

PROTECTION AND ENFORCEMENT OF DISABILITY RIGHTS IN NIGERIA: OPPORTUNITIES AND CHALLENGES

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Abstract

There has been a rise in the constant violation of the rights of those living with disabilities all over the world, due to the fact the people place their disability over their person and personality. They struggle to be treated like other people in their environment, community, schools, workplace as they are stigmatized and discriminated against because of their disability. With respect to structured legal set up for the protection and enforcement of the rights of people living with disability internationally and locally, there exists plethora of legislations that have provided the needed framework. This paper examined the concept of disability, rights, disability rights, the legal and structural set up for the protection of disability rights in Nigeria and internationally. Also, the challenges with respect to enforcement and opportunities for protection of disability rights are also discussed. The authors commend the Discrimination against Persons with Disability (Prohibition) Act of 2018, which brought to the fore, robust provisions for the protection and enforcement of disability

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rights in Nigeria. More so, the establishment of the National Commission for persons with Disabilities is phenomenal, as it is believed that the challenges of protection and enforcement of disability rights is now a thing of the past. The authors made some recommendations and advocates for greater inclusion of people with disability in governance and for more effective dissemination of information on disability rights, so that people can be aware of our extant legislations and its provisions.

Keywords: Challenges, Disability Rights, Enforcement, Opportunities

1.0 Introduction

It is sad that persons living with disabilities (PWD) especially in countries like Nigeria that are developing, are often seen as second-class citizens, as many think their disability have robbed them of their potentials, talents, initiatives and ideas. In advancing the cause for their rights, a lot of people with disability have come out to express their concerns over the way and manner people prioritize their disability rather than considering them on merit based on their qualification, capability etc, as it is done with people without disability.¹

Disability is a global phenomenon which transcends national boundaries, sexual orientation, age, religion, race, and social status, political and economic standing. It is concerning due to its high global prevalence and incidence. Over two billion people worldwide have been estimated to be physically challenged, with developing nations comprising most of these

¹ I Imam and MA Abdulraheem- Mustapha; Rights of People with Disability in Nigeria: Attitude and Commitment- *African Journal of International and Comparative Law* 24.3 (2016) Edinburgh University Press.

individuals². Presently there is an estimate that about 197 million people are living in Nigeria, making it one of the largest youth demographics.³ The local statistics on the number of PWD in Nigeria is not too accurate but there is data as provided by the World Health Organization (WHO) has stated that estimates that we have up to twenty-five million people with about 3.6 million of them being so adversely affected that they cannot function optimally in the society. However, local data on this population is not very reliable.⁴

The Nigerian National Assembly estimated the number of disabled people to be around twenty million in 2013, which is invariably less than the global postulation that 15% of the world population have PWD⁵. A demographic characteristic of people with disabilities, including their specific identities on age, religion, educational, occupational, gender, religion, educational, occupational, employment and socio-economic standing gotten through a survey which was carried out in Kogi and Niger states shows that majority of disabilities that are prevalent includes those associated with visual, mobility and /or hearing. A big percentage of these disability cases are people who are under the age of 21 years of age, most of whom were Muslims and none of them had a job.⁶ It is sad to note, that some of those in this group are uneducated and have no skills and this led to them embracing begging, subsistence farming and trading. Despite their large numbers, persons with disabilities are exposed to constant stigmatization and isolation leading to severe hardship economically.⁷ In Nigeria physical,

² The World Bank, 'Overview - World Bank Nigeria' www.worldbank.org/en/country/Nigeria, accessed 12 March 2023

³ Ibid

⁴ Ibid

⁵ www.nassnig.org/nass -Accessed on 20 March 2023

⁶ N Smith, 'The Face of Disability in Nigeria: A Disability in Kogi and Niger States', Disability, CBR and Inclusive Development, Vol 22, No 1, 2011, <http://dcidj.org/article/viewFile/11/27>.accessed May 19, 2021.

⁷ Ibekwe & Aduma: The Evolution of Disability Rights in Nigeria: Pitfalls & Prospects *AJHLR* 3(2)2019.

hearing, intellectual, visual and communication impairments are the most prevalent forms of disabilities.⁸

The rise in the increase of the number of PWD is more prevalent in developing countries and the reason is not far-fetched because limiting factors like dwindling economy, virtually non-functional healthcare facilities in the rural areas, belief in cultural ideologies which has continued to marginalize disabled persons and make them to be seen as societal problems.⁹

This study properly seeks to examine the protection and enforcement of disability rights with respect to Nigeria, emphasizing on the opportunities and challenges encountered by Nigerians with disabilities. The authors also examined the overall state of other nations' institutional and legal frameworks. The report concludes with recommendations for ensuring PWDs' and society's overall benefit by enforcing the protections provided by different legal frameworks.

2.0 The Concept of Disability

The term disability has different definitions from various organizations, so we will be looking at it from the eyes of these various definitions to see the main components for ease of understanding and clarity. It has been seen a concept which includes impairments, activity limitations and participation restriction, which definition was coined by the World Health Organization (WHO). It describes challenges faced in any or all three domains of functioning: participation, activities and environmental support.¹⁰

⁸ Umeh & Adeola (2018) African Disability Rights. Published by Centre for Citizens with Disability Report.

⁹ G.Plessis & Van Reemen T; Aspect to Disability law in Africa published by Pretoria University Law Press 2001, Pp 53-54

¹⁰ https://www.who.int/disabilities/world_report/2011/chapter1.pdf Accessed on 21 April, 2023.

Furthermore, for a more comprehensive understanding, the term Impairment is seen as challenges in the functioning of the body structure, while activity limitation involves difficulty in executing a task or action that people face. Participation restriction is also a challenge which individuals experience while they are involved in situations of life.¹¹

A broad definition and clarification which was adopted by ILO (International Labour Organization) has gone further to define PWD, as a set of people whose chances of finding, returning to, keeping and progressing in a normal position are significantly lowered due to an obvious physical, sensory, intellectual or mental impairment¹².

The above definitions have shown that a lot of people or individuals with seemingly apparent challenges (such as sight and hearing impairments) and those theirs are hidden (such as mental health and other neurological deformities), even with terminal sicknesses such as cancer.

More so, at the global legislation level, the United Nations Convention on the Rights of Persons with Disabilities (CRPD), has defined disability differently to mean a long-term physical, mental, intellectual or sensory impairments which in line with many other barriers may hinder a person's full and effective participation in society when compared with others¹³

The above definitions cover to an extent the range of disabilities or impairments people suffer from, even those people do not view or consider as disability. It is trite to note that, disability comes in various forms which may be mental, evolutionary, cognitive, emotional, physical and/or a

¹¹ World Health Organization (WHO) online; www.who.int/disabilities/world Accessed on 18 May 2023

¹² ILO Publications on Disability: Inclusion of Persons with Disabilities, <http://www.ilo.org/skills/areas/inclusion-of-persons-with-disabilities/lang--en/index.htm> accessed 18 April 2023

¹³ Art 2 CRPDs

combination of the aforesaid. Sometimes, it occurs from birth or during a person's lifetime. In reality, however a lot of people usually suffer from various types of disabilities known and unknown in their lifetime.¹⁴

3. The Concept of Rights

It is imperative to understand what rights are while discussing disabilities. Some legal systems based on social conventions and ethical theory have defined rights as legal, social or ethical principles of freedom of entitlement, which are fundamental normative rules of what is allowed of people or owed to people

Furthermore, it is important to state that these rights are so fundamental and essential in our social life conditions for effective self-realization. In simple words, rights are the basic collective claims of people that societies that are civilized recognizes as essential for adequate development, advancement which the government has a right to enforce.¹⁵

3.1 The Scope of Disability Rights

Just like Human rights, disability rights are the combination of all the rights attributable to a person or individual living with disability of any sort that can be comparable to global human rights. It is a fact, that PWD in Nigeria face severe difficulties accessing health services or care as they are regularly limited by availability of accessible hospitals and health personnel or professionals who specialises in inclusion for people living with disabilities. Poor academic performance is also a result of inadequate facilities including

¹⁴ Health Organisation, 'Understanding Disability' www.who.int/world_report/2011chapter1.pdf accessed On 18 May 2023

¹⁵ K. K GHAI; Rights; meaning features and types published by law Article library ONLINE <https://www.yourarticlelibrary.com/essay/law-essay/rights-meaning-features-and-types-of-rights/40373> Accessed on 18 March 2023

but not limited to learning resources, specialized teachers, special schools and other societal limitations.¹⁶

It is imperative to note, that the Nigerian Constitution mandates the State to carry out its social objectives towards ensuring that all citizens irrespective of their social status whatsoever have the opportunity for securing adequate means of livelihood as well as opportunity to secure reasonable employment”¹⁷. It equally enjoins the State to make sure there is “suitable and adequate food, shelter, and reasonable national minimum living wage, old age care and pensions, and unemployment, palliatives for the sick and the well-being of the able and disabled are catered for, for all citizens”.¹⁸

If these socio-economic objectives are equitably implemented, they will protect the rights of people with disability who are also undeniably citizens of the state. It is very unfortunate, that this provision cannot be enforced in a court because they are “merely cosmetic legislative wishes to beautify the constitution because they are subservient to the legislative powers of the state” and this regrettable. As a result, implementation becomes challenging, if possible.¹⁹

It is expected that a person living with disability will be able to enjoy all the rights as enshrined in our Constitution by the plethora of legislations, which has been put in place such as the Disability Act and other international legislations which Nigeria as a country has ratified. Nigeria over the years in order to protect the rights of persons living with

¹⁶ Martinez & Vemuru (2020); Social Inclusion of Persons with Disabilities in Nigeria: Challenges and Opportunities. Published by worldbank blogs- blogs.worldbank.org/nasik accessed on 20/5/21

¹⁷ s 17(3)a of the 1999 Constitution of the Federal Republic of Nigeria.

¹⁸ *Ibid*

¹⁹ M Haruna (2017), The Problems of Living with Disability in Nigeria. *Journal of Law, Policy and Globalization* ISSN 2224-3259 (Online) Vol.65, 2017; <http://www.iiste.org> - Accessed on 24 March 2023.

Disabilities (PWD), has ratified several international instruments and guarantee their freedom from discrimination and above all enforce those rights when necessary.

However, despite the ratification, Nigeria must still enact the necessary measures to protect PWD fully. Since the nation's return to civil administration in 1999, several administrations have failed to protect and fulfill the intent of the Constitution with respect to protection of rights of the disabled. Although, the passage into law in January 2019 of the DPD (Prohibition) Act 2018²⁰ is laudable, it merely serves to exhibit the pressure on the Federal Government of Nigeria by disability rights advocates and Persons living with Disability.²¹

4. International Legal and Institutional Framework for Protection of Disability Rights

There are legal and institutional framework that aids in the protection and enforcing of persons with disabilities globally at the international level and some of them include:

4.1 United Nations Convention on Rights of Persons with Disability (CRPD)

This convention which has greatly affected disability law and human rights law in globally came to be in 2006. Since its inception, 162 state parties have subscribed to it and it has made the convention reach over 90% ratification. The Convention brought about a transformational shift in disability rights as the convention projects an understanding of disabled persons as right holders.²²

²⁰ Discrimination Against Persons with Disabilities (Prohibition) Act 2018.

²¹ Lang & Upah (2012): Disabilities Issues in Nigeria. Published by United Kingdom Department for International Development

²² A Adebayo, Persons with Disability Rights, Faculty of Law, Obafemi Awolowo University Ile, Ife.

The CRPD has been mapped out on existing international laws, notably the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ECOSOC), the Convention on the Elimination of all Form of Racial Discrimination, the Convention Against All Forms of Discrimination against Women, and the Convention on the Rights of the Child.²³

The UN General Assembly's adoption of the CRPD in December 2006 has been heralded as a historic moment that revolutionized perceptions of and interactions with people with disabilities (PWD). It is incredible to see that PWD are no longer treated or viewed as 'objects' of charity in need of social protection but 'subjects' with rights, who are capable of claiming those rights and making decisions for their lives based on their free and informed consent, as well as being active members of the society.²⁴ Nigeria is a signatory to the UNCRPD and its accompanying optional protocol.

By Article 1 of CRPD, it clearly stated the essence of the convention which is to 'promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities and to promote respect for their inherent dignity'²⁵. The convention is the first human rights convention of the 21st century and the first legally binding instrument with comprehensive protection of the rights of persons with disabilities. The Convention further sets out the steps states must take, to create an enabling environment for them to enjoy real equality in the

²³United Nations. "Convention on the Rights of Persons with Disabilities." *United Nations Treaties Series*, 2008, Vol. 2515, p.3. Available online: <https://treaties.un.org/doc/publication/unts/volume%202515/v2515.pdf> Accessed on 20 May 2023

²⁴ Kutigi & Anibogu: An Appraisal of the Legal Framework for the Protection of the Rights of Persons with Disabilities in Nigeria. *Benue State University Law Journal* Vol. 5 No. 1 2014.

²⁵ Council of Europe 1950, Convention for the Protection of Human Rights and Fundamental Freedoms (Adopted 4 November 1950, entered into force 3 September, 1953(ECHR)

society. It highlights the importance of states ensuring the physical environment and information and communication technology are accessible. States are under obligation to raise awareness, promote access to justice, ensure individual mobility and collection of verified data relevant to the convention.

It is apposite to state that an agreement was reached on the non-creation of special rights for people living with disabilities. However, the CRPD is not only for ensuring the non-discrimination and equality principles and contextualizing them to disability. It went further, in that it introduced new equality and non-discrimination concepts into international human rights law and a new definition of what discrimination is and should be.²⁶

The Convention equally mandates signatory State parties to enlighten the populace and ultimately ensure respect for disabled persons within their territories. It states:

States Parties undertake to adopt immediate, effective and appropriate measures:

- (a) To raise awareness throughout society, including at the family level, regarding persons with disabilities, and to foster respect for the rights and dignity of persons with disabilities;
- (b) To combat stereotypes, prejudices and harmful practices relating to persons with disabilities, including those based on sex and age, in all areas of life; [and]
- (c) To promote awareness of the capabilities and contributions of persons with disabilities.²⁷

²⁶United Nations General Assembly. "Promotion and protection of human rights: Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms. A/C.3/70/L.56." 2 November 2015. Available online: http://www.un.org/disabilities/documents/gadocs/a_c.3_70_l.56.pdf Accessed on 19 May 2023.

²⁷ Art 8 of the CRPD

The Convention is envisioned as a human rights instrument with an express, social development mandate. It embraced a broad classification of people with disabilities and reaffirms that all persons with various types of disabilities must be accorded their human rights and fundamental freedoms. It clarifies and qualifies how all categories of rights apply to persons with disabilities and identifies areas where adaptations have to be made for persons with disabilities, to effectively exercise their rights and areas where their rights have been violated, and where protection of rights must be reinforced.

4.2 African Charter on Human and People's Right

This piece of legislation came into force in 1981 and was ratified by Nigeria and incorporated as municipal law in 1983.²⁸ The various provisions of the ACHPR has been interpreted as directing State Parties, a duty, to protect disabled persons from discrimination.

Article 2 provides for a general duty of non-discrimination:

Every individual shall be entitled to the enjoyment of the rights and freedoms recognized and guaranteed in the present Charter without discrimination of any kind such as race, ethnic group, color, sex, language, religion, political or any other opinion, national and social origin, fortune, birth or other status.²⁹

While this provision did not refer expressly to persons with disabilities, when interpreted in conjunction with Article 18 of the ACHPR, which states that,

²⁸ African Charter on Human and Peoples' Rights (Enforcement and Ratification) Act, Cap 10, LFN 2004.

²⁹ Article 2 of the African Charter on Human and People's Rights 1981.

“...the disabled shall also have the right to special measures of protection in keeping with their physical or moral need.”³⁰

It becomes clear that the rights of disabled persons to non-discrimination are accommodated under this general prohibition.³¹ Article 18 is supplemented by Article 28 of the Charter, which states that;

Every individual shall have the duty to respect and consider his fellow beings without discrimination, and to maintain relations aimed at promoting, safeguarding and reinforcing mutual respect and tolerance.³²

This provision seems to confer on Signatory States a duty to take positive steps to safeguard the rights of PWDs and to promote the ‘tolerance’ of such persons within society.

Notably, Article 3 of the Charter infers a right of non-discrimination, and it provides that every individual shall be equal before the law...” and that, every individual shall be entitled to equal protection of the law....

This principle of equality is further defined in Article 19 of the Charter, which is very important for disability rights as it affirms that persons with disabilities are entitled to the same rights and protections under the law as their able-bodied counterparts³³. These rights are broadly consistent with

³⁰ Article 18, *Ibid*

³¹ Evans, M., and Murray, R., *The African Charter on Human and Peoples' Rights: The System in Practice 1986-2006* (2nd edition, Cambridge University Press, Cambridge 2008) 178.

³² Art 28 of the African Charter on Human and People’s Rights 1981.

³³ Cotter, AM., *This Ability: An International Legal Perspective of Disability Discrimination* (Ashgate Publishing, Aldershot 2007) 127.

the provisions of section 17 of the Constitution of the Federal Republic of Nigeria 1999 as amended.³⁴

The Charter equally provides for respect of the dignity, integrity, and life of every human being.³⁵ In addition to that, it abolishes all forms of exploitation and degradation (especially inhuman, cruel or degrading treatment and prohibited such further acts)³⁶. Whereas these provisions do not refer specifically to the rights of persons with disabilities, it is also emphasised that the right to respect for dignity is one of the cornerstones of the protections available to disabled persons under international law³⁷.

Furthermore, there are impressive provisions in the Charter which include the obligation for States to promote adequate access to employment, healthcare services, and education for disabled persons.³⁸ It is trite to note, that these provisions do not specifically refer to the disabled, the provisions of the Pretoria Declaration on Economic, Social and Cultural Rights in Africa 2004³⁹ affirms that the implementation of the aforementioned provisions are correct.

5. International Institutional Framework for the Protection of Disability Rights

³⁴ s 17 of the Constitution of the Federal Republic of Nigeria 1999; See also Equal Rights Trust, Letter to His Excellency, Mr. Goodluck Jonathan regarding the Nigeria Disability Bill (2011)[Online] <<http://www.equalrightstrust.org/ertdocumentbank/GOODLUCK%20JONATHAN%20SUBMISSION.pdf>> accessed 18/05/2021.

³⁵ Art 4 of the African Charter on Human and People's Rights 1981.

³⁶ *Ibid*, Article 5

³⁷ Riouxand, MH., and Basser, LA, *Critical Perspectives on Human Rights and Disability Law* (Martinus Nijhoff Publishers, The Netherlands 2011) 30.

³⁸ Art 15 to 18 of the African Charter on Human and People's Rights 1981

³⁹ Para 6, 7 and 8 (respectively) of the Pretoria Declaration on Economic, Social and Cultural Rights in Africa 2004.

Some of the International institutional framework that has been set up for the protection and enforcement of disability rights include the following:

5.1 American Association of People with Disabilities (AAPD)

This Association can be described as a convener, and catalyst and connecting force for change, increasing the political and economic power of people with disabilities. As a national cross-disability rights movement, over the years, AAPD has continued to advocate for full civil rights for the over 60 million Americans with disabilities.

They do this by promoting economic empowerment, equal opportunity, independent living and thoughts, and active political participation⁴⁰. The Association, is widely known for focusing on celebrating disability and empowering people with disabilities to lead and advocate for their diverse needs. The association also advocates for the right of people with disabilities to live in their homes and communities by providing accessible and equitable transportation and housing.

Also, the association ensures the strengthening of facilities in the wake of COVID-19 to enable people with disabilities take beneficial decisions over their healthcare and equal access to quality, affordable, and comprehensive care, especially disabled people of colour. The association also focuses on eliminating systemic, discriminatory practices that create barriers to community integration, economic opportunity, and self-empowerment. The association advocates for the removal of obstructions to political participation for people with disabilities.⁴¹

5.2 Disabled Peoples International (DPI)

Disabled Peoples International (DPI)⁴² is a human rights body committed to the protection of the rights of people with disabilities and the promotion

⁴⁰[http:// www.aapd.com](http://www.aapd.com) accessed on 22 May 2023

⁴¹ <http://www.aapd.com/ada/30> accessed on 23 May 2023

⁴² <http://www.disabledpeopleinternational.org> accessed 23 May 2023

of their full and equal participation in society. Established in 1981, DPI is represented through active membership of national organizations of disabled people in over 139 countries. Disabled Peoples' International (DPI) was the world's first successful cross-disability which endeavours to convert the talk about full and equal participation of persons with disabilities into action. Till today, after many years of its formation, DPI continues to be the world's ONLY cross-disability Global Disabled Peoples' Organization (DPO).

DPI is headquartered in Ottawa, Canada and has a presence in 139 countries through its Member National Assemblies (MNAs) spanning across 7 regions: Africa, Arab, Asia-Pacific, CIS, Europe, Latin America and North America & Caribbean. The MNAs are focused on capacity building, and empowerment of people with disabilities in their countries and over half of them are based in the developing world.⁴³

DPI's aim is to ensure full participation of all persons with disabilities in the major areas of life, through promotion and protection of their human rights. DPI's focal lens is beamed on those in developing countries who form 80% of the world's one billion people with disabilities and 20% of the world's poorest and most disadvantaged people. DPI also has Special Consultative Status with the UN Economic and Social Council (UN ECOSOC) as far as 1983.

5.3 World Federation of the Deaf (WFD)

The World Federation of the Deaf is an international non-profit and non-governmental organization of associations formed for the deaf from 133 countries. In addition, its membership includes Associate Members, International Members and Individual Members as well as two types of Youth Members. The WFD has eight Regional Secretariats and one Co-operating Member. Its legal seat is in Helsinki, Finland where the WFD

⁴³ Ibid.

Secretariate is located. The WFD has a consultative status in United Nations and is a founding member of the International Disability Alliance (IDA).

The association promotes the human rights of deaf people in accordance with the principles and objectives of the UN Charter, Universal Declaration of Human Rights, UN Convention on the Rights of persons with Disabilities (CRPD), 2030 Agenda and Sustainable Development Goals (SDGs), and other Human Rights Treaties⁴⁴.

5.4 International Disability Alliance (IDA)

IDA works across the United Nations, to make sure its human rights and sustainable development processes uphold the highest standards of the convention on the Rights of persons with Disabilities - the CRPD. The body also support the UN General Assembly, UN Secretariat and UN agencies—such as the World Bank and the World Health Organization, UNICEF to help ensure that the human rights of all persons with disabilities are an integral part of their work.⁴⁵

While IDA works to create a more accommodating global environment⁴⁶ for realizing the rights of persons with disabilities, it also works with organizations of persons with disabilities - or 'DPOs' - to utilize this environment and make changes directly, from local to global advocacy.

5.5 Global Action on Disability Network (GLAD)

This Network is a coordination Network of bilateral and multilateral donor agencies, public and private foundations and major stakeholders of the disability movement with a common purpose in achieving inclusive international development and humanitarian collaboration. The network was launched in London in 2015 by a group of like-minded partners who recognized that to realize the promise to *leave no one behind*, strategies to

⁴⁴<http://www.wfdeaf.org/who-we-are> accessed 23 May 2024

⁴⁵www.internationaldisabilityalliance.org/whatwedo. Accessed on 22 May 2024

⁴⁶ *ibid*

include persons with disability must be adopted across all organizations involved in international development efforts⁴⁷. Since its launch, GLAD members work together sharing expertise, and coordinating joint actions, guided by the UN Convention on the Rights of Persons with Disabilities.

6. Legal Framework for the Protection and Enforcement of Disability Rights in Nigeria

Towards protecting the rights of people living with disability in Nigeria, a lot of legal frameworks has been put in place to see that PWD are preserved to be able to live freely amongst other people without fear of discrimination, marginalization, isolation, stigmatization.

It is pertinent to note, that regard must be had to the United Nations Charter which ensures the essentials of a ‘universal respect for and adherence to human rights and fundamental freedoms for all without distinction’ is sustained. The rights of any person living with disability is enshrined in a human rights framework based on the UN Charter, the Universal Declaration of Human Rights (UDHR) and other standards on human rights which address the rights of individual with disabilities both generally and specifically.⁴⁸

Having explored the institutional frameworks protecting disability rights, we will go proceed to examine the various laws, legislations and statutes enacted to ensure the rights of people living with disabilities are protected and enforced adequately. The legal framework includes both international and national frameworks that have been put in place for the protection and Enforcement of Disability Rights in Nigeria.

⁴⁷ www.gladnetwork.net- Accessed on 22 May 2023//

⁴⁸ Kutigi & Anibogu: An Appraisal of the Legal Framework for the Protection of the Rights of Persons with Disabilities in Nigeria. *Benue State University Law Journal* Vol. 5 No. 1 2014

6.1. Constitution of the Federal Republic of Nigeria, 1999

The Constitution of Nigeria is the most fundamental law of Nigeria. It ensures legal protection for all its citizens and accords rights, which are fundamental to every person, including the disabled. These rights are enshrined in Chapter IV of the Constitution⁴⁹, which include: the Right to life, dignity of the human person, personal liberty, fair-hearing, privacy and family life, freedom of thought, conscience and religion, freedom of expression and the press, freedom of movement; freedom from discrimination, acquire and own immovable property anywhere in Nigeria; and, the right against compulsory acquisition of property without compensation. In order to enjoy the rights stated above, the constitution and other statutes, specifies a special procedure for the enforcement of these rights through our legal systems⁵⁰.

Aside from the provisions on fundamental human rights earlier mentioned, the Nigerian constitution, under section 15 prohibits discrimination based on religion, status, or ethnic or linguistic association. It must however be noted that although the Constitution guarantees the rights of every Nigerian against discrimination based on the above enumerated basis. It failed to include disability as a basis, most likely due to oversight. As a result, only those rights guaranteed to all Nigerians in the fundamental rights, coupled with those enumerated in the DPD (Prohibition) Act, 2018, are applicable to disabled Nigerians.

It is imperative, that the demands of the disabled and the other difficulties they face daily could be resolved by accommodating disability in the list of protected cases in the Nigerian constitution. This reiterates the need for the Nigerian people and the government to resolve and ensure that disability should not be a basis to deny a person, his benefits or opportunities.

⁴⁹ See generally, s 33 - 46, Constitution of the Federal Republic of Nigeria, 1999

⁵⁰ The Fundamental Human Rights (Enforcement Procedure) Rules, 2009.

The philosophy of chapter II rights as contained in the Nigerian constitution⁵¹ together with the various human rights provisions in Chapter IV appeared to cover disability rights though not expressly mentioned,. Section 17(2) and (3) of the constitution provide thus:

(2) In furtherance of the social order-

(a) every citizen shall have equality of rights, obligations and opportunities before the law;

(b) the sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced;

(3) The State shall direct its policy towards ensuring that-

(a) all citizens, without discrimination on any group whatsoever, have the opportunity for securing suitable employment;

(b) conditions of work are just and humane and that there are adequate provision for leisure and for social, religious and cultural life;

(c) the health, safety and welfare of all persons are safeguarded and not endangered and abused;

(d) There are adequate medical and health facilities for all persons;

(e) there is equal pay for equal work without discrimination on account of sex or any other ground whatsoever.

6.2 Disabilities Act 1993

The Disabilities Act of 1993⁵² was the first legislative attempt to expressly protect the disabled in various facets of life such as healthcare, transportation, accommodation, education, employment and freedom from all types of discrimination. The impact of the provisions of the Convention

⁵¹ Chapter II of the 1999 Constitution contains the Fundamental Objectives and Directive Principles of State

⁵² Formerly Nigerians with Disability Decree of 1993. now Nigerians with Disability Act, Cap 202, LFN 2004 before the enactment of the 2018 Disability law

on Rights of the Child (1990), the United Nations Standard Rules on the Equalization of Opportunities for Persons with Disabilities (1993) and the Declaration on Rights of the Disabled (1995) can be visibly seen in the Act.

The Disabilities Act 1993 has some highlights which includes the declaration that the responsibility of government and other authorities and persons is to adopt and promote policies that would ensure full integration of the disabled into the mainstream of the society.⁵³ Mainstreaming and adequate education under the Act entailed the right of the disabled to free primary and tertiary education, the adaptation of educational facilities to be accessible, the training of special educational personnel to handle their unique learning needs, vocational training and accessibility to public institutions, infrastructure and employment. The Act also made provisions for affirmative action which required all employers of labour to reserve for the disabled not less than 10% of the work force.⁵⁴

A fundamental fallout with the Disabilities Act is that its definition of ‘disabled person’ was restricted to only those who had obtained a preliminary or permanent certificate of disability.⁵⁵ Therefore, the majority of disabled persons who had no knowledge of such a certificate, or were unable to obtain it were not eligible for the protections contained in the Act. The main herculean issue with the Act was with respect to its enforcement.

⁵³ S.2(1) & (2) of the Disability Act

⁵⁴ Ibid. S.6(2)

⁵⁵ According to Article 3 of the Disability Act, a ‘Disabled person’ means a person who has received a preliminary or permanent certificate of disability to have a condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person’s functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards.

The Act made provisions for the establishment of a regulatory framework called the National Commission for People with Disability.⁵⁶ The body was created to protect the interests of the disabled and play a coordinating role between government and disabled Nigerians, in eliminating those social and cultural setbacks which tend to discriminate against and traumatize the disabled. However, the Commission was neither adequately funded nor staffed, and was not inaugurated to request recruitment data from employers in order to monitor recruitment neither could it institute legal actions in cases of alleged disability discrimination.

In practice therefore, the Commission was ineffectual and died before it could live. And so, the responsibility for disability-related issues has remained an issue of concern in the Rehabilitation Department of the Ministry of Women and Social Affairs.⁵⁷ The attempt to give a narration of the Disability Act 1993 is to give us a perspective of the evolution of legislative attempt for disability protection in Nigeria.

6.5. Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

In January 23, 2019, President Muhammadu Buhari signed into law the DPD (Prohibition) Act, 2018, following nine years of relentless advocacy by disability rights groups and activists. The law prohibits discrimination on the basis of disability and imposes sanctions including fines and prison sentences on those who contravene it. The Act went ahead to stipulate a five-year transitional period for modification public buildings, structures, and automobiles to make them accessible and convenient for people with disabilities.

⁵⁶ Ibid. Art 14

⁵⁷ CJ Eleweke & J Ebenso, 'Barriers to Accessing Services by People with Disabilities in Nigeria: Insights from a Qualitative Study', (2016) Vol 6(2) *Journal of Educational and Social Research*, Rome-Italy: MCSER Publishing, May 2016.

The Act forbids discrimination on grounds of disability in any form or circumstance and imposes a fine of ₦1,000,000 (One Million Naira) for corporate bodies and ₦100,000 (One Hundred Thousand Naira) for individuals or a term of six months imprisonment for violation. It also guarantees the right to maintain civil action for damage by the person injured against any defaulter.⁵⁸ It is henceforth compulsory to ensure that before any public structure is erected, it must conform to the new building code.

In addition, a government or government agency, body or individual responsible for the approval of building plans shall not approve the plan of a public building in cases where the plan did not make provision for accessibility facilities in line with the building code. The law further provides that an officer, who approves or directs the approval of a building plan that contravenes the building code, commits an offence and shall be liable on conviction to a fine of at least ₦1,000,000 or a term of imprisonment of two years or both.⁵⁹ Moreover, discrimination is prohibited in public transportation facilities and service providers are to make provision for the physically, visually and hearing impaired and all persons howsoever challenged. This applies to seaports, railways and airport facilities.⁶⁰ A five-year transitional period is stipulated within which public buildings, structures or automobiles are to be modified to be accessible to and usable by persons with disabilities, including those on wheelchairs.⁶¹

The Act also gives persons with disability the right to free and non-discriminatory education and healthcare, the right of first consideration in queues, accommodation and emergencies and condemns the act of using a person with disability for begging. All public organizations shall, as much as possible, have persons with disabilities constituting at least 5% of their

⁵⁸ S. 1, Discrimination against Persons with Disabilities (Prohibition) Act, 2018

⁵⁹ Ibid. s 3 – 8

⁶⁰ Parts III and IV, *ibid*

⁶¹ Ibid. s 6

workforce. The Act also encourages their participation in politics and public life.⁶² Finally, the Act made provisions for the establishment of a National Commission for Persons with Disability which shall be vested with the responsibility for the education, healthcare social, economic and civil rights of persons with disabilities.⁶³

7. Institutional Framework for Protection and Enforcement of Disability Rights in Nigeria

With respect to institutional framework, there are government organizations, institutions, associations that have been set up that are doing their best to ensure that there is adequate protection and enforcement of disability rights in Nigeria. They include the following:

7.1 National Commission for Persons with Disabilities (NCPD)

This Commission (NCPD) is an establishment of the Government of Nigeria, charged with the responsibility of seeing to the welfare, support and protection of persons with disabilities and more so to promote their rights amongst other issues⁶⁴. It is a new commission and most people are not yet aware of its existence. It has the mandate to ensure that the provisions of the new Disability Act, is made effective in terms of its enforcement. The Governing Council of the commission was inaugurated last year September, 2020 and it is believed they will bring to the front burner the welfare and protection of rights of PWD in Nigeria⁶⁵. The authors are of the firm belief that the functions of the commission are adequate to bring to life the provisions of the Act. All that is needed is the political will for enforcement.

⁶²Ibid. Part V and VII, Section 16 – 30

⁶³ Ibid. s 33,

⁶⁴ s (31) of the Discrimination against Persons with Disabilities (Prohibition) Act 2018

⁶⁵<https://www.vanguardngr.com/2020/12/farouq-inaugurates-governing-council-of-national-commission-for-persons-with-disabilities/> Accessed on 24 May 2023

7.2 Ministry of Women Affairs and Social Development

It is imperative to note, that the formulation of policies and programs for persons with disability has been one of the major responsibilities of the Ministry of Women Affairs and Social Development in conjunction with the National Commission of Persons with Disabilities and as well as it relates to access to special education, the Ministry of Education will be co-opted.

There has been a lot of uproar about underfunding in this ministry, as there has been very restricted resources allocation to disability issues in the Ministry, leading to the conclusion that disability issues were simply not considered important to the government.⁶⁶ The Ministry of Education has been more active in formulating policies for the disabled. For instance, the National Policy for Education 2004, in line with government's free compulsory Universal Basic Education (UBE) mandate, prioritizes all-encompassing education and specifically, the provision of all necessary facilities to ensure easier access for the disabilities of all categories and persons with special needs.⁶⁷

It is of interest to note, that the financial cost of educating a child with special needs in Nigeria is more than four times the quantum required to educate a non-disabled child.⁶⁸ This cost alone, dissuades most households from enrolling their disabled wards in school. In addition, many families are discouraged by the lack of appropriate schooling options, poor accessibility to facilities, long distances, lack of transportation and sadly,

⁶⁶ FE Obiakor and CJ Eleweke, 'Special education in Nigeria today', in A Rotatoriet al, *Advances in Special Education: International Perspectives*, (London: Emerald Publishers, 2014) 379-397 available online and accessed on 22/5/21

⁶⁷ PM Ajuwon, 'Trainees' perceptions of Inclusive Education in Nigeria: A preliminary report' in T Ajobiewe *et al*, (eds) *Contemporary Issues in the Education of Persons with Visual Impairment*, (Ibadan: Glory-land publishing Co., 2011). 6-24

⁶⁸ MA Haruna, 'The Problems of Living with Disability in Nigeria', *Journal of Sustainability and Policy Development* (2017) Vol. 65

the low prospects of the disabled child ever becoming self-sufficient, and being able to earn a living and contribute to the family's finances. The Ministry might not have prioritized disability issues, a situation which may be evident from the wide margin between the volumes of national women/gender policies and the few disability policies.

7.3 Disabled Peoples' Organizations (DPO)

This organization champions advocacy and coordinates agitations from other organized civil society groups and the milestones they have recorded with respect to ensuring the recognition of the rights of PWD has been tremendous. This organization is the first indigenous brain child of the Joint National Association of Persons with Disabilities (JONAPWD).

7.4 Joint National Association of Persons with Disabilities

JONAPWD is one of the major organizations and assemblage of persons with disability, established with Nigeria in focus solely to promote the rights and development of PWD. This organization was established in 1992, aimed at attending to the interests of the teeming population of persons with disabilities both at the local and international level.

This association is also a full-fledged member of the international body called Disabled People's International (DPI) and serves as a link between Organizations of Persons with Disabilities (OPDs) in Nigeria and the international community. The association is currently composed of six disabled groups which are the Blind, the physically disabled, the deaf, the intellectually impaired, those with spinal cord injuries, and leprosy victims.

Though recognized by the Federal government, but they are not funded by the Government, rather its activities are funded by partner organizations like International Foundation for Electoral Systems (IFES), Private Agencies Collaborating Together (PACT), US Agency for International Development (USAID), The Awdal Association of Indigenous NGO's (AAIN) and Coalitions for Change (C4C), among other local and

international organizations. The Association has Board of Trustees, National officers, six heads of disability groups, six zonal coordinators and advisers, and 36 state chapters, including Abuja FCT. They have a National President who directs the affairs of the association and other National officers who are working support him and actualize their visions⁶⁹.

7.5 Centre for Citizens with Disabilities (CCD)

This is a non-profit making organization for PWD that is centered in promoting inclusion, participation, access, and the mainstreaming of issues of critical concern of citizens with disabilities in the programmes and activities of state and non-state institutions.

The centre helps to educate, support and empower persons with disabilities and their families to maximize their potentials. It was established in 2002 in Lagos and incorporated with the Corporate Affairs Commission Abuja as a charity organization⁷⁰. The core goal of the Centre is to promote disability rights and development through adequate research and documentation, advocacy and campaign, training and empowerment program together with legal aid in collaboration with state and no state actors⁷¹.

7.6 Disability Rights Advocacy Centre

This is advocacy centered Association that was formed to the right voice that will help champion a strategic organized response to litany of disability issues and problems that is facing PWD. The centre works to ensure that other vulnerable groups, especially persons with disabilities and women/girls participate actively in promoting and protecting their rights without any form of discrimination⁷².

⁶⁹www.jonapwd.org/about html- Accessed on 22 May 2023

⁷⁰www.ccdnigeria.org. Accessed on the 22 May 2023

⁷¹ Ibid.

⁷²<http://www.drac-ng.org>- Accessed 23 May 2023

It is interesting to note, that as part of their goals, they provide accurate data with respect to PWD. They help raise awareness on the health and welfare needs of PWDs and WWD (Women living with Disabilities) in Nigeria. They carry out advocacy outreaches at the national and international levels for policies and actions which further the human rights of PWDs and WWDs.

Furthermore, the centre serves to maintain consultative status on Disability Accessibility issues within Nigeria and across Africa to facilitate opportunities for the voices of WWDs to be heard in national and international forums. The Centre gives adequate support to employers seeking to become more disability friendly and further strengthen the organizational and management capacity⁷³.

7.7 Association for Comprehensive Empowerment of Nigerians with Disabilities (ASCEND)

For clarity, the association for empowerment of Nigerians with disabilities, (ASCEND), was formed to ensure that PWD in Nigeria are active participants in politics which is a way to bring them into the Nigerian polity which is necessary⁷⁴. This Association has led other associations to advocate for inclusive governance among other needs of PWD in Nigeria.

7.8 National Human Rights Commission (NHRC)

This Commission has existed for a while, as it is one of the foremost government establishments that have helped in protecting and enforcing the rights of PWD. The commission also serves as a watchdog to see that there is extra-judicial mechanism for the respect and enjoyment of human rights in the country.

⁷³<http://www.drac-ng.org/about-us>. Accessed on 23 May 2023

⁷⁴<https://www.vanguardngr.com/2013/09/ascend-begins-the-fight-to-win/> Accessed on 24 May 2023

They provide platforms where the society is enlightened on human rights issues and allows for constructive dialogue in order to raise awareness on Human Right issues. The commission is entrusted with the responsibility of responding to all Human right violations cases and concerns, and interventions that encourage the revitalization of national ethos built on the principles of respect for human and people's rights.⁷⁵

8. Challenges of Enforcement of Disability Rights in Nigeria

Several problems have impeded the smooth enforcement of disability rights in Nigeria which has made a way for PWD to continue to experience deprivation of economic opportunities, lack of inclusion in government, feeling of exclusion socially and outright discrimination. Some of these challenges includes:

8.1 Public perception of disability based on religious and cultural beliefs

Despite the availability of international and domestic legal and institutional frameworks, it is sad that many Nigerians still believe that high percentage of disability are often attached to religious and cultural ideologies and they look at them from a charity or welfare lens, which has a negative impact on social inclusivity.

It is a sad reality that PWD often face pity, stigma and discrimination which most importantly has reduced their chances in life win terms of quality education, health and work. The influence of religion and cultural beliefs on PWD is great and can be nauseating in the light of where the world is on disability issues.

It appears majority of women with disabilities encounter more challenges than men and children with disabilities also face negative perceptions which

⁷⁵ <https://www.nigeriariights.gov.ng/about/vision-mission-statement.html> Accessed 21 May, 2021.

has resulted to unfair treatment across the society. Many still believe that disabilities are often related to curses, ancestral violations, offenses against gods of the land; breaking laws and family misdeeds, misfortune, wizards and witches, adultery, a warning from the gods of the land, societal vile, badluck in a previous life; illegal or unapproved marriage; evil spirits; and many other reasons which is myopic in its sense of it⁷⁶.

8.2 Lack of Adequate Institutional Framework

Enforcement of disability rights in Nigeria can only be implemented if there is a functional government institution which is charged with the responsibility of ensuring that what is due to PWDs in Nigeria are safeguarded from violation.

It has become worrisome that the number of PWD in Nigeria is far more than the institutions that we have and this is a challenge as it reduces their enforcement capabilities. The Ministry for disability issues in Nigeria is the Ministry of Women Affairs and Social Development. The services that they provide have their roots in a charity/welfare. It is disheartening that the demand for such services far outweighs the supply.

There are International NGO's which preference for delivering services to PWDs, but it is unfortunate that their geographical coverage is limited causing more challenges. The vast majority of people with disabilities seems not to have no access to disability provision of services. This is particularly the case for those living in many rural areas and most especially the North East region of the country where insurgency currently thrives⁷⁷.

8.3 Lack of awareness/poor Information Dissemination Strategy

Most of the PWD in Nigeria are not aware of the existence of the various legislation that we have that protects their rights. Most of them are not

⁷⁶ Report by Institute of development studies on Nigeria situational Analysis on disability Version II, June 2020, p. 4

⁷⁷ Ibid.

aware of the institutional framework available to assist them in enjoying the benefits of the legislations in place and several other government interventions. It is imperative that agencies like the National Orientation Agency to collaborate with the National Commission for the Protection of PWD for the responsibility of effective information dissemination on disability rights. All media houses must be encouraged to help to disseminate information pertaining to disability rights, using several means and in different languages so that people in the rural areas can as well understand the existence of this institutional framework.

It is trite to note that a more proactive efforts to enlighten disability issues would serve as a paradigm shift to change the negative perceptions and stigma against persons with disabilities among families and communities and bring about the desired change we want.⁷⁸

8.4 Inadequate Representation of People Living with Disability in Governance

It is a fact that there is no definite constitutional provision(s) mandating the selected or elected representatives of PWDs to participate in policy-making and to work with government institutions in Nigeria until recent amendment to the Disability Act.

It is a reality in Nigeria that PWD have limited participation in government. It is important for government to include PWD in governance so as to show in reality that the letters of the various legislations in force are not mere illusion but a reality. This will surely help to pass the right message to the citizens, who will in turn gladly employ disabled people in their organizations with ease without any form of discrimination. Once there is maximum inclusion of PWD in governance, it will help in making enforcement of disability rights very easy among the populace.

⁷⁸<https://blogs.worldbank.org/nasikiliza/social-inclusion-persons-disabilities-nigeria-challenges-and-opportunities> Accessed on 24 May 2023

8.5 Lack of capacity and political will of government to pursue and implement policies/legislations

The lack of government political will to implement policies that will help PWD to function effectively and utilize social infrastructure is a big challenge in the fight to enforce disability rights in Nigeria. It is sad reality as at today that many public buildings in Nigeria are not still accessible to persons with disabilities⁷⁹.

It is interesting to state that only very few higher educational institutions and government offices in Nigeria have ramps, lifts with sound and floors with rail numbering. It also applies to Nigeria's public transport system as the facilities available is not sensitive to alleviate the pains of persons with disabilities.⁸⁰ The various laws we have made robust provisions to protect the rights of PWD especially in accessing public facilities.⁸¹ Also, existing public buildings have a five-year transitional period within which they need to be made accessible. For new buildings, before a public structure is started, its plans shall be inspected by designated authorities to ensure that the plan conforms with the building code. Despite these robust provisions, we are yet to see much of its implementation, which has remained a significant challenge.⁸²

8.6 Lack of Structural Developmental Platform for the Protection of PLWD

⁷⁹ Ibid.

⁸⁰ Umeh N, Adeola R. 2013. Nigeria. African Disability Rights Yearbook. Accessed online: 20/05/21 <http://www.adry.up.ac.za/index.php/2013-1-section-b-country-reports/nigeria#pgfId-1088909>

⁸¹ Ewang A. 2019. Human Rights Watch. Accessed 22/05/21s at: <https://www.hrw.org/news/2019/01/25/nigeria-passes-disability-rights-la>

⁸² Iroanusi Q. 2019. Ten things to know about Nigeria's new disability law. Premium Times. Accessed on 21/05/21 at <https://www.premiumtimesng.com/news/headlines/307494-tenthings-to-know-about-nigerias-new-disability-law.html> Accessed 2 June 2023

Another enforcement challenge is that government development programmes and policies must be designed in such a way that it conforms in reality the realization of human rights standards. While the efforts of the United Nations to mainstream disability in development is much appreciated, activities towards the realization of same have often taken place in a compartmentalized and same is limited in scope.⁸³ PWDs face barriers to inclusive education and must be addressed. It is imperative that the educational needs of PWD be taken care of and the various policies in place be made to reflect their peculiar needs. Many schools do not accept disabled person in their schools, as they claim they do not have the facility they need and most at times, even when schools admit these students, they teach them like normal students which without reference to their peculiar disabilities. Government must make adequate provision for free special schools in all states and localities for ease of accessibility. This will greatly help in enforcing the disability rights with Nigeria.⁸⁴

8.7 Lack of Punishment of offenders

A lot of people have continued to violate the rights of PWD and most especially, discriminate against them, it is unfortunate that we do not have record of violators of these laws which has been put in place and have been punished for their wrongs. This encourages impunity, as people feel they are at liberty to treat disabled persons any way they choose without any form of caution from anyone. This poses as a great challenge in the fight for the enforcement and protection of disability rights in Nigeria.

9.0 Opportunities for Protection of Disability Rights in Nigeria

The protection of disability rights in Nigeria presents a lot of opportunities. Also, the government owes a duty to its citizens to protect the lives and

⁸³ United Nations Group, <http://dsqsds.org/article/view/625/802>- accessed 2 June 2023

⁸⁴H. Kutigi (2020) Human Rights of persons with disabilities: Challenges of protection and Enforcement in Nigeria
(online)- www.researchgatepublication.net/341090390 Accessed on 24 May 2023

rights of PWD as enshrined in our constitution and other international legislations of which Nigeria is a signatory.

As earlier discussed in this paper, there are a lot of legislations that have made abundant provisions for the protection of the rights of PWD. The implementation of these legislations will go a long way in helping these disabled persons live a good life while enjoying the benefits of these laws without focusing on their disabilities.

Our laws have made robust provisions for the punishment of offenders, just like the recently enacted Disability Act (2018) prohibits disability discrimination on grounds of disability in any manner or circumstance and imposes a fine of ₦1,000,000 for corporate bodies and ₦100, 000 for individuals or a term of six months imprisonment for violation. It also guarantees the right to maintain civil action for damages by the person injured against any defaulter.⁸⁵ It is crucial to note, that discrimination is prohibited in public transportation facilities and service providers are to make provision for the physically, visually and hearing impaired and all persons with disabilities. The question has remained whether there is compliance with the above provisions.

The Act further motivates their active participation in politics and public affairs. In the same vein, the Act provides for the establishment of a National Commission for Persons with Disability which shall be vested with the responsibility for the education, healthcare social, economic and civil rights of persons with disabilities.⁸⁶ It is of necessity to note, that the proper implementation of this law, will aid for the utilization of the use of PWD's talents, abilities, ideas in any sector or field that they find themselves. Moreso, the majority of these disabled persons have the potential to contribute to the growth of the economy in diverse ways. Most

⁸⁵ 71 s 1, Discrimination against Persons with Disabilities (Prohibition) Act, 2018

⁸⁶ Part V and VI

of them who have completed vocational studies are promising entrepreneurs who are now employers of labour.

Furthermore, PWD has made significant contributions to developing the sport in Nigeria. Even though society tends to focus on the adversity of disability, sports for the disabled have promoted social identification among the disabled people in ways that are difficult to obtain in other socio-cultural settings.⁸⁷ Also Sports has helped to improve the wellbeing of PWD and also help in their inclusion by reducing the stigma and discrimination associated with disability. Second, by changing how people with disabilities think and feel about themselves and recognize their potential⁸⁸. Through sports, PWD learn vital social interaction skills, develop independence and become empowered to lead and make changes happen⁸⁹.

10. Recommendations

From the research carried out while writing this paper, the following are the recommendations the writers feel are necessary as it pertains to the protection and enforcement of disability rights in Nigeria.

- 1) There is need for states within the Federation to replicate the establishment of the Commission for PWD in line with the provisions of the Disability Act, so as to affect positively the lives of PWD in their locality.

⁸⁷S Onagbiye: The Role of Disabled Sport in the Social and Economic Development of Nigeria

https://www.researchgate.net/publication/281101909_The_role_of_disabled_sport_in_the_social_and_economic_development_of_Nigeria. Accessed on 24 May 2023

⁸⁸Fuluchi, K (2007). My Hope for an Inclusive Society Sports. United Nations Convention on the Rights of

Persons with Disabilities. <http://www.un.org/wcm/webdav/site/sport> Accessed on 24 May 2023

⁸⁹ OA Dada, CO Ukpata (2017) Sport participation and facilities as predictors of marketable skills in sports for persons with disability in Nigerian Universities published in *European Journal of Special Education Research* Vol 2 Issue 5.

- 2) There is need for more inclusion of PWD in governance both at the national state and local levels through deliberate protective government policies.
- 3) Special courts or tribunal should be established to handles cases of discrimination, stigmatization and violation of rights of PWD. The prosecution of violators of the rights of people with disabilities must not only be given a priority but must also be handled expeditiously. This will help ease the challenges faced in enforcement of disability rights in Nigeria.
- 4) Adequate resources should be provided by the state governments which will aid and enable people with disability (blind, crippled) have access to facilities such as hospitals, roads, vehicles, educational institutions, etc.
- 5) A National Action Plan should be established for the rehabilitation and integration of persons with disabilities, within the framework of socio-economic development. This should be pursued with vigorously by the government and be added in the constitution.
- 6) There should be mechanisms put in place for monitoring and enforcing building regulations to ensure compliance with accessibility codes.
- 7) Free education schemes should be set up for the education and training of PWD, as a measure to support the growth and development of their talents so that they can be able to become economically dependent in the near future.
- 8) NGO's or private institutions can support PWD who are interested in sports by provision of facilities for their training, training personnel and exposing them to tournaments both locally and internationally.
- 9) More strategies should be deployed to ensure effective dissemination of information about disability rights all over the country for public awareness. Advocacy programs should be prioritized aimed at educating the public

11. Conclusion

Disability rights must be protected and enforced in order for people with disabilities to live and thrive in Nigeria. It is also critical to approach the protection and enforcement of PWD rights through the lens of human rights. To maintain the desired synergy of the plethora of legal and institutional frameworks previously discussed in this paper, a deliberate policy of interconnecting the National Assembly committee in charge of Disability Rights, the National Commission for the protection of persons with Disabilities, the federal Ministry of Women Affairs and Social Welfare and the judiciary for maximum protection is required.

It is the authors' view that the deliberate inclusion of the various Disabled Persons' Association in the policy implementation of protecting the rights and wellbeing of PWD will aid its effectiveness. Also, the provisions of the Disability Act must be put to work if not, it will become a toothless bull dog over time and the essence of the law will not be utilized. People with disability must be seen from the point of their capacity and not on the premise of their disability, that way the issue of discrimination and stigmatization will no longer be an issue.

The Government must continue to demonstrate its commitment to ensure that human rights are enjoyed by all citizens as well as all disabled people. Also, through effective awareness, people's minds will be renewed in terms of their cultural and religious beliefs which has portrayed disability as a form of punishment or an evil. The protection and enforcement of disability rights is a global concern and as such need's urgent attention by the government and other institutions to thrive.