

Inclusive Education in Emergencies (EiE) in International Law

Companion Resource to

An Introduction to Inclusive Education in Emergencies: A Learning Tool for Organisations of Persons with Disabilities

Education is a fundamental human right, and in emergency contexts, it can provide children with a sense of normalcy, stability, and hope for the future. For children with disabilities, inclusive education is even more vital. It ensures their equal participation and access to opportunities, breaking down barriers to their full development and inclusion in society.

Humanitarian actors, in collaboration with Organisations of Persons with Disabilities (OPDs), have a unique and crucial role in making inclusive EiE a reality. They are at the forefront of emergency response, working directly with affected communities and governments to provide essential services, including education programmes. This document will explore how international standards, including legally binding treaties and voluntary commitments from States, help us understand the importance of inclusion in EiE. It will give you a timeline of relevant international law and tools to help you examine the obligations of States and humanitarian actors in upholding the right to inclusive education for all children, particularly those with disabilities, during emergencies and in the transition to recovery.

Providing inclusive education in emergencies (EiE) is not just a moral imperative, but a critical component of effective humanitarian response and sustainable development.

What does international law say about inclusive education in emergencies?

Universal Declaration of Human Rights (UDHR) - 1948: The UDHR is a foundational document that outlines the fundamental rights and freedoms of all human beings. It serves as a cornerstone for international human rights law, including the right to education. Article 26 of the UDHR states that everyone has the right to education.

UN Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) - 1979: CEDAW is a treaty that addresses gender-based discrimination. It recognises the right of all women and girls to education, and it specifically addresses the challenges faced by women with disabilities in accessing education.

UN Convention on the Rights of Persons with Disabilities (CRPD) - 2006: The CRPD is a comprehensive treaty that addresses the rights of persons with disabilities. It includes specific provisions related to education, such as the right to inclusive education, the right to participate fully in education, as well as the right to appropriate support and reasonable accommodation. The CRPD says that lack of reasonable accommodation equals to discrimination. The CRPD also emphasises the importance of ensuring that education is accessible and inclusive for all children with disabilities.

The International Covenant on Economic, Social and Cultural Rights (ICESCR) - 1966: The ICESCR affirms the right of everyone to education. While it doesn't explicitly address the education of children with disabilities, it indirectly supports this right by emphasising the importance of providing education to all individuals. The ICESCR underscores the need for states to take appropriate steps to ensure that everyone has access to education, regardless of their circumstances.

UN Convention on the Rights of the Child (CRC) - 1989: The CRC is a treaty that sets out the rights of children. It affirms the right of all children to education, regardless of their disability. The CRC also emphasises the importance of providing children with disabilities with appropriate support services.

Sustainable Development Goal 4 - 2015: SDG 4 is part of the United Nations Sustainable Development Goals, which aim to achieve a more just and sustainable world by 2030. SDG 4 specifically focuses on ensuring inclusive and equitable quality education for all. It calls for leaving no one behind, including children with disabilities. The SDGs are different from the other frameworks because it is not a legally binding treaty but a voluntary list of commitments from States.

Why are these legal frameworks important?

These legal frameworks are essential for promoting inclusive education because they provide a clear set of rights and obligations that governments, educational institutions, and humanitarian actors must respect. They establish a legal foundation for ensuring that all children, including those with disabilities, have access to quality education and the support they need to succeed.

The Sustainable Development Goals (SDGs) are a voluntary commitment from States and have specific targets that guide states to achieve inclusive development. Target 4.1 addresses free primary and secondary education and target 4.5 focuses on eliminating discrimination in education which explicitly refers to persons with disabilities. SDG4 is also a very important tool in addition to the other legal frameworks that help states commit to inclusive education.

Why does the Convention on the Rights of Persons with Disabilities (CRPD) matter?

The CRPD is particularly important for understanding and promoting inclusive education because it provides the most detailed and comprehensive guidance on the rights of persons with disabilities, including their right to education. The CRPD specifically mandates inclusive education, which means that all children, regardless of their disabilities, should attend mainstream schools and receive appropriate support to participate fully in learning.

How do these legal frameworks create obligations for actors delivering education in emergencies?

Humanitarian actors have obligations to promote inclusive education based on the following parts of the Convention on the Rights of Persons with Disabilities:

- Article 11, on the rights of persons with disabilities in emergencies
- Article 24, on the right of persons with disabilities to inclusive education
- Article 32, on the right of persons with disabilities to be included in international cooperation work
- General Comment 4, which provides a technical explanation of the obligations on inclusive education

In States that have ratified the CRPD, these obligations mean that they must ensure that their educational programs are accessible, inclusive, and provide appropriate support to children with disabilities.

Humanitarian actors must also work to eliminate barriers and ensure that all children have equal opportunities to access education in humanitarian action and in education systems emerging from crises. States and humanitarian actors must work in partnership to follow these obligations, and often call on organisations of persons with disabilities to provide technical support for how to deliver on inclusion.

“During emergencies, humanitarian organisations play a fundamental role in restoring education systems by supporting the efforts of national governments.”

IASC Guidelines on the Rights of Persons with Disabilities in Humanitarian Action

If you received this document from a colleague and want to test your own knowledge of inclusive education in emergencies, the tool and its accompanying resources are available to access for free online. Scan the QR code to access An Introduction to Inclusive Education in Emergencies: A Learning Tool for Organisations of Persons with Disabilities.

