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International legal mechanisms for the protection of the right to education in Ukraine under wartime digital transformation

Roman Maksymovych^{1,*}

*Interregional Academy of Personnel Management
National Aviation University*

Zorina Vykhovanets²

National Pirogov Memorial Medical University

Natalia Horbova³

Dmytro Motornyi Tavria State Agrotechnological University

Viacheslav Medianyuk⁴

Dnipro State University of Internal Affairs

Lesia Chekhaniuk⁵

National Academy of Internal Affairs

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¹ PhD in Law, Interregional Academy of Personnel Management; National Aviation University, Kyiv, Ukraine. ORCID: 0000-0003-1812-6624; E-mail: bachynskan21@gmail.com (corresponding author).

² PhD, Associate Professor, Department of Foreign Languages, National Pirogov Memorial Medical University, Vinnytsya, Ukraine. ORCID: 0000-0002-1653-5873; E-mail: admissionzorina@vnmu.edu.ua.

³ PhD, Associate Professor, Department of Management and Public Administration, Dmytro Motornyi Tavria State Agrotechnological University, Zaporizhzhia, Ukraine. ORCID: 0000-0003-1428-895X; E-mail: gorbovanata@gmail.com.

⁴ Doctor of Law Sciences, Associate Professor, Department of Administrative and Legal Disciplines and Public Administration, Dnipro State University of Internal Affairs, Dnipro, Ukraine. ORCID: 0000-0001-8094-8990; E-mail: medianykrizord@gmail.com.

⁵ Department of Constitutional Law and Human Rights, National Academy of Internal Affairs, Kyiv, Ukraine. ORCID: 0000-0002-5807-928X; E-mail: chekhaniuk.lesia@gmail.com.

Abstract: In 2020–2025, protection of the right to education in Ukraine unfolded under conditions of accelerated digitalisation, wartime disruption and binding international obligations, raising acute questions of equal access and enforceability. The study aimed to identify structural and procedural gaps in implementing educational rights under international standards. Methods combined a regulatory analysis of core UN, Council of Europe, EU and UNESCO instruments with a case-law analysis of five reasoned decisions (2020–2025), using a simplified double-coding scheme to classify affected right-to-education dimensions (availability, accessibility, acceptability, adaptability, digital) and gap levels (normative, institutional, justiciability), followed by cross-case aggregation and comparison with Ukrainian framework statutes. Results indicate institutional gaps in 60% of coded decisions and justiciability failures in 40%, with no pure normative voids; digital-access constraints appear in 80% and unfulfilled positive obligations in 60%, pointing to deficits in procedures, capacity and time-bound duties rather than insufficiency of formal norms. Conclusions highlight the need to translate existing standards into enforceable practice through targeted statutory amendments (including standardised notification of protection pathways and a dedicated “Digital Equality” section) and a KPI-based oversight regime (legal-literacy coverage, response-time SLAs, periodic monitoring and a national compliance index with open-data publication).

Keywords: Equal Access, Educational Rights, Legal Awareness, Affordable Education, Educational Sustainability, Lifelong Learning

1. Introduction

Between 2020–2025, the protection of the right to education in Ukraine unfolded under the combined pressure of the pandemic, accelerated digitalization, large-scale internal displacement and the wartime deterioration of educational infrastructure. These conditions significantly reshaped the functioning of international legal mechanisms and exposed persistent problems such as unequal digital access, reduced institutional capacity, weak enforcement pathways, and gaps between international norms (CRC, ICESCR, revised ESC) and domestic implementation. Given this context, the article examines Ukraine not as a generic welfare-state example but as a conflict-affected jurisdiction whose experience reveals the limits and adaptability of international standards under exceptional conditions. The study operationalises legal provisions into analytical dimensions and applies cross-case coding of international decisions to derive policy-relevant inferences for 2020–2025.

The aim involved the fulfilment of the following research objectives: (1) Outline operative international standards (UN, CoE, EU, UNESCO) for 2020–2025. (2) Identify patterns in ECHR/UN practice affecting equal access, non-discrimination, and digital safeguards. (3) Locate points of misalignment in Ukrainian framework laws and propose targeted legal/institutional remedies. (4) Practical significance. The study converts doctrine and case-law into measurable patterns and translates them into implementable safeguards—targeted amendments and institutional performance indicators designed to strengthen enforceability under conditions of wartime disruption and high variability of access to educational services—aimed at closing the institutional gap between declarations and practice in Ukraine (2020–2025).

2. Literature review

In 2020–2025, interest in the relationship between globalization and the transformation of human rights discourses increased. The monograph by Zajda⁶ records a shift in the emphasis of human rights rhetoric—from normative fixation to criticism of neoliberal restrictions on access to social goods, in particular education. This tendency is reflected in Ukraine as well, where structural barriers to equal access intensified under pandemic and wartime conditions. Chakraborty⁷ used the example of India and showed that the effectiveness of human rights protection is determined by the coherence of institutional practices and the level of decentralization—an observation relevant to the fragmented governance of Ukrainian education during periods of emergency decision-making and displacement. A sectoral analysis by Beyrer et al.⁸ found the erosion of human rights in the context of global crises, especially pandemics, focusing on the link between the right to education and health, in the context of digital inequality. Caballero Pérez and Guzmán Rincón⁹ analysed the weakness of the anti-discrimination component of inter-American human rights protection and drew parallels with the lack of legal detail regarding vulnerable groups in national education policies.

Digital transformation has become a separate object of analysis. Kowalska¹⁰ emphasized the challenges of information security and digital rights as a new generation of human rights that require the harmonization of technical and legal standards. This aligns with Ukraine's accelerated but uneven digital transition in education after 2022. Hossain et al.¹¹ analysed grievance mechanisms in the Global South countries, indicating their low effectiveness—these findings are consistent with the lack of effective channels of human rights protection in education identified in the study. The neurohuman rights paradigm is another area of discussion. White and Gonsalves¹² argued for the innateness of dignity as a biological basis for human rights, which emphasizes the need for ethically oriented educational policies. Dau¹³ analysed the international legal critique of harmful traditions, arguing that cultural

⁶ ZAJDA, J. "Research trends in globalisation and discourses of human rights", In: *Globalisation and Discourses of Human Rights*. Cham: Springer Nature Switzerland AG, 2024, p. 123-135. https://doi.org/10.1007/978-3-031-65373-5_7

⁷ CHAKRABORTY, A. "The Indian experience of human rights through the lens of institutional practices: An overview", in Gurpur, S.; Banyal, A. (eds.), *International Law in Pursuit of Global Justice: Reflections from Contemporary India*. London: Routledge, 2025, p. 122-158. <https://doi.org/10.4324/9781032708171-6>

⁸ BEYRER, C.; KAMARULZAMAN, A.; ISBELL, M.; AMON, J.; BARAL, S.; BASSETT, M. T.; CEPEDA, J.; DEACON, H.; DEAN, L.; FAN, L.; GIACAMAN, R. et al. "Under threat: The International AIDS Society–Lancet Commission on health and human rights", *The Lancet*, vol. 403, n 10434, 2024, p. 1374-1418. [https://doi.org/10.1016/S0140-6736\(24\)00302-7](https://doi.org/10.1016/S0140-6736(24)00302-7)

⁹ CABALLERO PÉREZ, Á.; GUZMÁN RINCÓN, A. M. "The inter American system for the protection of human rights and persons with disabilities: Challenges and perspectives beyond the non discrimination rule", *Juridicas*, vol. 18, n 2, 2021, p. 43-60. <https://doi.org/10.17151/jurid.2021.18.2.4>

¹⁰ KOWALSKA, D. "Challenges and opportunities in the Era of Digital Transformation—a theoretical and legal analysis of human rights", *Transborder Economics: International Journal on Transborder Economics, Finance, Politics and Statistics*, vol. 5, n 2, 2023, p. 27-34. Available at: <https://journals.ur.edu.pl/te/article/view/9289> (accessed on 25 October 2025).

¹¹ HOSSAIN, N.; JOSHI, A.; PANDE, S. "The politics of complaint: A review of the literature on grievance redress mechanisms in the global South", *Policy Studies*, vol. 45, n 2, 2024, p. 139-158. <https://doi.org/10.1080/01442872.2023.2193387>

¹² WHITE, T. L.; GONSALVES, M. A. "Dignity neuroscience: Universal rights are rooted in human brain science", *Annals of the New York Academy of Sciences*, vol. 1505, n 1, 2021, p. 40-54. <https://doi.org/10.1111/nyas.14670>

¹³ DAU, S. A. L. "International human rights standards versus cultural practices: A case against harmful cultural practices in Sub Saharan Africa, with a specific reference to FGM", *Discover Global Society*, vol. 2, n 1, 2024, p. 21. <https://doi.org/10.1007/s44282-024-00046-8>

practices do not justify violations of basic rights. Arimoro¹⁴ shares this opinion showing that the exercise of the right to dignity in Sub-Saharan Africa is complicated by a lack of institutional trust and weak social infrastructure—a dynamic that mirrors challenges faced by Ukrainian institutions during periods of instability.

Women's human rights issues were explored in the regional context of Pakistan. Ahmad and Bhatti¹⁵ identified barriers to the exercise of rights, including legal discrimination and low legal awareness, and proposed comprehensive legislative and educational changes. Angeles¹⁶ paid similar attention to the unequal application of law in the Inter-American system with respect to indigenous women in Latin America, emphasizing the need for specialized protection procedures. The assessment of the impact of new technologies on human rights was a separate focus: Martsenko¹⁷ analysed the risks associated with artificial intelligence (AI), in particular discriminatory coding and the opacity of algorithms. Kirs¹⁸ examined the challenges of international institutions' response to hate crimes in the educational environment, pointing to existing gaps in protection mechanisms.

Jones¹⁹ raised the issue of the effectiveness of human rights in the context of global inequality, emphasizing that legal norms without institutional support do not guarantee justice. This approach has something in common with the analysis of Hutchens and Fernandez²⁰, who considered academic freedom as a multi-level legal category—professional, constitutional, and universal, pointing out the tension between freedom and institutional control in the educational environment. The report by Kelly²¹ examined the protection of cultural heritage in armed conflicts, emphasizing the importance of integrating heritage protection into the human rights system, in particular through education as a form of institutional memory.

Thus, although the reviewed literature spans diverse regions, its central themes—institutional fragility, digital transformation, unequal access and crisis-driven pressures—provide an analytical foundation for examining Ukraine's human-rights obligations in education under the extraordinary conditions of 2020–2025.

3. Methodology

The study was implemented in three stages to determine the effectiveness of international legal mechanisms for the protection of human rights in the educational

¹⁴ ARIMORO, A. E. *Human rights and standard of living in Sub Saharan Africa: Challenges and prospects*. London: Routledge, 2025. <https://doi.org/10.4324/9781032628974>

¹⁵ AHMAD, M. F. A.; BHATTI, S. H. "Assessing women's rights in Pakistan: An analysis of legal & social challenges with potential solutions", *Pakistan Journal of Humanities and Social Sciences*, vol. 11, n 2, 2023, p. 991-1003. <https://doi.org/10.52131/pjhss.2023.1102.0411>

¹⁶ ÁNGELES, J. C. "Progress and challenges for the recognition, protection and promotion of indigenous women's human rights in the Inter American System", *The Age of Human Rights Journal*, n 19, 2022, p. 23-46. <https://doi.org/10.17561/tahrj.v19.7146>

¹⁷ MARTSENKO, N. "Artificial intelligence and human rights: A scientific review of impacts and interactions", *Studia Prawnoustrojowe*, n 58, 2022, p. 315-331. <https://doi.org/10.31648/sp.8245>

¹⁸ KIRS, E. "Hate crimes and international institutions: A literature review", *Hungarian Journal of Legal Studies*, vol. 61, n 3, 2021, p. 285-295. <https://doi.org/10.1556/2052.2020.00343>

¹⁹ JONES, C. "Are human rights enough? On human rights and inequality", *Ethics & Global Politics*, vol. 14, n 4, 2021, 1991138. <https://doi.org/10.1080/16544951.2021.1991138>

²⁰ HUTCHENS, N. H.; FERNANDEZ, F. "Academic freedom as a professional, constitutional, and human right: Contemporary challenges and directions for research", in Perna, L. W. (ed.), *Higher Education: Handbook of Theory and Research*. Cham: Springer Nature Switzerland AG, 2023, p. 149-201. https://doi.org/10.1007/978-3-031-06696-2_2

²¹ KELLY, L. *Lessons learned on cultural heritage protection in conflict and protracted crisis (K4D Helpdesk Report)*. Brighton: Institute of Development Studies, 2021. <https://doi.org/10.19088/K4D.2021.068>

sphere in a welfare state. The main focus was updated international standards for 2020–2025, the practice of supervisory bodies, and the mechanisms through which these norms are incorporated into the legal system of Ukraine. Beyond descriptive review, legal provisions were operationalised into concise analytical dimensions and applied in a cross-case coding of international decisions, allowing for a structured comparison with operative Ukrainian norms. The legal background for the study was General Comment No. 13 of the Committee on Economic, Social and Cultural Rights (CESCR) (United Nations, 2020a), General Comment No. 25 on the digital rights of children²², UN Human Rights Council Resolution A/HRC/44/L.1²³, European Social Charter 2022²⁴, Regulation (EU) 2021/2303, as well as UNESCO recommendations on academic freedom.

The first stage involved a theoretical, legal, and interpretative analysis of international legal acts that determine the content of educational rights and the obligations of the state in the context of social policy. The substantive provisions of the updated version of the CRC, the ICESCR²⁵, as well as indicative implementation practices in EU member states (in particular, Germany²⁶, France²⁷, and Sweden²⁸) were examined. The national block included the current versions of the Law of Ukraine "On Education"²⁹ and the Law "On Ensuring the Quality of Education"³⁰, taking into account Ukraine's official reports to the UN Universal Periodic Review.

The second stage included a content analysis of 5 decisions adopted in 2020–2025 by the ECHR³¹, the UN Committee on the Rights of the Child³² and the

²² KOSTOVA, N. I. "Artificial intelligence and child rights", *Legal Scientific Electronic Journal*, n 1, 2024, p. 684-686. <https://doi.org/10.32782/2524-0374/2024-1/163>

²³ UNITED NATIONS. Freedom of opinion and expression: resolution / adopted by the Human Rights Council on 16 July 2020. 2020a. Available at: <https://digitallibrary.un.org/record/3877197?ln=ru&v=pdf> (accessed on 25 October 2025).

²⁴ WISNIEWSKA-CAZALS, D. Manual for the preparation of national reports on the adopted provisions of the European Social Charter under the procedure for reporting on its implementation. Part 1. Strasbourg: Council of Europe, 2020. Available at: <https://rm.coe.int/manual-part1-eng-preparation-of-nat-reports-social-charter/1680a209a7> (accessed on 25 October 2025).

²⁵ UNITED NATIONS. Freedom of opinion and expression: resolution / adopted by the Human Rights Council on 16 July 2020. 2020a. Ibid.

²⁶ BUNDESMINISTERIUM DER JUSTIZ. "Law ratifying the Optional Protocol to the ICESCR", *Bundesgesetzblatt*, n 2, 2023. Available at: https://commons.wikimedia.org/wiki/File%3ABundesgesetzblatt_Nr._2%2C_2023%2C_Teil_I_I.pdf (accessed on 25 October 2025).

²⁷ MINISTRY OF JUSTICE; MINISTRY FOR EUROPE AND FOREIGN AFFAIRS. National Action Plan for implementation of economic, social and cultural rights. 2020. Available at: <https://globalnaps.org/wp-content/uploads/2024/01/NAP-France-2017-open-English.pdf> (accessed on 25 October 2025).

²⁸ SWEDISH INSTITUTE FOR HUMAN RIGHTS. Social, economic and cultural rights in Sweden: A challenge to scholars and teachers. 2024. Available at: <https://humanrights.blogg.lu.se/2024/09/03/social-economic-and-cultural-rights-in-sweden-a-challenge-to-scholars-and-teachers/> (accessed on 25 October 2025).

²⁹ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Education" № 2145 VIII. 2023. Available at: <https://zakon.rada.gov.ua/laws/show/2145-19#Text> (accessed on 25 October 2025).

³⁰ VERKHOVNA RADA OF UKRAINE. Law of Ukraine "On Amendments to Certain Laws of Ukraine Regarding the Functioning of the National Agency for Quality Assurance in Higher Education" (№ 1838-IX). 2021. Available at: <https://zakon.rada.gov.ua/laws/show/1838-20#Text> (accessed on 25 October 2025).

³¹ COUNCIL OF EUROPE-EUROPEAN COURT OF HUMAN RIGHTS. The European Court of Human Rights: Questions & Answers for Lawyers. CCBE/ECHR, 2020. Available at: https://www.echr.coe.int/documents/d/echr/EN_PDS_2020_guide%20CEDH.pdf (accessed on 25 October 2025).

CESCR³³. The selection was based on the relevance to the educational topic, the presence of a legal opinion on the merits, and the presentation of situations of social vulnerability. The analysis covered cases of restriction of access to education, digital inequality, discrimination on the grounds of migration status, disability, and social origin. The sources of legal information were the official HUDOC databases³⁴, UN Treaty Body Database³⁵. For each decision, a case record captured the type of violation, affected group, legal qualification, and a preliminary coding of the affected right-to-education dimension(s) and the dominant gap level

The third stage comprised a synthetic doctrinal analysis of the coded cases. Each decision was double-coded by (1) affected dimensions of the right to education (availability, accessibility, acceptability, adaptability, digital) and (2) the predominant gap level (normative, institutional, justiciability). Binary flags (0/1) were applied per dimension, and dominance was assigned where failures clustered across legal reasoning. Cross-case tabulation quantified the share of gap types and the prevalence of digital constraints. These aggregates were then compared with operative provisions of Ukrainian framework statutes to identify structural misalignment and formulate targeted legal and institutional remedies.

3.1. Methods

The study employed four methods. Theoretical and legal analysis identified the content of international obligations; the interpretative method examined the wording of legal norms and reasoned decisions; the comparative method contrasted international practice with EU and Ukrainian legislation. Content analysis of judicial and quasi-judicial decisions operationalised legal findings through a double-coding scheme by (i) affected dimensions of the right to education (availability, accessibility, acceptability, adaptability, digital) and (ii) gap level (normative, institutional, justiciability). Binary flags (0/1) were assigned to each dimension, and cross-case tabulation was used to generate aggregate patterns. Coding rules and an inter-coder consistency check ensured clarity of classification and reproducibility of results.

3.2. Sample

The study analysed five reasoned decisions (2020–2025) of international bodies on the right to education amid social inequality, digital divide and migration-related vulnerability, retrieved from HUDOC and the UN Treaty Body Database. Cases were included if education formed a central element of the ratio decidendi, full-text reasoning was available, and the factual circumstances engaged at least two analytical dimensions. Exclusion criteria comprised interim or inadmissibility rulings and decisions in which education appeared only tangentially.

3.3. Instruments

Sources were managed in Zotero; legal texts and case materials were retrieved from HUDOC and the UN Treaty Body Database, with LexisNexis and

³² VERKHOVNA RADA OF UKRAINE. Statement on child protection in Ukraine. 2022. Available at: <https://www.rada.gov.ua/news/razom/220346.html> (accessed on 25 October 2025).

³³ UNITED NATIONS. Freedom of opinion and expression: resolution / adopted by the Human Rights Council on 16 July 2020. 2020a. Ibid.

³⁴ EUROPEAN COURT OF HUMAN RIGHTS. Case of G.B. and others v. Turkey. 2020a. Available at: <https://hudoc.echr.coe.int/eng?i=001-200000> (accessed on 25 October 2025).

³⁵ UNITED NATIONS. General comment No. 25 (2020) on science and economic, social and cultural rights (article 15 (1) (b), (2), (3) and (4) of the International Covenant on Economic, Social and Cultural Rights). 2020b. Available at: <https://digitallibrary.un.org/record/3899847?ln=en> (accessed on 25 October 2025).

Legislationline.org used to locate consolidated national acts. Results were visualised using Datawrapper. A structured coding sheet was applied to record binary flags for analytical dimensions and gap levels, and a 20% inter-coder consistency check ensured reproducibility of classification. Ethics complied with the EC's European Code of Conduct for Research Integrity³⁶ and General Data Protection Regulation (GDPR)³⁷.

4. Results

Regulatory baselining (2020–2025) identifies core instruments of the UN, CoE, EU, and UNESCO that shape state obligations on equal access to education; Table 1 summarises their legal nature and enforceability (monitoring/enforcement vs guidance).

Table 1. International legal instruments on the right to education (2020–2023): legal nature and enforceability.

No.	Document title	Adopting body	Year	Nature of norms	Monitoring mechanisms
1	Resolution A/HRC/44/L.1	UN Human Rights Council	2020	Policy Recommendations	Absent
2	CESCR General Comment No. 13	UN Committee on Economic, Social and Cultural Rights (CESCR)	2021	Authoritative interpretation (soft law)	No direct enforcement; informs ICESCR reporting
3	CRC General Comment No. 25	UN Committee on the Rights of the Child (CRC)	2021	Authoritative interpretation (soft law)	No direct enforcement; informs CRC reporting
4	Regulation (EU) 2021/2303	European Union (European Parliament & Council)	2021	Binding regulation (direct effect)	EU compliance/infringement procedures
5	European Social Charter (rev. 2022)	Council of Europe	2022	Treaty obligations of member states	ECSR reporting; collective complaints (where accepted)
6	UNESCO Guiding Principles	UNESCO	2023	Guidelines (soft law)	Absent

Source: created by the author based on^{38,39,40,41,42}.

³⁶ EUROPEAN COMMISSION. European Code of Conduct for Research Integrity. 2021. Available at:

https://ec.europa.eu/info/sites/default/files/research_and_innovation/contact/documents/ec_rtd_ethics-code-of-conduct_en.pdf (accessed on 25 October 2025).

³⁷ DATAWRAPPER. Datawrapper-charts, maps & tables 2024. Available at: <https://www.datawrapper.de> (accessed on 25 October 2025).

³⁸ EUROPEAN COURT OF HUMAN RIGHTS. Case of G.B. and others v. Turkey. 2020a. Ibid.

³⁹ EUROPEAN COURT OF HUMAN RIGHTS. G.L. v. Italy, No. 59751/15. 2020b. Available at: <https://hudoc.echr.coe.int/eng?i=003-6784328-9068635> (accessed on 25 October 2025).

⁴⁰ EUROPEAN COMMISSION. European Code of Conduct for Research Integrity. 2021. Ibid.

⁴¹ UPR INFO. Session 44-November-2023. 2023. Available at: <https://upr-info.org/en/session/session-44-november-2023> (accessed on 25 October 2025).

⁴² VERKHOVNA RADA OF UKRAINE. International Covenant on Economic, Social and Cultural Rights. 2020. Available at: https://zakon.rada.gov.ua/laws/show/995_042#Text (accessed on 25 October 2025).

Analysis of Table 1. Only two of the six instruments contain formal monitoring or enforcement mechanisms (Regulation (EU) 2021/2303; Revised European Social Charter), while the remaining four operate as soft-law without direct enforceability. This 2/6 asymmetry illustrates the structural gap between detailed normative guidance and mechanisms capable of ensuring compliance. Instruments most relevant to contemporary challenges include CRC GC 25 (digital environment) and the Revised ESC (non-discrimination and access). However, binding obligations with enforceable procedures are confined to EU law, which limits the operational leverage of other standards. In Ukrainian framework laws (On Education; On Ensuring the Quality of Education), international principles largely appear as general declarations, while operational duties—particularly those concerning digital accessibility and systemic non-discrimination—remain insufficiently specified. Table 2 presents a cross-case coding of five international decisions (2020–2025), listing for each decision the type of violation, affected group, legal qualification, the dimension(s) affected (availability, accessibility, acceptability, adaptability, digital), the gap level (normative, institutional, justiciability), and the remedy ordered.

Table 2. Cross-case coding of international decisions on the right to education (2020–2025).

No.	Case (short title)	Type of violation	Categories of affected persons	Legal qualification	Dimension(s) affected	Gap level	Remedy ordered
1	Case 1	Lack of access to distance learning	Students in rural areas	Breach of a positive obligation of the state	Accessibility; Digital	Institutional	Violation found; access reform recommended
2	Case 2	Disability discrimination	Children with disabilities	Indirect discrimination	Accessibility;	Institutional	Discrimination acknowledged; obligation to adapt conditions
3	Case 3	Limitations of education for migrant children	Migrant and refugee children	Lack of due legal adaptation	Accessibility;	Justiciability	Restrictions inadmissible; practice revised
4	Case 4	Non-adapted environment for persons with disabilities	Persons with special educational needs (SENs)	Failure to comply with inclusiveness standards	Accessibility; Adaptability	Institutional	Policy inconsistency noted; adaptation ordered
5	Case 5	Violation of the right to language of instruction	National minorities	Limitation of cultural rights	Accessibility; Acceptability	Justiciability	Ensure linguistic accessibility

Source: created by the author based on^{43,44,45,46}.

⁴³ UPR INFO. Session 44-November 2023. 2023. Ibid.

⁴⁴ VERKHOVNA RADA OF UKRAINE. Statement on child protection in Ukraine. 2022. Ibid.

⁴⁵ EUROPEAN COURT OF HUMAN RIGHTS. Case of G.B. and others v. Turkey. 2020a. Ibid.

Table 2 evidences systemic infringements of the right to education in 2020–2025, disproportionately affecting children with disabilities, migrant and refugee children, national minorities and rural learners. Cross-case aggregates show institutional gaps in 3/5 cases (60%) and justiciability failures in 2/5 (40%). Digital-access constraints appear in 4/5 decisions, and unfulfilled positive obligations recur in 3/5, indicating persistent deficits in operational capacity and procedural safeguards. Remedies consistently targeted adaptation duties (inclusive learning environments and supports), distance-learning access reforms and linguistic accessibility, with several decisions further emphasising procedural protections against indirect discrimination. To remedy the identified enforcement deficits, a structured three-tier oversight model is proposed (Figure 1), with coordinated responsibilities at the institutional, regional and national levels. The model focuses on strengthening operational procedures, clarifying response duties and establishing measurable compliance indicators.

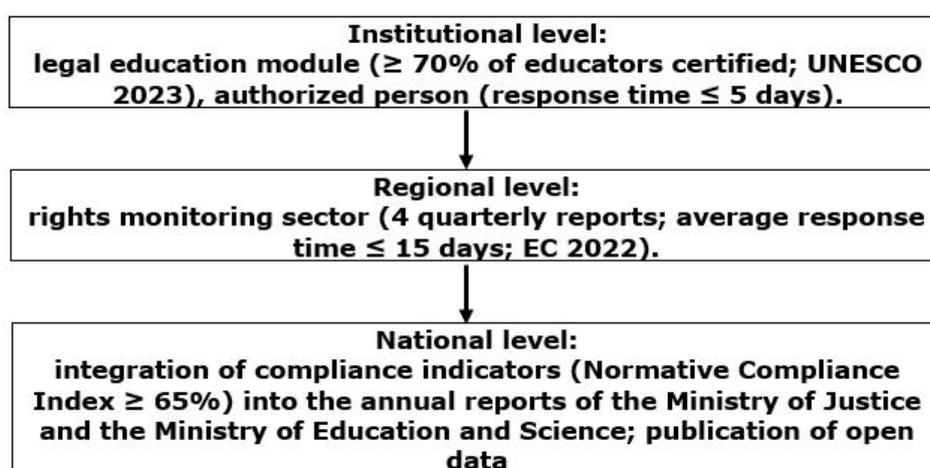


Figure 1. Three-tier oversight model for the right to education in Ukraine. Source: created by the author based on an analysis of international recommendations⁴⁷.

Figure 1 presents a three-tier oversight model for the right to education: institutional (legal-literacy certification $\geq 70\%$; response time ≤ 5 days), regional (quarterly rights-monitoring; average handling time ≤ 15 days), and national (compliance index $\geq 65\%$ with mandatory open-data reporting).

Cross-case aggregates derived from Table 2 locate the enforcement deficit primarily at the institutional level, with secondary justiciability failures; the next step specifies implementable benchmarks that translate these findings into an operational oversight design. Figure 2 depicts a three-tier oversight model for the right to education-institutional (legal-literacy $\geq 70\%$; response ≤ 5 days), regional (quarterly rights-monitoring; average handling ≤ 15 days), and national (compliance index $\geq 65\%$ with mandatory open-data reporting).

⁴⁶ EUROPEAN COURT OF HUMAN RIGHTS. *G.L. v. Italy*, No. 59751/15. 2020b. Ibid.

⁴⁷ EUROPEAN COMMISSION. European Code of Conduct for Research Integrity. 2021. Ibid.

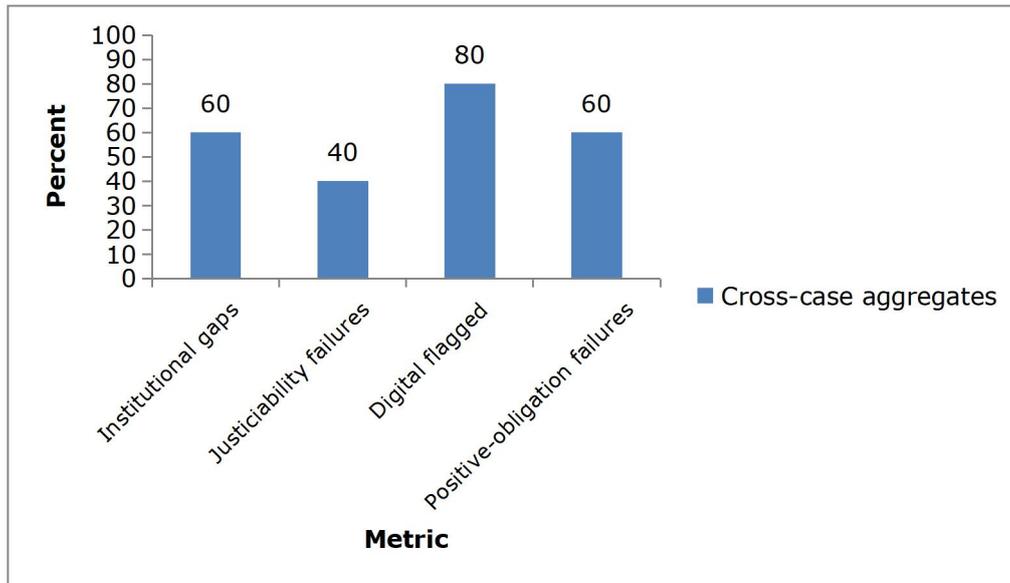


Figure 2. Cross-case Aggregates of Gap Types and Salient Features (2020–2025). Source: created by the author based on^{48,49,50,51}.

Figure 2 displays the cross-case aggregates: institutional gaps (60%) exceed justiciability failures (40%), indicating that standards exist but are not operationalised into procedures, capacity, and timelines. The prominence of digital constraints (80%) together with unfulfilled positive obligations (60%) shows that accessibility problems intensify in online/remote settings and require concrete adaptation duties (platform accessibility, assistive supports) alongside measurable service-level commitments.

Since the deficit lies in institutional practice rather than the absence of norms (Figure 2), compliance must be translated into concrete, time-bound duties. This can be achieved by amending Article 67 of the Law of Ukraine “On Education” to require standardised annual notification of legal-protection pathways (institutional officers, regional monitoring units, Educational Ombudsman) with explicit response-time SLAs; by introducing a new Section III¹ “Digital Equality” in the Law “On Ensuring the Quality of Education” to establish enforceable standards for inclusive distance education, mandatory accessibility audits and periodic reporting aligned with international guidance; and by embedding KPI-based oversight-legal-literacy coverage $\geq 70\%$, institutional response ≤ 5 days, regional average handling ≤ 15 days, and a National Compliance Index $\geq 65\%$ with open-data publication-so that international obligations are operationalised as monitored, enforceable practice.

5. Discussion

The results of the study showed that the existing regulatory and legal guarantees for the exercise of educational rights in Ukraine are not accompanied by effective implementation mechanisms, especially regarding access to quality education for socially vulnerable groups. This aligns with Hidayah⁵², position that state obligations extend beyond declarative guarantees and require practical, non-

⁴⁸ UPR INFO. Session 44–November 2023. 2023. Ibid.

⁴⁹ VERKHOVNA RADA OF UKRAINE. Statement on child protection in Ukraine. 2022. Ibid.

⁵⁰ EUROPEAN COURT OF HUMAN RIGHTS. Case of G.B. and others v. Turkey. 2020a. Ibid.

⁵¹ EUROPEAN COURT OF HUMAN RIGHTS. G.L. v. Italy, No. 59751/15. 2020b. Ibid.

⁵² HIDAYAH, S. “State responsibility in protecting human rights: An international legal perspective”, *International Law Discourse in Southeast Asia*, vol. 2, n 2, 2023, p. 279–304. <https://doi.org/10.15294/ildisea.v2i2.77145>

discriminatory implementation. The recorded violations-fragmented regulation, digital inequality, lack of effective legal protection-correlate with the results of Pyrohovska et al.⁵³, which emphasize the threats of the digital divide in the context of informational transformation of the legal sphere. The low level of legal awareness among educators identified in the survey is consistent with Zaiats et al.⁵⁴, who point to systemic gaps in professional training in matters of equality and social justice. The preference given by respondents to international monitoring mechanisms confirms the findings of Alhajri and Alenezi⁵⁵, who established the dependence of the effectiveness of human rights instruments on the degree of integration of external standards into national law enforcement practice. A similar approach is applied in the study of Jiglaui et al.⁵⁶, who emphasize that the exercise of social rights, in particular educational rights, requires an intersectoral support infrastructure, not just regulatory consolidation. This corresponds to the criticism of the declarative approach to human rights expressed by Fukuda-Parr and Gibbons⁵⁷, who argue that legal norms remain formal without institutional reinforcement. This is particularly important in the context of Ukraine, given the social tension and limited resources. As Lysenko and Rasiuk⁵⁸ note, the key in combating systemic violations of rights in education is to prevent legal disintegration caused by a lack of coordination between management sectors. This is fully consistent with the findings regarding weak interdepartmental interaction.

In conclusion, effective realisation of educational rights increasingly depends on the integration of digital governance tools and transparent feedback mechanisms. This was confirmed in the work of Karpiuk et al.⁵⁹, where cybersecurity management was considered as an integral part of the exercise of social rights, including the right to education. In the context of the study, it was also important to take into account global risks that affected the exercise of educational rights. Global risks also shaped the environment of educational rights: Algan et al.⁶⁰ note that humanitarian crises, especially military conflicts, erode basic guarantees of

⁵³ PYROHOVSKA, V.; REZVOROVYCH, K.; PAVLICHENKO, I.; SUSHYTSKA, Y.; OSTASHOVA, V. "Human rights protection in the context of information technology development: Problems and future prospects", *Futurity Economics & Law*, vol. 4, n 1, 2024, p. 38-51. <https://doi.org/10.57125/FEL.2024.03.25.03>

⁵⁴ ZAIATS, N.; OKUN, P.; SHPYLKA, I.; KHILKO, T.; PEREKHVATOVA, Y. "Ensuring gender equality and legal protection of women's rights: Achievements, challenges, and prospects", *Multidisciplinary Science Journal*, vol. 6, 2024, e2024ss0202. <https://doi.org/10.31893/multiscience.2024ss0202>

⁵⁵ ALHAJRI, A. F.; ALENEZI, S. "Environmental protection and human rights: A comparative study of constitutional law in Kuwait and other GCC countries", *Global Journal of Comparative Law*, vol. 14, n 1, 2025, p. 81-103. <https://doi.org/10.1163/2211906X-14010004>

⁵⁶ JIGLAUI, G.; HESSELMAN, M.; DOBBINS, A.; GROSSMANN, K.; GUYET, R.; TIRADO HERRERO, S.; VARO, A. "Energy and the social contract: From 'energy consumers' to 'people with a right to energy'", *Sustainable Development*, vol. 32, n 1, 2024, p. 1321-1336. <https://doi.org/10.1002/sd.2727>

⁵⁷ FUKUDA-PARR, S.; GIBBONS, E. "Emerging consensus on 'ethical AI': Human rights critique of stakeholder guidelines", *Global Policy*, vol. 12, Supplement S6, 2021, p. 32-44. <https://doi.org/10.1111/1758-5899.12965>

⁵⁸ LYSENKO, D.; RASIUK, E. "Modern organized crime in Ukraine: Status and trends, causes and conditions, main areas of prevention", *Visegrad Journal on Human Rights*, n 1, 2025, p. 63-70. Available at: <https://journals.urau.ua/journal-vjhr/article/view/331686> (accessed on 25 October 2025).

⁵⁹ KARPIUK, M.; PIŻŁO, W.; KACZMAREK, K. "Cybersecurity management-current state and directions of change", *International Journal of Legal Studies (IJOLS)*, vol. 14, n 2, 2023, p. 645-663. <https://doi.org/10.5604/01.3001.0054.2880>

⁶⁰ ALGAN, T.; KUTLU, I.; KARA, H. Z. "Gaza at the intersection of social work and human rights", *Ombudsman Akademik, Özel Sayı 2 (Gazze)*, 2024, p. 405-430. Available at: <https://dergipark.org.tr/tr/pub/ombudsmanakademik/issue/84567/1440480> (accessed on 25 October 2025).

access to education for children in affected regions—a trend mirrored by the recorded restrictions in socially vulnerable areas. Voronina et al.⁶¹ confirmed the threat of a gap between the provisions of international law and the practice of national education systems that do not integrate standards into domestic policies. Byrkovych et al.⁶² emphasized that war reorients resources and deepens the deficit of interagency coordination regarding guarantees of the child's right to education, which aligns with the cross-case findings on institutional coordination deficits. Kopytko et al.⁶³ analysis emphasized that labour migration causes incomplete coverage of migrant children by educational programmes, confirmed by court cases. Kavanagh et al.⁶⁴ study showed that the pandemic has exacerbated the problem of equal access to online education, which correlates with the identified digital inequality.

In turn, the study by Khoirunnisa and Jubaidi⁶⁵ identified new challenges for educational rights in the context of self-determination and separatism, where educational infrastructure became the object of political manipulation. This is in line with the cases of restrictions on educational rights in local conflict zones covered in our analysis of decisions of international bodies. The data of Vale and Moreira⁶⁶ showed that the protection of migrants' rights in education has critical differences depending on the national context, which was confirmed by the example of Ukraine, where the level of legal adaptation to the needs of internally displaced persons remained limited and non-unified.

A comparative analysis of international research confirms the need for a comprehensive approach to the right to education across regulatory, institutional and social dimensions. Given the observed cross-case pattern (institutional gaps prevailing over justiciability failures, alongside pervasive digital constraints), the priority shifts from expanding normative frameworks to ensuring enforceable institutional duties and measurable oversight tools. In this respect, aligning with international practice requires embedding KPI-based governance—time-bound responses, accessibility audits, periodic reporting and a national compliance index—so that declarative rights are converted into verifiable and enforceable practice.

5.1. Limitations

⁶¹ VORONINA, Y.; LOPUSHYNSKYI, I.; GRECHANYK, B. "Economic and environmental component in the field of sustainable development management", *Quality-Access to Success*, vol. 25, n 201, 2024, p. 7-14. <https://doi.org/10.47750/QAS/25.201.02>

⁶² BYRKOVYCH, T.; HUMENCHUK, A.; KOBYZCHA, N.; AKIMOVA, L.; GRINBERG, L.; AKIMOV, O. "Economic effectiveness of state policy in reforming higher library and information education in Ukraine", *Economic Affairs (New Delhi)*, vol. 68, n 1, 2023, p. 599-616. <https://doi.org/10.46852/0424-2513.1.2023.28>

⁶³ KOPYTKO, M.; PANCHENKO, V.; LEVCHENKO, A.; KAPINOS, H.; HRYTSAN, V. "Forced labour migration as a threat to social and economic human rights and a factor of influence on the national labour market and business entities", *Social & Legal Studies*, vol. 7, n 2, 2024, p. 140-148. <https://doi.org/10.32518/sals2.2024.140>

⁶⁴ KAVANAGH, M. M.; WENHAM, C.; MASSARD DA FONSECA, E.; HELFER, L. R.; NYUKURI, E.; MALECHE, A.; HALABI, S. F.; RADHAKRISHNAN, A.; WARIS, A. "Increasing compliance with international pandemic law: International relations and new global health agreements", *The Lancet*, vol. 402, n 10407, 2023, p. 1097-1106. [https://doi.org/10.1016/S0140-6736\(23\)01527-1](https://doi.org/10.1016/S0140-6736(23)01527-1)

⁶⁵ KHOIRUNNISA, K.; JUBAIDI, D. "The separatist movements: A review of the conflict between self-determination, state sovereignty and international law", *Jurnal Polinter: Kajian Politik dan Hubungan Internasional*, vol. 10, n 2, 2025, p. 43-70. <https://doi.org/10.52447/pol.v10i2.8230>

⁶⁶ VALE, P. A. C.; MOREIRA, T. O. "Migrants' human rights in Brazil: State of the art", *Cadernos de Dereito Actual*, n 24, 2024, p. 56-70. <https://doi.org/10.5281/zenodo.11305367>

The analysis covers five international decisions (2020–2025) and national framework law, which limits the regional and sectoral granularity of the findings. Domestic case law, sub-national initiatives and financial safeguards were outside the scope of systematic assessment, and document-based coding may omit contextual nuances that could be captured through broader empirical materials.

5.2. Recommendations

Building on the cross-case pattern (institutional > justiciability; pervasive digital constraints), further work should broaden the corpus to include domestic case law and sub-national regulations, and publish a replicable codebook and dataset to improve methodological transparency. At the policy level, enforceability can be strengthened by amending Article 67 of the Law “On Education” to require standardised annual notification of protection pathways with explicit response-time SLAs, and by introducing a new Section III¹ “Digital Equality” into the Law “On Ensuring the Quality of Education” to establish binding accessibility standards, mandatory audits and periodic reporting for distance learning. A three-tier KPI regime—legal-literacy ≥70%, institutional response ≤5 days, regional handling ≤15 days, National Compliance Index ≥65% with open-data publication—would translate declarative guarantees into verifiable practice.

6. Conclusion

Cross-case analysis of five international decisions (2020–2025) shows that enforcement deficits in Ukraine’s education sector are concentrated at the institutional level (60%), with secondary justiciability failures (40%) and no pure normative voids. The prevalence of digital-access constraints (80%) and unfulfilled positive obligations (60%) demonstrates that existing standards are not adequately translated into procedures, capacity and time-bound duties. Accordingly, the effectiveness of the right to education depends less on additional norm-setting and more on enforceable institutional responsibilities and measurable oversight mechanisms.

The academic contribution of the study is a compact and reproducible analytical framework that operationalises doctrine and case-law through double-coding of right-to-education dimensions and gap levels, producing policy-relevant aggregates. In practical terms, the findings support targeted legal amendments (e.g., Article 67 of the Law “On Education”; a new Section III¹ “Digital Equality” in the Law “On Ensuring the Quality of Education”) and the introduction of a three-tier KPI regime (legal-literacy ≥70%, institutional response ≤5 days, regional handling ≤15 days, National Compliance Index ≥65% with open-data publication) to ensure that declarative guarantees become verifiable and enforceable in practice.

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