Disability & Human Rights in Nigeria

Inclusive Education in Nigeria

Ugonna Gloria Onwukeme
Institute of International Studies
International Relations
Professor Adrienne Komanovics
Declaration

I, Ugonna Gloria Onwukeme, being aware of my full liability, hereby declare that all the texts are original and exclusively the product of my work and do not originate from other contributors. Excerpt texts from other documents have been referenced in accordance to the applicable requirements.
Acknowledgements

First and foremost, I thank the Lord God Almighty who made it possible for me to complete my research. I remain eternally grateful to my family and friends who supported me through this great milestone. I thank my supervisor Professor Adrienne Komanovics for her guidance.
ABSTRACT

Disability goes beyond the health premise. It is a multifaceted occurrence that permeates into an individual’s experience within their given society and environment.\(^1\) This research work explores the history of persons with disabilities in the Nigerian society. The understanding of historical actions and inactions enables one to better understand and investigate the gaps between the human rights obligations of Nigeria in terms of education for persons with disabilities and its practical implementation through the assessment of relevant laws and literature. There are numerous hardships persons with disabilities are vulnerable to and fundamental rights they are denied.\(^2\) Therefore, it is expedient that state governments institute laws and policies to protect the rights of persons with disabilities and implement them accordingly. This research also investigates the legal initiatives that Nigeria has undertaken to improve and uphold the right to inclusive education for persons with disabilities, both domestically and internationally. Nigeria signed and ratified the Convention on the Rights of Persons with Disabilities and its Optional Protocol; the former on March 30\(^{th}\), 2007 and the later September 24\(^{th}\) 2010. This Convention ensures the right to inclusive education for persons with disabilities under Article 24.\(^3\) After the concise assessment of domestic laws and policies in Nigeria that protect the rights of persons with disabilities to education, it became clear that policies lack conceptual clarity and implementation measures. The Nigerian society is still held aback from embracing persons with disabilities due to unscientific beliefs about persons with disabilities.

**Keywords:** persons with disabilities, human rights, disabilities, impairments, inclusive education, special education

\(^1\) ‘Disabilities’ ([World Health Organization](https://www.who.int/topics/disabilities/en/))

\(^2\) ‘Disabilities’ ([World Health Organization](https://www.who.int/topics/disabilities/en/))

# TABLE OF CONTENTS

**Chapter 1: Introduction, Methodology & Concepts** .............................................................. 10  
1.1 Introduction .................................................................................................................. 10  
1.1.1 Scope of Study ....................................................................................................... 13  
1.1.2 Objective of Study ................................................................................................ 13  
1.1.3 Research Questions .............................................................................................. 14  
1.2 Methodology ............................................................................................................... 14  
1.3 Concepts ...................................................................................................................... 15  
1.4 Understanding Disability ............................................................................................ 16  
1.4.1 Disability Models ................................................................................................. 16  

**Chapter 2: Inclusive Education** ...................................................................................... 20  
2.1 Brief History of Inclusive Education .......................................................................... 20  
2.2 What is Inclusive Education? ..................................................................................... 22  
2.3 Inclusive Education in Nigeria .................................................................................. 25  
2.3.1 Nigeria’s Progress in Education ............................................................................ 25  
2.3.2 Inclusive [Special] Education in Nigeria .............................................................. 28  
2.3.3 Challenges of Implementing Inclusive [Special] Education Programmes in Nigeria ................................................................. 30  
2.3.4 Lack of Supporting Legislation and Administration ............................................ 31  
2.3.5 Inadequate Funding ......................................................................................... 32  
2.3.6 Negative Attitudes .............................................................................................. 34  
2.3.7 Lack of Facilities ................................................................................................. 34  
2.3.8 Opposing Barriers in Inclusive [Special] Education ............................................ 34  

**Chapter 3: Evolution of Education for Persons with Disabilities in Nigeria** ................ 36  
3.1 Traditional Beliefs About PwD in Nigeria (19th Century, Pre-Colonial Era) ................. 36  
3.2 Colonial Education & the Exclusion of PwD ............................................................... 39  
3.3 Post-Colonial Education for PwD in Nigeria ............................................................... 42
Chapter 4: Nigeria’s Legal & Policy Framework for the Right to Inclusive Education

4.1 International Legal Framework (UNCRPD): .........................................................47
   4.1.2 Article 7: Children with Disabilities......................................................48
   4.1.3 Article 24: Education............................................................................49
   4.1.4 Article 33: National Implementation and Monitoring..............................52
   4.1.5 Article 35: Reports by States Parties.....................................................53

4.2 Regional Legal Framework: Right to Inclusive Education for PwD..............54

4.3 National Legal Framework: Right to Inclusive Education for PwD..............55
   4.3.1 The Nigerian Disability Decree of 1993..................................................55
   4.3.2 The Nigerian Constitutional Provisions on the Rights of PwD..............56
   4.3.3 The National Policy on Education of Nigeria........................................59
   4.3.4 Discrimination Against Persons with Disabilities (Prohibition) Bill........61

Chapter 5: Ombudsman & Civil Society Advocacy for Persons with Disabilities in Nigeria.............................................................................................................64

5.1 Ombudsman in Nigeria.....................................................................................64

5.2 Civil Society Advocacy for PwD.................................................................66

Chapter 6: Recommendations & Conclusion.....................................................69

Bibliography...........................................................................................................76

Appendix A.............................................................................................................86

Appendix B.............................................................................................................91
LIST OF FIGURES

Figure 1.1: Net National Enrolment in Primary Schools in Nigeria……………………………………26

Figure 1.2: Literacy rate of 15-24 year olds in Nigeria……………………………………………………27
# LIST OF ABBREVIATIONS

<table>
<thead>
<tr>
<th>Abbreviation</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>ACRWC</td>
<td>African Charter on the Rights and Welfare of the Child</td>
</tr>
<tr>
<td>AU</td>
<td>African Union</td>
</tr>
<tr>
<td>CCD</td>
<td>Centre for Citizens with Disabilities</td>
</tr>
<tr>
<td>CRPD</td>
<td>Convention on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>CwD</td>
<td>Children with Disabilities</td>
</tr>
<tr>
<td>EFA</td>
<td>Education for All</td>
</tr>
<tr>
<td>FRN</td>
<td>Federal Republic of Nigeria</td>
</tr>
<tr>
<td>ICESCR</td>
<td>International Covenant on Economic, Social and Cultural Rights</td>
</tr>
<tr>
<td>ICF</td>
<td>International Classification of Functioning, Disability and Health</td>
</tr>
<tr>
<td>JONAPWD</td>
<td>Joint National Association of Persons with Disabilities</td>
</tr>
<tr>
<td>MDGs</td>
<td>Millennium Development Goals</td>
</tr>
<tr>
<td>NEEDS</td>
<td>National Economic Empowerment and Development Strategy</td>
</tr>
<tr>
<td>NPE</td>
<td>National Policy on Education</td>
</tr>
<tr>
<td>PCC</td>
<td>Public Complaint Commission</td>
</tr>
<tr>
<td>PVO</td>
<td>Private Voluntary Organizations</td>
</tr>
<tr>
<td>PwD</td>
<td>Persons with Disabilities</td>
</tr>
<tr>
<td>SDGs</td>
<td>Sustainable Developmental Goals</td>
</tr>
<tr>
<td>SUM</td>
<td>Sudan United Mission</td>
</tr>
<tr>
<td>UBEC</td>
<td>Universal Basic Education Commission</td>
</tr>
<tr>
<td>UDHR</td>
<td>United Nations Declaration of Human Rights</td>
</tr>
<tr>
<td>UN</td>
<td>United Nations</td>
</tr>
<tr>
<td>UPE</td>
<td>Universal Primary Education</td>
</tr>
<tr>
<td>UNCRPD</td>
<td>United Nations Convention on the Rights of Persons with Disabilities</td>
</tr>
<tr>
<td>UNESCO</td>
<td>United Nations Educational, Scientific and Cultural Organization</td>
</tr>
<tr>
<td>WHO</td>
<td>World Health Organization</td>
</tr>
</tbody>
</table>
CHAPTER 1: INTRODUCTION, METHODOLOGY & CONCEPTS

1.1 Introduction

Nigeria is a West African country that shares borders with Benin to the east, Cameroon to the west, Chad to the north-west, and Niger to the north. The estimated population of the country is 200.96 million, which is continuously growing. Nigeria has the highest population density on the African continent, brimming with over 250 ethnic and language groups. The most influential and populous of these ethnic groups and languages are Igbo, Hausa, and Yoruba. The country gained its independence in 1960 from Britain. Following its years of independence came dictatorship ruling that lasted almost 16 years. In 1999, a new constitution was adopted with a peaceful transition to a civilian government. Nonetheless, the Nigerian government faces challenges in reforming its petroleum-based economy with revenues that are continuously lost to corruption and mismanagement. Additionally, ethnic and religious conflicts still ensue this democratized country.4

The World Health Organization states that more than a billion people (approximately 15% of the world’s population) have some form of disability. In Nigeria, the last census administered by the federal government in 2006. From this census, the World Report concluded that 3.2 million people had disabilities in Nigeria. Out of this figure, approximately 1 million children had disabilities. In accordance with this figure, approximately 2.32% of the then 140 million population had disabilities, and out of this percentage, 0.71% were children with disabilities.5 These figures are undeniably questionable as the WHO states that 15% of any given population comprises of PwD. In this case, approximately 21 million persons were living with disabilities in Nigeria in 2006.6 The population of the country is currently over 200.96 million,7 which means about 25 to 30 million Nigerians are currently living with disabilities (following the WHO percentage calculation).

The association between disabilities and health conditions is complex. Interconnected factors determine if health conditions and relative factors result in disabilities. The interface between various conditions contributes to the association of health status and disability. For instance, one chronic health problem can increase the potential for more physical and or mental issues. Therefore, it is impossible to produce precise figures on the association of health status and disabilities. Additionally, studies that aim to connect health statuses and disability without taking into account the effects of environments are falsifiable. In order of prevalence, the most common disabilities in Nigeria are: visual, auditory, physical, intellectual, and communication disabilities.

Based on the father of sociology, Emile Durkheim’s conception of history having an integral role to play in understanding how societies evolve and function through time, this research aims to explore and understand the history of the Nigerian society in regards to education for PwD; including the country’s laws protecting the rights of PwD to receive inclusive education and the implementation of such laws. By understanding history in this context, one will understand present occurrences and will be opportune to build towards a better future with the involvement of all persons in the society irrespective of our inherent differences.

The right for all persons to receive an education is a fundamental human right, which was defined in the United Nations Universal Declaration of Human Rights of 1948. The right to education has been a global issue as millions of persons are being denied their right to education. Although there has been notable progress made over the last two decades, there is still much to be done to see that this fundamental human right is protected for all persons.

The right to education for all persons has expatiated in several international legal instruments and declarations such as:


---

The Convention on the Rights of Persons with Disabilities 2006 and its Optional Protocol which highlights the need for governments to ensure fair access to inclusive education for persons with disabilities;

The World Conference on Special Needs Education in Salamanca, Spain established a Statement and Framework for Action known as the Salamanca Declaration 1994;

The Education for All movement 2000 which is a worldwide movement committed to providing quality primary education for all persons;

The 2015 Millennium Development Goals for universal primary completion, which emphasizes the need for all children to have conducive learning environments.

Article 24 of the Convention on the Rights of Persons with Disabilities mentioned above ensures the right to inclusive education for all persons. A total of 187 countries have signed this convention. One of the countries that have signed and ratified the CRPD and its Optional Protocol is Nigeria. Nonetheless, persons with disabilities still experience grave discrimination and stigmatization because of cultural beliefs associated with disability and the lack of policy implementation.11 This research work investigates the former and current educational situation of persons with disabilities in Nigeria, in accordance to legal provisions, with a specific focus on inclusive education for persons with disabilities. The structure of the thesis will be the following:

Chapter 1: Methodology & Concepts will present the rationale for the study, the aims and objectives, research questions, methodology, limitations, and terminology relevant to this research work.

Chapter 2: Literature Review: Inclusive Education will explore the relevant literature for this research work and provide a theoretical framework of inclusive education. The chapter also covers the progress of education and the practice of inclusive education in Nigeria.

Chapter 3: Evolution of Education for Persons with Disabilities through Nigerian History will give a background understanding of the history of education for persons with disabilities and the cultural beliefs that contributed to the discriminative attitudes towards persons with disabilities in Nigeria.

Chapter 4: Right to Inclusive Education: Nigeria’s Legal & Policy Framework will assess the international framework (with extensive focus on Article 7 & Article 24 of the Convention on the Rights of Persons with Disabilities), and the regional and domestic frameworks that uphold the protection of the rights of persons with disabilities.

Chapter 5: Ombudsman & Civil Society Advocacy for Persons with Disabilities in Nigeria will present the ombudsman commission of Nigeria and key civil society actors advocating for the rights of persons with disabilities in Nigeria.

Chapter 6: Conclusions & Recommendations will be posited and will highlight the author’s contribution to the topic of the rights of persons with disabilities to access quality and inclusive education in Nigeria.

1.1.1 Scope of the Study
The study focuses on the legal right to education for PwD in Nigeria. Laws protecting the right of PwD that will be assessed include international instruments such as the United Nations Convention on the Rights of Persons with Disabilities, regional treaties such as the African Charter on the Rights and Welfare of the Child, and domestic laws such as the 1999 Constitution of the Federal Republic of Nigeria, the 1993 Disability Decree, the National Policy on Education, and the Discrimination Against Persons with Disabilities (Prohibition) Bill of 2009. Throughout the journey of this research work, the author had difficulties in finding recent relevant literature covering the subject matter for Nigeria.

1.1.2 Objective of Study
The main objective of the study is to assess the Nigerian legal administration governing the rights of PwD to receive inclusive education and to understand the influence the country’s history has played in achieving this international goal of inclusivity. The author aims to promote accountability and implementation of laws regarding the rights of PwD to attain quality and inclusive education in Nigeria.
1.1.3 Research Questions

These questions will be answered through the course of this research paper:

1. What has been the trend of persons with disabilities receiving inclusive education from pre-colonial to recent times in Nigeria?
2. How do laws and policies address the fundamental challenges affecting persons with disabilities in accessing inclusive educational opportunities?
3. What are the potentials and challenges of the human rights approach to disability in the area of education in Nigeria?

1.2 Methodology

The qualitative research method was applied in this research in which existing literature, international, and domestic laws were assessed. The aim was to thoroughly understand the actions and or inactions of the legislative and executive systems in Nigeria in regards to law and policy implementation for PwDs to attain inclusive education. Scholars have stated that qualitative analysis is subjective as it highlights experiences, descriptions, and meanings. The strategy of this research is not structured and open as it allows verification of findings to check validity. Berg states that the application of qualitative research serves the purpose of examining various social settings and individuals who live in these settings.\(^\text{12}\) Bogdan and Taylor posit that researches based on this method assess how persons view the world around them.\(^\text{13}\) The qualitative methodology provides a means of accessing unquantifiable facts about persons as the researcher observes and talks to people represented by their personal traces. The qualitative research methodology enables the researcher to share in the understandings and perception of others to explore how people structure and give meaning to some issues. Kvale and Brinkmann state that if one wants to know how people experience the world and their life, one has to ask them.\(^\text{14}\) The goal within this method of research is to explore the meaning within social, political, and cultural ideas. The data collection process involves interaction between researchers and participants, but only secondary data was adopted by the author.

---


\(^{13}\) Robert Bogdan and Sari Knopp Biklen, *Qualitative Research For Education: An Introduction To Theories And Methods* (5th edn, Pearson 2007).

1.3 Concepts

Some important concepts are utilized through the course of this research paper. These concepts are explained below.

- **Human Rights**: Human rights are rights inherent to all human beings regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights without discrimination.\(^{15}\)

- **Disability**: ‘An umbrella term, covering impairments, activity limitations, and participation restrictions.’\(^{16}\)

- **Impairment**: A problem in body function or structure; an activity limitation is a difficulty encountered by an individual in executing a task or action; while a participation restriction is a problem experienced by an individual in involvement in life situations.\(^{17}\)

- **Persons with Disabilities**: In accordance with the Article 1 of the Convention on the Rights of Persons with Disabilities, persons with disabilities ‘include those who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on equal basis with others.’\(^{18}\)

- **Education**: A human right for all composed with a set of measures applied in a systematic way in order to train and develop the intellectual, moral and physical characteristics of children; a form of learning in which the knowledge skills and habits of a group of people are transferred from one generation to the next through teaching, training or research.\(^{19}\)

- **Special Education**: ‘A design and delivery of teaching and learning strategies for an individual with disabilities or learning difficulties who may or may not be enrolled in regular schools.’\(^{20}\)

- **Inclusive Education**: An education system that includes all students and welcomes and supports them to learn, whoever they are, and whatever their abilities or requirements. This means making sure that teaching and the curriculum, school buildings, classrooms, play areas, transport, and toilets are appropriate for all children at all levels.\(^{21}\)


\(^{19}\) ‘Education Transforms Lives’ (UNESCO) <https://en.unesco.org/themes/education>


1.4 Understanding Disability

In the past, the word ‘disability' was synonymized with the word *inability*; it was also used as a standpoint to lawfully set restrictions on the powers and rights of certain persons in society.

Article 1 of the CRPD declares that:

> Persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments, which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others.\(^{22}\)

There is a wide range of qualities typified under the term *disability*. These include physical impairments (difficulty in mobility), sensory impairment (being blind or having a severe visual impairment or being deaf or having a severe hearing impairment), learning disability or difficulty (such as Down’s syndrome or dyslexia and or cognitive impairment such as autistic spectrum disorder), and or mental health conditions (such as depression or schizophrenia).\(^{23}\) The term *disability* is an umbrella term covering a range of conditions according to the International Classification of Functioning, Disability and Health.\(^{24}\)

The ICF defines disabilities as a term that covers a wide scope of impairments.\(^{25}\)

1.4.1 Disability Models

Disability models provide definitions and explanations of underlying meanings and accountability attributes of disability. These models were established upon [supposed] needs. Models of disability are approaches by which different persons in society address and relate with PwDs. These models direct the course of construction and implementation of policies in regards to disability. Disability models determine the direction of academic disciplines in the study of persons living with disabilities. They influence the self-identities of PwDs and are not value-impartial approaches as they can cause discrimination and prejudice. Therefore,


\(^{23}\) 'Disabilities: Definition, Types And Models Of Disability' (Disabled World) <https://www.disabled-world.com/disability/types/>

\(^{24}\) 'Disabilities' (World Health Organization)

understanding the different models is imperative not solely for those directly engaging with PwDs, but for every person in society to build better attitudes and unbiased understandings of PwDs. There are several disability models, but for this research, further explanation of the medical model, social model, and the human rights model is presented.

Medical Model of Disability

According to Degener and Quinn, the medical model is based on the individual’s medical qualities, such as the particular impairment. This approach seeks out the issue of disability from the individual. The medical model sums up a broader and focused social stance, whereby the person is seen as an entity for medical intercession. This model indicates that disability is a wellbeing circumstance that is attended to by professionals in the medical field. PwDs are considered to be dissimilar from the ‘norm.’ Disability is viewed as a problem from a particular individual. In line with this model, PwDs are generally in need of treatments. Disability is presumed to be a misfortune, and PwDs need charity.

Social Model of Disability

The World Health Organization carried out studies to further the promotion of the social model. The WHO states that disability is a term that covers a number of components such as; impairments (a malfunction in the body and or structure of the body), participation impediments (difficulties participating in everyday activities), and activity constraints (hardships experienced by persons while carrying out activities or accomplishing assignments). This model lays emphasis on the systemized barriers and negative action/inactions by the society, which contributes to the disabling of persons living with

27 Gerard Quinn et al., Human Rights And Disability (2nd edn, Bárczi Gusztáv Faculty of Special Education) <http://mek.oszk.hu/09400/09466/09466.pdf> p. 18-19
disabilities. Under this model, the impairments individuals have do not cause disability unless the society lacks the will to promote inclusion irrespective of the differences individuals may have. Inclusion includes access to mainstream education for PwDs and infrastructural changes to be made through the construction of buildings, roads, parks, etc. to serve all persons adequately. 29

**Human Rights Model of Disability**

The human rights model goes simultaneously with the social model and is often compared with the medical model.30 This model is centered on the innate integrity of the individual, and to an extent, on the health conditions of the individual. The societal choices affecting the PwD are explored. The problem is not located in the person, but in the person’s community. The state holds the responsibility to attack the impediments which PwD face in society and to uphold the dignity and equal rights of all individuals.31 This model was birthed in the mid-20th century. The population of PwD increased inevitably, as an aftermath of World War II. Due to this, state parties began to create initiatives for injured veterans of the war. During this time, the United Nations' main focus was on disability prevention and rehabilitation. 32

The 1948 UDHR consists of rights for PwD. The declaration highlights that all people have political, developmental, economic, social, cultural, and civil rights irrespective of individual distinctions. The characteristics of disability are motor, cognitive, sensory abilities impairments. However, these differences do not hinder the contributions individuals under these categories can make to their communities. The society in which such people exist is responsible for making available the provisions these persons need for their rights to be realized. For PwDs, such instruments of support can be communal and monetary mechanisms to ensure self-actualization and optimization of human rights.33 In the 1970s, the United

---

30 Gerard Quinn et al., *Human Rights And Disability*, p. 18
32 Charles Akhidenor, ‘Nigerians’ Attitudes Towards People With Disabilities’ (Ph D, Capella University 2007) pg 1-2
Nations’ focal point moved towards a global conceptualization of human rights and the equalization of prospects for people with disabilities. Programs have been instituted to tackle the problems of disability through the human rights model of disabilities. International instruments are combatting the misconceptions people have towards PWDs. It has been the norm that PWDs are observed from a medically inclined stance. This human rights framework encourages countries to uphold the well-being of all its countrymen in all sectors of society. This research is based on the human rights approach as international, regional, and domestic legal provisions concerning the rights of PwD to attain inclusive education will be assessed throughout this research work.

---

34 Akhidenor C, 'Nigerians' Attitudes Towards People With Disabilities' (Ph D, Capella University 2007) pg 5

35 Rioux M., A. Carbert , 'Human Rights And Disability: The International Context'
CHAPTER 2: INCLUSIVE EDUCATION

Beco stated that if the fundamental rights of PwD to receive an education are respected, doors of opportunities will open for them as education improves the economic, communal, and cultural rights of persons such as the right to work and attain physiological satisfaction. When PwD can access quality education, their scopes will widen as they actualize their rights in the civic sphere.\textsuperscript{36}

Inclusive education aims to involve persons with special education needs\textsuperscript{37} in mainstream learning environments. Mitchell highlights the basis of inclusion as the right to complete involvement in mainstream, age-appropriate classes and access to necessary support with individualized learning programs and assessment.\textsuperscript{38} Deiner posited that successful inclusion means the placement of children in academic institutions that enable and support the emotional, communal, and educational needs of children. To this end, inclusion is a practice whereby all children, including those with special educational needs, learn in regular school settings structured to benefit and support them.\textsuperscript{39} According to UNESCO, inclusion is aimed at providing the necessary responses to the full spectrum of learning needs in both official and non-official learning environments.\textsuperscript{40}

2.1 Brief History of Inclusive Education

Tremblay stated that back in time, PwDs were regularly placed in hospitals, asylums, and or care institutions that did not provide them with formal education. Decroly, a Belgian teacher and psychologist, was an excellent pioneer of special education and founded a school for children with minor disabilities in the year 1901. Over time, he created his pedagogy for

\textsuperscript{36} G. D. Beco, The Right to Inclusive Education According to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and (Remaining) Questions, (Netherlands Institute of Human Rights) p. 264
\textsuperscript{37} (in the context of children at school) particular educational requirements resulting from learning difficulties, physical disability, or emotional and behavioral difficulties
\textsuperscript{38} D. Mitchell, ‘Contextualizing Inclusive Education: Evaluating Old and New International Paradigms’, Routledge, 2005, p.4
these children. In 1907, he established a school for children without disabilities with the same pedagogy backed on the following understandings:\(^{41}\)

- Hobbies and interests of the student direct the education
- The child lives and works in the class workshop for better grounding
- The child learns globally without order
- Nature is a key in helping children learn\(^{42}\)

Through time, CwD have been mistreated and find it challenging to achieve educational goals. This led to exclusion and institutions opening to accommodate these marginalized children. A system known as specialized education learning evolved out of this, which called for all children to be accommodated in the same school setting. This educational practice is provided in special classes separated from children in regular schools.

In the 1900s, the wave of integration in education became the goal for education for PwDs. Integration was first understood as an evolving form of special education. According to Turnbull et al., the aim of mainstreaming was to have learners with disabilities to learn alongside students without disabilities.\(^{43}\) Swart and Pettipher state that compared to mainstreaming, the goal of integration is to guarantee that all PwDs can become equal members of their given community.\(^{44}\) Frederickson and Cline posited that an aspect that differentiates mainstreaming from integration is that special provisions and support services are made available for learners in schools that practice integration.\(^{45}\) For many years, special schools have been a place for students with special needs. Teachers and school administration, notably in the West, have developed widely approved special school systems. These schools function independently from other schools. This system is seen as unacceptable now as it encourages the isolation and separation of PwD. Booth and Ainscow state that the phenomenon of inclusive education came to light and was pushed forward in

\(^{42}\) P. Tremblay, ‘Special Needs Education Basis: Historical and Conceptual Approach’
\(^{43}\) Turnbull et al., ‘Exceptional lives: Special education in today’s schools’, Upper Saddle River, New Jersey, Merrill, 2002, p. 77
\(^{45}\) N. Frederickson, & T. Cline, ‘Special educational needs, inclusion and Diversity’, Buckingham: Open University Press, 2002, p. 65
two conferences organized by the UN, notably the Jomtien 1990 and UNESCO Salamanca Statement 1994.46

2.2 What is Inclusive Education?

In the words of Ainscow:

In many countries, inclusive education is still thought of as a mere approach to serve CwD within general education settings. However, internationally, it is increasingly seen more broadly as a reform that supports and welcomes diversity amongst all learners.47

Throughout history, the aim to provide education for children with disabilities was approached from a stance of segregation which targeted persons with particular disabilities. There were institutions established to serve a small populace of PWDs. Such institutions were established in isolated rural areas.48 In present times, the learning environment at which persons with learning disabilities receive education has been debatable as the question remains: what is the most effective way in which PwDs can attain an education; should they be in separate schools or separate classrooms within mainstream schools? Nevertheless, international human rights law and international state and non-state parties have reflected a devout preference for inclusive education.

The right to inclusive education for persons with disabilities is a fundamental human right. The notion was born under the general principles established in the UDHR49 and in the ICESCR.50 The right to education declared in the CRPD (Article 24) obligates state parties to establish a system of inclusive education to guarantee that CWDs are fully involved in learning on the basis of equality without discrimination.51 Although this Convention did not

define what ‘inclusive education’ is, there are suggestions to what it is not. Thomas posits that inclusive education is not equivalent to an education in special schools for children with particular disabilities, because the latter exhibits segregation. Inclusive education is not equivalent to integration either, because integration provides access to regular schools for CwD, but does not meet their varying individual needs. Learning systems that are not flexible to the needs of each individual child and do not certify full participation in classrooms and interaction between children with disabilities and children without disabilities do not entail inclusivity.

Inclusive education highlighted in Article 24 of the CRPD is not a concept that can be established quickly. There are debates concerning the actuality of this phenomenon and how it can be interpreted. The uniqueness of this notion and the lack of cohesive research regarding the meaning of inclusiveness in international law makes it difficult to define, let alone apply. If the standard of inclusive education is set very high, it may be impossible to achieve, and if it is set to low, it inhibits progress from actualizing the phenomena. The notion of inclusive education was birthed from the contrary notion of special education. Inclusion means that PwD will become full students of mainstream schools. Inclusive education is not synonymous with the idea of ‘integration.’ Ajuwon states that the concept implies that every child has the right to participate in mainstream school irrespective of his or her disabilities as opposed to special education, which isolates students with disabilities.

To this end, it is expedient that all schools are open to receive all children regardless of their abilities or disabilities. However, this method of accepting all children into learning institutions is overly simplistic and vague. Connor and Ferri stated that the purpose of inclusion might not be achieved if persons with learning disabilities are accepted into schools without inclusion being properly implemented. Norwich and Slee posited that this often leads to the creation of separate classes for PwD and the growth of marginalization in such

53 (definition of special education, see p. )G. Thomas ‘A Review of Thinking and Research about Inclusive Education Policy, with Suggestions for a New Kind of Inclusive Thinking’, 2008
learning institutions. In accordance with Article 24, inclusive education goes beyond the premise of students with disabilities being admitted into learning institutions, but the learning institutions adapting the universal design of education to ensure that the facilities, equipment, and learning materials are conducive for all learners. For schools to adopt the practice of inclusivity, there needs to be an adamant change in the practices and perception of education in society. The notion of inclusive education is geared towards particular actions, which makes room for the concept to be actualized. The focus should not only be on the goal itself as it is impossible for inclusive education to be achieved fully for all persons due to impediments that obstruct some PwD from participating in mainstream schools. The aim of inclusion should not be the classification of the ‘problems’ of PwD; rather, the goal should be to positively contribute to building their skills and discovering their abilities through education.

The main elements of inclusive education arise from the CRPD as the treaty declares that CwD are to be welcomed into regular schools whose education system must be based on inclusivity. The aim is for the overall schooling system, school curriculum, and procedures of assessment to be modified. It is also expedient that the school environment is made accessible with support systems and well-trained teachers to support CwD. If these elements are well incorporated into general academic school systems, significant progress towards a further interpretation of the notion that inclusive education will be made.

UNESCO’s Salamanca Statement of 1994, which Nigeria committed to highlights the need for policies that protect the rights of persons with learning disabilities to be established. This statement asserts that education for all constitutes that all learners are educated in the same environment and declares that inclusive education is implemented through accommodating both different styles and rates of learning and ensuring quality education to

---

57 R. Slee, The Irregular School: Schooling and Inclusive Education (Routledge, 2011) p. 80
59 (creating an education system to meet the needs of all children is challenging and impossible to realize fully; nonetheless, it should be endeavored for)
62 Articles 3 (f), 9 and 24 (2) and (4) CRPD https://www.un.org/development/desa/disabilities/convention-on-the-rights-of-persons-with-disabilities.html
all through appropriate curricula organizational arrangements, teaching strategies, resource use and partnership with their communities as asserted in the CRPD.

The Salamanca Statement called on state governments and urged them to:

Give the highest policy and budgetary priority to improve their education systems to enable them to include all children regardless of individual differences or difficulties:

- Adopt as a matter of law or policy the principle of inclusive education, enrolling all children in regular schools, unless there are compelling reasons for doing otherwise;
- Develop demonstration projects and encourage exchange with countries having experience with inclusive schools;
- Establish decentralized participatory mechanisms for planning, monitoring and evaluating educational provision for children and adults with special education needs;
- Invest more significant effort in early identification and intervention strategies, as well as vocational aspects of inclusive education;
- Ensure that, in the context of a systematic change, teacher education programs, both pre-service and in-service, address the provision of special needs education in inclusive schools.

The following section will discuss the progress Nigeria has made in the sector of education for all persons (with and without disabilities).

2.3 Inclusive Education in Nigeria

2.3.1 Nigeria’s Progress in Education

Successful development entails more than investing in physical capital or closing the gap in the capital. It also entails acquiring and using knowledge as well as closing the gaps in knowledge.

In 2015, Nigeria presented its End-report on their works towards meeting the second Millennium Development Goal, which is achieving universal primary education.

---

64 World Conference on Special Needs Education: Access and Equality. para 7
65 The Salamanca Statement And Framework For Action On Special Needs Education 1994, Article 3
The target was that by 2015, children everywhere would complete a full course of primary schooling. In order to achieve this goal in Nigeria, projects were designed to raise enrolment and improve retention and completion percentages as well as improving the teaching and learning environment by renovating learning facilities. The programs were organized to address the following problems such as:

- The out-of-school children in primary and secondary school levels
- The poor infrastructural amenities
- The low school enrolment of the girl child
- The high rate of boys dropping out of school
- The low rate of adult and youth literacy

Figure 1.1: Net National Enrolment in Primary Schools in Nigeria (%) (1995-2015)

(Source: UNDP Nigeria)

Figure 1.1 indicates the trend of net enrolment in the primary school education sector of Nigeria from 1995-2015. The primary school completion rate has not been steady. It has changed over the years, which highlights the changing policy environment and the pervading influence of economic and cultural factors. In 1995, the national enrolment figure indicated 60 percent. The rate increased to 85 percent in 2000 and peaked at 94 percent in 2003. In

---

2006 it decreased to 89 percent and declined to 82 percent in 2013. There is a need for more efforts to implement policies and programs to improve the net completion rate of primary education in Nigeria.68

Figure 1.2: Literacy rate of 15-24-year-olds (Female and Male) (%)

![Trend of literacy of 15-24 years in any language](image)

(Source: UNDP Nigeria)

Figure 1.2 indicates that the literacy rate of this age group has not improved significantly. From 64.1 percent in 2000 it increased to 80 percent in 2008. It then decreased to 65.6 percent in 2011 and marginally increased to 66.7 percent in 2014. Nigeria’s overall performance is less than satisfactory in meeting its educational goals in improving the literacy rate of young adults. Nigeria’s education system has shown a gradual decline over the last decade. There has been a decline in the standard of education and learning facilities.69

In most developing nations like Nigeria, the extent to which the state is involved in higher education has gone below what is economically efficient. There needs to be a reform in the organization of the government to ensure better use of public funds and security agencies. The application of education programs depends on the establishment of a clear policy

---


framework, a stronger dependence on incentives, and a market-oriented instrument to apply policies and an increased management autonomy for public institutions.70

The following section will discuss the practice of inclusive education in Nigeria.

2.3.2 Inclusive [Special]71 Education in Nigeria

Nigeria recognizes the education of PwD as special education. In accordance with the Education Act of 2004,72 special education is defined as:

Education either in regular schools or in specialized institutions established

(a) For children and adults who have learning difficulties because of individual handicaps such as blindness, partial sightedness, deafness, hardness of hearing, mental retardation or other physical or mental handicap including social mal-adjustment due to circumstances of birth, inheritance, social position, mental or physical health pattern or accident in later life; or (b) in respect of children who are specially gifted.73

The Nigerian government has established policies to provide for CwD adequate education. These policies are articulated in the 2013 National Policy on Education. The NPE defines special education as ‘a customized educational program, designed to meet the unique needs of persons with special needs that the general education program cannot cater for’.74 The policy states that the education of special needs persons75 is to be free at all levels.76 The government has the responsibility to provide all the necessary facilities to ensure that CwD have access to education. This policy calls for the integration of special classes and units into mainstream school settings to provide consistent data and supervising of students with disabilities to ensure they are benefitting from their learning environment. The Policy also

71 Special education programs in Nigeria are still not adequately catered for that inclusive education has not found grounding in Nigeria
72 Cap E3, Laws of the Federation of Nigeria, LFN, 2004
73 Section 25 of the Education Act, LFN, 2004
75 Special needs persons include the following categories: visual impairment, hearing impairment, physical and health impairment, intellectual disability, emotional and behavioural disorder, speech and language impairment, learning disabilities, multiple disabilities, the gifted and talented, and albinos (NPE, 2013 Section 7 para 118)
76 National Policy on Education, 2013, Section 7
states that the teacher/student ratio in special schools must be 1 to 10. School buildings are required to undergo infrastructural changes in order for them to be accessible for students with disabilities (such changes include ramps for wheel-chairs, wider doors, and lower toilets). The federal government, state governments, and local governments are obligated to fund special education programs cohesively. 

The Standard Rules on the Equalization of Opportunities for Disabled People, which is applicable in Nigeria, declares that ‘states should recognize the principle of equal primary, secondary and tertiary educational opportunities for children, youth and young adults with disabilities, in integrated settings.’ The UN Rapporteur on Disability on the Operation of the Standard Rules stated that there had not been significant laws enacted by states to improve access to education for children with special learning needs while some other states continue the practice of segregation. Nigeria is amongst the list of these countries that segregate their educational framework with special schools and homes for persons with disabilities such as the School for the Blind, Chesire Home, Open Doors etc.

In reality, the Nigerian society expresses discrimination towards PwD in terms of education, health, politics, and social facilities. The government does not sufficiently fund the special schools that are sparsely spread around the country. The policies declared in the National Policy Act intended to improve these problems. The policies seem ideal, and basic protection has been institutionalized in the form of the Child's Right Act and Universal Basic Education. However, the government has not been committed to putting them into practice. CwD have the inherent right to be cared for educationally and economically. The government ought to fully commit to ensuring universal basic education is attainable for all on the basis of inclusion for all PwD.

---

77 National Policy on Education, 2013, Section 7
78 The Standard Rules on the Equalization of Opportunities for Disabled People Rule 6
80 Majority of special schools in Nigeria are privately owned and not funded by the government.
81 P. O. Ikoya & D. Onoyase, ‘Universal basic education in Nigeria: availability of schools’ infrastructure for effective program implementation’, Educational Studies, 34:1, pp. 22-23
2.3.3 Challenges of Implementing Inclusive [Special] Education Programmes in Nigeria

No concrete steps have been taken to implement inclusive education in Nigeria. The practice of segregation and or special schools, such as the School for the Blind and School for Deaf and Dumb have been rampant in Nigeria prior to the UNCRPD; even after the ratification of this treaty by Nigeria. The 2004 Educational Reform highlighted Education For All to ensure that all children and adults receive quality primary education. Unfortunately, the EFA has not been implemented in Nigeria as groups of PwD are marginalized and have been relatively invisible in exercising their right to achieve universal access to primary education. In some states in Nigeria, model schools operate in which children are designated to based on their disabilities.

The framework of basic education is to offer fair and inclusive educational opportunities to all Nigerian children. Although the implementation of inclusive education is expected to be underway, there are many impediments obstructing its success which have been highlighted by the Nigerian Federal Ministry of Education:

- Weak execution of laws and national policies
- Less qualified teachers to enhance and motivate students with disabilities
- Inadequate funding at all levels for inclusive education
- Low capabilities of education Management Information System
- Dilapidated infrastructure
- Poor quality of the curriculum, monitoring mechanisms, and evaluation of learning

The National Blueprint on the education of the Handicapped states: ‘success made so far in the delivery of special education in Nigeria, although minimal in terms of anticipated impact, largely due to inadequate funds.’ Progress in terms of enactment of laws and policies for the rights of PwD to access inclusive education has been made. In the actual implementation of these laws and policies instituted to facilitate the cohesion of PwD into the

---

http://www.ive.unesco.org/national_reports/ICE_2008/Nigeria_NR08.pdf
society, seldom work has been done; merely existing only on paper. There is still much contention PwD face in accessing special education that inclusive education has not been the forefront goal in Nigeria. Many PwD continue to struggle in advocating for their rights to be fully included in all academic settings. Some of these issues challenging the success of inclusive education will be discussed in the next section.  

2.3.4 Lack of Supporting Legislation and Administration

Ajobiewere and Osuorji state that the significance of education for PwD has been undermined. Due to this, the aim to actualize inclusive education is obstructed under ad hoc policies. The National Policy on Education of 2013 and the Universal Basic Education Act of 2004 are the legal provisional documents for special education in Nigeria, which have been mentioned earlier. These legal policies do not address the process required to determine the size and nature of each disability persons have and the entitlement of these persons to special services. Adebisi and Onye state that the federal government continuously fails to organize the administrative functions of the government, which causes the actualization of inclusive education to be stagnated.

The lack of legislative provision is a contending obstacle to inclusive education in Nigeria. The passage of the Disability Bill by the National Assembly in 2009 was not signed by the president of Nigeria until January 2019. This delay reflects the insensitivity on the part of the government to implement and support the implementation of laws to protect the rights of PwD. The legal system is essential in the removal of barriers impeding PwD from actualizing their right to education. Eleweke posits that the provisions made under the NPE have remained at the theory level due to the lack of mandatory legislation to support its implementation. Akpa and Udoh state that the NPE lacks governmental backing and administrative obligations, which cause the policy to remain subjective.

---

90 G.O Akpa & S. U. Udoh, ‘Towards Implementing the 6-3-3-4 System of Education in Nigeria’, Jos p. 32
The administrative bottleneck is another challenge to the actualization of inclusive education in Nigeria. This challenge affects the allocation and distribution of funds and resources for PwD. The lack of political will is another problem Adebisi and Onye highlight. They posit that PwD would exercise their rights fully if government stakeholders had the political will to uphold and advocate for their rights. What has been apparent is that people who are in charge of the administration of PwD are non-professionals who are not ardent in upholding the rights of PwD. The results of this are the lack of adequate planning, monitoring, data collection, training, social mobilization, and improved infrastructural facilities for PWD.  

2.3.5 Inadequate Funding

Inadequate funding serves as the main reason for the slow development of special needs education at all levels of the educational system. Accommodation decisions are made based on budgetary considerations rather than a thorough assessment of the needs of students with disabilities. Olabisi states that funding is the main impediment to the growth of special needs education in Nigeria. He posits that establishing mechanisms and offering individual support to children with special needs requires additional money. In many cases, the available funds for special education projects are not made available to the Federal Ministry of Women Affairs and Social Development, who are legally responsible for PwD in Nigeria. As a result, students with disabilities undergo unnecessary suffering in areas of infrastructure, learning materials, and technological facilities.

The Ministry of Education was allocated 7.02 percent of Nigeria’s 2019 annual budget. Stakeholders in education have stated that the budgetary allocation to the education sector has always been insufficient. Of the total 8.3 trillion naira budget (22.9 billion USD), the Ministry of Education was allocated 462 billion naira (1.2 billion USD). The president of Nigeria, Muhammadu Buhari stated, ‘the allocation to these Ministries represents significant increases over votes in previous budgets, underscoring our commitment to increasing

---

91 G.O Akpa & S. U. Udoh, ‘Towards Implementing the 6-3-3-4 System of Education in Nigeria’, Jos p. 57
92 A. Olabisi, ‘Child Care and Special Education in Nigeria,’ Centre for Learning Disabilities Audiology, 2003 vol. 4, p.51
investment in national security and human capital development.\textsuperscript{93} Compared to the previous years, the Ministry of Education did receive an increase in its budget for 2019.\textsuperscript{94} Nonetheless, the budgetary allocations have been significantly low.\textsuperscript{95}

A think-tank team under UNESCO recommended that the Federal Government of Nigeria allocates between 15 percent to 20 percent of its annual budget to the Ministry of Education. A segment of UNESCO’s Education for All 2000-2015 Achievements and Challenges Report states that ‘in 2006, the High level Group on EFA proposed that governments should spend between 4 percent and 6 percent of GNP on education and that within the government’s annual budget, between 15 percent to 20 percent should be allocated to the education sector; yet the Ministry of Education in Nigeria receives significantly less than it requires.’\textsuperscript{96}

Special education is quite expensive and yet it is an integral part of general education. Its budgetary allocation is derived from what is allocated to the Ministry of Education annually. Special education in Nigeria survives on the kindness and understanding of whoever is in charge of the ministry. In most cases, it is the leftovers that are assigned to special education despite the high cost of implementing the practice. A minister of an African country who was a member of the parliament once stated that the government does not have enough resources to deal with children without disabilities before talking about people with disabilities. This rhetoric may not be different from that of other developing countries. Although the right of CwD to receive an education is no longer questionable in many developing countries, many persons believe that the government and civil society should not invest in the education of CwD as their economic contribution is undetermined. This rationale the society has for educating CwD influences the government's attitudes when it comes to budgetary allocation to special needs education.


\textsuperscript{94} In 2016, the Ministry of Education was allocated 369.6 billion naira (1 billion USD) which was 4 percent of the total annual budget, and in 2017 it received 550 billion naira (1.5 billion USD) which was 7.4 percent of the total annual budget, and in 2018 the Ministry of Education received 605.8 billion naira (1.6 billion USD) which was 7.04 percent of the total annual budget.

\textsuperscript{95} Nigeria is a country with a growing population of over 200 million people, and out of this figure, 10 million out-of-school children. The insufficient funds allocated to the education sector will not be satisfactory to combat the 'out-of-school epidemic' raging the country.

2.3.6 Negative Attitudes

Experts in the field of disability consider negative attitudes from members of the society as a grave barrier in the field of special education in Nigeria. Negative attitudes towards the field in terms of funding and political will to implement policies extend the negative cycle. Lack of knowledge and sensitivity to issues about disability on the part of academic administration, and students make it hard for students with disabilities to access educational services equally.97 The government and political stakeholders need to put in more effort to increase the participation of PwD in society and raise awareness in order to combat societal prejudices and stigmatization towards such persons. Attitudinal barriers in the Nigerian society towards PwD take forms of misconceptions, superstitious beliefs and labeling98 which will be covered extensively in chapter 3.

2.3.7 Lack of Facilities

The lack of facilities and material is another barrier to special needs education in Nigeria. The lack of these necessary support services prevents PWDs from enrolling in academic institutions. The absence of facilities causes qualified students with disabilities such as visual and auditory impairments to not attend mainstream schools in their neighborhood or Nigerian high-level academic institutions. Adebisi states that a majority of these institutions lack vision, hearing assistance, and mobility devices, which impedes equal access to education for PwD. Slow efforts are being made by federal and state governments to acquire the essential equipment needed for vocational and recreational education. State governments differ in the assistance and provisions they provide for PwD.99

2.3.8 Opposing Barriers in Inclusive [Special] Education

The involvement of legal practitioners, school administration, local authorities, health service, and civil society is expedient in order to combat barriers impeding the rights of PwD to attain quality and inclusive education. A clear vision from the government is necessary to

move forward in actualizing the policies and mechanisms protecting the rights of PwD to receive a fair and quality education. A thorough review and application of the following are necessary for moving forward:

a. Early intervention to ensure that children who have disabilities receive the support they need;
b. Removal of barriers to learning is necessary for inclusive education to be practiced in all schools;
c. Improving and developing teachers’ skills and strategies to adequately accommodate PWDs in their learning environments is vital. Also, revising teaching curriculums and making them adaptable for each individual learner is essential.

In conclusion of this segment, the challenges of a large population with a low literacy rate and nearly 50 percent of its population living in extreme poverty constitutes in making the practice of inclusive education almost non-existent and complex. With the population of persons without disabilities out-of-school rate being significantly high, one can understand the grave implication it has on the population of persons living with disabilities. Nigeria has not made significant progress for the education of PwD. There are no accurate statistics available to show the number of PwD who are enrolled in mainstream schools or special schools in Nigeria. There is also a shortage in the number of trained professionals, quality control, and funds to see inclusive [special] education through. The government needs to enforce operation measures to ensure that the policies and legislations established are adequately actualized. There is a dire need for the House of Assembly to push for the Ministry of Budget and Planning in Nigeria to increase the budget for the Ministry of Education. Consequently, dispersing fair monetary resources to special education projects to ensure the practice of inclusion.

---

100 National Policy on Education, 2013
<https://issuu.com/esspin/docs/national_policy_on_education>

101 'Poverty And Shared Prosperity 2018' (World Bank, 2018)
CHAPTER 3

EVOLUTION OF EDUCATION FOR PERSONS WITH DISABILITIES IN NIGERIA

‘It seems very strange that one must turn back, and be transported to the very beginnings of history, in order to arrive at an understanding of humanity as it is at present’

Emile Durkheim

This chapter will give an overview of the historical background that shaped the beliefs and perceptions Nigerians had and still have towards PWDs. The chapter covers how that has shaped the current governmental actions/inactions and societal conception of PwD and their access to education.

3.1 Traditional Beliefs About PwD in Nigeria (19th Century, Pre-Colonial Era)

Over the course of Nigerian history, PwD have been excluded, undergone harsh treatments, and have been victims of crimes against humanity as they have been persecuted for their impairments. Obiakor and Offor posit that during the pre-colonial era, the education system in Nigeria was established upon traditional grounds. The main goal of traditional education was the development of physical dexterity, reverence to the elderly population and leaders, intellectual skills, good character, procurement of vocational learning, and being well informed and being good representatives of one’s heritage and culture. As a result, PwD were disregarded in traditional societies.

Scientific rationalization was not the premise for understanding the causes of disabilities. In traditional communities, disabilities are understood to be disasters caused by higher powers. Such higher powers are known to be sorcerers. These beliefs are deeply rooted in the practices and culture of Nigerians, regardless of their religious affiliation.

102 Emile Durkheim and Joseph Ward Swain, The Elementary Forms Of Religious Life (Neeland Media LLC 2013)
Sorcerers are believed to be powerful and destructive to persons who cause misfortunes to people who are incurable with the application of medical science. It is believed that these mishaps can be reverted by juju\textsuperscript{105} men who are traditional priests and herbalists.\textsuperscript{106}

The perceptions of persons in Nigerian society have towards PwD have been proven to be falsifiable by reason of medical interventions. Nonetheless, these beliefs and attitudes have continued through time. Etieyibo and Omiegbe made reference to Ozoji, who states that the understandings of persons in societies regarding disability influence the attitudes, actions, and or inactions people reflect on PwD.\textsuperscript{107}

Some ethnic groups, along the mid-central region of the country did not regard PwD as human beings in the 19\textsuperscript{th} century. They believed and often times still believe that persons with impairments are animals incarnated in human bodies. The Boki ethnic group of Cross River state termed PwD as eyiam and kinyiom which means animal and fool. Such derogatory terms were widespread in the country. The Idoma ethnic group of Benue state refers to persons with hydrocephalus disabilities as efara, which means big head persons.\textsuperscript{108} Folklore has it that the first chief of the Tiv people of central Nigeria established a law that no ‘deformed’ children should be born anywhere except in his village where they could be taken care of as their custom encouraged. People of the Hausa tribe in the north of Nigeria had a more positive attitude compared to other regions of the country. They perceived disabilities as the plan of God. Nonetheless, prejudices towards PwD still prevailed within this people group.\textsuperscript{109}

The manner in which PwD were understood by people in their societies depended on their geographical location. Societies in proximity to forests perceived PwD as tropical animals such as frogs, baboons, snakes, etc. In regions around bodies of waters, PwD were understood to be hippopotamus, crocodiles, fish, etc. These persons faced ill-treatment. They were taken (and still are in many societies until this day) to the forests by a traditional priest who kills them. There is a common belief that when some of these people are murdered, they incarnate as the animals which they came in human form as.\textsuperscript{110} Faith in familial spirits is

\textsuperscript{105} A spiritual belief system that incorporates objects such as spells and amulets used in religious practice as part of witchcraft in West Africa
\textsuperscript{106} E. Etieyibo and O. Omiegbe, Disabilities In Nigeria: Attitudes, Reactions And Remediation p. 43
\textsuperscript{107} E. Etieyibo and O. Omiegbe, Disabilities In Nigeria: Attitudes, Reactions And Remediation p. 32
\textsuperscript{108} E. Etieyibo and O. Omiegbe, Disabilities In Nigeria: Attitudes, Reactions And Remediation p. 33
\textsuperscript{109} T.B. Abang, 'Disablement, Disability And The Nigerian Society' (1988) 3 Taylor and Francis Group p. 73
\textsuperscript{110} E. Etieyibo and O. Omiegbe, Disabilities In Nigeria: Attitudes, Reactions And Remediation p. 34
evident and is still practiced in many Nigerian communities. It was believed that if people neglect their forefathers, they and their unborn generations will experience hardships. In line with this belief, such hardships come in the form of disabilities. Etieyibo and Omiegbe state that the notion of reincarnation is linked to the belief that spiritual powers cause disability. This is a vice used to understand the continuousness of humanoid presence in the old days.\textsuperscript{111} It is believed that PwD represent the negative aspects of reincarnation as some believe that people are reincarnated with disabilities as punishment for their deeds from their past life. Abang states that no special homes existed in the traditional Nigerian society for PwD, so some families cared for their family members who had disabilities to prevent those family members from practicing the act of begging for survival. Begging is considered to be a taboo amongst ethnic groups in Nigeria, but it is a commonplace in Northern Nigeria. It is encouraged by Islamic traditions of some Northern Muslims as almsgiving is one of the pillars of Islam.\textsuperscript{112} In the Nigerian society today, it is common to see PwD begging for alms on the roadside and at entrances of public buildings. People are less likely to give PwD alms or render help to them because of false beliefs that confer that PwD were reincarnated to pay for their evil deeds in their past life. The fear of being cursed by helping such persons hinders many from alleviating the sufferings of PwD.\textsuperscript{113}

Another superstitious belief stands that persons who do not adhere to the call of divinities or traditional priests would be struck with disabilities. There have been countless stories recounted about how persons were struck with impairments for not adhering to the instructions of spiritualities. Etieyibo and Omiegbe shared a story about a woman who became deaf from disobeying spiritual entities and then regained her auditory senses when she submitted to the divinities.\textsuperscript{114}

Disabilities are also believed to be misfortunes inflicted on one by one’s enemy through evil powers or the consultation of traditional priests. Such inflictions are believed to manifest in the form of charms. These superstitious beliefs have not ceased in the Nigerian society even with the spread of scientific knowledge by the Westerners during the mid-1800s. Nonetheless, awareness and knowledge about disabilities have caused some parents to

\textsuperscript{111} E. Etieyibo and O. Omiegbe, Disabilities In Nigeria: Attitudes, Reactions And Remediation p. 43
\textsuperscript{112} T. B. Abang, 'Disablement, Disability And The Nigerian Society' (1988) 3 Taylor and Francis Group https://www.tandfonline.com/author/Abang%2C+Theresa+ pp. 73-74
\textsuperscript{113} E. Etieyibo and O. Omiegbe, Disabilities In Nigeria: Attitudes, Reactions And Remediation p. 45
\textsuperscript{114} E. Etieyibo and O. Omiegbe, Disabilities In Nigeria: Attitudes, Reactions And Remediation p. 45
understand that accepting their children with disabilities and not limiting their children's right to education will be beneficial to society.\textsuperscript{115}

According to Akhidenor, the issue of disability is approached by traditional Nigerian families as a spiritual problem. Traditionalists with family members who had impairments consulted with oracles and make sacrificial prayers to gods, seeking divine intervention. It is a reoccurring factor that many Nigerian families isolate family members with disabilities to avoid stigmatization and contempt from their community. PwD were (and still are) treated as second class citizens because traditional Nigerian families did not take into consideration the societal and development requirements of PwD.\textsuperscript{116}

In conclusion of this section, traditional beliefs and practices have profoundly influenced the way Nigerians perceive and treat PwD in society today. Conscious unlearning of these superstitious beliefs will take a long time as many are still oblivious to the medical rationale of disability. All hope is not lost because the application of knowledge and awareness by the government and civil society will combat the falsified understanding of disability in Nigeria. Raising awareness and educating the masses about disability would counter discriminative behaviors and also bring positive change in the attitudes and understandings people in the Nigerian society have towards PwD. The following section will discuss the system of education that existed in Nigeria during the colonial period from the mid-1800s to 1960.

### 3.2 Colonial Education & the Exclusion of PwD

Nigeria was invaded by British forces in the mid-1800s. In 1901, Nigeria became a British protectorate and remained a colony of the British until October 1\textsuperscript{st}, 1960, when she gained her independence.\textsuperscript{117}

\textsuperscript{115} H. U. Anih, 'Evaluating Inclusive Education Practices In Early Childhood And Care Education In Enugu South Local Government Area' (Enugu Federal College of Education 2019) p. 2-3

\textsuperscript{116} Akhidenor C, 'Nigerians' Attitudes Towards People With Disabilities' (Ph D, Capella University 2007) p. 5

Nigeria was comprised of two distinct geographical, educational, and cultural systems through its course of development in the 19\textsuperscript{th} century. For many years, the northern territory of Nigeria consisted of Hausa, Fulani, and Kanuri people whose education was based on the Islamic religion, traditional beliefs, Koranic teachings, and the Arabic language. The colonial missionaries intended to establish mission schools in this region, but Northern emirs [kings] rejected\textsuperscript{118} The Western form of education, which was introduced in the mid-1800s as Western education, was deeply ingrained in Christianity.\textsuperscript{119}

The southern territory of Nigeria was populated by ethnic groups such as the Yoruba, Effik, Idoma, Ijaw, Igbo, and many others. The education system in the South was based on traditional education and culture. Although people in this region rejected the Western education introduced by British missionaries, the British persisted in enforcing Western education and ideologies in the South. Mission schools and churches were established in this region and traditional deities which many revered for thousands of years were challenged.\textsuperscript{120}

According to Eskay and Uma, the colonial period in Nigeria had a different educational organization compared to that of today. Eskay and Uma posit that the learning programs introduced by the British during this period were minimal.\textsuperscript{121} Obiakor and Offor state that the British missionaries and traders did not come with the motive to educate people in this region. The British exploited the indigenous people of their natural resources as they converted Southern Nigerians from traditional worshipping to Christianity. They also sold their goods and bought artifacts from the locals for meager prices. The education system established by the British intentionally limited the learning curriculum for Nigerians in order for them to revere them. Nominal education to produce clerks, messengers, and partly educated people was the norm.\textsuperscript{122} Obiakor and Offor state that the focus of education

\begin{footnotesize}
\begin{enumerate}
\item J. Omoyeni, ‘Contributions of Western Education to the Making of Modern Nigeria During and After the First World War’ (2014) 10 European Scientific Journal. p. 270
\item J. Omoyeni, ‘Contributions of Western Education to the Making of Modern Nigeria During and After the First World War’ p. 268
\item J. Omoyeni, ‘Contributions of Western Education to the Making of Modern Nigeria During and After the First World War’ p. 273
\item M. Eskay, O. Eskay and E. Uma, Educating People With Special Needs In Nigeria: Present And Future Perspectives (David Publishing 2012) p. 902
\item M. Eskay, O. Eskay and E. Uma, Educating People With Special Needs In Nigeria: Present And Future Perspectives p. 902
\end{enumerate}
\end{footnotesize}
introduced by the British was reading, writing, and arithmetic. PwD were overlooked as there was no provision for the education of PwD in the school curriculum during this era.\textsuperscript{123}

The amalgamation of the Northern and Southern territories of Nigeria in 1914 increased the spread of Western education in the North. The government increased its participation in the educational system, which increased the establishments of learning institutions.

According to Omoyeni, the 1916 Education Ordinance presented below prompted the Northern state parties to accommodate Western education:

In the early 1900s, the education system in Nigeria was reformed. The value concept of education was proposed based on the following:

i. Formation of character and discipline
ii. Religious education and secular moral instruction
iii. Better education in government-assisted schools
iv. Cooperation with missions and more grants-in-aid to mission schools
v. Special encouragement for the training of teachers
vi. Adoption of education to the needs of the people
vii. Government measure of control over all schools\textsuperscript{124}

Obiakor and Offor state that 1915 was the genesis of education for PwD in Nigeria. The Sudan United Mission were the pioneers of these efforts. The individuals under this mission introduced the Braille learning system and began to teach persons with visual disabilities who were denied learning provisions. Abang states that they began to teach one Ms. Batu grade 11 Braille in the Hausa language. Within a year, she became a teacher of Braille. There was a ripple effect from what the SUM did with Ms. Batu that other missions began to introduce the Braille system of reading and writing.\textsuperscript{125}

The Macpherson Constitution of 1951 empowered state governments to legislate educational policies. In the mid-1950s, the Western Region’s Education law was adopted. This law declared that special schools were to be established for CwD. By 1953, a special


\textsuperscript{124} J. Omoyeni, ‘Contributions of Western Education to the Making of Modern Nigeria During and After the First WorldWar’ p.273

\textsuperscript{125} T. B. Abang, 'Disablement, Disability And The Nigerian Society' (1988) 3 Taylor and Francis Group <https://www.tandfonline.com/author/Abang%2C+Theresa+>
education school opened in Gindiri, Plateau, Nigeria. From this period, PwD were assisted in obtaining certificates like their contemporaries who attended mainstream schools. However, this form of education was not based on inclusion, as PwD were not included in the mainstream school system. As time progressed, voluntary agencies began to work more closely with Nigerian citizens, which impacted the society and reflected the shortcomings of the government in the area of education for PwD.126

To conclude this section, it is important to note that the British applied the approach of divide and rule in Nigeria by pitting ethnic groups against each other during the colonial period. Another aspect in which this divide and rule policy is apparent was when both Northern and Southern Nigerians rejected Western education and Christianity introduced by the British. Nevertheless, the British forcefully imposed Western education and Christianity on southern Nigerians, neglecting the north from education until the beginning of the 1900s. By this time, the South was over 50 years ahead of the North in terms of Western education. The effects of this are still apparent in the Nigerian society today as the North has a very low literacy rate compared to the south (prior to the political unrest and terrorist attacks by Boko Haram in this region). The education of PwD was not prioritized during this era as the form of Western education the British instituted was limited intentionally to reading, writing, and arithmetic. It was not until the early 1900s that education for PwD was first established by missionaries and volunteers who applied the system of special education.

3.3 Post-Colonial Education for PwD in Nigeria

There are three eras that have been identified in the development of provisions for persons with disabilities in Nigeria.127 The first is known as the Humanitarian-Missionary Era between 1945 to 1970. During this period, the Nigerian government continued with the


concept of special education for PwD that private voluntary organizations like SUM started in the early 1900s, although the government was lackadaisical about it.\textsuperscript{128} The second time period is known as the Social Service Era. During this era, the government began to contribute to the education of PwD in the forefront. This period began after the civil war\textsuperscript{129} that raged the country (1967-1970). The government became more involved in providing special teaching and recuperation facilities for the veterans of the war.

The opening of special schools across the country increased during this period. There were provisions that became well enforced by the government that bettered the attitudes Nigerians had towards PwD receiving quality education.\textsuperscript{130} Such provisions include the Education Ordinance of 1948, the Education Law of 1954, and the Northern Nigeria Education Law of 1962. This Social Service Era marked the beginning of the Universal Primary Education system and the takeover of all schools (including special schools) by the government, which were first established by PVOs and individuals.\textsuperscript{131} These special education institutions based on segregation of PwD from persons without disabilities was the approach the government took during this period rather than inclusive education.

In 1974 the head of state then, Yakubu Gowon declared on a nation-wide broadcast, ‘henceforth the government would provide special education.’\textsuperscript{132} Following this declaration, reformations were made in the nation's development plan, and provisions were made for services for special education and the training of special education teachers. The UPE served as a monitoring body for the UBEC, which was responsible for the implementation of the national special education policies.\textsuperscript{133} Training programs for special teachers commenced, and the institutions were created to further special education programs. These institutions include:

\begin{itemize}
\item \textsuperscript{128} F.E. Obiakor and M.T. Offor, ‘Special Education Provision In Nigeria: Analyzing Contexts, Problems, And Prospects’ p. 27
\item \textsuperscript{129} Civil War also known an Biafran war between ethnic groups, predominantly Igbos against the rest of Nigeria (1967—1970)
\item \textsuperscript{130} F.E. Obiakor and M.T. Offor, ‘Special Education Provision In Nigeria: Analyzing Contexts, Problems, And Prospects’ p. 28
\item \textsuperscript{131} B. Fafunwa, ‘History of Nigerian Education. NPS Publishers, Ibadan, 1991
\item \textsuperscript{132} C. C. Asiwe and Odirin Omiegbe, ‘Legal And Ethical Issues Of Persons With Special Needs In Nigeria’ (2019) 9 Academic Journals <https://academicjournals.org/journal/ERR/article-full-text-pdf/A5EEE0646164 p.518
\item \textsuperscript{133} C. C. Asiwe and Odirin Omiegbe, ‘Legal And Ethical Issues Of Persons With Special Needs In Nigeria’ p.518
\end{itemize}
• University of Ibadan: special education diploma 1974 and Bachelor's program in 1976.
• University of Jos: Bachelor's degree program in special education in 1977 and a Master's degree program in 1978.
• The Federal Advanced Teachers College established by the federal government in 1977.¹³⁴

In the late 1970s, the NPE was established and gave life to the goal of equal education for all, irrespective of disabilities. This policy declared the right for both children and adults with disabilities to attain quality education. The NPE of 1977 implemented the provision declared in the UDHR 1948 that certified the fundamental right of all persons to attain education. The NPE also adopted the UPE scheme and introduced the six-year of primary education, three-year junior secondary education, three-year senior secondary education, and the four-year university education system. The establishment of the NPE marked a momentous turning point in Nigeria's special education system. This policy highlighted the aims of special education as follows:

a. To actively define the idea of fair opportunities for all children regardless of their physical, psychological, and emotional states;
b. To make provisions for all persons with disabilities to ensure that they all participate in nation-building;
c. To provide opportunities for exceptional children to develop their skills at their pace.¹³⁵

Additionally, the policy comprises of the following provisions for persons with disabilities:

• Integration of children with disabilities in mainstream learning institutions;
• Establishment of a committee that would be coordinated by the Federal Ministry of Education in partnership with the Ministries of Health, Social Welfare and Labour;
• Special education be provided for children with disabilities and exceptional gifts and talents;
• Regular census of PwD.¹³⁶

¹³⁴ The Federal Advanced Teachers College also known as FATC was one of the first colleges of special education in sub-Saharan Africa
During the Social Service Era, the government of Plateau state first instituted a law called ‘Plateau state handicapped law’ in 1981. This law declares that the education of ‘children with handicap' is compulsory and rehabilitation services will be made available for ‘adults with handicap'. This law was relevant to only Plateau state, which was one of the nineteen states of Nigeria back then. In 1982, the NPE was revised, but the reformation was halted by military takeovers and economic limitations, which stagnated the education sector.

The third era was characterized by international advocacy for inclusive education and Nigeria’s conversion from military dictatorship regimes to democratic rule during the late 1990s. In 1993, the federal government enacted the first legislation for persons with disabilities known as the ‘Nigerians with Disability Decree’, which was ratified to deliver a clear and comprehensive lawful protection and security for Nigerians with disabilities; as well as establishing a standard for the improvement of the rights and freedom certified under this decree and other laws relevant to PwD in the Federal Republic of Nigeria. In 1994, Nigeria was amongst the 92 state governments who participated in the Salamanca Conference, as mentioned earlier. Shortly after the conference, the government created policies that promoted education for students with disabilities in mainstream schools. In 1999 after the democratic transition, the Universal Basic Education Act and the new NPE were enacted and have been revised in 2004, 2008 and 2013 respectively. These policies encourage PwD to be taught in schools near their homes.

In conclusion of this segment, it is key to highlight that despite policy developments, PwD still face numerous challenges in Nigeria. Inaccessibility to education is one of the major challenges students with disabilities contend against. Schools lack teaching and learning materials, efficient technology, facilities, and competent teachers to teach from an inclusive approach. These problems have been connected to the negative attitudes and traditional beliefs about PwD in Nigerian society. This further excludes them from fully

---

137 Nigeria presently has 36 states.
participating and exercising their fundamental rights in their communities.\textsuperscript{143} Access to inclusive education is key to realizing a cohesive society where PwD are acknowledged as equal members of the society.\textsuperscript{144}

\textsuperscript{143} C. Brydges & P. Mkandawire, ‘Perceptions and Experiences of Inclusive Education among Parents of Children with Disabilities in Lagos, Nigeria’

\textsuperscript{144} M. Ainscow & A. Sandill, ‘Developing Inclusive Education Systems: The Role of Organizational Cultures and Leadership’ (International Journal of Inclusive Education 14 (4) p. 401)
CHAPTER 4: NIGERIA’S LEGAL & POLICY FRAMEWORK FOR THE RIGHT TO INCLUSIVE EDUCATION

Nigeria has obligations under international, regional, and domestic laws for the protection of the right to education for PwD. It is expedient to present the applicable legal framework in order to know the responsibilities Nigeria has towards education for PwD and to investigate the implementation of the legal framework. This chapter will begin with the international treaties with a closer focus on Article 7 and Article 24 of the Convention on the Rights of Persons with Disabilities due to its significance for this research work, being the first and most recent treaty explicitly for the protection of the rights of PwD. Following this, regional treaties applicable to Nigeria for the right of education for PwD will be highlighted, and lastly, the relevant domestic laws and policies for PwD to receive quality education in Nigeria will be presented.

4.1 International Legal Framework (UNCRPD)

The right to education is embodied in various international and regional legal instruments Nigeria has signed and ratified. The 1948 UDHR declares in its preamble that the enshrined rights are ‘…a common standard of achievement for all peoples and all nations...’\(^{145}\) The right to education is embedded in Article 26 of this declaration which states:

> Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available, and higher education shall be equally accessible to all on the basis of merit.\(^{146}\)

In 1966, the right to education was enshrined in the International Covenant on Economic, Social and Cultural Rights, Article 13\(^ {147}\). The Convention on the Rights of the Child in 1989 protects the right to education for all children in Article 28 and 29.\(^ {148}\) The Committee on the

---


\(^{146}\) ‘Universal Declaration Of Human Rights' (Un.org)


\(^{148}\) ‘OHCHR | International Covenant On Economic, Social And Cultural Rights' (Ohchr.org)
Rights of the Child made the following declared that CwD are to receive formal/informal education in non-discriminatory settings.  

The international treaty that is the most precise on the right to education for PwD is the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol that was adopted in 2006. Specific articles from this treaty regarding CwD (article 7), the right to education for PwD (article 24), the national implementation and monitoring mechanisms (article 33), and the obligation of states parties to submit comprehensive reports (article 35) will be presented below.

4.1.2 Article 7: Children with Disabilities

Article 7 is a general provision precisely for CwD. The Article declares:

State parties shall take all necessary measures to ensure the full enjoyment by children with disabilities of all human rights and fundamental freedoms on an equal basis with other children;

In all actions concerning children with disabilities, the best interests of the child shall be a primary consideration;

States Parties shall ensure that children with disabilities have the right to express their views freely on all matters affecting them, their views being given due weight in accordance with their age and maturity, on an equal basis with other children, and to be provided with disability and age-appropriate assistance to realize that right.

Article 7 declares that all human rights (including the right to education), should be guaranteed for all CwD. This provision is directly for CwD, which recognizes the fact that children are vulnerable, and there are matters concerning their overall wellbeing that are not fully addressed in provisions protecting the rights of PwD. This provision highlights the importance and necessity of the rights of CwD to exercise their inherent right to education as any other child without disabilities.

---

149 ‘OHCHR | Convention On the Rights of the Child’ (Ohchr.org) art. 29
150 ‘Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable’ (Un.org) art. 7
To this end, the progress at which Nigeria has made to uphold the declarations of Article 7 has not been presented to the Committee on the Rights of Persons with Disabilities. Nigeria has not turned in any periodic reports since they ratified the CRPD in 2007.\footnote{151}

4.1.3 Article 24: Education

Inclusive education aims to empower societies to contest against acts of discrimination, such as stereotyping and stigmatization. Its practice encourages diversity while supporting cohesive education for all by supporting students living with disabilities. To accomplish this requires a paradigm shift in the policies, laws, administration, and the structure of the education system in signatory countries like Nigeria. The right to inclusive education stated in Article 24 of the CRPD 'clarifies the specific implications for persons with disabilities of enjoying the right to education without discrimination and based on equal opportunities.'\footnote{152} The five paragraphs of this Article will be assessed below following General Comment no. 4 created by the Committee on the Rights of Persons with Disabilities.

Article 24 (1) of the CRPD demands that 'state parties shall ensure an inclusive education system at all levels and lifelong learning,'\footnote{153} which provides a legal foundation for the ideology of inclusive education in international law. Article 24(2)(a) and (b) declare that state actors are obligated to ensure that 'children with disabilities are not excluded from free and compulsory primary education on the basis of disability' and that 'persons with disabilities can access an inclusive, quality and free primary education and secondary education on an equal basis with others in the communities which they live.'\footnote{154} This means that PwD should not be prevented from attending schools in proximity to their homes as it is in their right to do so. In relation to Article 24(2)(b), the Committee on the Rights of Persons with Disabilities highlighted the endearing need for learning establishments to comprise of

\footnotesize{153 'Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 7 para 1\footnote{}}
\footnotesize{154 Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 7 art. 24 para 2}
the notions *availability, accessibility, acceptability, and adaptability*\(^{155}\) which was recommended by the Committee on Economic, Social and Cultural Rights.

Article 24 (2)(c) states: 'Reasonable accommodation of the individual’s requirements is provided.'\(^{156}\) According to the Committee on the Rights of Persons with Disabilities, 'reasonable' is defined as 'the result of a contextual test that involves an analysis of the relevance and the effectiveness of the accommodation and the expected goal of countering discrimination.'\(^{157}\) Reasonable Accommodations\(^{158}\) compliments the responsibility state actors are obliged to fulfill for persons living with disabilities. Such reasonable accommodations are made through the assessment of the individual needs of persons with disabilities in order for them to attain quality inclusive education. State actors are required to implement the necessities for reasonable accommodations to be actualized.

Article 24 (2)(d) states that 'persons with disabilities [are to] receive the support required within the general education system to facilitate their effective learning program.'\(^{159}\) This means that learners with disabilities are authorized to receive support from the institution. Such support is required to enable them to have quality education on an equal level with their peers. Such support comes in the form of: 'sufficiently trained and supported teaching staff, school counselors, psychologists, and other necessary health and social service professionals, as well as access to scholarships and financial resources [on an equal basis with other students not living with disabilities].'\(^ {160}\)

Article 24 (2)(e) declares that 'effective individualized support measures are to be provided in environments that maximize academic and social development, consistent with the goal of full inclusion.'\(^ {161}\) In order for this declaration to be realized, direct support from teaching personnel is essential for improving the learning experience of each individual student with disabilities. Such support may come from individualized learning plans for each student.

---

\(^{155}\) Committee on the Rights of Persons with Disabilities general comment No. 4 (2016) p. 6-8 <https://tbinternet.ohchr.org/Treaties/CRPD/Shared%20Documents/AUS/CRPD_C_AUS_CO_2-3_37221_E.docx>

\(^{156}\) 'Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 24 para 2

\(^{157}\) Committee on the Rights of Persons with Disabilities general comment No. 4 (2016) p. 8

\(^{158}\) Reasonable accommodations ensure non-exclusion from education for PwD. Failure to provide reasonable accommodation constitutes discrimination on the ground of disability (general comment no. 4)

\(^{159}\) 'Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 24 para 2

\(^{160}\) Committee on the Rights of Persons with Disabilities general comment No. 4 (2016) p. 9

\(^{161}\) 'Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 24 para 2
to maximize their potential decided upon by the students themselves, their parents, caregivers, and third parties. The Committee also stated that students with disabilities are also entitled to remedial procedures if their right to receive comprehensive support is being denied.

Article 24 (3) obligates state parties to equip PwD to learn and develop the necessary skills to enable them to thrive in their school communities such as: 'Braille, alternative script, augmentative and alternative modes, means and formats of communication and orientation and mobility, sign language, and appropriate languages and modes for communication.'

Article 24 (4) declares that state parties are responsible for engaging administration, teaching, and non-teaching staff with the skills to work efficiently to achieve inclusive education. These educators are to be proficient in sign language and Braille with direction and agility skills. The teachers are to be trained based on the human rights model of disability, according to the Committee. The employment of professional educators living with disabilities is also to be pursued. Laws and policies that require teaching candidates with disabilities to fulfill specific medical eligibility criterions for them to participate as teachers are to be eradicated. This will work to encourage equal rights for PwD to be a part of the teaching profession. This Act will also serve as a source of aspiration to students living with disabilities.

Article 24 (5) declares that:

States Parties shall ensure that PwD are able to access general tertiary education, vocational training, adult education, and lifelong learning without discrimination and on an equal basis with others. To this end, States Parties shall ensure that reasonable accommodation is provided to persons with disabilities.

According to the Committee, for this clause to be adopted appropriately, state actors are to guarantee that accessible 'general tertiary education vocational training, adult education and lifelong learning without discrimination on an equal basis with others.' All forms of impediments to equal education are to be eradicated to certify equality of opportunity for all

---

162 Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable (Un.org) art. 24 para 3
163 Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable (Un.org) art. 24 para 4
164 Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable (Un.org) art. 24 para 5
165 Committee on the Rights of Persons with Disabilities general comment No. 4 (2016) p. 12
persons. Additionally, confirmatory measures are to be taken by state actors to ensure that adequate provisions are made, so PwD do not experience discrimination.

In conclusion of this section, the Nigerian government has not maximized its time since the ratification of the CRPD. Minor progress has been made in establishing policies to protect the rights of PwD to receive quality inclusive education in mainstream schools. There is still no distinct division of tasks and no timetable regarding the implementation process. There has also been very little awareness raised among stakeholders regarding the CRPD and the involvement of PwD in the implementation and monitoring process. However, there have been policies modified such as the National Policy on Education 2013 to promote inclusivity in schools and the Nigerian Disability Bill 2009, which required the signature of the President for the implementation of its provisions (which are in line with that of the CRPD) to take shape. This bill was not signed until January 2019. Additionally, as mentioned previously, since Nigeria ratified the CRPD in 2007, the country has not submitted any of the required periodic reports to the Committee on the Rights of Persons with Disabilities.

4.1.4 Article 33: National Implementation and Monitoring

Article 33 declares:

States Parties, following their system of organization, shall designate one or more focal points within government for matters relating to the implementation of the present Convention. State Parties are to establish independent mechanisms to promote, monitor, and protect the implementation of the Convention. In doing so, they are expected to take into account the principles of their national institution regarding the promotion and protection of human rights.

---

167 'Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 33
168 'Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 33
Civil society, in particular PwD and their representative organizations, shall be involved and participate fully in the monitoring process.\[^{169}\]

Nigeria has not made progress in upholding and implementing the declarations in Article 33 aside from the recent signing of the Disability Bill in January 2019 by the President of the Federal Republic of Nigeria, which will be discussed later in this chapter. As mentioned previously, Nigeria has not sent in a state report or publicized how the government is upholding the statutes of Article 33 and or the CRPD in its entirety.

**4.15 Article 35: Reports by States Parties**

Article 35 declares that each state party is obliged to submit to the Committee through the Secretary-General of the UN, a comprehensive report on measures taken to uphold the Convention and on the developments made in that regard within a time frame of two years following the treaty's entry into force for each state party involved. State parties are also obligated to submit consequent reports every four years and additionally whenever the Committee demands so. To this end, the Committee decides on the guidelines and content of the reports.\[^{170}\]

Article 35 further declares:

A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports, repeat information previously provided. When preparing reports to the Committee, State Parties are encouraged to do so in an open and transparent process and to give due consideration to the provision set out in article 4, paragraph 3, of the present Convention. \[The state\] reports may indicate factors and difficulties affecting the degree of fulfillment of obligations under the present Convention.\[^{171}\]

Nigeria has not fulfilled the state obligations enshrined in Article 35 of the CRPD. The country did not submit a comprehensive report on the procedures it has undergone to

\[^{169}\] ‘Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 33
\[^{171}\] ‘Convention On The Rights Of Persons With Disabilities (CRPD) | United Nations Enable' (Un.org) art. 35
actualize the Convention two years after the entry into force (Nigeria ratified the Convention in 2007; therefore, its comprehensive report was due in 2009). The subsequent reports that were supposed to be submitted to the Committee through the Secretary-General of the UN (due in 2013 and 2017, respectively) have not been submitted either.

4.2 Regional Legal Framework: Right to Inclusive Education for PwD

The right to education is respected and enshrined in the African Charter on the Rights and Welfare of the Child. Article 17 (1) of the African Charter on the Rights and Welfare of the Child declares that all children have the right to education. The Charter states that the education each child receives is to enhance them and direct them towards the development of their character, talents, and psychological and physical capabilities.\(^{172}\) Article 13 (2) declares that state parties are to certify that CwD have proper access to training that is conducive to the child in order for the child to experience full social integration and both individual and cultural moral development.\(^{173}\)

The African Union has set mechanisms for monitoring the rights of the child in the region. These monitoring instruments include the African Commission on Human and Peoples’ Rights, the African Committee of Experts on the Rights and Welfare of the Child, and the African Court on Human and Peoples’ Rights.\(^{174}\) Fifty-three member states of the AU are signatories to the African Charter, including Nigeria. This Charter authorizes a Committee of Experts to practice individual communications\(^{175}\) for addressing issues presented (there has been a record of only two complaints observed by the Committee with one decision made).\(^{176}\)

---

\(^{172}\) African Charter on the Rights and Welfare of the Child art. 17

\(^{173}\) African Charter on the Rights and Welfare of the Child art. 13

\(^{174}\) 'African Human Rights System | International Justice Resource Center' (Ijrcenter.org)
https://ijrcenter.org/regional/african/

\(^{175}\) “Communications” are complaints received by the Committee in accordance with Article 44 of the African Charter

\(^{176}\) 'Revised Guidelines For The Consideration Of Communications' (Acerwc.africa)
4.3 National Legal Framework: Right to Inclusive Education for PwD

Provisions for the right to education in Nigeria is provided through direct policy. The 1999 Constitution of the Federal Republic of Nigeria declares that it is the government’s duty to direct its policies towards guaranteeing fair and efficient educational prospects at all academic levels for all persons. The government also holds the responsibility to combat illiteracy and provide free education at all levels when practicable. The government furthered these constitutional mandates with the re-launching of the UBE Programme in 2000. The Child's Right Act was enacted in Nigeria in 2003. This Act declares that all children have the right to free and obligatory UBE that is to be provided by the government.

Section 6 (6)(c) of the Constitution states that the Fundamental Objectives and Directive Principles of State Policy are non-justiciable. Nonetheless, the enactment of the Child's Rights Act of 2003 was raised from a non-justiciable entitlement to a new lawful standard. This Act and that of the UBE brought a legal policy stance that connects the right to education in Nigeria with international standards. This has opened doors for the recognition and protection of the rights of all children, with or without disabilities.

4.3.1 The Nigerian Disability Decree of 1993

The Disability Decree of 1993 was created to protect the rights of PwD in Nigeria during the military regime. Legislative provisions were made in this decree to guarantee the right to free education in public learning institutions for PwD. The training of teachers to better accommodate PwD in their classrooms is an obligation under this decree. All education


178 Nigeria’s Constitution of 1999


180 Nigeria’s Constitution of 1999
institutions (private and or public) are obligated to make their learning facilities accessible and adaptable to the needs of PwD.\footnote{Nigeria – Disability Decree – Disability Rights Education & Defense Fund’ (Disability Rights Education & Defense Fund, 2019) \url{https://dredf.org/legal-advocacy/international-disability-rights/international-laws/nigeria-disability-decreel/}}

Section 1 encapsulates the general principles of the Disability Decree of 1993, which is:

To provide a clear and comprehensive legal protection and security for Nigerians with disabilities as well as establish a standard for enforcement of the rights and privileges guaranteed under this decrees and other laws applicable to the disabled in the Federal Republic of Nigeria.


In conclusion of this section, the 1993 Disability Decree in which the legislative body of the Nigerian government adopted resolutions and declarations from the international sphere such as the Jomtien Declaration on Education for all 1990, the Convention on the Right of the Child 1990, and the Salamanca Statement 1994, which all highlight policies of inclusive education. Nonetheless, this decree has been ineffective due to the lack of implementation strategies, planning, inefficient systems to train teachers, and the lack of a monitoring body to ensure its adoption.\footnote{C. C. Asiwe and Odirin Omiegbe, 'Legal And Ethical Issues Of Persons With Special Needs In Nigeria' p. 519}

4.3.2 The Nigerian Constitutional Provisions on the Rights of PwD

Nigeria has had a series of constitutions through the country's colonial-era to its independence and post-independence periods. The current Constitution was enacted on May 29\textsuperscript{th}, 1999 following the dawn of democracy, inaugurating the Fourth Republic of Nigeria. The Constitution of 1999 is the supreme law of the Federal Republic of Nigeria. Provisions for the rights of PwD are declared in chapters 2 and 4 of the Constitution, which will be presented in this section.
Chapter 2 in the Constitution covers the Fundamental Objectives and Directive Principles of State Policy. Section 16.2 (d) of this chapter declares that:

The state shall direct its policy towards ensuring that suitable and adequate shelter, suitable and adequate food, a reasonable national minimum living wage, old age care and pensions, and unemployment, sick benefits, and welfare of the disabled are provided for all citizens.¹⁸⁴

Under this section of the Nigerian Constitution, PwD are ensured by law that policies that ensure their wellbeing, welfare, and physiological needs will be taken care of by the state if necessary.

Chapter 2 section 15 declares that:

The motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress. Accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited.¹⁸⁵

Chapter 2, section 15 of the Constitution forbids discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties, but does not mention grounds of disability.

Chapter 2, section 17.3 (g) declares that 'the state shall direct its policy towards ensuring that provision is made for public assistance in deserving cases or other conditions of need.'¹⁸⁶

This declaration assures that state policies will be harnessed towards assisting persons in need in the society irrespective of the sex, age, religious affiliation, ethnicity, or disability of persons.

Chapter 2, section 18.1, states that the 'government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.'¹⁸⁷

¹⁸⁴ Nigeria’s Constitution of 1999 sec. 16.2
¹⁸⁵ Nigeria’s Constitution of 1999 sec. 15
¹⁸⁶ Nigeria’s Constitution of 1999 sec. 17.3
¹⁸⁷ Nigeria’s Constitution of 1999 sec. 18.1
Therefore, equal and adequate educational opportunities from primary education to secondary education, university education, and adult literacy programs are assured for all Nigerians without discrimination on the grounds of gender, age, religious affiliation, ethnicity, social status, or disability at all learning levels.\textsuperscript{188}

Chapter 2 section 18 declares that:

The government shall strive to eradicate illiteracy, and to this end, [the] government shall as when practicable, provide: free, compulsory and universal primary education, free secondary education, free university education, and free adult literacy program [for all citizens].\textsuperscript{189} The declaration above guarantees that the government will work to ensure all its citizens benefit and exercise their right to education. The government also states that it will provide free education to all citizens from primary school education to secondary school, and university level education and programs for adults.

However, the mandates in section 18, which guarantees the right to education for PwD is not enforceable as a result of provisions of section 6(6)(c), which are non-justiciable, as mentioned earlier.

Chapter 4 of the Constitution makes provision of the fundamental rights of Nigerian citizens. Section 34 of this chapter declares that 'every individual is entitled to respect for the dignity of his person, and accordingly –no person shall be subject to torture or inhumane or degrading treatment.’

The mandate above guarantees the protection of every individual, which includes PwD as they are to be treated and recognized equally by the law.

The supreme law of the Federal Republic of Nigeria used 'persons/Nigerians with disabilities' and 'disabled persons/Nigerians' interchangeably. This reflects the need for the legislative and executive bodies of the state to take proactive steps to regulate laws and policies in accordance with the social and human rights model of disability. Section 6 (6)(c) of the Constitution states that the Fundamental Objectives and Directive Principles of State Policy are non-justiciable; therefore, these provisions are not capable of being settled by law or by a court.

\textsuperscript{188} Nigeria’s Constitution of 1999 sec. 18.1
\textsuperscript{189} Nigeria’s Constitution of 1999 sec. 18
The national guideline for the effective administration, management, and implementation of education at all tiers of government. The National Policy on Education is a statement of intentions, expectations, goals, prescriptions, standards, and requirements for quality education delivery in Nigeria.\textsuperscript{190}

He also stated that the need for such a policy to exist is due to the domestic commitments Nigeria is obligated to implement, such as the Education for All, the United Nations Millennium Development Goals, and also the National Economic Empowerment and Development Strategy which is a national development plan.\textsuperscript{191}

The 6\textsuperscript{th} edition of the NPE was released in 2013 and Section 7 of the provisions is focused on 'Special Needs Education.' Section 7, Paragraph 117, states the definition of special education as 'a customized educational program, designed to meet the unique needs of persons with special needs that the general programme cannot cater for.'

In the following provisional clauses, the use of the words \textit{inclusive education} was applied twice throughout this section. Terms such as \textit{special education} and \textit{persons with special needs} were utilized significantly compared to the former. This alone highlights the lack of clarity, understanding, and institutional will to implement inclusivity in the education system in Nigeria, by the Ministry of Education.

Section 7 of Paragraph 118 lists the categories of \textit{special needs persons} as follows:

\begin{itemize}
  \item [a.] Visual impairment (blind and partially sighted);
  \item [b.] Hearing impairment (deaf and partially hearing);
  \item [c.] Physical and health impairment;
  \item [d.] Intellectual disability (mild, moderate, severe and profound);
  \item [e.] Emotional and behavioral disorders (hyperactive, hypoactive/socially maladjusted);
  \item [f.] Speech and language impairment;
\end{itemize}

\textsuperscript{190} National Policy On Education 2013 p. ii. <https://issuu.com/esspin/docs/national_policy_on_education>

\textsuperscript{191} National Policy On Education 2013 p. ii.
g. Learning disabilities (psychological/neurological phobia or challenges);

h. Multiple disabilities;

i. The gifted and talented; and

j. Albinos (vision and skin problems, lack of self-esteem, myths about albinism, stigmatization, and stereotype)\textsuperscript{192}

This section declared that inclusive learning services in regular schools would be made available to 'persons with special needs.' However, it is important to note that the definition of inclusive education is not presented by the NPE in this section.

There are obligations listed by in the NPE that the Federal Ministry of Education is subject to maintain which will be mentioned in the following sentences:

- The Ministry is obliged to contribute to the funding of special education programs all over Nigeria
- The Ministry is responsible for the formulation of policies and the amendments thereof relating to special education programs
- The Ministry is accountable for the organization and monitoring of special education facilities and programs for persons with special needs
- The Ministry is responsible for providing equal funds for states and local governments for the provision of special education systems
- The Ministry is to encourage domestic and international donors and financial institutions to assist in the funding and implementing of special education programs
- The Ministry is responsible for providing steady updates on the number of persons that require special education services all over Nigeria\textsuperscript{193}

Paragraph 121 states that the Federal and State Ministries of Education and the Education Secretariat in the Federal Capital Territory are responsible for the following:

- Early identification, intervention, placement, and nurturance;
- Early admission into Early Child Care Education and Development, Pre-Primary, Primary, Secondary and Tertiary institutions;

\textsuperscript{192} ‘National Policy On Education 2013 p. 35
\textsuperscript{193} National Policy On Education 2013 p. 36
iii. Provision of the necessary facilities to effectively challenge and develop the intelligence of these persons; and

iv. Monitoring the progress of these persons with special needs from Early Child Care Education and Development, Pre-Primary, Primary, Secondary and Tertiary levels and Out-of-School transition\textsuperscript{194}

The Ministry of Education is responsible for providing facilities, equipment, materials, and technological devices needed to provide quality education for 'special needs persons.'

Paragraph 123 declares that special education training and re-training are to be provided to cover all the categories of students with disabilities to implement inclusive learning.\textsuperscript{195}

The provisions above may seem ideal and cohesive with all the declarations made in Article 24 of the CRPD (aside the terminological categorization of PwD). However, this is not the case in Nigeria. These policies have not been actualized due to a restricted number of monitoring and assessing bodies, the lack of implementation capacity, inadequate funding in the purchase of equipment, inaccurate data on the number of PwD who need to be accommodated into inclusive learning environments, and the lack of the necessary capabilities to train teachers to implement the inclusive education scheme.\textsuperscript{196}

\textbf{4.3.4 Discrimination Against Persons with Disabilities (Prohibition) Bill}

The National Assembly of the Federal Republic of Nigeria passed the Discrimination Against Persons with Disabilities (Prohibition) Bill in 2009. However, the President then, former excellency Goodluck Jonathan failed to sign the bill into law. The bill for the new law was passed by the House of Representatives and the Senate joint committee in 2016 but it was not sent to the incumbent President Buhari until December 2018. On January 17\textsuperscript{th}, 2019, Buhari denied on national television that he had received the bill. Several civil society groups such as CCD and JONAPWD have demonstrated and protested for years for the bill to be signed by the President. On January 23\textsuperscript{rd}, 2019, the bill was finally signed into law after ten years of persistent advocacy by disability rights activists and groups. This law prohibits discrimination

\textsuperscript{194} National Policy On Education 2013 p. 36
\textsuperscript{195} National Policy On Education 2013 p. 37
\textsuperscript{196} C. C. Asiwe and Odirin Omiegbe, 'Legal And Ethical Issues Of Persons With Special Needs In Nigeria'
based on disability and enforces sanctions and prison sentences for those that defy its provisions. The law orders a five-year transitional period for the amending of public buildings, structures, and vehicles to make them conducive to use for PwD.\textsuperscript{197}

According to Ita Enang, who is the President's National Assembly liaison officer, the new law guarantees that corporate institutions and individuals will face sanctions if found guilty of discriminating PwD. This law has brought a major relief to anti-defamation campaigners who accuse the Nigerian government of not upholding its duties in protecting its citizens with disabilities.\textsuperscript{198}

The Act states that all forms of discrimination against PwD is prohibited. If an individual is found guilty of violating this law, a fine of 100,000 naira\textsuperscript{199} or a term of 6 months imprisonment will be mandated. The law obligates a fine of 1 million naira\textsuperscript{200} on corporate establishments. Discrimination against PwD in public transportation and transport facilities is prohibited under this law. PwD have the rights and privileges to education also. A five-year transitional period is set under this law, in which public buildings, structures, and transportation services are to be changed to be accessible for PwD. The construction and modification of public infrastructures are to be examined by relevant stakeholders under the law. PwD have the right to file a lawsuit for damage against any parties that fail to uphold the provisions of this law. The law also ensures that the National Commission for PwD will be established, and an Executive Secretary will be appointed as the head of the Commission. The National Commission for PwD will be responsible for ensuring that PwD will have access to housing, education, and healthcare services. The Commission will also have a monitoring body responsible for taking complaints of rights violations and support victims to seek legal redress as expressed in the CRPD Article 33.\textsuperscript{201}

\textsuperscript{199} 100,000 naira is equivalent to 280 USD
\textsuperscript{200} 1 million naira is equivalent to 2,760 USD
The enactment of this bill in January 2019 is one of the first steps Nigeria has taken towards implementing its obligations under the CRPD. Federal and state authorities are set to conduct effective measures to ensure the full implementation of the new law. There has not been any news regarding the actions of stakeholders since the enactment of this law.\textsuperscript{202}

\textsuperscript{202}A. Ewang, 'Nigeria Passes Disability Rights Law' (\textit{Human Rights Watch}, 2019)
CHAPTER 5: OMBUDSMAN & CIVIL SOCIETY ADVOCACY FOR PERSONS WITH DISABILITIES IN NIGERIA

This chapter will begin with the ombudsman system in Nigeria, where PwD may submit complaints to in order to receive legal redress and justice. The second part of this chapter presents some civil society organs who persistently advocate for the rights of PwD.

5.1 Ombudsman in Nigeria

An ombudsman is an official appointed to investigate individuals’ complaints against a company, organization, or state authority. This legislative provision serves as a neutral party to protect citizens from the arbitrary, repressive, and unfair actions of these three organizations listed above.

This institution serves the purpose of resolving complaints and receiving inquiries of citizens in democratic nations. The Public Complaint Commission (PCC) serves as the ombudsman in the Federal Republic of Nigeria. The Udoji Public Service Review Commission of 1974 in conjunction with the General Murtala Mohammed administration, established the PCC in 1975. The public complaint commission has been incorporated into the present Constitution of the Federal Republic of Nigeria.

The national headquarter of the Commission is located in the Federal Capital Territory of Nigeria. There are five area offices in each state across the country where individuals can send in their complaints and or inquiries. These offices were established to enable the conducive submission of complaints or inquiries by individuals. The PCC is obligated to improve municipal administration by observing laws, regulations, practices, and

---

203 The author found no published reports regarding persons with disabilities reporting to the Ombudsman in Nigeria
behaviors of the people involved. In doing so, the PCC is to act as a lawful protector against offensive government personnel and companies.

The complaints made by individuals are to be investigated by the PCC. The investigations may cover:

Any officer/department ministry of the federal government, any officer of department or Ministry of the state government, any officer/department authority of local government, any company privately owned or owned by the government, and any statutory corporation/public institution set up by any government in the federation.207

Additionally, the PCC has the power to call for the attendance of any person deemed necessary in the production of evidence or information for the commencement of investigations. Persons who decline the PCC’s call will be brought before the court of law.

The PCC aims to promote social justice and practical resolutions for all Nigerian citizens and foreign individuals living in Nigeria who experience unjust treatments or abuse of rights from the government or companies in Nigeria. The PCC is an upright institution, but it is not constituted with the 'power to overturn all injustices or to answer questions that the modern government faces.'208 The PCC is a key institution in the municipal service of Nigeria. It is expected to play a vital role in combatting corruption and in the preservation of human rights as it is supposed to assist individuals to construe solutions in cases of injustices carried out by the government and or companies in the country.209

The effectiveness of the PCC in Nigeria is debatable. There is a decline in complaints and inquiries received by the Commission from its establishment until date. A review made from April 2014 to March 2015 revealed that the Commission received 952 reports from individuals and reviewed only one complaint from these cases in September 2014.210

---

209 In 2016 speculations were made concerning the offices of Nigeria's ombudsman being closed due to the Commission's ineptitude in paying full salaries to its workers. It was reported that salaries were cut down to 50 percent, leaving staff members and their families in difficult situations (Premium Times, Nigeria 2016)
210 E.J. Ebiziem & J.C. Amadi, 'Appraisal of Ombudsman in Nigeria: Operations, Benefits and Challenges'
There are various obstacles impeding the success of the PCC in carrying out its duties. The Commission utilizes its financial and material capacities, energy, and intellectual resources to address complaints. The following decisions made by the Commission to address reports are then placed in a file with no implementation strategy enforced. In relation to the revision of the Commission mentioned above (2014-2015), reports show that 70 percent of cases related to the Judicial Conduct Investigations Office (JCIO) were not upheld. In cases related to the tribunal, 74 percent of these cases were not upheld, and in cases related to the advisory Committee, 78 percent of them were not upheld.\textsuperscript{211} The PCC’s actions are not popularly known by the public. Many individuals are not aware of the existence of this ombudsman institution, and those who aware lack the confidence in this institution as long bureaucratic procedures in handling cases of injustices is the norm in Nigeria.\textsuperscript{212}

\textbf{5.2 Civil Society Advocacy for PwD}

According to Wheeler, advocacy is the procedure of beseeching for another individual in court.\textsuperscript{213} Jugessur and Iles state that advocacy is bringing forth a case to influence the decisions of stakeholders in order to be treated fairly and to be protected. The importance of advocacy in health and communal care is pertinent to matters regarding disability and poverty.\textsuperscript{214}

In the words of Michael Edwards, ‘civil society has been a prime beneficiary of wider political and ideological changes that have redefined the powers and responsibilities of states, markets, and voluntary associations…’\textsuperscript{215}

Civil society is a multifaceted and consistent network of persons and groups linked together by relationships and interactions.\textsuperscript{216} Civil society works alongside the public and private sectors in order to advocate for and improve social and economic problems.\textsuperscript{217} In this section,

\textsuperscript{211} E.J. Ebiziem & J.C. Amadi, ‘Appraisal of Ombudsman in Nigeria: Operations, Benefits and Challenges’
\textsuperscript{212} R.O Ugbe, ‘Perspectives on Nigerian Administrative Law’ (Freneoh publishers, 2004)
\textsuperscript{213} P.M. Wheeler, ‘Is advocacy at the heart of professional practice?’ (Nursing Standard, 2000) p.39
\textsuperscript{215} Michael Edwards, \textit{Civil Society} (Polity 2014).
\textsuperscript{216} ‘Concept And Definition Of Civil Society Sustainability’ (Google.hu, 2017) <https://www.google.hu/amp/s/www.csis.org/analysis/concept-and-definition-civil-society-sustainability%3famp>
\textsuperscript{217} ‘Concept And Definition Of Civil Society Sustainability’
a few civil society organizations advocating and protecting the rights of PwD in Nigeria are presented below.

i. **Joint National Association of Persons with Disabilities (JONAPWD)**

Joint National Association of Persons with Disabilities serves as a link between Organizations of PwD in Nigeria and the international community. The association was established in 1992. Its vision is for a society based on equality, social justice, and the rights of PwD guaranteed through advocacy, specific programs, and partnerships with relevant stakeholders. JONAPWD is presently advocates closely for six groups of disabilities, such as visual disabilities, physical disabilities, auditory disabilities, intellectual disabilities, and spinal cord injuries and victims of leprosy. The association is recognized by the government on the federal, state, and local levels. JONAPWD advocates for inclusive laws and policies and also engage with all sectors and stakeholders in the society to encourage social inclusion of PwD. JONAPWD serves as a link between organizations of PwD, information, and resources in Nigeria. The organization is represented in all 36 states in Nigeria. Its secretariat is located in Abuja, Nigeria.\(^{218}\)

ii. **Bina Foundation**

Bina Foundation for People with Special Needs is a non-profit organization that works for improved personal development, economic independence, social inclusion, and human rights. The organization was founded in 2010 with the primary focus on promoting the wellness of persons with disabilities in rural areas in Nigeria. The goal of this organization is to alleviate the marginalized in society. Bina Foundation is involved in various programs targeting populations of the physically and mentally challenged persons with sensory and auditory difficulties, people living with HIV/AIDS, orphans, vulnerable children, widows, and the elderly.\(^{219}\)

iii. **Centre for Citizens with Disabilities (CCD)**

Centre for Citizens with Disabilities was established in 2002 in Lagos, Nigeria. The organization is under the Corporate Affairs Commission, Abuja, as a charity organization. This organization works to support and empower PwD and their families to maximize their potentials. CCD is recognized by federal and state ministries, departments, and agencies in

\(^{218}\) 'Joint National Association Of Persons With Disabilities' ([Jonapwd.org](http://jonapwd.org/about.html))

\(^{219}\) 'Bina Foundation | Bina Foundation' ([Binafoundation.net](http://www.binafoundation.net/about-us/))
Nigeria. This organization relentlessly advocates for PwD. The organization took part in advocating for the Disability Bill to be signed by the government by meeting with stakeholders such as the Attorney General Abubakar Malami, who is the Minister of Justice in Nigeria, and directly confronting President Muhammadu Buhari during a presidential forum.\textsuperscript{220}

In conclusion of this segment, it is important to state that fundamental change does not occur solely through the power of the government.\textsuperscript{221} This is indeed true as CCD amongst other disability rights groups advocate for the rights of PwD in Nigeria. The most recent nationwide advocacy for PwD was the right to political participation in elections through running for political positions and voting. Prior to the federal elections that were concluded in February 2019 in Nigeria, civil society groups sought the position of the presidential aspirants and that of the Independent National Electoral Commission in including PwD and providing the necessary facilities and technology to accommodate all voters. Unfortunately, elections were not accommodating for all persons, and the rights for PwD to participate in the elections were denied.\textsuperscript{222}

\begin{flushright}
\textsuperscript{220} Centre For Citizens With Disabilities' (CCD NIGERIA) <https://ccdnigeria.org>
\end{flushright}

\begin{flushright}
\textsuperscript{221} HRC, ICCPR, General Comment No 25 'The right to participate in public affairs and the right of equal access in public services' (1996)
\end{flushright}

\begin{flushright}
\end{flushright}
CHAPTER 6: RECOMMENDATIONS & CONCLUSION

As stated earlier, the aim of this research was to assess the legal administration governing the rights of PwD in Nigeria to receive inclusive education, and to understand the influence Nigeria’s history has played in achieving the international goal of inclusivity. However, the author faced limitations and difficulties in accessing recent and credible materials for this research work as this field of study is neither popularly researched nor commonly discussed in the domain of academia in Nigeria. The population of PwD in Nigeria is not certainly known, but is a mere estimate. Additionally, the ideology of inclusive education is repeatedly misunderstood and used interchangeably with special education in both primary and secondary documents in Nigeria.

In this chapter, a concise summary of the research work is presented, which comprises of answers to the research questions that were addressed through the course of the research. The following are the research questions primarily presented in Chapter 1:

1. What has been the trend of persons with disabilities receiving inclusive education from pre-colonial to recent times in Nigeria?
2. How do laws and policies address the fundamental challenges affecting persons with disabilities in accessing inclusive educational opportunities?
3. What are the potentials and challenges of the human rights approach to disability in the area of education in Nigeria?

The historical beliefs and practices the Nigerian society had concerning PwD are still reflected in society today in the education sector. It is essential to understand the history of PwD in Nigeria in order to understand their place in the Nigerian society today. First and foremost, scientific rationalization was not the premise for understanding the causes of disabilities in Nigeria. Superstitious beliefs were the basis for understanding PwD in the society. Conscious unlearning of these false beliefs that presume that PwD are 'evil' or 'cursed' will take a long time to combat. Nevertheless, the application of knowledge through campaigns to raise awareness by the government and civil society will be a significant first step to combat the discrimination which PwD face in Nigeria.

The pre-colonial form of education in Nigeria was based on traditional practices. The main aim of traditional education was the development of physical strength, intellectual
skills, vocational learning, and reverence to one's elders and heritage. PwD were disregarded and seen as a strain because this form of learning was centered on practices some PwD could not perform due to the lack of practice of the social model of disability in the Nigerian society then. The colonial form of education was based solely on reading, writing, and arithmetic which was not accommodating for PwD as it was imposed on Nigerians who would work meager jobs for the British colonial government. It was not until the early 1900s that education for PwD was established by missionaries and volunteers who applied the system of special schooling. Post-colonial education for PwD came under the control of the government, and specialized education centers were established across the country. The civil war of 1967-1970 played a significant role in the establishment of special education centers across the country as special teaching and recuperation facilities were provided for the veterans of the war.

The first National Policy on Education was established in 1970 to provide equal education for all irrespective of disabilities. The policy highlighted the aims of special education as the following:

- To actively define the idea of fair opportunities for all children regardless of their physical, psychological, and emotional states;
- To make provisions for all persons with disabilities to ensure that they all participate in nation-building;
- To provide opportunities for exceptional children to develop their skills at their pace.

However, despite policy developments, PwD still face challenges in Nigeria. Inaccessible education is one of the significant challenges PwD contend with. Schools lack the necessary materials and technology to see special education through not to talk of inclusive education itself, which is more financially demanding. These inadequacies are connected to the negative attitudes and traditional beliefs towards PwD in Nigerian society. This further excludes PwD from fully participating and exercising their fundamental rights in their communities. Access to inclusive education is key to realizing a cohesive society where PwD are acknowledged as equal members of the society.

A closer look at the general primary school system provided a better understanding of the prospects of inclusive education for PwD in Nigeria. Nigeria's primary school education
system has taken a detrimental toll as the net enrolment is on the decline, at 54 percent as of 2013. Data regarding the population CwD in Nigeria is outdated as the last census was carried out in 2006, with its validity being questionable. However, the net enrolment rate of primary school children provided in the 2015 Millennium Development Goals Report gives a suggestion that the education for CwD is in a dilapidated state. There are general educational challenges the country faces which need to be addressed in order for PwD to attain quality education. There is an apparent weak execution of laws and national policies, less qualified teachers, inadequate funding, low capabilities of education management information system, dilapidated infrastructure, and poor quality of the curriculum, monitoring, and evaluation mechanisms.

Ideologies and mechanisms on the most proficient ways to educate children, especially those with disabilities in developing countries, are widely influenced by core rather than peripheral situations. This is because of the historical linkage between developed and developing countries and the open door policy that formulates the educational system in developing countries. International parties continue to give funds and services to such countries. This sort of relationship with international parties has molded Nigeria's policy on education with its focus on inclusive education for PwD in mainstream schools reflected in the National Policy on Education 2008, and 2013 mentioned previously. The NPE calls for full access for CwD, to attain education in favorable and less restraining environments, as well as the education of such children to enable them to achieve self-fulfillment. The inclusive education shift highlighted in some policies in Nigeria has evolved out of the realization that all children have the right to receive the kind of education that does not discriminate on the grounds of disability, ethnicity, religion, language, gender, or capabilities.223

Unfortunately, there are numerous challenges that impede the actualization of the human rights approach to disability in Nigeria. For one, the education system in Nigeria does not follow the trend of inclusive education as promoted by international and regional instruments the country is signatory to. Efforts which Nigeria is obliged to implement to protect the rights of PwD to attain education from the international scope have been established by the United Nations Conventions of the Rights of Persons with Disabilities, and

other regional organizations such as the African Charter on the Rights and Welfare of the Child, and domestic laws formulated and enacted by federal and state governments which include the 1999 Constitution of the Federal Republic of Nigeria, the 1993 Disability Decree, the National Policy on Education, and the Disability (Prohibition) Bill of 2009. Alas, these laws have not been fully implemented in Nigeria due to social, cultural, economic, and political issues as mentioned earlier. The economic excuses the state and federal authorities give in regards to providing facilities and equipment to ensure PwD receive quality education are not justifiable as the country is endowed with natural and human resources with the capabilities to allocate funds to improve the learning experiences of PwD. The domestic laws lack consistency in referring to the educational provisions for PwD. There is also no distinction made between the special education and inclusive education in the NPE and no reference made for the promotion of inclusive education in the Discrimination Against Persons with Disabilities (Prohibition) Bill that was signed by the president of the FRN in January 2019. The Standard Rules on the Equalization of Opportunities for Disabled People, Rules 6 (1), (7) and (8) under the Constitution states that special education is an exception only when the regular school system is inadequate to address the needs of PwD. Nevertheless, in Nigeria, PwD have been systematically marginalized and accommodated only in special schools (it is important to note that the number of schools in Nigeria does not suffice the population of out-of-school children, which is over 10 million).

The laws and policies protecting the rights of PwD to access quality and inclusive education are not systematically instituted to bring the changes needed to better the experiences of PwD. The federal government needs to set in place the infrastructure necessary to accommodate the needs of PwD. It is expedient that the federal government also funds research projects that apply the social model and human rights model of disability, in order to enlighten Nigerians about the realities of PwD. In doing so, the government ought to raise awareness through academic institutions and work establishments; modifying school curriculums and adding disability awareness lectures to the code of conduct of schools and workplaces would further improve society’s reception of PwD.

The lack of political will and commitment from the government to protect the rights of PwD to receive inclusive education reflects in all areas associated with the livelihood of

---

224 As highlighted by the Committee on the Rights of Persons with Disabilities highlighted in general comment no. 4
PwD. The functional provisions for PwD are limited and not easily accessible to them. It is evident that there is a lack of profound political will from the government to ensure the protection of PwD in Nigeria. The government ought to ensure that an accountable body is set in place for the rights and laws protecting PwD to receive accessible, quality, and inclusive education to be actualized. The government also needs to pilot a comprehensive and cohesive public awareness campaign to combat the discriminative attitudes and behaviors the society has towards PwD.

Effective monitoring and evaluation mechanisms are also essential to facilitate the implementation of inclusive education in all 36 states of the country. Inclusive education requires a high amount of monetary resources, and the government ought to make efforts to provide enough funds and instructional materials to make it substantial. It is expedient that the government increases the amount allocated to the Ministry of Education annually. These funds and their usage thereof are to be monitored to ensure that they are used purposefully and rationally. The government needs to provide improved infrastructure for schools to accommodate PwD, and in doing so, it should ensure that schools (both public and private) have adequate and accessible facilities such as comfortable chairs and tables, well-ventilated classrooms, and restrooms for PwD. It is also practical that the curriculum is revised to accommodate inclusive learning for all children to reach their academic potentials.

Another challenge to the human rights approach to disability in the area of education in Nigeria is that inclusive education is referred to synonymously with special education. Special education is based on the medical model of disability as it segregates PwD from learning in the same environment as persons without disabilities. The main elements of inclusive education arise from the CRPD (2006), which declares that PwD are to be accommodated in mainstream schools in which necessary facilities and aids are made available to the preference of each learner. Article 7 of the CRPD declares that all human rights (including the right to education) should be guaranteed for all CwD. The Article is directed toward CwD, which recognizes the fact that children are vulnerable and there are matters concerning their overall wellbeing that are not adequately addressed in Article 24 of the CRPD covering the protection of the rights of PwD. Article 24 of the CRPD highlights the vital role state parties are obligated to play to combat the discriminative attitudes and actions their given societies have towards PwD. Laws, policies, and administration of state parties are to be modified to fit the context of the provisions made in Article 24, which
highlights that PwD are to enjoy the right to education without discrimination and on the basis of equal opportunities.

Article 33 of the CRPD declares that the legal and administrative systems of state parties are to institute national implementation and monitoring bodies to promote and protect the provisions of the CRPD. Article 35 declares that each state party is obligated to submit to the Committee, a comprehensive report on the actions taken and progress made towards the actualization of the provisions of the CRPD by state parties (within two years after the treaty's entry into force, and every four years whenever the Committee requests). Nigeria has failed to turn in any reports since the country ratified this treaty. This reflects the lack of political will and accountability on the part of the federal government, which is responsible for ensuring that the provisions of the CRPD are respected. To this end, the Nigerian government has made minor progress with establishing policies and modifying laws to protect the rights of PwD to receive quality inclusive education in mainstream schools. Since Nigeria ratified the CRPD in 2007, the National Assembly passed the Discrimination Against Persons with Disabilities (Prohibition) Bill in 2009, which was finally signed in January 2019 by President Muhammadu Buhari. This law ensures that discriminatory acts against PwD are punishable by law and welfare, and educational assistant for PwD and their families are to be catered for by the government.

Chapter 2 of the supreme law of the FRN did not take into account the social model of disability in referring to PwD. Section 6 (6)(c) of the Constitution states that the Fundamental Objectives and Directive Principles of State Policy are non-justiciable; therefore, these provisions are not capable of being settled by law or by a court. The CRPD called for national laws and policies to be modified to ensure they are aligned with the human rights context of the CRPD. To this end, Nigeria is obliged to make adjustments to ensure that discriminative practices against PwD is directly punishable under law.

Modifications have been made with the National Policy on Education in 2008 and 2013, respectively, which made provisions for PwD to receive inclusive education. However, the terms 'special education' and 'inclusive education' were used interchangeably. The modifications made under the NPE document have not brought forth practical changes as stakeholders responsible for implementing the necessary changes state that insufficient funds are allocated to the Ministry of Education, which results in little to nothing invested into education of PwD.
The African Charter on the Rights and Welfare of the Child (which Nigeria is a signatory to) declares that all children have the inherent right to education. Article 13 of the Charter declares that state parties are obliged to ensure that CwD have access to quality education and the achievement of self-fulfillment. The African Union has set up a monitoring body in the form of the Committee of Experts to address issues regarding the rights of CwD to attain education. However, the effectiveness of this body is questionable as there is a record of only two complaints observed by the Committee and only one decision made.

To further combat the discriminatory practices towards PwD in Nigeria, there is a dire need for a well-organized and funded ombudsman in Nigeria. The ombudsman in Nigeria is known as the Public Complaint Commission. The Udoji public service review, in conjunction with the General Murtala Mohammed administration, established this Commission in 1975. This neutral party was established to protect citizens from arbitrary, repressive, and unfair actions of companies, organizations, and state authorities have not been a competent body. The Commission has a history of paying its staff inadequate funds and closing down due to this. Corruption and inaction also taint the image of this body, which is not popularly known by the general public.

Civil society has taken a positive toll in Nigeria in regards to advocating for the rights of PwD. Although some protests result in citizens being attacked by police authorities, civil society groups such as CCD, Bina, JONAPWD, and many others continue to push for the rights of PwD. CCD and other organizations protested continuously for the Disability Bill to be signed by the President since 2009, which was finally signed in the first quarter of 2019.
BIBLIOGRAPHY

Primary Sources


'Convention Against Discrimination In Education' (Portal.unesco.org) <http://portal.unesco.org/en/ev.php-URL_ID=12949%26URL_DO=DO_TOPIC%26URL_SECTION=201.html>

'Convention On The Elimination Of All Forms Of Discrimination Against Women' (Un.org) <https://www.un.org/womenwatch/daw/cedaw/>


'Inclusive Education' (Unicef.org, 2017)


'National Policy On Education' (Issuu, 2013)
<https://issuu.com/esspin/docs/national_policy_on_education>


'OHCHR | African Charter On The Rights And Welfare Of The Child (1990)' (Ohchr.org)

'OHCHR | Convention On The Rights Of The Child' (Ohchr.org)

'OHCHR | International Convention On The Elimination Of All Forms Of Racial Discrimination' (Ohchr.org) <https://ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx>

'OHCHR | International Covenant On Civil And Political Rights' (Ohchr.org)
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

'OHCHR | International Covenant On Economic, Social And Cultural Rights' (Ohchr.org)


World Declaration On Education For All And Framework For Action To Meet Basic Needs (UNESCO 1994) <http://www.unesco.org/education/pdf/JOMTIE_E.PDF>
Secondary Sources


Akpa G.O & Udoh S.U., ‘Towards Implementing the 6-3-3-4 System of Education in Nigeria’, Jos


Beco G. D., The Right to Inclusive Education According to Article 24 of the UN Convention on the Rights of Persons with Disabilities: Background, Requirements and (Remaining) Questions, (Netherlands Institute of Human Rights)


Berg B, Qualitative Research Methods For The Social Sciences (4th edn, Allyn and Bacon) <http://repository.umpwr.ac.id:8080/bitstream/handle/123456789/3723/qualitative_research_methods_for_the_social_sciences.pdf?sequence=1>


'Bina Foundation | Bina Foundation' (Binafoundation.net) <http://www.binafoundation.net/about-us/>

Bogdan RS Biklen, Qualitative Research For Education: An Introduction To Theories And Methods (5th edn, Pearson 2007)


'Centre For Citizens With Disabilities' (CCD NIGERIA) <https://ccdnigeria.org>


'Definition Of MODERNITY' (Merriam-webster.com) <https://www.merriam-webster.com/dictionary/modernity>


'Disabilities' (World Health Organization) <https://www.who.int/topics/disabilities/en/>

'Disabilities: Definition, Types And Models Of Disability' (Disabled World) <https://www.disabled-world.com/disability/types/>

'Disability | Definition Of Disability In English By Oxford Dictionaries' (Oxford Dictionaries | English) <https://en.oxforddictionaries.com/definition/disability>

'DRAC-Disability Rights Advocacy Center' (DRAC-Disability Rights Advocacy Center) <https://drac-ng.org/about-us/>


Durkheim EJ Swain, The Elementary Forms Of Religious Life (Neeland Media LLC 2013)


Edwards M, Civil Society (Polity 2014)


Etieyibo EO Omiegb, Disabilities In Nigeria: Attitudes, Reactions And Remediation (Hamilton Books 2017)

Fasting R, 'Adapted Education: The Norwegian Pathway To Inclusive And Efficient Education' (2013) 17 International Journal of Inclusive Education

Frederickson N., & T. Cline, ‘Special educational needs, inclusion and Diversity’, Buckingham: Open University Press, 2002


'GDPR Page' (Medilexicon.com) <https://www.medilexicon.com/dictionary/25143>


Ikoya P. O & D. Onoyase., ‘Universal basic education in Nigeria: availability of schools’ infrastructure for effective program implementation’, Educational Studies, 34:1


'Joint National Association Of Persons With Disabilities' (Jonapwd.org) <http://jonapwd.org/about.html>


McManis L, 'Inclusive Education: Definition, Examples, And Classroom Strategies' 
(Concordia University-Portland, 2017) <https://education.cu-portland.edu/blog/classroom-resources/inclusive-education/>


National Primary Health Care And Development Agency (2018) 


'Nigeria : Society | The Commonwealth' (Thecommonwealth.org) 
<http://thecommonwealth.org/our-member-countries/nigeria/society>


<http://www.internationaljournalofspecialeducation.com>

Odia LS Omofonmwan, 'Education System In Nigeria Problems And Prospects' (2018) 14 Taylor and Francis

Ogden T, 'Special Needs Education In Norway - The Past, Present, And Future Of The Field' (2014) 27 Advances in Learning and Behavioral Disabilities

Ohiagu P, 'Influence Of Information Technologies On The Nigerian Society And Culture' 

Olabisi A., ‘Child Care and Special Education in Nigeria’, Centre for Learning Disabilities Audiology, 2003 vol. 4


Omooyeni J, 'CONTRIBUTIONS OF WESTERN EDUCATION TO THE MAKING OF MODERN NIGERIA DURING AND AFTER THE FIRST WORLD WAR' (2014) 10 European Scientific Journal
Osakede K., & S.O. Ijimakinwa., ‘The role of ombudsman as a means of citizen redress in Nigeria’ (Nigeria and Zainah Arabian Research Society, 2014)


Quinn G et al., Human Rights And Disability (2nd edn, Bárczi Gusztáv Faculty of Special Education 2019) <http://mek.oszk.hu/09400/09466/09466.pdf>


Roulston W. A. & Thomas, ‘Routledge Handbook of Disability Studies’ (Routledge, 2012)


'Social Model Vs Medical Model Of Disability - Disability Nottinghamshire' (Disability Nottinghamshire) <http://www.disabilitynottinghamshire.org.uk/about/social-model-vs-medical-model-of-disability/>


Thomas G. ‘A Review of Thinking and Research about Inclusive Education Policy, with Suggestions for a New Kind of Inclusive Thinking’, 2008


Turnbull et al., ‘Exceptional lives: Special education in today’s schools’, Upper Saddle River, New Jersey, Merrill, 2002


APPENDIX A

Contemporary Interaction Between the Nigerian Society & Persons with Disabilities in Nigeria

Introduction

This section is devoted to the issue of the contemporary social construction of disability in Nigeria and how it affects the interpersonal relationships of women with disabilities in Nigeria. It will begin with the definition of contemporary and modernity. The idea of modernity will be covered briefly, and background information on societal understandings of PwD follow. It will then follow with contemporary issues and interpersonal experiences of women with disabilities in Nigeria.

Contemporary is 'marked by characteristics of the present period.' Modernity is 'the quality or state of being or appearing to be modern' (current, up-to-date, present). Modern societies reflect stratification, heterogeneity, and inequality. Modernity, in itself is a European notion. Due to Western influence, many global societies exude modernity. The word is contingent with the thought of a man being the foundation of all knowledge. Modernity is actualized through innovations. For example, through changes in social interactions, culture and social relations.

The idea of modernity and all it entails has had an immense impact on a global scale. Modernity has challenged definitions and extended the scope of knowledge and rationality by confronting the negative behaviors of societies in excluding PwD. Modernity led to the further pursuit of knowledge as intellectuals study periphery countries such as Nigeria to understand the gaps constituting to slow development in social (cultural), economic and political terms. Additionally, European modernity has played a significant role in periphery countries in terms rationality and social interactions between the society and PwD.

PwD have been victims of discrimination, violence, and ill-treatments. In many ways, they have been isolated from their communities. Many of them have been unaware of their rights to education, employment, and services. Nonetheless, there has been a paradigm shift that began in the late 1900s as international instruments obligated state parties to approach their population of PwD through the social and human rights model of disability. Nonetheless, the socio-economic and political status has remained unchanged in many African nations and particularly in Nigeria. Nigeria is an ethnically diverse country. Regardless of the different people groups, languages, cultures, and religious dichotomies, many people across the nation share similar beliefs, values, traditions, and worldviews.

One of these common beliefs and attitudes shared between Nigerians is their approach towards PwD. The stigmatization of PwD has continued through time in the country.

**Social Construction of Disability**

All over sub-Saharan Africa, notions of disability and impairment have been created by society. Therefore, the idea of what disability or impairment differs from culture to culture. Societies play a significant role in understanding disability. They are accountable for generating, upholding, and or escalating impairments and interpreting all of these into experiences of disability. Some medical conditions may cause the lives of persons to be difficult, but in many cases related to sub-Saharan Africa, country capabilities, as well as political volatility and communal displacement, do cause the health condition or impairments to be 'limiting.' Because of this, there is a lack of a cohesive understanding of what disabilities are.

Afolayan posits Durkheim’s idea of collective representation, which reflects the common knowledge people share in societies. This term is presently addressed as social representations as it is more diverse and disjointed than Durkheim had theorized. Social representations become the reality of conceptions and misconceptions of ideas in every given

---

229 G. E. Afolayan, ‘Contemporary Representations Of Disability And Interpersonal Relationships Of Disabled Women In South-Western Nigeria’ [2015] Research Gate


231 G.E Afolayan, ‘Contemporary Representations Of Disability And Interpersonal Relationships Of Disabled Women In South-Western Nigeria’ p 56
A social constructionist finding states that disability is the result of the interface between societal subjugation and bodily impairment. In the past, PwD were perceived by their society as evil. Modern conceptions of PwD portray images of socio-economic weakness, discrimination, lack, social isolation, susceptibility, asexuality, and restricted state capability. The social hierarchy of disability is apparent with physically dependent men placed above physically dependent women. Women and men are bound to adhere to gender norms in order to preserve the differences between the sexes and accept the power ideals connected with these differences society instills.

**Women with Disabilities & Intimate Relationships in Nigeria**

As stated earlier, the West introduced modernity to developing states. Modernity ideals protrude over all spheres of society, including gendering. Afolayan presented the statement acclaimed by Olajubu, 'the British colonial discourse on women's modernity was characterized by seclusion, domesticity, patriarchy, and the sexual division of labor.' This idea of female subordination is still reflected in the Nigerian society today. These modernist ideals limit the freedom of women. In Nigerian society, a woman is perceived as a helpmate to her husband and is treated accordingly. In cases whereby she cannot aid her husband domestically due to her disabilities, she is rendered to be 'useless.'

Interpersonal relationships in Nigeria reflect gendered predispositions. Modern interpersonal relationships in Nigeria are grounded upon gender expectations, family ideals, and cultural practices. In the Nigerian society, women are understood to be inferior to men. Women with disabilities (WwD) have been overlooked in areas of education, employment, sexuality, healthcare, and social relationships. A survey carried out by Smith in

---

232 G.E Afolayan, 'Contemporary Representations Of Disability And Interpersonal Relationships Of Disabled Women In South-Western Nigeria' p 56
233 Theresa B. Abang, 'Disability, Disability And The Nigerian Society' p. 72

236 G.E Afolayan, 'Contemporary Representations Of Disability And Interpersonal Relationships Of Disabled Women In South-Western Nigeria' p. 57
Kogi, Nigeria, revealed that women with psychiatric, intellectual, communicational, and physical disabilities are less likely to be married than their male counterparts.237 The reason behind this was presented by Afolayan from Rintala, who states that WwD are seen as 'less desirable' to men compared to the dynamics between men with disabilities and the opposite sex. The scarcity of knowledge and services negatively impacts intimate relationships. Cultural ideals in Nigeria of disability exclude the possibility of sexual freedom and intimacy for PwD [especially WwD].238

Another essential matter connected to the gendering of disability is the possibility of sexual manipulation of WwD. Crawford and Ostrove posit that a high percentage of women with developmental disabilities will be victims of sexual violence at least once before they turn 21.239 Women with physical and mental disabilities have been extremely vulnerable to sexual predators. There have been countless cases of such wicked actions carried out upon WwD. The rape culture in Nigeria is despicable and is described as an endemic. The Nigerian criminal code recommends life imprisonment for rape convicts and 14 years of attempt rape. It is a shame that Nigeria has recorded only 18 rape convictions in its legal history, as reported by a human rights lawyer, Evans Ufeli. In cases whereby WwD are coerced into sexual activities by their partners, they are denied their right to seek justice as penal code as well as the Criminal Laws of Lagos, Nigeria declares that no form of sexual intercourse between spouses can be illegal. This means that if a husband forcefully has sex with his wife, he cannot be prosecuted on the grounds of rape.240

WwD experience difficulty in finding equally satisfactory sexual experience due to the difficulties faced in overcoming physical disabilities. The lack of government and civil society support can also cause WwD to be heavily reliant on intimate relations. Many WwD

remain in abusive relationships due to society’s exclusive and discriminative attitudes towards them.241 In a study conducted by Afolayan on the contemporary interpersonal relationships of WwD in South-Western Nigeria, participants expressed their negative daily experiences due to the numerous discriminative social constructions that perceive WwD as asexual (stated by 33 participants), helpless and incompetent (stated by 22 participants), invisible (stated by 5 participants).242

Researches on WwD in intimate relationships reflect both negative and positive experiences. In some cases, WwD feel emotionally abused by their partners who do not have disabilities. Others mention good experiences with abled partners. In relationships where both partners had disabilities, some women stated that that factor had a positive toll on their relationship, while others gave negative reports. A majority of the participants stated that due to social constructions, gendered roles as mentioned earlier were expected to be followed irrespective of their disabilities.243

In conclusion of this section, it is important to highlight that the ideals of European modernity in the late 1800s were gender-based. Gender roles were introduced and instilled in the Nigerian society. There is a present clash between the principles of modernity and gender roles of the olden days and present modernity, accepting and protecting the rights of WwD in their respective homes. The studies on WwD confirm the views people have towards PwD as social dependants. The continued segregation of individuals with disabilities, particularly women, from societal and cultural constructions serve to prolong these impediments towards respectable intimate relationships with WwD.244

241 G.E Afolayan, 'Contemporary Representations Of Disability And Interpersonal Relationships Of Disabled Women In South-Western Nigeria' p. 58
242 G.E Afolayan, 'Contemporary Representations Of Disability And Interpersonal Relationships Of Disabled Women In South-Western Nigeria' p. 59-60
244 J. Ostrove and D. Crawford, 'Representations Of Disability And The Interpersonal Relationships Of Women With Disabilities' p. 191
APPENDIX B

Below are excerpt reports from parents with CwD from the book Disabilities in Nigeria, Attitudes, Reactions, and Remediation by Edwin Etieyibo and Odirin Omiegbe

Case 8: Elizabeth Oke—Mother of a Child with Physical Disability

I am not happy having such a child in my family. Now that the child has come into the family I cannot do otherwise except to accept him into the family. I give him my love, affection, care and attention like other children in the home. I don’t want to send him to school because of the burden involved in taking him to and from school. I have supplied him things such as small radio, ludo, cards and ayo games to play with to make him happy. I taught him how to move about freely in the house and perform some daily living tasks such as bathing himself, washing his clothes, going to the toilet and sweeping the house. I hope to send him to one of our neighbors to learn how to mend shoes.

Case 10: Amen Osas—Father of a Child with Physical Disability

Initially when I got to know that my child was infected with polio I was confused. I accused my wife of negligence and lack of proper care of my child. At another stage I accused my wife of bewitching my child. This led to series of quarrels and fighting. She later packed away from the house, leaving the child for me to care for. I took the child for cure to many hospitals and herbal homes but all to no avail. The child was deformed in one of the legs. Worse still, I had to abandon my academic pursuits to see to the welfare of my child. Well, I am grateful to God that the child is alive and I accept the child with his physically impaired condition.

Case 12: Edede Osayi—Mother of a Child with Physical Disability

At the initial stage I was not happy to see that my son was physically handicapped. A lot of things came to my mind. I cried most of the time. It is very painful to be associated with a handicapped, especially when some of neighbors want to describe me they would call me the mother of a disabled child. They refer to me as “iyuke”. Anyway, I have tried not to think about the negative or the social stigma generally attached to having a disabled child. I am very happy as my child is performing academically well in school. He is in primary six and since he started school, his position in class in the examination has fallen between first and fifth. My husband is assisting us and he has just bought a wheelchair for our son for easy mobility to and from school. With our son’s excellent academic performance in the primary school, we are determined to spend all we have to send him to a secondary school and if possible to the university.

Case 14: Uko Etuk—Father of a Child with Physical Disability

Out of my six children one is a girl who became physically handicapped as a result of the attack of polio. I feel it is the burden God wants us to carry. We were not the only couple that failed to immunize their children yet none of our neighbor’s children contracted polio. We tried our best to make our daughter happy and to develop in her a sense of belonging. I spend more money on her to make her happy. I buy her clothes, shoes, earrings and wristwatches. Though she always feels shy to come out to meet our visitors, I always encourage her to be friendly. I hope to buy her a wheelchair so that she could start to attend school.
Below are excerpt reports from PwD from the book Disabilities in Nigeria, Attitudes, Reactions, and Remediation by Edwin Etieyibo and Odirin Omiegbe

**Case 16: Kaka Ola—Visual Disability**

Like Zugeru Kuba, Kala Ola copes pretty well with his visual disability. He says: “Blindness is a physical disability; it expresses the non-functioning of the sense of sight. Like other forms of physical disability, it is an accidental by-product of nature for which there is an alternative adaptation by way of rehabilitation. The level at which one copes with disability is determined firstly, by one’s level of acceptance of one’s disability; secondary, by one’s desire to succeed despite such disability; and thirdly, by that person’s environment. Since I became old enough to know the difference between being physically challenged and not being physically challenged, I have accepted my blindness as a real situation. My attitude is this: I can succeed, my physical blindness notwithstanding. I have adapted myself to living a normal individual life without physical sight” (Osawaru 2002).

**Case 17: Andrew Okoh—Physical Disability**

“I am Andrew Okoh. I had polio when I was four and half years old. As a result of that I had paralysis of the legs. So I started life as a person with disability. I read medical sociology at the college of medicine of the University of Lagos (UNILAG). Since I left school, I have set up a Center called Mobility Aid and Appliances Research and Development Center (MAARDEC), located at 7 Ikorodu Road Maryland, Lagos. At MAARDEC, we develop and research on aids and appliances for people with disabilities. Most of the workforce in my office is made of people with disabilities. While I was doing my National Youth Service Corps (NYSNYSC) program in 1989, I won the NYSC national honors award. In 1990, I also won science and technology, inventor-cum-innovator award. The award was actually instituted by the Federal Ministry of Science and Technology and I was presented to me by the then Military Head of State, General Ibrahim Badamosi Babangida.

I am married with three children: two boys and a girl. I was the president of the Special Sports Federation of Nigeria for six years (between 1995 and 2001). I led the Nigerian Paralympics contingent to Atlanta, United States of America, and Sydney, Australia Paralympics games where we won seven gold and five bronze medals. I am also involved in a number of other activities including mass enlightenment campaigns, and advocacy for people with disabilities. I am involved in several activities some of which entail disseminating information about who we are and how we feel, and the fact that we are full-fledged citizens. We are normal human beings who also have ambitions. We want to be presidents, ministers and director-generals of Public Parastatals. We do a lot of things in various ways with my colleagues. I also run athletes track club, which is a club for people with disabilities and able bodied volunteers. We use running, including marathon, as a way of integrating people with disabilities into society. Thus for every person with disability who can at least move as long as he or she can move, he or she is encouraged to participate. People with disabilities do wonderful things at the New York Marathon in USA. You see people moving their wheelchairs with their weak legs and participating in the marathon events. What we are planning to do now is to start a political association to take care of the interest of people with disabilities. We believe we have the numbers to change things. It is just that we have not been able to mobilize ourselves. By the time we are adequately organized, definitely politicians won’t play with our interest anymore; because we can make a difference so that is the new project I have on hand”.

**Case 18: Oluwa Olu—Physical and Healed Disability**

(Chura Olu has dyslexia. He says he lives in the back. He tells us his story: “What is left for me in this world is to beg for money and die just like that one time I have been in this condition for the past three decades with no help from anywhere. Our people drive me out of my village even when the doctor had certified me free of leggery and healthy to live and associate with other groups of people. Such attitude of my people is not fair” (Njokike 2003).