

# Enabling Access and Legal Rights of the Physically Challenged to Education in Academic Institutions in Nigeria

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## Abstract

A good starting point towards building a sustainable future for the physically challenged in Nigeria is to provide effective legal backing, access to education and institutional structure to support their educational empowerment. This paper seeks to interrogate whether the physically challenged in Nigeria have secured their legal and institutional right of access to education. It is observed that the physically challenged are continually being deprived reasonable access to education and this has contributed negatively to their social conditions in the long run. It is suggested that the Nigerian government should streamline a substantial legal and policy framework with the aim of guaranteeing access to education for all persons with disability. In order for these policies to succeed, the changes should fundamentally transform the educational approach by ensuring that persons with disability are not excluded from the general educational system on the basis of disability.

**Keywords:** Academic Institutions, Access, Legal Rights, Physically Challenged, Nigeria

## 1. Introduction

Education to all is a necessary means to emancipate man from the shackles of ignorance and information poor. Enabling access to education is fundamental to personal growth and crucial in the development and advancement of man in the contemporary society. Therefore, irrespective of man's ability and disability of any nature, to have access to academic institutions is a necessity, especially now that the number of academic institutions in Nigerian education system are increasing tremendously. As disabled students pose particular challenges to higher education (HE) not only in terms of gaining physical access to buildings, but also in relation to much wider access issues concerning the curriculum, teaching, learning and assessment (Tinklin, Riddell and Wilson, 2004).

However, access to persons with disability in the institutions of higher learning is still an issue - backlog to their educational development and empowerment. Negative attitudes of faculty and administrative staff may furthermore prevent students from disclosing their disabilities and from requesting accommodations they are entitled to (Jung, 2003; Johnson, 2006). Karangwa (2008) reports how:

The first few days in the university were shocking for the disabled students, and their non-disabled peers. Everyone knew from the media that these students would be enrolling. But sighted students were still surprised to see blind students on campus asking to share their notes, though many were eager to help.

Therein, persons with disability should have a legal right of access to education just like their able-bodied counterparts. Implementation of legal right of the physically challenged persons on access to education is an issue of concern to legal educators and librarians; acknowledging the fact that, this special group of people deserved an enabling environment, social infrastructure and right to quality education. Having being neglected, stigmatized, abused and isolated in the academic institutions.

## 2. Concept of Physically Challenged

The term Physical challenged is defined as impairment associated with person's speech, hearing, vision, body, mental and emotions which may be as a result of birth defects, disease, age, and accident. DFID (2008) asserts that physically challenged are persons who have restriction or lack the ability to perform any activity in the manner within the range considered normal for a human being. Siebers (2008) observed that many causes and conditions can impair mobility and movement. The inability to use legs, arms, or the body trunk effectively because of paralysis, stiffness, pain, or other impairments is common. Although there are been conflicting views on the different terms used to vividly describe individuals with disabilities, therein various authors however have come to accept the term "physically challenged" as a term for individuals with various forms of disability like blindness, deafness, loss of limbs, and mental retardation, as well as other forms of muscular, nervous, and sensory disorders (Ilyaraja and Manoharan, 2012).

Neads (1999) identified types of physical disabilities as follows: Paraplegia, Quadriplegia, Multiple sclerosis (MS), Hemiplegia, Cerebral palsy, Absent limb/reduced limb function Dystrophy and Polio. Paraplegia and Quadriplegia are what people first identify with a physical disability. Paraplegia result from injury to the spinal cord, occurring below the neck, while quadriplegia refers to damage to the spinal cord in the neck.

Varying degrees of loss of limb and other mobility may result from either condition. Other forms of physical disability, such as polio (an acquired disease), cerebral palsy (damage to brain tissue during fetal stages) and some genetic conditions can result in loss of mobility (Kabuta, 2014).

### **3. Education and Physically Challenged Persons**

Willsher (2009) states that the physically disabled student has often been marginalized or ignored and has been inappropriately placed in the same category as other minority groups in higher education. However, disabled people comprise approximately 10% of the world's population, 75% of whom live in developing countries, and constitute one of the most poor, marginalised and socially excluded groups in any society (Barron and Amerena, 2007). The World Health Organisation (WHO) estimates that there are approximately 19 million disabled people living in Nigeria, (equivalent to 20% of the country's total population), although there are no robust, statistical data that either confirms or refutes this estimate (DFID, 2008). This is why greater attention needs to be focus on access of the physically challenged persons to higher education in order for them to contribute meaningfully to the national development. As Uvan (2014) assert that educational institution exist to inculcate in learners the knowledge, skills and attitude they needed to appropriately integrate into society and to enable succession necessary for the survival of the society itself. According to Osakwe (2010), the school systems now face increasing pressure to raise standards, develop social and personal skills, broaden curricula, pay greater attention to equal educational opportunities and prepare young people for rapidly changing world. Also DFID (2008) notes that disabled people, irrespective of where they live, are statistically more likely to be unemployed, illiterate, to have less formal education, and have less access to developed support networks and social capital than their able-bodied counterparts. The United Nations Development Programme (2013) asserts that accessibility is understood broadly, encompassing at least six dimensions:

“the most established is the physical or architectural dimension: ensuring that mobility impaired persons – as well as elderly people and those using prams, rollers and other mobility devices have access to all premises ... A human rights based approach highlights that persons with disabilities have largely been deprived of adequate opportunities to achieve good quality education and possibilities to earn sufficient income: economic accessibility or affordability, respectively, is therefore of great importance. Finally, institutional accessibility shall ensure that structural barriers, which limit the opportunities for persons with disabilities to participate on an equal basis with others, be removed: in planning, programming, “etc.

Therefore academic institutions should take cognizance of the physical architectural dimension to ease mobility, support human right of the disabled to give them sense of belonging and acceptance in the society and institutional accessibility to enable enrollment, appreciation and employment. Losinsky, Levi, Saffey and Jelsma (2003) found that difficulty in accessing educational institutions, in particular, disadvantage individuals with a disability as it limits their chances of developing their employment potential. Shevlin, Kenny and McNeela (2004) indicated that participants encountered access difficulties at every level of university life. A study of disabled and non-disabled students conducted by Madriaga, Hanson, Heaton, Kay, Newitt and Walker (2010) found that more students with disabilities identified greater difficulties in gaining physical access into university buildings in the UK. Tinklin and Hall (1999), Borland and James (1999) and Holloway (2001) reported that difficult physical access constituted a major obstacle to participation at university for students with disabilities despite the notion that difficulties faced by students with physical and sensory impairments are the most amendable. Since education is the fundamental process of training and development of individual mind, transformation and empowerment for a better life and society. The physically challenged persons are faced with – the lack of accessible infrastructural facilities in academic institutions, accessible e-contents, poor enrollment, competent teachers with right pedagogical skills to manage their physical, intellectual and emotional needs.

Academic institutions need to integrate the physically challenged students in the institutional planning through providing a well-structured buildings, social infrastructure, accessible libraries and information centers that can accommodate all forms of disabilities. Harnon (2005) notes that students with disabilities are not a problem; they are an opportunity. Like all other students they are individuals who have potentials, and the academic library has a role to unleash and develop such potentials.

### **4. Library and Information Services to the Physically-Challenged Students**

Academic libraries are information provision center that provides information services without discrimination to their user community, including physically challenged students. The role of library in providing essential information services to the physically challenged is tantamount to their personal, educational, social and recreational development. The library is the pivotal engine of educational activities in the academic institutions that provides an enabling and conducive environment which facilitates access to information resources through a convivial atmosphere free from neglect, disparity, isolation, and maltreatment from other members of the society.

Heaven (2004) asserts that library and information services lie at the heart of learning at every higher education institution and have both moral and legal obligations to ensure equitable access to both the building and its resources for all users. Viney (2006) assert that they encounter physical access limitations such as retrieving books from the library shelves. Okoye (2010) notes that horrors of architectural buildings which have discouraged many challenged persons from having education. The study of Lawal-Solarin (2012) shows that majority of the physical challenged students encounter physical or environmental barriers to gain access or use the library, attitudinal and technological barriers. Despite the fact that academic libraries put their effort to satisfy the needs of their users, they however still neglect some users (physical challenged) in the information and service provision (Akolade, Tella, Akanbi-Ademolake and Adisa, 2015). Nigerian university libraries have been criticized on the grounds that people with disabilities are not provided for by the libraries ... Librarians are not helping issues as any help rendered to disabled users is considered as an act of sympathy rather than as a necessary requirement which libraries must provide (Ekwelem, 2013).

However, Watson (2011) categorized ways of improving access and services provided by libraries for the physically challenged in general into four main areas:

1. Physical access to buildings, service counters, workstations, reading rooms, and shelves where possible. This can include providing:
  - Entrances with suitable, clear openings or automatic doors (preferred door width 900mm);
  - Ramps outside and within the building; incase of stairs: no open treads, handrails on both sides; ideally: elevators;
  - Barrier-free hallways (no floor mats or furniture);
  - Colour contrast in carpets and on walls (also to function as warnings near stairs and doorways);
  - Effective lighting;
  - Accessible tables, computer stations and public service desks (table height and width, turning spaces, ergonomic chairs, lighting);
  - Accessible public areas such as toilets and public telephone;
  - Shelving: should ideally fall within 750- 2000mm from floor level;
  - Signage: plain typeface (sans serif such as Helvetica, Universe or Arial) on signs and websites;
2. Intellectual access to the content of information carriers, including the availability of alternative format materials, adapted workstations and special software. Access can be facilitated on a wide variety of levels, requiring both technical and human solutions. Alternative format materials including Braille, large print audiocassettes and digital files are part of the solution
3. Training for library staff members in helping physically disabled. All staff, regardless of where in the library they work, should be sensitive to and have a basic knowledge of different forms of impairments. Also the ways in which different conditions affect the ability to make use of services and the built or physical environment as designed for the general population.
4. Virtual access to library services for those not able to visit the actual building.

In providing equitable access to education, academic institution should take cognizance of the disabilities in planning and setting the library so as to provide the same level of service. Fuller, Healey, Bradley and Hall (2004) and Dowrick, Anderson, Heyer and Acosta (2005) noted that students with impairments had difficulty in finding out about available advice and support for learning and assessment. They also recommended that student support services should provide more information and greater outreach to students. Therefore, a standard academic library is the library that fully provides the information needs of all categories of persons in both print and non-print, with cognizance to effective physical structural design that will aid free movement and access to resources both within and out outside the library.

## **5. Rights of the Physically Challenged to Education in Nigeria**

Before the 1980s, the education of children with disabilities in Nigeria was through humanitarian and voluntary private organisations, who were often Christian missions. These organisations set up residential facilities and provide rudimentary services for the education of children and persons with disabilities (Garuba, 2003). At this time, there were no federal or state involvement in the education of children with disabilities. The few available humanitarian and voluntary organization centers were able to accommodate the educational needs of only a handful of children with disabilities. In most cases, the parents of children with disabilities kept them at home and were left without any formal education or training in appropriate skills to assure transition to independent living.

According to Garuba (2003):

The Federal Government of Nigeria began paying tacit attention to the issues of persons with disabilities following the aftermath of the Nigerian Civil War, which left the country with critical number of persons with disabilities. Starting from the 1970s, some of the federal government tertiary institutions, like University of Ibadan,

University of Jos, and the Federal Advanced Teachers College, Special Education (FATC) began offering diploma and degree programmes in Special Education. In 1977, the federal government released a National Policy on Education which contained some provisions for special education including the idea of equalizing education for all children irrespective of their physical, mental and emotional state. One of the first states in Nigeria to move forward with the dictates for the education of children with special needs in the 1977 National Policy on Education was Plateau State; by enacting the Plateau State Handicapped Law in 1981 which made compulsory education of children with disabilities with a provision for the rehabilitation of adults with disabilities.

Like in most developing countries, serious governmental policies were influenced by international trends, treaties, agreements, manifestoes and directives. Of significant importance were the UNESCO's Declaration on Education for All (EFA) in 1990, the Salamanca Statement Framework for Action 1994 and the World Education Forum in Dakar, Senegal. All these influenced the adoption of national policies on the education of children with disabilities in Nigeria. The military regimes with its decrees also promulgated decrees for the protection of this category of persons (Nigerian Disability Decree, 1993). However, as a result of political instability, Nigeria was unable to formulate a coherent national policy on education, especially the education of children with special needs until 1999 when a democratically elected government came into power; following three decades of military dictatorship. In 1999 the Universal Basic Education (UBE) policy was adopted and enacted into law in 2004 as the UBE Act. Of course the implementation of the UBE programme commenced after it received legal backing through the UBE Act. The Act describes the scheme as 'free' and 'compulsory'. The 'Compulsory' clause of the Act means that access to quality education would be provided to all Nigerian children resident in any part of the country (Abraham and Leigha, 2008).

All Nigerian children in this regard means that it is irrespective of the children's background, health conditions, physical abilities or disabilities to be involved in the education. Maigida, Oniye and Agbonlahor (2009) assert that the Act provided for free basic education for all children from ages 5-16, but the actual provision for funding of the education of children with special needs, as a national education policy under the UBE Act was not effective until 2008. This was when the policy of Inclusive Education was officially adopted as an integral part of the UBE policy (Agunloye, Alice, Davou and Osagie, 2011).

By 2004 Nigeria's National Policy on Education, a programme known as "Special Education" was designed to cater for three categories of individuals

- (1) The disabled including people with physical, visual, hearing, mental, emotional, social, speech, learning and multiple impairments.
- (2) The disadvantaged involving the children of nomadic pastorals, migrant fisher folks, migrant farmers, hunters etc
- (3) The gifted and talented involving people who have high intelligent quotient and endowed with special traits in arts, creativity, music, leadership, intellectual precocity etc and therefore find themselves challenged by the regular schools.

By the provisions of the policy, education of children with special needs are expected to be free at all levels and all necessary facilities provided to include

- (a) Inclusive education or integration of special classes and units into ordinary /public schools under the Universal Basic Education scheme;
- (b) Regular census and monitoring of people with special needs to ensure adequate educational planning and welfare programme;
- (c) Special education equipment and materials like Perkins brailler, white/mobility care, brailed textbooks, abacus, talking watch, audiometers, speech trainers, hearing aids, ear moulding machines, educational toys, calipers, crutches, wheel chairs, artificial limbs, audio-visual equipment and internet facilities;
- (d) Special education training on braille reading and writing, typewriter use, speech signs, daily living skills;
- (e) Special training and retraining of the personnel on capacity building to keep them abreast of latest teaching techniques on various categories of disabilities, the gifted and talented

The International conventions, treaties and guidelines on disability greatly influence Nigerian legislation, policy framework and directives on the special education needs of the children with disability. Despite the declaration of full participation in the disability agenda of the United Nations by the Nigerian government, Nigerians with disabilities are still faced with these challenges (*The Guardian*, April 12, 2009; Michailakis, 1997). Notable among them were: the absence of disability discrimination laws, lack of social protection, poor understanding of disability issues by the public, and poor access to rehabilitation services (Amusat, 2009). The report recommended, among others, the collection of robust and reliable data, and



advocacy for the passage of the disability bill into law (Lang and Upal, 2008).

In March 2009, the Nigerian Senate approved a Disability Bill. The bill prohibits all forms of discrimination against people with disabilities. Further, the bill demands equal opportunities in all aspects of life for individuals with disabilities. It stipulated that all public buildings should be accessible to people with disabilities (Eleweke and Ebenso, 2016). It included punitive actions for corporate bodies and individuals found discriminating against people with disabilities (Adelaja, 2009; Ogala, 2009). However, the bill has not been signed into law by the president (Eleweke, 2013).

## 6. Conclusion and Recommendations

Without a legal framework, there is no foundation for people with disabilities to stand and demand their rights to access services. The right of the physically challenged is fundamental to their life endeavours. Therefore, it is an opportunity to provide them with access to the necessity of life demands; more especially equitable access to education and social infrastructural development. There has been slow implementation of law backing the physically challenged persons due to funding and bottle neck in the policy implementation of Nigerian legislation. However, the physically challenged person represents 20% of the country's total population and therein deserves equal treatment just like the able-body counterparts. The Nigerian government should streamline a substantial legal and policy framework with the aim of guaranteeing access to education for all persons with disability. Academic institution as a matter of fact, should develop their infrastructure and facilities in order to increase enrollment and equitable access for the physically challenged.

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