with educational packages for all levels of education.

It is also worth noting that inclusion requires predictable funding at the start-up stage and long-term support (technical maintenance of assistive devices, support services, staff training). In EU countries, this is solved through mixed models: basic funding from the state budget, targeted regional/municipal programs, and grants (including from the EU). In Poland, PFRON and the Accessibility Plus program combine investments in infrastructure with funding for support services [11]. In Germany, states and communities have funds for adapting schools and universities, and universities have accessibility centers with separate budgets. Slovakia uses regional programs with agreed minimum standards for schools.

The Ukrainian context requires a multi-channel model: protected spending on inclusion in education budgets, targeted reconstruction programs with a “universal design” component, partnerships with donors and businesses (corporate social responsibility), as well as voucher mechanisms for families (individual support packages) that can be used at any accredited institution or service.

It is also essential to ensure individualization and support for students/pupils. European practice shows that “formal” inclusion without a personal support plan often does not provide real participation. Universities and schools in Germany and Poland use individual learning support agreements that specify accommodations: extra time on exams, alternative assignment for-

mats, methodological tutoring assistance, and technological adjustments. In Ukraine, individual plan mechanisms are gradually spreading, but they require unified templates, internal regulations, and trained department/dean's office coordinators.

An essential element is independent monitoring of the quality of inclusion: indicators of accessibility, student/parent satisfaction, effectiveness of support, academic results, and graduate employment. In EU countries, the participation of persons with disabilities and their associations in policy planning and evaluation is mandatory. Ukraine can strengthen institutional feedback mechanisms through systematic surveys in institutions, the creation of accessibility councils at universities, publishing annual reports on the state of inclusion, and external accessibility audits using standardized scales.

Finally, it should be noted that Russia's full-scale aggression has created a new dimension of needs: an increase in the number of children and young people with disabilities as a result of injuries and psychological trauma, internal displacement of families, and destruction of infrastructure. The practice of implementing inclusion must consider the rehabilitation component, interagency cooperation (education – health care, social sphere), mobile and distance learning, and the accessibility of shelters and evacuation routes for people with various forms of disability. European experience in post-crisis reconstruction (in particular, the “build back better” standard) should form the basis of Ukrainian programs for reconstructing educational institutions. Every new or renovated building must be barrier-free, and every digital service must be accessible.

Conclusions. Inclusive education is a multidimensional process in which infrastructure, personnel, technology, and funding must work together as an integrated system. The European experience of Poland, Germany, and Slovakia demonstrates that success is ensured by clear accessibility standards, professional support teams in institutions, centralized funding instruments, and beneficiaries' participation in policy planning and evaluation. For Ukraine, which is at war and at the same time moving towards European integration, the key factors are: institutionalisation of accessibility offices, modernisation of infrastructure according to universal design principles, mass training of teachers in inclusive practices, digital accessibility of content, and stable funding mechanisms. This configuration of practical solutions will transform formal guarantees into absolute equality of opportunity in education.

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