

SECURING THE RIGHT TO EDUCATION IN MULTILATERAL INTERNATIONAL LEGAL ACTS OF THE REGIONAL LEVEL

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The article explores the specifics of securing the right to education in multilateral international legal acts at the regional level. Key documents adopted within organizations such as the European Union, the Council of Europe, the African Union, the Organization of American States, and the Association of Southeast Asian Nations are examined. Particular attention is given to a comparative analysis of approaches to implementing the right to education, including ensuring its accessibility, quality, and equity. Regional characteristics and common trends influencing legal regulation in this area are identified. The role of regional institutions in creating conditions for inclusive education, harmonizing educational standards, and protecting students' rights is emphasized. The article concludes with recommendations for strengthening regional cooperation to effectively ensure the right to education in the context of globalization.

Keywords: *the right to education, multilateral international legal acts, acts of the regional level, regional associations, cooperation, rights and freedoms.*

Introduction

Considering the consolidation of the right to education in the European region, in addition to international treaties and acts of recommendation, it is necessary to take into account the practice of the European Court of Justice. Analysis of the judgments of the European Court of Justice made it possible to more accurately establish the elements of the right to education, in particular the right to access existing educational institutions in the state; the right to transfer knowledge and intellectual development; the opportunity to benefit from the education received, that is, the right to receive, in accordance with the rules in force in each state, in one form or another, official recognition of completed education.

Among the recommendatory acts, the main attention will be paid to the acts of the Bologna Process. At its core, the principles of the Bologna Process relate to the so-called "soft law" and are regional principles that formulate and proclaim a number of major general goals and objectives that require further specification. Achievement of these goals is intended to contribute to the formation of a common European area of higher education; the main function of the principles is to harmonize educational systems and approaches to the development of higher education in the European region. And despite the fact that there is a slight slowdown in the intensity of the Bologna process, due to, among other things, the geopolitical situation, at present the project of European educational integration is the most elaborated from a normative and organizational point of view.

The article also reveals the basic requirements for the pedagogical process in the light of the Bologna Declaration, analyzes the basic principles of an innovative approach at the modern, integration stage. Special attention is paid to the characteristics of the main components of the optimal teacher model and the ways of their formation in a pedagogical university.

European region

Cooperation of states in the field of education and pedagogy takes place in various regions of the world: in Europe, Asia, Africa, Latin America and Australia. The right to education is enshrined in many regional international treaties. The norms enshrining this right are contained in Article 2 of Protocol to the Convention for the Protection of Human Rights and Fundamental

Freedoms¹, Article 14 of the Charter of Fundamental Rights of the European Union, Article 27 of the Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms², Article 17 of the African Charter on Human and Peoples' Rights³, in Article 49 of the Charter of the Organization of American States⁴ and many others. This paragraph will examine in detail the acts of cooperation between states in the space of the European region.

Certain steps to create a common European educational space were taken back in the early fifties of the twentieth century. Moreover, the integration took place within the framework of several regional associations: the Council of Europe, the European Communities, and later - the European Union. Next, we will sequentially consider the consolidation of the right to education and further efforts to implement this right, as well as the evolution of international legal acts of cooperation in the field of education in these international organizations.

In the middle of the twentieth century, the regulation of the education sector takes place mainly within the framework of international treaties. However, in the future, the role of recommendatory acts became much more noticeable, which, despite being classified as "soft law", had a huge impact on the state of education systems in almost all European states. It is worth noting that such a change in the influence of recommendatory acts is characteristic not only for the regulation of the education sector. R.Sh. Davletgildev pays attention to the tendency of strengthening the role of "soft law" in international legal regulation at the regional level, discussing regionalism and fragmentation of international laws.

Among the recommendatory acts, the main attention will be devoted to the acts of the Bologna process, both preceding the signing of the Bologna Declaration and subsequent to it. Including will be considered the Salamanca Statement and "Framework for action"⁶, as well as the Student Goteborg Declaration⁷. These acts are unique because, despite the fact that they were adopted by powerless subjects, they occupy a place in the system of sources of the Bologna process.

Undoubtedly, the Bologna process has an impact on pedagogical education and the ways of developing pedagogical education are important for scientists and teachers. Educational scientists try to identify general trends in the development of modern pedagogical education. In European countries, the following principles can be distinguished for the implementation of an innovative approach in teacher education:

- continuous professional development and improvement of the teacher;
- democratization of pedagogical education, the entire structure of the life of pedagogical educational institutions, broad self-government;— orientation towards creative activity, the unique personality of each teacher, ensuring a differentiated personal and creative approach to his training;
- the unity of the socio-ethical, general cultural and professional development of the teacher's personality in the context of a broad humanitarization of pedagogical education;
- humanization of pedagogical education, caring, attentive attitude to the person — the subject of communication, cognition, social creativity;
- the unity of fundamental and practical orientation in the holistic process of teacher training;
- continuous improvement of the pedagogical education system, which provides for frankness, flexibility, variability, dynamism of changes in the content, forms and methods of teacher training in accordance with the requirements of modernity and forecasts for the future;

¹ Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, <https://rm.coe.int/168006377c> (Retrieved on 25 of May 2024)

² Commonwealth of Independent States Convention on Human Rights and Fundamental Freedoms, https://www.cods.eu/template/default/compedium/Part%209/007_CIS_conv_hr_fundamental_freedoms.pdf (Retrieved on 25 of May 2024)

³ African Charter on Human and Peoples' Rights, https://au.int/sites/default/files/treaties/36390-treaty-0011_-_african_charter_on_human_and_peoples_rights_e.pdf (Retrieved on 25 of May 2024)

⁴ Charter of the Organization of American States, <http://www.oas.org/dil/1948%20charter%20of%20the%20organization%20of%20american%20states.pdf> (Retrieved on 25 of May 2024)

⁵ Davletgildev R.Sh. K voprosu o podhodah k fragmentatsii mezhdunarodnogo prava//Rossiyskiy yuridicheskiy zhurnal. 2013. # 3 (90). P. 25.

⁶ Convention of European Higher Education Institutions, https://pip-eu.coe.int/bih-higher-education/images/2001_salamanca_convention_eng.pdf (Retrieved on 25 of May 2024)

⁷ Student Goteborg Declaration, http://www.aic.lv/bolona/Bologna/maindoc/STUD_GOETEB.pdf (Retrieved on 25 of May 2024)

— unity and continuity in the work of schools, pedagogical educational institutions, educational authorities, public organizations, institutes for teacher improvement, institutes for advanced training in the formation and improvement of teacher skills;

— the focus of the content, forms and methods of teacher training on the widespread use of new information technologies.

The education system of European countries is characterized by a number of national characteristics. Their differences are manifested not only at the level of government bodies, on which the formation and development of the education system as a whole depends, but also in the content of education, the structural organization of the learning process, as well as in methods and forms of organization of the educational process. Currently, according to the assessment of the Council of Europe, there are two systems of higher education management: centralized and decentralized.

The right to education was enshrined in Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms. Article 2 of the Protocol states: “No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions”. The wording of the article is rather ambiguous, and in order to reveal the understanding of the right to education, it is necessary to refer to the practice of the European Court of Justice, since it is this body that has the competence to interpret and apply the provisions of the Convention. It should be immediately clarified that this dissertation will only consider the practice of the European Court of Justice, since in the practice of other regional human rights courts (namely, the Inter-American Court of Human Rights and the African Court of Human and Peoples' Rights), no stable practice has developed, concerning the issues of the right to education.

Despite the negative formulation of the first sentence of Article 2 of Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms, it uses the word “right” and refers to the “right to education”, therefore the European Court of Justice, relying, *inter alia*, on the Preamble to the Protocol to the Convention, expressed an unambiguous position that Article 2 of Protocol to the Convention really enshrines the right. In the study by B.L. Zimnenko rightly emphasizes that “Article 2 of Protocol to the Convention prohibits the denial of the right to education. This proposal has no established exceptions, and its structure is similar to that of Articles 2 and 3, Article 4 paragraph 1 and Article 7 of the Convention (“No one shall be...”), which together embody the fundamental values of democratic societies that have created the Council of Europe”⁸.

The essence of the negative formulation is that the contracting states do not recognize the right to education in the form that would require them to create or subsidize a certain type or a certain level of education at their own expense. Thus, there is no positive obligation on states to create a public education system or subsidize private schools. These areas are left to the discretion of the state, but it is worth clarifying here that at the time of the signing of the Protocol, public education systems already existed in all the states of the Council of Europe.

However, it would be a mistake to think that the state only has a duty to refrain from interfering with education and there are no positive obligations. The state has a positive obligation to respect everyone's right to education. Since a “right” exists, it must be provided, in accordance with Article 1 of the Convention, to everyone within their jurisdiction of a Contracting State. In the Belgian Linguistic Case⁹, the Court explains that this should be understood as a duty to guarantee to persons subject to the jurisdiction of the Contracting Parties the right, in principle, to avail themselves of the means of instruction existing at a given time.

In the practice of the Court, the following elements of the right to education have been developed:

⁸ Zimnenko B.L. *Pravovye pozitsii mezhsudarstvennykh organov po zaschite prav i svobod cheloveka: Spravochnoe posobie*. Moscow: RGUP, 2017.

⁹ Case "Relating to certain aspects of the laws on the use of languages in education in Belgium" V. Belgium (merits), <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-57525%22%7D> (Retrieved on 25 of May 2024)

1) The right to access educational establishments existing at a given time (Belgian Linguistic Case, paragraph 4);

2) The right to transfer knowledge and intellectual development (Campbell and Cosans v. United Kingdom, paragraph 33¹⁰);

3) The ability to benefit from the education received, that is, the right to receive, in accordance with the rules in force in each state, in one form or another, official recognition of the completed education (Belgian Linguistic Case, paragraph 4).

The right to education is not absolute, it can be limited, because by its very nature it requires government regulation, which can change depending on the place and time, in accordance with the needs and resources of both society and individuals. As the Court has repeatedly stressed, regulation must not prejudice the substance of the right to education or conflict with other rights enshrined in the Convention (The Belgian Linguistic Case; and Golder v. The United Kingdom¹¹). Accordingly, the Contracting States enjoy a certain margin of appreciation in this sphere, although the final decision as to the observance of the Convention's requirements rests with the Court. In order to ensure that the restrictions that are imposed do not curtail the right in question to such an extent as to impair its very essence and deprive it of its effectiveness, the Court must satisfy itself that they are foreseeable for those concerned and pursue a legitimate aim (Leyla Sahin v. Turkey, paragraph 154¹²). Moreover, in contrast to the position in relation to Articles 8 to 11 of the Convention, there is no exhaustive list of "legitimate goals". Moreover, the restrictions would be consistent with Article 2 of Protocol if a reasonable and proportionate balance was achieved between the means used and the purpose.

Interesting in this respect is the Timishev v. Russia case¹³, in which the applicant's children were denied school attendance solely on the grounds that the applicant had no residence registration and no migration card. In this case, not only the Court, but also the representatives of the Russian Federation agreed that the children's right to education was unlawfully restricted.

However, children are not the only subjects of the right to education. Article 2 of the Protocol deals with primary¹⁴, secondary¹⁵, higher education and specialized courses. Consequently, the circle of subjects of the right to education includes not only children, but also adults. Thus, the Court considers that the subject of the right to education is any person who wishes to benefit from the right to education (Velyo Velev v. Bulgaria¹⁶).

The first document signed at the pan-European level directly related to education was the European Convention on the Equivalence of Diplomas leading to Admission to Universities¹⁷. Other important documents include the European Convention on the Equivalence of Periods of University Study¹⁸ and the European Convention on the Academic Recognition of University Qualifications¹⁹.

In the text of the European Social Charter²⁰, the right to higher education is enshrined, in accordance with paragraph 1 of Article 10, the Contracting Parties undertake "to provide or promote, as necessary, the technical and vocational training of all persons, including the handicapped, in consultation with employers' and workers' organizations, and to grant facilities for

¹⁰ Case of Campbell and Cosans v. United Kingdom, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-57455%22%5D%7D> (Retrieved on 25 of May 2024)

¹¹ Case of Golder v. The United Kingdom, https://seafarersrights.org/wp-content/uploads/2018/03/EUROPE_CASE_GOLDER-V-UK_1975_ENG.pdf (Retrieved on 25 of May 2024)

¹² Case of Leyla Sahin v. Turkey, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-70956%22%5D%7D> (Retrieved on 25 of May 2024)

¹³ Case of Timishev v. Russia, <https://hudoc.echr.coe.int/fre#%7B%22itemid%22:%5B%22001-71627%22%5D%7D> (Retrieved on 25 of May 2024)

¹⁴ Case of Sulak v. Turkey, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22:%5B%22001-2669%22%5D%7D> (Retrieved on 25 of May 2024)

¹⁵ Case of Cyprus v. Turkey, <https://hudoc.echr.coe.int/Eng#%7B%22itemid%22:%5B%22001-59454%22%5D%7D> (Retrieved on 25 of May 2024)

¹⁶ Case of Velyo Velev v. Bulgaria, <https://hudoc.echr.coe.int/eng#%7B%22appno%22:%5B%2216032/07%22%5D%2C%22itemid%22:%5B%22001-144131%22%5D%7D> (Retrieved on 25 of May 2024)

¹⁷ European Convention on the Equivalence of Diplomas leading to Admission to Universities, signed on 11th of December 1953, <https://rm.coe.int/168006457b> (Retrieved on 25 of May 2024)

¹⁸ European Convention on the Equivalence of Periods of University Study, signed on 15th of December 1956, <https://rm.coe.int/1680064581> (Retrieved on 25 of May 2024)

¹⁹ European Convention on the Academic Recognition of University Qualifications, signed on 14th of December 1959, <https://rm.coe.int/16800656d0> (Retrieved on 25 of May 2024)

²⁰ European Social Charter, signed on 18th of October 1961, <https://rm.coe.int/168006b642> (Retrieved on 25 of May 2024)

access to higher technical and university education, based solely on individual aptitude”. The revised Charter²¹ pays more attention to education, in addition to the specified provision of paragraph 1 of Article 10 on access to higher education, paragraph 2 of Article 17 establishes the obligation of states "to provide to children and young persons a free primary and secondary education as well as to encourage regular attendance at schools”. Within the European Communities and subsequently the European Union, the right to education was enshrined in the Charter of Fundamental Rights of the European Union²² (paragraph 1 of Article 14): “Everyone has the right to education and to have access to vocational and continuing training”. In paragraph 2 of Article 14 of the EU Charter of Fundamental Rights, in addition to establishing the right to education, the principle of free compulsory education is introduced. In the Clarification of Article 14, this principle is deciphered rather narrowly: “each child has the possibility of attending an establishment which offers free education. It does not require all establishments which provide education or vocational and continuing training, in particular private ones, to be free of charge”²³.

As regards the issues of free education, the case "Ponomaryovy v. Bulgaria"²⁴, which was considered in the European Court of Justice, can be illustrative. In interpreting certain aspects of the right to education, the Court refers, inter alia, to the revised European Social Charter. The applicants were required to pay for their secondary school education in Bulgaria on the grounds that they were foreign citizens and did not have a permanent residence permit, while for citizens of the country and some foreigners, secondary education in Bulgaria is free. According to the European Court of Justice, “the State’s margin of appreciation in this domain increases with the level of education, in inverse proportion to the importance of that education for those concerned and for society at large. Thus, at the university level, which to this day remains optional for many people, higher fees for aliens – and indeed fees in general – seem to be commonplace and can, in the present circumstances, be considered fully justified. The opposite goes for primary schooling, which provides basic literacy and numeracy – as well as integration into and first experiences of society – and is compulsory in most countries” (paragraph 56). With regard to secondary education, the Court emphasized that secondary education plays a growing role in the successful personal development and in the social and professional integration of the persons concerned, and referred to the obligation of states, under the European Social Charter, to provide free primary and secondary education, as well as Article 14 of the European Union. Convention on Human Rights on the Prohibition of Discrimination and found a violation of Article 2 of Protocol to the European Convention on Human Rights.

In the literature, cooperation in the field of education in the European Communities and later in the European Union is conventionally divided into three periods. The beginning of the first period is considered the signing of the Treaty of Rome²⁵, establishing the European Community. At the Conference of European Ministers of Education in 1971, five main points of a pan-European change in educational systems were identified: mutual recognition of diplomas, substantiation of the idea of forming a European university, cooperation of secondary and higher education, the creation of a European centre for the development of education, the formation of non-national institutions of higher education not limited by state borders.

In 1976, the first program of action was presented, which contained six points related to higher education: access to universities, recognition of diplomas, joint study programs, short training courses, information policy and the European University.

The second period, which lasted from 1983 to 1992, was more characterized by cooperation at the Community level. The most important document adopted at this time was the agreement

²¹ European Social Charter (Revised), signed on 3th of May 1996, <https://rm.coe.int/168007cf93> (Retrieved on 25 of May 2024)

²² Charter of fundamental rights of the European Union, signed on 14th of December 2007, https://fra.europa.eu/sites/default/files/charter-of-fundamental-rights-of-the-european-union-2007-c_303-01_en.pdf (Retrieved on 25 of May 2024)

²³ Explanations relating to the Charter of Fundamental Rights, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A32007X1214%2801%29> (Retrieved on 25 of May 2024)

²⁴ Case of Ponomaryovi v. Bulgaria, <https://hudoc.echr.coe.int/eng#%7B%22itemid%22%3A%22001-105295%22%7D> (Retrieved on 25 of May 2024)

²⁵ The Treaty of Rome, signed on 25th of March 1957, https://ec.europa.eu/archives/emu_history/documents/treaties/rometreaty2.pdf (Retrieved on 25 of May 2024)

concluded with the aim of facilitating the free movement of teachers, students and researchers and closer cooperation between institutions of higher education²⁶.

The third period has begun in 1992, when the Maastricht Treaty²⁷ was signed. This treaty expanded the Treaty of Rome and, in particular, enshrined the principle of subsidiarity. In accordance with this principle, the powers to implement any competence should be transferred to a higher level only if the lower level does not have the ability (economic, social and others) to implement them. This principle seemed to impede further integration: education was seen as a symbol of the nation state. In many European countries, European education policy was viewed as an "invasion from Brussels" into the internal area of sovereignty. However, despite the initial rejection and opposition in society to the abandonment of national symbols and sovereignty, the conviction that developing Europe is not only the Europe of nation states was spreading more and more, no matter how important the principles of sovereignty and non-interference in the internal affairs of the state remained. Moreover, at present, the so-called "principle of integration"²⁸ is singled out as one of the principles of the relationship between European law and national law.

The signing of the Bologna Declaration was preceded, among others, by three important documents: the University Charter - Magna Charta Universitatum²⁹ (1988), the Lisbon Convention³⁰ (1997) and the Sorbonne Declaration³¹ (1998). The Charter emphasizes the special role of universities, which in the modern world are centers of culture, knowledge and research.

The Convention on the Recognition of Qualifications concerning Higher Education in the European Region aimed to "link" all national education systems in Europe by comparing their main levels/diplomas with the aim of mutual recognition. The Lisbon Convention laid the foundations for the development of close cooperation between European countries in the field of education, which at that time was the least integrated and most fragmented sector of the united Europe. The main advantage of the Convention is that it contains definitions of the main terms: higher education; higher educational institution; period of study; qualification (higher education qualification; qualification giving access to higher education). The text of this convention is also referred to by the European Court of Justice. For example, in *Leyla Sahin v. Turkey* case, the Court cites the text of the convention when determining the scope of the right to education.

Another important document, preceding the Bologna Declaration, was signed on May 25, 1998 by the ministers of four countries (Great Britain, Germany, France and Italy), who gathered on the occasion of the 800th anniversary of the Sorbonne University in Paris. This is the so-called Joint declaration on harmonization of the architecture of the European higher education system.

Thus, pan-European integration in the field of education is a long, complex process that affects many aspects of the political and economic activities of the participating countries. The principles and main directions of creating a unified European educational space have been formed for more than half a century, and it is obvious that the creation of a unified educational environment requires more detailed regulation.

The documents reviewed above paved the way for the ministers of education of 29 European states to sign a joint statement in the Italian city of Bologna in June 1999 on the "Zone for European Higher Education", which is also called the Bologna Declaration³². This event marked a milestone in the reform of higher education.

²⁶ Ivanova V.I. Mezhdunarodnyie pravovyye aspekty integratsionnykh protsessov v Evrope, predshestvovavshih podpisaniyu Bolonskogo soglasheniya // Mezhdunarodnoe publichnoe i chastnoe pravo. 2005. # 3. P. 49-51.

²⁷ Treaty on European Union, <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:11992M/TXT> (Retrieved on 25 of May 2024)

²⁸ Evropeyskoe pravo: uchebnik i praktikum dlya akademicheskogo bakalavriata/ pod red. A.I.Abdullina, Yu.S.Bezborodova. Moscow: Izdatelstvo Yurayt. 2016. P.35.

²⁹ Magna Charta Universitatum <https://www.magna-charta.org/magna-charta/en/magna-charta-universitatum/mcu-1988> (Retrieved on 25 of May 2024)

³⁰ Convention on the Recognition of Qualifications concerning Higher Education in the European Region, <https://rm.coe.int/168007f2c7> (Retrieved on 25 of May 2024)

³¹ Joint declaration on harmonisation of the architecture of the European higher education system, http://chea.info/media.chea.info/file/1998_Sorbonne/61/2/1998_Sorbonne_Declaration_English_552612.pdf (Retrieved on 25 of May 2024)

³² Joint declaration of the European Ministers of Education, http://www.chea.info/media.chea.info/file/Ministerial_conferences/02/8/1999_Bologna_Declaration_English_553028.pdf (Retrieved on 25 of May 2024)

The Bologna Declaration of 1999 defines integration not only in the educational systems of European states, but also in other directions. At the same time, education itself acts as a powerful factor in bringing together national states and the formation of transnational socio-state systems, since the main goals of the declaration envisage a common European labor market for highly qualified workers, free access to European education, and the provision of a comparable system of higher education degrees. The Bologna Declaration sets out six goals, towards the achievement of which further cooperation in the field of higher education should be directed.

The main goal is to provide employment opportunities for European citizens and increase the international competitiveness of the European higher education system, for the achievement of which it is necessary to adopt a system of easily readable and comparable degrees, also through the implementation of the Diploma Supplement.

Also, the goal is the adoption of a system essentially based on two main cycles, undergraduate and graduate. Access to the second cycle shall require successful completion of first cycle studies, lasting a minimum of three years.

It is intended to promote mobility by overcoming obstacles to the effective exercise of free movement. Moreover, special attention is paid to the following points: providing students with access to study and training opportunities and to related services; ensuring that teachers, researchers and administrative staff are recognized and valorized of periods spent in a European context researching, teaching and training, without prejudicing their statutory rights. Further, it is envisaged to establish a credit system of the ECTS type - the European system of transferring credit units of labor intensity, as an appropriate means promoting the most widespread student mobility. Credits could also be acquired in non-higher education contexts, including lifelong learning, provided they are recognized by receiving Universities concerned.

Another goal is to promote European co-operation in quality assurance with a view to developing comparable criteria and methodologies. And here it should be noted that the criterion of the quality of education appeared in the regional international legal act. At the universal level, this criterion was first addressed in 1998; at the regional level, it was first identified in 1999.

Finally, one of the main tasks that must be solved within the framework of the Bologna Process is to attract more students to Europe from other regions of the world. To achieve this goal, it is envisaged to promote the necessary European dimensions in higher education, particularly with regards to curricular development, interinstitutional co-operation, mobility schemes and integrated programs of study, training and research. It is believed that the introduction of a pan-European system for guaranteeing the quality of education, a credit accumulation system, easily understood qualifications, etc. will lead to increased interest in higher education. The third chapter of this dissertation will examine in more detail the implementation of each of the goals set in the declaration in individual European states.

In 2001, the Salamanca Convention of European Higher Education Institutions was adopted, in the creation of which more than 300 European universities participated, with the aim of preparing the Prague Meeting of Ministers Responsible for Higher Education. In this convention, the basic principles of the formation of the European Higher Education Zone were derived:

1) Autonomy with accountability. This principle implies the right of universities to shape their strategies, choose their priorities in teaching and research, allocate their resources, profile their curricula and set their criteria for the acceptance of professors and students.

2) Education as a public responsibility. In accordance with this principle, broad and open access to undergraduate as well as graduate studies should be ensured; education should be aimed at personal development and lifelong learning.

3) Research-based higher education. As research is a driving force of higher education, the creation of the European Higher Education Area must go hand in hand with that of the European Research Area.

4) Organizing diversity. European higher education is characterized by its diversity in terms of languages, national systems, institutional types and profiles and curricular orientation. At

the same time its future depends on its ability to organize this valuable diversity effectively to produce positive outcomes rather than difficulties, and flexibility rather than opacity.

Almost simultaneously with the Salamanca Convention of European Higher Education Institutions, the Gothenburg Declaration of Students on the Development of the Bologna Process was adopted. The Declaration underlines the active role of students, in particular the – the National Unions of Students in Europe (ESIB), in shaping the European Higher Education Area. It criticizes the Bologna Declaration in terms of the lack of a description of the social consequences of the process for students: universities are important operating structures of civil society; therefore, it is necessary to involve all members of the higher education community in the creation of a European higher education area. The Declaration emphasizes that students are not consumers of a tradable education service, and as a consequence it is the governments' responsibility to guarantee that all citizens have equal access to higher education, regardless of their social background. It concludes by proclaiming the role of students as competent, active and constructive partners who must be perceived as one of the driving forces behind educational change.

Having considered the Salamanca Convention and the Gothenburg Declaration, one cannot fail to note the active participation of powerless subjects, namely, higher educational institutions and the student union in the preparation and implementation of the Bologna process activities.

P.P. Kensovskiy, analyzing the legal nature of international law and the European educational space, notes that "the nature of the generally recognized principles of international law is universal, comprehensive, and the principles of the Bologna Process are regional in nature and apply only to the territory of a certain geographical region. In other educational spaces, the principles arising in the field of education are also not identical to the principles of the Bologna process, since some countries can simultaneously be members of different educational spaces (CIS, SCO, ASEAN), and then we should talk not so much about their unification character as about their harmonizing effect"³³.

Of course, the principles enshrined in the documents of the Bologna Process are not generally recognized and do not act as imperative norms, since they are enshrined in documents that are not international treaties. At its core, the principles of the Bologna Process relate to the so-called "soft law" and are regional principles that formulate and proclaim a number of major general goals and objectives that require further specification. Achievement of these goals is intended to contribute to the formation of a common European area of higher education; the main function of the principles is to harmonize educational systems and approaches to the development of higher education in the European region. And despite the fact that some researchers note a slowdown in the intensity of the Bologna process, associated, among other things, with the geopolitical situation³⁴, at present the project of European educational integration is the most elaborated from a normative and organizational point of view.

African region

Work to create a common educational space is being carried out not only in the European region. In addition to the European space discussed in the previous paragraph, it should be noted that the African, Asian and American regions are also engaged in cooperation in the field of education, albeit with different intensity. However, in these regions, the relatively successful experience of European educational integration was taken as a basis, so we will not consider the processes in depth. This paragraph will highlight the consolidation of the right to education and the steps taken to integrate in the field of education in the acts of various integration international organizations existing on the African continent.

³³ Kensovskiy P.P. *Obshepravovoy analiz printsipov Bolonskogo protsessa // Obschestvo i pravo*. 2010. # 2. P. 251 - 254.

³⁴ Lihachev V.N., Nikitin I.Yu., Volov V.T., Muhametzyanova F.G. *Sovremennaya studencheskaya molodezh v kontekste tolerantnosti i progressa obschestva: etnoreligioznyy sindrom i razvitiye Bolonskogo protsessa v Rossii i Evrosoyuze // Sbornik: Tolerantnost - "olivkovaya vetv" chelovechestva na etape istoricheskogo razloma. Materialy Mezhdunarodnogo gumanitarnogo foruma, posvyaschennogo 70-letiyu OON i YuNESKO*. Nauchnyye redaktery: R.R. Yusupov, R.M. Valeev, E.R. Tagirov; Sostaviteli: V.R. Aliakberova, A.A. Muhamadeeva. 2016. P. 204-206.

Integration in education, in particular, is an integral part of the “human resource development” policy of the member states of the Cooperation Council for the Arab States of the Gulf (GCC). As one of the goals in the GCC Charter, “the formulating of similar regulations in various fields including education and culture”³⁵, is declared, then this goal is further developed in the articles of the GCC Economic Agreement³⁶. The preamble to the Economic agreement states that towards achieving Gulf citizenship, it is necessary to ensure equality of treatment in the exercise of the rights to movement, residence, work, investment, education, health and social services.

Paragraph 10 of Article 3 of the Agreement provides the same treatment without differentiation or discrimination for all citizens of the GCC member states to education, Article 14 provides for the introduction of compulsory basic education and the total eradication of illiteracy. (A.O. Chetverikov, considering the processes of educational integration in Asian, African and American countries, notes in comparison that illiteracy or insufficient literacy of the population remains a problem not only in developing, but also in some developed, including European, states³⁷). Article 15 of the Agreement is directly devoted to education and provides for the following obligations of states:

- Cooperation in the development of programs and curricula of public, higher, and technical education, ensuring high levels of scientific content and compatibility with the development needs of Member States;
- Taking measures on achieving integration between GCC universities in all fields;
- Adopting appropriate policies and mechanisms to ensure compatibility between the outputs of higher education and scientific and technical research on the one hand, and the needs of the labor market and economic development, on the other.

It should be noted that the norms aimed at educational integration in the text of the agreement coexist with the norms on the recognition of professions and ensuring the openness of information about the labor market, which once again emphasizes the inextricable link between educational and economic integration.

African integration associations also paid attention to the issues of educational integration. Already in the Treaty establishing the African Economic Community of 1991³⁸, which later included the African Union, the creation of a Committee on Education, Culture and Human Resources was envisaged (Article 25). Chapter 12 “Education, Training and Culture” sets out measures to be taken by Member States to strengthen cooperation in the field of education and training and to coordinate and harmonize policies in the field of education. Part 2 of Article 68 provides that states undertake to:

- Improve the efficiency of existing educational systems by promoting the training or trainers and using appropriate methods and aids;
- Cooperate in the strengthening of existing regional and Community training institutions and where necessary, establish new institutions;
- Prepare, coordinate and harmonize joint training programmes with a view to adapting them to development needs thereby ensuring progressive self-sufficiency in skilled personnel;
- Promote the systematic exchange of experience and information on education policy and planning;
- Take appropriate measures to stop the brain-drain from the Community and encourage the return of qualified professionals and skilled manpower to their countries of origin.

Due to the instability in many African countries, as well as the low level of economic development, the integration processes are most intensive within individual regions, but not across

³⁵ Cooperation Council Charter for the Arab States of the GULF, <https://www.gcc-sg.org/en-us/AboutGCC/Pages/Primarylaw.aspx> (Retrieved on 25 of May 2024)

³⁶ The Economic Agreement Between the GCC States, adopted by the GCC Supreme Council (22nd Session), on 31 December 2001 (Muscat, Sultanate of Oman), <https://www.bahrainedb.com/app/uploads/2020/08/The-Economic-Agreement-GCC-States.pdf> (Retrieved on 25 of May 2024)

³⁷ Chetverikov A.O. Voprosyi nauki i obrazovaniya v uchreditelnykh aktah integratsionnykh organizatsiy stran Azii, Afriki i Ameriki// Aktualnyie problemy rossiyskogo prava. 2014. P.2050.

³⁸ Treaty establishing the African Economic Community, https://au.int/sites/default/files/treaties/37636-treaty-0016_-_treaty_establishing_the_african_economic_community_e.pdf (Retrieved on 25 of May 2024)

Africa. The result achieved by the Central African and West African countries should be highlighted. Currently, active work is underway on the formation of an educational and research space within the Central African Economic and Monetary Community (CEMAC), which was initially purely economic in nature. In 2005, the Libreville Declaration³⁹ was adopted, which aims to integrate the education, research and training system of the SEMAC countries with education around the world and, in particular, with the European one. As a follow-up to the Libreville Declaration, the CEMAC countries have established a unified higher education system based on the Bologna system. The system of higher education of the SEMAC countries is a three-stage system and is abbreviated as the "LMD system", which stands for "license, master, doctor". The introduction of this system was announced in the 2006 Action Program, and in the same year two directives of the SEMAC Council of Ministers were adopted, regulating the operation of the "LMD system".

"License" is an analogue of a bachelor's degree and provides for a student to study for 6 semesters and receive at least 180 credits. It is also possible to obtain a professional license for specialized vocational training in partnership with the business community, the training for obtaining it must last 2 semesters and the student must receive at least 60 credits.

The second stage of training is "Master". To obtain a diploma of this level, a student must study 4 semesters and receive 120 credits.

The third stage is "doctor". To obtain a doctoral degree, it is necessary to undergo training for 3 years (it is possible to increase this period by another 2 years) and publicly defend a doctoral dissertation.

In 2005, the West African Economic and Monetary Union (WAEMU) adopted the Directive on the Equality of Students - Citizens of the WAEMU in determining the conditions and rights of access to public institutions of higher education of the Member States of the Union, according to which all citizens of the Member States of the Union are guaranteed equal rights of access to higher education institutions of any from these states, and in 2007 a unified system of higher education was also introduced, which is also called the "LMD system" and is similar to the system adopted in the member states of SEMAC.

Thus, the issues of the right to education and cooperation in the field of education in the African region are regulated according to a scheme similar to that which exists in the European region.

Projects for the creation of a single educational space are also being developed in ASEAN countries, however, in the countries of Southeast Asia, as well as on the African continent, regionalization is very strong⁴⁰, which prevents the effective implementation of such projects.

O.A. Chetverikov notes that soon a common space of education may also emerge on the territory of South America, since in the Founding Act of the Union of South American Nations (UNASUR), the sphere of education is recognized as one of the priority spheres of integration⁴¹.

Eurasian region

In addition to European educational integration, attempts are being made to create a common educational space in other regions, in particular, within the framework of the Commonwealth of Independent States (CIS), the Eurasian Economic Community (EurAsEC) and, subsequently, the Eurasian Economic Union (EAEU).

Many researchers of cooperation in the field of higher education analyze in detail the international treaties concluded within the framework of the CIS⁴². In the literature, there are three stages of cooperation between states in the field of education in the CIS space⁴³.

³⁹ Libreville Declaration on Health and Environment in Africa, <https://www.afro.who.int/sites/default/files/2017-06/decLibrevilleDeclaration.pdf> (Retrieved on 25 of May 2024)

⁴⁰ Choy E. Regionalizatsiya vysshego obrazovaniya v Vostochnoy Azii // Mezhdunarodnoe vysshee obrazovanie. Strany i regiony. #90. 2017. P.33-35.

⁴¹ Chetverikov A.O. Voprosy nauki i obrazovaniya v uchreditelnykh aktah integratsionnykh organizatsiy stran Azii, Afriki i Ameriki // Aktualnye problemy rossiyskogo prava. 2014. P.2055.

⁴² Kananyikina E.S. Mezhdunarodnoe obrazovatelnoe pravo: dokumenty po voprosam obrazovaniya mezhdunarodnykh i regionalnykh organizatsiy // Yuridicheskoe obrazovanie i nauka. 2013. # 4. P. 24 - 29; Kondratyuk A.V. Mezhdunarodno-pravovoe regulirovanie sotrudnichestva gosudarstv v sfere obrazovaniya. Diss. kand. jur. nauk. Sankt-Peterburg, 2007. P. 69-83.

⁴³ Kondratyuk A.V. Mezhdunarodno-pravovoe regulirovanie sotrudnichestva gosudarstv v sfere obrazovaniya. Diss. ... kand. jur. nauk. Sankt-Peterburg, 2007. P. 69.

The first stage begins on May 15, 1992, when the Agreement on Cooperation in the Field of Education was adopted⁴⁴, signed by all CIS states, except Georgia. At this stage, various agreements were concluded on certain issues in the field of education: the Agreement on the principles of recognition and nostrification of documents on academic degrees, comparabilities of academic degrees⁴⁵ (1993), as well as the Agreement on preparation and training of military and civil personnel of the State Parties of CIS for participation in peace support operations⁴⁶ (1996). A.V. Kondratyuk notes that all the agreements adopted at the first stage of cooperation were notable for their ambiguous goals, an abundance of declarative norms, and also contained a weak economic base⁴⁷.

The second stage begins with the adoption by the CIS member states of the Agreement on cooperation on forming of single (general) educational space of CIS⁴⁸ (1997). The agreement does not define a single (common) educational space, only its characteristics are given, such as common principles of state policy in the field of education, consistency of state educational standards, programs and requirements for the training and certification of scientific and pedagogical personnel, equal opportunities and free exercise of citizens' rights to receive education in educational institutions on the territory of the member states of the CIS.

In the development of the above-mentioned agreement, the Agreement on cooperation in the field of education⁴⁹ (1992) was adopted. This Agreement also lacks a definition of a unified educational space; however, Articles 2-10 establish specific measures for its formation.

The definition of a unified educational space was proposed in the scientific literature, the most often cited definition was given by O.S. Sabden; "a single educational space is the space occupied by the CIS member states after the collapse of the USSR, in which, on the basis of voluntarily assumed obligations, coordinated activities in the field of education, science and culture are carried out that meet both the national interests of each of them and the interests of the Commonwealth as a whole, and based on the historical community of people living in it"⁵⁰. This definition seems to be correct only for the first two stages of development of cooperation within the CIS, since at the third stage the need to coordinate the process of educational integration within the CIS with the Bologna process will be recognized.

As was mentioned above, on January 17, 1997, an Agreement on cooperation on forming of single (general) educational space of CIS, was signed on the basis of which the Council for Cooperation in the Field of Education of the Member States of the CIS was established, which is still in effect. At the same time, the Agreement on cooperation in the field of dissemination of knowledge and education of adults⁵¹ was signed along with the Regulation on the Interstate Committee on the dissemination of knowledge and education for adults, but the Regulation ceased to be effective on 07.09.2009 in accordance with the Protocol on Amendments, which was adopted on 14.11.2008.

In 2001, the CIS member states concluded the Agreement on coordination of works in the field of licensing of educational activities, certification and accreditation of educational institutions of the State Parties of the CIS⁵², as well as the Concept of information exchange in the field of formation of the CIS⁵³.

⁴⁴ The agreement on cooperation in the field of education, <https://cis-legislation.com/document.fwx?rgn=4549> (Retrieved on 25 of May 2024)

⁴⁵ Agreement on the principles of recognition and nostrification of documents on academic degrees, comparabilities of academic degrees, <https://cis-legislation.com/document.fwx?rgn=4553> (Retrieved on 25 of May 2024)

⁴⁶ The agreement on preparation and training of military and civil personnel of the State Parties of the Commonwealth of Independent States for participation in peace support operations, <https://cis-legislation.com/document.fwx?rgn=28570> (Retrieved on 25 of May 2024)

⁴⁷ Kondratyuk A.V. Mezhdunarodno-pravovoe regulirovanie sotrudnichestva gosudarstv v sfere obrazovaniya. Diss. ... kand. yur. nauk. Sankt-Peterburg, 2007. P. 70.

⁴⁸ The agreement on cooperation on forming of single (general) educational space of Commonwealth of independent states, <https://cis-legislation.com/document.fwx?rgn=4552> (Retrieved on 25 of May 2024)

⁴⁹ The agreement on cooperation in the field of education, <https://cis-legislation.com/document.fwx?rgn=4549> (Retrieved on 25 of May 2024)

⁵⁰ Sabden O.S. Problemy formirovaniya obschego obrazovatel'nogo prostranstva SNG // Vestnik MPA SNG. 2011. #1(28). P. 59.

⁵¹ The agreement on cooperation in the field of dissemination of knowledge and education of adults, <https://cis-legislation.com/document.fwx?rgn=4809> (Retrieved on 25 of May 2024)

⁵² The agreement on coordination of works in the field of licensing of educational activities, certification and accreditation of educational institutions of the State Parties of the Commonwealth of Independent States, <https://cis-legislation.com/document.fwx?rgn=4570> (Retrieved on 25 of May 2024)

⁵³ Decision of the Conference of Ministers of Education of the State Parties of the Commonwealth of Independent States, <https://cis-legislation.com/document.fwx?rgn=4810> (Retrieved on 25 of May 2024)

At the second stage, agreements were also concluded concerning private issues in the field of education, including the Agreement on cooperation in the field of training of specialists on radio ecology, radiation safety, radiobiology and interdisciplinary sciences⁵⁴, the Agreement on procedure for creation and functioning of branches of higher educational institutions in the State Parties of the CIS⁵⁵.

In the mid-1990s, there is a tendency for closer cooperation between a small group of CIS member states, both in the economy as a whole and, in particular, in education. In 1998 Belarus, Kazakhstan, Kyrgyzstan and the Russian Federation signed an Agreement about provision of the equal rights to citizens of the State Parties of the Agreement on deepening of integration in economic and humanitarian areas of March 29, 1996 on receipt in educational institutions⁵⁶ and the Agreement about mutual recognition and equivalence of education documents, academic degrees and ranks⁵⁷. In 2000, Tajikistan joined both of these agreements. It is worth paying attention to the fact that all the states that signed these agreements subsequently entered the EurAsEC.

The third stage begins in May 2003, when the decision of the Conference of Ministers of Education "On interaction of the higher school of the State Parties of the CIS in the course of integration into the all-European system of the higher education, development of cooperation with the international organizations"⁵⁸ was adopted and continues to this day. The decision gives a positive assessment of the measures taken to form a single European area of higher education, expresses commitment to the goals and principles formulated in the Bologna Declaration. Also, the preamble of the decision declares that the participation of the State Parties of the CIS in Bologna Process should be considered in the context of national interests of the State Parties of the CIS, in the field of cooperation and integration with the European countries, taking into account the need of coordinated actions in case of integration into the all-European system of the higher education.

The Bologna Declaration contains a provision according to which the participating States will promote a European approach to higher education. This provision is aimed at increasing the attractiveness of higher education in Europe, while the CIS member states could follow a similar principle of increasing the attractiveness of higher education systems in the CIS countries in the formation of a common educational space.

In November 2006, the Model Educational Code for the CIS Member States was adopted, which also indicates the need to comply with the Bologna Declaration. In 2013, a new edition of the Model Code was adopted, where the article on the Bologna Process was also preserved. Some concepts are fixed in the Model Educational Code: education, general education, vocational education, special education, etc. Unfortunately, the right to education itself is not covered in the code in any way, its subjects and elements are not considered. In general, analyzing the provisions of the Model Code, one can note that many of them are somewhat slogan and absolutely non-specific. And if the CIS states plan to continue creating a common educational space, it is necessary to pay attention to this and amend this document, which has the potential to unite the educational systems of the Commonwealth states, but in fact does not have any impact on their activities in the field of education.

At the same time, already in the first edition of the Model Educational Code for the CIS member states, article 10 contains a provision on the need to ensure lifelong education. In the new

⁵⁴ The agreement on cooperation in the field of training of specialists on radio ecology, radiation safety, radiobiology and interdisciplinary sciences, <https://cis-legislation.com/document.fwx?rgn=4670> (Retrieved on 25 of May 2024)

⁵⁵ The agreement on procedure for creation and functioning of branches of higher educational institutions in the State Parties of the Commonwealth of Independent States, <https://cis-legislation.com/document.fwx?rgn=4567> (Retrieved on 25 of May 2024)

⁵⁶ Agreement of November 24, 1998 about provision of the equal rights to citizens of the State Parties of the Agreement on deepening of integration in economic and humanitarian areas of March 29, 1996 on receipt in educational institutions, <https://cis-legislation.com/document.fwx?rgn=3971> (Retrieved on 25 of May 2024)

⁵⁷ Agreement between the Government of the Republic of Belarus, Government of the Republic of Kazakhstan, Government of the Kyrgyz Republic and Government of the Russian Federation and Government of the Republic of Tajikistan of November 24, 1998 about mutual recognition and equivalence of education documents, academic degrees and ranks, <https://cis-legislation.com/document.fwx?rgn=3967> (Retrieved on 25 of May 2024)

⁵⁸ Decision conference of ministers of education of the state parties of the CIS of May 13, 2003 about interaction of the higher school of the State Parties of the CIS in the course of integration into the all-European system of the higher education, development of cooperation with the international organizations, <https://cis-legislation.com/document.fwx?rgn=4816> (Retrieved on 25 of May 2024)

edition of 2013, this provision remains. Thus, at the regional level, there is also a revision of the understanding of the right to education, from the functional to the more general.

This understanding of the right to education is reflected in the Model Law “About education of adults”⁵⁹. If in the original edition in the wording of the articles only the term “lifelong education” is used, which is used primarily for professional development and, on a leftover basis, for other purposes, then in the new edition of 2013, along with the term “lifelong education”, the term “education throughout life”, which is also used in many UNESCO acts adopted at the beginning of the 21st century. This change in terminology characterizes the transition from a functional, discrete understanding of the right to education to a more general one.

At present, despite the adoption of numerous documents, including the Model Educational Code for the CIS member states, as well as the creation of special cooperation bodies, the process of educational integration within the CIS cannot be considered effective. Researchers of educational processes in the post-Soviet space note that despite all efforts, the common educational space of the CIS has not yet been created, since the common educational space is not limited by the coherence of educational policy and forms of education, it should include “the accessibility of education and general criteria for assessing its qualities, common goals and understanding of the socializing role of education”⁶⁰. Unfortunately, these issues in the CIS area are still problematic.

Cooperation within the framework of the EurAsEC promised to become closer and more organized. Within the framework of this international organization, in addition to traditional international agreements on cooperation (for example, the Agreement on Cooperation of the Member States of the EurAsEC in the field of education; the Agreement between the Government of the Republic of Belarus, the Government of the Republic of Kazakhstan, the Government of the Kyrgyz Republic, the Government of the Russian Federation and the Government of the Republic of Tajikistan about the mechanism of mutual recognition and establishment of equivalence of documents on academic degrees in state members of EurAsEC⁶¹), the Concept of the Fundamentals of EurAsEC Legislation on Education was also developed. And if the Model Educational Code of the CIS was adopted as a “legislative act of a recommendatory nature” and contains in a systematic presentation common ideas about educational law for the CIS member states, then, according to the Concept, the Fundamentals of EurAsEC Legislation on Education should have become a mandatory act of direct action, which was enshrined in Article 6 of the Concept, which established the correlation of the Fundamentals of EurAsEC Legislation on Education with generally recognized principles and norms of international law and national legislation on education. The concept was distinguished by its elaborate and balanced approach to the development of education integration in the Eurasian region.

Unfortunately, from 01.01.2015, the EurAsEC ceased to exist and, in accordance with the Agreement “About the termination of activities of Eurasian economic community”⁶², the Agreement “On the status of Bases of the legislation of Eurasian economic community, procedure for their development, acceptance and realization”⁶³, is also terminated. As for the Agreement on Cooperation of the Member States of the Eurasian Economic Community in the field of education and the Agreement between the Government of the Republic of Belarus, Government of the Republic of Kazakhstan, Government of the Kyrgyz Republic, Government of the Russian Federation and Government of the Republic of Tajikistan “About mutual recognition and

⁵⁹ Model law about education of adults, <https://cis-legislation.com/document.fwx?rgn=30966> (Retrieved on 25 of May 2024)

⁶⁰ Zhulikova O.V. Tendentsii razvitiya transnatsionalnogo obrazovaniya: perspektivy i Rossiyskoy Federatsii i Respubliki Belarus// Integratsiya nauki i obrazovaniya kak osnova evolyutsii Evraziyskogo ekonomicheskogo soyuza: sb. st. iz materialov Evraziyskogo nauchnogo foruma 08 dekabrya 2017 g. / Obsch. nauchn. red. M.Yu. Spirinoy. Chast II. SPb.: Universitet pri MPA EvrAzES. 2018. P. 57.

⁶¹ Agreement of state members of Eurasian Economic Community of September 27, 2005 about the mechanism of mutual recognition and establishment of equivalence of documents on academic degrees in state members of Eurasian economic community, <https://cis-legislation.com/document.fwx?rgn=13652> (Retrieved on 25 of May 2024)

⁶² Agreement of October 10, 2014 about the termination of activities of Eurasian economic community, <https://cis-legislation.com/document.fwx?rgn=70692> (Retrieved on 25 of May 2024)

⁶³ Agreement on the status of Bases of the legislation of Eurasian economic community, procedure for their development, acceptance and realization of June 18, 2004, <https://cis-legislation.com/document.fwx?rgn=13644> (Retrieved on 25 of May 2024)

equivalence of education documents, academic degrees and ranks”⁶⁴, these agreements, in accordance with paragraph 2 of Article 3 of the Agreement “About the termination of activities of Eurasian economic community”, “continue to be effective between their participants in that part in what they can be performed in the absence of the bodies of EurAsEC mentioned in them liquidated according to this Agreement. In the relations between state members of the EurAsEC, being participants of the specified agreements, these agreements are applied in the part which is not contradicting the Agreement on the Eurasian Economic Union of May 29, 2014.”.

However, P.N. Biryukov rightly noted that "the legal system of the EurAsEC is extremely complex and confused"⁶⁵. Considering that the Agreement on Cooperation of the EurAsEC Member States in the Field of Education considers the implementation of agreed measures to consistently expand cooperation in the field of education aimed at creating a common educational space of the EurAsEC (Article 1) as the main task and it is stipulated that the implementation of this agreement is responsible The Education Council under the EurAsEC Integration Committee, and together with the termination of the EurAsEC activities, the action of its bodies is also terminated, the Agreement on cooperation in the field of education actually ceases to be in effect. Thus, of the documents aimed at educational integration within the EurAsEC, only the Agreement “About mutual recognition and equivalence of education documents, academic degrees and ranks”⁶⁶ remains valid. In the Treaty on the Eurasian Economic Union⁶⁷, education issues are addressed only within the framework of labor migration regulation. Article 96 “Cooperation between Member States in the Field of Labor Migration” defines the concept of “Educational documents” - documents of State education, as well as documents on education, recognized at the level of public education documents issued by educational organizations (educational institutions and organizations in education) of the member States.

Aide to the President of the Russian Federation, Yuriy Ushakov, explained that in those areas that do not fall under the EAEU regulation (social and humanitarian, interregional cooperation, sectoral interaction), the implementation of previously concluded international treaties and adopted interstate target programs will continue at the interstate level. Thus, the issues of educational cooperation again faded into the background and are transferred from the level of regional international organizations to the level of bilateral cooperation.

Formally, discussions of the need for integration in the field of education in the EAEU space continue, in December 2017, the Forum "Integration of Science and Education as the Basis for the Evolution of the Eurasian Economic Union" was held. And if representatives of the Russian side, in particular, Adviser to the President of the Russian Federation, Academician of the Russian Academy of Sciences S.Yu. Glazyev, drew attention to the need to develop a common ideology, since “a qualitative ideological substantiation of the commonality and reciprocity of interests of states with the targeted activation of cooperation between universities of states will help restore the humanitarian dimension integration in the part necessary for the formation of a unified educational space and harmonization of labor legislation”⁶⁸, then representatives of the Kyrgyz Republic, D.A. Asenalhanov and A.N. Bakirov express the opposite opinion. Noting that in all the EAEU member states education is very strongly ideologized, they believe that “this nature of educational activity forms a real obstacle to the convergence of the educational systems of the

⁶⁴ Agreement between the Government of the Republic of Belarus, Government of the Republic of Kazakhstan, Government of the Kyrgyz Republic and Government of the Russian Federation and Government of the Republic of Tajikistan of November 24, 1998 about mutual recognition and equivalence of education documents, academic degrees and ranks, <https://cis-legislation.com/document.fwx?rgn=3967> (Retrieved on 25 of May 2024)

⁶⁵ Biryukov P.N. K voprosu ob implementatsii norm Evraziyskogo ekonomicheskogo soyuza. // Mezhdunarodnyy pravovoy kurer. 2014. # 5 (5). P. 8.

⁶⁶ Agreement between the Government of the Republic of Belarus, Government of the Republic of Kazakhstan, Government of the Kyrgyz Republic and Government of the Russian Federation and Government of the Republic of Tajikistan of November 24, 1998 about mutual recognition and equivalence of education documents, academic degrees and ranks, <https://cis-legislation.com/document.fwx?rgn=3967> (Retrieved on 25 of May 2024)

⁶⁷ Treaty on the Eurasian Economic Union, https://www.wto.org/english/thewto_e/acc_e/kaz_e/wtacckaz85_leg_1.pdf (Retrieved on 25 of May 2024)

⁶⁸ Glazyev S.Yu. Integratsiya nauki i obrazovaniya kak osnova evolyutsii Evraziyskogo soyuza // Integratsiya nauki i obrazovaniya kak osnova evolyutsii Evraziyskogo ekonomicheskogo soyuza: sb. st. iz materialov Evraziyskogo nauchnogo foruma 08 dekabrya 2017 g.

Eurasian states. In the humanitarian sphere, a huge ideological baggage is laid, and it will be very difficult to bring curricula to a common denominator”⁶⁹, and in general they are very cautious about the idea of educational integration. Despite heated discussions on cooperation in the field of education on the territory of the EAEU, it should be recognized that nothing equal to the Concept of the Fundamentals of EurAsEC Legislation on Education was proposed.

It is likely that educational integration will be carried out within the CIS, since the states are showing formal interest in this area (in particular, a new version of the Model Educational Code for the CIS member states was developed and adopted, the Council for Cooperation in the Field of Education regularly meets and accepts decisions on various issues of cooperation), but it must be admitted that a step back was taken in comparison with the level of documents developed within the framework of the EurAsEC. Perhaps this is due to the fact that educational integration is secondary in relation to economic integration and the level of economic integration sufficient for closer cooperation in the field of education has not yet been achieved in the EAEU space. Either state decided to move away from the model of regional educational integration in the Eurasian space and focus on harmonizing their education systems with the European model, since they are all participants in the Bologna process. But the integration of education in the EAEU countries is not an obstacle to coordination with the European model of higher education, since within a single educational space there may well be a group of states that are united by closer ties.

Regional and universal acts on education are characterized by the predominance of documents that are not international treaties and related to "soft law". In international treaties, mainly the aspects related to the right to education, issues of non-discrimination, equal access to education are enshrined. Specific issues of organizing cooperation, assessing the quality of education, ensuring lifelong learning are covered mainly in soft law acts: resolutions, declarations, communiqués. On the one hand, documents that are not formally legally binding on states may seem to be an insufficiently effective instrument of cooperation. On the other hand, on the example of building a common European educational space, one can trace how effective such cooperation can be. Over the 22 years since the signing of the Bologna Declaration, the number of states participating in the Bologna Process has increased from 29 to 47 (inclusive Kazakhstan), these countries are actively participating in the creation of the European Higher Education Area and the European Research Area. Thanks to the reforms, real mobility of students and teachers, recognition of qualifications and periods of study, cooperation in the framework of joint scientific research are ensured. Unfortunately, this is the only relatively successful and completed project of regional educational integration; in the CIS space, cooperation is largely formal and does not receive development, as for the Eurasian space, with the dissolution of the EurAsEC and the formation of the EAEU, cooperation in education remained outside the sphere of active interest of the EAEU member states. In our opinion, this is a rather serious omission and the states should take into account the developments of the EurAsEC. In particular, the Concept of the Fundamentals of EurAsEC Legislation on Education can be taken as a basis and reworked under the new conditions of cooperation in the Eurasian space.

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ЗАКРЕПЛЕНИЕ ПРАВА НА ОБРАЗОВАНИЕ В МНОГОСТОРОННИХ МЕЖДУНАРОДНО-ПРАВОВЫХ АКТАХ РЕГИОНАЛЬНОГО УРОВНЯ И ПУТИ РАЗВИТИЯ ПЕДАГОГИЧЕСКОГО ОБРАЗОВАНИЯ

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В статье исследуются особенности закрепления права на образование в многосторонних международных правовых актах регионального уровня. Рассматриваются ключевые документы, принятые в рамках таких организаций, как Европейский Союз, Совет Европы, Африканский союз, Организация американских государств и Ассоциация государств Юго-Восточной Азии. Особое внимание уделено сравнительному анализу подходов к реализации права на образование, включая обеспечение его доступности, качества и равенства. Выявлены региональные особенности и общие тенденции, влияющие на правовое регулирование в этой сфере. Акцент сделан на роли региональных институтов в создании условий для инклюзивного образования, гармонизации образовательных стандартов и защиты прав учащихся. В завершение статьи предложены рекомендации по укреплению регионального сотрудничества для эффективного обеспечения права на образование в условиях глобализации.

Ключевые слова: *право на образование, многосторонние международно-правовые акты, акты регионального уровня, региональные объединения, сотрудничество, права и свободы.*