

UNDERSTANDING THE POLICY GAPS IN IMPLEMENTING DISABILITY RIGHTS FOR ACCESS TO EDUCATION AND EMPLOYMENT IN NIGERIA

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ABSTRACT

People with disabilities are considered as apart the vulnerable groups, for they could be described as people having either, physical, mental, intellectual or sensory limitations in the process of interaction with various daily activities or chores due to their kind of challenges. These constraints hinder their full and effective participation in the society on equal basis with the so-called normal persons. The paper highlighted some of the backing laws that support people with disabilities, and their endeavors to, access equal educational and employment rights in our societies. The paper also recommends that government and stakeholders should ensure that people living with disabilities enjoy the rights to socio-economic participation, educational integration and equalization in employment opportunities for them to live independently in the society, avoid the menace of street begging, dependency on others and become respected, and to be party in societal and national contributors in economic, educational, and political development.

Key words: Special Education, People with Disabilities, Equal opportunities.

Introduction

The contemporary economic hardship and poverty in Nigeria has serious impact on lives of many citizens irrespective of their social and economic class. However; people living with disabilities encounter greater poverty than the so-called normal people in the society, this constraints includes lower educational attainment, poor economic standard and social participation in the society among others. In order to guarantee the right to equal education and employment opportunities of people with disabilities to be poverty free, respected, and contribute to the development of the nation; they should be recognized as

critical stakeholders and be given unlimited access to programs and services that gear towards mainstream education and equality in employment opportunities as fundamental human right in the present renewed – hope agenda of the present administration.

Education is considered as fundamental human right and an essential tool for achieving the goal of equality, development and peace. However looking at the law that formed the fundamental paradigm from which equality of opportunity can be established we came to believe that it has not been so favorable for people with disability in Nigeria due to poor policy implementation. The term, Human Rights that pertain to entitlements and privileges every individual should enjoy by virtue of their being human, irrespective of their status cannot be overemphasized. (Imam & Abdulraheem-mustapha.2016) lamented that, People with disabilities in Nigeria suffered serious marginalization in term of mainstreaming in education, social security, political rights, as well as employment opportunity despite their efforts in acquiring western education. Despite the fact that; ‘ Human rights’ are basic entitlement, which every citizen should enjoy in a society, based on section (iv) of the 1999 Nigerian constitution which stated clearly that **‘No citizen should be discriminated against the basis of sex, religion, place of origin, creed or be subjected to deprivation by reason of the circumstances of birth’**. In another dimension, sections 1(1) of the Discrimination against Persons with Disabilities Provision Act (DAPD, 2018) Provides that **‘A person with disability shall not be discriminated against on the ground of his/her disability by any manner or circumstances’**. In this respect; the National Policy on Education (2014) stressed that every child shall have right to educational opportunities irrespective of any real or imagined disabilities. Unfortunately, stigma and discrimination remain widespread phenomenon affecting all faces of people living with disabilities in Nigeria. These phenomena manifest themselves in our immediate environments, schools as well as work places, extending to challenges of meeting their basic needs and standard living condition. These problems are also associated with unemployment which remained a fundamental challenge affecting the majority of persons with disabilities.

In response to these challenges, the Nigerian government introduced several laws and policy frameworks aimed at promoting equal educational opportunities and protecting the rights of learners with special needs. These include the Constitution of the Federal Republic of Nigeria (1999), the Child Rights Act (2003), the Universal Basic Education Act (2004), the National Policy on Education (2013), the National Policy on Special Needs Education (2015), and the Discrimination against Persons with Disabilities (Prohibition) Act (2018). These frameworks collectively seek to guarantee access to education, prohibit discrimination, encourage inclusive educational practices, and provide institutional support for learners with disabilities. The development of Nigerian educational policies has also been influenced by international legal and policy instruments advocating inclusive education and disability rights. Major international frameworks such as the Salamanca Statement of 1994, the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD), and UNESCO’s Education for All agenda have significantly shaped Nigeria’s commitment toward inclusive education. These international instruments emphasize the principle that all children, regardless of disability status, should learn together in inclusive school environments with adequate support systems.

Inclusive education is the process of imparting knowledge to people with special needs and their normal counterpart together in the regular school and classroom settings. Ozegya, Ezeanochie and Bodang, (2007) stated that inclusive education is an approach in

education which seeks to provide a school environment that is conducive for all learner's full participation and also a place where all learners from different background learn successfully. The authors further stated that inclusive educational is a process that provides opportunity, access and the enabling environment for all children to be equitably educated, without segregation or discrimination, irrespective of perceived abilities. Looking at the above assertions one must have to believe that the Nigerian system of education is all about equal participation and integration of persons with disabilities. One of the aims/objectives of the (NPE) is to give concrete meaning to the idea of equalizing educational opportunities for all children, their physical, sensory, mental, psychological or emotional disabilities notwithstanding. This is a serious statement, and when followed critically; people with disabilities will benefit greatly. (Jurmang, 2016), in (Ozegya.2017), Itemized the benefits of educational equalization and inclusion of children with special needs in regular education as; gaining access to general education curriculum and setting; received specialized instruction; being taught in an intense and individualized manner; reduce negative stigma associated with attitudinal disposition of members of the public and the feeling of being connected with their peer groups in the same educational environment.

Employment opportunity is a right of every Nigerian citizen by virtue of the law. Section (1) of the National Policy on Education (2014) stated it clearly that the need for functional education to be relevant, practical and acquisition of appropriate skills and development of competencies as equipment for the individual to live in and contribute to the development of his/her society. Daniel (2003) stressed that even though the law categorically stressed that, all employers of labour in public organizations shall as much as possible, have persons with disabilities constitute at least 5% of their employment. The author affirmed that, it's the right of persons with disability to be a just and favorable condition of work including equal remuneration for work of equal value, safe and healthy working condition including protection from harassment and redress of grievances within a work space. However, this article peered through the attitudes of many Nigerians including public and private employers to people living with disabilities from the perspective of, legislation, education, as well as employment opportunities with the sole aims of bringing about a positive change to people living with disabilities. Although there are many misconceptions about their potentials to work, either in private or public sector, but most of the lucky ones among People with disabilities have proved to be trustworthy and hard working in many organizations

Legislative back-ups of persons with disabilities

Legislative back-up can be regarded as the bills initiated and passed by either international, national or state assemblies as the main basis for government plans and actions that should be considered as a guiding rules and regulations for its citizens. In this respect; it is a truthful phenomenon that human rights are natural but not acquired through family background, material things or other forms of achievements and qualifications. Therefore; the law of any positively governed nation formed the essential framework for the protection, enforcement and promotion of equality of opportunity for her citizens irrespective of their social status. However, the Nigerian government has made various efforts and commitments aimed at achieving the purpose set down in the same standard as that in the convention on people with disabilities (CPWD) through its attempts to establish policies and laws which protect the rights of persons with disabilities

and prohibit discrimination based on race, religion or social background. Example of such law is in the; section (2) of the National Policy on Rehabilitation of Persons with Disabilities (2003) which stated it clearly that; its aimed:

- i. To ensure that disability issues are on the agenda in all spheres of social, economic and political life
- ii. To ensure maximum access of people with disabilities to all mainstream services and facilities
- iii. To promote an equitable national distribution of services
- iv. To prevent discrimination against persons with disabilities in all spheres
- v. To provide persons with disabilities with the tools to change their lives and to give them a greater degree of independence.

Looking at these laudable policy statements one must have to bear it in mind that if adequately followed the lives of persons with disabilities will surely change for the better. Also the philosophy of special education to exceptional children in the National Policy on Education (NPE 2014) pointed that it aimed:

- i. To give concrete meaning to the idea of equalizing educational opportunities for all children, their physical, mental, emotional disabilities notwithstanding,
- ii. To provide adequate education for all handicapped children and adults in order that they may play their roles in the development of the nation,
- iii. To provide opportunities for exceptionally gifted children to develop at their own pace in the interest of the nation's economic and technological development.

The implication of these policies is that, stake holders are legally mandated to comply with the provisions with full understanding and implementation strategies. Unfortunately these laws were not followed properly or lack the necessary back-ups in most our societies. However; (Imam et al. 2016) lamented that, these efforts are yet to be transformed into practical reality, despite the fact that Nigeria is a signatory to the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). They further stressed that; the National Assembly has not deemed it fit to domesticate the convention. It must be argued that while policy and legislation are needed to ensure that international human rights standards are met for people with disabilities, government should take action toward improving their lives and well-being. In another view; Orim (2017) Also pointed that, one have to belief that Nigeria has a robust policies on special education, through looking at the proposals of the National Blue Print on Handicapped Education (NBPHE. 1981) National Policy on Education (2014), to mention a few seemingly exist, but lack the force of law. Thus, as comprehensive as the law appears, it is equal to no law. Milaham and Lere (2017) maintained that, children with disabilities constantly experience barriers to enjoyment of their basic human rights and exclusion in the society. The authors added that, their abilities are always overlooked, their capabilities are underestimated and their needs are given low priority. UNESCO (2006), Notes that the barriers children with disabilities face are more frequently challenging as a result of the environment in which they live and learn than, as a result of their impairment. In that respect; people with disabilities require more than just paper work of recognition of their obvious presence in the real world but in all- around cases of every human endeavor, the government should as a matter of urgency place more emphasis to re-examine their problems and take a drastic action and approaches in protecting their rights.

Equality in education and the integration of Persons with Disabilities in school settings

Education in its general perspective is viewed as the foundation of every country, it is an instrument per excellence in the development of human potentials. Education can also be regarded as a process through which an individual develop skills, attitudes, abilities and values. However, Uche, Uloaku, Getrude and Ndukwe (2017), viewed education as a tool for transformation of young people with special needs into desirable experience and knowledge that will maximally develop them to be productive, self-reliant and even contribute social development in all ramification.

Equality and integration of persons with disabilities in Nigerian system of education is a crusade which aimed at fostering the worth and development of every citizen irrespective of their physical or mental formations for the development of the society. Imam et al (2016) lamented that; after more than a century of state-sponsored education in Nigeria people living with disabilities are still not legally entitled to the same type of schooling as their non-disabled counterparts. The authors further stated that, reasons behind this include poverty, neglect by family or community, lack of proper enlightenment, etc. and of course the overwhelming majority of Nigerian universities, schools and colleges remain unprepared to accommodate willing PWD^s in mainstream settings. As a result, students with disabilities are force to accept segregated special facilities which do not have the tools and resources to provide them with the necessary skills to either get a job or live independently. Unfortunately this segregation is not due to overcrowding in ordinary schools nor it's because of lack of resources but due to unwillingness and capacity to address the problems despite; The law of the land which clearly stated that:

1. Every Nigerian child shall have a right to equal educational opportunity irrespective of any real or imagined disability
2. The full integration of the individual into the community; and
3. The provision of equal access to educational opportunities for all citizens of the country at the primary, secondary and tertiary level both inside and outside the formal school system.

Objectively the philosophy of Nigeria's system of education is to acquire appropriate skills, and the development of mental, physical and social abilities and competencies as equipment for the individual to live in and contribute to the development of the society. The essence of inclusiveness in education or mainstreaming is the acceptance of diversity and striving for equity for all members within a system. Thomas and Loxley (2007) stated that, educational equality refers to the principle of fairness, or a fair way to level the playing field and ensure that every child has an equal opportunity to succeed (his/her learning disabilities not withstanding). However due to lack of mandatory legislation back-ups the manifestation of such services has not been forthcoming, it is truly obvious that persons with disabilities lack access to equal education opportunities as enacted by the laws of our dear nation, they were treated cruelly in the society in term of educational rights with the so-called normal individuals. Therefore, it will simply not be possible to realize the goal, 'Education for all' if the Nigerian government does not enforce the law so as to achieve a complete change in the all-round circumstances of these individuals.

Educational Integration of persons with disabilities clearly spell it out that people with disabilities learn together with their normal peers in mainstream classroom and school settings in their locality, irrespective of the different range ability and disability,

teaching methods, material and school environment that address their needs. Imam et al (2016) highlighted that inclusive education systems are grounded in a right-based analysis, which can empower learners, celebrate diversity, combat discrimination and promote more inclusive societies. The authors further pointed that, this can be powerful tool in addressing inequalities, tackle discrimination by challenging widely held attitudes and behaviors helping us to celebrate and embrace the diversity in our societies. Looking at the poor process of handling mainstream educational opportunity of persons with disabilities there is a clear evidence that academically, the learning experience for persons with disabilities in segregated school environment compares badly with that of the so-called normal persons in ordinary classes, why because their kind of instruction mostly concentrates on social training and general life skills instead of proper academic training and other remunerative skills. However, government effort in this perspective has also faced some setbacks, hindering persons with disabilities against personal, vocational and social adjustment. These setbacks extend to the inadequacy of educational funding and lack of special education materials which could enable people with disabilities access educational opportunities without difficulties, the needed materials like braille machine and papers for the visually handicapped, tape recorders and cassettes, hearing aids and ear-mound for the hearing handicapped, wheel chairs for the physically challenged etc., which could be used by these individuals are truly expensive and many of such persons cannot afford to obtain in the market. Another difficult situation for persons with disabilities are the architectural design in most Nigerian buildings including academic institutions which fail to consider the requirements and challenges of people with special needs.

These setbacks are further reinforced by the challenge of poor and ineffective implementation of the policies enacted towards the betterment of the educational careers of people with disabilities and for inclusive equality of education in respect of people living with disabilities in Nigeria to be promoted and sustain there must be a strategic and pragmatic approach toward including them in viable economic developmental programs, their educational process must be of high quality, available, and accessible in such a matter that most address discrimination and allow each person to flourish according to their talent, occupational interest and functional limitations.

Employment opportunities of persons with disabilities in our societies

Employment opportunity for people living with disabilities is the process of giving equal recruitment, and remunerative job access to persons with disabilities and their normal counterparts, either from the public or private organizations. It should be recalled that, since the establishment of National Commission for Persons with Disabilities by the Federal Government, which came with a number of practical solutions to the economic and dependency challenges facing people with disabilities to include the mandatory enclosure of five percent of persons with disabilities in all employments in the country. Unfortunately both the government, private sector and the larger society forget to take cognizance of these individuals, whereas employment is a civic right of every citizen and not a privilege. Imam et al; (2016) opined that; disability is both a cause and a consequence of poverty, as there is a strong relationship between disability and poverty and a cynical tendency in which poverty makes people more vulnerable to disability. Donmak and Gumut, (2017) stated that

for inclusive education to be promoted and sustained in Nigeria and beyond there must be strategic and pragmatic steps toward including persons with disabilities in viable economic developmental programs. With the adverse high cost of living and irregular price-hike of commodity challenges in Nigeria, hunger and poverty are biting deeper into the flesh of the common man, the less privilege find it so difficult to even feed as usual the three square meal talk less of people living with disabilities. It is a known fact that people with disabilities suffered most among the poorest people, they have been largely overlooked in the developmental agenda of the government, thus I don't care attitude by many people in the society irrespective of the government rendered most of them into street begging and dependency on relatives which can never solve their kind of problem. However many people showed less concern about the profound window of employment opportunity for the less privileged Nigerians despite the laws and regulations of the nation. People living with disabilities are still considered as being pitied rather than being encouraged to work and earn a living. Imam et al (2016) viewed that; despite many disability initiatives, accessibility to employment opportunity is far from being achieved for people with disability in Nigeria. The poor perception of disability and people living with it has fuelled the lackluster attitude of governments in term of policy direction and action on the provision of equal employment rights. This is very unfortunate because the extent to which a society provides the means of sustenance is probably not a good measure of how much interest it has in an importance it attaches to the well-being of its disabled individuals. Employment as a right is crucial for every individual's economic and societal well-being yet Nigerian attitudes and practices still demonstrate elements of discrimination against people living with disabilities in the society as entrenched in the labor market

Backing laws and its Challenges

The implementation of inclusive and special needs education policies in Nigeria continues to face numerous challenges with significant educational and social implications. One major challenge is inadequate funding. Without sufficient financial investment, schools cannot provide accessible infrastructure, assistive devices, specialized instructional materials, or adequate support services for learners with disabilities. The shortage of educational resources directly affects learning outcomes and educational participation. Another major challenge is the shortage of trained professionals in special needs education. Many schools lack qualified special education teachers, therapists, counselors, sign language interpreters, and educational psychologists. This shortage affects instructional quality and limits the ability of schools to address the diverse learning needs of students with disabilities.

Negative societal attitudes toward disability also remain a major obstacle. Stigma and discrimination discourage many families from enrolling children with disabilities in school. In some communities, cultural misconceptions about disability contribute to neglect, exclusion, and reduced educational opportunities. Poor policy implementation and weak monitoring mechanisms further undermine inclusive education efforts. Although policies are often well articulated, many educational institutions fail to implement them effectively due to lack of accountability structures and institutional oversight.

The educational implications of these challenges are substantial. Learners with disabilities frequently experience low academic achievement, poor school retention, limited social participation, and restricted access to higher education and employment opportunities.

Educational exclusion contributes to long-term poverty, unemployment, and social marginalization. The broader national implications are equally significant. Excluding persons with disabilities from educational opportunities limits national human resource development and reduces the social and economic contributions that individuals with disabilities can make to society. Inclusive education is therefore not only a human rights issue but also a developmental necessity.

Implications of the law and Special Needs Education Practice in Nigeria

The existing legal and policy frameworks for special needs education in Nigeria have important implications for educational practice. First, schools and educational administrators must increasingly adopt inclusive educational models that accommodate learners with diverse needs. This requires restructuring school environments, modifying instructional methods, and promoting learner-centered pedagogical approaches. Second, teacher preparation programs in universities and colleges of education must strengthen special education and inclusive education training. Teachers require practical knowledge of differentiated instruction, classroom management, individualized education planning, assistive technology use, and inclusive assessment practices. Third, educational planners and policymakers must prioritize disability-inclusive budgeting and resource allocation. Sustainable implementation of inclusive education depends on adequate investment in accessible infrastructure, instructional materials, rehabilitation services, and professional support systems. Fourth, collaboration among families, schools, communities, healthcare professionals, and social welfare agencies is essential for effective educational inclusion. Inclusive education requires a multidisciplinary approach capable of addressing both academic and social needs of learners with disabilities. Fifth, public awareness campaigns should be intensified to challenge discriminatory attitudes and promote acceptance of persons with disabilities. Positive societal attitudes are necessary for creating supportive learning environments and encouraging school participation. Finally, monitoring and evaluation systems must be strengthened to ensure accountability in policy implementation. Educational authorities should establish clear standards, performance indicators, and compliance mechanisms for inclusive education practices.

Recommendation

The current trend of hike in commodities in the nation, instable economy and lack of employment has rendered many people with and without disabilities nationwide to live in serious poverty. Despite the commendable efforts made by the world, nations and the local authorities to see that the rights of persons with disabilities are observed and granted, yet persons with disabilities continue to face discrimination in many areas of their daily endeavors. These constraints mostly results from poor law implementation such as:

1. Policies of employers against people living with disabilities
2. Provision of the said 5% for people with disabilities in both public and private agencies
3. Establishment of accessible and compatible workplace facilities for people with disabilities
4. Equal remuneration and position based on educational qualifications

It should be observed that most management post in organizations that specialized in disabled based employment are being managed by the so-called normal persons including special schools. Therefore:

- i. The national assembly and the various state assemblies in Nigeria should come up with more aggressive law that will make sure that the rights of people with disabilities is critically granted and followed appropriately
- ii. Stakeholders and agencies responsible for enactment of the law should create a serious penalty for offenders of such laws

Conclusion

Despite legislative back-ups and policy statements, several challenges continue to undermine effective implementation of special needs education policies in Nigeria, such as Inadequate funding, inaccessible infrastructure, shortage of trained personnel, societal stigma, weak institutional coordination, and poor enforcement mechanisms remain persistent barriers to inclusive education. This article has demonstrated that the success of inclusive education in Nigeria depends not only on policy formulation but also on effective implementation, sustained political commitment, adequate resource allocation, professional capacity development, and societal transformation. Meaningful inclusion requires coordinated action among government agencies, educational institutions, civil society organizations, families, and communities. Ultimately, achieving equitable and inclusive education for learners with disabilities is both a human rights obligation and a developmental priority. Nigeria must therefore move beyond policy declarations toward practical implementation capable of ensuring that every learner, regardless of disability status, has access to quality education and opportunities for meaningful participation in society.

Therefore, attitudes of the general public towards people living with disabilities need to be changed, the rights of people living with disabilities are meant to be safeguarded especially by the Nigerian government towards domestication of the UN convention, Universal declaration of human rights, National Blue print among others as well as the Nigerian constitution and the National Policy on Education. It is imperative that the Nigerian government should review the laws, place more emphases on its implementation and make sure that the public and other agencies comply vehemently and wholeheartedly.

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