



## INCLUSIVE EDUCATION AS A HUMAN RIGHT: INTERNATIONAL STANDARDS AND NATIONAL REFORMS IN DISABILITY RIGHTS

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### ABSTRACT

*Inclusive education has emerged as one of the central pillars of contemporary human rights law, affirming the principle that no person should be excluded from learning opportunities on the basis of disability. While international legal instruments such as the Convention on the Rights of Persons with Disabilities (CRPD) establish strong obligations for States to ensure access to inclusive education, the translation of these commitments into effective national reforms remains uneven. This article examines the right to education of persons with disabilities through the lens of international human rights standards and the legislative reforms undertaken within Uzbekistan. It situates the issue within the broader normative framework established by the United Nations and regional human rights systems, before turning to the domestic legal order to analyze the extent to which global commitments are reflected in national law and policy. In doing so, the article highlights persistent challenges—including accessibility barriers, limited resources, and societal stigma—that hinder the effective realization of inclusive education. Drawing on doctrinal analysis and comparative perspectives, it argues for the harmonization of domestic legal frameworks with international standards and emphasizes the importance of sustained reforms. Ultimately, the paper underscores inclusive education as both a legal obligation and a catalyst for advancing equality, dignity, and social integration for persons with disabilities.*

### Introduction

The right to education is universally acknowledged as a cornerstone of human rights and a fundamental condition for human development. It is enshrined in key international instruments, including Article 26 of the *Universal Declaration of Human Rights* [1] and Article 13 of the *International Covenant on Economic, Social and Cultural Rights* [2]. Beyond its instrumental role in fostering knowledge and skills, education serves as a gateway to empowerment, civic participation, and equality. For persons with disabilities, access to education is particularly critical as it represents a pathway to breaking cycles of poverty, exclusion, and dependence [3]. Despite decades of progress, global statistics reveal that persons



with disabilities remain among the most marginalized groups in education. According to UNICEF (2021) [4], children with disabilities are twice as likely to be out of school as their non-disabled peers, and those who attend often face environments that are neither accessible nor inclusive. These disparities highlight the urgent need to strengthen legal frameworks and ensure effective implementation of the right to education for persons with disabilities. Historically, persons with disabilities were either excluded from formal education or relegated to segregated institutions that reinforced social isolation. The prevailing assumption was that disability constituted an inherent limitation best addressed through special schooling. However, beginning in the late twentieth century, there has been a paradigmatic shift toward inclusive education—a model that emphasizes integration into mainstream schools, the removal of barriers, and the provision of reasonable accommodations.

This transformation is most clearly reflected in Article 24 of the CRPD, which obliges States to ensure inclusive education systems at all levels. The provision establishes that persons with disabilities shall not be excluded from the general education system on the basis of disability, that reasonable accommodations must be provided, and that individualized support measures should be available to maximize academic and social development [5]. The CRPD thus elevates inclusive education from a policy aspiration to a binding human rights obligation.

Uzbekistan provides a timely and important case study in this respect. Since ratifying the CRPD in 2021, Uzbekistan has embarked on a series of legislative and institutional reforms aimed at strengthening the rights of persons with disabilities, including the adoption of a new *Law on the Rights of Persons with Disabilities* [5]. These reforms reflect a broader trend across states transitioning from policy models rooted in medical or charitable views of disability toward rights-based and inclusive approaches. Nevertheless, the process of aligning national law and practice with international obligations remains complex and requires sustained commitment. Uzbekistan's legislative reforms reflect this shift. The 2020 law and subsequent national strategies explicitly endorse inclusive education, marking a departure from earlier frameworks that emphasized special schools. However, as with many states, the challenge lies in moving from declarative commitments to practical implementation: ensuring accessible infrastructure, equipping teachers with inclusive pedagogical skills, and addressing deeply rooted societal stigma.

## **International Legal Standards on the Right to Inclusive Education**

Education is a universally recognized human right, and for persons with disabilities, it carries transformative potential to overcome exclusion and realize equality. The global legal framework on education has progressively evolved from general guarantees of access to explicit recognition of **inclusive education** as a binding obligation. This section examines the international legal standards underpinning the right to inclusive education, drawing from foundational human rights instruments, specialized disability conventions, interpretative guidance by treaty bodies, and jurisprudence from regional and international courts.

### **1. The Universal Declaration of Human Rights (UDHR, 1948)**

The modern international framework for the right to education originates with the **Universal Declaration of Human Rights**. Article 26(1) provides that “[e]veryone has the right to education” and stipulates that primary education shall be free and compulsory (United Nations [UN], 1948). While the UDHR does not explicitly mention disability, its universal



framing underscores that the right applies equally to all persons, regardless of status or condition. [1]

The drafting history of the UDHR indicates a conscious choice to frame education as a universal entitlement, tied to human dignity and the full development of personality [7]. For persons with disabilities, this principle is foundational: exclusion from education is not a matter of benevolent choice but a violation of inherent rights. The UDHR thus provides the moral and legal baseline for later treaties that more specifically address disability-inclusive education.

## **2. International Covenant on Economic, Social and Cultural Rights (ICESCR, 1966)**

The **ICESCR** gives binding force to the aspirational norms of the UDHR. **Article 13** guarantees “the right of everyone to education” and obliges States to ensure progressive realization, subject to available resources [2]. Article 2 further imposes the principle of non-discrimination, which, as clarified by the Committee on Economic, Social and Cultural Rights (CESCR), prohibits exclusion based on disability. [8]

The Committee’s **General Comment No. 13** on the right to education [9] and **General Comment No. 20** on non-discrimination (2009) make explicit that States must prioritize accessibility for persons with disabilities, including both physical and curricular access. Moreover, the “four As” framework—**availability, accessibility, acceptability, and adaptability**—developed by Katarina Tomaševski and endorsed by the CESCR, remains central to assessing state compliance. [10]

Although the ICESCR does not specifically reference inclusive education, its general obligations have been interpreted in line with the **Convention on the Rights of Persons with Disabilities (CRPD)**, thereby reinforcing a shift from segregated provision toward inclusion.

## **3. Convention on the Rights of the Child (CRC, 1989)**

The **CRC** represents a critical milestone in aligning children’s rights with disability inclusion. **Article 28** guarantees the right of the child to education on the basis of equal opportunity, while **Article 23** addresses specifically the rights of children with disabilities, emphasizing “effective access to education, training, health care services, rehabilitation services, [and] preparation for employment”. [11]

The Committee on the Rights of the Child has interpreted these provisions as requiring states to adopt inclusive educational policies. In its **General Comment No. 9** (2006) on the rights of children with disabilities, the Committee rejected segregation and called for mainstreaming children with disabilities into general education systems with necessary accommodations. [12]

Thus, the CRC provides a bridge between general education rights and disability-specific guarantees, anticipating the more comprehensive approach of the CRPD.

## **4. Convention on the Rights of Persons with Disabilities (CRPD, 2006)**

The CRPD marks the decisive shift toward inclusive education as a binding human rights obligation. Adopted in 2006 and entering into force in 2008, the CRPD represents a paradigm shift away from medical or welfare approaches to disability and toward a social and human rights model [5]. Unlike earlier international instruments, which often treated persons with disabilities as passive recipients of protection or charity, the CRPD positions them as rights-holders entitled to full participation in society on an equal basis with others. This shift is particularly visible in the realm of education, where the treaty rejects segregated or parallel



systems and instead affirms the principle that all learners, regardless of ability, must be accommodated within mainstream educational environments.

By enshrining inclusive education in Article 24, the CRPD establishes that access to schooling is not merely about physical presence in classrooms, but about meaningful participation supported through reasonable accommodations, individualized support services, and the removal of structural and attitudinal barriers. The treaty also underscores the role of states in training teachers, developing accessible curricula, and providing alternative modes of communication such as Braille, sign language, and assistive technologies. In doing so, the CRPD reframes education from being a privilege for children with disabilities to being a non-derogable right that is justiciable under international human rights law.

**Article 24** of the CRPD enshrines the right to **inclusive education** at all levels. It requires that persons with disabilities not be excluded from the general education system on the basis of disability, that reasonable accommodations be provided, and that individualized support measures be available. The article also stresses training for teachers, access to Braille, sign language, and alternative formats, and measures to facilitate lifelong learning.

The CRPD Committee has emphasized that inclusion is not optional but a legally enforceable obligation. This interpretation reflects the understanding that inclusive education is central to realizing the broader rights guaranteed under the Convention, including equality, non-discrimination, and full participation in society. The Committee has consistently underlined that states cannot justify the maintenance of segregated or parallel education systems on grounds of tradition, limited resources, or gradual implementation. Instead, states are under a positive duty to restructure their education systems to ensure accessibility, reasonable accommodation, and individualized support within mainstream settings.

The Committee's jurisprudence highlights repeated failures of states that continue to rely on special schools or segregated arrangements, warning that such systems entrench stigma and perpetuate the marginalization of learners with disabilities. In its Concluding Observations and individual communications, the Committee has clarified that segregated education can amount to discrimination unless inclusion is structurally guaranteed and adequately resourced [13]. Importantly, the Committee has stressed that inclusion does not mean the mere physical placement of children with disabilities in general classrooms, but requires systemic reforms—such as teacher training, accessible curricula, assistive technologies, and the elimination of physical and attitudinal barriers—that allow meaningful participation and learning outcomes on an equal basis with others..

## **5. General Comment No. 4 (2016) on the Right to Inclusive Education**

To clarify the scope and content of Article 24, the CRPD Committee issued **General Comment No. 4 (2016)**, which constitutes the most authoritative interpretation of the right to inclusive education. The General Comment frames inclusive education not merely as a policy preference but as *“a fundamental right of all learners”* and the essential mechanism through which states fulfill their obligations of equality and non-discrimination under the Convention. [13]

In doing so, the Committee provides a conceptual framework that draws a sharp distinction between four approaches to the education of persons with disabilities:

- **Exclusion:** the outright denial of access to education, whether by law, policy, or practice;





- **Segregation:** the placement of learners with disabilities in separate institutions or programs designed only for them;
- **Integration:** the placement of such learners in mainstream settings without corresponding adjustments or reforms, leaving them to adapt to an unmodified system; and
- **Inclusion:** the full and effective participation of all learners within general education systems, supported by individualized measures, systemic adaptation, and structural transformation.

According to the Committee, only the last approach—*inclusion*—satisfies the binding obligations of the CRPD. Integration and segregation, even when motivated by protective or remedial aims, fall short of the Convention’s mandate because they fail to dismantle systemic barriers and perpetuate inequality. The Committee insists that inclusion requires not just legislative recognition but the comprehensive transformation of education systems. This entails **curriculum reform, sustained teacher training in inclusive pedagogy, adequate resource allocation, and the creation of accessible physical and digital learning environments**.

Moreover, General Comment No. 4 situates inclusive education within the broader normative architecture of the Convention, linking it directly to the principles of **human dignity, autonomy, equality, and social participation**. By doing so, the Committee underscores that inclusive education is not merely an educational policy, but a cornerstone of social justice and democratic participation. This interpretative guidance therefore serves as an indispensable benchmark for evaluating state compliance with the CRPD and for identifying practices that risk perpetuating discrimination.

## **Uzbekistan’s Legislative Framework and Reforms in Light of International Standards**

Uzbekistan has undertaken significant legal and institutional reforms in recent years to align its domestic legislation with international human rights obligations, including the Convention on the Rights of Persons with Disabilities (CRPD), which the state ratified in 2021. The ratification marked a decisive step in recognizing inclusive education as a legally binding obligation rather than a discretionary policy goal. However, the degree to which Uzbekistan’s laws and policies embody the CRPD’s vision of full inclusion, as elaborated in General Comment No. 4, requires careful examination. [14]

The country’s education system has traditionally been characterized by a dual structure, combining mainstream schools with a parallel network of specialized institutions for children with disabilities. This model raises the very concerns highlighted by the CRPD Committee, namely that reliance on segregated or “special” schools risks perpetuating exclusion and inequality unless systemic transformation ensures meaningful inclusion within mainstream settings.

Several important legislative initiatives deserve attention. First, the **Law on the Rights of Persons with Disabilities** (2020) [15] introduced the principle of equal access to education and prohibits discrimination on the grounds of disability. Second, the **Law on Education** (last revised in 2020) [16] makes explicit reference to inclusive education and the creation of accessible learning environments. Furthermore, the **Concept for the Development of**



**Inclusive Education in the Public Education System for 2020-2025** (2020) [17] adopted for 2020–2025 sets ambitious goals for infrastructure modernization, teacher training, and resource development to support learners with disabilities in mainstream schools.

At the same time, challenges persist. The coexistence of inclusive language in legislation with the continued dominance of segregated schooling illustrates a gap between normative commitments and practical implementation. Moreover, systemic reforms in curriculum, pedagogy, and resource allocation remain at an early stage, raising questions about compliance with the CRPD standard that only **structural inclusion**—rather than mere integration—satisfies international obligations.

Thus, Uzbekistan's case provides a valuable lens through which to test how far a state in transition can move from declarative commitments toward a genuine system of inclusive education that embodies the principles of equality, dignity, and participation.

## Conclusion

Despite the considerable progress made in aligning Uzbekistan's legislative and policy framework with international human rights standards, the full realization of inclusive education remains constrained by persistent structural and systemic challenges. First, **implementation gaps** undermine the ambitious provisions of recent reforms. While the Law on Education and the Inclusive Education Concept establish progressive standards, schools often lack the practical capacity to translate these commitments into classroom realities.

Second, **resource limitations** continue to pose significant barriers. Inclusive education requires sustained investments in accessible infrastructure, specialized learning materials, and individualized support services. However, budgetary allocations remain insufficient to ensure equitable access across urban and rural regions, leaving many learners with disabilities excluded or inadequately supported.

Third, **teacher preparedness** is a critical bottleneck. Although training programs are expanding, a large proportion of educators still lack specialized knowledge of inclusive pedagogy, differentiated instruction, and assistive technologies. This results in well-intentioned reforms being implemented in a fragmented or superficial manner.

Fourth, **sociocultural attitudes** toward disability continue to perpetuate stigma and low expectations. Families and communities sometimes prefer segregated or specialized institutions, which hinders broader acceptance of inclusive schooling as the norm rather than the exception.

Finally, **institutional coordination** remains a challenge. The effective realization of inclusive education requires a whole-of-government approach, integrating the efforts of the ministries of education, health, social protection, and finance. At present, overlapping mandates and weak inter-agency cooperation limit the systemic transformation envisioned by Article 24 of the CRPD and General Comment No. 4.

In sum, Uzbekistan's legal and policy reforms represent a significant step toward compliance with international obligations. Yet, the persistence of financial, pedagogical, cultural, and institutional barriers reveals that **inclusive education is not merely a matter of legal recognition but of sustained systemic transformation**. Bridging the gap between normative commitments and lived realities remains the central challenge for ensuring that all learners, regardless of ability, can enjoy their right to education on an equal basis with others.



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