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An international legal analysis of trends and barriers in the realization of inclusive education for persons with disabilities

The purpose of this article is to identify persistent structural barriers to the implementation of the right to inclusive education and to assess the degree of States' compliance with the international standards established under Article 24 of the Convention on the Rights of Persons with Disabilities. The primary method employed is a structural and thematic analysis of the Concluding Observations of the Committee on the Rights of Persons with Disabilities for the period 2019–2025. Doctrinal legal analysis and the comparative legal method were used as supplementary research methods. The empirical basis comprises the Committee's observations addressed to 75 States Parties from various regions of the world. The study identified six persistent barriers: the continuation of segregated systems, limited environmental accessibility, insufficient teacher training, the exclusion of learners with severe forms of disability, the continued existence of special schools, and underfunding. The findings indicate a persistent gap between formal legal obligations and their practical implementation. Based on the analysis, the study proposes the legislative consolidation of the least restrictive environment principle, the reform of financing mechanisms, the introduction of mandatory teacher training in inclusive education, and the establishment of independent monitoring mechanisms. The transition from declarative norms to systemic practical measures is a necessary condition for the realization of the right to education.

Keywords: inclusive education, segregation, special schools, accessibility, teacher training, barriers to education, human rights.

Introduction

Children with disabilities remain among the most systematically marginalized groups within education systems worldwide. Despite the recognition of education as a fundamental human right and the growing international commitment to equity and inclusion, significant disparities in access to education persist. The 2030 Agenda for Sustainable Development identifies inclusive and equitable quality education for all as a central objective (SDG 4). However, recent data indicate that approximately 251 million children and adolescents remain out of school globally, including 71 million of primary school age [1]. These numbers have declined minimally since 2015. Structural barriers remain deeply entrenched. Poverty restricts access to education. Discrimination excludes children with disabilities from mainstream systems. Physical accessibility is insufficient in many contexts. Institutional capacity remains inadequate across numerous states. Indicators measuring parity across gender, disability, and socio-economic status also reveal substantial regional inequalities, demonstrating the ongoing relevance of strengthening inclusive education systems worldwide [2]. A significant milestone in the development of the international legal framework for inclusive education was the adoption of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) in 2006. Article 24 of the Convention obliges States Parties to establish inclusive education systems at all levels and to ensure access to quality education without discrimination [3]. The CRPD introduced a new normative paradigm by recognizing education as a substantive and enforceable human right grounded in equality, accessibility, and participation. Despite the widespread ratification of the Convention, the existence of a strong legal framework has not guaranteed effective implementation. Many education systems continue to rely on segregated models in which children with disabilities are educated in specialized institutions rather than supported in mainstream schools.

The case of Kazakhstan illustrates these global trends. The number of children with disabilities in the country has steadily increased from 175,082 in 2021 to 203,717 in 2023. A significant proportion continues to study in specialized institutions. According to the national report of the Republic of Kazakhstan for 2023, 16,898 children were enrolled in special schools, which is 1,082 more than in 2022 [4]. More than 60 percent

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of these schools serve children with intellectual disabilities, indicating the persistence of an institutional model based on separation rather than inclusion.

In academic literature, inclusive education has increasingly been examined within an interdisciplinary framework that integrates law, education policy, sociology, and human rights studies. Core international instruments including the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of the Child, and the Salamanca Statement established the normative foundations of equality and non-discrimination in education [5]. These developments culminated in the CRPD, which elevated inclusive education to a binding obligation under international law [6]. Nevertheless, significant theoretical and methodological debates remain. Some scholars argue that inclusive education should completely replace segregated schooling because separation contradicts the principle of non-discrimination [7]. Others recognize the possibility of coexistence between inclusive and specialized educational settings within a flexible continuum designed to address diverse learning needs [8]. These discussions reflect broader tensions regarding how educational systems should balance equality, individualization, and reasonable accommodation [9].

Despite extensive normative development, several research gaps remain. There is limited comparative legal analysis of how states interpret and implement Article 24 of the CRPD in practice, particularly regarding the distinction between immediate obligations, such as the prohibition of discrimination, and progressively realizable obligations under Article 2(1) of the International Covenant on Economic, Social and Cultural Rights [10]. This ambiguity often allows states to delay reforms by invoking financial or institutional constraints.

Nearly two decades after the adoption of the CRPD, the existence of a strong normative framework has not guaranteed its effective implementation. Many States still face systemic challenges. Financial resources remain limited. Teacher training is insufficient. Clear accountability mechanisms are absent. Monitoring systems are inadequately developed. These issues demonstrate that inclusive education cannot be reduced to pedagogical reform alone but requires deep structural and legal transformation supported by coordinated policy measures. Considering these challenges, the present article aims to conduct a comprehensive international legal and empirical analysis of how States interpret and implement Article 24 of the CRPD. To achieve this aim, the following research objectives were formulated: to conduct a structural-thematic analysis of the Concluding Observations issued by the Committee on the Rights of Persons with Disabilities (hereafter—Committee) between 2019 and 2025, encompassing 75 States Parties, to identify persistent barriers and global trends in the realization of the right to inclusive education across diverse geographic regions and socio-economic contexts, to examine the experience of Kazakhstan as an illustrative case of systemic implementation challenges, and to assess legal tensions arising in the realization of inclusive education, particularly the relationship between the child's right to education and the role of parents in educational decision-making.

Methods and Materials

The methodological foundation of this study combines three approaches. The first is doctrinal legal analysis. The second is comparative legal methodology. The third is structural-thematic analysis of official documents issued by the Committee. This combination connects normative and empirical dimensions. It enables a comprehensive understanding of the legal framework. It also reveals the practical mechanisms through which States Parties implement their obligations under Article 24 of the CRPD. The chosen methodology treats inclusive education as both a legal norm and a policy phenomenon. It examines the interaction between international human rights standards and national implementation practices. Article 35 of the CRPD establishes specific reporting obligations for States Parties. Each State must submit a comprehensive report to the Committee through the UN Secretary-General. This report must detail measures taken to implement the CRPD. It must also document progress achieved. The first report is due within two years of the Convention's entry into force. Subsequent reports are required at least every four years. State reports and the Committee's Concluding Observations together form a unique empirical corpus. These materials document the degree of state compliance with international standards. They also reflect the dynamics of implementation. They identify systemic challenges that hinder the full realization of inclusive education. Consequently, the analysis of these materials allows the Convention to be interpreted not only as a normative document but also as a living instrument of international monitoring and legal evolution. The primary objective of this research is to provide a comprehensive legal and empirical assessment of the extent to which States Parties fulfill their international obligations to implement the right to inclusive education, while identifying the normative, institutional, and resource-related barriers that impede this process. The guiding research question is formulated

as follows: to what extent are the international obligations enshrined in Article 24 of the CRPD reflected in national legislation, strategies, and education policies, and what global patterns characterize the post-ratification implementation of inclusive education. The methodological framework builds upon previous academic work that conducted the first large-scale analysis of the Committee's Concluding Observations for the 2011–2018 period [11]. Those studies demonstrated that the Concluding Observations constitute not merely descriptive assessments, but rather a reflection of the evolving international legal discourse on inclusive education. The present study advances this approach by extending the temporal scope to encompass the subsequent reporting cycle from 2019 to 2025, thereby capturing recent developments and shifts in the thematic focus, content, and legal orientation of the Committee's recommendations. This periodization reflects the renewed international context, including the implementation of Sustainable Development Goal 4 ("Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all") and the Committee's evolving methodology for assessing States' compliance with the Convention. Comparative analysis across these two reporting cycles makes it possible to identify institutional shifts, normative transformations, and the consolidation of emerging international standards. The empirical dataset comprises official Concluding Observations addressed to States Parties and published on the Committee's webpage within the website of the Office of the United Nations High Commissioner for Human Rights [12]. All texts were retrieved from the OHCHR open-access archive, which systematizes documents by year and country. Each document was reviewed manually, and sections referring to Article 24 (Education), including the Committee's concerns, evaluations, and recommendations, were systematically extracted for further analysis. To ensure interpretative accuracy, the analysis was conducted using the original versions of the texts in English. The sample includes 75 States Parties that received Concluding Observations during the reporting period under review (Table 1).

Table 1

75 States Parties that received Concluding Observations during the reporting period under review.

Turkey	Australia	Albania	Algeria	Vanuatu
Greece	India	Iraq	Spain	Cuba
Kuwait	Myanmar	Niger	Norway	Rwanda
El Salvador	Saudi Arabia	Senegal	Ecuador	France
Estonia	Bolivarian Republic of Venezuela	China	Japan	Indonesia
Bangladesh	Macao, China	Republic of Korea	Singapore	Lao People's Democratic Republic
New Zealand	China (Hong Kong)	Hungary	Jamaica	Mexico
Switzerland	Austria	Angola	Andorra	Argentina
Germany	Georgia	Israel	Mauritania	Malawi
Mongolia	Paraguay	Peru	Togo	Tunisia
Azerbaijan	Bahrain	Belarus	Belgium	Benin
Burkina Faso	Ghana	Denmark	Zambia	Kazakhstan
Costa Rica	Mauritius	Kingdom of the Netherlands	Ukraine	Sweden
European Union	Viet Nam	Tuvalu	Palau	Canada
Korea	Maldives	Kiribati	Finland	Dominican Republic

These States represent all major geographic regions and levels of socio-economic development, encompassing European Union member states, countries of North and South America, African nations, Asia-Pacific countries, and post-Soviet States. This distribution ensured the representativeness of the dataset and enabled a comparative analysis of both global trends and regional specificities in the implementation of the right to inclusive education. An analytical framework was developed to structure the empirical material, encompassing six key thematic domains corresponding to the Committee's recurring areas of concern (Table 2).

Table 2

Thematic domains of the Committee's concerns reflected in the analytical framework.

1	Segregation	persistence of segregated education systems.
2	Special schools	the institutional role and transformation of special schools.

3	Accessibility	physical and digital accessibility of educational environments and materials.
4	Funding	adequacy of financing and resource redistribution.
5	Teacher training	professional preparation and continuous development of educators.
6	Complex needs	education of learners with multiple and severe disabilities. In addition, relevant paragraphs and citations were examined to capture the Committee's specific concerns and recommendations directed toward individual States.

The structural-thematic analysis revealed a series of recurring normative and practical challenges in the implementation of the right to education. The dominant issues included the persistence of segregated education systems, limited physical and digital accessibility, inadequate financial and human resources, insufficient teacher preparation, and the marginalization of learners with complex and severe disabilities. These findings highlight enduring institutional barriers and regional asymmetries in the realization of inclusive education. Thus, this study contributes not only to the description of global patterns but also to the analytical interpretation of how international and national legal frameworks interact in the domain of inclusive education. It elucidates the ongoing evolution of the right to inclusive education as a legally binding human rights standard, viewed through the lenses of accountability, equality, and sustainable development.

Results

An analysis of the Concluding Observations issued by the Committee between 2019 and 2025 reveals a persistent and systemic set of barriers to the implementation of Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD), which guarantees the right to inclusive education. Despite the formal international commitments made by States Parties, the practical realization of this right remains uneven and structurally constrained. A review of data from 75 countries highlights a stable cluster of interrelated obstacles, including the persistence of segregated education (72 mentions), lack of physical and digital accessibility (72 mentions), inadequate teacher training (70 mentions), exclusion of learners with complex disabilities (62 mentions), the continued reliance on special schools (61 mentions), and chronic underfunding (60 mentions).

Segregation remains one of the most entrenched violations of the right to education. The Committee consistently documents the ongoing operation of separate educational institutions or segregated classes for learners with disabilities, reflecting an outdated paradigm that isolates them from their non-disabled peers. References such as “segregated classes in legislation”, “segregation of students with intellectual disabilities” and “increasing segregation” indicate the continued dominance of a medical model and structural exclusion. Even in countries formally committed to inclusion, the Committee notes limited or absent measures to transition toward inclusive systems (e.g., Georgia, Albania, Turkey, South Africa, Mongolia). It urges States to transform specialized institutions into inclusive resource centers and to enshrine the right to inclusive education at all levels of the legal and policy framework.

Accessibility (both physical and digital) emerges as a frequently recurring concern across the examined reports. In low-income contexts, the lack of accessible infrastructure, transportation, and ICT is especially severe. The Committee refers to the “absence of accessible schools and transportation” and the “lack of learning materials in accessible formats and assistive communication”. It further notes that “a significant proportion of children with disabilities do not attend school” due to environmental and infrastructural barriers (e.g., Kiribati, Laos, Tuvalu, Vanuatu, Bangladesh). These findings underscore a deep spatial inequality in education systems and indicate that the principles of universal design and reasonable accommodation remain largely unrealized in many regions.

Underfunding further exacerbates all other barriers. The Committee highlights the absence of sustainable domestic funding mechanisms, overreliance on donor support, fragmented budget allocations, and insufficient redistribution of resources from segregated to inclusive systems. Reports mention “closure of inclusive programs due to budget cuts”, “lack of funding for individual support”, and “failure to reallocate resources from segregated structures” (e.g., Canada, Kiribati, Jamaica, Lithuania, Vietnam, Zambia). These examples demonstrate the financial fragility of inclusive reforms, especially in economically vulnerable states.

International evidence shows that effective financing of inclusive education depends on how resources are distributed. OECD, UNESCO, UNICEF, and the European Agency identify a shared principle: sustaina-

ble models combine baseline funding for all schools with targeted resources oriented toward each child's educational needs [13]. Three financing models are identified in the literature. The per-capita model (United States, Canada, Australia) provides transparency but generates incentives for over-identification of learners with special educational needs [14]. Resources are frequently directed toward home-based instruction rather than classroom support. The resource-based model (Italy, Ireland) finances staffing, infrastructure, and assistive technologies [15]. It provides institutional stability. Where resources remain concentrated in special institutions, segregation persists. The throughput model (Finland, Netherlands, Germany) allocates funding on condition that schools independently organise inclusive services [16]. It reduces diagnostic labelling incentives. Its effectiveness depends on school leadership capacity. In Kazakhstan, the financing system operates on two levels. The republican budget covers the development of textbooks and adapted curricula. Operational expenditures are borne by local budgets [17]. The volume of inclusive infrastructure varies according to the fiscal capacity of each region. At school level, a per-capita model is applied. Funding is linked to the number of pupils with officially confirmed special educational needs. Each such pupil receives a double coefficient without differentiation by type or severity of impairment [18]. Research involving urban school directors identified several constraints of the current model [19]. The type of funding alone does not determine whether a child with special educational needs is enrolled. Schools where pupils receive home-based instruction are less likely to include them in mainstream classrooms. The coefficient effectively subsidises home-based instruction. The principal determinants of genuine inclusion are school-level policy, the hiring of additional support staff, and the decision-making autonomy of the director. Rural schools operate under line-item budgeting. This deepens territorial inequality in the resourcing of inclusive education.

The lack of teacher preparedness is identified as one of the most systemic and widespread challenges. Numerous Concluding Observations point to the “insufficient training on inclusive education”, “shortage of professionals fluent in sign language and Braille” and “lack of reasonable accommodation in the classroom”. In some countries, inclusive education is entirely absent from pre-service teacher training curricula (e.g., Norway, Sri Lanka, Bosnia and Herzegovina, Zimbabwe, Papua New Guinea). The Committee emphasizes the need for mandatory incorporation of inclusive pedagogy in university-level training, the development of continuous professional development programs, and the meaningful inclusion of teachers with disabilities as agents of change in transforming educational cultures.

Concern is raised regarding the exclusion of learners with multiple, mental, and sensory disabilities. The Committee consistently identifies the “absence of individual support mechanisms”, “failure to provide assistive technologies” and the “systematic exclusion of children with intellectual and psychosocial disabilities” even in countries that publicly endorse inclusion (e.g., Vietnam, Lithuania, Ghana, South Africa, Dominican Republic). Such patterns are interpreted as forms of structural discrimination, revealing that inclusion is often implemented selectively and fails to reach the most marginalized groups.

Another critical gap concerns the absence of strategic frameworks and monitoring mechanisms. The Committee's findings include references to the “lack of comprehensive strategies with specific timelines, indicators, and budgets”, “insufficient intersectoral coordination” and “unjustified refusals to admit children with disabilities into mainstream schools” (e.g., Switzerland, Kazakhstan, India, Cambodia, Zambia). The Committee stresses that without robust institutional and legal mechanisms, national strategies remain declarative and ineffective in producing tangible change.

A comparative review of Concluding Observations reveals that these barriers form an interdependent cluster of constraints. Countries that maintain segregated systems tend also to experience underfunding, insufficient teacher training, and weak governance frameworks (e.g., Laos, Zambia, India, Vanuatu). In contrast, in high-income countries (e.g., Finland, Canada, the Netherlands, Switzerland), the Committee's recommendations focus on structural transformation, the establishment of monitoring systems, and quality assurance standards. These differences reflect varying degrees of institutional capacity and highlight global inequalities in the pace and depth of inclusive education reform. Therefore, the formal recognition of the right to inclusive education does not guarantee its realization. Effective implementation requires sustainable financial frameworks, adequate professional capacity, physical and digital accessibility, legal enforceability, and transparent accountability mechanisms. The findings of the CRPD Committee provide an empirical and normative foundation for comparative legal analysis. They also serve as a resource for advancing educational justice in the context of Central Asia. The identified barriers are persistent. This confirms the need to move beyond declarative commitments. A coherent, well-resourced, and rights-based strategy is required. Such a strategy must ensure equitable and inclusive education for all children with disabilities.

The Concluding Observations on Kazakhstan's initial state report address the issue of segregated education. The Committee emphasizes the need to transition away from this model. Special schools continue to operate as separate institutions. This practice remains a central concern. In paragraph §51(a), the Committee explicitly raises concerns that “special schools continue to operate in parallel with the general education system, thereby contributing to the segregation of persons with disabilities”. Accordingly, paragraph §52(d) urges the State to develop a national strategy aimed at transforming these special institutions into resource centers capable of supporting inclusive learning within mainstream schools [20]. This recommendation reflects a paradigmatic shift from an integrationist to a rights-based model of education, whereby the system is adapted to the diverse needs of all learners rather than expecting the learner to conform to the existing system. Despite Kazakhstan's formal commitment to inclusive education, statistical trends from 2019 to 2023 suggest a disconnect between policy discourse and actual practice. Data comparing enrolment figures in special preschool institutions and special general education schools reveal a consistent increase in the number of students placed in the latter, rising from 14,895 in 2019 to 16,044 in 2023. Enrolment in special preschool settings followed a different pattern. These figures remained largely stable. The lowest recorded value was 4,229. The highest was 4,796 (Fig. 1). This disparity reflects sustained institutional investment in segregated education at the school level. Kazakhstan faces persistent challenges in aligning its education system with international human rights standards. Article 24 of the CRPD establishes the relevant obligations in this regard. An additional systemic constraint is the role of parental decision-making, which is often shaped by perceptions of special schools as safer or more appropriate environments for children with disabilities. In the absence of sufficient individualized support, qualified inclusion specialists, adapted curricula, and inclusive pedagogical practices in general education schools, parental choice is frequently constrained. Rather than exercising free and informed choice, many families are compelled to opt for special schools out of necessity, due to the lack of viable inclusive alternatives [21].

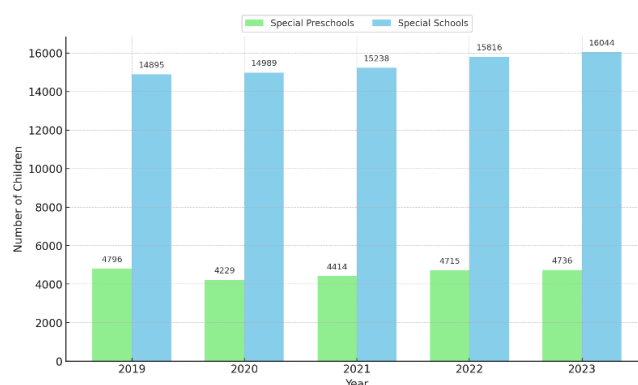


Figure 1. Number of children enrolled in special preschools and special schools in Kazakhstan (2019–2023)

As recent research indicates, the number of children with disabilities receiving home-based education in Kazakhstan has demonstrated a generally increasing trend over the past decade (Fig. 2). According to official data from the Bureau of National Statistics under the Agency for Strategic Planning and Reforms of the Republic of Kazakhstan the number of such students rose from 8,629 in 2014 to a peak of 9,823 in 2018. Several factors may account for this decline. Education policy may have changed during this period. Statistical reporting procedures may have been modified. Inclusive education practices may also have expanded temporarily. From 2020 onward, the number grew steadily. By 2023, it reached 11,529. This is the highest figure recorded in the ten-year period. Two explanations are possible. Access to individualized education may have improved. Diagnostic and registration procedures may have become more comprehensive. The increase may also indicate persistent challenges in implementing inclusive education in mainstream schools. Specifically, the trend may be indicative of insufficient pedagogical and psychological support within schools, a critical shortage of qualified personnel such as tutors, special education teachers, and psychologists, as well as the limited readiness of educational institutions to create fully inclusive learning environments. In such conditions, home-based education is often not the result of parental preference, but rather a necessity driven by the lack of appropriate support mechanisms in the general education system.

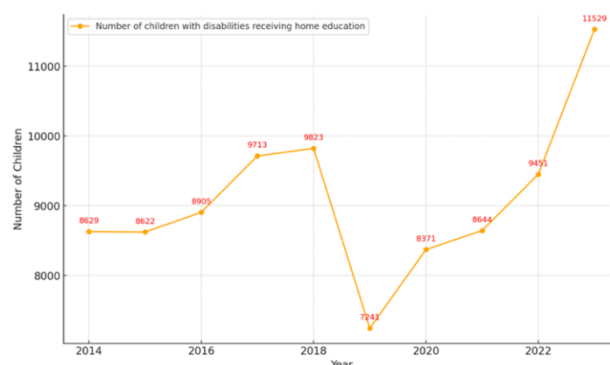


Figure 2. Dynamics of the number of children with disabilities receiving home education in Kazakhstan (2014–2023).

Discussion

The CRPD has consistently emphasized that the inclusion of learners with disabilities within mainstream education systems constitutes a core element of the realization of the right to education. Despite this normative clarity, both legal scholars and policymakers continue to debate the legitimacy and necessity of maintaining special schools as transitional or complementary mechanisms designed to meet diverse and complex learning needs. From a practical perspective, full inclusion is often constrained by objective factors, such as severe intellectual, physical, or multiple disabilities, as well as by systemic deficiencies in funding, teacher preparation, and institutional readiness. Some scholars challenge the notion that inclusive education should entirely replace special education, arguing instead that the coexistence of differentiated educational approaches ranging from mainstream to specialized settings may provide a more contextually appropriate model for realizing the right to education for all learners [22].

This pluralistic understanding is partially reflected in the Committee's own practice. In its Concluding Observations on Germany's initial report, the Committee recommended a proportional reduction in the number of special schools to facilitate the transition toward inclusive education. Crucially, it underscored that national legislation, and policy frameworks must support the immediate right of children with disabilities to enroll in mainstream schools "of their choice" [23]. The phrase "of their choice" carries legal significance. It affirms the agency of children with disabilities in determining their educational environment. Autonomy and equality of opportunity are thereby established as principles of inclusion.

Empirical data show a different picture. Many States Parties continue to allocate substantial resources to segregated education systems. In England, official statistics from 2017 recorded an increase in the number of students with education, health, and care plans. These students attended publicly funded special schools. Although a slight decline from 37.9 % to 35.8 % was observed in 2024, the figures suggest persistent structural barriers to the implementation of inclusive education [24]. In Germany, the proportion of students with disabilities enrolled in special schools remains significantly higher than in most other European countries [25]. The Committee has repeatedly expressed concern that Germany continues to maintain an education system in which most students with disabilities are educated in specialized settings. Such findings reveal an enduring gap between formal legal obligations and their practical realization. These realities raise a critical normative question: does the persistence of segregated education reflect the inherent unsuitability of the inclusive model for certain children, or does it instead expose systemic shortcomings such as inadequate resources, insufficient teacher training, or unadopted environments that hinder effective inclusion? Comparative studies suggest that inclusion can be successfully implemented even for learners with severe and complex disabilities, provided that sufficient pedagogical support, individualized assistance, and structural adaptation are ensured [26]. Therefore, the formulation of clear international guidelines addressing the education of children with the most complex disabilities is vital to translating the principle of inclusion into concrete and effective practice.

Another area of conceptual and legal contention concerns the relationship between the child's right to education and the parental duties associated with upbringing and development. The CRPD affirms the primacy of the best interests of the child and the right of children to participate in decisions that affect them. Article 7(2) of the CRPD stipulates that all actions concerning children with disabilities must be guided by their best interests, while Article 7(3) guarantees their right to express views freely on matters affecting them, with due consideration given to age and maturity. The Committee's General Comment No. 4 further

asserts that education is “the right of the individual learner, not of the parent or guardian”, implying that parental responsibilities are secondary to the child’s autonomous rights [27].

Although this formulation strengthens the agency of the child, it raises important concerns regarding the balance of rights under international law. The absolutization of the child’s right to education, detached from parental participation, risks contradicting provisions of the Convention on the Rights of the Child, particularly Article 18, which establishes that parents bear primary responsibility for the upbringing and development of their children. At present, the Convention on the Rights of the Child has been ratified by 196 States, making it the most widely endorsed international human rights treaty in history. Similarly, Article 5 of the Convention on the Rights of the Child obliges States to respect parental rights and responsibilities to provide guidance consistent with the child’s evolving capacities [28]. General Comment No. 1 of the Committee on the Rights of the Child also highlights the central role of parents in realizing children’s rights, including their right to education [29]. Excluding parents from educational decision-making would therefore contravene the cooperative and participatory model envisaged by international law.

A further tension arises in relation to the principle of the best interests of the child, enshrined in Article 3 of the Convention on the Rights of the Child and Article 7 of the CRPD. While inclusive education represents the preferred model under international human rights law, it may not always constitute the most beneficial environment for every learner. For children with profound sensory or multiple disabilities, mainstream settings may lack the necessary level of adaptation, assistive technology, or professional expertise. In such cases, the views of parents who possess intimate knowledge of their child’s needs should be given due weight. Furthermore, Article 41 of the Convention on the Rights of the Child codifies the principle of more favorable norms, requiring States to apply higher standards of protection when national or international law provides them. This principle is particularly relevant in interpreting the child’s right to education in a manner that maximizes individual benefit rather than formal compliance.

Some national legal frameworks recognize both child and parental agency. This recognition reflects a balanced approach to educational decision-making. For example, Kazakhstan’s education legislation allows parents or legal guardians to choose an educational institution that aligns with the child’s abilities, preferences, and learning needs. This approach reflects the dual principles of the best interests of the child and the priority of more favorable norms, promoting adaptability and contextual flexibility within inclusive education systems. Empirical research further demonstrates that parental participation is a critical determinant of successful inclusion. Parents frequently act as advocates for the rights of children with disabilities, fostering collaboration between families and schools and contributing to the creation of inclusive institutional cultures. International practice shows that parental involvement occurs at multiple levels from representation on school boards to engagement in curriculum adaptation and quality monitoring thus enhancing both accountability and educational outcomes [30].

The most widely recommended approach in the international literature is a hybrid financing model. It combines stable baseline funding for all schools, supplementary allocations by level of support required, a guaranteed minimum resource standard in each inclusive school, and accountability mechanisms that monitor actual classroom inclusion. This model aligns with the rights-based logic of Article 24 of the CRPD. Reliance on short-term projects and fragmented grants does not produce sustainable systems. The Kazakhstan evidence points to a structural gap between declared policy commitments and the actual distribution of resources. The current per-capita model provides a foundation for equity-oriented financing. Several factors limit its reach. Rural schools fall outside the formula. The supplementary coefficient carries no requirement for classroom-based use. Outcomes depend on local administrative capacity rather than systemic guarantees. Redirecting resources toward individual support and the gradual transformation of special schools into resource centres serving the inclusive sector represents a priority direction for system development.

Ultimately, the right to education cannot be divorced from the material and institutional conditions necessary for its fulfillment. Public policy must therefore strike a balance between the ideal of full inclusion and the practical imperative of ensuring accessible and high-quality education for all learners. During the transition toward full inclusion, States Parties to the CRPD bear a heightened responsibility to reform educational systems so that all children, regardless of disability, can enjoy equal access to learning opportunities. Achieving this balance between normative ambition and practical realization remains one of the most complex challenges in the global implementation of the right to inclusive education.

Conclusions

This study has demonstrated that, nearly two decades after the Convention on the Rights of Persons with Disabilities entered into force, the implementation of Article 24 remains uneven, fragmented, and constrained by systemic legal, institutional, and socio-economic barriers. The Convention establishes inclusive education as a legally binding human right. This is a significant normative advancement in international law. Segregated educational models persist. Accessibility remains insufficient. Qualified teaching staff are in short supply. Funding levels are inadequate. These factors continue to hinder full realization of the right. The analysis of 75 States Parties drew on Concluding Observations of the Committee on the Rights of Persons with Disabilities. Structural exclusion emerged as a recurring pattern. Learners with severe and multiple disabilities face the greatest barriers.

The findings point to several specific proposals for legislative and policy reform.

First, in the area of legislative regulation, Kazakhstan may wish to consider establishing the principle of the least restrictive environment in education legislation. Under this principle, enrolment in a mainstream school is the default option. Placement in a special institution is permissible only on the basis of an individual assessment of the child's educational needs. Combining this principle with an individual right to reasonable accommodation in mainstream schools would provide a clearer legal framework for educational decision-making.

Second, in the area of financing, extending the per-capita model to rural schools currently operating under line-item budgeting merits consideration. This would reduce regional inequality in the resourcing of inclusive education. Introducing a requirement for the targeted use of the supplementary coefficient for classroom-based support also warrants attention. Research involving directors of urban schools in Kazakhstan found that the coefficient is frequently directed toward home-based instruction.

Third, in the area of teacher preparation, establishing inclusive pedagogy as a compulsory subject in teacher training programmes would support the development of foundational professional competencies. Setting a normative frequency for the in-service training of practising teachers in this area represents an equally significant step. The Committee has consistently identified the absence of such requirements as a systemic barrier across the majority of States reviewed.

Fourth, in the area of accountability in Kazakhstan, establishing an independent monitoring mechanism with a mandate to collect separate data on educational outcomes for learners with different types of disability would strengthen the assessment of inclusion in practice. Reorienting state programme indicators from formal enrolment figures toward actual classroom participation would strengthen system-level accountability.

Equal educational opportunities for all learners must remain a strategic priority. Inclusive education forms part of rights-based approaches to sustainable development. Future progress depends on States implementing systemic reforms. These reforms must uphold equality, dignity and universal participation.

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Н. Сайранқызы

Мүгедектігі бар адамдардың инклюзивті білім алуын жүзеге асырудағы үрдістер мен кедергілерді халықаралық-құқықтық талдау

Мақаланың мақсаты — инклюзивті білім алу құқығын іске асырудағы тұрақты құрылымдық кедергілерді анықтау және мүгедектігі бар адамдардың құқықтары туралы конвенцияның 24-бабында бекітілген халықаралық стандарттарды мемлекеттердің сақтау дәрежесін бағалау. Негізгі әдіс ретінде 2019–2025 жылдар аралығындағы Мүгедектігі бар адамдардың құқықтары жөніндегі комитеттің қорытынды ескертулеріне құрылымдық-тақырыптық талдау қолданылды. Доктриналдық құқықтық талдау және салыстырмалы-құқықтық әдіс қосымша құралдар ретінде пайдаланылды. Эмпирикалық базаны әлемнің әртүрлі өңірлерінен 75 қатысушы мемлекетке арналған ескертулер құрайды. Зерттеу барысында алты тұрақты кедергі анықталды: сегрегацияланған жүйелердің сақталуы, ортаның шектеулі қолжетімділігі, мұғалімдерді даярлаудың жеткіліксіздігі, мүгедектігі ауыр оқушылардың шеттетілуі, арнайы мектептердің сақталуы және қаржыландырудың жеткіліксіздігі. Нәтижелер ресми құқықтық міндеттемелер мен олардың практикалық іске асырылуы арасындағы тұрақты алшақтықты көрсетеді. Жүргізілген талдау негізінде ең аз шектеулі орта қағидатын заңнамалық бекіту, қаржыландыру механизмдерін реформалау, инклюзивті білім беру саласында мұғалімдерді міндетті даярлауды енгізу және тәуелсіз мониторинг механизмдерін құру бойынша ұсыныстар тұжырымдалды. Декларативті нормалардан жүйелі практикалық шараларға көшу білім алу құқығын іске асырудың қажетті шарты.

Кілт сөздер: инклюзивті білім беру, сегрегация, арнайы мектептер, қолжетімділік, педагогтарды даярлау, білім алудағы кедергілер, адам құқықтары.

Н. Сайранқызы

Международно-правовой анализ тенденций и барьеров в осуществлении инклюзивного образования лиц с инвалидностью

Целью настоящей статьи является выявление устойчивых структурных барьеров в реализации права на инклюзивное образование и оценка степени соблюдения государствами международных стандартов, закреплённых в статье 24 Конвенции о правах инвалидов. Основным методом выступает структурно-тематический анализ Заключительных замечаний Комитета по правам инвалидов за период 2019–2025 годов. Доктринальный правовой анализ и сравнительно-правовой метод применялись в качестве дополнительных инструментов. Эмпирическую базу составляют замечания, адресованные 75 государствам-участникам из различных регионов мира. В ходе исследования выявлено шесть устойчивых барьеров: сохранение сегрегированных систем, ограниченная доступность среды, недостаточная подготовка учителей, исключение обучающихся с тяжёлыми формами инвалидности, сохранение специальных школ и недофинансирование. Полученные результаты свидетельствуют об устойчивом разрыве между формальными правовыми обязательствами и их практической реализацией. На основе проведённого анализа сформулированы предложения по законодательному закреплению принципа наименее ограничительной среды, реформированию механизмов финансирования, введению обязательной подготовки педагогов в области инклюзивного образования и созданию независимых механизмов мониторинга. Переход от декларативных норм к системным практическим мерам является необходимым условием реализации права на образование.

Ключевые слова: инклюзивное образование, сегрегация, специальные школы, доступность, подготовка учителей, барьеры в образовании, права человека.

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