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CONTENTS

ARTICLES

REFLECTIONS ON APPROACHES TO CONSTITUTIONAL INTERPRETATION IN BOTSWANA – *Obonye Jonas* 1

ASYMMETRICAL DEVOLUTION AND MANAGEMENT OF REGIONAL SPECIFICITIES OF CAMEROON'S ANGLOPHONE REGIONS: A HALF-SEIZED GOOD OPPORTUNITY – *Gatsi Tazo, Paul N. Simo, Esq* 42

THE PROTECTION OF DISABILITY RIGHTS UNDER THE NIGERIAN NATIONAL FRAMEWORK – *Barakat A Raji, Israel A Adeniyi, Dauda A Ariyoosu, Solomon O Afolabi, Ridwan O Olagunju-Ibrahim, John Ogedengbe, Imam A Ahmed* 75

THE SPIRITS AND THE LAW – THE ROLE OF SUPERSTITION LAWS IN MODERNITY IN KENYA AND SEYCHELLES – A LITERATURE REVIEW – *Michelle St.Ange-Ebrahim* 105

GREEN DIPLOMACY IN ACTION: NAVIGATING INTERNATIONAL LAW FOR KENYA'S SUSTAINABLE AVIATION FUEL TRANSITION – *Irene Maithya, William Kiema* 140

RETHINKING THE CONCURRENCY OF LEGISLATIVE COMPETENCE ON THE FREEDOM OF INFORMATION LAW OF NIGERIA – *President Ewemade Aigbokhan, Osaretin George Izevbuwa PhD, Rita Abhavan Ngwoke PhD*. 170

QUEL RÉGIME POUR L'IMPRÉVISION EN DROIT MAURICIEN DES CONTRATS? LES LEÇONS À TIRER DE LA RÉFORME DU DROIT FRANÇAIS DES OBLIGATIONS EN 2016 – *Goran Georgijevic*. 199

LA PROTECTION JURIDIQUE DES PERSONNES HANDICAPÉES EN MATIÈRE DE DROIT DU TRAVAIL AU CAMEROUN: ENTRE INCLUSION ET EXCLUSION – *Hako Mbouendeu Marie Solange* 220

OPINION: RETHINKING PFPAD: REFLECTIONS FROM THE THIRD GENERAL SESSION, FOR THE AFRICAN DIASPORA – *Chinaza K. Asiegbu* 246

EDITORIAL POLICY 273

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jcla@uct.ac.za

THE PROTECTION OF DISABILITY RIGHTS UNDER THE NIGERIAN NATIONAL FRAMEWORK

Barakat A Raji[*]
Israel A Adeniyi[**]
Dauda A Ariyoosu[***]
Solomon O Afolabi[****]
Ridwan O Olagunju-Ibrahim[*****]
John Ogedengbe[******]
Imam A Ahmed[*******]

Abstract

There were various reports and studies shown in 2021 indicating that the population of persons living with disabilities in Nigeria has exceeded 32 million. Generally speaking, the issues surrounding disability conditions and welfare are usually addressed as matters of welfare and charity. This attitude has precipitated the continued social exclusion and marginalisation of persons with disabilities in Nigeria. Nigeria has ratified the United Nations Convention on the Rights of Persons with Disabilities and its Optional Code. Another milestone in the country's efforts to promote disability inclusion and achieve sustainable improvement in the conditions of persons with disabilities was reached in January 2019, when it signed into law the Discrimination against Persons with Disabilities (Prohibition) Act. Despite the passage of these laws, people with disabilities continue to face discrimination, insecurity, violation of rights, stigmatisation, and lack of access to basic amenities daily. Silhouetted against this backdrop, this paper examines the extent of the protection of disability rights under the Nigerian legal regime. This paper employs a doctrinal and qualitative methodology of legal research in which relevant primary and secondary sources of legal materials are subjected to descriptive and content analysis. The paper then concludes with recommendations on how to achieve effective protection of disability rights in Nigeria.

Keywords: persons with disabilities; rights; protection; framework; Nigeria

[*] Associate Professor, Department of Jurisprudence and International Law, University of Ilorin, Nigeria.
[**] Nigerian Law School, Lagos.
[***] Associate Professor, Department of Business Law, University of Ilorin, Nigeria.
[****] Associate Professor, Department of Private and Property Law, University of Ilorin, Nigeria.
[*****] Reader, Department of Islamic Law, University of Ilorin, Nigeria.
[******] Lecturer II, Department of Jurisprudence and International Law, University of Ilorin, Nigeria.
[******] Lecturer II, Department of Jurisprudence and International Law, University of Ilorin, Nigeria.

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Résumé

Plusieurs rapports et études publiés en 2021 indiquent que la population des personnes handicapées au Nigéria dépasse les 32 millions. D'une manière générale, les questions relatives au handicap et au bien-être sont généralement abordées sous l'angle de l'aide sociale et de la charité. Cette attitude a précipité la poursuite de l'exclusion sociale et de la marginalisation des personnes handicapées au Nigéria. Le Nigéria a ratifié la Convention des Nations Unies relative aux droits des personnes handicapées et son protocole facultatif. Une autre étape importante dans les efforts déployés par le pays pour promouvoir l'inclusion des personnes handicapées et améliorer durablement leur situation a été franchie en janvier 2019, avec la promulgation de la loi sur l'interdiction de la discrimination à l'égard des personnes handicapées. Malgré l'adoption de ces lois, les personnes handicapées continuent d'être confrontées quotidiennement à la discrimination, à l'insécurité, à la violation de leurs droits, à la stigmatisation et au manque d'accès aux services de base. Dans ce contexte, le présent document examine l'étendue de la protection des droits des personnes handicapées dans le cadre du régime juridique nigérian. Cet article utilise une méthodologie doctrinale et qualitative de recherche juridique dans laquelle les sources primaires et secondaires pertinentes de documents juridiques sont soumises à une analyse descriptive et de contenu. L'article se termine ensuite par des recommandations sur la manière de parvenir à une protection efficace des droits des personnes handicapées au Nigeria.

Mots-clés: personnes handicapées; droits; protection; cadre; Nigeria

Introduction

Disability is a common phenomenon associated with socio-physical and psychological issues all over the world.[1] More than one billion people, who constitute around 15 per cent of the world's population, live with one form of disability or another. However, the distribution of the population of these people is more prevalent in some geographical locations such as Africa, the Middle East and Asia.[2] These people are ubiquitously referred to as persons with disabilities. People with disabilities are faced with

[1] Wojtyszyn, B. 'Urban Solutions in the Universal Planning of Residential Spaces for the Elderly and the Disabled' (2022) 32 *Civil and Environmental Engineering Reports* 72–95; Mocanu, L., Pradais, D. & Crina. C. 'Psycho-Pedagogical Characteristics of Children with Intellectual Disabilities' (2020) 15 *EIRP Proceedings* 362–367; Bretz, H.T. 'Discussing Harm without Harming: Disability and Environmental Justice' *Environmental Ethics* (2020); Grum, B. & Grum, K.D. 'Concepts of Social Sustainability Based on Social Infrastructure and Quality of Life' (2020) 38 *Facilities* 783–800.

[2] Ibrahim, AN. 'A Statistical Analysis of the Disability Problem and Its Social Impacts' (2021) 25 *International Journal of Entrepreneurship* 1–14; Abualghaib, O., et al. 'Making Visible the Invisible: Why Disability-Disaggregated Data is Vital to "Leave No-one Behind"' (2019) 11 *Sustainability* 3091.

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enormous social, attitudinal, physical and psychological challenges and barriers in their daily lives.[3]

A significant proportion of people with disabilities in Nigeria face severe discrimination, hardship, violence, stigma and inaccessibility to basic amenities such as housing, education and medical care.[4] The World Health Organization (WHO) in its Report shows that five per cent of adults with disabilities in Nigeria are literate, while more than ninety per cent of children with disabilities do not have access to primary education.[5] The conditions of these individuals are critical, as they are grossly discriminated against in banks, schools, communities, and various public places. They face so much ostracisation and neglect that they become exposed to negative socio-economic conditions such as low access to education, abject poverty, poor healthcare and a high rate of economic inactivity.

There is an incongruity in the population index of persons living with disabilities in Nigeria. According to the Report of the WHO on World Disability in 2011, approximately 25 million Nigerians are living with disabilities, constituting 15% of the country's population.[6] The Nigerian National Assembly, the country's central legislature, in 2013, estimated that roughly 20 million people are living with disability in the country.[7]

[3] Lund, M.E. 'Interpersonal Violence against People with Disabilities: Additional Concerns and Considerations in the COVID-19 Pandemic' (2020) 65 *Rehabilitation Psychology* 199; Marston, R.H. & Samuels, J. 'A Review of Age Friendly Virtual Assistive Technologies and Their Effect on Daily Living for Carers and Dependent Adults' (2019) 7 *Healthcare MDPI* 49; Ibekwe, S.C. & Aduma, O.C. 'Legislating Disability Integration in Employment: Comparing Legal Solutions from Nigeria, South Africa and the United States of America' (2019) 1 *International Journal of Comparative Law and Legal Philosophy* 94.

[4] Hayward, L., et al. 'Examination of the Short-Term Impact of a Disability Awareness Training on Attitudes toward People with Disabilities: A Community-Based Participatory Evaluation Approach' (2021) 37 *Physiotherapy Theory and Practice* 257–270; Ayub, O.A. 'Discrimination, Exploitation, Abuse and Neglect [DEAN] of Persons with Disabilities in Nigeria' (2021) 7 *International Journal of Sociology and Anthropology Research* 45; Ginis, M.A.K., et al. 'Participation of People Living with Disabilities in Physical Activity: A Global Perspective' (2021) 398 *The Lancet* 443–455.

[5] Igwesi-Chidobe, N.C., et al. 'World Health Organisation Disability Assessment Schedule (WHODAS 2.0): Development and Validation of the Nigerian Igbo Version in Patients with Chronic Low Back Pain' (2020) 21 *BMC Musculoskeletal Disorders* 1–14.

[6] World Health Organization (WHO), 'National Policy on Sexual and Reproductive Health and Rights of Persons with Disability, with Emphasis on Women and Girls' (June 2018) World Health Organization https://platform.who.int/docs/default-source/mca-documents/policy-documents/by-country/nga/nga-reviewed-national-policy-on--srh-of-persons-with-disability--especially-women----with-disabilities-1--vawx13-fu-rkfafah66ix7inw.pdf?Status=Master&sfvrsn=6685b216_2&utm_ [Accessed 14 February 2025].

[7] 14 Saran, A., White, H. & Kuper, H. 'Evidence and Gap Map of Studies Assessing the Effectiveness of Interventions for People with Disabilities in Low-and Middle-Income Countries' (2020) 16 *Campbell Systematic Reviews* 1070; Arimoro, E.A. 'Are they not Nigerians? The Obligation of the State to End Discriminatory Practices against Persons with Disabilities' (2019) 19 *International Journal of Discrimination and the Law* 89–109; Abubakar, R.I. & Aina A.Y. 'The Prospects and

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In 2021, the population of persons with disabilities in Nigeria soared to 32 million.[8] A survey of persons with disabilities in the Kogi and Niger states of Nigeria investigated the demographic characteristics of persons with disabilities, including gender, age, religion, education, occupation, employment, and economic status.[9] The disability survey indicated that the most common forms of disabilities are related to vision, mobility and hearing.[10] One-third of these cases involved individuals under the age of 21 who had no occupation. More than half of them also had no education or skills, while begging, subsistence farming and local trading were the common occupations.[11] Despite the large population of persons with disabilities in these states, they continually face stigmatisation and isolation, which exacerbate the level of hardship that they face.

Against this backdrop, there was an emergence of intense advocacy and a crusade for the protection of people with disabilities from neglect, discrimination, exploitation and abuse. There was a need to protect the rights of these special people. More than 170 countries, including Nigeria, ratified the United Nations Convention on the Rights of Persons with Disabilities.[12] In September 2010, Nigeria also ratified the Optional Code to the Convention. The ratification notwithstanding, there was still a noticeable level of poor treatment of people with disabilities in the country. Nine years later, Nigeria passed into law the Discrimination against Persons with Disabilities (Prohibition) Act, 2018. The Act enshrines the recommendations of the Convention on the Rights of Persons with Disabilities while providing legal remedies to victims of discrimination with disabilities.

In light of the foregoing, this paper examines the national framework for protecting disability rights in Nigeria. Section two discusses the legal

Challenges of Developing more Inclusive, Safe, Resilient and Sustainable Cities in Nigeria' (2019) 87 *Land Use Policy* 104105.

[8] Ibekwe, S.C. & Aduma, O.C. 'Disability Discrimination in Employment: Comparative Legal Solutions for Nigeria' (2020) 13 *Unizik Law Journal*; Bello, A. 'Enacting a Disability Law in Nigeria: a Call to Action' *Daily Trust* October 7 2021 available at https://dailytrust.com/enacting-a-disability-law-in-nigeria-a-call-to-action [Accessed 14 June 2025].

[9] Omiegbe, O. 'Poverty and Persons Living with Disabilities in Nigeria' in Etieyibo, E., et al. *Africa's Radicalisms and Conservatisms* (2021) 164–185; Part of the research conducted by the Leprosy Mission Nigeria; Ibekwe, S.C. & Aduma, O.C. 'Legislating Disability Integration in Employment: Comparing Legal Solutions from Nigeria, South Africa and the United States of America' (2019) 1 *International Journal of Comparative Law and Legal Philosophy* 10.

[10] Ibekwe, S.C. & Aduma, O.C. 'The Evolution of Disability Rights in Nigeria: Pitfalls and Prospects' (2019) 3 *African Journal of Law and Human Rights* 10.

[11] Ibid.

[12] Adeniji, O.A. *Rights-Based Appraisal of some aspects of Nigerian Mental Health Laws: Perspectives from the United Nations Convention* (Doctoral Dissertation, University of Saskatchewan, Saskatoon, 2024); Nigeria ratified the United Nations Convention on the Rights of Persons with Disabilities on March 30, 2007. The Convention is the first United Nations human rights convention to expressly and exclusively protect persons with disabilities. The Convention was drafted in December 2006 and came into force in May 2008.

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regime for protecting the rights of persons with disabilities in Nigeria. Section three examines the challenges that confront the protection of disability rights in Nigeria. Section four provides some recommendations for achieving effective protection of disability rights in Nigeria.

Methodology

This research employs a doctrinal methodology, a traditional approach to legal research that focuses on analysing legal principles, statutes, case law, and other legal texts, and is particularly suited for examining the legal framework surrounding disability rights in Nigeria. The primary sources examined in this study include the Constitution of the Federal Republic of Nigeria (1999, as amended), the Discrimination against Persons with Disabilities (Prohibition) Act (2018), and the United Nations Convention on the Rights of Persons with Disabilities (CRPD). These legal instruments form the backbone of Nigeria's legal framework for protecting the rights of people with disabilities. Additionally, relevant case law and judicial decisions were reviewed to understand how the courts have interpreted and applied these laws in practice. Secondary sources such as academic articles, books, reports, and policy documents were also analysed to provide context and deeper insights into the legal and socio-political challenges faced by persons with disabilities in Nigeria. These sources include scholarly works on disability rights, reports from international organisations like the WHO, and policy documents from the Nigerian government.

Conceptual clarification

The definition of disability can be deemed to be 'complex, dynamic, multidimensional and contested'.[13] Disability is an umbrella term encompassing impairment, activity limitation, and participation restriction.[14] Disability is a complex phenomenon that extends beyond health complications to encompass the interaction between a person's physical characteristics and the society in which they reside. Disability is defined as 'any condition or impairment (cognitive or intellectual, mental, physical, developmental, sensory, or a combination of multiple factors) that restricts a person from doing certain activities or interacting with the

[13] Hodkinson, A. & Williams-Brown, Z. 'Globalising and Localising Inclusive Education' 3–9, in Hodkinson, A. & Williams-Brown, Z. *International Issues in Send and Inclusion* (2022); Ghoshal, S. 'Concept of Disability – The Dynamic Trend' (2018) 9 *International Research Journal of Commerce Arts Science* 233–245; Farfal, P. 'How to Overcome Systemic Obstacles to Problem Solving of the Inclusion of Disabled People' 488–490, in Barile, S., et al. *Cybernetics and Systems: Social and Business Decisions* (2018).

[14] Tompa, E., Samosh, D. & Santuzzi, M.A. 'Guest Editorial the Benefits of Inclusion: Disability and Work in the 21st Century' Equality, Diversity and Inclusion: (2022) 41 *An International Journal* 309–317.

https://doi.org/10.47348/JCLA/v12/i2a3

world around them'.[15] Disability is, therefore, a condition that continually restricts a person's everyday activities. Disability can occur from birth or at any point during a person's lifetime.

Persons with disabilities are those who have long-term physical or mental impairment that has affected their abilities to perform activities, interact with others and effectively participate in society on an equal basis.[16] A person with a disability is also described as one with:

> ... a condition which is expected to continue permanently or for a considerable length of time which can reasonably be expected to limit the person's functional ability substantially, but not limited to seeing, hearing, thinking, ambulating, climbing, descending, lifting, grasping, rising, any related function or any limitation due to weakness or significantly decreased endurance so that he cannot perform his everyday routine, living and working without significantly increased hardship and vulnerability to everyday obstacles and hazards.[17]

Legal frameworks for the protection of the rights of persons with disabilities in Nigeria

The evolution of disability rights in Nigeria is traceable to various international human rights instruments, which have shaped the country's policies and laws regarding persons with disabilities. International instruments, such as the Universal Declaration of Human Rights (UDHR) of 1948 and the ILO Convention No. 15a on Vocational Rehabilitation and Employment of Persons with Disabilities (1983/85), initially influenced Nigeria's policies on the rights of its citizens with disabilities. The first indigenous legislation that was specifically targeted at persons with disabilities was the Nigerians with Disabilities Decree of 1993.[18]

[15] Ginis, A.K., et al. 'Participation of People Living with Disabilities in Physical Activity: A Global Perspective' (2021) 398 *The Lancet* 443–455.

[16] Article 2 of the Convention on the Rights of Persons with Disabilities identifies persons with disabilities as 'people who have long-term physical, mental, intellectual or sensory impairments which in interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'. Although the term 'disabled persons' has been criticised by international human rights scholars as being discriminatory in itself, the International Labour Organization (ILO) describes a disabled person as 'an individual whose prospects of securing, returning to, retaining and advancing in suitable employment are substantially reduced as a result of a duly recognized physical, sensory, intellectual or mental impairment'; see also ILO, 'Publications on Disability: Inclusion of Persons with Disabilities' available at http://www.ilo.org/skills/areas/inclusion-of-persons-with-disabilities/lang--en/index.htm. [Accessed 14 June 2025].

[17] Nigerians with Disability Decree, 1999, s 3, formerly known as the Nigerians with Disability Decree of 1993; Orabueze, A.I. & Omenugha, O. K. 'The Protection of the Rights of Persons with Disabilities under the Nigerian Disability Act: Whether A Fable,' Interdisciplinary *Journal of African & Asian Studies (IJAAS)* 9(2) 2023, 1–12.

[18] Adewale, H.G., Oluyomi, E.F. & Adebisi, R. O. 'Disability Act of 2019: A riposte for inclusion

https://doi.org/10.47348/JCLA/v12/i2a3

The Decree, although surrounded by controversy on its efficacy, saddled the government with the responsibility of ensuring the full integration of persons with disabilities into the mainstream of society.[19]

In Nigeria's current legal dispensation, the major laws governing the rights of persons with disabilities are the Constitution of the Federal Republic of Nigeria, 1999, as amended; the Discrimination against Persons with Disabilities (Prohibition) Act, 2018; and the United Nations Convention on the Rights of Persons with Disabilities. Some state laws cover disability-related issues.[20] There are also federal and state policies which address the rights of persons with disabilities.[21]

The Constitution of the Federal Republic of Nigeria, 1999

The Constitution of the Federal Republic of Nigeria, 1999, is the fundamental and supreme law of Nigeria. It is the highest law in Nigeria, and it is the foundation law on which every other law in Nigeria rests.[22] The Constitution, based on the lofty ideals outlined in its Chapter II, which contains the Fundamental Objectives and Directive Principles of State Policy, affords protection to individuals with disability. Section 17(2) and (3) of the Constitution provide thus:

of persons with special needs in Nigeria' *Journal of Educational Research in Developing Areas*, 2(1) 2021, 76–85; Brydges, C. & Mkandawire, P. 'Perceptions and experiences of inclusive education among parents of children with disabilities in Lagos, Nigeria' *International Journal of Inclusive Education*, 24(6) 2020, 645–659.

[19] Afolaranmi, E. 'The Legal Framework on the Rights of Persons Living with Disabilities in Nigeria,' 2021. *Available at SSRN 4217495;* Iwunze, V. & Kene-Unwana, I.T. 'Domestication of the Convention on the Rights of Persons with Disabilities in Nigeria: In Protection of Disability Rights or in Fulfillment of all Righteousness' *PPLRUNLAW Review*, 3(1) 2024; s 2(1) and (2) of Discrimination against Persons with Disability (Prohibition) Act, 2018.

[20] Harpur, P. & Stein, M.A. 'The UN Convention on the Rights of Persons with Disabilities and the global south' *Yale J. Int'l L.* 47 (2022) 75; Škorić, M. 'The twenty-first century – the beginning of a new era in the protection of human rights of persons with mental health disabilities' *Pravni vjesnik*, 36(1) 2020, 27–45; The convention on the rights of persons with disabilities: A commentary. Oxford Commentaries on Interna, 2018; Such as the Lagos State Special People's Law 2011; The Rights of Persons with Disabilities Law; Ekiti State 2012; Plateau State Disability Rights Law 2005; Bauchi State Disability Rights Law 2010; Nasarawa State Disability Right Law 2018; and Kwara State People with Disabilities (Amendment) Law, 2017.

[21] Russo, J.C. 'The rights to educational self-determination under the Individuals with Disabilities Education Act' (2019) 23 *International Journal of Inclusive Education* 546–558; These include the National Policy on Education 2016; the National Policy on Special Needs Education in Nigeria and Implementation Guidelines 2015; the National Policy on Disabilities (revised in 2018); the National Policy on Ageing; the National Health Policy 2016; National Strategic Health Development Plan 2018–2022; the National Action Plan for the Promotion and Protection of Human Rights in Nigeria 2017–2021; and the National Policy & Implementation Guidelines on Albinism in Nigeria, 2013.

[22] Malemi, E. *The Nigerian Constitutional Law* (2012) 157.

https://doi.org/10.47348/JCLA/v12/i2a3

1) In furtherance of the social order-
   a. Every citizen shall have equality of rights, obligations and opportunities before the law.
   b. The sanctity of the human person shall be recognised, and human dignity shall be maintained and enhanced.
2) The State shall direct its policy towards ensuring that-
   a. All citizens, without discrimination on any group whatsoever, have the opportunity for securing adequate means of livelihood as well as adequate opportunity to secure suitable employment.
   b. Provision is made for public assistance in deserving cases or other conditions of need.

The foregoing constitutional provisions ordinarily provide an ample basis for protecting the rights of the disabled and providing facilities to improve their accessibility to basic needs. Unfortunately, these provisions, though laudable, cannot be enforced in the courts of law because they are contained in Chapter II of the Constitution.[23] The above section is therefore a mere aspiration of the government that does not confer legal rights on the disabled.

Although there is nowhere in the Constitution where the disabled are mentioned, it can nevertheless be inferred that the provisions of Chapter IV of the Constitution, which contain fundamental human rights, also apply to persons with disabilities.[24] Importantly, s 42(2) provides that 'No citizen of Nigeria shall be subjected to any disability or deprivation merely by reason of the circumstances of his birth'. Nonetheless, before the courts of law, the waters on this provision are still largely untested.[25]

The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

Before the enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 (the Act), there was no comprehensive legislation protecting the rights of persons living with disabilities in

[23] Ankumah, E. A. 'The African Commission on Human and Peoples' Rights: Practices and Procedures' vol. 16, 2023, BRILL. This is because by virtue of s 6(6)*(c)* of the Constitution, the provisions in Chapter II are not legally enforceable and the courts of law are divested of the jurisdiction to entertain any matter bordering on these provisions. See *Adamu v. A.G. Borno State* (1996) 8 NWLR Pt. 465 at 203 CA; *Okogie v. A.G. Lagos State* (1981) 1 NCLR 218 HC, 2 NCLR 337 CA; *Dele Giwa v. IGP*, Unrep suit No: M/44/83 of 30/7/84.

[24] Jegede, O.A. & Shikwambane, P. 'Water "Apartheid" and the Significance of Human Rights Principles of Affirmative Action in South Africa' (2018) 13 *Water* 1104; it has been argued that persons with disabilities are entitled to the fundamental human rights just like persons without disability.

[25] Ibekwe, C. S. & Aduma, O. C. 'The Evolution of Disability Rights in Nigeria: Pitfalls and Prospects' (2019) 3 *African Journal of Law and Human Rights* 142.

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Nigeria.[26] The Act thus serves as the primary legislation on the status and protection of the rights of persons living with disabilities in Nigeria. It is a welcome and plausible development in Nigeria's legal regime for the protection of disability rights. By its explanatory memorandum, the Act provides for the 'full integration of persons with disabilities into the society and establishes the National Commission for Persons with Disabilities and vests in the Commission the responsibilities for their education, health care, social, economic and civil rights; and for related matters'. By implication of the Act, the National Commission for Persons with Disabilities (the Commission) is statutorily responsible for overseeing the inclusivity of persons with disabilities and improving their overall welfare by monitoring compliance with the Act's provisions by government agencies, parastatals, and public organisations.

The Act illegalises any act of discrimination based on one's physical, mental or sensory impairment.[27] It enables a person who is subjected to any discriminatory act on the grounds of his disability to institute a civil action against the offender, without prejudice to any conviction or acquittal.[28] Notably, the Act provides clarity to the rights of persons with disabilities in Nigeria.

Right of access to physical infrastructure

The Act guarantees persons with disabilities the right to access their physical environment, including buildings, premises, and infrastructure, on an equal basis with others.[29] The Act stipulates that the construction of any public building must include the necessary accessibility aids, such as lifts, ramps, and any other facilities usable by persons with disabilities.[30]

[26] Many writers have discountenanced this position in that there existed the *Nigerians with Disability Decree*, 1993. Some other legal writers have posited that the decree is of doubtful existence, as there is no record of it in the federal gazette. Similarly, there has been no record of instances of its enforcement.

[27] Chibike, A. & Nwankwo, M.C. 'Accessibility to Infrastructure and Disability Rights in Nigeria: An Analysis of the Potential of The Discrimination Against Persons With Disability (Prohibition) Act 2018' (2020) 46 *Commonwealth Law Bulletin* 689–710; s 1(2) of the Act criminalises the act of discrimination against a person with disabilities, as it is an offence liable upon conviction, to six months imprisonment or a fine of ₦100,000 (one hundred thousand Naira) or both imprisonment and a fine, for an individual. In case of a corporate body, the liability is a fine of ₦1,000,000 (One Million Naira).

[28] Warden, D. 'A Worsened Discrimination: How Exacerbation of Disabilities Constitutes Discrimination by Reason of Disability under Title II of the ADA and Sec. 504 of the Rehabilitation Act' (2018) 46 *SUL Rev*. 14; Binns, R. & Kirkham, R. 'How could equality and Data Protection Law Shape AI fairness for People with Disabilities?' (2021) 14 *ACM Transactions on Accessible Computing (TACCESS)* 1–32; Discrimination against Persons with Disabilities (Prohibition) Act, 2018; see s 1(3) of this Act.

[29] Prince-Oparaku, U. & Chuma-Umeh, N. 'Imperatives of Securing Equitable Access to Healthcare Services for Persons with Disabilities in Nigeria' *Afr. Disability Rts. YB*, 10 (2022) 41; see also s 3 of Discrimination against Persons with Disability (Prohibition) Act, 2018.

[30] Tesemma, S. & Coetzee, S. 'Manifestations of Spatial Exclusion and Inclusion of People with

https://doi.org/10.47348/JCLA/v12/i2a3

Similarly, all roadside walks, pedestrian crossings, and all other necessary special facilities made for public use shall be made accessible to and usable by persons with disabilities, including those in wheelchairs and the visually impaired.[31]

The Act provides for a five-year transitional period to implement modifications in all existing public buildings in Nigeria, enabling accessibility and use by persons with disabilities.[32] This provision is particularly commendable because the majority of existing structural designs of public buildings in Nigeria do not take into account accessibility for people with disabilities.[33] It presupposes that all building plans for any public structure be scrutinised by the relevant authority to enable accessibility to persons with disabilities.[34] In the event of the existence of any barrier to access of a person with disability to any public structure or environment, he has the right to notify the relevant authority to remove the barrier and make the environment accessible to him, without prejudice to his right to seek redress in court.[35]

Right of access to transport facilities

Given that transportation infrastructure remains largely inaccessible to people with disabilities, the Act mandates government transport service providers to make provisions for lifts, ramps, and other accessibility aids to enhance the accessibility of persons with disabilities to vehicles, parks, and bus stops.[36] Every public vehicle must possess a functional audible and visual display of its destination within five years of the commencement of the Act.[37] Suitable spaces shall also be marked and reserved for persons with disabilities at public parking lots.[38]

Disabilities in Africa' (2022) *Disability & Society* 1–24; see also s 4 of this Act of Discrimination against Persons with Disability (Prohibition) Act, 2018.

[31] See also s 5 of the Discrimination against Disability (Prohibition) Act, 2018.

[32] Arimoro, E.A. 'Nigeria's Legislation against Discrimination of Persons with Disabilities: An Assessment' in *Social, Educational and Cultural Perspectives of Disabilities in the Global South* (2022) *IGI Global* 55–67; see also s 6 of Discrimination against Persons with Disability (Prohibition) Act, 2018.

[33] Mogaji, E. & Nguyen, P.N. 'Transportation Satisfaction of Disabled Passengers: Evidence from a Developing Country' (2021) 98 *Transportation Research Part D: Transport and Environment* 1–15.

[34] Carty, C., et al. 'The First Global Physical Activity and Sedentary Behavior Guidelines for People Living with Disability' (2021) 18 *Journal of Physical Activity and Health* 86–93; Ginis, K.A.M., et al. 'Participation of people living with disabilities in physical activity: a global perspective' *The Lancet*, 398(10298) 443–455.

[35] Martin, C.B. & Honig, B. 'Inclusive Management Research: Persons with Disabilities and Self-Employment Activity as an Exemplar' (2020) 166 *Journal of Business Ethics* 553–575; see also s 8(1) of Discrimination against Persons with Disability (Prohibition) Act, 2018.

[36] Yujie, L., et al. 'Exploring Public and Private Transportation Accessibility in the Twin Cities Area' (2021) 4 *Minnesota Undergraduate Research & Academic Journal* 1; see also s 10(1).

[37] Dicianno, E.B., et al. 'Systematic Review: Automated Vehicles and Services for People with Disabilities' (2018) 761 *Neuroscience Letters* 136103; see also s 10(2) of Discrimination against Persons with Disability (Prohibition) Act, 2018.

[38] Tegeltija, S., Babić, M., Tarjan, L., Baranovski, I. & Stojanović, G. 'One solution for validation

https://doi.org/10.47348/JCLA/v12/i2a3

Seaports, railways and airport facilities are similarly required to be provided in consideration of the accessibility of persons with disabilities. The Act affords the relevant transportation bodies a transitory period of five years.[39] Safety procedures and relevant general information for the use of transportation facilities must also be translated into an accessible format appropriate to the person with the disability present.

These provisions are significant because the general attitude of Nigerians to transportation still portrays vivid discrimination against persons with disabilities. Providing access to transportation facilities for persons with disabilities will enhance their efficiency and help them meet employment requirements and access equal opportunities.[40]

Right to free education

In Nigeria, a major challenge in the disability issue is the inaccessibility to equal education opportunities for persons with disabilities. Although the right to equal education is a directive principle and a state policy in the Nigerian constitution, and is also found in various international instruments, such as the UDHR and other international conventions, the lack of access to equal education, especially for children with disabilities, remains profound. Learning experience for disabled children, especially, is poor when compared to the education of non-disabled children. This setback can be attributed to the inadequacy of funding and the lack of special educational facilities, which would enable students with disabilities to experience good learning and access equal educational opportunities.

The Act thus provides persons with disabilities with an unfettered right to education without discrimination or segregation.[41] They are entitled to free education to the secondary school level.[42] The Commission is

of legal usage of reserved parking spaces for people with disabilities,' in 2021 20th International Symposium Infoteh-Jahorina (INFOTEH) IEEE, 2021, 1–15; s 12(1) of Discrimination against Persons with Disability (Prohibition) Act, 2018.

[39] Arimoro, E.A. 'Nigeria's Legislation against Discrimination of Persons with Disabilities: An Assessment' (2021) in *Social, Educational, and Cultural Perspectives of Disabilities in the Global South* 55–67. IGI Global 10; s 13(3) of Discrimination against Person with Disability (Prohibition) Act, 2018.

[40] Nataša, R., et al. 'Measuring Disability Inclusion Performance in Cities Using Disability Inclusion Evaluation Tool (DIETool)' (2020) 12.

[41] Ikhide, E. 'Improving Access to Education for People with Disability in Nigeria' (2021); Bizibrains Okpeh, 'Impact of Digital Rights and Digital Rights Violations on Persons with Disabilities' available at SSRN 3931437 (2021); Okpeh, B. 'Impact of Digital Rights and Digital Rights Violations on Persons with Disabilities' (2021) available at SSRN 3931437; Umegbolu, S.C. 'Access to Justice for People with Disability in Nigeria: Therapeutic Day Care Centre (TDCC) as a Case Study' (2021) 7 *Athens JL* 265; Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, s 17; Aliyu, M.M. 'Rights of Persons Living with Disabilities under the Discrimination against Persons with Disabilities (Prohibition) Act 2018' *International Journal of Comparative Law and Legal Philosophy*.

[42] Russo, J.C. 'The Rights to Educational Self-Determination under the Individuals with Disabilities Education Act' (2019) 23 International Journal of Inclusive Education 546–558; s 17(2).

https://doi.org/10.47348/JCLA/v12/i2a3

also required to provide them with educational assistive devices.[43] The Act mandates all public educational institutions to have at least trained personnel to cater for the educational development of persons with disabilities, as well as special facilities for the effective education of persons with disabilities.[44] Similarly, subsidised education should be provided for special education personnel.[45]

The significance of this right is that providing quality education to people with disabilities will enable them to be on a par with people without disabilities in terms of job opportunities and the exhibition of their talents and potential.

Right to health and medical care

In line with the United Nations Standard Rules for Equalisation Opportunities, access to health and medical care is a precondition for equal opportunities.[46] Discriminatory attitudes of health service providers and lack of access to basic healthcare facilities are challenges people with disabilities face in Nigeria.[47] Lack of equitable health care and service proportionately affects the welfare, quality of life and productivity of persons with disabilities in Nigeria.[48]

[43] Okata, I. *Exploration of Nigeria's Discrimination Against Persons With Disabilities (Prohibition) Act, 2018-a legal Practitioner's perspective* (PhD Thesis, University of Manitoba, 2024) 1–138; Nalule, J.S. *State Obligation: Assessing the Impact of Article 4 of the UN Convention on the Rights of Persons with Disabilities on the Promotion and Protection of the Rights of PWDS in Uganda* 2008–2016 (PhD Diss, Makerere University, 2022); Wachira, A. *Access to Justice for Persons With Disability in Kenya: Interrogating the Adequacy of the Legal Framework* (PhD Diss., University of Nairobi, 2021).

[44] Omiegbe, O. 'Poverty and Persons Living with Disabilities in Nigeria' in *Africa's Radicalisms and Conservatisms* (2021):164–185; Ogunsakin, O.O. 'A Comparative Analysis of the Legal Regime for the Protection of the Rights of Disabled Persons in the UK and Nigeria' (PhD Diss, Faculty of Law, University of Ilorin, 2021); Cornelius-Ukpepi, B.U. & Opuwari, O. S. 'Determinants of Effective Implementation of Inclusive Education at the Basic Education Level in Nigeria' (2019) 7 *British Journal of Education* 34–44; s 18(1); Ogwezz, M.C. 'The Promotion and Protection of Rights of Persons with Disability in Nigeria: An Analysis of the Applicable Theories, Statute and Treaty Laws' (2019) 27 *Sri Lanka J. Int'l L.* 171.

[45] Kibria, N. & Becerra, S.W. 'Deserving Immigrants and Good Advocate Mothers: Immigrant Mothers' Negotiations of Special Education Systems for Children with Disabilities' (2021) 68 *Social Problems* 591–607; Adelakun, S.O. & Ajayi, O.M.A. 'Eliminating Discrimination and Enhancing Equality: A case for Inclusive Basic Education Rights of Children with Albinism in Africa' (2020) 29 *Nigerian Journal of Medicine* 244–251; Ezeani, N.C., et al. 'Towards Sustainable Development Goals: What Role for Academic Libraries in Nigeria in Assuring Inclusive Access to Information for Learners with Special Needs?' Conference Paper (2017); s 19 of the Persons with Disabilities Act.

[46] Shirley, G. 'The Link between the Right to Live Independently and to Be Included in the Community for Persons with Psychosocial Disability, and the Right to Work and Employment: A Critical Analysis of Kenyan Law' (2020) 8 *Afr. Disability Rts.YB* 101; Giustini, A. 'Unify actors around the concepts of "functioning" and "habilitation" to ensure full participation and Inclusion for all' in World Congress on Rehabilitation *World Congress Rehabilitation*, 1(1) 2024.

[47] Ayub, O.A. & Jimoh, A.R. 'Barriers in Accessing Healthcare Services by Patients with Disabilities in Nigerian Hospitals' (2021) 4 *Gusau International Journal of Management and Social Sciences* 17–17.

[48] Yuanyuan, D. 'Medicare for People with Disabilities, (2022): 3135–3140, in Gu, D. & Dupre,

https://doi.org/10.47348/JCLA/v12/i2a3

Notably, the Act provides that the government shall guarantee unfettered access to adequate healthcare for persons with disabilities, without discrimination based on disability.[49] Persons with mental disabilities are also entitled to free medical and health services in all public institutions in Nigeria.[50] Hospitals are also required to make provision for special communication for persons with communication disabilities.[51]

Right of first consideration

Given the special nature of persons with disabilities, optimum treatment should be given to them in the delivery of services and in the performance of general activities. The Act accords persons with disabilities the right of first consideration. For instance, in queues, individuals with disabilities should be given priority and attended to outside the queue.[52] In cases of risk, violence, emergencies and occurrences of natural disasters, necessary steps should be taken to swiftly ensure the safety and protection of persons with disabilities in cognisance of their peculiar vulnerability.[53] In the provision of accommodation, employment and other essential services, persons with disabilities shall be given first consideration.[54]

E.M. *Encyclopedia of Gerontology and Population Aging* (Springer International Publishing); Oduwole, E.A. 'The State of Disability in Nigeria: How Society Responds to Persons with Cerebral Palsy' (2019); Nwankwo, I.U.P. 'Integration of Medical and Social Models of Disability: The Panaecia for Wholesome Care of Persons with Disability in the Nigerian Society' (2018) 6 *European Journal of Research in Social Sciences* 30–34; Ajuwon, M.P. 'Disabilities and Disability Services in Nigeria: Past, Present and Future' 133–50, in Hanes, R., Brown, I. & Hansen, E.N. *The Routledge History of Disability* (2017).

[49] Aliyu, M.M. 'Rights of Persons Living with Disabilities Under the Discrimination Against Persons with Disabilities (Prohibition) Act 2018' (2020) 1 *International Journal of Comparative Law and Legal Philosophy* (IJOCLLEP); Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, s 21(1).

[50] Ibid, s 21(2) of the Act, 2018; Owoade, P., et al. 'Impact of Intellectual Disability on the Family Economy in Calabar, Cross River State, Nigeria' (2020) 8 *Journal of Intellectual Disability-Diagnosis and Treatment* 254–261; Kamga, D.S. 'Disability rights in South Africa: Prospects for their Realisation under the White Paper on the Rights of Persons with Disabilities' (2016) 32 *South African Journal on Human Rights* 32, 569–580.

[51] Regi, A., et al. 'Guidance for the Treatment and management of COVID-19 among people with intellectual disabilities' (2020) 17 *Journal of Policy and Practice in Intellectual Disabilities* 256-269; ibid at s 23 of the Disabilities Act, 2018.

[52] Section 26(1); any person who contravenes this provision is liable on conviction to a fine of N50, 000 (fifty thousand naira) or a term of six months imprisonment or both, by virtue of s 26(2); Umegbolu, S.C. 'Access to Justice for People with Disability in Nigeria: Therapeutic Day Care Centre as a Case Study (TDCC)' (2021) 6 *Social and Legal Studies* 1–29.

[53] Ibid at s 25; Ogbonna, U. *Mitigating Situational Disabilities in Information Systems for Situational Awareness in Flood Situation with Universal Design* (Master's thesis, OsloMet-storbyuniversitetet, 2022).

[54] Section 27; Blunden, R. 'Quality of Life in Persons with Disabilities: Issues in the Development of Services 1' 37–55, in Brown, I.R. *Quality of Life for Handicapped People* (2021).

https://doi.org/10.47348/JCLA/v12/i2a3

Prohibition of the use of persons with disabilities in soliciting for alms

Not only are people living with disabilities in Nigeria daily subjected to discrimination, but they have also been relegated to an unfavourable societal background. They do not have equal access to economic and job opportunities like people without disability. Therefore, their conditions are exploited to get sympathy from the public in the form of solicitation for funds. Conversely, to make ends meet, they have to resort to begging for alms. The Act emphatically prohibits the employment, use, or involvement of persons with disabilities in soliciting alms or for the purpose of begging.[55] Any person found wanting with respect to that provision will be liable on conviction to a fine of N100,000 (one hundred thousand Naira) or a term of six months imprisonment or both.[56]

Equal right to work

In Nigeria, disability can constitute a barrier to accessing employment opportunities. It is usually both a cause and a consequence of poverty.[57] Employment policies and attitudes of employers still reflect a profound discrimination against persons with disability in terms of employment. The Act therefore provides persons with disabilities with the right to work on an equal basis with persons without disabilities, as well as the opportunity to gain a living by work, freely chosen or accepted in a labour market or work environment that is open.[58] All employers of labour in the public sector are also required to have persons with disabilities constituting at least five per cent of their workforce.[59]

[55] Section 16(1); Amanze N. & Nkhoma, S. (eds) *Disability is not Inability: A Quest for Inclusion and Participation of People with Disability in Society* (2020).

[56] Section 16(2); Aliyu, M.M. 'Rights of Persons Living with Disabilities under the Discrimination against Persons with Disabilities (Prohibition) Act 2018' (2020) 1 *International Journal of Comparative Law and Legal Philosophy (IJOCLLEP).*

[57] Ikutegbe, P., Randle, M., Sheridan, L., Gordon, R. & Dolnicar, S. 'Factors and key interactions influencing successful employment outcomes for people with disabilities' (2024) 62 *Asia Pacific Journal of Human Resources* 1; Refilwe, E., Dada, S.M. & Bornman, J. 'Barriers to and Facilitators of Employment of Persons with Disabilities in Low-and Middle-Income Countries: A Scoping Review,' 2021 10 *African Journal of Disability*.

[58] Discrimination against Persons with Disabilities (Prohibition) Act, s 28(1); the section also prescribes the penalty for an offender upon conviction to nominal damages of a minimum amount of N250, 000 (two hundred and fifty thousand Naira) to be paid as compensation to the aggrieved person with disability; Blattner, E.C. 'Right to Work or Refusal to Work: Disability Rights at a Crossroads' (2021) 36 *Disability & Society* 1375–1398; Carmichael, F. & Clarke, H.C. 'Why work? Disability, family care and employment,' (2022) 37 *Disability & Society* 765–786.

[59] Section 29; Goodman, N., Deane, S., Hyseni, F., Soffer, M., Shaheen, G. & Blanck, P. 'Perceptions and bias of small business leaders in employing people with different types of disabilities' (2024) 34 *Journal of Occupational Rehabilitation* 359–372; Roszewska, K. 'The Implementation of the Rights of Persons with Disabilities to Employment on the Basis of the Convention on the Rights of Persons with Disabilities (CRPD)' (2019) *Bialstockie Studia Prawn* 91.

https://doi.org/10.47348/JCLA/v12/i2a3

Political rights

The Nigerian constitutional framework does not emphasise the inclusion of persons with disabilities in political and public affairs. When compared to other jurisdictions, the Nigerian Constitution does not specifically provide for the protection of the political rights of persons with disabilities; however, inferences can be drawn from the general rights outlined in Chapter IV of the Constitution.[60] As a result, the level of activity of persons with disabilities in government, political and public affairs in Nigeria is abysmally low.

The Act therefore provides for the full participation of persons with disabilities in politics and public life.[61] The government is required to actively promote an environment in which persons with disabilities can effectively and fully participate in the conduct of public affairs, as well as in the activities and administration of non-governmental organisations concerned with the public and political life of the country, and in the activities and administration of political parties.[62]

The United Nations Convention on the Rights of Persons with Disabilities (CRPD)

Subsequent to increasing global clamours for the propagation of the rights of vulnerable persons as well as the need to provide a comprehensive legal framework for the protection of the rights and dignity of persons with disabilities, the United Nations General Assembly adopted the Convention on the Rights of Persons with Disabilities by a resolution on 24 January 2007. Since the Convention's adoption, more than 170 countries, including Nigeria, have ratified it. As the first international treaty aimed at protecting the rights of people with disabilities, the Convention remains a crucial component of Nigeria's national framework for protecting disability rights.

[60] See Constitution of the Federal Republic of Nigeria, 1999, s 40; jurisdictions like Kenya, Malawi, and Uganda have *sui generis* provisions on the political inclusion of persons with disabilities in the political affairs of these countries; see also Constitution of Kenya, 2008, art 82(2)–(9); Constitution (Malawi), s 68(2)*(i)*; Ogwezzy, M.C. 'The Promotion and Protection of Rights of Persons with Disability in Nigeria: An Analysis of the Applicable Theories, Statute and Treaty Laws' (2019) 27 *Sri Lanka J. Int'l L.* 171; Animashaun, O. & Howard, C. 'A Legal Analysis of the Protection of the Rights of Persons with Disabilities During the COVID-19 Pandemic in Nigeria' (2022) 1 *African Journal of Legal Studies* 1–24.

[61] See Discrimination against Persons with Disabilities (Prohibition) Act, s 30(1); Parmenter, R.T. 'An Analysis of the Dimensions of Quality of Life for People with Physical Disabilities' 7–36, in Brown, I. *Quality of Life for Handicapped People* (2021).

[62] Chand, B.O. & Uprety, S. 'Participation of People with Disabilities in the Decision-Making Process in Nepal: Rhetorics and Realities in a Politically Changed Context' 242–263, in Premat, E.C. *Direct Democracy Practices at the Local Level* (2022); Salha, A.R.' Towards Smart, Sustainable, Accessible and Inclusive City for Persons with Disability by Taking into Account Checklists Tools' (2020) 12 *Journal of Geographic Information System* 348–371; ibid at s 30(2).

https://doi.org/10.47348/JCLA/v12/i2a3

The purpose of the Convention is to 'promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity'.[63] The Convention is based on the general principles of:

> …respect for inherent dignity, individual autonomy including the freedom to make one's choices, independence of persons; non-discrimination of PWDs; full and effective participation and inclusion in society; respect for difference and acceptance of PWDs as part of human diversity, equality of opportunity, accessibility and respect for the evolving capacities of children with disabilities and respect for the right of children with disabilities to preserve their identities.[64]

Notably, the Convention stipulates general obligations for state parties to ensure the full guarantee of the human rights of persons with disabilities. Nigeria, as a signatory to the Convention, has undertaken to carry out these obligations.[65] It can be said that the provisions of the Discrimination

[63] Convention on the Rights of Persons with Disabilities, art 1; Suwandoko, S. & Rihardi, A.S. 'Legal Reform for the Fulfilment of Disabilities Human Rights' (2020) 6 *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 217–224; Watson, J., et al. 'Human Rights for People with a Disability' 116–124, in McKay, F. & Taket, A. *Health Equity, Social Justice, and Human Rights* (2020).

[64] Ibid at art 3; Liu, H. 'Rights of Persons with Disabilities' 181–201, in Liu, H. *China's Road to Human Rights Development* (2022); Ridwan, A. 'The International Law Principle for People with Disabilities: Analyzing Access to Justice' (2021) *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 371–404; Matthew, B., et al. 'Vietnam and Disability Rights: Perspectives at the Time of Ratification of the UN Convention on the Rights of Persons with Disabilities' (2021) 68 *International Journal of Disability*, *Development and Education* 717–733; Ogunsakin, O.O. *A Comparative Analysis of the Legal Regime for the Protection of the Rights of Disabled Persons in the UK and Nigeria* (PhD Diss, Faculty of Law, University of Ilorin, Ilorin, Nigeria, 2021); Gutterman, A. 'Convention on Human Rights of Older Persons' (2021) Available at SSRN 3876618; Etieyibo, E. 'Rights of Persons with Disabilities in Nigeria' *Afrika focus* 33 (2020) at 59–81; Watson, J., et al. 'Human Rights for People with a Disability' 116–124, in McKay, F. & Taket, A. *Health Equity, Social Justice, and Human Rights*, (2020); Makuwira, J. 'Disability-inclusive Development' (2022) 480–492, Sims, K., et al. (eds) in *The Routledge Handbook of Global Development*; Nisco, M.C. 'Disability in EU's institutional discourse: An analysis of terminology' *Terminology*, 30(1) 2024, 107–133.

[65] They are:

(a) To adopt all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the present Convention;
(b) To take all appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs and practices that constitute discrimination against persons with disabilities;
(c) To take into account the protection and promotion of the human rights of persons with disabilities in all policies and programmes;
(d) To refrain from engaging in any act or practice that is inconsistent with the present Convention and to ensure that public authorities and institutions act in conformity with the present Convention;
(e) To take all appropriate measures to eliminate discrimination on the basis of disability by any person, organization or private enterprise;
(f) To undertake or promote research and development of universally designed goods, services, equipment and facilities, as defined in the article 2 of the present Convention, which should require the minimum possible adaptation and the least cost to meet the specific needs of a person with disabilities, to promote their availability and use, and to promote universal design in the development of standards and guidelines;
(g) To undertake or promote research and development of, and to promote the availability and use of new technologies, including information and communications technologies, mobility aids, devices and

https://doi.org/10.47348/JCLA/v12/i2a3

against Persons with Disabilities (Prohibition) Act, 2018, are largely influenced by the Convention. Most of the rights provided under the Convention have been encapsulated in the Act.[66] A major criticism of the Convention's effectiveness as a legal framework for protecting disability rights in Nigeria is its unenforceability. Although Nigeria has ratified the Convention and its Optional Code, neither is legally enforceable or binding.

By virtue of s 12 of the Constitution of the Federal Republic of Nigeria, no treaty signed by Nigeria shall have the force of law except if the National Assembly has domesticated such treaty. Mere ratification of the Convention does not vest legal enforceability in it.[67] Unless the Convention is domesticated, it cannot be legally enforced to promote or protect the rights of people living with disabilities in Nigeria.

Challenges facing the protection of disability rights in Nigeria

Notwithstanding the plethora of laws and policies on the protection of disability rights in Nigeria, people with disabilities still face myriad problems which signal their continued exclusion and discrimination. Some of these major challenges are discussed below.

Lack of awareness of disability rights remains a great challenge facing the protection of disability rights in Nigeria.[68] Despite the formulation of various policies and the recent enactment of the Discrimination against Persons with Disabilities (Prohibition) Act, which provides for

assistive technologies, suitable for persons with disabilities, giving priority to technologies, suitable for persons with disabilities, giving priority to technologies at an affordable cost;

(h) To provide accessible information to persons with disabilities about mobility, aids, devices and assistive technologies, including new technologies, as well as other forms of assistance, support devices and facilities; and

(i) To promote the training of professionals and staff working with persons with disabilities in the rights recognized in this Convention as to better provide the assistance and services guaranteed by those rights.

[66] Similarly, the Convention provides for the right of accessibility under art 9, the right to education under art 24, the right of work and employment under art 27, the right to participate in political and public life under art 29, amongst others; De Beco, G. 'The indivisibility of Human Rights and the Convention on the Rights of Persons with Disabilities' (2019) 68 *International & Comparative Law Quarterly* 141–160; Ogwezzy, M.C. 'The Promotion and Protection of Rights of Persons with Disability in Nigeria: An Analysis of the Applicable Theories, Statute and Treaty Laws' (2019) 27 *Sri Lanka J. Int'l L.* 171.

[67] It was not until the African Charter on Human and Peoples' Rights, 1982, was domesticated before it could be enforced in the courts of law; see also see *Abacha v Fawehinmi* (2000) LPELR-SC 45/1997; Adigun, M. 'The Process of Giving Domestic Effect to Treaties in Nigeria and the United States' (2019) 6 *Journal of Comparative Law in Africa* 85–114.

[68] Shaw, J., et al. 'Achieving Disability Inclusive Employment – Are the Current Approaches Deep Enough?' (2022) 34 *Journal of International Development* 942–963. Durojaye, E. & Mirugi-Mukundi, G. *Exploring the Link between Poverty and Human Rights in Africa* (2020); Amucheazi, C. & Nwankwo, C.M. 'Accessibility to infrastructure and disability rights in Nigeria: An analysis of the potential of the discrimination against persons with disability (prohibition) act 2018' (2020) 46 *Commonwealth Law Bulletin* 689–710; Ukoh, F.N., Ukoh, E.C., & Nwanzi, J. 'Ability in Intellectual Disability: The Culture of Inequality in Nigeria and Other Jurisdictions' *Advances in Social Sciences Research Journal,* 10(9), 2023.

https://doi.org/10.47348/JCLA/v12/i2a3

legally enforceable rights of persons with disabilities, little knowledge of their rights is held by persons with disabilities. Ignorance of these rights stymies the enforcement and protection of their rights. Unfortunately, the Commission responsible for promoting and protecting these rights has not done enough to create awareness of them.

Lack of implementation poses a threat to the full realisation of the protection of the rights of people living with disabilities in Nigeria. Nigeria has a comprehensive legal framework for the protection of people with disabilities, yet there is little to show in terms of the enforcement of these laws. Cases of actions instituted to enforce these rights are sparse. In the same vein, three years after the commencement of the Discrimination against Persons with Disabilities (Prohibition) Act, there is still a low level of compliance with its provisions by public organisations and corporate bodies regarding infrastructural accessibility and employment. The Act provides for a five-year transitional period to modify the structural designs of public buildings, ensuring accessibility for persons with disabilities.[69] There is yet to be noticeable compliance with this important provision.

A lack of political will hinders the protection of disability rights in Nigeria. Since the ratification of the Convention on the Rights of Persons with Disabilities in 2006, the Convention has yet to be domesticated so as to enable its legal enforceability.

Similarly, more than two-thirds of states in Nigeria have yet to have a disability law.[70] The majority of these states have yet to domesticate the recently enacted Discrimination Against Persons with Disabilities (Prohibition) Act. Generally, there is a lacklustre attitude in the government and its agencies regarding the implementation and protection of disability rights.

[69] Discrimination Against Persons with Disabilities (Prohibition) Act, 2018; see also s 6; Ikeatu, G.E. 'The Legal Framework for Persons Living with HIV and other Disabilities in Nigeria: An Appraisal' (2022) 13 *Nnamdi Azikiwe University Journal of International Law and Jurisprudence* 96–103; Arimoro, E.A. 'Nigeria's Legislation Against Discrimination of Persons With Disabilities: An Assessment' in *Social, Educational, and Cultural Perspectives of Disabilities in the Global South* (2021) 55–67; Amucheazi, C. & Nwankwo, C.M. 'Accessibility to Infrastructure and Disability Rights in Nigeria: An Analysis of the Potential of the Discrimination against Persons with Disability (Prohibition) Act 2018' (2020) 46 *Commonwealth Law Bulletin* 689–710.

[70] Musa, W. '31 million PLWDs suffer as 23 States Neglect Disability Rights' 3 December 2021. *The Guardian*. Available at https://guardian.ng/news/31-million-plwds-suffer-as-23-states-neglect-disability-rights/ [Accessed 14 June 2025]; Olaitan, F. *Victimisation experiences and coping strategies of women with disabilities in Lagos State* (Doctoral dissertation, 2021); Arowolo, G.A. 'Protecting women from violence through legislation in Nigeria: Need to enforce anti-discrimination laws' *International Journal of Discrimination and the Law* 20(4), (2020) 245–288. Fubara-Manuel, J. & Ngwobia, M.J. 'Women with Disabilities, Peacebuilding and Development in Adamawa State, Nigeria' 124–135 in Chitando, A. (ed) *Women and Peacebuilding in Africa* (2020).

https://doi.org/10.47348/JCLA/v12/i2a3

Discussion

The findings of this research reveal that while Nigeria has made significant strides in establishing a legal framework for the protection of disability rights, several challenges persist in the implementation and enforcement of these laws. The enactment of the Discrimination against Persons with Disabilities (Prohibition) Act in 2018 marked a pivotal moment in Nigeria's efforts to promote disability inclusion. The Act provides comprehensive provisions aimed at eliminating discrimination, ensuring accessibility, and promoting the socio-economic rights of persons with disabilities. However, the effectiveness of this legislation is hindered by several factors, including a lack of awareness, poor implementation, and insufficient political will.

The Nigerian Constitution, while not explicitly mentioning disability rights, provides a general framework for equality and non-discrimination. However, the provisions in Chapter II of the Constitution, which address socio-economic rights, are non-justiciable, meaning they cannot be enforced in court. This limitation significantly weakens the legal protection available to persons with disabilities, as they cannot rely on these provisions to seek redress for violations of their rights. The Discrimination against Persons with Disabilities (Prohibition) Act, on the other hand, offers more specific protections, including the right to access physical infrastructure, transportation, education, and healthcare. Despite these provisions, the Act has not been fully implemented, and many public buildings and transportation systems remain inaccessible to persons with disabilities.

One of the most significant challenges facing the protection of disability rights in Nigeria is the lack of awareness among both the general public and persons with disabilities themselves. Many individuals are unaware of their rights under the law, which limits their ability to seek redress when these rights are violated. Additionally, there is a lack of political will to enforce the provisions of the Act, particularly at the state level, where many states have yet to enact their own disability laws or domesticate the federal Act. This lack of enforcement is further exacerbated by the absence of a robust monitoring and evaluation mechanism to ensure compliance with the law.

Beyond the legal framework, socio-cultural attitudes towards disability in Nigeria continue to pose significant barriers to the inclusion of persons with disabilities. Stigmatisation, discrimination, and negative stereotypes are prevalent, leading to the social exclusion and marginalisation of persons with disabilities. These attitudes are deeply entrenched and require sustained advocacy and public education campaigns to change. The role of non-governmental organisations (NGOs) and civil society in raising awareness and advocating for the rights of persons with disabilities

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cannot be overstated. However, their efforts are often hindered by limited resources and a lack of government support.

Recommendations

- Given the general negative attitudinal dispositions to disability, which worsen the level of discriminatory practices against persons with disabilities, there is a need for both the government and non-governmental organisations to intensify advocacy and reorientation programmes to reduce to the barest minimum the negative perceptions of disability by the public.
- The government and the relevant stakeholders should intensify sensitisation of people with disabilities on their rights.
- The government should make more policies that mainstream the inclusion and participation of persons with disabilities in the relevant sectors of the economy.
- To guarantee the full protection of disability rights in Nigeria, there must be a favourable political will by the government. Domestication of the CRPD will go a long way to complement the Discrimination against Persons with Disabilities (Prohibition) Act in ensuring the maximum realisation of the protection of disability rights in Nigeria. At the state level, disability laws should be prioritised and enacted swiftly.
- The paucity of studies on disabilities and the incongruity of the population index of persons with disabilities in Nigeria constitute setbacks to the protection of disability rights. Improving research and study on disabilities in Nigeria will help the government develop adequate policies for the provision of welfare and assistive devices to people with disabilities, as well as garner support and aid from the international community.

Conclusion

There is an increasing global trend of advocacy for adequate legal protection and equal treatment of persons with disabilities. The enactment of the Discrimination against Persons with Disabilities (Prohibition) Act, 2018, is, undoubtedly, a significant step in Nigeria's direction towards achieving social justice and inclusion for persons with disabilities. Notwithstanding the commendable provisions of the Act, the lack of implementation will render it no different from previous disability legislations that have been ineffective. It therefore behoves the government to put in place enforcement and monitoring mechanisms to foster the improvement of the welfare of persons with disabilities and the protection of their rights.

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Author contributions

The first and second authors jointly conceived and drafted the paper. The third and fourth authors contributed to the literature review and analysis. The fifth and sixth authors contributed to the doctrinal and comparative analysis. The seventh author provided editorial support and verified citations. All authors read and approved the final manuscript.

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The *Journal of Comparative Law in Africa* (JCLA) aims to promote indigenous African scholarship. It targets researchers, practitioners, and policy makers interested in theories and practice of law in Africa.

The JCLA primarily seeks to publish rigorous research in the field of comparative law in Africa and for this purpose, comparative law is broadly defined to cover public and private law involving more than one jurisdiction.

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All manuscripts submitted to the JCLA must adhere to the specifications and general guidelines below. Article length must be between 8 000–12 000 words, inclusive of footnotes, and must be submitted with an abstract of 100–250 words. Notes and Comments on recent developments such as new judgments and legislation must be between 3 000–5 000 words, inclusive of footnotes. Book reviews must not exceed 2 000 words. Manuscripts that do not comply with these rules may be rejected by the editorial board and will then not proceed to peer review.

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Title	This should be succinctly worded.
Abstract	The abstract sets out objectives, research design and methods, main results and findings, conclusion and contribution to the body of knowledge.
Keywords	Five to eight words covering the principal themes and geographic focus of the paper.

Item	Description
Title page	This must contain the full title of the paper, full names, affiliation, address and contact information of all authors. Corresponding author should be marked with an asterisk (*).
Body	Appropriate headings and subheadings to be used to segment the manuscript for enhanced readability.
Length	The manuscript length, including abstract and footnotes, but excluding bibliography, must be no less than 8 000 and no more than 12 000 words.
Headings: style	Times New Roman 12, Bold, Justified, 1.5 spacing, Sentence case.
Headings: numbering	Headings and subheadings not to be numbered.
Footnotes	Times New Roman 10, Justified. Endnotes must **not** be used for reference, clarification or any other purpose.
Tables and figures: placement	Tables and figures to be applied in the text, as close as possible to the appropriate discussion.
Tables and figures: numbering	Tables and figures to be numbered consecutively in Roman numerals (i, ii, iii, iv …. v, etc).

Item	Description
Tables and figures: titles	Place titles of tables and figures **outside** and **above** the actual table or figure.
Tables and Figures: Captions	Table and figure captions should be placed above the table, and sources below the figure or table.
Bibliography	All publications cited in the text are to be included in the list of references. Authors must ensure that the spelling of names and dates in the text match the corresponding entries in the list of references.
Referencing style	The JCLA uses the *South African Law Journal* referencing style, accessible at https://www.jutajournals.co.za/wp-content/uploads/2020/09/JCLA_2019_Style-Guide.pdf
Citations	Use of recent publications is encouraged.
Quotations	Indented and no quotation marks if there are 30 words or more.
Quotation marks	Use single quotation marks (double if quoting within a quote).
En dashes	Use for pages ranges, etc (typed by pressing the CTRL and minus sign key simultaneously, leaving no spaces around it) eg 2000–2001.
Numbers	Use words for numbers one to ten; thereafter use numerals. Use spaces not commas between hundreds, thousands and millions, eg 1 000 and 1 000 000, **not** 1,000 and 1,000,000. Use a decimal point for numbers, not comma, eg 2.5 **not** 2,5.

ii. Language Guide

Item	Description
Prescribed Language	Ensure UK English or SA English is selected in spell check.
Common Errors	**Language and spelling** Among (not amongst); while (not whilst) Data – must be treated as a collective noun with singular verb eg 'The data shows …', not 'the data show …' Human resource management (not resources) UK (for the United Kingdom) USA (for the United States of America).

Contact Email: **jcla@uct.ac.za**

www.juta.co.za

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