


Chapter 23

Educational Displacement Rights of Persons with Disability in Nigeria: A Need for Representation of Physically Challenged Women in Politics and Governance

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Abstract

One of the primary responsibilities of government in policymaking is to ensure that all citizens, regardless of gender, socioeconomic status, or physical abilities, have access to education and the opportunity to actively engage in politics and governance. Universal access to education represents the fundamental right of individuals to receive an equitable education, regardless of their background, gender, ethnic, or physical and cognitive capabilities. In a democratic society, education and meaningful participation of women and girl children with physical disabilities in political processes are cornerstones of good governance. Consequently, disability should never serve as a barrier to accessing education and participating in governance of women and girl children. Therefore, any policy that segregates women and girl children with disabilities within the educational system or restricts their involvement in governance is discriminatory and runs counter to the principles of equality protected in various international, regional and national human rights instruments, treaties and outcomes of various global conferences that call for the inclusion of women and girl children with disabilities, which includes, but are not limited to, the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD), the Convention on the Rights of the Child (CRC), the Beijing Declaration and Platform for Action, the 2030 Agenda for Sustainable Development and the National Gender



Policy. Despite significant progress in Nigeria's pursuit of gender equality and the rights of persons with disabilities, women and girl children who are disabled and often disenfranchised continue to face barriers in accessing quality education and participation in governance. This chapter aims to provide an overview of the Nigerian government's commitment to safeguard the rights to access education and political representation for women and girl children with disabilities. To achieve this objective, the chapter adopts a doctrinal legal research approach, analysing contentious issues pertaining to the realisation of the educational and political rights of women and girl children with disabilities. Hence, drawing from societal context, the chapter advocates for a more inclusive, equitable, and participatory political landscape that permits women and girl children with disabilities to claim their rightful place in shaping the nation's future.

Keywords: Educational Policy, Human Rights Instruments, Political Participation, Rights of Physically Challenged, Women and Girl Children

Introduction

Access to education represents the capacity of all individuals to enjoy equal educational opportunities, without regard to their social standing, gender, ethnic origin, or physical and mental abilities. Although primary education is declared as both free and mandatory in Nigeria, statistics indicate that only 61% of children aged 6 to 11 years consistently attend primary school (UNICEF, 2017). It is imperative to note that every child, irrespective of their gender or circumstances, possesses the fundamental right to receive a quality education.

Over 27 million Nigerians have at least one disability and more than 50% of the 27 million Nigerians living with disabilities are female (World Disability Report, 2022). Women and girls with special needs face triple-fold discernment; first as women, then as women with disabilities and because they are poor (Patrick-Ogbogu, 2021). To her, because of the patriarchy system in this part of the country, women are considered second-class citizens. Women with special needs are a demographic that is often rendered 'invisible' by the system (Toyosi Giwa, Coordinator, SARCS, 2020). The advocated inclusiveness for persons with disabilities have not been implemented and there is a need for government to tackle the educational, political, social and structural discrimination that renounce access to basic services for persons with special needs especially women and girls with disabilities.

Inclusive education stands out as a significant challenge confronting educational systems worldwide. It is crucial to emphasise that every

child, including those with disabilities, possesses the inherent right to receive an education (UNICEF, 2017). Until the recent enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 (Federal Republic of Nigeria, 2019) in Nigeria by the former President, Muhammadu Buhari, individuals with disabilities in the country commonly experienced discrimination, exclusion, and victimisation (Francis, 2023). Inclusive education goes beyond merely placing students with disabilities in mainstream classrooms; it entails providing them with the opportunity to fully engage as participants in all school activities and upholding their right to equal opportunities (Isah, 2014). This approach involves integrating individuals with disabilities and those without disabilities into the same classrooms, equipped with adaptable facilities and resources (Obi & Ashi, 2016).

The National Centre on Educational Restructuring and Inclusion in the United States (1995) provides a comprehensive definition of inclusive education “which encompasses the provision of equal opportunities for all students, including those with significant disabilities, to access effective educational services”. These services should be complemented with the required assistance and support, all within age-appropriate classrooms. The goal is to equip students to assume productive roles as fully integrated members of society. Nevertheless, it has become apparent that physically disabled students, especially girls, are frequently marginalised or neglected, often being inappropriately grouped with other minority demographics in higher education.

Conversely, individuals with disabilities make up roughly 10% of the global population, with 75% of them residing in developing nations. According to Barron and Amerena (2007), “they comprise one of the most economically deprived, ostracised, and socially excluded segments in any society”. Consequently, there is a pressing need to allocate more significant attention to ensuring access to higher education for women and girl children with physical disabilities, enabling them to make substantial contributions to national development (Oriogu, et al., 2017). It is essential to establish and promote legal frameworks that safeguard the rights of women and girl children with disabilities while also raising awareness about them.

From the recent enactment of laws on the discrimination on gender and disability basis, Nigeria has made significant strides in recognising and promoting the rights of women and persons with disabilities (Ewang, 2019). However, the intersectionality of gender and disability presents unique challenges that demand specific attention, thus the need to examine the realm of educational displacement, a pervasive issue affecting women and girl children with disabilities and underscores the necessity of their

representation in the political and governance spheres (USAID, 2022). It has been discovered that women and girl children with special needs often encounter discrimination and social stigmatisation. Negative stereotypes, misconceptions, and biases limit their opportunities in education, employment, social and political participation (UNICEF, 2022). These individuals are at a higher risk of experiencing gender-based violence, with limited resources and support systems available to them. The intersection of gender and disability often amplifies their vulnerability to abuse (World Bank, 2019). These challenges are compounded when one examines the under-representation of physically challenged women in politics and governance. Effective participation in these arenas is essential for advocating the rights of marginalised groups and crafting policies that cater for their needs. The voices and experiences of disabled women have been, to a large extent, unheard in Nigeria's political discourse, resulting in policies that often overlook their specific concerns (Falodun, 2022).

In pursuit of these objectives, the African Charter on Human and People's Rights (AU, 1981) concerning the rights of persons with disabilities in Africa places a significant emphasis on non-discrimination and the complete, active participation and inclusion of individuals with disabilities in society (ACHPR, Article 4). Furthermore, any policy that isolates individuals with disabilities within the educational environment and restricts their representation in politics and governance is discriminatory and runs counter to the principles of equality enshrined in the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW) (UN, 1979), the Convention on the Rights of Persons with Disabilities and its optional Protocol (CRPD) (UN, 2006), the Convention on the Rights of the Child (CRC) (UN, 1989), the Beijing Declaration and Platform for Action (UN, 1995), the 2030 Agenda for Sustainable Development (UN, 2015) and the National Gender Policy, amongst others. In view of this, this chapter will delve into the intricacies of educational displacement faced by women and girl children with special needs in Nigeria, while also highlighting the urgent need for a more inclusive political landscape that ensures the representation of physically challenged women and children. The overarching goal is to promote a more equitable, compassionate, and progressive society where every citizen has the opportunity to thrive, regardless of their gender and physical abilities (Price, 2018) of inclusive education in realising the educational and political rights of women and girl children with special needs.

Methodology

This study adopted a doctrinal legal research approach, where relevant documents were analysed in identifying contentious issues pertaining to

the realisation of the educational and political rights of women and girl children with disabilities. Documents analysed included the ones that relate to persons with disabilities and the ones that call for the inclusion of women and girl children with disabilities, which includes, but is not limited to, the 1999 Constitution of the Federal Republic of Nigeria (as amended) (Federal Republic of Nigeria, 1999), the Convention on the Rights of Persons with Disabilities and its Optional Protocol (CRPD) (UN, 2006), the Convention on the Rights of the Child (CRC) (UN, 1989), the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (UN, 1979), the Beijing Declaration and Platform for Action (UN, 1995), the 2030 Agenda for Sustainable Development (UN, 2015) and National Gender Policy and other related literature.

Educational displacement rights of women and girls with special needs in Nigeria

Etieyibo (2020) states that “across history, individuals with disabilities have often endured disparities and injustices”. Adie and Shamagana (2018) believe that development discourses hardly take care of women and girls with disabilities, which rendered women occupying the back seat in almost all spheres of life. Historical examples of bias against people with diverse physical and mental disabilities have encompassed societal mockery and, at its most extreme, profound exclusion, even leading to their confinement in asylums. Some have even faced tragic fates, such as drowning, neglect, or outright execution (Pritchard, 1943).

According to the United Nations Human Rights Office of the High Commissioner on the Convention on the Rights of Persons with Disabilities (2014) “individuals with disabilities are frequently viewed not as empowered individuals entitled to engage fully in political, economic, cultural, and developmental aspects of life, but rather as passive recipients of charitable acts or welfare support”. They are often the object of pity, relying on the good will of various entities such as government bodies, charitable organisations, homes, foundations, and religious institutions to formulate policies related to disabilities and to assume responsibility for individuals, especially women and girls with special needs. Consequently, individuals with disabilities frequently experience disempowerment, a lack of control over their own lives, and limited or no involvement in the political and governance processes of their society; this is as a result of being considered a burden on society (UNHR’s Office, 2014).

According to Etieyibo (2020), “individuals, especially women and girls with disabilities often encounter discrimination in the realm of education in

Nigeria. One form of discrimination they encounter pertains to the limited availability of financial resources and educational institutions tailored to cater for their specific needs. Currently, there is a noticeable scarcity of educational institutions and inclusive schools designed to accommodate individuals with disabilities across the country. This shortage of resources and educational facilities significantly impedes the accessibility of education for both children and adults with disabilities, resulting in many of them being unable to attend school". Also, in line with the Joint National Association of Persons with Disabilities (JONAPWD, 2016), the primary reason behind the exclusion of these children from the education system is the lack of inclusivity and accessibility within school environments.

Furthermore, as highlighted by the JONAPWD (2016), "the organizational and managerial framework of these schools inadvertently sustains harmful societal norms. This includes perpetuating discrimination, promoting segregation, fostering low self-esteem, and denying fundamental rights to women and girls with disabilities". Women and girls with special needs suffer not only because of their disabilities but also because of their gender and poverty. In Nigeria, the peculiar needs of women and girls with special needs are seldom catered for by the relevant legal frameworks and policies which invariably breach their fundamental human rights (Adie & Shamagana, 2018). Therefore, the Theory on Human Rights and Social Inclusiveness will be of great help in protecting the rights of people with disabilities.

According to a report compiled by the Advocacy for Women with Disabilities Initiative (AWWDI), Legal Defence and Assistance Project (LEDAP) and Women Enabled International (WEI) (AWWDI, 2023), women with disabilities in Nigeria find themselves in a context where services and buildings cannot be accessed by everyone, a place where they cannot participate fully, a place where there is no respect for their human dignity and rights, and a place where they cannot have friends outside the disability group.

Another method through which the educational rights of individuals with disabilities are compromised in Nigeria is via educational segregation. To illustrate, in Cross River State, special education services have been delivered in three Senatorial districts, largely through the initiatives of missionary organisations and philanthropic individuals. Although this signifies a positive stride in recognising the rights of individuals with disabilities in Nigeria, there exists a substantial amount of work yet to be accomplished. This endeavour necessitates concerted efforts from both the government and non-governmental organisations. There is a need to foster collaboration between government agencies, civil society organisations, and disability

advocacy groups to work together in creating a more inclusive and equitable society for individuals with disabilities. The objective should be to harness their full potential, promote self-reliance, and enable them to achieve a reasonable degree of independence. The most effective means to accomplish this is through the implementation of inclusive educational policies to accommodate persons, especially women and girl children with disabilities.

Implications of educational displacement rights of women and girls with disabilities

It is essential to recognise the detrimental consequences resulting from the displacement of educational rights of women and girl children with disabilities and underscore the significance of an inclusive education system. Here are some of the effects:

1. Failing to address the environmental and accessibility needs of women and girls with disabilities in society will inevitably impede their participation in various aspects of life, including education, social interactions, recreation, economic activities, and political engagement.
2. Negative attitudes held by individuals without disabilities towards those with disabilities can create barriers across all domains. Addressing these misconceptions and biases necessitates educational initiatives and awareness-raising efforts.
3. The absence of suitable educational facilities and educational accessibility not only discriminates against individuals with disabilities but also complicates their daily lives. Take, for example, the case of Lekan Ajayi, a wheelchair user, as reported by the University World News as stated by Etieyibo (2020). Ajayi faces mobility challenges and depends on others for routine tasks such as visiting the bank. Because of the lack of wheelchair-accessible facilities, he must ask friends to handle banking transactions for him, leading to feelings of frustration and a loss of privacy.
4. Negative attitudes held by faculty and administrative staff may discourage students from disclosing their disabilities and seeking the accommodations to which they are entitled. Consequently, inclusive education is crucial for dispelling ignorance and misinformation.

Hence, according to Oriogu et al. (2017), “facilitating access to education is not only essential for personal development but also plays a vital role in the contemporary societal advancement and the progress of women and girls with special needs.”

Women with disabilities' representation in politics and governance in Nigeria

In Nigeria, as in many parts of the world, the journey towards gender equality in politics and governance has been a long and challenging one. While significant strides have been made to empower women in these sectors, the issue of representation becomes even more complex when we consider women with disabilities. Thus, in patriarchal societies like Nigeria, women battle discriminatory attitudes every single day, one way or the other, and even more so for women with disabilities. Gender discrimination is heightened by prejudices related to the impairment itself. Legal protection and services are inaccessible because there is a dearth of knowledge about the issues that women and girls with disabilities face (AWWDI, 2023).

As pointed out in the report of the Advocacy for Women Disabilities Initiative (AWWDI) submitted to the CEDAW committee on equal and inclusive representation of women with disabilities in decision-making in 2023 (AWWDI, 2023), it is very challenging for women with disabilities to participate fully in political processes because of discrimination within the system and it is even worse for those who strive to move into political positions. Although this is a general problem with the overall women's group for women with disabilities, it is heightened by the barriers that they face because of the intersectional discrimination of being women and women with disabilities (AWWDI, 2023). Women with disabilities in general are perceived as a secluded group in a community not capable of making their own decisions. As a result, the rights and concerns of women with disabilities in Nigeria are invisible because they are excluded from decision-making positions.

Adie and Shamagana (2018) pointed out that women with disabilities in Nigeria experience a wide variety of discrimination and stereotypes about their capabilities and roles in society that are distinct from other women and from men with disabilities. Consequently, women with disabilities face higher rates of unemployment and increased barriers to poverty and exposure to danger than men with disabilities. This treatment is often based on social and cultural stereotypes in Nigeria about women and about persons with disabilities. For instance, because of gender-based discrimination, women in Nigeria are valued less than men with disabilities, because men with disabilities can still inherit property and land, carry on the family name, and make family decisions. Therefore, women and girls with disabilities in Nigeria suffer from the double burden of their gender and disabilities status. Over the years marginalisation has characterised women's participation in politics because of various impeding social, cultural, and religious forces. These forces have continued to affect women's sensitivity to politics, leading

to a very low level of political interest, knowledge, and activities of women in politics, despite an exciting political prospect for women in Nigeria (Ayetigbo & Abiodun, 2022). It appears that a major factor contributing to the exclusion of women in politics is the socio-cultural view and worth of women in society, taking cognisance of the patriarchal nature of Nigerian society. Thus, while observing the declining trend of women's participation and representation in the Nigerian political regime from 1999 to 2019, Ayetigbo and Abiodun (2022) opined that patriarchy refers to a society ruled and dominated by men over women, resulting in women being primarily confined to traditional domestic roles and excluded from active involvement in household decision-making, let alone seeking political leadership positions.

The presence of women with disabilities in politics and governance is not merely a matter of controversy, it is a reflection of a more inclusive and equitable democracy. Representation is not just a matter of fulfilling a quota, it is about enabling women with disabilities to be active agents in shaping the future of their country. It is essential to recognise their rights, address their unique challenges, and provide the necessary support to enable them to participate actively in shaping Nigeria's future.

International legal instruments on rights of individuals with disabilities

It is essential to examine the national, regional and international legal frameworks and instruments that outline the rights of women and girl children with disabilities. Amongst the international legal instruments relevant to this discussion are the African Charter on Human and People's Rights (AU, 1981), the United Nations Convention on the Rights of Persons with Disabilities (UN, 2006), specifically focusing on Articles 6, 12, 24, and 29, which pertain to the rights of individuals and women with disabilities. Another international legal instrument on the rights of persons with disabilities is Goal 4 of the Sustainable Development Goals (UN, 2015). An international legal instrument to which without its mention, this discussion is not complete, is the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) (UN, 1979). Other notable international legal instruments on the rights of women and girls with disabilities are the Convention on the Rights of the Child (UN, 1989) and the Beijing Declaration and Platform for Action (UN, 1995).

According to the United Nations (1948), "several international human rights instruments, including treaties, laws, and conventions, recognize and safeguard human rights. These instruments encompass the Universal Declaration of Human Rights", the International Covenant on Civil and

Political Rights (UN, 1966a), and the International Covenant on Economic, Social, and Cultural Rights (UN, 1966b).

The rights of individuals with disabilities find recognition and protection within the Convention on the Rights of Persons with Disabilities (UN, 2006). This convention mandates state parties to:

“take appropriate measures, including legislation, to modify or abolish existing laws, regulations, customs, and practices that constitute discrimination against individuals with disabilities” (UN, 2006: Article 4).

Nigeria, as a state party and signatory to all of these legal instruments, is obligated to adhere to and enforce their provisions (Etieyibo, 2020). Other regional and national instruments pertaining to the rights of women and persons with disabilities in Nigeria includes the Constitution of the Federal Republic of Nigeria, 1999 (as amended) (Federal Republic of Nigeria, 1999), particularly Section 42, and the relevant provision of the Discrimination Against Persons with Disabilities (Prohibition) Act (Federal Republic of Nigeria, 2019).

Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (CRPD) (UN, 2006) adopts a comprehensive approach to categorising individuals with disabilities, emphasising the assertion of all types of incapacities and the complete and equal enjoyment of all human rights and fundamental freedoms for individuals with disabilities. It further underscores the promotion and preservation of the inherent dignity of individuals with disabilities, mandating that states’ parties promote and safeguard their rights to ensure their full equality under the law. Article 2 of the Convention (UN, 2006) defines discrimination on the basis of disability as “any variation, segregation, or restriction rooted in disability that aims to impede or nullify the acknowledgment, enjoyment, or exercise of all human rights and fundamental freedoms on an equal footing with others, encompassing all forms of discrimination, including the denial of reasonable accommodations.”

Every individual, regardless of their disability, should have equal access to rights such as parity before the law, equal protection under the law, meaningful participation, and the right to be heard (Article 13). The provisions outlined in the CRPD are intended to guide states in formulating improved policies to eliminate the educational marginalisation of individuals, especially women and girls with disabilities. Article 24 of the CRPD asserts that every person has the right to receive an education and must not be

excluded from educational opportunities based on their disability. Segregated schooling should be avoided, and Article 24 emphasises that children with disabilities are entitled to the same education and curriculum as other children, with the government providing the necessary support to facilitate this inclusivity.

Article 6 is a significant article within the Convention as it addresses the specific rights and challenges faced by women with disabilities. The Article obligates states' parties "to acknowledge that women and girls with disabilities face discrimination and, consequently, must take steps to guarantee their complete and equal enjoyment of all human rights and fundamental freedoms". The article further requires states' parties to implement all appropriate measures to facilitate the comprehensive development, progress, and empowerment of women. This is essential for ensuring that the UN CRPD guarantees them the exercise and enjoyment of human rights and fundamental freedoms outlined in the Convention.

Article 6 of the CRPD underscores the importance of addressing the unique challenges and discrimination faced by women and girls with disabilities. It calls on states' parties to take measures to ensure their full and equal enjoyment of all human rights and fundamental freedoms, including the rights related to marriage, family, parenthood, and reproductive health. The article emphasises the need for empowerment and the elimination of discrimination to guarantee the exercise of these rights on an equal basis with others. Regarding Article 24, states' parties are obliged to recognise the right of individuals with disabilities to receive an education. In pursuit of this right, without discrimination and with an emphasis on equal opportunities, states' parties are directed to establish an inclusive education system at all levels and promote lifelong learning with the following objectives:

1. Fostering the complete development of human potential and nurturing a sense of dignity and self-worth, while reinforcing respect for human rights, fundamental freedoms, and human diversity.
2. Facilitating the development of the personality, talents, creativity, as well as the mental and physical capabilities, of individuals with disabilities to their fullest extent.
3. Empowering individuals with disabilities to actively participate in a free society.

In upholding this right, states' parties are obligated to ensure that:

1. Individuals with disabilities are not excluded from mainstream education because of their disabilities, and children with disabilities have equal access to free and compulsory primary and secondary education, irrespective of their disabilities.

2. Persons with disabilities have equal access to inclusive, high-quality, and free primary and secondary education within their communities.
3. Reasonable accommodations are made to meet the specific needs of individuals with disabilities.
4. Persons with disabilities receive the necessary support within the general education system to facilitate their effective learning.
5. Effective personalised support measures are provided in environments that promote both academic and social development, with the ultimate aim of full inclusion.

States' parties must provide the necessary equipment and resources to enhance the learning experience of individuals, especially women and girls with disabilities. They should also implement effective measures, including peer support, to empower individuals with disabilities to achieve and maintain maximum independence, complete physical and mental well-being, social integration, and full participation in all aspects of life. To achieve these objectives, states' parties should establish, strengthen, and expand comprehensive habitation and rehabilitation services and programmes, particularly in areas such as healthcare, employment, education, and social services (Article 26).

Article 29 mandates that states' parties ensure the political rights of individuals with disabilities and enable them to exercise these rights on an equal basis with others. States' parties commit to ensuring that individuals with disabilities can fully and effectively participate in political and public life, whether directly or through freely chosen representatives. This encompasses the right to vote and run for office. Article 24 delineates the prerequisites for upholding the right to education for children with disabilities (UN, 2006):

1. Non-discrimination: Children with disabilities must have the opportunity to access education without encountering discrimination, in an environment characterised by equality. This encompasses the right to be free from segregation and to receive all necessary support. The elimination of all forms of barriers is imperative, including legal, physical, communication and language, social, financial, and attitudinal barriers.
2. Educational Goals: Education should aim to facilitate the comprehensive development of the abilities and potential of children with disabilities. It should enable their full integration into society and provide them with knowledge of human rights, diversity, tolerance, and environmental stewardship.
3. Inclusivity: Children with disabilities should never be excluded from the mainstream education system. Any legislation that impedes their access should be repealed.

4. Access to Primary and Secondary Education: Children with disabilities must enjoy equal access to inclusive, high-quality, and tuition-free primary and secondary education within their local communities.

Sustainable Development Goals

The Sustainable Development Goals (SDGs) (UN, 2015) provide a framework for advancing towards a more sustainable and enhanced future for all, addressing global challenges such as poverty, inequality, climate change, environmental degradation, peace, and justice (UN, 2015). Goal 4 of the SDGs includes a particular target, which is to eliminate gender disparities in education and guarantee equal access to education and vocational training for all individuals, particularly those in vulnerable circumstances such as persons with disabilities, indigenous peoples, and children facing adversity.

The principle underlying this goal is the universal right to education. Therefore, disability should never be a hindrance to accessing education and participating in governance. Any policy that segregates individuals with disabilities in educational settings and restricts their involvement in politics and governance represents a form of discrimination and contradicts the objectives set forth in Goal 4 of the Sustainable Development Goals.

International Covenant on Economic, Social and Cultural Rights

Article 13 emphasises that the states' parties to the Covenant must recognise the right of every individual to education. They are obligated to ensure that education aims at fostering the full development of the human personality and instilling a sense of its inherent dignity. Additionally, education should contribute to the promotion of respect for human rights and fundamental freedoms.

States' parties also agree that education should enable all individuals to engage actively in a democratic society, promote mutual understanding, tolerance, and harmony amongst nations and various racial, ethnic, or religious communities. Furthermore, it should support the efforts of the UN in the maintenance of peace.

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW)

The CEDAW was adopted and ratified by the United Nations General Assembly in 1979 as an international instrument on the rights of women. The Convention supports equal rights for women and guarantees their

freedom from all forms of discrimination. It is the only human rights treaty that upholds women's reproductive rights and specifically mentions culture and tradition as influencing factors in determining gender roles and family dynamics. The Convention lays the groundwork for achieving gender equality by guaranteeing women's equal access to and opportunities in political and public life, including the right to vote and run for office as well as the right to education, health and employment. Article 5 of the Convention calls for a modification of social practices and other cultural patterns of men and women to eliminate practices based on the idea of sex role stereotyping or the inferiority or superiority of either sex. On the account of women with disabilities, the Convention is relevant as it frowns at any form of discrimination that women in general may have been suffering on account of their sex (UN, 1979).

Convention on the Rights of the Child (CRC) and the Beijing Declaration and Platform for Action

The Convention on the Rights of the Child (UN, 1989) is an international legal framework that caters for the rights of all children across the globe. The CRC is a human rights convention that outlines the civil, political, economic, social, cultural and other rights of children under the age of 18, although the CRC does not have specific provisions that explicitly address the rights of women and girl children with disabilities. However, it includes general principles and provisions related to the rights of all children, including those with disabilities, and it prohibits discrimination on the basis of disability. Thus, Article 2 requires states to ensure that all children enjoy their rights without discrimination of any kind, irrespective of the child's or their parent's disability. Also, the provision of Article 3 obligates all states' parties to consider the best interests of the child in all actions concerning them. This principle is particularly important when addressing the unique needs and circumstances of children with disabilities.

The Beijing Declaration and Platform for Action (UN, 1995), adopted at the Fourth World Conference on Women held in Beijing in 1995, primarily addresses gender equality and the advancement of women's rights. It does not have specific provisions dedicated to the rights of women and girl children with disabilities (UN, 1995). However, it is important to note that the Beijing Declaration recognises the intersectionality of gender and disability, and the need to consider the rights and challenges faced by women and girls with disabilities within the broader framework of gender equality. It emphasises the importance of inclusivity and ensuring that policies and programmes aimed at advancing human rights are accessible to all women, including those with disabilities.

Government policies on rights of access to education, politics and governance of physically challenged in Nigeria

As accurately noted, the legal framework plays a crucial role in safeguarding, enforcing, and advancing equality of opportunity for individuals with disabilities within any society (Imam & AbdulRaheem-Mustapha, 2016). Furthermore, the issue of accessibility to public facilities remains a significant concern in Nigeria, despite the purported inclusive education policies in place. Many public buildings and educational institutions in the country are inadequately designed and constructed, making it difficult for individuals with disabilities to access them.

Two primary legal instruments relevant to the rights of women and girl children with disabilities in Nigeria that will be scrutinised include the Constitution of the Federal Republic of Nigeria 1999 (as amended) (Federal Republic of Nigeria, 1999) and the Discrimination Against Persons with Disabilities (Prohibition) Act (Federal Republic of Nigeria, 2019).

Constitution of the Federal Republic of Nigeria, 1999 as amended

The Constitution of the Federal Republic of Nigeria, 1999, holds a central position as the highest legal authority in Nigeria and contains provisions regarding the fundamental rights of citizens. Specific clauses addressing the rights of citizens are located in Chapter IV, encompassing Sections 33-35, 37, and 41-42 of the Constitution. To illustrate, Section 33(1) affirms the right to life, stating that “every person has a right to life, and no one shall be intentionally deprived of their life, except through a court sentence for a criminal offense in Nigeria.” Section 34(1) underscores the entitlement of every individual to the respect of their personal dignity, while Section 35(1) proclaims the right to personal liberty for all persons, subject to specific circumstances as permitted by law. When applied broadly, these provisions can be seen as applying equally to individuals with disabilities (Etieyibo, 2020). In essence, Section 42 of the Constitution explicitly prohibits discrimination on the basis of sex (gender), amongst other attributes. It ensures that no citizen of Nigeria can be subjected to any form of discrimination based solely on their gender. This constitutional provision is a fundamental step towards ensuring gender equality and protection against gender-based discrimination in Nigeria.

However, it is important to highlight that even though Section 42 of the Constitution addresses the right to freedom from discrimination based on factors such as ethnic group, place of origin, sex, religion, or political opinion, it does not explicitly reference persons with disabilities. The Constitution

lacks specific provisions regarding the rights of individuals with disabilities. It is possible that concerns about the widespread stigmatisation of disabled individuals in society prompted a change in perspective during a past military regime under Gen. Babangida in Nigeria. As a result, the Nigerians with Disability Decree of 1993 (Federal Republic of Nigeria, 1993) was enacted, guaranteeing equal treatment for disabled individuals alongside able-bodied Nigerians. Nevertheless, the existence of this Decree remains uncertain, as it is not included in the 2004 edition of the Laws of the Federation of Nigeria (Federal Republic of Nigeria, 2004).

Given these circumstances, it becomes imperative to consider amending the supreme law of the land, the Federal Republic of Nigeria's Constitution, to incorporate provisions that specifically enumerate the rights to be enjoyed by individuals, especially women with disabilities, as they are exposed to double discrimination.

Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

The terms “Discrimination, Exclusion, Victimization” were frequently associated with individuals with disabilities in Nigeria until the recent enactment of the Act against Discrimination of Persons with Disabilities by former President Muhammadu Buhari (Federal Republic of Nigeria, 2019). The absence of clear and specific references to the rights of persons with disabilities in the Nigerian Constitution made it necessary to pass the Disabilities Act. The Disabilities Act was initially approved by the Nigerian Senate on March 10, 2009, but it did not receive the approval of the then President of Nigeria, Umaru Musa Yar'Adua.

The Discrimination Against Persons with Disabilities (Prohibition) Act, which was signed into law in January 2019, now makes discrimination based on physical, mental, or sensory impairments illegal. This Act also establishes a National Commission for Persons with Disabilities to oversee the integration of individuals with disabilities into society and enhance their well-being (Policy and Legal Advocacy Centre, 2020).

Section 3 of the Act ensures that individuals with disabilities have the right to access physical environments and buildings on an equal basis with others. This provision is reinforced by Sections 4 and 5, which mandate that public facilities, including sidewalks, pedestrian crossings, elevators, crutches, guide canes, toilet facilities, door protection, and re-opening devices, must be accessible and usable by persons with disabilities.

In terms of the inclusive education policy, Section 17 grants individuals with disabilities the right to education without discrimination. It also entitles them to free education up to the secondary level and requires the National Commission for Persons with Disabilities to provide educational assistive devices. Section 18 further mandates that all public schools, from primary to tertiary levels, must be inclusive and accessible to persons with disabilities. To achieve this, it necessitates the provision of special facilities and at least one trained personnel in every school to cater for the education of persons with disabilities. The Act also requires the inclusion of Braille, sign language, and other relevant skills in the curricula of primary, secondary, and tertiary institutions.

Section 28 of the Act upholds the right of individuals with disabilities to pursue employment and earn a livelihood in a labour market and work environment that is free from barriers to employment.

Section 30 promotes political participation, encouraging active involvement of persons with disabilities in politics and public life. It also mandates the government to create an inclusive environment where persons with disabilities can engage in public affairs through non-governmental organisations, associations, and participation in political party administration.

In summary, the Disabilities Act lays the foundation for the full integration of people with disabilities into Nigerian society. “It ensures the realization of their social, political, and economic rights, including education and healthcare, as outlined in the Nigerian Constitution,” as stated by Etieyibo (2020). The Act applies to persons with disabilities who are either citizens or are legal immigrants in Nigeria and aims to protect and promote the rights of persons with disabilities in all aspects of social, economic, cultural, and political life. It prohibits any form of discrimination against persons with disabilities based on their disability (Section 1). Certain provisions within the Act, particularly those related to life, liberty, security of the person, education, employment, accommodation, safety, and accessibility, bear similarities to the CRPD.

Concerning education, Section 17 asserts that individuals with disabilities have the right to education without encountering discrimination or segregation in any form. They are also entitled to free education at all levels in public educational institutions. Furthermore, Sections 18 and 19 mandate that all schools must be inclusive and accessible to persons with disabilities, and they should:

1. Have at least one trained staff member to cater to the educational development of persons with disabilities;

2. Establish a programme for ongoing training of personnel responsible for persons with disabilities; and
3. Provide special facilities to ensure effective education for persons with disabilities.

This Act includes general provisions that protect the rights and well-being of all persons with disabilities, including women. However, the Act does not have a specific provision solely dedicated to the rights of women and girl children with disabilities, thus leaving them in their current vulnerable state without protection. Perhaps there is a need to amend this legal instrument to subsequently accommodate rights specifically aimed at protecting women and girls for social and equitable justice.

Recommendations

The current focus lies in integrating children and young individuals, especially women and girl children with special needs, into regular schools in Nigeria, accompanied by an exploration of diverse legal strategies designed to counteract discrimination against persons with disabilities. These recommendations aim to address the educational displacement and under-representation of women and girl children with disabilities in Nigeria and promote a more inclusive, equitable, and compassionate society that upholds the rights of all its citizens, regardless of gender and physical abilities:

1. Considering the widespread negative perceptions surrounding disability in Nigeria and its association with discriminatory conduct directed at individuals with disabilities, it becomes imperative for both governmental bodies and non-governmental organisations (NGOs) to launch advocacy campaigns with the aim of enlightening the public. These advocacy endeavours might entail collaborative efforts between the government and NGOs, engaging with communities to eradicate traditions and norms that foster discrimination against individuals with disabilities, especially women and girl children who are the most vulnerable groups, in regions where such discrimination remains prevalent.
2. Increasing public awareness of the rights of people with disabilities by the government and non-governmental organisations. This is because the laws put in place by the government to fight discrimination against persons with disabilities will be futile if the affected victims are not aware of their rights to begin with. On this, it is recommended that the various states across the country should be proactive in the enactment of the Discrimination Against Persons with Disabilities Prohibition Laws.
3. Expanding upon the earlier recommendation, it is crucial for all institutions to embrace inclusive education policies. This approach

empowers individuals with disabilities to acknowledge their intrinsic worth and the valuable contributions that they can make to societal progress. Furthermore, educational establishments should integrate mandatory programmes, such as sign language, into their curricula and course materials to enhance effective communication with students who possess disabilities. Traditional practices of segregating students with disabilities or delivering separate instruction can have adverse effects on a student's self-esteem. By embracing inclusive education, institutions can play a vital role in fostering self-confidence in every student.

4. **Strengthen legal frameworks:** The government should continue enforcing and strengthening legal frameworks that protect the rights of individuals with disabilities, including the Discrimination Against Persons with Disabilities (Prohibition) Act. This should also include addressing gender-based discrimination and ensuring that the law protects women and girls with disabilities.
5. **Ensure representation in politics:** Political parties and organisations should actively seek to include women and girls with disabilities in the political landscape. Special measures and support systems should be established to enable their participation in decision-making processes.
6. **Advocate for intersectional rights:** Recognise and address the unique challenges faced by women and girls with disabilities, considering the intersection of gender and disability. Policies and programmes should be tailored to provide specific support for this marginalised group.
7. **Participate in international agreements:** Nigeria should actively participate in international agreements and conventions related to the rights of individuals with disabilities and women. Commitment to these agreements is essential for promoting and protecting the rights of marginalised groups.
8. **Data collection and research:** Conduct comprehensive research and data collection to understand the specific needs, challenges, and experiences of women and girls with disabilities in Nigeria. This data can inform evidence-based policies and programmes to address their unique concerns.

Conclusion

The primary aim of this research was to investigate the educational displacement rights of women and girl children with disabilities in Nigeria and to emphasise the importance of representation for the physically challenged women in politics and governance. Education is important to the development of every child in society. Every child, regardless of their gender or disabilities, is entitled to education. The rights of women and girls

with disabilities in Nigeria are a vital aspect of achieving social, political, economic, equity and justice. However, it is unfortunate that PwDs, especially women, face both environmental and attitudinal obstacles that hinder their participation in society. Many of them encounter social exclusion, which results in living in poverty and being unable to contribute to the development of society. Besides the prevalent issue of educational segregation that women and girl children with disabilities often endure, another concerning problem is their exclusion from political participation and governance in their local communities. They are also frequently marginalised in the realm of political administration.

Therefore, in addition to concerns about election violence, individuals who use wheelchairs, those who are blind, and those who are deaf, may encounter significant challenges in reaching polling stations. Even if they manage to get to the polling stations, they may not have access to interpreters to assist them in casting their votes for their preferred parties and candidates. Consequently, persons with disabilities, especially women, are excluded both directly and indirectly from being elected during elections because of their vulnerable state. This exclusion arises because political parties are generally hesitant to nominate women, and talk more of those with disabilities for elective positions, whether at the national or international level.

Given this context, a thorough examination of both Nigerian and international legal frameworks has been undertaken to combat exclusionary and discriminatory practices against women with disabilities in Nigeria. Thus, given the prevailing situation where the rights of individuals with disabilities have not been adequately acknowledged within Nigeria, the urgent need for dedicated legislation to safeguard these rights has become increasingly evident. The ultimate goal for female students with disabilities should be to guarantee their equitable access to opportunities that facilitate successful outcomes in education, employment, and societal integration. While progress has been made in recognising their rights and implementing supportive policies, there is still much work to be performed. Continued advocacy, awareness, and collaboration amongst government, civil society, and international organisations will play a crucial role in furthering the rights and inclusion of these vulnerable groups, ensuring that they can fully participate in and contribute to Nigerian society. It is the collective responsibility of the nation to protect and empower all its citizens, regardless of gender or disability.

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