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REDUCING SOCIAL INEQUALITY AND IMPROVING ACCESS TO EDUCATION: FEATURES OF INTERNATIONAL LEGAL REGULATION

REDUZIR AS DESIGUALDADES SOCIAIS E MELHORAR O ACESSO À EDUCAÇÃO: CARACTERÍSTICAS DA REGULAMENTAÇÃO JURÍDICA INTERNACIONAL

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ABSTRACT

Objective: To explore the international legal framework regulating the right to education and assess its effectiveness in addressing the root causes of social inequality in educational access.

Methods: This study employs a qualitative analysis of universal and subject-specific international norms on the right to education. It includes a review of international treaties and subject-oriented norms that cater to specific groups such as children, women, and persons with disabilities. The research methodology also incorporates expert surveys to identify and analyze the main determinants of social inequality affecting educational access.

Results: The study highlights that while international legal norms establish a robust framework for the right to education, significant gaps remain in addressing socio-economic, racial, gender, and disability-related disparities in education. Key determinants of inequality include socio-economic status, racial and ethnic identity, gender, and disability.

Conclusion: Despite comprehensive international regulations aimed at ensuring the right to education, persistent social inequalities necessitate enhanced international legal mechanisms and stronger enforcement of existing norms to ensure equitable educational opportunities for all.

Keywords: Human rights; International law; Right to education; International legal regulation; Determinants of social inequality in education.



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RESUMO

Objetivo: Explorar o quadro jurídico internacional que regula o direito à educação e avaliar sua eficácia em abordar as causas fundamentais da desigualdade social no acesso à educação.

Método: Este estudo emprega uma análise qualitativa de normas internacionais universais e específicas sobre o direito à educação. Inclui uma revisão de tratados internacionais e normas orientadas para grupos específicos, como crianças, mulheres e pessoas com deficiências. A metodologia de pesquisa também incorpora pesquisas com especialistas para identificar e analisar os principais determinantes da desigualdade social que afetam o acesso educacional.

Resultados: O estudo destaca que, embora as normas jurídicas internacionais estabeleçam um quadro robusto para o direito à educação, lacunas significativas permanecem na abordagem das disparidades relacionadas ao status socioeconômico, raça, gênero e deficiência na educação. Os principais determinantes da desigualdade incluem status socioeconômico, identidade racial e étnica, gênero e deficiência.

Conclusão: Apesar dos regulamentos internacionais abrangentes destinados a garantir o direito à educação, as persistentes desigualdades sociais exigem mecanismos legais internacionais aprimorados e um reforço mais forte das normas existentes para garantir oportunidades educacionais equitativas para todos.

Palavras-chave: Direitos humanos; Direito internacional; Direito à educação; Regulamentação jurídica internacional; Determinantes da desigualdade social na educação.

1 INTRODUCTION

The right to education is one of the fundamental human rights, the implementation of which ensures personal development and enables autonomy, independence, and full participation in all areas of life (Ostapets & Karnomazova, 2019; Shakirova et al., 2024). The right to education guarantees that the pursuit of knowledge, learning new things, and explaining their significance contribute to ensuring universal and equal access to education.

International legal norms have played a significant role in shaping the legal status of individuals, i.e., in the development of human rights (Albov, 2022; Slanov, 2023). They have also articulated the educational ideal and the structure of the right to education while recognizing the competence of states in organizing educational systems.

At the same time, in international law, the right to education has been perceived more as a set of social obligations of the state toward individuals rather than as a set of individual rights or freedoms from which the state must abstain (Akhmetshin et al., 2024b). Furthermore, the recognition of the right to education as one of the fundamental human



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rights has progressed more slowly compared to other rights, particularly personal and political ones (Heymann et al., 2014; Ivashkina et al., 2024; Zhumagulov et al., 2017).

2 LITERATURE REVIEW

To determine the characteristics of the human right to education, as well as its features, researchers propose referring to existing classifications of human rights. One of the most common classifications of human rights is their division based on areas of human activity. It includes personal, political, social, economic, and cultural rights (Svetskiy, 2023), which, in this order, are most often incorporated into international and constitutional acts (Khmil, 2022). This classification divides human rights into groups related to spheres of public life, where the right to education is included among cultural rights. These rights guarantee individual social security and pertain to the functioning of individuals in society, particularly in the social sphere (Akhmetshin et al., 2020; Karapetyan, 2017).

The essence of the right to education, according to researchers, lies in establishing the state's obligation to take actions that allow everyone entitled to this right to, for example, secure a place in a public school (Simorangkir et al., 2024). The enshrinement of this right in the Constitution, as legal scholars note, obliges the state to develop organizational activities (Yurkova, 2021) and creates claims from citizens that allow them to demand the benefits to which they are entitled (Matyusheva, 2014). This represents a complete departure from the understanding of the state's role solely as refraining from interference in the sphere of individual freedom (Beeckman, 2004; Ismailov, 2023). The right to education, scholars assert, is perceived as a positive right (Golikova, 2020) (also referred to as a providing right (Lundy, 2012)), understood as a sphere in which the state formulates a course of action (Akhmetshin et al., 2024a; Sunil, 2018).

The right to education entails costs, sometimes very high (Abdullayev et al., 2024; Vavilov et al., 2024). Researchers believe that, at present, few countries in the world can afford to fully guarantee this right. Due to the specific nature of this right, international conventions guaranteeing it contain provisions of a programmatic nature. States are obliged to work diligently toward the rapid implementation of this right, as its immediate realization is objectively impossible for many countries.

At the same time, the question of the possibilities for international legal regulation to address the causes of social inequality, which determine differentiation and discrimination in education, remains underexplored.

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The aim of the article is to analyze international legal regulation of the right to education in the context of addressing social inequality, which determines differentiation and discrimination in education.

3 METHODOLOGY AND MATERIALS

The study of international legal regulation of the right to education was conducted through desk research by analyzing information sources on the research topic and using the expert survey method (Sarin et al., 2024).

In the first stage of the study, the source base was determined and presented by two sets of information: the first set consists of international legal acts of the United Nations and regional intergovernmental organizations; the second set includes articles and monographs aimed at analyzing the right to education as one of the fundamental human rights, as well as those examining international legislation in this field. The analysis of the source base was carried out using methods of theoretical generalization, comparative analysis, and synthesis.

In the second stage of the study, the expert survey method was used on a sample of 40 experts, who were invited via email to participate in the survey. The criterion for selecting the expert pool was the presence of at least three publications on the research problem in peer-reviewed journals. During email correspondence, experts provided answers to the question: What are the main determinants of social inequality that cause differentiation and discrimination in education? In the subsequent processing of results, the ranks and weights of the main determinants of social inequality in education were identified. For a more objective analysis of the data obtained through the expert survey, the degree of consistency among expert opinions was measured, and the results were mathematically processed using Kendall's coefficient of concordance.

4 RESULTS

The analysis of the international legal framework for regulating the right to education showed that it includes both global and regional international norms on the right to education:

- Universal international norms on the right to education;
- Subject-oriented international norms on the right to education (Table 1).



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Table 1. International norms on the right to education (global and regional)

	Legal Document	Date of Adoption
Universal	Universal Declaration of Human Rights (United Nations General Assembly, 1948)	December 10, 1948
	Convention Against Discrimination in Education (UNESCO, 1960)	December 14, 1960
	International Covenant on Economic, Social and Cultural Rights (United Nations General Assembly, 1966)	December 16, 1966
	European Convention on Human Rights and Fundamental Freedoms (European Court of Human Rights and the Council of Europe, 1950)	November 4, 1950
	European Social Charter (European Court of Human Rights and the Council of Europe, 1996)	May 3, 1996
	EU Charter of Fundamental Rights (The European Parliament, the Council of Ministers and the European Commission, 2000)	December 7, 2000
		November 22, 1969 (Entered into force on July 18, 1978)
		November 18, 2012
	Arab Charter on Human Rights (League of Arab States, 1994)	September 15, 1994
	Convention on the Rights of the Child (United Nations General Assembly, 1989)	November 20, 1989
ect-Oriented	Convention on the Rights of Persons with Disabilities (United Nations General Assembly, 2006)	December 13, 2006
	Convention on the Elimination of All Forms of Discrimination against Women (United Nations General Assembly, 1979)	December 18, 1979
		February 1, 1995
	co: own alaboration	

Source: own elaboration.

The main determinants of social inequality causing differentiation and discrimination in education are presented in Table 2.

Table 2. Main determinants of social inequality causing differentiation and discrimination in education

No.	Main Determinants of Social Inequality	Rank	Weight
1	Socio-economic status	1	0.44
2	Racial and ethnic identity	2	0.32
3	Gender	3	0.15
4	Disability	4	0.09

Source: Based on expert survey; Kendall's coefficient of concordance W = 0.69 (p < 0.01), indicating strong consistency of expert opinions.

5 DISCUSSION

As the results of the study demonstrated (Table 2), the primary determinant of social inequality in education, according to experts, is the socio-economic status of education recipients. This factor shapes educational inequality both in economically, socially, and culturally developed societies and in underdeveloped ones.



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According to the *Convention against Discrimination in Education*, discrimination in education on any grounds constitutes a violation of the rights outlined in the *Universal Declaration of Human Rights*. The Convention assumes that UNESCO, considering the diversity of national education systems, must not only eliminate all forms of discrimination in education but also recognize as a principle the equal opportunities and equal treatment of all people in this sphere (Ribeiro & Maneta, 2024).

The provisions of the *Universal Declaration of Human Rights* have been further developed and specified in many international legal acts, with the *International Covenant on Economic, Social, and Cultural Rights* (ICESCR) (United Nations General Assembly, 1966) holding a central place among the international legal foundations for the right to education. ICESCR also guarantees the right to education (Article 13). Ratification of the ICESCR imposes an obligation on states to implement the rights enshrined in it, which is practically achieved through the adoption of corresponding legislative and adequate executive measures. This means that individuals can expect the state to make policy decisions creating conditions for the realization of the rights established in ICESCR (United Nations General Assembly, 1966). The ICESCR advocates for compulsory, accessible, and free primary education and obliges the promotion of secondary education, including technical and vocational education in all forms, as well as higher education on the basis of equal opportunity, depending on individual abilities.

Similar legal provisions ensuring the right to education regardless of socio-economic status are also established in international legal documents of intergovernmental organizations: the *European Convention on Human Rights* (ECHR), the *European Social Charter* (ESC), the *EU Charter of Fundamental Rights* (CFR), the *American Convention on Human Rights* (ACHR), and others.

Although modern developed societies provide their members with universal, "equal," and "fair" access to education, this principle is not fully realized in every case. In countries with relatively mobile social structures, educational inequality is not always overt or obvious. However, this does not mean it does not exist. Examples from many countries—even those described as egalitarian-oriented *welfare states*—show that socio-economic status significantly influences students' educational achievements, their choice of specific educational pathways (Nikolaeva et al., 2024), school selection processes, and the extent of student "survival" within the system, thereby determining their position in the labor market (Ezrokh, 2024; Riczu et al., 2023). A similar situation is observed in underdeveloped and developing countries. However, in such cases, pronounced and significant inequality in



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access to education for disadvantaged social groups is frequently observed (Burger, 2016; Halibiyati et al., 2024; Sakenov et al., 2022).

This is evidenced by international comparative studies, which reveal significant disparities in school performance among children from different socio-economic groups (Jama Ali et al., 2024). For example, in Spain, educational outcomes vary significantly depending on parents' educational levels. This highlights the critical role of the educational environment in individual development (Cullinan & Cawley, 2017).

Studies conducted in the United States show that schools attended by children from lower social classes are far less funded, poorly equipped, have much larger class sizes, a more limited range of courses, and weaker, lower-paid teachers. This makes it impossible to create a more open and flexible learning environment. At the same time, these schools place heavy emphasis on student discipline, which "requires school administrators and teachers to replicate social relationships that directly mirror factory conditions" (Erola et al., 2016, p. 33). Conversely, well-funded schools exist for children from privileged social classes. It is evident that the economic status of parents determines which school a child attends; children from wealthier families are more likely to achieve higher professional (financial) and social status compared to their peers from poorer families. Thus, it can be concluded that despite the formal observance of the principle of free and equal access to education, economic factors prevent young people from lower social classes from having a comparable (equal) start and fair participation in the "race" for professional success and social achievement (Yu, 2024).

These patterns are observed in most countries worldwide. At the same time, it must be noted that in many countries, economic disparities and inequalities in access to education are becoming increasingly visible. Therefore, in our view, the problem of access to quality education (which provides excellent opportunities in the labor market in the future) is directly linked to its funding capacity (Askarova et al., 2024; Mal'ginova, 2023).

The dominance of economic criteria is becoming increasingly apparent in the educational policies of many countries. This leads to a focus on self-financing education, the creation of a clear school hierarchy, and greater selectivity in the system. This type of educational practice exacerbates social inequality. Socio-economic differentiation, perpetuated by the education system at the primary and secondary levels, serves as the foundation for pronounced inequalities at the higher education level and, subsequently, in the labor market. In this context, the objectives of a country's educational policy are of critical importance (Aziyev et al., 2024).



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According to experts, the next most significant determinant of social inequality in education is the **racial and ethnic background** of education recipients. Studies conducted in various countries and continents indicate the existence of substantial disparities related to individuals' ethnic and racial identities.

Despite clearly articulated standard provisions concerning the right to education in the *Framework Convention for the Protection of National Minorities* (The Council of Europe, 1995) and the recognition of a child's right to education and its gradual realization based on equal opportunity in the *Convention on the Rights of the Child* (Article 28, Section 1) (United Nations General Assembly, 1989), significant differences in educational achievement between students from various ethnic groups remain evident. This trend is noticeable in many countries that have become destinations for immigrants from diverse ethnic backgrounds (Klimova et al., 2024). This is due to the variety of immigrants in terms of socioeconomic status, education levels, and their ability (and willingness) to assimilate. Examining the relationship between socio-economic status, ethnic category, and educational outcomes reveals that individuals from underprivileged ethnic groups typically achieve lower educational results than those from more privileged groups. Poor language proficiency is also a critical factor that limits academic success (Karoly, 2016).

The settlement patterns of immigrants—where entire neighborhoods in large cities are occupied by ethnic groups, leading to the creation of distinct cultural and social enclaves—further impact access to quality education (Çoksan et al., 2024). For example, the concentration of minority children in Spanish public schools located in disadvantaged districts not only intensifies their exclusion from education but also negatively affects Spanish children studying in the same underperforming schools. These children are subsequently marginalized at higher levels of education (Boliver, 2016).

From this perspective, education becomes a mechanism for reproducing socio-economic status from parents to children (Widiputera et al., 2024), turning education into a factor of social isolation for members of lower social classes (e.g., most underprivileged immigrant groups). Children from immigrant families are less likely to participate in preschool education and are more often directed to special schools (Strand, 2014).

Educational inequalities associated with ethnic categories depend on the characteristics of specific minorities and the country in which they reside. At the same time, substantial disparities in achievement between ethnic groups are linked to their cultural and social capital (Zein et al., 2022), levels of formal education, language proficiency, and strategies chosen during social assimilation processes.



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The **third most significant determinant** of social inequality in education, according to experts, is **gender** (Baskynbayeva et al., 2024; Chen & Zhang, 2024). While the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) prohibits all forms of discrimination against women and requires measures to ensure women fully enjoy equal rights with men in education (Article 10 of the Convention) (United Nations General Assembly, 1979), noticeable differences in the position of men and women persist in many countries, even in so-called *welfare states*. For example, in Latin American countries, women are in a particularly disadvantaged position compared to men regarding access to and participation in education. Moreover, girls from disadvantaged groups are far more likely to drop out of school due to domestic responsibilities or paid work. Parents who perceive education as an *investment* often prioritize educating boys.

It is also worth noting that women occupy lower positions in the labor market, which correlates with their lower levels of education (Barone & Assirelli, 2020). In countries where cultural norms enforce the subordinate status of women, gender discrimination in education is particularly evident. For example, an analysis of the position of women in Japan highlights social attitudes and family structures that define women's roles. In practice, this leads to a consistent decline in Japanese women's educational and professional aspirations. At all levels of education, doubts regarding their intellectual or personal aptitudes are reinforced, and there is a strong emphasis on traditional roles such as motherhood and homemaking. Broadly speaking, this results in a form of *gender segregation* in the perceived social value of higher education: professional success for men versus preparation for middle-class family reproduction for women (Barone & Assirelli, 2020).

The **final determinant** of social inequality in education, according to experts, is **disability**. The *UN Convention on the Rights of Persons with Disabilities* of December 13, 2006, also guarantees the right to education and promotes an inclusive education system based on equality with non-disabled peers. Article 24, Section 1 states that participating states recognize the right of persons with disabilities to education and ensure inclusive lifelong learning. This implies that persons with disabilities must enjoy specific rights enabling them to benefit equally from education alongside others (Hutson & Hutson, 2023).

Article 24, Section 2(b) of the Convention states: "States Parties shall ensure that persons with disabilities have access to inclusive, free, and quality primary and secondary education on an equal basis with others in the communities in which they live" (United Nations General Assembly, 2006). This means that every school must provide reasonable accommodation and individualized support for children with disabilities (Kashtanova & Kudryavtsev, 2024).



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It should be emphasized that, according to the Convention, there should not be a separate education system for persons with disabilities. Instead, additional forms of support necessitated by disabilities must be provided within the universal education system for all.

6 CONCLUSIONS

The **right to education** is one of the fundamental human rights. Its existence is affirmed by the *Universal Declaration of Human Rights* (Article 26) and key treaties: the *ICESCR* (Article 14), the *Convention on the Rights of the Child* (Article 28), and others such as the *Convention on the Rights of Persons with Disabilities*, the *UNESCO Convention Against Discrimination in Education*, and the *Convention on the Elimination of All Forms of Discrimination Against Women*.

In the era of globalization and its impact on international academic cooperation, it is also necessary to highlight other regional systems for the protection of human rights in the context of the right to education. In this regard, **sub-regional organizations**, established across Europe, the Americas, Asia, Australia, and Oceania, play an important role in protecting the right to education.

Thus, the right to education is extensively regulated both in the acts of international law within the **UN's universal human rights protection system** and in regional legal systems—both **European** (Council of Europe, European Union) and **non-European** systems (e.g., Article 17 of the *African Charter on Human and Peoples' Rights* and Article 12(4) of the *American Convention on Human Rights*). The content of these provisions, varying in scope and degree of influence, represents an international legal standard for the right to education.

At the same time, the definition of the right to education in international law is quite broad and is primarily clarified through its inclusion in subject-oriented norms, which regulate the right to education for people belonging to specific groups (children, women, persons with disabilities).

A promising direction for future research could be a more in-depth analysis of the implementation of the right to education within one of the regional intergovernmental organizations.

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