

Human Rights, Family Support Systems, and Legal Frameworks for Promoting Inclusive Education and Social Protection for Children with Special Educational Needs

Dr. Mamta Bhattacharjee^{1*}, Dr. Shaik Abdul Thaha², Dr. Shiju K K³, Dipankar Boruah⁴, Dr. Divya Kumari K P⁵

¹Assistant Professor, JBSPS's Bhagubai Changu Thakur College of Law, New Panvel affiliated to University of Mumbai, Navi Mumbai 410206. Email Id: drbhattacharjeemamta@gmail.com, Orcid Id: <https://orcid.org/0009-0002-8795-9101>

²Associate Professor, Centre for the Study of Social Inclusion, Maulana Azad National Urdu University, Gachibowli, Hyderabad-500032, Telangana State, India. Email: sathaha@manuu.edu.in, Orcid Id: 0009-0008-6796-6041

³Assistant Professor, Department of Social Work, Naipunnya Institute of Management and Information Technology. Email ID: dr.shijukk@naipunnya.ac.in, ORCID ID: <https://orcid.org/0009-0003-4582-9736>

⁴Research Scholar, Department of Assamese, Dibrugarh University, Assam 786004, Specialization: Literature and history, Email Id: boruahd123@gmail.com, Orcid id: 0009-0007-8823-6673

⁵Assistant Professor, Department of Media Studies, Christ University, Bangalore, divyakumarikp@gmail.com, <https://orcid.org/0000-0002-8854-5851>

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ABSTRACT:

Inclusive education is a fundamental human right and a key mechanism for promoting social inclusion and equal opportunities for children with Special Educational Needs (SEN). Despite international commitments to educational equity, substantial disparities persist in educational participation and achievement among children with disabilities. This study examined educational inequalities through the perspectives of human rights, family support systems, legal frameworks, and social protection. A quantitative secondary data analysis was conducted using the UNICEF Global Database on Education for Children with Disabilities, comprising indicators of school attendance, completion rates, foundational reading and numeracy skills, and out-of-school rates across multiple countries and regions. Descriptive and comparative analyses were employed to assess differences between children with and without functional difficulties. The findings revealed consistent disadvantages among children with functional difficulties across all educational indicators. The largest disparities were observed in upper secondary attendance (-16.36 percentage points), lower secondary attendance (-14.90 percentage points), and primary completion rates (-14.38 percentage points). Children with functional difficulties also demonstrated lower foundational reading and numeracy skills and significantly higher out-of-school rates, particularly at the secondary education level. These findings highlight persistent barriers to educational inclusion and

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underscore the need for strengthened rights-based policies, family engagement initiatives, effective legal protections, and comprehensive social protection measures. Advancing inclusive education requires coordinated efforts across educational, legal, and social welfare systems to ensure equitable learning opportunities and meaningful participation for all children.

Keywords: Inclusive education; Special Educational Needs; Human rights; Disability; Family support systems; Social protection; Educational inequality.

1. Introduction

The goal of inclusive education is an emerging priority in the reform of education around the world, driven by our understanding that every child, regardless of ability or disability, deserves equal and quality education opportunities. Children with Special Educational Needs (SEN) are still experiencing major challenges to access and success in education in many parts of the world, although there has been some development in policy and international advocacy. These barriers involve limited education resources, inaccessible learning environment, lack of teacher training, and social stigma which continue to create barriers of education exclusion and inequitable life opportunities (Sa'ad, 2020; Wilson et al., 2018). This has made meaningful educational inclusion of children with disabilities a key policy, teaching and community priority all over the world.

The aspiration for inclusive education is based on the international standards of human rights, which include the right to education. In 2006, the United Nations Convention on the Rights of Persons with Disabilities (CRPD) gave legal binding to the world's member states to ensure inclusive education systems which eliminate discrimination and promote equal participation for persons with disabilities (Appelbaum, 2019). Likewise, the UN Convention on the Rights of the Child (CRC) also focuses on the principles of equal opportunity and non-discrimination – in the sense that Governments are obliged to ensure that all children have the right to education, irrespective of their disability (Daly et al., 2022). These commitments are also reaffirmed by SDG 4 to make education "inclusive and equitable, quality education and promote lifelong learning opportunities for all" (Adipat & Chotikapanich,

2022). Together, these frameworks shift the focus on inclusive education away from the scope of an education project and towards that of a human rights issue.

In addition to legal and policy obligations, family support systems can have a significant impact on the educational experiences of children with SEN; they are frequently the first source of emotional, social and practical support and have a strong influence on children's engagement with their education and learning outcomes. There is evidence that shows that parent involvement in learning positively affects the participation and success of students, especially those at risk (Vazquez & Greenfield, 2021). Home-school partnerships are effective in supporting communication, trust and collaborative decision-making between parents and teachers, which can provide different types of learning environments to meet a range of learning needs (Anazia et al., 2025). In addition, families often serve as advocates for their children, requesting accommodations, special services and educational opportunities that will facilitate inclusion and equity (Goldman et al., 2020).

But also the presence of strong legal systems and social protection systems is critical to the effectiveness of inclusive education. Legislation for inclusive education and disability rights ensures the institutional framework to protect the right to education and to prevent discrimination. Comprehensive legal frameworks have been proven to enhance accountability and encourage the adoption of inclusive education (Smith et al., 2025; Walelgn Asres, 2025). Meanwhile, social protection measures, such as financial support, educational subsidies and support services, can help to address socioeconomic barriers

disproportionately faced by children with disabilities and their families (Camilletti, 2021). While there has been extensive research on inclusive education, disability rights and family involvement, there has been limited interest in understanding how these are interwoven and how these interweaving impacts on educational outcomes. In this study, the study draws on international secondary data on the participation of children with disabilities in education, and interpreted the findings from an interconnected lens of human rights, family support systems, legal frameworks and social protection policies to provide evidence-based insights for advancing inclusive education at global scale.

Research Objectives

1. To assess educational participation and inclusion among children with disabilities across countries
2. To examine disparities in educational outcomes between children with and without disabilities
3. To evaluate the implications of human rights, family support systems, and legal frameworks for promoting inclusive education and social protection

2. Methodology

2.1 Research Design

In the current research, quantitative methodology was chosen using secondary data analysis to look into education inclusivity among disabled children. Secondary data analysis can be a powerful method to examine educational issues at both national and regional levels without spending excessive time and effort on collecting primary data. Moreover, the current study used a policy-focused framework to analyze empirical results in light of human rights, social policies, family care, and laws (Preda, 2021; WhenAManCodes, 2022).

2.2 Data Sources

Two open access datasets were used in this research; one was the UNICEF Global Database on Education of Children with Disabilities while the other one is the Access to Education of Disabled People in Europe dataset. This dataset has internationally comparable data on disability status, education levels, schooling status, and

academic performance. The data from the two databases were combined and had data from various parts of the world.

2.3 Data Preparation and Variable Selection

Before analyzing the data, cleaning and merging was done on the datasets to make sure they were comparable. This included deleting duplicates, removing incomplete information, and dropping unnecessary variables as required. The main variables analyzed were: disability status, educational activity status indicators, schooling attendance, learning achievements, gender, and geographic location. The data harmonization process helped combine the two datasets into one for comparative purposes across countries.

2.4 Data Analysis Techniques

Statistical descriptive techniques were used in the analysis of the demographic and other characteristics of the study sample as well as patterns of educational involvement of children with disabilities. Frequencies and percentages were computed for the purpose of providing a general idea about the data. In addition, cross-tabulations were made in order to uncover disparities in the educational experiences of disabled children from different countries and across disability types. Findings were then evaluated against universal standards on human rights and education.

2.5 Ethical Considerations

This investigation utilized only secondary sources which were available to the public. No interactions with the individuals were needed throughout the study. As a result, it was not necessary to obtain formal permission for the research from the ethics committee. However, the analysis of the data was performed according to all the norms of research ethics.

3. Results

3.1 Descriptive Analysis of Educational Indicators

Table 1 shows the descriptive statistics of the indicators of education among the total population, among children without functional difficulty, and among children with functional difficulty. In all the indicators, children without functional difficulty showed better educational achievements than those with functional

difficulty. For instance, children without functional difficulties had an average primary attendance rate (ANAR Primary) of 84.78%, while those with functional difficulty had an average of 79.48%. Also, the average rate of primary completion for children without

functional difficulties was 79.49%, while those with functional difficulty was 65.11%. The achievement in basic reading and numeracy skills differed, showing poor academic performance among children with functional difficulty, as seen in figure 1 below.

Table 1. Descriptive Statistics of Educational Indicators by Disability Status

Indicator	Total Mean	Without Functional Difficulties	With Functional Difficulties
ANAR Primary	84.43	84.78	79.48
ANAR Lower Secondary	58.02	57.68	42.77
ANAR Upper Secondary	46.06	44.78	28.42
Completion Rate Primary	79.46	79.49	65.11
Foundational Reading Skill	41.98	43.01	30.57
Foundational Numeracy Skill	29.36	29.95	21.22
OOS Primary	14.46	14.09	18.88
OOS Lower Secondary	11.57	11.23	18.14
OOS Upper Secondary	20.51	20.28	32.41

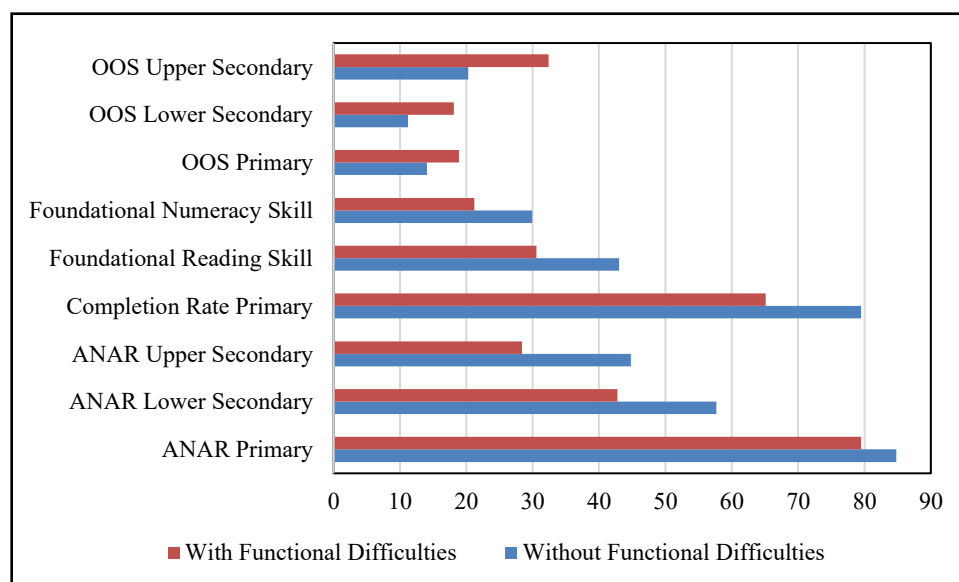


Figure 1. Comparison of Educational Participation, Achievement, and Exclusion Indicators by Disability Status

Figure 1 compares educational outcomes between children with and without functional difficulties across key indicators of attendance, completion, foundational learning, and school exclusion. Children without functional difficulties consistently demonstrate higher attendance rates, completion rates, and learning

outcomes, whereas children with functional difficulties exhibit higher out-of-school rates across all educational levels.

3.2 Disability Gaps in Educational Participation and Achievement

The extent of inequality between children who

face problems and those who do not face any difficulties has been illustrated in the form of a table below. From the findings, there is clear evidence that significant inequality exists regarding disability and education measures. It is found that the highest difference in attendance is

at the higher secondary stage (-16.36 percentage points) and second is lower secondary stage (-14.90 percentage points). Similarly, the primary completion rate was found to be 14.38 percentage points low.

Table 2. Disability Gap Analysis

Indicator	Without Difficulties	Functional	With Difficulties	Functional	Gap
ANAR Upper Secondary	44.78		28.42		-16.36
ANAR Lower Secondary	57.68		42.77		-14.90
Completion Rate Primary	79.49		65.11		-14.38
Foundational Reading Skill	43.01		30.57		-12.44
Foundational Numeracy Skill	29.95		21.22		-8.73
ANAR Primary	84.78		79.48		-5.30
OOS Primary	14.09		18.88		4.80
OOS Lower Secondary	11.23		18.14		6.91
OOS Upper Secondary	20.28		32.41		12.14

3.3 Educational Exclusion and Out-of-School Disparities

The out-of-school rates indicated in Table 2 reveal that children experiencing difficulties are more vulnerable to being excluded from the education system than those who are not. The highest difference was seen in upper secondary schools where the rate of out-of-school rate for children with difficulties was higher by 12.14 percentage points than children without difficulties. In secondary and primary schools, the difference between the rates is 6.91 percentage points and 4.80 percentage points respectively. From this, one can conclude that exclusion from

education rises with the advancement of grades for children with difficulties.

3.4 Gender Differences in Educational Outcomes

Comparison in terms of gender is highlighted in Table 3. It can be noted that female students tended to perform better than their male counterparts in almost all aspects. The highest margin between the two was found in upper secondary enrollment (4.33%) and basic literacy rate (4.26%). Nevertheless, these differences were relatively much smaller compared to the ones caused by disability, as can be seen in Table 2 below.

Table 3. Gender Differences in Educational Indicators

Indicator	Female	Male	Gender Gap
ANAR Lower Secondary	59.23	56.40	2.83
ANAR Primary	84.13	84.08	0.05
ANAR Upper Secondary	48.08	43.75	4.33

Completion Rate Primary	80.19	78.09	2.10
Foundational Numeracy Skill	29.69	28.65	1.04
Foundational Reading Skill	43.80	39.54	4.26
OOS Lower Secondary	12.32	11.36	0.96
OOS Primary	15.11	14.52	0.59
OOS Upper Secondary	20.21	21.24	-1.03

3.5 Visual Representation of Disability-Related Educational Disparities

This is graphically presented in Figure 1 based on the differences highlighted in Table 2 above. It is evident from Figure 1 below that children with disabilities tend to register low attendance levels, low completion rates, low literacy and numeracy rates, yet at the same time register high rates of out-of-school status. Large gaps tend to occur particularly at the secondary level stage of schooling.

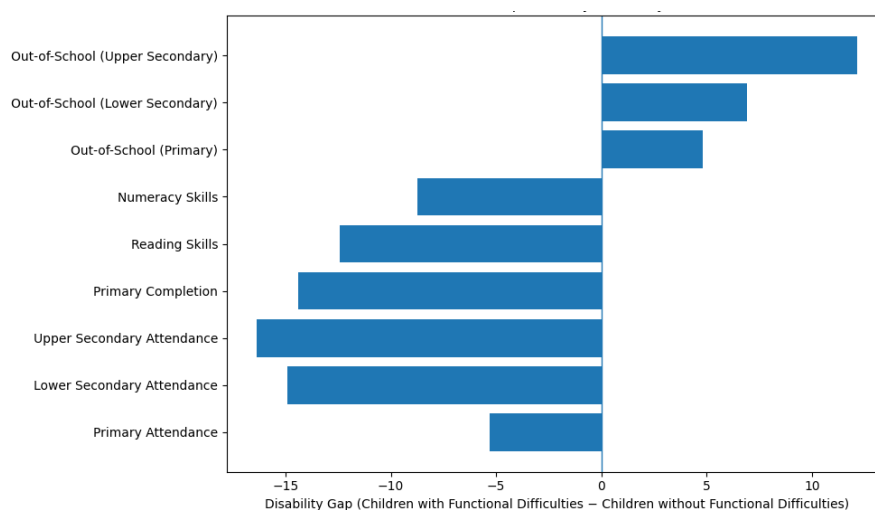


Figure 2. Educational Disparities by Disability Status

Figure 1 illustrates the magnitude of disability-related educational inequalities across participation, achievement, and exclusion indicators. Children with functional difficulties consistently demonstrate lower attendance, completion, reading, and numeracy outcomes, while exhibiting substantially higher out-of-school rates, particularly at the secondary education level.

4. Discussion

The results of the current study highlight significant educational disparities between young people with and without functional difficulties on a variety of indicators of participation, achievement and educational exclusion. Whereas children with functional difficulties regularly showed lower levels of attendance, lower primary completion rates, weaker foundational reading

and numeracy skills, and increased out-of-school rates compared to children who did not have functional difficulties. Attendance gaps were highest in secondary education, with out-of-school rates much higher for children with functional difficulties being more than 14 percentage points higher. These findings indicate that the education disadvantage grows over time and the ability of children with functional problems to maintain a place and progress in formal schooling becomes more challenging as they age. In previous studies, the same patterns were highlighted regarding the longstanding obstacles children with disabilities face to access to, and benefits from, inclusive educational opportunities (Sa'ad, 2020; Cerna et al., 2021).

The identified disparities from a human rights perspective involve concerns on the realization of the right to education as well as equality and the

principles of non-discrimination. International human rights conventions such as the Convention on the Rights of Persons with Disabilities and the Convention on the Rights of the Child speak about the right to access good quality education for all children, including those with disabilities. The lower attendance figures, less good learning outcomes and greater instances of educational exclusion found in this study, however, show that many children with functional difficulties are still experiencing barriers to the effective enjoyment of these rights. The findings lend credence to arguments that educational inclusion should not just be a policy goal but a legal and ethical requirement, grounded in human dignity and social justice (Boyle & Camps, 2022; Edeji, 2025). Furthermore, the fact that there are disability-related inequalities which endure indicates that there is a gap between formal commitments to inclusion and the actual experiences of education.

The inequalities that were detected also show wider issues of social inclusion. Education is an essential avenue for inclusion in the economy, society, and democracy, and not going to school can lead to chronic marginalisation. Tacket (2021) states that social inclusion and human rights go hand in hand because one needs the other in order to enjoy one's rights and well-being in key social institutions. This is reflected in the increased out of school rates identified in the current study, especially at secondary school, where many children with functional difficulties are not receiving the opportunities they need for their personal development and future socioeconomic participation. This means that access to education is a key social inclusion priority and is an educational priority.

The results also affirm the crucial role family support systems play in contributing to children with disabilities' educational participation and achievement. While family-level variables were not directly assessed in the present study, previous research has been consistently consistent in finding that parental involvement, advocacy, and engagement have a positive impact on educational outcomes (Finck, 2024). Families are frequently a first line of defense for children with disabilities as they seek to secure suitable accommodations and services and inclusive

learning environments, (Goldman et al., 2020). The large differences in attendance and completion rates could therefore be partly due to differences in families' access to information, resources, and support services. It has been established that good family-school partnerships have a positive effect on communication, collaboration in problem solving, and educational experiences for children with disabilities (Anazia et al., 2025). The results of this research provide support for policies designed to increase parent engagement and equip parents with the information and support they need to advocate for their child's educational rights.

Legal provisions also help to influence inclusive educational outcomes. Legal frameworks for inclusive education and disability rights set up the institutional base for providing equal educational opportunities and protecting children from discrimination. Despite the presence of significant disability related disparities, however, it seems that legislative measures are not enough to ensure meaningful inclusion (Farooq, 2022). The necessary resources, institutional accountability, monitoring systems, and educational professional capacity are needed to implement effectively. While some of these have drawn attention to the need for inclusive education policies to have practical implementation that involves targeting structural barriers and supporting diverse learning needs (Smith et al., 2025; Walelgn Asres, 2025), others have focused on the need to include children with disabilities in the mainstream of society (UN, 2025). The results of this research indicate that there are still gaps between policy promises and educational practices, especially for children with functional challenges who continue to have a lower rate of participation and outcomes.

Finally, other social protection mechanisms are vital for inclusion in education. Costs are a major obstacle for children with disabilities trying to access and participate in education; and financial assistance, health care services, assistive technologies, and transportation support, as well as community-based services, can help mitigate many of these barriers. The higher out-of-school rates found in this study suggest that there is still a large challenge of not going to the next level of education for children with functional

difficulties, especially when they are moving to higher education (Maksymchuk et al., 2022). Improved social protection systems could thus help to narrow education gaps by tackling the socioeconomic and environmental barriers that help to keep students back from school. Multifaceted strategies that integrate education with social welfare services are more likely to bring positive results for equitable education outcomes and the promotion of social inclusion.

A key finding of this study is that there are significant differences between the disparities on disability and gender for most educational indicators. The overall results suggested that female students on average achieved slightly more favorable results as compared to male students, although the differences were relatively small in comparison to the gap in education due to functional limitations. This indicates that educational inequality in the sample examined is due more to disability status than to other factors. Therefore, inclusive education policies need to focus on those measures that are likely to remove disability related barriers, and inclusive education policies should also include gender specific interventions within inclusive education policies.

The results offer strong support for the continued disadvantages that children with functional difficulties face with respect to their participation, achievement, and retention in school. These differences are a result of complex relationships between the implementation of human rights, the presence of family support systems, legal protection and social protection mechanisms. To overcome these challenges, a coordinated multi-sectoral approach involving education, legal and social welfare is essential for children to realize their right to inclusive and equitable education. Improving inclusive education policies, strengthening the role of the family, improving legal accountability, and bolstering social protection policies will play a key role in closing the education gap and advancing the wider agenda of social justice and human

rights.

5. Conclusion

This study examined the participation, success and exclusion of education of children with functional difficulties in light of the human right approach, taking into account family contribution, legal aspects and social protection. The main conclusions drawn by analyzing the collected information indicated the persistence of disparities related to educational indicators between children with and without functional difficulties. If the child had functional difficulties, then attendance was lower and primary education completion was also lower, and the child possessed less than expected of literacy and numeracy skills and exhibited substantially higher proportions of out-of-school status, particularly in the case of secondary education. Educational disparities thus seem to increase during the progress through the educational system. This impedes possibilities for achieving success in academic learning and inclusion within society. It can be argued that while there is a certain level of consensus regarding inclusive education both on national and international levels, including various international agreements and political conventions promoting inclusive education practices, there continue to exist a lot of barriers to inclusion in the education sector for children with disabilities. These gaps should be addressed through joint efforts outside the schooling process involving family participation, legal rights and protection as well as social protection measures. Equal educational opportunities are essential for implementing inclusive education policies, provision of educational support services, advocacy among families in terms of training and raising their capacities and implementation of disability rights laws. To conclude, for achieving inclusion in the education sector, it is necessary to pursue a comprehensive and human rights-based approach which would allow children with special needs access to education as equal citizens.

References

- Adipat, S., & Chotikapanich, R. (2022). Sustainable development goal 4: An education goal to achieve equitable quality education. *Academic Journal of Interdisciplinary Studies*, 11(6), 174-183.
- Anazia, I. U., Skinner, B., & Woods, C. (2025). Home-school partnerships: values and expectations of rural teachers and parents. *Educational Research*, 67(2), 170-189.

- Appelbaum, P. S. (2019). Saving the UN Convention on the Rights of Persons with Disabilities—from itself. *World Psychiatry*, 18(1), 1.
- Boyle, K., & Camps, D. (2022). A human rights lens: reclaiming the narrative for social rights as legal rights. In *A Research Agenda for Social Welfare Law, Policy and Practice* (pp. 61-78). Edward Elgar Publishing.
- Camilletti, E. (2021). Social protection and its effects on gender equality: A literature review.
- Cerna, L., Mezzanotte, C., Rutigliano, A., Brussino, O., Santiago, P., Borgonovi, F., & Guthrie, C. (2021). Promoting inclusive education for diverse societies: A conceptual framework. *OECD education working papers*, (260), 0_1-57.
- Daly, A., Stern, R. T., & Leviner, P. (2022). UN Convention on the Rights of the Child, Article 2 and Discrimination on the basis of Childhood: The crc Paradox?. *Nordic Journal of International Law*, 91(3), 419-452.
- Edeji, O. C. (2025). Intersections of the right to education and human dignity in international human rights law: A purpose-based analysis. *Laws*, 14(3), 33.
- Farooq, Z. U. (2022). EQUALITY AND NON-DISCRIMINATION: HUMAN RIGHTS'FOUNDATIONS. *Handbook of human rights*, 39.
- Finck, K. R. (2024). Increasing access to justice for families through preventive legal advocacy. *Family Court Review*, 62(4), 842-851.
- Goldman, S. E., Burke, M. M., Casale, E. G., Frazier, M. A., & Hodapp, R. M. (2020). Families requesting advocates for children with disabilities: The who, what, when, where, why, and how of special education advocacy. *Intellectual and developmental disabilities*, 58(2), 158-169.
- Maksymchuk, B., Sarancha, I., Husak, A., Avramenko, O., Kuzmenko, I., Kuzmenko, V., ... & Maksymchuk, I. (2022). Implementing the course "Human Rights" for children with special needs under the changed socio-educational conditions. *Revista Romaneasca Pentru Educatie Multidimensionala*, 14(3), 428-443.
- Preda, G. (2021). Access to education of disabled people in Europe [Data set]. Kaggle. <https://www.kaggle.com/datasets/gpreda/access-to-education-of-disabled-people-in-europe>
- Sa'ad, M. T. (2020). Current Global Trends and Issues in Special Needs Education. *Dr. Theophilus Adebose*, 683.
- Smith, M. A., Akwue, O. S., Marazzo, J., Williams, L. D., Fishon, E., Downer-Reid, A., ... & Muhammad, L. (2025). Evaluating Inclusive Education Policies: A Human Rights Perspective on Supporting Students with Disabilities.
- Taket, A. (2021). Social inclusion and human rights. In *Handbook of social inclusion: Research and practices in health and social sciences* (pp. 1-20). Cham: Springer International Publishing.
- Vazquez, S. R., & Greenfield, P. M. (2021). The Influence of Social Class on Family Participation in Children's Education: A Case Study. *Revista Colombiana de Psicología*, 30(1), 133-147.
- Walelgn Asres, G. (2025). Inclusive education practices and their legal frameworks for special needs students in Ethiopia. *International Journal of Inclusive Education*, 1-24.
- WhenAManCodes. (2022). Global database on education for children with disabilities [Data set]. Kaggle. <https://www.kaggle.com/datasets/whenamancodes/global-database-on-education-for-children>
- Wilson, M., Donnelly, S., & Stainer, J. (2018). Barriers to participation and progression in education.