



# POLICY BRIEF

No. 1, 2021

## Improving Access to Education for People with Disability in Nigeria

Emily E. Ikhide, Ph.D.

### Summary

- About seven million children with disabilities are out of school in Nigeria, constituting over 50% of total out-of-school children.
- Providing education access for these children is challenging despite the enactment of the Discrimination against Persons with Disabilities (Prohibition) Act in 2019.
- The experiences of the USA, Kenya and South Africa show that while a legal framework is important, it is insufficient to achieve the desired goals; there is need for improved infrastructure and capacity building to achieve education access for children with disabilities.
- The government needs to back up the enactment of the Discrimination against Persons with Disabilities (Prohibition) Act with increase in budgetary allocation, manpower development, and infrastructure upgrades.

### Introduction

Sections 17(2)(a) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) provides for equality of rights and opportunities for all Nigerians. Section 18(1) specifically states that “government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels”. Implementing these provisions, especially in terms of equal

access to education for people with disabilities and special needs, has however been challenging.

Although President Muhammadu Buhari signed the Discrimination against Persons with Disabilities (Prohibition) Act into law in January 2019, the experiences of other countries show that having a legal framework is insufficient to address the challenge of disability discrimination. This is the main



focus of this brief.

This brief examines the state of education access for children with disabilities or special needs in Nigeria, challenges of providing quality special education in Nigeria, legislations and practices to ensure education access for children with disabilities and special needs in other countries, and provides recommendations for policy makers.

## **Overview of the Challenge**

According to the National President of The Joint National Association of Persons with Disability (JONAPWD)<sup>1</sup>, about seven million children with disabilities are out of school in Nigeria, constituting over 50% of total out-of-school children. This is inconsistent with the goal 4 of the Sustainable Development Goals (SDG 4), which advocated for improved access to education.

Nigeria is a party to the United Nations Convention on the Rights of the Child, the Convention on the Right of Persons with Disabilities, and the African Charter on the Rights and Welfare of the Child. But educating and integrating children with special needs has been beset by several challenges, and the current practices in Nigeria are not fully consistent with existing global best practices.

The government has made conscious efforts to ensure education access for people with disabilities. In 2015, the Federal Ministry of

Education unveiled the National Policy on Special Needs Education in Nigeria. Also, a Bill for an Act to Ensure Full Integration of Persons with Disabilities into the Society and to establish a National Commission for Persons with Disabilities and Vest it with the Responsibilities for their Education, Healthcare and the Protection of their Social, Economic, Civil Rights (Discrimination Against Persons with Disabilities Prohibition Act) was signed into law in January 2019.

According to Section 20 of the Discrimination against Persons with Disabilities Prohibition Act, persons with disability shall have unfettered right to education without any discrimination or segregation in any form, and be entitled to free education to secondary school level. The Act makes provisions for highly subsidized education for special educators, and establishes a Disability Commission to coordinate and implement the provisions of the law. In addition to education, the Act focuses on other aspects of life of persons with disabilities such as health, accommodation, public transportation, employment and job security, and political participation.

At the sub-national level, some states like Lagos also have Inclusive Education Policy that provides for education of special needs children.

## **Challenges of providing education**

---

<sup>1</sup> Ayansina, C. (2016, May 5). Why Children with Disabilities Lack Education in Nigeria – JONAPWD.

<https://www.vanguardngr.com/2016/05/children-disabilities-lack-education-nigeria-jonapwd/>



## access for people with disability

The poor state of special education in Nigeria could be attributed to a number of factors including inadequate plans for the identification of children with special needs, inadequate funding, lack of guidance service for parents of special needs children, shortage of personnel, inadequate special education facilities and materials, and general societal attitude towards people with disabilities and special needs.

Only very few schools in Nigeria can afford facilities required to effectively educate children with special needs. Most regular public schools and some private schools in Nigeria do not currently have adequate facilities for their regular students, let alone having facilities for special needs children. Thus, providing education for children with special needs would require some adjustments and adaptation in terms of administration, infrastructure, personnel and curriculum development. These adjustment and adaptation measures could be difficult and costly for most schools.

The issue of teacher training and capacity building for effective education of children with special education needs should be looked into. Of all the universities and colleges of education in Nigeria, very few provides special education and train teachers for special needs students. This shortage of skilled

personnel/teachers constitutes an impediment to the achievement of inclusive education.

Other areas that need to be looked into include lack of data on persons with special needs and disabilities, and lack of directories on service centers and referral needs. These facilities need to be provided to ensure effective planning for the needs of special children.

Due to the current state of public schools in Nigeria, it would be difficult to incorporate children with special needs into regular public schools. Public schools in Nigeria are generally over-crowded, under-funded and under-staffed. They are characterised by high student-teacher ratio and lack basic infrastructure. Even in developed countries with good education facilities and infrastructure, not all public schools provide education for children with special needs. Issues such as capacity, facilities, specialised teachers and funding are usually the problems.

## Cross-country experience

The experiences of other countries can serve as a lesson for Nigeria in developing an effective legal and regulatory framework for persons living with disabilities. The table below is the summary of cross-country experience on efforts to address issue of education access for children with disabilities.

Table 1: Legal and Regulatory Framework for providing education access to people with disabilities and special needs in other countries



USA	<p>The Individuals with Disabilities Education Act (IDEA) authorizes special education for children with disabilities in the United States of America. Special education in the US encompasses individualized instruction in the classroom, at home, in hospitals or medical institutions, or in other environments. Students with special needs are protected by the IDEA; and it is the obligation of public schools to provide them with tailored education. The law in the United States applies to only public schools, but not all public schools have specialised education services for children with special needs. The IDEA ensures that children with special needs are educated, to the extent possible, in classes where they would have been if they had no disability, thereby promoting inclusive education. The public schools in the United States have adequate facilities and infrastructure such that incorporating special needs children into regular schools does not constitute a major change to the school system. This is in sharp contrast to the case of Nigeria where the public school system is still struggling with inadequate infrastructure and facilities.</p>
Kenya	<p>The Education Act – Cap 211 (Revised Edition 1980), the Persons with Disabilities Act (2003) and the Children’s Act 2001 are the legal basis for the provision of educational opportunities for all, including disabled children, in Kenya. The Education Act – Cap 211 states that “no pupil shall be refused admission to, or excluded from, the school on any grounds of sex, race or color or on any other than reasonable grounds”. The Persons with Disabilities Act (2003) further provides a comprehensive legal framework which forbids discrimination of persons with special needs and disabilities, including with respect to access to education. The Children’s Act (2001), on the other hand, harmonises all existing laws and policies on children and aims to improve the wellbeing of all Kenyan children. Despite these laws, children with disabilities and special needs still have limited access to quality education, largely due to lack of appropriate tools and skills for early identification and assessment, inadequate physical infrastructure/teaching and learning materials, inadequate data on children with special education needs and disabilities<sup>2</sup>.</p>
South Africa	<p>The Constitution of South Africa provides the right to basic education to everyone, including children with disabilities. To keep with this constitutional right, South Africa enacted the Schools Act. The School Act makes education compulsory for children between 7 and 15 years, and requires that relevant government officials make special needs education available for all children with disabilities. The Education White Paper 6 was also initiated to give effect to the right of education for children with disabilities. The White Paper provides for inclusive education by stating that education of children with disabilities may be done in regular schools. However, despite these provisions, evidence<sup>3</sup> reveals that children with disabilities in South Africa</p>

<sup>2</sup> NGECE (2016). Access to Basic Education by Children with Disability in Kenya. National Gender and Equality Commission, Nairobi, Kenya.

<sup>3</sup> Khumalo, S. and Hodgson, T. F. (2015). The Right to Education for Children with Disabilities in South Africa: SECTION27’s Action from National Research and Litigation Strategies to International Advocacy. <http://www.right-to-education.org/es/node/412>



are still facing challenges with respect to education. Contrary to the provisions of the School Act and the White Paper 6, most children with special needs are still educated in special schools, and the main challenges facing education of children with special needs are lack of materials and facilities, shortage of special educators and limited capacity of educators.

**Source: Author's compilation**

The USA has made significant progress in supporting the education needs of people with disability. Kenya and South Africa also have a legal framework for enhancing the education access of people with disabilities and special needs. The review of the experiences of these countries shows that while a legal framework is important, it is insufficient to achieve the desired goals. There is need for total commitment on the part of the government in terms of access to necessary infrastructure and training.

**Areas for Legislative Consideration**

Ensuring equal access to education for children living with special needs and disabilities require sharp adjustments to the regular school system. Given the poor state of infrastructure in public schools in Nigeria, the government needs to prioritise increasing spending on education to upgrade existing facilities in regular schools.

In the short term, Nigeria needs to improve the current system of special education colleges for children with special needs by increasing funding, facilities and capabilities in these schools. In this respect, priority should be given to funding and capacity building of colleges of education and universities providing trainings for special educators and persons with disabilities.

The enactment of the Discrimination against Persons with Disabilities Prohibition Act is a step in the right direction, but it is insufficient to address the challenge of access to education facing people with disability. There is need for the government to back up this legal framework with significant investment in infrastructure upgrades and capacity building to have meaningful impacts on the lives of the beneficiaries. The National Assembly may wish to back up the enactment of the Act with adequate funding for the Commission in general and special education in particular, through the budget process.

**Conclusion**

Providing education access to children with disabilities and special needs in Nigeria is challenging, despite the constitutional provisions requiring equal education access for all. Although the government has made significant efforts in recent years to provide education access to children with disabilities, the inherent challenges of underfunding, lack of skilled manpower, and inadequate infrastructure still undermine access to education for people with disabilities in Nigeria.

The enactment of the Discrimination against Persons with Disabilities Prohibition Act is a



**National Institute For Legislative and Democratic Studies**

necessary but insufficient condition for addressing the challenge of access to education facing people with disability. Necessary support in terms of funding, manpower and

infrastructure should be provided to actualize the goals and objectives of the Act, particularly with respect to education access.

## **Contact**

National Institute for Legislative and Democratic Studies

National Assembly

14/18 Danube Street

Off IBB Way

Maitama

Abuja, Nigeria

**E-mail:** [info@nils.gov.ng](mailto:info@nils.gov.ng)

**Website:** <http://nils.gov.ng>

## **NILDS Liaison Office**

Suite 214 Senate Wing

National Assembly Complex

**Mobile:** +234 807 364 4822