DIDACTICA DANUBIENSIS

Measures to Increase Access of Students with Disabilities to Higher Education

Jana Maftei[1]

Abstract: The protection of persons with disabilities is a concern not only of each state, but also of the entire international community. Over time, legal documents have been adopted at the international, regional and national levels, mechanisms have been created to monitor compliance by states with the commitments they have made, international, regional and national strategies have been developed that propose concrete measures and actions to protect this category of vulnerable persons, all of which constitute important benchmarks in the joint action of the actors involved in respecting and consolidating the rights of persons with disabilities In this paper, we will highlight the legal achievements regarding legislative intervention regarding the rights of students with disabilities, focusing on the triad of inclusion-accessibility-equality of opportunity. For the elaboration of the paper we have used as research methods the analysis of problems generated by the mentioned subject with reference to doctrinal views expressed in treaties and papers, the documentary research, the interpretation of legal norms in the matter.

Keywords: human rights; person with disabilities; higher education; inclusive education

1. Introduction

In one of his most famous quotes, Nelson Mandela said, “Education is the most powerful weapon which you can use to change the world.” Indeed, the knowledge and the learning have the power to transform the society and to bring about profound,

[1] Professor, Ph.D., Danubius International University, Galati, Romania, Address: 3 Galati Blvd., Galati 800654, Romania, Corresponding author: janamaftei@univ-danubius.ro.

Copyright: © 2026 by the authors.
Open access publication under the terms and conditions of the
Creative Commons Attribution-NonCommercial (CC BY NC) license
(https://creativecommons.org/licenses/by-nc/4.0/)

positive, lasting, and inclusive change.[1]

In a world where economic, social, and cultural disparities (manifesting as substantial differences and inequalities among various population groups, regions, or countries regarding access to resources, opportunities, and standards of living, and perpetuated by structural conditions and unequal environments) are deeply interconnected dimensions that influence one another in essential and complex ways and often generate a vicious circle of exclusion, and education represents, at the same time, the most powerful engine capable of breaking these vicious cycles of structural inequality, a solid platform for social mobility, and a source of individual emancipation.

It is a fundamental truth that education is one of the most powerful tools through which states can address and mitigate deep social inequalities, which must be understood as a complex, multidimensional process that involves structural reforms, coherent policies and the active involvement of all social actors.

In this context, equal opportunities are considered "as a cornerstone for promoting social mobility and providing equal opportunities for all individuals" (Guduza & Tshelane, 2026, p. 84), reflecting the commitment to guarantee equitable access to education for everyone, without distinction based on social, economic, or cultural status, or any other individual characteristics.

For the education system, the equality should not be viewed merely as an abstract concept, but rather as a set of concrete measures structured across distinct forms and levels which, taken together, contribute to creating an equitable and inclusive framework for all participants in the educational process.

For persons with disabilities, equal opportunities entail, beyond formal, universal access to educational institutions, a focus on creating effective conditions that ensure a genuine inclusion tailored to each individual's specific needs.

Persons with disabilities constitute a minority that, despite all the concerns, efforts, and measures adopted at international, regional, and national levels to enshrine and promote the rights of this group, continue to face structural and cultural obstacles, such as negative attitudes, issues regarding institutional adaptation, physical and

[1] This article was published within the project "University Opportunities for Diversity and Integration - OUDI", SMIS code: 325429, Program: Education and Employment Operational Program 2012-2017; European Social Fund+; Call: PEO/291/PEO_P6/OP4/ESO4.6/PEO_A40 "First student in family" - Less developed regions, Activity A.3.1 Ensuring physical and digital accessibility within educational processes that include students with disabilities in HEIs, including admission.

mobility barriers, or digital barriers, that limit their participation in social life on equal conditions.

The principle of ensuring equal opportunities regarding the right to education for persons with disabilities requires states to take measures to guarantee this right, including at the higher education level.

The access to education and the progress of that are essential components of the formative process, whose dynamics are significantly influenced by a multitude of interconnected factors, among which the environment plays a decisive and central role. In the contemporary context, where education is viewed not merely as a fundamental right but as a vital engine for social mobility and for personal and collective development, a profound understanding of the socio-economic impact on educational opportunities becomes imperative. This reality requires a careful, detailed, nuanced, and integrated analysis of the multiple dimensions through which socioeconomic status shapes participation and success in education.

The inclusive education is not merely a theoretical ideal but an active process involving strategies, legislative policies, resources and practices adapted to student diversity. Its primary objective is to create an equitable educational environment that promotes the rights, participation, and development of every individual, regardless of their vulnerabilities or differences. The inclusive education represents one of the major priorities of contemporary educational systems, requiring comprehensive reforms across all components - reforms centred on values such as equity, participation, and respect for diversity and difference (Fartuşnic & Vrăsmaş, 2016, p. 9).

The following sections outline the key national and international measures adopted to address this issue, highlighting the legal achievements regarding legislative intervention regarding the rights of students with disabilities, focusing on the triad of inclusion-accessibility-equality of opportunity.

The following sections examine the key national and international measures adopted to address this issue. Specifically, this analysis highlights the legal achievements regarding legislative intervention for the rights of students with disabilities, focusing closely on the foundational triad of inclusion, accessibility, and equality of opportunity.

2. Measures Established by International Legal Instruments

2.1. The Universal Declaration of Human Rights

An easy way The United Nations has adopted a series of special measures within a complex legal framework, consisting of conventions, pacts, declarations, resolutions, to protect the rights and dignity of vulnerable categories of people, given that *it is with to the detriment persons that most violations of human rights occur, while the victims are totally or partially unable to stand for their rights*" (Zlătescu-Moroianu, 2014, p. 5).

One of the first international documents that highlighted the universal nature of human rights is the Universal Declaration of Human Rights (UDHR) (UN, 1948), adopted on December 10, 1948. Although this document is not binding and does not explicitly include persons with disabilities in the category of protected groups against discrimination, it is worth mentioning because the UDHR is a source of inspiration for many legal instruments relating to human rights, including in the field of persons with disabilities.:

- the International Covenant on Civil and Political Rights;

- the International Covenant on Economic, Social and Cultural Rights;

- the International Convention on the Elimination of All Forms of Racial Discrimination;

- the Convention on the Elimination of All Forms of Discrimination against Women;

- the UNESCO Convention against Discrimination in Education;

- the Convention on the Rights of Persons with Disabilities etc.

2.2. The Convention on the Rights of Persons with Disabilities

This international treaty constitutes the main international instrument regulating the rights of persons with disabilities. The Convention on the Rights of Persons with Disabilities (UNCRPD) was adopted by Resolution [A/RES/61/106] by the General Assembly of UN în 2006[1] and will soon celebrate its 20th anniversary (December 13).

[1] UNCRPD entered into force on 3 May 2008. It was ratified by Romania through Law No. 221/2010.

Previously, in 1975, the UN General Assembly proclaimed, through Resolution 3447 (XXX) of December 9, the Declaration on the Rights of Disabled Persons, calling for measures to be taken at the national and international levels to ensure that it would be used as a common basis and framework of reference for the protection of specific rights.

Having as its purpose, as provided for in art. 1: "*to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity*" (UN, 2006), the UNCRPD materializes the joint efforts of states under the auspices of the UN in the constructive process of articulating an international system of protection and ensuring the dignity of persons with disabilities through measures aimed at preventing and eliminating all forms of discrimination against this category of persons and promoting their full integration into society, by respecting the principles set out in art. 3: respect for inherent dignity, individual autonomy including the freedom to make one's own choices, and independence of persons; non-discrimination; full and effective participation and inclusion in society; respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; equality of opportunity; accessibility; equality between men and women; respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.

Art. 33 alin. 2 of the UNCRPD requires parties to the convention to establish a framework to promote, protect and monitor the implementation of its regulations: "States *Parties shall, in accordance with their legal and administrative systems, maintain, strengthen, designate or establish within the State Party, a framework, including one or more independent mechanisms, as appropriate, to promote, protect and monitor implementation of the present Convention. When designating or establishing such a mechanism, States Parties shall take into account the principles relating to the status and functioning of national institutions for protection and promotion of human rights.*"

Relevant to the objectives we have set for this paper is the regulation provided for in art. 24 which obliges states parties to ensure equal access, without discrimination, not only to primary and secondary education, but also to higher education and lifelong learning through "*reasonable adjustments*", to provide effective individualized support measures in environments that maximize academic and social development, in accordance with the objective of full inclusion, to train teaching staff in the field of inclusion, using alternative communication technologies and

languages (sign language, Braille, etc.) It is a reality that one of the significant barriers is the lack of accessible educational materials, which limits these individuals' ability to acquire knowledge, a key factor for academic success (Papadopoulos, 2025).

"*Inclusion is not a policy but a principle. It is everybody's job. If you make inclusion a policy it is just one person's job*," said Mel Ainscow, Emeritus Professor, Education, University of Manchester, United Kingdom, who reminded participants for celebrated the 30th anniversary of the Salamanca Statement, "*that the most difficult barriers to inclusion are the barriers in our mind*." (Ainscow, 2024).

2.3. The Revised European Social Charter

This important document, adopted in its original form in Turin in 1961 and revised in 1996 in Strasbourg, is a Council of Europe convention (Council of Europe, 1996) that guarantees and protects social and economic human rights, complementing the regulations of the European Convention on Human Rights which focuses on civil and political rights.

Art. 15 of this convention guarantees persons with disabilities the right to autonomy, social integration and participation in community life, requiring state parties to take concrete measures targeting aspects such as:

- vocational guidance and training, by ensuring access to education, vocational training and placement on the labor market;

- eliminating barriers and adapting the physical environment and means of communication in order to reduce the isolation of this category of people;

- social integration by promoting access to community life, culture, leisure activities, etc.

3. Measures Adopted at the European Union Level

The European Union supports access to higher education for people with disabilities through dedicated strategies, inclusion funds and non-discrimination standards.

The principle of "United in diversity" lies at the heart of the European Union. The Diversity within the European Union is increasingly shaped by the intra-european mobility, international migration, and globalization. „All these changes also impact

the education system; recent studies highlight growing social exclusion and intolerance within society - and, by extension, within schools and universities - as educators face complex challenges regarding inclusion and the fight against discrimination." (EuropeanCommission, 2017).

As part of the UNCRPD, the European Union has designated, under Article 33(2) of the Convention, a framework for promoting, protecting and monitoring the implementation of the Convention's provisions, for matters falling within the competence of the European Union, relating to the Union's legislation and policies in this area.

To implement the measures provided for by the UNCRPD, in 2021, the European Commission adopted, taking over the main recommendations of the European Parliament, the Strategy for the rights of persons with disabilities 2021-2030, which includes EU-funded measures and the adoption of legal instruments to improve access for people with disabilities to employment, training and education, in 8 priority areas reflecting all aspects covered by the UNCRPD, including education.

This year, the European Commission adopted the Communication "*Enhancing the strategy for the rights of persons with disabilities up to 2030*" (European Commission, 2026) document that makes it known that, although progress has been made, there are still barriers that limit the 90 million people with disabilities living in the European Union from full participation in society and the economy, on an equal basis with others.

4. Measures Adopted at National Level

Based on international principles and regulations adopted at the European Union level, Romania adjusted national legislation on the protection of persons with disabilities and transposed positive obligations for universities to ensure access to higher education for students with disabilities.

At the beginning of this year, Law No. 16/2026 was adopted to amend and supplement Higher Education Law No. 199/2023, normative act that invokes as a basis the UNCRPD and regulations of the Revised European Social Charter (art. 10 and art. 15), is part of the implementation of the Plan of Measures provided for by the National Strategy on the rights of persons with disabilities "A Fair Romania", 2022-2027, but also of the guarantee of the constitutional right to education (art. 32, Constitution of Romania), as well as the legal provisions for the general protection of persons with disabilities (Law 448/2006).

Law No. 16/2026 emphasizes the triad equity-inclusion-accessibility for students with disabilities and for students with special educational needs (juridice.ro, 2026).

The new regulations introduced by this law include, among others, as provided for in art. 129 paragraph (1), alongside students with special problems and needs, the category of students with disabilities and special requirements, a measure of legislative technique through which the normative language was correlated with the terminology used in inclusive policies.

Paragraph 10 of the same article 129 reinforces the right of students with disabilities and/or special educational needs to "*adapted access to all university spaces, to the provision of an interpreter in sign language and/or sign language, as well as to adequate conditions for the normal conduct of academic, social, cultural and administrative activities within higher education institutions, appropriate to their learning needs*".

Another novelty is provided for in paragraph 10^1 of art. 129 and refers to the right of students with disabilities and/or special educational requirements to participate in hybrid format in teaching and research activities, upon request.

Art. 129 para. (11) obliges the state and higher education institutions "*to ensure equitable access for all students to learning opportunities offered by national and international mobility programs and to take active measures against obstacles to the physical or virtual mobility of students at risk, those with disabilities, those with special educational needs or non-traditional students. The internationalization process can also be supported by including components that involve online collaboration in learning, teaching and research activities*."

5. Conclusions

The access to education for students with disabilities plays a primary role in ensuring their academic success, promoting equal opportunities, as well as developing and maintaining motivation for learning.

Understanding these dimensions is essential for the formulation and implementation of effective educational policies that respond to the diversity of contemporary complexity.

Formal equality is reflected in both the legislative framework and the institutional norms regulating access to school without explicit discrimination. While a necessary

step, this form of equality is insufficient to ensure effectively equitable participation in education.

Although there have been concerns over time in this matter, we can note, as we have highlighted in this paper, the existence of obvious measures in this regard have emerged only in the 21st century, and especially in recent years.

References

Ainscow, M. (2024). *Every learner matters equally: Celebrating and championing inclusion in education*. UNESCO. https://www.unesco.org/en/articles/every-learner-matters-equally-celebrating-and-championing-inclusion-education

Council of Europe. (1996). *European Social Charter (Revised)*. https://www.coe.int/en/web/european-social-charter/about-the-charter

European Commission. (2017). *Preparing teachers for diversity – The role of initial teacher education – Final report*. Public Publications Office. Directorate-General for Education, Youth, Sport and Culture and PPMI. https://data.europa.eu/doi/10.2766/637002

European Commission. (2026). *Enhancing the Strategy for the rights of persons with disabilities up to 2030.* https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/disability/enhancing-strategy-rights-persons

Fartuşnic, C., & Vrăsmaş, T. (2016). *Educația pentru toți și pentru fiecare – accesul și participarea la educația copiilor cu dizabilități și/sau CES din școlile participante la campania „UNICEF Hai la Școala!"* [Education for all and for everyone – access and participation in the education of children with disabilities and/or SEN from schools participating in the "UNICEF Let's Go to School!" campaign]. Alpha MDN, under the aegis of UNICEF Romania.

Guduza, S., & Tshelane, M. (2026). The Role of Education in Perpetuating or Reducing Social Inequality: A Comparative Analysis Across Socioeconomic Groups with Case Studiesfrom Sweden, The United States, and South Africa. *ShodhSamajik: Journal of Social Studies*, *3*(1), 84-95.

juridice.ro. (2026, January 19). *Măsuri pentru creșterea accesului studenților cu dizabilități la învățământul superior* [Measures to increase access to higher education for students with disabilities]. https://www.juridice.ro/812771/masuri-pentru-cresterea-accesului-studentilor-cu-dizabilitati-la-invatamantul-superior.html

Law no. 102/2026, to supplement Article 70 of Law No. 448/2006 on the protection and promotion of the rights of persons with disabilities, published in the Official Gazette no. 520 of 24 June 2026.

Law No. 16/2026 for amend and supplement Higher Education Law No. 199/2023, published in the Official Gazette of Romania, Part I, No. 30 of January 16, 2026.

Papadopoulos, K. K.-C. (2025). Accessible Educational Material for Higher Education Students with Disabilities: Knowledge and Skills of Teaching Staff. *Social Sciences, 14*(8), 489. https://doi.org/10.3390/socsci14080489

UN. (1948). *Universal Declaration of Human Rights*. https://www.un.org/en/about-us/universal-declaration-of-human-rights

UN. (2006, December 12). *Convention on the Rights of Persons with Disabilities*. Human Rights Instruments. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-persons-disabilities

Zlătescu-Moroianu, I. (2014). *Rights of persons with disabilities in Romania: recent developments*. I.R.D.O.