



LEGAL REGIME ON DISABILITIES RIGHTS IN NIGERIA

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ABSTRACT

In Nigeria, persons with disabilities, children, women and adults alike, are relegated and often treated as outcast. They are perceived as “objects” of charity, rather than “subjects” with rights. They suffer untold discrimination in all sectors of the economy and are systematically excluded from active participation in the society. These persons are systematically being excluded from enjoying their invaluable rights and privileges which other members of the society benefit from, even in the face of glaring legislative safeguards in place purporting to protect the rights of this vulnerable group. Persons with disabilities in Nigeria have rather been forced to psychologically live with the fact that they are better surviving as “beggars on the streets” rather than “instruments of social, economic, political and educational growth and development of the country”. This paper therefore seeks to posit that the problems associated with the adequate protection of persons with disabilities in Nigeria, is not rooted in the lackadaisical attitude of the Legislature, federal or state, as oft-argued by most commentators in this regard, but in the implementation mechanisms and logistics put in place to guarantee the proper enforcement of these laws. This paper seeks to unravel the clogs in the wheel of implementation of the rights of the disabled in Nigeria with a view to proffering solutions to over-coming them.

Keywords: Disabilities Rights, Human Rights, Nigeria.

1. INTRODUCTION

Compulsory inaccessibility is like compulsory celibacy, without joy. We need choices in order to flourish. The built environment can be extremely important in promoting access and choice. It can help to provide the physical connections to repair the split society of able-bodied and disabled people. Planners, architects, building control officers, licensing officers, judges, cinema managers and so on, are often seen as gaolers by us. Disabled people appear to non-disabled people as objects, nuisances, and costly items of unnecessary expenditure. Interdependence one with the other is a necessity where design and disability are connected... in order to function in daily life everyone has access needs.... (Andrew Walker: *Universal Access and the Built Environment: or from Glacier to Garden Gate*)¹

¹ Walker, A., ‘Universal Access and the Built Environment – or from Glacier to Garden Gate’, in Zarb, G., (ed.), *Removing Disabling Barriers*, (London: Policy Studies Institute, 1995) pp. 38 at 41-42.

The world over, the plight of persons with disabilities has continued to evoke serious concern especially in developing countries, Nigeria inclusive, where the disabled persons live in a world of rejection, discrimination and deprivation.² Like most countries of the world, Nigeria is a signatory to many international conventions that support equal opportunities for citizens, including the commitment to ensure protection of the rights of persons with disabilities.³ This commitment towards persons with disabilities is annually reiterated by celebration worldwide.⁴ In the usual Nigerian characteristics, many sums are voted in the name of these celebrations annually while the plights of this marginalized category of persons remain unabated and unaddressed.

Whereas, it is estimated that over 15 per cent of Nigerians are persons with disabilities,⁵ the number of persons with disabilities increases at a geometric rate as every act of terrorism, war or natural disaster, road and domestic accidents, medical misdiagnosis, parents' refusal to immunize their children against polio, drug and alcohol abuse, malnutrition, drought and famine, acute malaria and other killer-diseases, collapsed buildings and many others leave victims as potential members of this group.⁶

Evidence abound to show how people with varying disabilities are excluded or disadvantaged from important sectors of social life in Nigeria, such as education, employment, family life, political participation and cultural representation or transportation, housing, information and so on. Discussions on how persons living with disabilities are systematically excluded from social life in Nigeria, under distinct and convenient heads, will immediately follow. This chapter will then examine the various international commitments made by Nigeria to advance the rights and interests of persons living with disabilities, and how good Nigeria has endeavoured to actualize these commitments.

2. GENERAL OVERVIEW ON DISABILITY RIGHTS IN NIGERIA

2.1 *Social Integration*

At the peak of the factors militating against the maximization of potentials by persons with various disabilities in Nigeria is that of cultural and social perception faced by members of the group. Culturally, Nigerians wrongly view disabled persons as invalid, pests, beggars and never-do-wells. They are perceived as tragic of some unfortunate accident, disease,

² OEPRH Project Introduction, available at <https://sites.google.com/site/livingwaterfoundationworldwide/home/about-us/introduction/appointment/actual-information/satzung/sponsors/impressum-contact/aleaf-introduction/aleaf-project-cover-note/mlsflpw-project-introduction/dcci-project-introduction/conferences/the-plight-of-people-with-disabilities>, accessed on 10/10/2014 at 06:16pm.

³ Equal opportunity is the process through which the general system of society, such as the physical and cultural environment, housing and transportation, social and health services, educational and work opportunities, cultural and social life, including sports and recreational facilities is made accessible to all. See A/RES/48/96 (on Standard Rules on the Equalization of Opportunities for Persons with Disabilities),

⁴ December 3 each year marks the International Day of Persons with Disabilities.

⁵ Many versions of estimated percentage of Nigerian population living with disabilities exist in this regard. See, for instance, the following links for further reading on this <http://www.thisdaylive.com/articles/plight-of-the-physically-challenged/186317/> accessed on 10/10/2014 at 07:08pm; and Ojo, J. 'Plight of persons with disabilities in Nigeria', available on <http://www.punchng.com/opinion/plight-of-persons-with-disabilities-in-nigeria/>, accessed on 10/10/2014 at 06:50pm.

⁶ Ojo, *ibid.*

religious derision, bad-luck, curse, witchcraft etc.⁷ Accordingly, they suffer untold discrimination and are systematically excluded from active participation in the Nigerian societal life. It is common, therefore, to find disabled persons living a life of abject penury and rejection, entirely isolated and disassociated from other 'able' members of the society, including members of their immediate families and not being attracted or appealing to someone, or even considered for purposes of marital union. Yet, this group remains highly susceptible to sexual abuses and prime targets of diabolical human rituals.⁸

With respect to the dissemination of information, the media houses have also engaged in discriminatory practices against the disabled. Global best practices in mass communication dictate that news broadcasts are simultaneously accompanied by sign language expert's demonstration to enable the deaf and the hard-of-hearing to follow the news as they are read.⁹ Much as the media houses in Nigeria tend, ostensibly, to join in the campaign for the recognition of the rights of disabled persons, they, unfortunately, seem oblivious of their professional duties towards ensuring social orientation, sensitization and education *vis a vis* the rights of disabled persons in Nigeria.

Politically, whilst the mentality of developed democracies, have transcended the physical make up of their leaders,¹⁰ the Nigerian political milieu remains discriminatory, non-accommodating and inaccessible to disabled persons in various ways. First, the financial strength and the systematic economic relegation of disabled persons in Nigeria do not endear them to politics. Second, even where they decide to engage in political activities, they are predominantly 'back-benchers' as it is doubtful if any political party in Nigeria would have a disabled person be its flag bearer, irrespective of the elective position, the charisma and academic achievement of the person, for fear of not risking the chances of losing the seat to the opposition. Thirdly, assuming a political party decides adopting such disabled person and he gets elected, the entire environment is built in such a disabling way that politics, however attractive it may be to the 'able', becomes apathetic to the disabled as the environment tends to put the disabled at a disadvantaged, humiliating, melancholic and nostalgic situation. Finally, the government seems to champion the campaign in repelling disabled persons from politics by its indifference to some negligible but crucial electoral issues. Like its predecessors, for instance, the Independent National Electoral Commission (the "INEC"), has never deemed it fit to release a well thought out plan to accommodate disabled persons during elections.¹¹ This would ordinarily presuppose that a convenient queue would be provided for them, sign language experts present at each polling station to attend to the deaf and other appropriate aids

⁷ See Lang, R. and Upah, L., 'Scoping Study: Disability Issues in Nigeria', available on http://www.ucl.ac.uk/icccr/downloads/dfid_nigerianreport/scopingstudies/disabilityissuesinnigeria, accessed on 17/10/2014 at 10:55pm.

⁸ OEPRH Project Introduction, *op cit*.

⁹ For instance, Argentina decided that all presidential broadcasts on the national television network must be interpreted in sign language simultaneously, in compliance with article 66 of the new Law on Audio-visual Communication Services. Further measures in Argentina include providing financial support to persons with disabilities for self-employment or microenterprises, and accessible digital broadcasting. See United Nations, *Status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto*, being a Report of the Secretary General submitted pursuant to the General Assembly's resolution 64/154 at the sixty-sixth session held on 7 July, 2011, p. 8.

¹⁰ An instance in mind is the highly revered statesman of the USA, Franklin D. Roosevelt, who served as the 32nd President of the USA. A Democrat, he was elected four times and served from March 1933 to his death in April 1945. He was a central figure in world events during the mid-20th century. Interestingly, for the most part of his reign, he was on a wheelchair.

¹¹ This is in spite of the provisions of section 56 of the Electoral Act, 2010 (as amended) which appears to have laid the proper foundation for such accommodation to be made by INEC. Though, there are claims that provisions are put in place to accommodate the interests of persons living with disabilities during elections. See for instance Makinde, F., 'INEC Urges Electorates To Consider Physically Challenged People' (Punch Online News, 21 January, 2015) accessed on 21 January, 2015.

to assist the blind and other classes of disabled persons, while still maintaining the sanctity of the electoral process.¹²

2.2 Absence of Public Facilities to Support the Conditions of the Disabled

The traditional construction designs are dedicated to single functions. It projects 'able-bodied' values, which, indirectly, legitimizes oppressive and discriminatory practices against disabled persons purely on the basis that they have physical or other forms of impairments.¹³ The ability of disabled people to perform even the most routine of daily tasks is severely diminished because of a predominantly inaccessible environment.¹⁴ Weisman has advocated for what he calls a 'flexible architecture' and the production of rather universal designs, an approach to construction based on structures that are demountable, reasonable, multi-functional and changeable.¹⁵

For quite some time now, access for disabled persons to public buildings and facilities in cities has become a topical political concern in most developed countries. As awareness on the barriers imposed to disabled persons grows, many public authorities internationally are increasingly promoting strategies for accessible built environments.¹⁶ The understanding is that to empower persons with disability in the design process is a multi-dimensional process, which, as a minimum, requires an engagement at the level of values and ideology, as well as the material base of building processes.¹⁷

With respect to the Nigerian public and private sceneries, the built environment *vis a vis* its accessibility to disabled people is a complete write off. This reality is illustrated by the sort of physical problems posed by the built environment and other public facilities and services to this category of persons. Public and private offices, places and facilities in Nigeria, such as roads, over-head pedestrian bridges, banks and even cash dispensing machines, hotels or public accommodations, schools, libraries,¹⁸ hospitals, markets, airports, public buildings, including the toilets facilities etc., are inaccessible to unaided persons on wheelchair and crutches.

Inspite of Nigerian government's commitments to provide adequate facilities for and encourage free mobility of people, goods and services throughout Nigeria and to ensure control of the national economy in such a manner as to secure the maximum welfare, freedom and happiness of every citizen on the basis of social justice and equality of status and opportunity,¹⁹ there is more or less zero initiative on the part of government to regulate public transport system in Nigeria or otherwise provide for such system as to create an accessible

¹² This defeats the purpose of section 15(4) of the Constitution of the Federal Republic of Nigeria, 1999, as amended.

¹³ Imrie, R., 'Oppression, Disability and Access in the Built Environment' in Shakespeare, T., (ed.), *The Disability Reader: Social Science Perspectives*, (London: Continuum, 1st Edition; 1998) Chapter 9, p. 140; for further reading on this, see Imrie, R., *Disability and the City: International Perspectives*, (London: Paul Chapman Publishing, 1996). See also Sennett, R., *The Conscience of the Eye: The Design and Social Life of Cities*, (London: Faber & Faber, 1990) p. xi.

¹⁴ Barnes, C., 'Discrimination, Disability Benefits and the 1980s', *Benefits*, Vol 1, No 3, 1991, p. 180.

¹⁵ Weisman, L., *Discrimination By Design*, (Chicago: University of Illinois Press, 1992) p. 32.

¹⁶ Imrie (1998), *op cit.*, p. 129.

¹⁷ Knesl, J., 'The Powers of Architech', *Environment and Planning D: Society and Space*, Vol. 2, Nov 1, 1984, pp. 3 at 4.

¹⁸ For further reading on the lack faced in this regard, see Momodu, O.M., 'The Physically Challenged and the Dearth or Relevant Facilities in Nigerian Libraries' *International Journal of Basic, Applied and Innovative Research, IJBAIR*, 2013, 2(2), pp. 15-19.

¹⁹ See the combined reading of sections 15 (3) (a) and 16(1) (b) of the Constitution.

mobility environment and facility to all.²⁰ This explains why the public transport system available is strictly able-bodied driven; such as step up to buses, narrow passengers' way for the new generation public mass transits, unfriendly seat arrangement, no help in the bus, no visual or audio information system to aid the unaided blind or deaf to determine bus-stops on their own, etc. The natural implication of these disablements, therefore, is that to traverse the public domain, a disabled person must be aided by an able person.

Yet, transport is a basic need. It is a means to the end of satisfying so many other basic needs, such as employment, socialization, education and so on. The effect of this public transit exclusion impacts miserably on disabled people. It restricts disabled people's opportunities in employment, leisure, education, role identity, socialization, self-expression and, in fact, poses a systematic violation of their rights to freedom of movement and association.²¹

Walker Andrew aptly captured the difficulties posed to disabled persons by the environment *vis a vis* their 'able' counterpart when he posited thus:

“...In order to function in daily life everyone has access needs. But we must keep a sense of perspective and toleration. Some people have more elaborate needs than most... Politicians need limousines, control of the media, armed forces and protection; the aristocracy need palaces, processions, regalia, carriages and, of course, good causes; the clergy need congregations, cathedrals, vestments and icons. The financial cost to society is not at all small for these access needs. You would find it extraordinary if I were to refer to these people without these necessities for their survival as 'invalid' wouldn't you? Yet the only thing people with disabilities ask is sensible design sometimes necessarily linked to careful management. Is this too much to ask? Can this really be termed a 'special' need? I think you will agree that, compared with the extraordinary demands of certain sections of the population it is positively mundane.”²²

Accessibility is much more than admittance to a building or a matter of logistics but is also a quality of socio-psychological experiences which Nigerian government does little or nothing to acknowledge. Davies and Lifchez commented in this regard thus:

“How one feels about a place, how one interprets it, or even whether one can adequately interpret it – these are all less quantifiable, but crucially important, aspects of accessibility. A place that supports people's activities and desires, permits them to be and do what they want, and cause them a minimum of pain, frustration, and embarrassment is more accessible than a place that confuses, harasses, or intimidates people. Many ostensibly accessible sites differ substantially in the quality of experience they offer.”²³

²⁰ Other than a Minister of Federation coming on air to say that the government is glad to promote mobility of the disabled by providing 550 wheelchairs. See 'We'll Alleviate Plight of Disabled with 550 Wheel Chairs – Sarah Pane', The outcome of an interview posted on July 12, 2013, available on <http://www.vanguardngr.com/2013/07/well-alleviate-plight-of-disabled-with-550-wheel-chairs-sarah-pane/>, accessed on 10/10/2014 at 09:16pm.

²¹ As guaranteed under sections 41 and 40 of the Constitution respectively.

²² Walker, A., *op cit*.

²³ Davies, C., & Lifchez, R., 'An Open Letter To Architects' in Lifchez, R., (ed.), *Rethinking Architecture*, (Berkeley: University of California Press, 1987) pp. 35 at 40

Therefore, everything needs to be done in creating accessible environments to persons with disabilities in Nigeria. Whilst the financial implication to reconstruct public places and facilities to meet this requirement may appear too high to bear, a case by case modification of public places and facilities to make them better accessible to all may just solve the problem. Meanwhile, architectural designs, going forward, should be disability compliant otherwise, they should be rejected. Perhaps, this would provide the needed enabling platform to integrate disabled persons into the Nigerian society.

2.3 Discrimination in Education

An ideal educational system must feature a balanced and broadly based curriculum which promotes the spiritual, moral, cultural, mental and physical development and prepares pupils, irrespective of abilities, for opportunities, responsibilities and experiences of adult life. Persons with disabilities are equally to be treated appropriately in such a manner as to maximize their educational opportunities.²⁴

As a result of the purpose it serves, a school should be a welcoming environment for persons with varying abilities such that there is no questioning of the rights to be there and organizational changes are part of an acceptance and understanding of the fact that the purpose of schools is to educate all persons, not merely those who meet an increasingly narrow band of selection criteria, such as physical ability.²⁵

Accordingly, equipment which enables persons to thrive and maximize their educational opportunities in such academic environments must be provided, if the purpose of education is, by any means, to be achieved. With respect to persons without any ostensible physical, mental or sensory challenges, there may not be need to provide special equipment. But for persons with disabilities, they would need special educational aids to enhance effective communication²⁶ and these would vary depending on the nature of disability in context. However, this educational equipment may include special desks and chairs, computer hardware and software, a wide range of specialist control devices such as speech, reading, writing and hearing aids, etc.²⁷

A core educational commitment made by the Nigerian government, and which finds expression in chapter two of the Constitution of the Federal Republic of Nigeria, 1999, as amended (the "Constitution"), is that government would direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.²⁸ The inspiration to extend

²⁴ Oliver, M., *Understanding Disability; From Theory to Practice*, (London: Macmillan, 1st Edition; 1996), p. 87

²⁵ *ibid.*

²⁶ By Article 2 of the UN Convention on the Rights of Persons with Disabilities, "Communication" includes languages, display of text, Braille, tactile communication, large print, accessible multimedia as well as written, audio, plain-language, human-reader and augmentative and alternative modes, means and formats of communication, including accessible information and communication technology.

²⁷ For further reading on Equipment, see Mandelstam, M., *Equipment for Older or Disabled People and the Law*, (London & Bristol, Pennsylvania: Jessica Kingsley Publishers, 1997) pp. 261-279.

²⁸ Although, declared as non justiciable under section 6(6) (c) of the Constitution, the Supreme Court in *Attorney General of Ondo State v. Attorney General of the Federation* [2002] CLR 6(d) (SC) has offered a direction on the essence of making provisions for the Fundamental Objectives and Directive Principles of State Policy thus: "... through Directive Principles certain directions are given to the future legislature and future executive to show in what manner they can exercise the legislative and executive power they will have. It is not the intention to introduce in this Part these principles as mere pious declarations. It is the intention of the Assembly that in future both the legislature and the executive should not merely pay lip-service to these principles but that they should be made the basis of all legislative and executive action that they may be taking hereafter in the matter of the governance of the country... what is called 'directive Principles' is merely another name for the

education to all in Nigeria finds its root in the era, when the Western Region government under the premiership of late Chief Obafemi Awolowo launched the free Universal Primary Education (UPE) and, much later, reintroduced by the Olusegun Obasanjo led government of 1999 under the name Universal Basic Education (UBE). This scheme is a reform measure of the Federal Government of Nigeria aimed at rectifying the odds in the basic education of Nigerians. The understanding is that the scheme would not only accommodate formal education up to the age of 15, but would envelop adult and non-formal education, including education of the marginalized groups within the Nigerian society.²⁹

Quite unfortunately, the educational situation in Nigeria seems extremely far from the minimum expectation outlined above, particularly with respect to meeting the educational needs of persons with disabilities, being an integral part of the Nigerian populace. Not only are persons with disabilities clearly discriminated against in providing education to them³⁰ but also little or no effort is made to ensure that facilities provided for their education are appropriate, adequate and accessible. They are excluded from the normal education circle which should ideally instill the level of social integration, belongingness and confidence that this group of persons needs to prosper in their academic endeavour.

Vocational education, otherwise referred to as non-formal education, forms an integral component of every functional educational system, Nigeria's inclusive. However, whether it serves its functionality and employability purpose in Nigeria is a discussion for another forum. Vocational guidance are programmes organized to promote human development, help non-productive or deviant persons towards rehabilitation and assist persons in choosing, securing, training and becoming successfully employed in an occupation for which their abilities qualify them.³¹

Instrument of Instructions. The only difference is that they are instructions to the Legislature and the Executive. Whoever captures power will not be free to do what he likes with it. In the exercise of it, he will have to respect these instruments of instructions which are called Directive Principles...."

²⁹ Labo-Popoola, S.O., Bello, A.A., and Atanda, F.A., 'Universal Basic Education in Nigeria: Challenges and Way Forward', *Pakistan Journal of Social Science*, Vol. 6(5), 2009, pp. 252, 253-254, available on www.medwelljournals.com/fulltext/?doi=pjssci.2009.252.259, accessed on 16/10/2014 at 03:52pm; see also Anaduaka, U.S. and Okafor, C.F., 'Universal Basic Education (UBE) Programme in Nigeria: Problems and Prospects', *Basic Research Journal of Education Research and Review*, Vol. 2(3), March 2013, pp. 42-48, available on www.basicresearchjournals.org, accessed on 16/10/2014 at 04:03pm.

³⁰ For the purpose of providing education for persons with disabilities in Nigeria, special schools have been established, such as Special Education Centre, Enugu, River, Anambra States, Open Education Scheme, Benin, Edo State, Oturkpo Blind Men's Workshop, Oturkpo, Benue State, St. Francis School for the Deaf and Blind, Vandeikya, Benue State, Open Education Centre Scheme, Maiduguri, Borno State, Open Education Centre Scheme Calabar, Cross River State, St. Joseph's Blind Centre, Obudu, Cross River State, Special Education Unit, Agodi, Ibadan, Oyo State, Open Education Domestic Centre Building, Ibadan, Oyo State, Special Education Centre Oriu, Imo State, Basawa Teacher's College, Kaduna, Government Secondary School, Fadankaje, Kaduna, Open Education Scheme for the Blind, Kaduna, School for the Blind Sudan Interior Mission, Kano, Katsina School for the Blind, Kwara State School for the Blind, Ilorin, Nigeria Farmcraft Centre for the Blind, Ikeja, Lagos, Pacelli School for the Blind Children, Surulere, Lagos, St. Joseph's Daycare School for the Blind, Obudu, Cross River State, School of the Handicapped Children, Shagamu-Remo, Ogun State, Kano School for the Blind, School for the Handicapped Children, Ijebu Ode, Ogun State, Ondo State School for the Blind, Ondo, Marcus Garvey Uhuru Library, Ila-Orangun, Oyo State, Oyo State Blind Centre, Ogbomoshosho, Oyo State, Iwo Baptist College, Special Unit, Oke-Ode, Iwo, School for the Handicapped, Ikirun, Oyo State, Gindirin School for the Blind Children, Church of Christ in Nigeria, Gindirin, Plateau State, Pacific School, GRA, Ikeja, Lagos, Nigerian Autistic Society, Wuse, Abuja, the Start Right Centre, Surulere, Lagos, Acceleration Therapy, Akoka, Yaba, Lagos, Children Development Centre, Surulere, Lagos, Nwatu Autism Foundation, Okota, Lagos, Centre for Autism and Developmental Disabilities, Asaba, Delta State etc. very few special schools exist in a whole state and regardless of whether these schools are accessible to the disabled persons is the least concern of the government.

³¹ OEPRH Project Introduction, *op cit*.

With respect to the 'able', these programmes are geared towards the reintegration and rehabilitation of the never-do-wells and drop-outs, such that their continued usefulness to the society is ensured. But for the disabled, aside the core elementary level³², it would appear that the primary purpose of their education in Nigeria is to rehabilitate them, leaving those with the Where-withal to strive further to obtain proper education elsewhere. Most pathetically, even where these vocational institutes are provided for the disabled, they lack the modern facilities necessary for their training. This explains why many young disabled persons in Nigeria skip education at the onset and Nigerian streets riddled with disabled persons begging.³³

2.4 Discrimination in Employment

Global best practices on employment of persons with disabilities are predicated on the core principles of equal opportunity and placement of individual on the basis of work suitability and professional competence. This practice is calculated towards empowering disabled persons to contribute their bits to global economy.

Without fear of contradictions, the greatest problem confronted by disabled people in Nigeria is discrimination in employment, as economic empowerment is key to social integration, socialization, self-expression and self-identity and realization/fulfillment. Most employers fail to provide opportunities for persons with disabilities, partly, because of their traditional recruitment practices.³⁴ These discriminatory conducts of employers are further encouraged by the absence of defined policy or legislation on employment of the disabled in Nigeria. Therefore, as it stands, unless, employers are duly orientated or, otherwise, persuaded to adopt more liberal and accommodating recruitment patterns, it may be difficult to properly integrate disabled persons into the mainstream of the Nigerian labour market. Brading and Curtis provide a checklist of questions underpinning employment of disabled persons as follow:

- a) do advertisements positively welcome people with disabilities?
- b) are they placed where disabled people are most likely to see them?
- c) is the job/person specification limited to relevant criteria?
- d) are all qualified disabled people usually interviewed and, if so, is this fact publicized?
- e) are applicants oft asked during call for applications if they have any particular needs for interview and for work?
- f) is the interview/testing plan checked for suitability?
- g) are additional facilities for interview provided for people who need them?
- h) are staff involved in recruitment had up to date disability awareness training?³⁵

It has been suggested that the more an employer communicates his intentions and philosophy, and embed them in the way work is carried out in his establishment on a daily basis, the easier other people will find it to execute such employer's policy.³⁶ Fair selection should be based on only one criterion, the ability to do the job.³⁷ By contrast, the situation in Nigeria offers poor account of economic empowerment of disabled persons either by means of employment or otherwise. The Nigerian society seems not to appreciate that there is ability in

³² Which in itself is a scarce commodity for the disabled children.

³³ OEPRH Project Introduction, *op cit*.

³⁴ Brading, J., and Curtis, J., *Disability Discrimination: A Practical Guide to the New Law*, (London: Kogan Page, 2nd Edition; 2000), p. 52.

³⁵ Brading and Curtis, *ibid*.

³⁶ *Ibid*.

³⁷ *Ibid*.

disability.³⁸ Employers see disabled persons as highly prone to accident, less productive and more of professional liabilities than assets. Where, ever, considered for an opportunity, it is usually on the premise of doing the disabled person a favour as against merit, professional competence and suitability, which, without doubt, takes away job satisfaction and self realization from the disabled person. These, among others, account for disabled persons' reliance on vocational training for their self-sufficiency and economic independence.

The afore discussed do not, by any means, diminish or deny the reality that impairment itself is a disability to employment in some regards, particularly in core industrial capitalism, where the job description naturally requires a considerable level of physicality of the worker, as complementary criterion of professional competence, such as factories and construction jobs. However, making heavy weather of the physiques of disabled persons has resulted in continued environmental and attitudinal barriers to their employment, even in the era, or, otherwise, industries, where there is considerable shift from manual intensive working system to the technology intensive.³⁹

Social commentators have maintained that employers' attitude towards the disabled community is breeding an inevitable profane culture and needs to be checked.⁴⁰ Wallis, on his part, argued on the scourge of unemployment and its effect thus: "Properly to understand unemployment, we need to understand what is missing – the wage. The wage is not simply an amount of money... it is the only connection with other social possibilities, processes and desirable things. As such it operates as the crucial pivot for several other processes, social and cultural transmissions quite unlike itself."⁴¹

Overall, the exclusion of persons with disabilities from social integration and development results in significant loss to society. This is particularly so when, what otherwise would have been, their contributions, in terms of productivity and taxes, are put into perspective.⁴² A study carried out in Canada revealed that the loss of work through short- and long-term disability was 6.7 per cent of gross domestic product.⁴³ Again, the exclusion of children and adults with disabilities from access to education affects human capital formation and bears significant economic and social costs for society as a whole.⁴⁴

3. NIGERIA'S INTERNATIONAL OBLIGATION *VIS A VIS* DISABILITIES RIGHTS

Arguably, international efforts to regulate standards relating to the treatment of persons with disability could be said to have started after the Second World War in 1945 with the signing of the United Nations Charter (the "UN Charter").⁴⁵ By the Charter, all sovereign States reaffirmed their faith in the respect of fundamental human rights, dignity and worth of the human person and the equal rights of all human.⁴⁶

³⁸ Ojo, *op cit.*

³⁹ Roulstone, A., 'Researching A Disabling Society: The Case of Employment and New Technology' in Shakespeare, T., (ed.), *op. cit.*, Chapter 8, pp. 110 at 111.

⁴⁰ See on this point for instance Baron, S., Riddell, S., & Wilkinson, H., 'The Best Burgers? The Person With Learning Difficulties As Worker' in Shakespeare, T., *op. cit.*, Chapter 7, pp. 94-95.

⁴¹ Willis, P., 'Youth Unemployment: Thinking the Unthinkable', *Youth and Policy, Vol. 2, No. 4, 1984, pp. 17 at 34.*

⁴² United Nations, Realization of the Millennium Development Goals and other Internationally Agreed Development Goals for Persons with Disabilities, being a Report of The Secretary General submitted to the General Assembly pursuant to its resolution 65/186 on 12 July, 2011 (A/66/128), p. 7.

⁴³ *Ibid.*

⁴⁴ *Ibid.*

⁴⁵ The UN Charter was signed in San Francisco on 26th June, 1945 and came into force on 22nd October, 1945.

⁴⁶ See Preamble to the UN Charter.

To further advance this commitment, States, through the General Assembly of the United Nations (the “GA”) adopted the Universal Declaration of Human Rights (the “UDHR”) on 10th December, 1948. The whole essence of the UDHR was to reiterate the stance taken by states under the Charter in more elaborate terms.⁴⁷ To this extent, it declared the equality and freedom of all human in all spheres of life, social, economic, cultural, political, legal, education, religious etc., and that no human should be discriminated against on any ground.⁴⁸ The GA also emphasized that, irrespective of disability, a person has the right to a standard of living adequate for the health and well-being of himself and his family.⁴⁹

The codification of the UDHR, into enforceable obligations, saw the GA’s adoption of the International Covenant on Civil and Political Rights (the “ICCPR”)⁵⁰ and the International Covenant on Social, Economic and Cultural Rights (the “ICSECR”)⁵¹. All states were further encouraged to express these commitments through constitutional safeguards to allay fears of intermittent derogations. Unlike the UDHR, the ICCPR and the ICSECR, being multilateral treaties, have binding legal effects.

Since ratification of these treaties in 1993, it follows that Nigeria has been bound under international law to substantially comply with the standards set under the treaties. However, the best implementation so far of these treaties in Nigeria was the retention of the terms of ICCPR as enforceable rights and the ICSECR’s as unenforceable rights under chapters four and two of the Constitution respectively. This has far reaching effects in whittling away the potency and effectiveness of Nigerian commitment made thereunder, particularly given Nigerian dualist status in enforcing international commitments.⁵²

At the regional level and in which Nigeria happens to be a premier figure, effort abound at committing African states to promote, respect and guarantee the fundamental human rights and equal status of all within their territories. In most of these attempts, the rights of the disabled are arguably represented, even though, not elaborately. For instance, Articles 16(1) and 18(4) of the African Charter on Human and Peoples Rights (the “ACHPR”)⁵³ provide that everyone has a right to enjoy the best attainable state of physical and mental health and that the disabled have a right to special measures of protection. This is, aside, the recognition of all universally accepted civil, political, social, economic and cultural rights, without discrimination on any ground. Other regional ‘legislative’ efforts in this regard are the Protocol to the African Charter on Human and Peoples Rights on the Rights of Women in Africa and African Charter on the Rights and Welfare of the Child.⁵⁴

At the peak of recognizing disability rights in Nigeria, the Nigerian government ratified the UN Convention on the Rights of the Child, 1989 (the “UNCRC”) which contains far reaching provisions for the disabled child⁵⁵ and UN Convention on the Rights of Persons with Disabilities (the “UNCRPD”) and its accompanying optional protocols 2007 and 2010 respectively, which contain minimum international standard on disability rights.

⁴⁷ Although, the UDHR does not have a binding legal effect, it is regarded as the International Bill of Rights.

⁴⁸ See Article 2 of the UDHR.

⁴⁹ See Article 25 of the UDHR.

⁵⁰ It was adopted and opened for signature, ratification and accession by the GA resolution 2200A (XXI) of 16th December, 1966 and finally entered into force on 23/03/1976 in accordance with Article 49.

⁵¹ It was adopted and opened for signature, ratification and accession by the GA resolution 2200A (XXI) of 16th December, 1966 and finally entered into force on 3/01/1976 in accordance with Article 27.

⁵² As a dualist state, an international commitment can only become binding under national law in Nigeria, when it is domesticated. This finds expression under section 12(1) of the Constitution.

⁵³ Nigeria has domesticated this treaty by virtue of the African Charter on Human and People’s Rights (Ratification and Enforcement) Act, Cap A9, Laws of the Federation of Nigeria, 2004.

⁵⁴ See Article 13 of the Charter for children with disability concerns expressed.

⁵⁵ See article 23 of the UNCRC.

However, these treaties are yet to be fully domesticated into the corpus of Nigerian law. Although, Nigeria domesticated the UNCRC by passing the Child Rights Act in 2003, the core precincts of article 23 of the UNCRC, which seeks to specifically protect disabled children, were excluded. For the avoidance of doubt, Article 23 of the UNCRC provides thus:

- a) States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.
- b) States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.
- c) Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.
- d) States Parties shall promote, in the spirit of international co-operation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries. It is a concern that same fate appears to befall the yet domesticated UNCRPD, in spite of the various attempts at ensuring its realization.

Unfortunately, this has far reaching implication of attracting state responsibility to Nigeria under International Law. Whereas, it is easy to argue that Nigeria is a dualist State and that ratification at the international level, without domestication, does not yet attach responsibility at the domestic level. Moreover, the ICSECR, as currently constituted under the Constitution, are non-justiceable rights under chapter two thereof.

The above argument is flawed on two main grounds. One, by the provision of section 702 of the American Institute Restatement (Third) The Foreign Relations Law of the United States, 1987, a consistent pattern of gross violation of internationally recognized human rights amounts to a breach of Customary International Law ('CIL'). CIL rules, once they crystallize, are applicable to all states, independent of whether they are monists or dualists, unless a persistent objector. Two, protection of human rights has, overtime, elated and started acquiring the status of peremptory norms of international law (given its prime position in promoting the UN's object of maintaining global peace and security). Being of such fundamental values, no State is permitted to derogate from it, whether by legislative or administrative action.⁵⁶

⁵⁶ See Article 53 of the Vienna Convention on the Laws of Treaties, 1969.

Therefore, Nigeria may not be justified in maintaining that such rights yet domesticated consist only of non-justiceable rights under her Constitution.

4. EXISTING LEGAL FRAMEWORK ON DISABILITIES RIGHTS

There is no single formally recognized specific national legislation protecting the disabled people in Nigeria today. However, there is evidence that the Military Government in 1993 purportedly decreed on disabilities rights, *via* a law oft referred to as the Nigerians with Disability Decree, 1993. From its purpose to its substantive social, political, economic and welfare provisions for the disabled, the law appears, on its surface, to be a laudable and remarkable piece of legislation.⁵⁷ It further established a National Commission for People with Disabilities and other legal services to ensure protection and realization of the interests, rights and welfare of the disabled people.⁵⁸ However, it has been argued that any such Decree does not exist as the law is neither in the compendium of Nigerian Laws nor is it available at the Federal Government Press.⁵⁹ This argument finds more credence in the fact that in the eyes of the Nigerian government, as of today, there is no law defining disabilities rights in Nigeria, hence the ostentatious displays by the National Assembly purporting to consider various bills touching on disability concerns.

Contrary to the above, it is hereby contended that the fact that some laws are omitted from the compendium of laws in Nigeria does not make them, otherwise, repealed. Moreover, other attempts to legislate on the subject may rather be regarded as duplicity of laws rather than 'denial of existence'. Further, the peculiar period in time when the Nigerians with Disability Decree was passed was during the military regime. At the time, legislation, sometimes, was in accordance with the *whims and caprices* of the military head and not by due legislative processes.

To the foregoing extent, the Federal Government should take necessary steps to implement such Decree, if existent. Assuming without conceding that the Decree is not recognized by the Federal Government of Nigeria or it is non-existent, it is humbly submitted that the robust character of the Decree could serve as a basis or guide, alongside the UNCRPD, for drafting comprehensive legislation on disabilities rights in Nigeria.

Notwithstanding the above, some pieces of national legislation exist where disability element is expressly or impliedly mentioned, but do not really address disability concerns: First, the Constitution provides the general framework for the equal treatment of all Nigerians, including those with disabilities.⁶⁰ It further guarantees the equal rights of every Nigerian not to be discriminated against.⁶¹ It is shocking, though, that the constitutional provision did not give any allowance to accommodate other minority or vulnerable groups who are more prone to discrimination such as the disabled. Notwithstanding, it is submitted that the phrase '*subjected to any disability or deprivation by reason of the circumstances of his birth*' under section 42(2) can be stretched beyond the limits of illegitimacy to accommodate such persons living with congenital disabilities. Second, the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act, 2003, as amended, recognizes persons with mental disability, when it provides under section 19 thereof that '*any person who takes or entices any person under eighteen years of age or any person of unsound mind out of the custody of the*

⁵⁷ See sections 1-13 of the Nigerian with Disabilities Decree, 1993.

⁵⁸ See section 14 of the Nigerians with Disabilities Decree, 1993.

⁵⁹ See Atsenuwa, A.V., 'Legal And Institutional Mechanisms For Protecting Persons With Disabilities in Nigeria' in Azinge, E., & Ani, C., *The Rights of Persons With Disabilities*, (Abuja: Nigerian Institute of Advanced Legal Studies, 2011) Chapter 4, p. 100 at 127.

⁶⁰ See section 15-18 of the Constitution.

⁶¹ See section 42 of the Constitution.

lawful guardian of such person without the consent of the guardian or conveys any such person beyond the limits of Nigeria without the consent of someone legally authorized to give consent to such removal, commits an offence and is liable on conviction to imprisonment for fourteen years without an option of fine'. Third, like the Child Rights Act, 2003 dealt with above, the Compulsory, Free Universal Basic Education Act, 2004 made general provisions for the elementary education of all children (that is primary and junior secondary education) without any emphasis to the special needs of children living with disabilities.⁶² Fourth, the Employees' Compensation Act, 2012 provides an open and fair system of guaranteed and adequate compensation for all employees or their dependents for any death, injury, disease or disability arising out of or in the course of employment and also employees' rehabilitation with respect to work related disabilities.⁶³ Fifth, Armed Forces Pension Act⁶⁴ provides for an award of pension and gratuities to persons whose termination of service is necessitated or accelerated by an injury or condition due to war service.⁶⁵ For purposes of the Act, 'disabled' is defined as physical or mental injury or damage, or loss of physical or mental capacity.⁶⁶ Sixth, the Companies and Allied Matters Act⁶⁷ provides that each company is required to prepare a director's report annually, which report must contain, *inter alia*, details of the company's policy relating to the employment of disabled persons, continuing employment of disabled persons, training, career development and promotion of disabled persons employed by the company during the year of assessment.⁶⁸ Seventh, the Consumer Protection Council Act⁶⁹ provides for help, at no fee, to be rendered to a consumer or an interested disabled person who intends to bring a complaint before the State Committee established under the Consumer Protection Council Act and is unable to write.⁷⁰ This provision is, somewhat, akin to the provision of the Freedom of Information Act, 2011 on application for access to public records, save that the provision of the latter requires such application of a disabled person to be made through a third party.⁷¹ Finally, the Electoral Act recognizes the right of the disabled to exercise his franchise and participate in the political process. It therefore provides under section 56 thereof enabling a disabled person to partake in the electoral process and further permitting the INEC to take appropriate steps to advance the cause of the disabled persons in this regard. It is really pathetic to note that, in spite of this 'go ahead' provision, INEC has made no palpable effort to work out modalities to accommodate the disabled persons during elections and make this fact known to them to encourage their *en mass* participation in the process.

Notwithstanding the fore-going, in the absence of any general legislation dedicated to safeguarding disabilities rights in Nigeria, the domestication of the ACHPR, without doubt, provides a platform for pushing what otherwise qualifies as non-justiceable rights under chapter two of the Constitution as justiceable and enforceable following the decisions of the Supreme Court in *Fawehinmi v. Abacha*⁷² and the ECOWAS Community Court of Justice in

⁶² See section 2 of the Compulsory, Free Universal Basic Education Act, 2004.

⁶³ See section 1 of the Employees' Compensation Act, 2012.

⁶⁴ Cap A23, Laws of the Federation of Nigeria, 2004.

⁶⁵ See section 9 (1-2) of the Armed Forces Pension Act.

⁶⁶ See section 16 of the Armed Forces Pension Act.

⁶⁷ Cap C20, Laws of the Federation of Nigeria, 2004.

⁶⁸ See section 342 and paragraph 7, Part III, Fifth Schedule of the Companies and Allied Matters Act.

⁶⁹ Cap C25, Laws of the Federation of Nigeria, 2004.

⁷⁰ See section 6(2) of the Consumer Protection Council Act.

⁷¹ See section 3(3) of the Freedom of Information Act.

⁷² [2000] 6 NWLR (Pt. 660) 228 at 344-355H-H. The observation, per Uwaifo JSC, is worth noting in this regard thus: "*The clear implication of this is that the spirit of a convention or treaty demands that the interpretation and application of its provisions should meet international and civilized legal concepts... In our own case what is enacted under s. 1 of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act- now in Cap 10 Laws of the Federation of Nigeria 1990 is*

*SERAP v. FRN*⁷³. It is, therefore, arguable that in the absence of no dedicated legal framework enabling the disabled, the ACHPR may well serve an alternative means of pushing disability rights to its allowable limits.

5. PROBLEMS AND PROSPECT OF DISABILITY RIGHTS

The failure of the Nigerian state to domesticate global standards on disability rights may be attributed to lack of political will, absence of effective lobbying, disregard for citizens' rights and welfare, social and cultural mis-orientation and fear of the financial implication of *rebuilding Nigeria etc.* It takes consistency, determination and political will to effectuate developmental processes of a country. Therefore, should Nigeria's dream to be among the 'world super countries' by the year 2020 be anything to come by, Nigeria, as a matter of urgency, needs to kick-start the process. The starting point, in this respect, is to design and pass into law a comprehensive legal framework to advance the calls of the disabled in the Nigerian society.

The afore-suggested is not oblivious of the series of effort taken overtime to bring about these long awaited legal safeguards. Several Bills have been introduced to the National Assembly since 2000 to address the plights of disabled persons in Nigeria and all of which *never saw the light of day*. These include:

- A Bill for an Act to Establish the National Social Security Board and Vest it with the Responsibility for the Control and Administration of Benefits and Assistance to Enhance the Welfare of Citizens Especially Disadvantage Persons, Particularly Children, Women, the Handicapped, the Sick the Aged and the Unemployed;⁷⁴
- A Bill to Ensure Full Integration of Persons with Disabilities in Society and to Establish a National Commission for Persons with Disabilities;
- A Bill for an Act to Provide Special Facilities for the Use of Handicapped Persons in Public Buildings;⁷⁵
- A Bill for an Act to Establish a National Commission for the Handicapped Persons;
- The National Disabilities Trust (Establishment) Bill;
- Discrimination Against Persons with Disabilities (Prohibition) Bill, 2008;⁷⁶
- Discrimination and Related Offences (Prohibition and Punishment) Bill, 2008;⁷⁷
- Nigerians with Disabilities Bill, 2008;⁷⁸

that the provision of the Charter shall be given full recognition and effect and be applied by all authorities and persons exercising legislative, executive and judicial powers in Nigeria... From the principles and the laws already discussed above, the following basic concepts ought to be established namely: (a) The African Charter is a special genus of law in the Nigerian legal and political system; (b) the Charter has some international flavor and in that sense it cannot be amended or watered down or sidetracked by any Nigerian law; (c) the effect of the Charter in Nigeria may be completely obliterated by an express repeal of the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act ... There is therefore a presumption that a statute (or an Act of Parliament) will not be interpreted so as to violate rule of international law. In other words, the courts will not construe a statute so as to bring it into conflict with international law."

⁷³ ECW/CCJ/APP/12/07; ECW/CCJ/JUD/07/10. Here, the ECOWAS Community Court of Justice held that the right to education is justiceable under the ACHPR contrary to the argument of the Nigerian defence legal team.

⁷⁴ Sponsored by Hon. Lynda Chuba Ikepeazu, Hon. Chidi Duru, Hon. Faruq lawal, Hon. Iheanacho Obioma, Hon. Jerry Sonny Ugokwe, Hon. Adeyemi J.F, Hon. Nwoko, N.M., and Hon. Solomon Agidani.

⁷⁵ Sponsored by Dr. Jerry Sonny Ugokwe.

⁷⁶ Sponsored by Senator Bode Olajumoke.

⁷⁷ It was an Executive sponsored bill and did not scale through the first reading which took place on 15 April, 2008.

⁷⁸ Sponsored by Hon. Abike Dabiri and 17 others.

- A Bill for an Act to Prohibit all Forms of Discrimination Against Persons with Disabilities and Give the Equal Opportunities in all Aspects of Life in Society and Related Matters, 2009;⁷⁹
- The Mental Health Bill, 2008; and
- Social Welfare Bill, 2008.

Indeed, the absence of a legal framework touching on disability concerns in Nigeria is never for want of advocacy on the part of civil society or the disabled persons' community but the absence of political will to address these persons' plights, particularly at the federal level which, prospectively, would *serve as a pace setter* for state governments to tread. However, some states have rather *taken the bull by its horns* in attempting to yield first to the cry of the disabled. The Plateau State government, for instance, enacted the Plateau State Handicapped Law since 1981. The law, being the first enacted in Nigeria on persons with disabilities, was/is barely felt by the community it is intended to serve and as such ineffective. The Plateau State Government is humbly urged to amend this law to reflect the prevailing minimum standard under the UNCRPD or, otherwise, give life to the law, as it is, through proper implementation.

More recently, the Lagos State government signed into law Lagos State Special People's Law, 2010. The law provides for, among other things, equal rights in employment, political and educational facilities and other social services.⁸⁰ It safeguards the disabled against discrimination, guarantees their rights to access information, conducive socio-economic environment, access to special education and public transport facilities. It, finally, establishes an Office for Disabled Affairs to address complaints from persons with disabilities and to ensure that the provisions of the law are complied with religiously.

Whilst the initiative of the law is indeed laudable, it is hoped that it does not end up like any other unenforceable progressive laws in Nigeria.⁸¹ The danger in having such progressive laws in one state without aggressive correspondent moves by other states to follow suit has the effects of unnecessarily attracting disabled people to such state(s), whittling away the potency and effectiveness of such law and would lead to uneven development process in the country. This makes it imperative on the federal government to lead the initiative and take appropriate measures to bring about a uniform legal structure in this regard to set a uniform development process in motion.

6. CONCLUSION AND RECOMMENDATIONS

The article examined the Nigerian society *vis a vis* its attitude, respect, promotion and observance of the rights of persons with disabilities and found that, inspite of its supposed constitutional and other international commitments, Nigeria is yet to take any meaningful, or otherwise effective and encompassing, legislative measure, particularly at the federal level, to mainstream disability into its social, economic, political and developmental processes. Hence, the disabled are discriminated against in almost every sphere of their existence (social integration, accessible environment, education, employment etc.) and treated as an object of charity and not as equals for purposes of individual contributions to national growth and development.

Meanwhile, the point need be added that the concept of disability and the need to legislate for the welfare of the disabled community should not be treated in isolation. So that while seeking to domesticate the UNCRPD, for instance, adequate consideration of relevant

⁷⁹ Sponsored by Hon. Tunde Akogun.

⁸⁰ There is evidence of structural compliance with this law as some of the new pedestrian over-head bridges are disability compliant, such as the one on Ilepo area of Lagos State.

⁸¹ The never enforced Disabled Persons Welfare (Enhancement) Law of Lagos State, 2003 remains fresh in the minds of civil society group and Lagosians living with disabilities.

factors contained in other international legal framework touching on disability concerns such as issues relating to adequate health, children and women's rights, torture, etc., should be put in perspective. Therefore, an encompassing and comprehensive legislation for the disabled community may be a step in the right direction to pursue the realization of the rights of persons with disabilities, but efforts should be exerted to look beyond that. In displacing any likely argument as that raised above, National legislatures, the National Assembly inclusive, may decide, going forward, to always include a disability clause of non-discrimination in every Act of Parliament coming up before them for the first time or amendment, and where necessary, so that it becomes systematically integrated into the nation's corpus of laws.

The attitude of a nation towards the weak, vulnerable and minority of its populace is a potent determining index for legitimacy, democracy, egalitarianism, sustainable human development and welfarism and its respect for the rule of law. It follows without saying that should the ambition of Nigeria to be among the *greatest of the great* by 2020 be anything to come by, the mainstreaming of disability into social development agenda should be a top legislative and political concern.

Accordingly, this article recommends that a starting point to realizing the commitment to socially integrate persons with disabilities requires the National Assembly, as a matter of utmost urgency, to domesticate the UNCRPD. In addition to the above, an institutional framework for disability affairs need be set up in line with the advice of the UNCRPD to serve as a complaint office and monitoring mechanism for the implementation of disability legal framework, as well as a liaison office with international donor to ensure that funds graciously voted in contribution to social development processes in Nigeria are appropriated with due regard to the rights and concerns of persons with disabilities. There may be need to provide effective legal aid support for the prosecution of matters arising from disability complaints.

As a matter of well thought out policies, the Nigerian government need to create an enabling social, economic and political environment for the integration and equalization of persons with disabilities, and it may be helpful if the disabled community, through their recognized associations, are involved in the policy design process. The effective contribution of persons with disabilities to national economy and development can only be ensured where social and environmental barriers standing in their way are removed. Public and private sectors can harness resources towards the development and protection of children with physical and mental disabilities. The link between poverty and disability can be corrected through design and proper implementation of well thought out policies.

Flowing from the above, access to employment may be the most viable economic strategy of reducing poverty among persons with disabilities, their families and communities, and even beyond them. Professionalism in disability issues, particularly to cater for children living with disability, should be encouraged. The Nigerian state may need to embark on a mass awareness campaign to educate Nigerians, public or private institutions, schools at all levels, etc., in rural or urban areas on the *ableness* in disability and the need to encourage, accommodate, promote and respect the rights of persons with disabilities. Nigeria should resist the temptation of providing specialized institutions for disabled persons, even with the best facilities, whether in terms of health, education, rehabilitation, etc., as that in its right tilts towards discrimination in disguise. Therefore, there should be social inclusion of disability in all spheres of public life and the appropriate facilities and human resources needed to support the varying disability needs in each be made available appropriately. There would definitely be need to revisit the Constitution to accommodate non-discrimination clause on the basis of disability, as well as to integrate disability rights into the recognized bill of rights. The charity/welfare approach of dealing with disability issues should be replaced with human and civil rights perspectives. Just as the non-justiceability of chapter two clause remains under

question, there is need to expunge section 6(6)(c) of the Constitution, to make for better efficiency, accountability and transparency in governance.

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