

Position Paper on Education for Children with Disabilities in Africa

2026

Position Paper on Education for Children with
Disabilities in Africa by the Working Group on Children
with Disabilities of the African Committee of Experts on
the Rights and Welfare of the Child

I. INTRODUCTION AND CONTEXT

1. Education is widely recognised as a fundamental human right and a powerful tool for individual development and societal transformation. Article 11 of the African Charter on the Rights and Welfare of the Child enshrines the right to education for every African child.¹ This is further supported by Article 17 of the African Charter on Human and People's Rights (ACHPR) which mandates African States to ensure everyone has access to education,² the Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa under Article 12.³ Most recently, the Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities has recognised the right to inclusive and equal education for all persons with disabilities.⁴
2. Yet despite these normative guarantees, the reality on the ground tells a different story. Millions of children with disabilities in Africa continue to face significant barriers that exclude them from learning opportunities.
3. The evidence herein shows that the African Committee on the Rights and Welfare of the Child has not been silent on the injustice facing children with disabilities on the continent. Over the past decade and half, through its examination of State party reports and issuance of concluding observations, the Committee has relentlessly emphasised that equal educational opportunities are the only sustainable pathway to realising the right to education for all children.
4. This position paper consolidates the African Committee of Experts on the Rights and Welfare of the Child (ACERWC/Committee)'s jurisprudence on inclusive education, demonstrating a clear evolution from acceptance of automatic segregated special schools toward a unified position that effective inclusive education is the acceptable model for Africa's future.
5. Drawing from over 15 years of concluding observations across more than 30 States Parties and the interpretive guidance of General Comment No. 9 on Article 11 of the African Charter on the Rights and Welfare of the Child on the Right to Education, this paper articulates eight core elements of inclusive education and provides concrete recommendations for States parties to fulfill their legal obligations under the African Charter on the Rights and Welfare of the Child.⁵
6. General Comment No. 9 (2025) represents the Committee's most authoritative interpretation of Article 11 of the Charter. It consolidates the Committee's jurisprudence and provides States parties with detailed guidance on the legal, policy, and practical dimensions of inclusive education. As such, it serves as a binding interpretive framework for assessing compliance with the Charter.

1 ACRWC (n 1) art 11.

2 African Charter on Human and People's Rights (adopted 27 June 1981) OAU Doc. CAB/LEG/67/3/Rev.5 21 I.L.M 58 (Banjul Charter) art. 17.

3 Protocol to the African Charter on Human and People's Rights on the Rights of Women in Africa (adopted 11 July 2003, entered into force 25 November 2005) art. 12.

4 Protocol to the African Charter on Human and People's Rights on the Rights of Persons with Disabilities in Africa (adopted 29 January 2018, entered into force 3 May 2024) AU Doc CAB/LEG/4.21/Rev.2 (2018) (African Disability Protocol) art. 16. The African Disability Protocol can, arguably, be said that it represents the African Union's recognition that the general guarantee of education requires specific elaboration to address the historical and ongoing exclusion of children with disabilities from educational opportunities.

5 African Charter on the Rights and Welfare of the Child (adopted 11 July 1990, entered into force 29 November 1999) OAU Doc. CAB/LEG/24.9/49.

7. Despite legal and policy commitments, millions of African children with disabilities remain excluded from mainstream education. They face multiple barriers including physical inaccessibility, lack of assistive technologies, insufficient teacher training, discriminatory attitudes, and inadequate funding. This exclusion perpetuates cycles of poverty, marginalisation, and denial of other fundamental rights.
8. In view of this, the ACERWC has consistently urged African States parties to accelerate the transformation of education systems toward inclusive models. Inclusive education, as defined in General Comment No. 9, requires that children with disabilities learn alongside their peers in mainstream settings, with reasonable accommodation and necessary support. While recognising that some children may temporarily require specialised settings, the primary obligation remains: to equip mainstream schools to include all children through systemic reforms in infrastructure, teacher training, curriculum, and attitudes..

II. EVOLUTION OF ACERWC'S POSITION ON EDUCATION FOR CHILDREN WITH DISABILITIES

9. The ACERWC's recommendation on inclusive education has progressed through time considering the progressive international and regional standard and norms developed towards a more inclusive education. In its earlier concluding observations prior to 2015, the focus was on the establishment of special schools in light of the fact that schools did not have facilities for inclusion and the limited number of special schools in the continent. This situation led to most children with disabilities to be out of school with no means of education. Hence, recommendations amplified the need to establish and equip special schools to ensure that children with disabilities have access to education.⁶ The focus was on access—getting children with disabilities into some form of educational setting, even if that setting was segregated. Key recommendations included designing special education programs, improve infrastructure of special schools, build capacity of special education teachers, and supplying teaching materials. It is important to note, however, that even during this time, the ACERWC was already envisioning a more transformative system of inclusive education.⁷
10. A significant shift became apparent in the ACERWC's observations and recommendations from 2015 onwards. While special schools were still acknowledged, the ACERWC noted and articulated a more nuanced understanding of what inclusive education requires. Most significantly, it introduced the principle that the manner and form of inclusive education must be dictated by the individual education needs of each child. The ACERWC recommended for needs based inclusive education that takes into account the specific needs of children with disabilities.⁸ Inclusive education in the Committee's pronouncement was no longer a matter of physical placement of children with disabilities in regular schools alone, but also one that required individualised assessment, curriculum adaptation, and tailored support. The Committee noted that mere integration of children with disabilities into the regular system without catering for the children's' specific needs is not in line with the Charter. Rather it encouraged for the re-evaluation of States education curriculum to address challenges faced by children with disabilities, incorporating special needs education training for teachers and other personnel involved in the education system , and providing and improving basic infrastructures suitable to children with disability.⁹ It should be noted, however, that throughout this period special schools were still acknowledged as potentially necessary, but always with the caveat that they should be transitional. Hence it recommended for the provision of facilities in special schools until full integration is achieved.¹⁰

6 See the recommendations to State Parties: ACERWC, Concluding Observations on Kenya (November 2009), page 3; ACERWC, Concluding Observations on Uganda (March 2010), page 5; ACERWC, Concluding Observations on Sudan (November 2012) page 4.

7 ACERWC, Concluding Observations on Guinea (October 2014), para 35.

8 ACERWC, Concluding Observations on Zimbabwe (April 2015), para 41; ACERWC, Concluding Observations on Namibia (April 2015), para 38; ACERWC, Concluding Observations on Democratic Republic of Congo (July 2017), para 41.

9 ACERWC, Concluding Observations on Mozambique's Initial Report, para 27.

10 ACERWC, Concluding Observations on Burundi (May 2018) para 35.

11. The Committee's jurisprudence from 2019 onwards demonstrates a systematic consolidation of these principles into a clear vision of inclusive education as a fundamental right requiring systemic transformation. The Committee's recommendations to States¹¹ focused on the below:
 - Adopting inclusive education policies which are comprehensive and address the peculiar challenges faced by children with disabilities in accessing education;
 - Training and employing special needs teachers and providing teaching and learning materials that are accessible to children with all forms of disabilities to translate inclusive education strategy to reality
 - Developing a comprehensive programme for provision of the necessary special needs educational materials and assistive devices for children with disabilities that respond to their needs in special schools as well as ordinary schools;
 - Funding, implementing, monitoring and evaluating inclusive education policies and guidelines to address students diversity and provide appropriate support to teachers and students to achieve quality learning outcomes;
 - Undertaking early identification of barriers to learning and intervene with appropriate support in the earlier years.
 - Building inclusive school infrastructure and renovating the already existing schools putting the necessary infrastructure and facilities for disability inclusion
12. Moreover, the Committee's position has integrated the need to reduce disruption of schools and education during emergencies and ensuring that inclusive education is provided in emergency settings.
13. A closer look at what the Committee has said about inclusive education between 2015 and in more recent concluding observations reveals a number of important principles. First, the Committee's thinking has become progressively more sophisticated and demanding over time, but always in service of a consistent core principle: **all children have the right to learn together**. Second, the Committee has moved from accepting segregation as a reality insisting on transformation toward inclusion. Third, the Committee increasingly recognises that inclusive education requires not isolated interventions but comprehensive systemic reforms touching every aspect of education systems—from infrastructure to curriculum, from teacher training to financing, from policy to practice.
14. The recent adoption of the Committee's General Comment No. 9 on Article 11 of the Charter on the Right to Education has further strengthened the Committee's position that education should be for all children including children with disabilities and that accommodation of children with disabilities in mainstream schools should be carried out without no additional cost on children with disabilities.
15. Most fundamentally, the evolution in the Committee's understanding of inclusive education demonstrates that special schools may serve as transitional measures in specific contexts, but the ultimate, non-negotiable obligation of States parties to build inclusive systems where all children learn together. This obligation, as the Committee's evolving jurisprudence has shown, requires immediate action and progressive realisation on defined timelines with measurable indicators.

11 ACERWC, Concluding Observations on Nigeria (December 2019) para 27; ACERWC, Concluding Observations on Rwanda (September 2019), para 38; ACERWC, Concluding Observations on Uganda (May 2022) para 31.

III. THE CORE ELEMENTS OF INCLUSIVE EDUCATION (EDUCATION FOR CHILDREN WITH DISABILITIES)

16. The African Charter on the Rights and Welfare of the Child places inclusive education as a right of children with disabilities, not a prerogative of States. Therefore, the realisation of inclusive education entails obligation on States as duty bearers. This section elaborates the key aspects of inclusive education with a view to assist States deliver their obligation to fulfil the right to education of children. Drawing from its jurisprudence and the authoritative guidance of General Comment No. 9 on the Right to Education, the Committee has identified eight essential components that together constitute inclusive education or education for children with disabilities. These elements are interconnected and mutually reinforcing, hence, shall be read, interpreted, and implemented wholistically. Each of these elements are examined in detail below.

a. Policy and legislative frameworks

17. The Committee's jurisprudence strongly points towards an understanding that inclusive education cannot be achieved through ad hoc interventions or goodwill alone. It requires comprehensive policy and legislative frameworks that establish inclusive education as a right, allocate responsibilities and resources, set timelines and targets, and create accountability mechanisms. Such legislation is a prerequisite for the effective domestication of the rights of children with disabilities to inclusive education as provided in the Charter.
18. The Committee continuously urges States Parties to adopt national inclusive education laws and policies; and has emphasised the need for action plan for its implementation with clear timelines, specific budgets, defined responsibilities, and measurable indicators.
19. Moreover, the Committee has recognised that policies alone are insufficient; and therefore State Parties must put in place laws prohibiting discrimination and guaranteeing enforceable rights to inclusive education.¹² This legal foundation ensures that inclusive education is not merely a policy that can be changed with each new government, but a protected right that children can claim and enforce.
20. The Committee notes the need to develop inclusive education policies that also have application on private education institutions to ensure nation-wide inclusion.

b. Accessibility and infrastructure

21. Physical accessibility represents the most visible and fundamental requirement of inclusive education. If a child using a wheelchair, for example, cannot enter the school building, or access the toilet facilities at the school, all other interventions may become meaningless. The Committee has therefore consistently demanded that schools be physically accessible, with ramps, adapted classrooms, recreational facilities, and disability-friendly sanitation facilities.¹³

¹² See General Comment No. 9 at para 12.

¹³ See the Committee's concluding observations for Tanzania (2017) para 28, Zambia (2019) paras 43-44, and Botswana (2023), para 48.

22. However, accessibility extends beyond physical infrastructure to encompass learning environment, materials, and content. School environment and culture should be inclusive by developing non-discriminatory behaviour among teachers, learners and other staff. Stigma and discrimination against children with disabilities in schools should be sanctioned to ensure accountability. Learning materials should be available in accessible formats including braille, large print, sign language, and assistive technologies.¹⁴ Comprehensive accessibility of schools should be designed in a way it ensures the dignity, equity, and equal participation of children with disabilities in schools.
23. Accessibility is not a one-time achievement but an ongoing obligation. As new schools are built, they must meet universal design standards from the outset, while existing schools must be progressively retrofitted. This, in the long run, requires sustained investment and vigilant monitoring.

c. **Teacher training and capacity development**

24. True inclusive education cannot be achieved without trained teachers and adequate skills to deliver education fit for all. Consequently, the Committee places enormous emphasis on teacher training and capacity development as a core element of inclusive education. Importantly, the Committee has emphasised that training must be integrated into pre-service teacher education curricula, not merely offered as occasional in-service workshops. This systemic approach ensures that all teachers entering the profession have at least basic competencies in inclusive pedagogy. The Committee also notes the need for ongoing support and professional development on inclusive education to build flexible, updated, and competent skills among teachers to deliver inclusive education. Therefore, teachers' training curricula to incorporate special needs education, ensuring that future generations of teachers are better prepared. The training must enable teachers to deliver lessons in an accessible, individually tailored, and adaptable modality taking into account the types of disabilities and the respective specific needs of all children with disabilities.
25. Moreover, the training and capacity development should extend to other staff in schools to ensure full inclusion in all aspects. States should embark to build a school culture that is accommodative and catering for specific needs of children with disabilities ensuring accessibility, adaptability,

d. **Curriculum and pedagogy**

26. Whereas physical accessibility and trained teachers create the conditions for inclusive education, the content and methods of teaching determine whether inclusion in educational settings is genuine or merely superficial. To this end, the Committee has consistently emphasised that curricula must be flexible, child-centered, and responsive to diverse learning needs. To fully implement this, States should adopt Universal Learning Design while developing their curriculum. The Universal Design for Learning (UDL) with its key three principles offers a great inclusion strategy. It involves multiple means of representation where inclusive means is used to deliver lessons, multiple means of expression where learners have the leverage to choose suitable way to express what they have learned, and multiple means of engagement where learners can be kept motivated through various relevant methods. These modalities must be integrated in the education curriculum to institutionalise and operationalise UDL. Moreover, evaluation of curriculum should be carried out regularly to integrate adaptation measures and flexible options that respond to the realities of children with disabilities. The development of inclusive curriculum should take into account the various types of disabilities including but not limited to sensory, physical, intellectual, behavioural, disabilities as well as the situation of children with multiple disabilities.

14 See the Committee's concluding observations for Rwanda (2019) para 38, Kenya (2020) para 46, and South Africa (2019) para 27.

27. Quite recently, General Comment No. 9 on Article 11 on the Right to Education has articulated the pedagogical principle that inclusive education must be directed towards “promoting and developing the child’s personality, talents and physical abilities to their fullest potential.”¹⁵ This principle, which is drawn from Article 11(2)(a) of the Charter, requires pedagogical approaches that emphasise differential instruction, individualised learning plans, and reasonable accommodation for diverse learning needs and styles.
28. States should move away from one-size-fits-all curricula that assume all children learn in the same way at the same pace. Instead, inclusive education requires flexible curricula that can be adapted to individual needs while maintaining high expectations for all learners. This entails trained teachers with the skills to assess individual needs, adapt materials and methods accordingly, and provide the specific supports each child requires to succeed. Education curricula and assessment systems that assume all children learn in the same way and at the same pace are inconsistent with States parties’ obligation to ensure education for children.

e. Financing and resources

29. General Comment No. 9 provides authoritative guidance, recommending that States parties allocate a minimum of 20% of national budgets to education with a dedicated share for inclusion. This benchmark provides a concrete standard against which States’ performance can be measured.
30. The Committee’s position also emphasises that budget allocations should prioritise marginalised groups and rural areas, where exclusion is often most prevalent. This underscores that inclusive education requires targeted investment in the areas and populations that have been most historically underserved.
31. Furthermore, inclusive education laws, policies and action plans should be costed and adequately funded for their effective implementation. Dedicated budget lines should be established for accessibility, teachers’ training, and assistive devices among others. States should strengthen public private partnerships to raise resources and equipment for inclusive education.
32. While noting financial challenges, resource constraint cannot be used to justify exclusion and segregation. States assume the obligation to mobilize and allocate adequate resources for inclusive education pursuant to the Charter.

f. Data collection and monitoring

33. Without data on children with disabilities and their access to education, it is impossible to know the scope of exclusion, identify barriers, target interventions, allocate resources effectively, or monitor progress. As such, the Committee has consistently encouraged State Parties to collect disaggregated data on children with disabilities and their access to education.
34. Data collection is not an end in itself but a tool for evidence-based policy making, resource allocation, and other critical interventions. The Committee’s General Comment No. 9 on Article 11 of the Charter on the Right to education further emphasises that data gaps perpetuate invisibility and exclusion. When children with disabilities are not counted, their needs are not considered in education planning, resource allocation, or infrastructure development. Hence, systematic data collection makes exclusion visible and paves the way to address it. Therefore, State Parties should invest in effective data collection and management systems that are child and disability sensitive by integrating indicators capable of measuring the situation of children with disabilities and particularly their right to education. Moreover, the data collected should be used in designing inclusive education curriculum and allocation of resources to be able to respond to the lived realities and particular contexts of children with disabilities.

g. Community engagement and attitudinal change

35. The Committee has in numerous concluding observations, emphasised the need for community engagement and attitudinal change as essential elements of inclusive education. This underscores the Committee's conviction that even the best policies, most accessible infrastructure, and most highly trained teachers cannot overcome deeply rooted stigma and discrimination.
36. The Committee's stance in this regard is to the effect that stigma and negative attitudes operate at multiple levels including individual prejudices, family beliefs, community practices, and institutional cultures. Changing these attitudes, therefore, requires multi-level interventions including public awareness campaigns, targeted interventions with families, training for teachers and school administrators, and positive representation of persons with disabilities in media and public life. States should also strategically engage private education institutions to ensure implementation of inclusive policies in therein.

h. The transitional role of special schools

37. As discussed above, the Committee's position on segregated schools has evolved, but one principle has remained constant: special schools may serve transitional purposes in specific contexts, but they must never become substitutes for the ultimate obligation to build inclusive education systems.
38. The Committee fully recognises that achieving true inclusive education by moving away from segregated schools is a transformation that is time and resource intensive. The Committee also notes that moving to inclusive education without fulfilling its prerequisites in terms accessibility, curricula, and discrimination among others renders inclusive education superficial and exclusionary. Inclusion without the necessary accommodation is another form of exclusion. Moreover, forced inclusion results in additional stigma and discrimination when the facilities and culture is not established. The Committee stance on inclusion is from the outcome perspective in the sense that education for children with disabilities adequately prepares them for full inclusion and participation in society and every arena of life.
39. The automatic closure of all special schools could leave some children without any educational options; and that some children may benefit from specialised services that are more easily delivered in specialised settings, at least in the short term while mainstream capacity is being developed. Special schools often have expertise and resources that should be leveraged rather than discarded, thus the goal being not to destroy specialised expertise but to make it available within inclusive settings. The Committee notes that the expertise invested in special schools has established institutionalised and intensive support, specialised expertise, safety and wellbeing for children with disabilities particularly in areas where stigma and discrimination is prevalent, and peer community and identity such as sign language culture.. Inclusive education can only be fully achieved in the best interest of children when these aspects are also migrated to mainstream schools which is a long-term exercise.

40. The implementation of inclusive education, therefore, should take into account the best interest of the child; consultation and participation of children with disabilities and their parents; and assessment of services available in inclusive schools against the specific disability of children. While States are highly encouraged to build comprehensive inclusive education systems and environment, they should also continue to invest in special schools as a transitional setup. In the time of their existence, special schools should equip children with disabilities with skills for integration and full participation in society as well as in inclusive schools.
41. Critically, States parties must articulate specific, time-bound plans indicating when and how children currently in special schools will be integrated into mainstream settings, what capacity-building will occur in mainstream schools to prepare for this integration, and how resources will be progressively reallocated from segregated to inclusive settings. The Committee recommends that States may not continue to build special schools, rather shift their focus and investment to building inclusive education. Moreover, mandatory special schools and classrooms should be prohibited as segregation cannot be mandatory by adopting a default placement.

IV. CONCLUSION

42. The African Committee of Experts on the Rights and Welfare of the Child has, over the past 15 years, developed a clear and consistent position that inclusive education is not a policy preference, it is a binding legal obligation under the African Charter.
43. As shown herein, the Committee's jurisprudence demonstrates that inclusive education requires systemic transformation across all dimensions of education: infrastructure, curriculum, teacher training, policy, financing, and community attitudes. While recognising that some children may temporarily benefit from specialised services, the Committee has made it unequivocally clear that segregation cannot be the default, and special schools must serve only transitional purposes.
44. States parties must therefore act with urgency and resolve. inclusive education is the only model that affirms the dignity, equality, and rights of all children. Hence, the Committee calls upon all African States to translate legal commitments into tangible change, ensuring that every child, regardless of disability, learns and thrives in inclusive settings and participates in society.