

Disability Statute and Amenability in Nigeria: Reinforcing Enforcement and Compliance with Guidance Counselling Enlightenment.

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ABSTRACT: *Disability is usually delineated as a condition capable of divesting one's potential to carry out substantial meaningful life activities following medical or physical susceptibilities. Although it might be construed as a corporeal condition which could either culminate into death or may have persisted for an elongated duration, it is hardly detachable from societal and environmental margins. Research unremittingly demonstrate that numerous Nigerians are affected by disability and the latter is commonly addressed with the charity model. Amid welfare prototype reinforcing stigma and discrimination that emit limited social, educational and occupational access for the cluster, poor governmental attention and social discrimination continue to sabotage disability rights statutes in the country. As these circumstances persist in leaving disabled Nigerians hopeless and hapless, this study aimed to find out why the extant Disability Act is not duly implemented and what could be done to remedy the situation. Doctrinal and Traditional review methods were adopted for this work in order to explore divergent disabilities that impact the lives of disabled people and how the society has contributed to such. Apart from the observation that enforcement could bring about a proper fulfilment of the legislation, it was also noted that no matter how negligible, innumerable incarcerations, pecuniary-penalizations and reparations would not be fair amid social ignorance. A key recommendation was then made that guidance counsellors should be profoundly involved in Nigeria's disability consciousness enlightenments for a positive social change.*

KEYWORDS: persons with disabilities; disabled people; disability; discrimination; act; law; counselling; guidance and counselling; guidance counselling; Nigeria

INTRODUCTION

Disability is part of being human. Virtually, every person will temporarily or permanently experience disability in their life at an unspecified time. Statistically, over 1 billion people –

about 15% of the global population – currently experience disability. This number is either increasing due to population ageing or prevalence of non-communicable diseases¹.

Disability results from the interaction between individuals with a health condition, such as cerebral palsy, Down syndrome and depression, with personal and environmental factors including negative attitudes, inaccessible transportation and public buildings, and limited social support.

If one has a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on his/her ability to be involved in normal daily activities, the person is said to be disabled². ‘Substantial’ in the sense that it takes longer as one would expect for the disabled person to normally complete a daily task in whatever form, while ‘long-term’ stands for 12 months and above to complete the same task.

Disability is any condition of the body or mind (impairment) that makes it difficult for the person in such a condition to engage in certain activities (that is, activity limitation) and interact with the world around them (in other words, participation restrictions)³. Humans have different disabilities affecting them in various capabilities such as:

- Vision
- Movement
- Thinking
- Remembering
- Learning
- Communicating
- Hearing
- Mental health
- Social relationships

“People with disabilities” are occasionally regarded as a single population, however, it is for a diverse group of people with extensive needs. Although two persons with the same type of disability may be affected in different ways. Note that some disabilities may be hidden or not easily seen⁴.

There are three dimensions of disability as stated in World Health Organisation (WHO)⁵, they include:

1. **Impairment** in a person’s body structure or function, or mental functioning; examples of impairments include loss of a limb, loss of vision or memory loss.

¹ Disability, https://www.who.int/health-topics/disability#tab=tab_1 (accessed 20 April 2022)

² Equality Act, <https://www.gov.uk/definition-of-disability-under-equality-act-2010> (accessed 20 April 2022)

³ Centre for Disease and Control, <https://www.cdc.gov/ncbddd/disabilityandhealth/disability.html> (accessed 20 April 2022)

⁴ Ibid

⁵ World Health Organization, International Classification of Functioning, Disability and Health (ICF)external icon. Geneva: 2001, WHO.

2. **Activity limitation**, such as difficulty seeing, hearing, walking, or problem solving.
3. **Participation restrictions** in normal daily activities, such as working, engaging in social and recreational activities, and obtaining health care and preventive services.

One can relate disability:

- to conditions that are present at birth which may likely affect the functions of the disabled person, later in life. Such conditions include cognition (memory, learning, and understanding), mobility (moving around in the environment), vision, hearing, behaviour, and other areas like,
 - . Disorders in single *genes* (for instance, Duchenne muscular dystrophy)⁶;
 - Disorders of *chromosomes* (for example, Down syndrome)⁷; and
 - The result of the mother's exposure during pregnancy to infections (for example, rubella) or substances, such as alcohol or cigarettes.
- Associated with developmental conditions that become apparent during childhood (for example, autism spectrum)⁸ disorder and attention-deficit/hyperactivity disorder or ADHD)⁹
- Related to an injury (for example, traumatic brain injury or spinal cord injury external icon)¹⁰.
- Associated with a longstanding condition (for example, diabetes), which can cause a disability such as vision loss, nerve damage, or limb loss.

⁶ Muscular dystrophies are a group of genetic disorders that result in muscle weakness over time. Each type of muscular dystrophy is different from the others. It is important to get help as early as possible. Muscular dystrophy has no cure but acting early may help an individual with muscular dystrophy get the services and treatments he or she needs to lead a full life.

⁷ Down syndrome is a condition in which a person has an extra chromosome. Chromosomes are small "packages" of genes in the body. They determine how a baby's body forms and functions as it grows during pregnancy and after birth

⁸ Autism spectrum disorder (ASD) is a developmental disability that can cause significant social, communication and behavioural challenges. CDC is committed to continuing to provide essential data on ASD, search for factors that put children at risk for ASD and possible causes, and develop resources that help identify children with ASD as early as possible

⁹ People with ADHD may have trouble paying attention, controlling impulsive behaviours (may act without thinking about what the result will be), or be overly active. Although ADHD can't be cured, it can be successfully managed, and some symptoms may improve as the child ages

¹⁰ A traumatic brain injury, or TBI, is an injury that affects how the brain works. TBI is a major cause of death and disability in the United States. Anyone can experience a TBI, but data suggest that some groups are at greater risk for getting a TBI or having worse health outcomes after the injury.

- Progressive (for example, muscular dystrophy), static (for example, limb loss), or intermittent (for example, some forms of multiple sclerosis external icon)¹¹

Disability is conceptualized as being a multidimensional experience for the person involved. There may be effects on organs or body parts, and there may be effects on a person's participation in areas of life¹². Categories of disabilities include various physical and mental impairments that can hamper or reduce a person's ability to carry out their day-to-day activities. These impairments can be termed as disability of the person to do his/her daily activities¹³.

The number of people with disability are dramatically increasing, following demographic trends and increases in chronic health conditions. When people with disability access health care, they often experience stigma and discrimination, leading to receipt of poor services.

There is an urgent need to enhance disability inclusion in all levels of the health system, particularly primary health care, education with special facilities, job opportunities and among other social inclusions.

A person's environment affects the experience and extent of disability. Inaccessible environments create barriers that hinder the full and effective participation of persons with disabilities in society on an equal basis with others. Progress on improving social participation can be made by addressing these barriers and supporting persons with disabilities in their day to day lives¹⁴.

RATIONALE AND METHODOLOGY

Corporeal differences which hardly receive germane attention are often overemphasised as disabilities, yet little seems to be publicised about social barriers that disable affected persons. The purpose of this study was, therefore, to find out why the 2018 Nigerian Disability Act (the statute enacted for protecting disabled people's rights) is not being adequately implemented and what could be done for a positive change to ensue. Further, Doctrinal and Traditional review methods were adopted for this study. It is noted that "Doctrinal research methodology involves analysis of case law, arranging, ordering and systematising legal propositions, and study of legal institutions as well, creates law and its major tool, using reasoning or rational deductions."¹⁵. On the other hand, traditional or narrative literature review method generates

¹¹ An unpredictable disease of the central nervous system, multiple sclerosis (MS) can range from relatively benign to somewhat disabling to devastating, as communication between the brain and other parts of the body is disrupted.

¹² Disabled World, <https://www.disabled-world.com/disability/types/> (accessed 21 April 2022)

¹³ Ibid

¹⁴ "Op. Cit", footnote 1

¹⁵ Jain, S. N. 'Doctrinal and Non-doctrinal legal research in SK Verma and Afzal Wani (eds), Legal Research and Methodology, 2nd edn, Indian Law Institute 2010 p.68).

exhaustive information about topics under scrutiny and initiates grounded contexts for research¹⁶. Hence, the current work is underpinned by the mentioned study methods.

Nigerian Disability Act

The government of Nigeria in 1993, during a military regime, established ‘Nigerians with Disability Decree 1993’ with the purpose of “providing a clear and comprehensive legal protection and security for Nigerians with disability as well as establish standard for enforcement of the rights and privileges guaranteed under this decrees and other laws applicable to disabled(sic) in the Federal Republic of Nigeria”¹⁷.

However, the civil regime in 2018 passed another version of the disability legislation known as ‘Discrimination against persons with disabilities (prohibition) Bill, 2018, stating that it is “An act to ensure full integration of persons with disabilities into the society and to establish a national commission and vest it with the responsibilities for their education, health care, social, economic and civil rights (establishment, etc) Bill, 2018”¹⁸

Comparing the two “laws”, the disability decree 1993 contains the power of enforcement, which makes it possible for people, governments and establishments to comply with the ‘law’. Inversely, the prohibition legislation 2018 is only after integration of disabled people into the society, but lacks enforcement capacity for social amenability. Although the novel disability law contains facts of punishment if violated as stated below:

1. The Act prohibits all forms of discrimination against disabled people. If an individual is found violating this law, he/she will pay a fine of N100,000 or a term of six months imprisonment. The law imposes a fine of one million naira on corporate bodies.
2. Discrimination against such persons is prohibited in public transportation facilities and service providers are to make provision for the physically, visually and hearing impaired and all persons howsoever challenged. This applies to seaports, railways and airport facilities.
3. The rights and privileges of persons with disability include education, health care, priority in accommodation and emergencies.
4. All public organisations are to reserve at least five per cent of employment opportunities for these persons.
5. The Act gives citizens with disabilities the right to file a lawsuit for damage against any defaulter.
6. It provides for a five-year transitional period within which public buildings, structures or automobile are to be modified to be accessible to and usable by persons with disabilities, including those on wheelchairs.

¹⁶ Onwuegbuzie, A. J. and Frels, R. K. (2016). Seven Steps to a Comprehensive Literature Review. “Traditional or narrative literature reviews – Library Guides.” Available at <https://libguides.csu.edu.au/review/Traditional> [Accessed 03 January 2022).

¹⁷ “Nigeria: Nigerians with Disability Decree 1993” (1993). Gladnet collection. Paper 133. <http://digitalcommons.ilr.cornell.edu/gladnetcollect/133> (accessed August 9, 2022)

¹⁸ The National Assembly Federal Republic of Nigeria, (prohibition) Bill, 2018

7. Before a public structure is constructed, its plans shall be inspected by relevant authorities to ensure that the plan conforms with the building code.

8. A government or government agency, body or individual responsible for the approval of building plans shall not approve the plan of a public building if the plan does not make provision for accessibility facilities in line with the building code.

9. An officer who approves or directs the approval of a building plan that contravenes the building code, commits an offence and is liable on conviction to a fine of at least N1,000,000 or a term of imprisonment of two years or both.

10. In Section 31 of the Act, the National Commission for Persons with Disabilities will be established, and an Executive Secretary will be appointed as the head of the commission.

That notwithstanding, the facts above and the new law are ‘political’ so long as there is a missing link on enforcement and compliance as enshrined in the disability decree of 1993. This variation invariably ‘caged’ the human rights of people with disabilities, thereby encouraging social exclusion of the group in the country. Unlike the 2018 Act, disability decree of 1993 gave hope to disable people; at least, they can challenge their rights if violated. Nevertheless, both decree 1993 and the new prohibition Act 2018 are all targeted towards compliance, which could be evaded and obscured via payment of fines by erring public officials or individuals who can either afford the amount by themselves or have their establishments defray it. Moreover, by the contemporary Act’s position that the National Commission for Persons with Disabilities will be attending to disability discriminations complaints, it becomes lucid that this body would then assume the role of the Ombudsman. This is based on the expectation that the commission would be considering discrimination reports made by disabled Nigerians or others on their behalf regarding inaccessible social services such as: education, information, communication, transportation, employment, health, tourism, sports, housing, roads as well as other public buildings and infrastructures.

The Ombudsman is seen as a bridge between persons with disabilities and an institution that can systematically address their issues. They are focused on readdressing wrongdoings and changing mindsets to create a more inclusive society¹⁹. The Institution acts as an equality body combating discrimination on the ground of disability and as an independent body for monitoring implementation of the UN Convention on the rights of persons with disabilities. It further deals with complaints on administration from every level of a government (local to federal). The institution monitors compliance of acts and regulations with legally binding international documents in the field of protection of rights of persons with disabilities primarily the UN Convention on the rights of persons with disabilities and proposes amendments to acts and regulations pertaining to the rights of persons with disabilities²⁰. The ombudsman priority tasks is focused on protecting, promoting and monitoring the rights of persons with disabilities in a country.

The Convention on the Rights of Persons with Disabilities, which is a legally binding human rights treaty with an explicit social development dimension, recognizes the human rights and fundamental freedoms of all persons with disabilities. Under article 9 of the Convention, on

¹⁹ Ombudswoman, https://equineteurope.org/author/croatia_opd/ (accessed August 11, 2022)

²⁰ Ibid

accessibility, States parties are required to “take appropriate measures to ensure to persons with disabilities access, on an equal basis with others, to the physical environment, to transportation, to information and communications, including information and communications technologies and systems, and to other facilities and services open or provided to the public, both in urban and rural areas”. In the measures taken by States parties, the identification and elimination of obstacles and barriers to accessibility must also be addressed²¹.

The Right of Disabled People in Nigeria

An anti-disability discrimination law gives people with disabilities important rights not to be discriminated against in accessing everyday goods and services like shops, cafés, banks, cinemas and places of worship in buying or renting land or property²². Apparently, human rights are freedoms and protections inherited from birth because we are human beings, and they provide people with the minimum standard of treatment globally devoid of discrimination. Human rights belong to everyone everywhere, hence, cannot be denied. They are meant to protect individuals from abusive powers of governments as well as ensuring that governments take action to enable disabled people enjoy those basic freedoms and protections²³

Human rights are based on principles of dignity, autonomy, equality and respect. Disabled people enjoy human rights when they make choices about their lives, have the right support to live in dignity and be included in the community, even when they have family or take part in politics. Unfortunately, their rights are being breached in Nigeria, where for instance, an alternative to a segregated institution such as school for blind people hardly exists, with many members of the disabled community likely to remain in poverty due to presence of little or absence of something to meet their essential needs.

In dire need of support, disabled people unremittingly make spirited efforts to establish their legal rights as bonafide members of Nigeria. Thus, striven to establish that they are considered based on individual merit, not on some stereotyped assumption about their circumstances. They want the society to make certain changes to enable them to participate more meaningfully in secular activities²⁴. They have been proactive at least in sports winning medals in their various categories yet, some of them who may prefer moving with a mobility-aid like a Scooter continue to depend on crutches or improvised walking-aids (sticks) amid Government’s ‘impoverished’ support or neglect. Despite the situation, they seem very happy, promoting the image of the country regardless of the unfavourable conditions. It would, therefore, not be

²¹ Conference of States Parties to the Convention on the Rights of Persons with Disabilities (Tenth session) New York, 13-15 June 2017 https://www.un.org/disabilities/documents/COP/crpd_csp_2017_4.pdf (accessed August 11,2022)

²² The right of disabled people, <https://www.nidirect.gov.uk/articles/your-rights-if-you-have-disability> (accessed August 11, 2022)

²³ Human Rights: our rights, www.disabilityjustice.org.uk/take-action/human-rights/ (accessed August 12, 2022)

²⁴ I Imam and M. Abdulraheem-Mustapha, Rights of people with disability in Nigeria: attitude and comment (2016)439 AJICL 24, 3

erroneous to argue that the law upon which the fundamental paradigm of equal opportunities was founded has not been auspicious to disabled Nigerians. Rights are innate; they are neither acquired by achievement nor qualification²⁵. As human rights can be described as a natural and an integral part of all human beings by virtue of their humanity, they tend to be inalienable and universal in nature even for a disabled person. By implication, we are not supposed to discriminate between those considered as ‘able individuals’ and those with disabilities in respect of human rights; functional impairments or talents do not entitle any individual to more or fewer rights²⁶

Law has been the basis of protection, enforcement and promotion of equality of opportunity for the citizens including disabled people in any society. Nevertheless, there is little positive effort in the spectrum of legislation toward the protection of the rights of disabled Nigerians²⁷. The backbone of human right is a constitution, but the Nigerian constitution on the Bill of Rights in Chapter IV reveals that no specific provision dwelt on protecting their rights²⁸. The chapter, inversely, guarantees the right of citizens generally devoid of discrimination. It is apparently a general jurisdiction on the fundamental human rights of citizens whether disabled or not. Obviously, Nigeria has no comprehensive legislation on disability quite unlike South Africa²⁹ and the United Kingdom³⁰ including Germany³¹. South Africa has a broad disability law and policy implementation, a relevant section of the constitution³² is on the area that debarred unfair discrimination directly or indirectly against anyone including race, gender, sex, pregnancy, marital status, ethnic or social origin, colour, sexual orientation, age, disability, religion, conscience, belief, culture, language and birth³³. Germany has National Action Plan – “the goal is to achieve living inclusion and participation of persons with disabilities” and has two main laws pertaining to disability in Germany: SGB, or the Social Code (German: Sozialgesetzbuch) and BGG, or the Act on the Equalization of Disabled Persons (German: Behindertengleichstellungsgesetz). Section 33 of SGB IX provides guarantees for, among others, participation in working life, the required services are provided to disabled or from disabled persons facing threats to obtain the ability to work according to their capacity to improve, establish or restore and secure their participation in working life as possible in the long run. While the Act on the Equalization of Disabled Persons (BGG), “aims at the eradication and prevention of discrimination facing disabled persons and [grants] them equal

²⁵ B. O. Nwabueze, *The Presidential Constitution of Nigeria* (Sweet & Maxwell, 1982) 32–3; see M. A. Ajomo, *The Development of Individual Rights in Nigeria's Constitutional History*, Nigerian Institute of Advance Legal Studies (1993) 1–3.

²⁶ Ibid

²⁷ Op. Cit, footnote 22 P440

²⁸ Section 42, Constitution 1999 (Nigeria); see K. Ayo, ‘Ability in Disability: The Empowerment of the Disabled’, in J. M. Coetzee's *Life and Times of Michael L.*, (2009) Working Paper

²⁹ The disability legislation includes the Employment Equity Act 1998 and the Disability Act 2008 (South Africa).

³⁰ Disability Discrimination Act 1995 (as amended), Special Educational Needs and Disability Order 2005 (UK).

³¹ Basic Law (constitutional law of the Federal Republic of Germany 1949) SGB IX in 2001, BGG in 2002

³² Sections 9(3), (4) and (5), Constitution 1996 (South Africa)

³³ Ibid

rights to participate in social and working life”. Section 1 of the BGG: aims to “...ensure the equal participation of people with disabilities in the life of society”³⁴.

Nigerian government has laws, policies, plans, strategies and guidelines to create awareness about persons with disabilities³⁵:

They include but not limited to: Nigerians with disabilities Decree 1993; Disability protection laws of several Nigerian states; National policy on disability in Nigeria 2017; and Discrimination against persons with disabilities (prohibition) 2018 Act, which prescribes sanctions as incarceration or pecuniary forfeit. Further to these and other national inclusion strategies, some non-governmental organizations have made recognizable efforts towards educating the public on disability and encouraging disabled people that disability does not infer inability. Yet discrimination against the latter remains unabated³⁶

This situation is further associated with the following shortfalls.

- 1.Weak enforcement of the law; the laws which have been established to protect the rights of persons with disabilities and in their interest are not properly enforced and implemented.
- 2.Inadequate funding: resources allocated to implementing policies and plans are often inadequate. Furthermore, funds to conduct campaigns, or organize seminars are not enough.
- 3.Negative attitudes: beliefs and prejudices are the main barriers as people do not see disabled people beyond their disability.
- 4.Lack of data and information / help Centre for Persons with Disabilities.
- 5.Inadequate policies and standards; Nigerian policy design does not most often consider the need of persons with disabilities.
- 6.Lack of political will by the government to ensure implementation and compliance.

Enforcement and compliance are significant barriers to successful implementation of the Nigerian Disability Act. Alongside these constraints, challenges like statistical and societal inhibitions have not been helpful³⁷.

Challenges experienced by Disabled People in Nigeria

The Prevalence of Disability

According to the 2018 National Demographic and Health Survey, there are issues on six domains of disability—seeing, hearing, communicating, remembering or concentrating, walking or climbing steps, and washing all over or dressing—among the household population

³⁴ Op Cit, footnote 29

³⁵ Human Rights Council Resolution 37/22 concerning the rights of persons with disabilities – Inputs, by National Human Rights Commission-Nigeria

³⁶ Ibid

³⁷Nigeria Situational Analysis Version II - June 2020, Institute of Developmental Studies. <https://opendocs.ids.ac.uk/opendocs/bitstream/handle/20.500.12413/15561/DID%20SITAN%20Nigeria> (accessed August 17, 2022)

age five and above. In general, 92% of the household population have no difficulty in all the six domains; 7% have some difficulties in all the six domains, 1% have a lot of difficulties or cannot function in at least one domain. Among adults aged 15 and older, 2% of women and 2% of men have a lot of difficulties or cannot function in at least one domain³⁸. JONAPWD³⁹ gave estimate of over 25 million persons with disabilities in Nigeria, while Haruna⁴⁰, estimated the disability prevalence rate in Nigeria as 10%. In 2012/13, Leonard Cheshire's⁴¹ disability data review reported that based on a general household survey, the prevalence of disability in Nigeria was 2.0% (2.0 for females and 2.1% for males). For Khan et al⁴², there are an estimated 3.3 million people with disabilities in Nigeria, with a disability prevalence rate of 2.3%. Due to insurgency in the North-East, this region has the highest number of people with disability in the country (Uduu 2020).

Attitudes of People/Stigma towards Disability

Persons with disability are considered as people to be pitied rather than as people who can contribute to the development of Nigeria. They encounter stigma and discrimination, and lack access to education, rehabilitation and employment. They are not adequately protected by Nigerian legislation⁴³. However, there are certain disabilities that are more stigmatised than others like Mental illness, where its symptoms are either hidden or denied.

Nigerians ordinarily perceive disability as a charity and welfare subject. This has been established as having negative impacts on the social inclusion of disabled people in the country⁴⁴. An instance of this is the Nigerian media that still address disability issues as a charity matter instead of something concerning public policy.

³⁸NPC Nigeria & ICF. (2019). Nigeria DHS Key Findings 2018. NPC, Abuja & ICF Rockville, <https://dhsprogram.com/pubs/pdf/SR264/SR264.pdf> (accessed August 17, 2022)

³⁹JONAPWD. 2017. Joint National Association of Persons with Disabilities (JONAPWD) Annual Report 2017. JONAPWD, Abuja <http://www.jonapwd.org/2017REPORT.pdf> (accessed August 17,2022)

⁴⁰Haruna M. 2017. The Problems of Living with Disability in Nigeria. Journal of Law, Policy and Globalization; 65 <https://iiste.org/Journals/index.php/JLPG/article/view/39027> (accessed August 17, 2022)

⁴¹Leonard Cheshire. (2018) Disability Data Review: A collation and analysis of disability data from 40 countries. Leonard Cheshire, UK https://www.disabilitydataportal.com/fileadmin/uploads/lcdp/Documents/report-web_version.pdf (accessed August 18, 2022)

⁴²Leonard Cheshire, Disability Data Review: A collation and analysis of disability data from 40 countries. Leonard Cheshire, UK https://www.disabilitydataportal.com/fileadmin/uploads/lcdp/Documents/report-web_version.pdf (accessed August 18, 2020)

⁴³A. Ofuani, The right to economic empowerment of persons with disabilities in Nigeria: How enabled? (2011) AHRLJ 11 http://www.ahrlj.up.ac.za/images/ahrlj/2011/ahrlj_vol11_no2_2011_anwuli_i_ofuani.pdf (accessed August 18, 2022)

⁴⁴Lang, R. & Upah. L. Disability Scoping Study in Nigeria. Department For International Development, London. https://www.ucl.ac.uk/lc-ccr/downloads/scopingstudies/dfid_nigeriareport (accessed August 18, 2022)

A study carried out by some scholars including Ihedioha 2015, Eleweke and Ebenso 2016, Jerry et al 2015, Etieyibo and Omiegbe 2016, Eskay et al 2012, Olaleye et al 2012 and Odukoya and Chenge 2017, indict Nigerian government and the public in general for their negative attitude towards disabled people. A report from River state shows that negative perception has resulted in the group's exclusion at their various workplaces, thus establishing the fact that most people with disabilities face cases of humiliation at work based on disability⁴⁵. It was also discovered that even educated persons with disabilities find it difficult to gain employment in Nigeria, as a result of people's negative attitudes towards them⁴⁶. The study unveils a unanimous positivism from participants that women with disabilities in Nigeria, run into obstacles that is attributed to gender inequalities. Apparently, women and girls with disabilities in Nigeria are vulnerable to gender-based violence and abuse⁴⁷.

In their study, Etieyibo and Omiegbe argued on the evidence from Nigeria which pivoted on disability and the role that religion, culture and beliefs contribute to encouraging discriminatory practices against persons with disabilities⁴⁸. Lots of exclusionary practices are either embedded in or sustained by religion, culture and beliefs about disability. Persons with disabilities are the victims of various discriminations including the trafficking and killing of people with mental impairments, oculocutaneous albinism and angular kyphosis, raping of women with mental illness and the employment of children with disabilities for alms-begging⁴⁹. Etieyibo and Omiegbe believe that the Nigerian government needs to establish legislation on cultural and religious practices that are particularly discriminatory against persons with disabilities and protecting the interests of persons with disabilities. They stressed that people with disabilities fall victims of varied discrimination like trafficking and killing people with mental health problems, oculocutaneous albinism (OCA), angular kyphosis, raping women with mental illness, and employing children with disabilities for alms-begging. Sequel to this, Etieyibo and Omiegbe emphasized that the Discrimination against Persons with Disabilities (Prohibition) legislation, 2018 does not make discrimination of persons with disabilities illegal, rather, the law is not effective and, may not be observed⁵⁰.

⁴⁵E. Ihedioha, Environmental barriers and job placement of the physically challenged in organizations in Rivers State, Nigeria. (2015) GJAHSS 3, 4 <https://www.eajournals.org/journals/global-journal-of-arts-humanities-and-social-sciencesgjahss/vol-3issue-4-april-2015/environmental-barriers-and-job-placement-of-the-physicallychallenged-in-organizations-in-rivers-state-nigeria/> (Accessed August 19, 2022)

⁴⁶C. Eleweke. and J. Ebenso, Barriers to Accessing Services by People with Disabilities in Nigeria: Insights from a Qualitative Study. (2016) JESR 6,2 <http://www.mcser.org/journal/index.php/jesr/article/viewFile/9155/8841> (Accessed August 19, 2022)

⁴⁷ G. Jerry, P. Pam, C. Nnanna, and C. Nagarajan, what violence means to us: Women with disabilities speak. NSRP and IFA report (2015) <http://www.nsrp-nigeria.org/wp-content/uploads/2015/09/What-Violence-Means-to-us-Women-withDisabilities-Speak.pdf> (Accessed August 19, 2022)

⁴⁸ E. Etieyibo and O. Omiegbe, Religion, culture, and discrimination against persons with disabilities in Nigeria. (2016) AJD 5,1 <https://ajod.org/index.php/ajod/article/view/192> (Accessed August 19,2022)

⁴⁹ Op. Cit, footnote, 35

⁵⁰ Ibid

Eskay et al⁵¹ note that people misunderstood children with disabilities in Nigeria by construing them as malignant. This unfounded negative view has resulted in ill-treatments and negligence which are now so difficult to eliminate, influencing service provisions for disabled learners. Beliefs that persons with disabilities are linked to a curse from God perhaps, based on gross disobedience to God's commandments, ancestral violation of societal norms (for instance, stealing, adultery, murder; offences against God's of the land (example, persons of the same society fighting); violating the laws and family sins (like stealing and denying); misfortune (involving marriage and blood family related incest); witches and wizards (when the society has monitored and observed the persons as witches and wizards); adultery (taken as a serious abomination); warning from the gods of the land (following pollution of water and land for cultivation); unnecessary arguments, insulting and fighting the elders of the society (is a societal taboo); misdeed in a person's previous life (stealing, adultery, incest etc); illegal/unapproved marriage by the elders of the society (arguing, disobeying and fighting against the elderly advice in marriage); being possessed by the evil spirits (as a result of societal disobedience)⁵², and such more, cause stigma on persons with disabilities in Nigeria. Efforts are, however, being made to address the trend in Nigeria as evinced in a 2016 film show which was designed to increase awareness on intellectual disability, its causes, and common stigmatising beliefs about the condition. This did not only provide genuine information, but equally conveyed stories on divergent experiences of affected persons. Apparently, the intervention saw to the positive changes of attitudes towards the people with disabilities⁵³.

But then, what is the real meaning of being stigmatised? In poorest countries of the world, disability is treated as a stigma, and disabled people encounter 'eternal' discrimination. They are being isolated and ignored by their community and excluded from school, employment, health care, legal issues and other services due to lack of physical accessibility or appropriate resources. Unfortunately, they live in abject poverty and isolation as well as disproportionately affected by physical and sexual violence⁵⁴.

Stigma has been a negative lay down belief about people with these features and has become the main obstacle to participation. Indeed, stigmatising attitude on disabled people has contrain impact on relationships between them as service-users and their service-providers. Historically, disabled people are most often being stigmatised, and in most cultures, disability has been associated with curses, diseases, dependence and helplessness. People that can encounter stigma are from ethnic or sexual minorities or persons with unusual facial appearance⁵⁵. Disability stigma can occur on the following⁵⁶:

⁵¹ M. Eskay, V. Onu, j. Igbo, N. Obiyo and L. Ugwuanyi, Disability within the African Culture. US-China (2012) Education Review; B 2 <https://files.eric.ed.gov/fulltext/ED533575.pdf> (accessed August 24, 2022)

⁵² Ibid

⁵³ D. Odukoya and W. Chenge, the era of digital interventions: combating intellectual disability stigma in Africa (2017) UCL. <https://blogs.ucl.ac.uk/stigma-research> (accessed August 26, 2022)

⁵⁴ Humanity and Inclusion, www.humanity-inclusion.org.uk/en/action (accessed August 29, 2022)

⁵⁵ Disability stigma and your patients, <https://agerrtc.washington.edu/info/factsheets/stigma> (accessed August 30, 2022)

⁵⁶ Ibid

1.Social Avoidance – People with disabilities are most times left out of social activities, or they discover that their friends isolate them after they develop a disability. People feel reluctant to make eye contact or start a conversation with someone who has a visible disability.

2.Stereotyping – People with disabilities are assumed to be helpless, unable to care for themselves, or unable to make their own decisions. People with one disability, such as a speech impairment, may be presumed to have other disabilities they don't have, such as an intellectual disability.

3.Discrimination – Most people with disabilities are denied jobs, housing, or other opportunities due to false assumptions or stereotypes about disabilities. This is still being witnessed up to date, despite disability rights laws such as the Nigerians with Disability Decree 1993, and Discrimination against Persons with Disabilities (Prohibition) Act, 2018.

4.Condescension – People with disabilities may be coddled or over-protected due to perceptions of their helplessness.

5.Blaming – People may be blamed for their disability or accused of using their disability to gain unfair benefits.

6.Internalization – People with disabilities may themselves adopt negative beliefs about their disability and feel ashamed or embarrassed about it.

7.Hate Crimes and Violence – Persons with disabilities are always targeted in hate crimes, and often fall prey to victims of physical or sexual violence than people without disabilities. Stigmas however, “Prejudices held by society, family and individuals can act as a barrier to persons with disabilities exercising their right to full participation in society”⁵⁷. Stigmas against children with disabilities come from two main components: lack of information regarding what causes disabilities and what a child can achieve with a disability⁵⁸. First, lack of information creates a barrier in society. Often mothers are blamed for having a child with disabilities, but not knowing that impairments can be caused by poor maternal health or a lack of services for mothers during pregnancy. Second, many disabled children are hidden away and kept in the house because of the stigmas that are placed on them, and the embarrassment or harassment that may be shown to the mother. This shows that societies have very little experience and few examples of what children with disabilities can accomplish, thus making them to assume they are incapable hence should not be included⁵⁹.

Disabled people living in poverty are among the most stigmatised and marginalised people on earth. They often live in isolation and are excluded from their communities, from the education system, from healthcare and other vital services. Sometimes, families hide them from outsiders. Many disabled women and children face a heightened risk of domestic and sexual violence. Disability stigma is present in every society, but in parts of Africa and Asia it can be oppressive particularly in Nigeria. In areas where research and technology are not available, people do not have explanations for conditions which can lead to disability. Myths such as having sex with a

⁵⁷UNICEF, Lieve Sabbe, and Vladamir Cuk International Disability Alliance, comps. Global thematic consultation on addressing inequalities. 2012.

⁵⁸ Amber Rosier. AbleChildAfrica. Personal Interview. (July 12, 2013).

⁵⁹ Op. Cit, footnote 55. See also K. Koszela, the stigmatization of disabilities in Africa and developmental effects (2013) 8-13 ISP Summer Collection

disabled woman can cure HIV or that mental illness is caused by evil spirits can lead communities to affix stigma on to disabled people⁶⁰.

Disability Rights in Nigeria

A disabled person has the rights to be protected from discrimination. These rights include:

- 1.employment
- 2.education
- 3.dealing with the police/legal issues

In the United Kingdom, for instance, the Equality Act 2010 and United Nations (UN) Convention on the Rights of Persons with Disabilities help to enforce, protect and promote the rights of disabled people⁶¹.

These individuals have the same rights and needs as every other person. However, freedom and equality are distant from about one billion of them that make up 15% of the world's population. It is worthy of note that 80% of people with disabilities reside in developing countries, and one in five of the world's poorest people is disabled. In Nigeria, 22 million people are living with various forms of disability⁶².

These rights are enshrined in both Nigerians with Disability Decree 1993 and Discrimination against persons with Disabilities (Prohibition) Act,2018. Whereas Decree 1993 established standard of enforcement and compliance of such rights, the fines and imprisonment indicated in the 2018 Discrimination against persons with Disabilities legislation appear 'skimpy'. In point of fact, the latter depicts some rights of the group in Part VII, Part IX and Part X, yet the proviso/window period is about ending with rare presence of accessible education, transportation, edifices and other public services.

Since the rights of disabled Nigerians are merely documented without being implemented, it appears that the government does not have their interests at heart. This is worrisome, given generic literature evidence of requisite support and services being absent and insufficient within educational and other social sectors. Mendicancy can be described as an odious means of livelihood because of its embarrassing nature. But what would disabled people do when their protective statute is not binding. Evidently, persons affected by disabilities are neither recognised by private nor government institutions; they lack gainful employment; scholarship and skills development opportunities are hardly available to professionals and officials who provide services for them. With these dilemmas unremittingly staring in our faces, a sweeping enlightenment-oriented strategy is now obligatory for social transformation.

Enlightening People about Disability

History had it that, people with disabilities have been stereotyped in various ways, and some of the stereotypes persist in the mind of the public today. Incomplete information, mistaken

⁶⁰ There is global disability crisis, <https://add.org.uk/why-disability?gclid> (accessed August 31, 2022)

⁶¹ Disability Rights, <https://www.gov.uk/rights-disabled-person> (accessed August 29, 2022)

⁶²D.U. Basharu, President of the National Association of People with Disabilities on a speech made on 19 December 2011. <https://www.fmi.govt.ng/22-million.nigeria> (accessed August 30, 2022)

perceptions, isolation and segregation have perpetrated many of these stereotypes⁶³. The way people perceive disability affects the care and education they receive. Myths and misconceptions about disability are common though, negative representations of disability is a form of discrimination as it creates barriers to complete citizenship for people who have a disability. Lots of stereotypes or images are associated with them and such labels have had negative influences on their education, portraying them as pitiable and pathetic, sinister or evil, tragic but brave, laughable, aggressive, burdens/outcasts, non-sexual and incapable of fully participating in everyday life⁶⁴.

This situation based on the Medical or individual model of disability, has negatively affected the way the group is treated in their communities, at job sites (for those who are fortunate to be employed), and in educational milieu. The model sees people with disabilities as patients or sick people, also sees disability as an individual problem that needs to be cured⁶⁵.

Following the World Report on Disability, the number of disabled people is increasing. This is because populations are ageing (older people have a higher risk of disability) and because of the global increase in chronic health conditions associated with disability, such as diabetes, cardiovascular diseases and mental illness. Other environmental factors, such as road accidents, natural disasters and conflicts also contribute to the increase in disability⁶⁶.

Despite being “the world's biggest minority”, people with disabilities are often forgotten. Most often, they encounter discrimination and exclusion from water and sanitation, healthcare, education, work, and community life. Though disabled people are among the poorest and most vulnerable, their needs are often overlooked by governments and by international organisations. Efforts to reduce poverty among them can only be effective if we include them in the governments, institutions and organisations⁶⁷.

Disabled people should be celebrated everyday just like we have International Day of People with disabilities. This celebration is undoubtedly an important day that increases public awareness, understanding and acceptance of the group⁶⁸. For people who have never interacted with a person affected by a mental or physical disability may envisage such exchange as intimidating or nerve-wracking. They might worry what to talk about or how to avoid staring. These concerns are understandable, but it is important to realise that disabled people should be treated the same as everyone else.

The most important part of interacting with someone who has a disability is seeing that person for whom he or she is, and not what disability that person has. What foretells is having a sense

⁶³ R. Momene, Negative stereotypes and attitudes linked to disability (2015) <https://atlascorps.org> (accessed August 31, 2022)

⁶⁴ Ibid

⁶⁵ Ibid

⁶⁶ Disability, the global image. <https://www.humanity-inclusion.org.uk/en/> (accessed August 31, 2022)

⁶⁷ Ibid

⁶⁸ IDPWD, <https://www.idpwd.com.au/stories/> (accessed September 2, 2022)

of disability awareness and disability etiquette⁶⁹. The fundamental issue to remember when interacting with disabled people is that they are humans. Their disability is just one of the many characteristics they have. They have the same needs as we all do. First, among them is to be treated with dignity and respect. Whilst interacting with disabled persons, focus on their abilities, not their disabilities. They are unique individuals who have a wealth of knowledge, skills, talents, interests, and experiences that add tremendous diversity, resourcefulness, and creative energy to our society. Remember, this population can do things in different ways from those not categorised as such, achieving the same outcomes⁷⁰.

People of diverse culture should be offered with Disability Equality Training (known as Disability Awareness or Disability Confidence Training) which is designed to provide arts organisations and professionals with the knowledge and tools required to help build a more diverse, equal and inclusive cultural sector for disabled people as artists, audiences and workers⁷¹. This will build confidence in disabled persons by giving them a sense of relief and inclusion.

However, an individual's disability can play a major role in his/her life if the person can overcome the challenges and develop confidence. As a society, we are bound to allow disabled people to experience a life they deserve. Though we are all different in nature, but very much alike at the same time.

The importance of disability awareness has been given prominence over the recent decades, making it easier for affected individuals and the society to develop empathy for one another. Disability awareness helps in subsiding the stereotypical mindset of the society, hence providing vast opportunities for everyone to get involved in creating a positive, inclusive society for all⁷².

*The World Bank, for example, states that: "One billion people, or 15% of the world's population, experience some form of disability, and disability prevalence is higher in developing countries. One-fifth of the estimated global total, or between 110 million and 190 million people, experience significant disabilities"*⁷³

⁶⁹Disability Etiquette, <https://www.vantagemobility.com/blog/disability-etiquette-dos-and-donts> (accessed September 2, 2022)

⁷⁰ Interacting people with disabilities, <https://www.dhs.state.il.us/page.aspx?item=32276> (accessed September 2, 2022)

⁷¹ Disability Equality Training, <https://www.shapearts.org.uk/news/training> (accessed September 9,2022)

⁷² N. Shigri, The Importance of Disability Awareness: Home and School <https://medium.com/arise-impact/the-importance-of-disability-awareness-home-and-school-eead2276f349> (accessed 9 September, 2022)

⁷³ Ibid

It is also stated that disabled people are more likely to experience a discriminatory attitude in the prevailing fields of education, health, social economy, employment and justice. Indeed, disability awareness is significant in educating the society regarding disability and how we as an individual can bring about the necessary changes. Learning acceptance is the fundamental of having an understanding approach to the disability awareness which hence can take place anywhere such as at home, school, workplace, health institutes, and other conspicuous places. However, we often see discrimination towards these persons and that can lead to the undesirable outcomes for communities. Therefore, for a better future, we must try to minimize the discriminating culture and promote disability consciousness through platforms for everyone, so that the foundation of empathy originates and helps in breaking social barriers⁷⁴. Disability consciousness can engender empathy, acceptance, respect for diversity, and other positive approaches to disabled people. There are millions of people dealing with some forms of disability and it is the duty of the society to help make their lives a better one, by contributing and promoting awareness through diverse media to amplify our voice⁷⁵

FINDINGS

In our study, we were able to discover the following:

1. Constructive and effective government rules that are capable of protecting and promoting the rights of disabled people are not available
2. Disabled people are not fully integrated into Nigeria's economy
3. The proviso for the construction of disability access in public buildings is about to elapse, yet significant changes are absent in extant routes and facilities.
4. There is no evidence that disabled Nigerians are in receipt of satisfactory social services.
5. Signs of a unanimous disability financial benefit system could not be found.
6. The 1993 Military Disability Decree had the term (enforcement). However, its absent in the current democratically enacted 2018 Disability Bill is a lacuna which might engender fine preference against compliance.
7. Nigerian government has concrete plans in place for ameliorating the lives of disabled people, but the latter remain ignored, forgotten and discriminated against.

CONCLUSION AND RECOMMENDATION

Conclusion

Research has shown that disabled Nigerians amount to 29 million people, an estimated 7% of household members above the age of five⁷⁶ This includes 9% of those who are 60 or older, who have some level of difficulty in at least one functional domain, seeing, hearing, communication, cognition, walking, or self-care; and 1% either having a lot of difficulty or cannot function at all in at least one domain⁷⁷. These individuals find it difficult to function in

⁷⁴ Ibid

⁷⁵ Ibid

⁷⁶ World Health Organization (2018), <https://openknowledge.worldbank.org/handle/10986/34073> (accessed September 14, 2022)

⁷⁷ Data from the 2018 Nigeria Demographic and Health Survey, Ibid

social activities due to physical or developmental conditions. There is no doubt that availability of requisite adjustment and special equipment would enable them lead more opportunely and productively. Nevertheless, these are unlikely to happen unless a precise understanding of disability is transversely held. As any given population would find it difficult to offer what it does not have, what is now left is how to make a society that discriminates against its disabled citizens achieve apt disability consciousness.

Recommendations

Nigerian government and its citizens appear not to be bothered about the marginal status of disabled people. Since officials of the former are still part of the latter, a sweeping disability enlightenment programme is likely to initiate the positive mindset that is required for governmental enforcement of any disability law and its social fulfilment. Of a truth, the potency of enforcement is not in doubt, but placing it before enlightenment looks like ‘putting the cart before the horse’. This could either make citizens who are ignorant of the law fall victims of unwarranted chastisement or result in delayed judicial verdicts which may adversely affect aggrieved individual’s mental health. If “justice delayed is justice denied” as people often say, enlightenment ought to precede enforcement which appears outlying. The Ombudsman, ab initio, described herein as an equality body that redresses disability discrimination affirmed this when it declared that the fulfilment of its decisions may be delayed⁷⁸. This lacuna calls for a proper disability consciousness enlightenment.

The National Orientation Agency (NOA) is generically known for communicating government policies across Nigeria. This is in addition to its responsibilities of promoting patriotism and providing networks for ascertaining citizens’ feelings⁷⁹. Whilst this document indicates that the dictum: “Do the right thing: transform Nigeria.” is reflected on the agency’s website as its motto, the task might be unattainable if apt connoisseurs are not involved in the process of ensuring the fulfilment of 2018 Nigerian Disability Act.

A sensitisation training has indeed been organised by NOA and the Centre for Citizens with Disabilities - CCD in respect of the mentioned statute⁸⁰. Based on the report that emanated from the event, NOA is now undertaking public enlightenment, values reorientation, and social mobilisation activities. Despite their claims of doing this through capacity building, media, and school engagements, nothing was said about the facilitating professionals. If we believe that disability discrimination persistence is bolstered by social misconceptions, we should equally concur that such customary resistance can hardly be disabused without intense competences. In recognition of this fact, guidance counsellors who are popular for their psychological re-engineering mediation skills are herein recommended as the most suitable professionals for this task.

It has been argued that guidance counselling is that revolutionary social change mechanism which has the capacity to work in favour of people who are experiencing discrimination or

⁷⁸ Access to justice, (2017).Nigeria – Action4Justice. https://nigeria.action4justice.org › legal_areas › other-non... (Accessed on 29 December 2022).

⁷⁹ National Orientation Society, (2015). “About us”. Archived 2015/01/06.

⁸⁰ National Orientation Agency of Nigeria and Centre for Citizens with Disabilities, (2022). NOA/CCD

exclusion⁸¹. Noting that attitudinal barriers that result in inequalities can only give way with a social reorientation, they went on to project that a broadcast synergy between guidance counselling practitioners and mass communicators would boost equal opportunities for all. There is, indeed, a strong evidence that radio is a favourable medium through which urban and rural populace can be appropriately and adequately reached with information⁸². Emphasising on the portability and accessibility of the device, the study continued by clarifying that radio broadcasts can actually disabuse both educated and uneducated persons from repugnant principles and practices. This, according to Agbakuribe, is accomplishable as: international and local radio stations now reach out to the public in diverse Nigerian dialects; radio sets can be battery-operated to receive signals in interior villages and farms devoid of electricity; and radio signals can be picked up via mobile phones. If guidance counselling professionals are co-opted in disability-orientation dissemination process, there would be an extensive propagation of what the concept (disability) actually represents.

Oluka and Egbo (2014), have affirmed the potency of guidance counselling in eliminating exclusion of disabled people. Further to their position that guidance counsellors are seen as key inclusion stakeholders In Nigeria and other developing countries, they then stated that the practitioners support people with disabilities and others not perceived as such to achieve: acceptance of differences, diversity of friendships, opportunities for cooperation, resourcefulness, creativity, and self-respect⁸³. Since guidance counsellors possess and employ Information, Orientation, Follow-up/Evaluation and other skills which could propel adjustment for disabled people⁸⁴, their involvement in NOA's capacity building, media and school disability consciousness enlightenments would no doubt make it easier for the unreached to be reached with appropriate and adequate disability consciousness enlightenment.

⁸¹ Agbakuribe, B. C. and Agbakuribe, E. O. (2021). Educational Inequality and Gendered Disability in Nigerian Community: what Guidance Counsellors and Mass Communicators must do for Concerned Pupils? *International Journal of Education, Learning and Development*, Vol. 9, No.1, pp.15-29, 2021. Print ISSN: 2054-6297(Print), Online ISSN: 2054-6300 (Online).

⁸² Agbakuribe, E. O. (2018). Identifying effective information source for road safety and crash reduction messages for Nigerian commercial drivers. A Dissertation submitted in partial fulfilment of the requirements for the Postgraduate MSc Degree in Journalism. School of Creative and Cultural Business, Robert Gordon University, United Kingdom. September 2018.

⁸³ Ugwoke S., Eseadi C., Ugwuanyi L. and Ikechukwu-Ilomuanya, A. (2015). Extending the role of guidance counselors to address quality assurance in inclusive schools in Nigeria. Vol. 12. Pp.265-271. *Teknologi Tanaman*.

⁸⁴ Agbakuribe, B. C. (2015). Visually-impaired and Mainstreaming in Nigerian Education: Counselling Intervention. *Abuja Journal of Education Faculty of Education University of Abuja, Nigeria*. Vol. 3 No. 1 pp.35-42.