

INCLUSIVE EDUCATION AND THE DISCRIMINATION AGAINST PERSONS WITH DISABILITIES (PROHIBITION) ACT: EXPERIENCES OF STUDENTS WITH DISABILITIES IN NIGERIA

By

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Abstract

The Discrimination Against Persons with Disabilities (Prohibition) Act prohibits any form of discrimination against people with disabilities and protects their rights to equal access to education. This paper investigates how well the government is fulfilling its statutory obligation to protect the rights of people with disabilities by ensuring that they are learning in a barrier-free environment. Through the study of the experiences of 17 students with disabilities in 5 government-owned universities across 4 geopolitical zones in Nigeria, this paper identified multiple significant barriers that impede the inclusion of people living with disabilities in universities in Nigeria. It contends that these barriers emanate from the government's lack of interest in protecting the rights of people with disabilities. Consequently, it concludes by proposing techniques that must be adopted to ensure the implementation of the Act to create an environment where people with disabilities have equal and equitable access to higher education in Nigeria.

Keywords: Barriers, Disability, Discrimination, Right to Education, and Nigeria

1. Introduction

The United Nations Convention on the Rights of Persons with Disabilities¹ is a landmark Convention that recognises the transformation in attitudes and approaches toward people with disabilities. The Convention recognises that disability arises through interactions between people with disabilities and the constraints that prevent them from participating fully and effectively in society on an equal footing with others.² It is a human rights instrument designed to promote, defend, and safeguard the full and equal enjoyment of all human rights and basic freedoms by all people with disabilities, as well as to encourage respect for their inherent dignity.³ It shifts from the conventional perspective of viewing individuals with disabilities as 'objects' of charity, medical treatment, and social protection to viewing them as 'subjects' with rights, capable of claiming those rights and making life decisions based on their

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¹ United Nations Convention on the Rights of Persons with Disabilities (CRPD), adopted by the General Assembly on 13 December 2006, UN Doc. A/RES/61/106, 24 January 2007 (entered into force 3 May 2008) <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd> last accessed 30 November 2024.

² Marianne Schulze 'Understanding the UN Convention On the Rights of Persons with Disabilities' (Handicap International, Technical Resources Division, Knowledge Management Unit, 2010) https://www.internationaldisabilityalliance.org/sites/default/files/documents/hi_crpd_manual2010.pdf last accessed 30 November 2024.

³ United Nations Convention on the Rights of Persons with Disabilities, Article 1

free and informed consent, as well as being active members of society.⁴ More specific principles of the Convention are: respect for inherent dignity; individual autonomy, including the right to make one's own choices; and independence of persons; non-discrimination; full and effective involvement and inclusion in society; respect for difference and acceptance of persons with disabilities as part of human diversity and humanity; equality of opportunity and accessibility; equality between men and women; and respect for the changing capacities of men and women.⁵

Nigeria ratified this Convention in 2007, and its optional protocol in 2010, and domesticated it with the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018. This law, like the convention, recognises the critical role that environmental, social, and institutional impediments play in the full realisation of the rights of people with disabilities. In addition to prohibiting discrimination against people with disabilities, it puts several obligations on the government to ensure that individuals with disabilities have unfettered access to education free of discrimination or segregation. It also recognises the importance of making efforts to ensure the inclusion and full participation of students with disabilities in Nigerian schools.

Education is usually inaccessible to people with disabilities due to the lack of adapted learning materials, inadequately trained teachers, school shortages, a physically inaccessible school environment, and inaccessible communication.⁶ This predisposes them to multidimensional poverty, which ultimately hinders their ability to fully participate in society.⁷ Inclusive education therefore serves the important function of ensuring that people with disabilities acquire the necessary knowledge and skills that will increase their likelihood of fully participating in society. In this regard, Lamichhane and Sawada⁸ note that educating people with disabilities is a worthwhile investment because it decreases welfare expenses and future dependency while increasing potential productivity and wealth creation, which will assist in alleviating poverty. This poverty-alleviating potential of inclusive education will be particularly important in Nigeria because it is obvious that equal and equitable access to education will lead to socioeconomic development.

Against this background, this paper examines the extent the Nigerian government is fulfilling its statutory obligation to ensure inclusive education for people with disabilities in Nigeria. It analyses the experiences of students with disabilities in government-owned universities in Nigeria. Through the analysis of these experiences, the paper identified multiple significant environmental, physical, and social barriers that impede the inclusion of students with disabilities in government-owned universities

⁴ See Siri H Eriksen, Robyn Grøndahl and Ann-Marit Sæbønes 'On CRDPs and CRPD: Why the Rights of People with Disabilities are Crucial for Understanding Climate-Resilient Development Pathways' (2021) 5 *Lancet Planet Health* 2021, e929, e932.

⁵ United Nations Convention on the Rights of Persons with Disabilities, Article 3

⁶ World Bank, "Disability Inclusion in Nigeria: A Rapid Assessment" (World Bank 2020) <https://openknowledge.worldbank.org/handle/10986/34073> accessed 28 November 2024.

⁷ Ibid.

⁸ Lamichhane, Kamal and Sawada, Yasuyuki. 2009. "Disability and Returns to Education in a Developing Country" https://www.un.org/disabilities/documents/events/1July2011_economics_panel_discussion_paper.pdf. accessed 29 November 2024.

in Nigeria. This paper argues that the results of this research show that protection of people with disabilities in Nigeria is not a matter of legal framework, as students with disabilities continue to confront a plethora of barriers despite the current Disability Act. This paper concludes by proposing strategies that will ensure that universities are conducive to people with disabilities.

2. Theoretical Foundation of the Nigerian Discrimination Against Persons with Disabilities Act, 2018

The social model and the human rights model now serve as the foundational theories for protecting people with disabilities and advocating for their participation in all facets of society, replacing the outdated medical model of disability. The medical model, which is now considered obsolete, places the burden of impairment on the individual. Quinn and Degener⁹ argue that, according to this model, people with disabilities must adapt to fit into society, as humans are perceived to be adaptive and flexible, whereas physical and social environments are not.¹⁰ Consequently, individuals with disabilities were historically required to focus on making personal changes to secure their inclusion in society.¹¹

By emphasising on the individual's disability, proponents of this theory believe that people with disabilities can only be managed medically, either through treatment or rehabilitation. As a result, they entrust the solution to disability to medical professionals such as physicians, nurses, special education instructors, rehabilitation specialists, and therapists. The assumptions of this theory support segregation, discrimination, and the establishment of different institutions such as special schools or residential facilities for people with disabilities.¹² This theory predominated in the formation of disability policy and legislation for a long time. While it is impossible to refute its therapeutic effects, which could enhance the physical and emotional health of many people with disabilities, it clearly provided no realistic insight from the perspective of those with disabilities. Most importantly, it contradicts reality, as humans have always modified the environment to suit their wants rather than the other way around.¹³

Because of its flagrant violation of the rights of people with disabilities, the medical model of disability has given way to the social model. This paradigm shift was sparked by the British Disability Movement in the 1960s and 1970s.¹⁴ The core assumption of the social model of disability is that disability is a social construct created by environmental, physical, and social constraints. According to Lawson and Beckett¹⁵

⁹ G. Quinn and T. Degener, 'The Moral Authority for Change: Human Rights Values and the World-Wide Process of Disability Reform', in: G. Quinn and T. Degener (eds.) *Human Rights and Disability: The Current Use and Future Potential of Human Rights Instruments in the Context of Disability*, (United Nations, 2002), 13 and 14.

¹⁰ Colin Barnes, 'Understanding Disability and the Importance of Design for All.' [2011] 1(1) *Journal of Accessibility and Design for All*, 55-80.

¹¹ Victor Berel Finkelstein, 'Disability: An Administrative Challenge (The Health and Welfare Heritage)' in Michael Oliver (ed.) *Social Work: Disabled People and Disabling Environments*, (Jessica Kingsley, 1991), 19-39.

¹² Theresia Degener, 'Disability in a Human Rights Context' [2016] 5(35) *Laws*, 1-24.

¹³ Colin Barnes, 'Understanding Disability and the Importance of Design for All.' [2011] 1(1) *Journal of Accessibility and Design for All*, 55-80.

¹⁴ Marno Retief and Rantsoa Letšosa, 'Models of Disability: A Brief Overview' [2018] 74 (1) *HTS Teologiese Studies/Theological Studies*, 1-8.

¹⁵ Anna Lawson and Angharad E. Beckett, 'The Social and Human Rights Models of Disability: Towards a Complementarity Thesis' [2021] 25 (2) *The International Journal of Human Rights*, 348, 349.

This social model, an idea rooted in the disabled people's movement, entails a political repurposing of the idea of 'disability', whereby that term is used to describe the socially created disadvantage and marginalisation experienced by people who have (or are perceived to have) 'impairments'. At its heart is the distinction between socially created exclusion and disadvantage on the one hand, and the particular mind and body traits of individuals on the other.

Rather than focusing on the person, this approach emphasises that barriers based on race, gender, national origin, and other qualities, rather than physical impairments, prevent people with disabilities from attaining their full potential. As a result, proponents of this theory argue that removing institutional, physical, and psychological barriers is the only way to enhance the daily lives of people with disabilities and provide them with an equal opportunity to engage fully in society.¹⁶ In contrast to the medical model, which strives to modify the individual to fit into society, this theory advocates for the transformation of society and the environment to meet the needs of people with disabilities. Consequently, this theory tries to identify and remove the barriers that impede people with disability from accessing education, employment, and services, as well as living independent lives in general.

The social model of disability has been utilized as a catalyst in many nations to push for anti-discrimination laws and civil rights reform to benefit people with disabilities.¹⁷ Regardless, the failure of the social model to articulate the first and second generation rights of individuals with disabilities resulted in the birth of the human rights model of disability, a model that recognizes that people with disabilities have rights and should be given the ability to make their own decisions and participate in society as equal members.¹⁸

This approach shifts the constraints that people with disabilities confront from a social problem to a human rights issue, allowing people with disabilities to assert their rights to live freely and independently without barriers and difficulties. Degenar¹⁹ therefore identifies the inaccessibility of the environment as a human rights problem. As a result, if a facility is inaccessible, the excluded individual will have locus standi and the authority to sue the institution, organization, or individual for a violation of his human rights. Even in a society free of barriers and other types of discrimination against people with disabilities, the human rights model recognizes that people with disabilities have the same inherent rights as able-bodied members of society to shelter, education, employment, and cultural involvement.²⁰

The provisions of the Discrimination Against Persons with Disabilities (Prohibition) Act of 2018 clearly recognise both the social model and the human rights model of disability.²¹ At the core of this Act is

¹⁶ Kofi Amponsah-bediako, 'Relevance of Disability Models from the Perspective of a Developing Country: An Analysis' [2013] 3(11) *Developing Country Studies*, 121- 132.

¹⁷ Marno Retief and Rantsoa Letšosa, 'Models of Disability: A Brief Overview' [2018] 74 (1) *HTS Teologiese Studies/Theological Studies*, 1-8.

¹⁸ Jonathan Kenneth Burns 'Mental Health and Inequity: A Human Rights Approach to Inequality, Discrimination and Mental Disability' in Michael Grodin, Daniel Tarantola, George Annas and Sofia Gruskin (eds.), *Health and Human Rights in a Changing World* (Routledge, 2013).

¹⁹ Theresia Degener, 'Disability in a Human Rights Context' [2016] 5(35) *Laws*, 1-24.

²⁰ Ibid.

²¹ See Chineze Sophia Ibekwe and Onyeka Christiana Aduma. 2019. 'The Evolution of Disability Rights in Nigeria: Pitfalls and Prospects' [2019] 3(2) *African Journal of Law and Human Right* 137-147.

the prohibition of any form of discrimination against any person on the ground of their disability by a person, institution or organisation in any manner or circumstance, and the imposition of a fine and/or imprisonment on any individual, institution, or organisation found guilty of any form of discrimination against people with disability.²² This notwithstanding, the prosecution or conviction of the individual or organisation for any form of discrimination, the Act gives people with disabilities the right to institute a civil action against the person, institution or organisation that meted out the discrimination.²³

In order to clearly delimit the ambit of the Act, Section 57 defines disability as ‘a long-term impairment which in interaction with various barriers may hinder full and effective participation in society on an equal basis with others.’ In addition to delimiting the scope of people who can be deemed to be living with disabilities, an obvious component of this definition is that, in line with the social model and the human rights model, it recognises that there are various barriers that prevent people with disabilities from thriving and living on an equal basis with able-bodied members of society. It also demonstrates that the majority of the difficulties encountered by people living with disabilities are caused by the interaction between the impairment and societal environmental and institutional barriers. This is consistent with global best practises, which recognise factors as a double-edged sword that can either increase or limit the active and effective participation of people with disabilities.²⁴

Another implication of the definition of disability in Section 57 is that any sort of barrier that prevents people with disabilities from participating fully and effectively in society will be considered discrimination under Section 1 of the Act. In other words, a person living with a disability will be considered discriminated against if an individual, organisation, or institution fails to remove barriers that prevent them from participating in society. Accordingly, the World Bank lists the barriers to full and economic inclusion of people living with disability as follows: inaccessible physical environments and transportation, the unavailability of assistive devices and technologies, non-adapted means of communication, gaps in service delivery, and discriminatory prejudice and stigma in society.²⁵ As a result, full inclusion, as envisioned by the Disability Act, can only be realised only if society is structured to ensure accessibility and independence for people with disabilities.

A meticulous study of the Disability Act shows that it places elaborate and compulsory obligations on the government and government-owned agencies to ensure the inclusion of people with disabilities in the different sectors of the economy. For instance, Section 3 recognises the right of a person with a disability to have access to the physical environment and buildings on an equal basis with others. To reinforce this right, Section 4 requires public buildings to be built with accessibility aids such as lifts, ramps, and other facilities that make them accessible to and usable by people with disabilities. In addition to this, section 10 makes it compulsory for government transport services to make their vehicles

²² Discrimination Against Persons with Disabilities (Prohibition) Act of 2018, Section 1(1) and (2).

²³ Discrimination Against Persons with Disabilities (Prohibition) Act of 2018, Section 1(3).

²⁴ Marguerite Schneidert, Rachel Hurst, Janice Miller and Bedirhan Üstün 2003 ‘The Role of the Environment in the International Classification of Functioning, Disability and Health’ [2003] 25(11) *Disability and Rehabilitation*, 588–595.

²⁵ World Bank, ‘Disability Inclusion’ (World Bank, 2022) <https://www.worldbank.org/en/topic/disability> last accessed 30 November 2024.

accessible to people with disabilities by providing accessibility aids, functional audible and visual display of their destination.

Most importantly, the Act recognises the rights of people with disabilities to inclusive education and prohibits any form of discrimination or segregation. According to section 17(1), a 'person living with disability shall have an unfettered right to education without discrimination or segregation in any form.' To ensure the fulfilment of this right, section 18(1) makes it compulsory for every school to have at least one trained person to cater for the educational development of people with disabilities. Finally, section 20 makes it compulsory for the government to ensure that the education of people living with disabilities is delivered in the most appropriate language, mode, and means of communication for the individual and in an environment that maximises academic and social development. To contribute to the ongoing discussion of different aspects of the rights of people with disabilities, especially in Nigeria, this paper investigates how well the government is fulfilling this statutory obligation to protect the rights of people with disabilities by ensuring that they are learning in a barrier-free environment.

3. Research Process

Data Collection

An electronic form was used to gather the information required for this study. The link to this form was sent to a WhatsApp group of undergraduates with disabilities. There are twenty people in this group, and 17 of them responded. The virtual forms enabled respondents to complete the forms at their convenience, independently and anonymously. There was no need for an able-bodied individual to transcribe responses for blind participants. This approach also made it simple to distribute the forms to residents in several geographical regions in Nigeria.

The link to the form was shared with the group, and participants were requested to write about and share their experiences as undergraduates in Nigerian government-owned universities in order to assess the level of compliance and implementation of the Discrimination Against Persons with Disabilities Act 2018, particularly with regard to the right of these people to a safe and conducive learning environment. The introduction of the questionnaire clearly informed the respondents of the purpose of the study, as well as their inherent rights not to partake in the research and to withdraw their consent at any point. They were also assured that the responses would be published anonymously.

To achieve the aim of the research, the respondents were provided with the following questions to guide them in articulating their experiences as students living with disabilities: How old are you? Gender: Do you consider yourself to have a disability, impairment, health condition, or learning difficulty? Which university in Nigeria do you attend? Does your university have trained personnel to cater to your health condition? Do taxis, buses, and other vehicles in school have mobility aids? Do you have difficulty getting into any of these buildings in your school? You may select more than one option. If you selected any building, could you please describe what makes the accessibility of the building difficult? Do you require any assistance devices for your education? Please specify the assistance devices you require for your education. Have you received any of these assistive devices from the government or school authorities? Where do you reside when school is in session? If your answer is school-owned accommodation, does the school administration give you priority when assigning rooms? Do academic

and academic staff use appropriate terminology when addressing you? In your opinion, is the learning environment at school conducive for your social and academic development? How would you describe the learning environment at school?

Research Sample

The research sample comprised 17 undergraduates from government-owned universities in Nigeria, aged 19 to 21 (12.5%), 22 to 24 (37%), 25 to 27 (25%), 28 to 30 (18.8%), and above 30 (6.3%). Among the respondents, 92.2% identified as having a disability, impairment, health condition, or learning difficulty, while 7.1% chose not to disclose this information. The majority of participants (80%) were blind, followed by wheelchair users (6.7%), crutch users (6.7%), and individuals with other disabilities (6.7%). Females constituted 66.7% of the respondents, outnumbering males at 33.3%.

The respondents are students of the following universities: Taraba State University, Jalingo, Taraba State (North-East Nigeria), University of Benin, Benin, Edo State (South-South Nigeria), University of Lagos, Lagos State (South-West Nigeria), University of Nigeria, Nsukka, Enugu State and Nnamdi Azikiwe University, Awka, Anambra State (South-East Nigeria).

Results

Accessibility of buildings at schools

Section 3 of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 gives people living with disabilities the right to access the physical environment and buildings on an equal basis with others. Section 4 reinforces this right by making it compulsory for 'a public building shall be construed with the necessary accessibility aids such as lifts (where necessary), ramps and other facilities that shall make them accessible to and usable by persons with disabilities.' The buildings at school qualify as public buildings because the Act defines a public building as a building owned or used by a government agency or a building available for the use of members of the public. The United Nations General Assembly has long identified 'accessibility' as a priority in measures promoting equalisation of opportunities for persons with disabilities.²⁶ The Act did not define accessibility. However, according to the Secretary General of the United Nations of the UN General Assembly, 'Accessibility refers to the provision of "flexibility" to accommodate each user's needs and preferences.'²⁷

This right is derived from Nigeria's commitment under Article 9 of the Convention, which requires States Parties to adopt necessary steps to ensure persons with disabilities have equal access to the physical environment, transportation, information and communications, including information and communications technology and systems, and other facilities and services open or given to the public, both in urban and rural areas. These steps, which comprise locating and eliminating obstacles and barriers to accessibility, will apply to, among other things: (a) buildings, roads, transportation, and other indoor and outdoor facilities, such as schools, housing, medical facilities, and workplaces; and (b) information, communications, and other services, such as electronic services and emergency services.

²⁶ United Nations General Assembly, 'Implementation of the World Programme of Action Concerning Disabled Persons: Towards a Society for all in the Twenty-First Century,' (United Nations, 1997) <http://www.un-documents.net/a52r82.htm>

²⁷ Ibid.

The respondents were asked whether they experience difficulty accessing buildings such as classrooms, libraries, school hostels, medical centres, administrative buildings, and places of worship on campus. They were allowed to select more than one building, and all respondents identified at least one. They were further asked to describe the factors that make these buildings difficult to access. Respondent 16, a blind student, stated that the buildings on campus are not '*easily accessible for visually impaired people*.' Similarly, Respondent 12, another blind student, reported finding it particularly challenging to access the school hostels and stated as follows:

The building did (sic) not have considerations for persons with disabilities, especially, the blind ones, there are at a lot of open wires which are very dangerous to their condition, and there's no sign or design to locate the buildings.

Respondent 10, a blind student finds it difficult to access these buildings for the following reasons;

Because [most] of them have gutters and ditches in their front and there is always too [much] noise around them. Some of them have a kind of bumps inside that make us stumble if we collide with them.

It would be unheard of for a student at a Nigerian university to graduate without visiting the school's administrative buildings. Due to the lack of internet facilities in most Nigerian universities, students interact with lecturers primarily through physical meetings. Despite this, Respondent 13, a wheelchair user, reported difficulty accessing the school's administrative buildings. She attributed this challenge to the '*absence of ramps*.' Without ramps, wheelchair and crutch users are forced to use stairs, which pose significant challenges. For instance, Respondent 5, a crutch user, stated: '*I barely climb upstairs*', this highlights how these students are effectively forced to rely entirely on able-bodied individuals to access these buildings.

Furthermore, Respondent 8, a blind student, noted difficulty accessing the school's medical centre due to the '*long distance*', likely referring to its lack of proximity to hostels and classrooms. Respondent 17, another blind student, expressed challenges with accessing the school's accommodations because '*there are open gutters all over*.' Similarly, Respondent 3, also blind, pointed out issues with accessing buildings due to the '*bad roads*,' while Respondent 2 stated that the buildings are '*not mobility-friendly*'.

Conducive Learning Environment for Social and Academic Development

Inclusion of people with disabilities in schools cannot be achieved if the learning environment is not suitable. Given that there is no reason for segregating people with disabilities from able-bodied individuals, it is mandatory to make the educational environment conducive to their social and intellectual growth. This is because inclusive education ensures that previously excluded, marginalised, discriminated against, and disadvantaged students utilise their educational rights.²⁸ As a result, Section 20 of the Act requires the government to ensure that people with disabilities receive education in environments that encourage their academic and social development.

²⁸ Francis R Ackah-Jnr and Joyce B Danso, 'Examining the Physical Environment of Ghanaian Inclusive Schools: How Accessible, Suitable, and Appropriate is Such Environment for Inclusive Education?' [2018] 23(4) *International Journal of Inclusive Education*, 1-21.

The respondents were asked whether the learning environment at school was conducive for their social and academic development, with a yes or no answer. 62.5% of the respondents answered no while 37.5% of the respondents answered yes. They were further asked to describe the learning environment at school? According to Respondent 12, a blind student, the learning environment was not conducive because *'there are a lot of potholes and gutters, inadequate classroom.'* Respondent 10, also a blind student, said that the environment is *'Hostile and discriminating as it excludes us from many activities including access to library.'* Respondent 9, a female blind student responded as follows:

The learning environment at school for me is not conducive due to the fact that I am a visually impaired student. Most times, I find it very difficult to navigate my way around the school environment, aside from being a visually impaired student. There are also several reasons responsible for making the environment not conducive for persons with disabilities,

1. The buildings are not built in a way that will be accessible for persons with disabilities.
2. There are no trained personal to show us around the environment as a way of orientation to have the awareness to be able to navigate around the environment on our own without the help of a sighted person.
3. Most of the materials we need to read are in hard copies, so as persons with visual impairment we find it very difficult to read to them.
4. Lack of assistive materials: a reasonable number of persons with disabilities lack these materials and that as also contributed greatly to make the learning environment not conducive for persons with disabilities.

Respondent 11, a blind student stated as follows:

the learning environment in my school is quite conducive for a visually impaired person like me, but a lot of consideration has to be made by the management of our school in areas of providing us with accessible study materials like audiobooks, braille books, softcopy books etc. and computers should be made available to enable students with visual impairment write their exams very easily.

According to Respondent 6,

The learning environment in school is very stressful for persons living with disability, that's because most people do not know how to assist persons with disability. On a daily basis, students with disability encounter different challenges in their various field of study. Sometimes, lecturers do not consider students with disability.

Even though the other respondents were not as detailed as the aforementioned respondents, they nevertheless described the learning environment as *'not so conducive, lack of water.'* (Respondent 8, female, blind); Respondent 2, a female blind student stated that the environment *'is not mobility friendly. [It is] not easy to navigate.'* According to Respondent 1, a male blind student, the

environment is ‘poor and not friendly to visually impaired. The roads are crooked and plenty of gutters to deal with.’

At the other end of the spectrum, Respondent 5, a crutch thinks the environment is conducive for his learning and academic development. His response is as follows: ‘the learning environment is good, it’s sociable and affords me the opportunity to meet with people from different backgrounds and upbringings. I just love the environment because within the short time had, I’ve learned a lot.’

Mobility aids in taxis, buses and other vehicles in school

Section 10(1) of the Act makes it compulsory for government transport services providers to make provisions for lifts, ramps and other accessibility aids to enhance the accessibility of their vehicles, parks and bus stops to persons with disabilities including those on wheel chairs. The respondents were asked if taxis, buses, and other vehicles in school have mobility aids to ensure easy movements within the university with a yes or no answer. Only 20% answered in the affirmative, 80% of the respondents indicated that taxis, buses and other vehicles in their schools do not have mobility aids. This means that they rely on able-bodied persons to enter and exist these vehicles in school.

School-owned accommodation

According to Section 27 of the Act, when accommodation is provided—whether by schools for their students, employers for their employees, service providers for their customers, organizations for their members, the government for the public, or in any other circumstance—persons with disabilities must be given first consideration. Respondents were asked whether they reside in school-owned or privately-owned accommodation. A majority (78.6%) indicated that they live in school-owned accommodation, while 21.4% live in privately-owned accommodation during term time.

Those who chose school-owned accommodation were further asked if the school administration gave them priority when assigning rooms. They were required to answer either yes or no. Of these respondents, 69.2% answered yes, while 30.8% stated that their school administration does not prioritize persons with disabilities when assigning accommodation.

Assistive Devices

The inclusion of students living with disabilities cannot be achieved if they do not have access to assistive devices and modern technologies that will help them compete effectively with their able-bodied counterparts.²⁹ Section 57 of the Act defines assistive devices as ‘any device that assists, increases or improves the functional capacities of persons living with disabilities.’ The primary goal of assistive devices for people with disabilities is to promote academic, social, and physical well-being. Furthermore, it assists individuals in overcoming challenges posed by their disabilities. According to current research, assistive technologies improve academic performance and learning, improve

²⁹ World Health Organization, ‘Assistive Technology for Children with Disabilities: Creating Opportunities for Education, Inclusion and Participation: A Discussion Paper’ (World Health Organization, 2015) <https://www.unicef.org/media/126246/file/Assistive-Tech-Web.pdf> last accessed 30 November 2024

functionality, minimise activity constraints, promote social inclusion, and increase engagement in education and the labour market.³⁰

The students were asked whether they required any assistive devices for their education, to which they were expected to answer yes or no. All respondents (100%) indicated that they needed assistive devices. They were then asked to specify the devices they required, listing items such as laptops, assistive applications like JAWS, scanners, recorders, Bluetooth keyboards, typewriters, digital recorders, motorbikes, embossers, mobility canes, smartphones, audiobooks, softcopy textbooks, electronic king guards, reading and writing slate boards, styluses, grill papers, data sheets, audio Bibles, reading glasses, braille embossers, and scanners.

Unfortunately, none of the respondents reported having all the educational devices they needed. Additionally, 43.8% of respondents stated that they do not have any of the required devices. Only 18.8% reported having most of the devices they needed, while 37.5% stated that they have some of the devices necessary for their education.

Section 17(3) of the Act makes it compulsory for the government to provide assistive devices for students with disabilities. 100% of the respondents reported having never received any assistive devices from the government or school authorities. To determine how they obtained their assistive devices, they were asked to describe how they acquired their educational assistive devices, which were not provided by the government or school authorities. 38.5%, 30.5%, and 30.8% of the respondents indicated the devices were gifts from family, friends, and a non-governmental organization, respectively, while 23.1% indicated they bought them with their personal funds.

Trained Personnel

According to Section 18 of the Act, all public schools must be inclusive and accessible to people with disabilities. As a result, every school must have at least one trained person to assist with the educational development of students with disabilities. The respondents were asked if their university has trained personnel to cater for your health condition as required by this section of the Disability Act. They were expected to answer yes, no, or not aware. 20% of the respondents answered yes, 60% answered no, whilst 33.3% of the respondents were not aware if the university had trained personnel to cater to their needs. They were also asked if academics and non-academic staff at the university address them using appropriate terminology. They were expected to answer never, not very often, sometimes, often, or all the time. 26.7% of the respondents picked all the time, 6.7% picked often, 40% picked sometimes, 20% picked not very often, and 6.7% picked never.

4. Discussion

The Discrimination Against Persons with Disabilities Act of 2018 mandates the government to ensure that people with disabilities learn in environments that encourage their academic and social development. The purpose of this research is to determine the level of compliance and implementation of this legal requirement. In general, these results suggest that students with disabilities continue to

³⁰ Aoife McNicholl, Hannah Casey, Deirdre Desmond and Pamela Gallagher. 2019. 'The Impact of Assistive Technology Use for Students with Disabilities in Higher Education: A Systematic Review,' [2019] *Disability and Rehabilitation: Assistive Technology*, 1-16.

confront environmental and infrastructural barriers to their full and holistic inclusion in Nigerian government-owned universities. These findings also show that these barriers include inaccessible physical environments and transportation, a lack of trained staff, and a lack of assistive devices, all of which combine to make the school environment unfit for students with disabilities. The existence of these barriers also demonstrates that people with disabilities in Nigerian government-owned universities do not have equal opportunities with able-bodied students, as these restrictions deny them the opportunity to live independent lives. For instance, the lack of assistive devices limits the ability of people with disabilities to fully participate in educational and social activities at school. It is also unfortunate that these students do not have access to audio books, recorders and braille.

Since inclusive educational practices ensures that persons living with disabilities exercise their right to education, the presence of these barriers, also means that persons living with disabilities in Nigeria are being discriminated against contrary to the provisions of the Disability Act 2018, and ultimately excluded from education. These results also suggest that students living with disabilities in Nigeria will continue to have unequal learning prospects, which will ultimately lead to their exclusion from society and career opportunities in an environment where they are not acknowledged as bearers of rights. Relying on these results, it is submitted that the government is currently not complying with the provisions of the Act because the identified barriers show that persons living with disabilities are not learning in environments that promote their academic and social development. It is especially disheartening that these students do not have access basic assistive devices such as audio books, recorders, or braille. Based on these findings, it is submitted that the government is currently not complying with the provisions of the Disability Act.

The implication of these findings is glaring; the protection of people with disabilities in Nigeria is a matter of government willingness to safeguard and prioritise the rights of people with disabilities in Nigeria. It therefore follows that protecting the rights of people with disabilities thus extends beyond establishing laws; measures must be taken to guarantee that the relevant laws are executed by the appropriate authority. The study also highlights the importance of devising mechanisms to ensure that the government abides by the provisions of the law in order to protect the rights of people with disabilities.

It is worth noting that whereas these results show that school buildings are not accessible, section 8(1) of the Act gives people with disabilities the right to seek redress in court and to notify the relevant authority in charge of the environment of the existence of the accessibility. However, section 6 gives authorities a five-year transitory period from 2018 to modify public buildings to make them accessible to people living with disabilities. This means that even though people with disabilities cannot access buildings at their schools, they must wait until the expiration of five years to complain or to institute any dispute against the school. It is worth emphasising that the generalisation of these findings is limited by the fact that the authors did not survey all people with disabilities in all of Nigeria's government-owned universities. This notwithstanding, it does provide a reliable and credible perspective on Nigeria's extent of compliance with and the implementation of the Disabilities Act 2018.

5. Conclusion and Recommendations

This paper demonstrates that equal access to education cannot be attained if people with disabilities experience multiple difficulties in schools. It also indicates that the protection of individuals with disabilities in Nigeria is not a matter of legal framework, as students with disabilities continue to confront a plethora of barriers that are prohibited by the existing Disability Act. This reveals that the most essential factor is the government's desire to comply with and implement the provisions of the legislation. As a result, this paper recommends that the governing bodies of Nigerian universities mandate vice-chancellors to establish a department or unit in the institutions that will exclusively cater to the needs of students with impairments and monitor their progress. Consequently, it will be the responsibility of this unit to organise orientation events for new students, to ensure that the universities provide assistive devices and audio books for students that need them.

Furthermore, vice chancellors must be required to provide a yearly report detailing the extent to which the university administration is modifying physical facilities to make them accessible to people with disabilities. It is unfortunate that people with disabilities in Nigeria waited for the five-year transition period to expire before they can exercise their rights to barrier-free physical buildings. Regardless, there is an urgent need for human rights organisations to educate students with disabilities about the need to enforce their rights now that the deadline has expired. Furthermore, non-governmental organisations must organise lectures and seminars on how to enforce the rights under the Disability Act.