

Understanding Laws and Rights on Inclusive Education

It is important that families know general information about their own countries' national laws as well as international treaties that are related to the rights of children and adults with disabilities. With this knowledge, families can inform other members of the community about human rights commitments and help the community realise the goal of education for all.

What international laws do families need to know?

United Nations Convention on the Rights of People with Disabilities (CRPD)

Almost every country has ratified (agreed to implement) the CRPD, which recognises the human rights of people with disabilities.

The CRPD contains 50 separate articles, including Article 24 which recognises the obligation of the State to “ensure an inclusive education system at all levels.” The CRPD is the first treaty to recognise the right to inclusive education under international laws.

The CRPD Committee is the United Nations body that monitors implementation of the CRPD on the international level. They also write “General Comments” to help explain how governments should interpret the CRPD. In its General Comment 4, about Article 24 on inclusive education, the CRPD Committee also urges countries that have ratified the treaty to allocate sufficient resources and incentives to promote inclusive educational settings rather than segregated ones.

Regional legal frameworks

In addition to the CRPD, regional treaties address the right to education for children and adults with disabilities and families can use them in countries where their governments have signed up to regional treaties. For example:

Africa

The African Disability Protocol – or the Protocol to the African Charter on Human and People’s Rights on the Rights of Persons with Disabilities in Africa - recognises the right of all children with disabilities to education, and on an equal basis with others, as well as accommodations and support “required to facilitate their effective education” in Article 12.

It is important for families to also be aware of global treaties and laws in cases where the regional and national frameworks are not fully in line with global human rights. For example, the African Disability Protocol offers people with disabilities the choice to opt out of mainstream education and into special education, which is not in line with the United Nations Convention on the Rights of Persons with Disabilities. Families can use the global human rights laws to push back against these inconsistencies.

Regional legal frameworks

Americas

Article 26 of the American Convention on Human Rights requires that States Parties take steps to progressively achieve the full realisation of the right to education for all. Although people with disabilities are not specifically mentioned, they are included in “education for all” and families can use this to support their advocacy in countries where the convention is ratified.

How can families actually use international and regional laws for advocacy?

Families need to know

- **WHICH** laws on inclusive education from the global, regional, and national level are in place in their country;
- **WHICH** public institutions are responsible for monitoring and/or monitoring compliance with policies, regulations, agreements, etc. related to inclusive education; and
- **WHO** at the local level in their own community is responsible for ensuring compliance with the laws

Examples

Nicaragua

The family movement has played a key role in implementation of policies and laws in Nicaragua. For example, in the city of Boaco, in the centre of the country, families promoted a strategy for the implementation of the “Regulation for the Attention of Students with Educational Needs in the Framework of Nicaraguan Diversity (2012)” a national law in Nicaragua that was not yet a reality for students with disabilities. Families bridged this gap by proposing coordination between local educational authorities with national authorities. Family organisation ASNIC supported an effective a series of trainings with key actors such as teachers and authorities of the Ministry of Education to make this happen. These links created by families contributed to eliminating access barriers, and the regulations now have a new version Manual of Rules and Procedures for Special Education and Inclusive Education as a result.

Ethiopia

In Ethiopia, international laws are used when families have any conversation with Ministries of Education (MoE) or teachers and school administrations. Families use the CRPD when they provide training, participate in any meetings invited by MoE, and also reference the CRPD in any media interviews or campaigns. Families will take part in inputted into annual plans for education using their CRPD knowledge, or will evaluate existing plans or reports based if they align with on the international laws and instruments. Families used this same strategy during the process of renewal of the National Inclusive Education Strategy (2023-2032), where they advocated for compliance with the UNCRPD and specifically the CRPD’s Article 24 and General Comment 4 on inclusive education. Families also make an effort to reminding the minister that Ethiopia ratified and committed to implement the CRPD and the Agenda 2030 (including Sustainable Development Goal 4 on education) as part of their regular advocacy.

Your turn: Understanding Laws and Rights on Inclusive Education

What laws for inclusive education exist in your country?

National

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Regional

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International

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