

REASONABLE ACCOMMODATION FOR WOMEN AND GIRLS WITH DISABILITIES IN NIGERIA IN THE CONTEXT OF THE RIGHT TO EDUCATION

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Abstract

As part of Nigeria's commitment to implement the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disability in Africa, 2018, the government ratified the Protocol on the 19th of October, 2023 being the newest international document ratified by Nigeria on disability. Articles 1, 3, 16(3)(g), and 19(2)(g) made specific reference to reasonable accommodation concerning definition, general principles, the right to education, and the right to work, respectively. The Nigerian government had earlier signed into law the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 that addressed issues of discrimination. This paper, therefore, will examine the reasonable accommodation of women and girls with disabilities in the context of the right to education in Nigeria concerning the aforementioned domestic laws as it relates to the UN Sustainable Development Goals 2030 and the Africa Agenda 2063, for which Nigeria has shown commitments to actualize. This paper will be analyzed, relying on four theories of disability - the medical model of disability, the social model of disability, the rights-based model of disability, and the integrated model of disability. This paper will discuss architectural barriers, lack of trained educators, lack of infrastructural facilities, rejection from family and society, lack of awareness about the existence of their rights, and attitudinal barriers as constituting challenges to the actualization of the right to education of women and girls with disabilities in Nigeria. This paper will recommend that the Nigerian government should pursue a rigorous educational policy that will promote the reasonable accommodation of women and girls with disabilities concerning their right to education because the Road Map for the Nigerian Educational Sector 2024 - 2027 did not capture this issue of women and girls with disabilities and their right to education as encapsulated in the ADP and DAPWDPA, 2018.

Keywords: *reasonable accommodation, women and girls with disabilities, right to education, discrimination, human rights, accessibility and inclusion.*

1. Introduction

Disability is a differing condition in the human race that cuts across different spectrum of any society such as gender, race, tribe, religion, birth circumstances *et cetera*; and may occur at any time in a person's life - whether at birth, childhood, adulthood or old age¹. It is a condition that is neither gender sensitive nor religion-sensitive. This implies that it could affect anyone irrespective of one's gender, religion, race, or any other circumstances. It is not akin to a particular race, tribe, economic or educational status, or any other status. It could occur temporarily or permanently at any time during a person's lifetime. It could be congenitally acquired (i.e. before or during birth) or adventitiously acquired either by accident, ill health, aging, or man's inhumanity to man².

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¹ O N P Adiela, "Feminism and Disability", (2019) 8(1) *Port Harcourt Law Journal* 257-266 @ 260.

² O N P Adiela and L U Nwokaeze, "Vocational Education for Persons with Disabilities During and After COVID-19 Pandemic: A Legal Evaluation" (2023) 3(1) *Achievers University Law Journal*, 1-21.

A 2023 World Bank report estimated that one billion people, which represents about 15% of the world's population, experience one form of disability.³ This number is on the increase because of several factors such as population ageing, the prevalence of diseases, and an increase in man's inhumanity to man, especially during armed conflicts. The nature of disability differs and exists where physical, mental, intellectual or sensory impairment, which interaction with barriers in the society, hinder full and effective participation on an equal basis with others. Disability imposes barriers and obstacles which inhibits and fosters discrimination against individuals experiencing it⁴. This means that disability occurs where a person who has a health condition or an impairment such as cerebral palsy, while interacting in the society, faces environmental and social factors such as negative attitudes, inaccessible public buildings and transportation, *et cetera* which hinder her from participating fully and effectively with others. Thus, it can be seen as both a medical issue of the individual and societal barriers which hinder the individual from full and effective participation with others on an equal basis.

According to the World Bank, disability prevalence is higher in developing countries hence disability is both a cause and consequence of poverty⁵. Persons with disabilities 'are more likely to experience adverse socio-economic outcomes such as less education, poorer health outcomes, lower levels of employment and higher poverty rates'⁶ They suffer discrimination, marginalization and generally the effects of negative prejudice conceived by members of the society about disability. They are victims of neglect, isolation, segregation, abandonment, deprivation, stigma and sometimes object of pity. Disability creates barriers and hinders opportunities in areas such as education, employment and basic necessities. Thus, persons with disabilities are more likely to be uneducated, unemployed, illiterate, and poor.⁷ They often live in poverty and this status creates additional barriers for the full enjoyment of their human rights.⁸

In low and middle-income countries, it is estimated that women comprise about three-quarters of the population of persons living with disabilities.⁹ Where there is an intersection of gender and disability, poverty and marginalization are bound to be compounded.¹⁰ Poverty is capable of increasing the risk of disability through malnutrition, inadequate access to education and health care, unsafe working conditions, a polluted environment, and lack of access to safe water and sanitation.¹¹ Similarly, disability may increase the risk of poverty through lack of employment opportunities, lack of education, lower wages, and increased cost of living with a disability.¹² Hence the believe that disability is both a cause and consequence of poverty.

³ World Bank, "Disabilities" available at <https://worldbank.org/en/topic/disability#> last accessed 10th April 2024.

⁴ Adiola (n 1).

⁵ Ibid (n 3).

⁶ Ibid.

⁷ Adiola (n 1).

⁸ M. Ogwezzy "The Promotion and Protection of Rights of Persons with Disabilities in Nigeria: An Analysis of the Applicable Theories, Statute and Treaty Laws" (2019) 27 Sri Lanka J. Int'l L, 171.

⁹ S Browne, "Making the SDGs Count for Women and Girls with Disabilities" (2017) UN Women Issue Brief. un.org/development/desa/disabilities/wp-content/uploads/sites/15/2019/10/Making-SDGs-count-for-women-with-disabilities.pdf accessed on 29th February, 2024.

¹⁰ Ibid.

¹¹ World Bank (n 3)

¹² Ibid.

In Nigeria, it is estimated that 7% of *de facto* household members age 5 or older have some difficulty in at least one functional domain, while one-third of the population of 60 years or older have some difficulty in at least one domain of functionality.¹³ Girls and women with disabilities face multiple barriers to realizing their rights, which include inaccessible physical environment, lack of resources and inadequate access to services, widespread discrimination, stereotyping and social stigma.¹⁴ Considering the social stigma associated with disability and poor socio-economic status, many families having children with disabilities rather use their meagre resources to cater for other member of the family than on the child with disability. Where the child with a disability is a boy-child, sometimes, the patriarchal nature and love for the male child tends to advance sympathy to the child, thus resources could be deliberately allotted to him; however, where the child in question is a girl-child, the discrimination and marginalization appear to be heightened.

The discrimination and marginalization girls and women with disabilities face in education as a result of the interplay between their gender and disability appear to differ from one type of disability to the other. Girls with disabilities are more likely to constitute a good number of school dropout because of the peculiarity of their challenge. This may therefore pose a huge challenge to the actualization of the United Nations Sustainable Development Goals 2030 as they relate to no poverty, quality education, gender equality, and reduced inequalities. Similarly, the African Agenda 2063 goals that concern well educated citizens, full gender equality in all spheres of life, as well as engaged and empowered youth and children may be greatly hampered by girls with disabilities dropping out of school due to lack of reasonable accommodation in the educational sector in Nigeria.

This article discusses the legislative framework addressing reasonable accommodation of women and girls with disabilities concerning their rights to education in Nigeria. It will be hinged on four models of disability and will highlight the barriers to the actualization of reasonable accommodation of girls and women with disabilities as it relates to their right to education in Nigeria. The paper will make recommendations that will promote reasonable accommodation of girls and women with disabilities with respect to their right to education in Nigeria.

2. Conceptual Clarification of Terms

It is imperative to define some terms used in the paper to enhance their conceptualization and proper understanding. These words include disability, girls and women with disabilities, reasonable accommodation, human rights, right to education, accessibility, inclusive education and discrimination.

(a) Disability

The term disability has two root words 'dis' meaning lack of and the word ability, put together it means lack of, or absence of ability as a result of an impairment. Thus, disability means loss of ability or function.¹⁵ The word disability is many times erroneously used interchangeably with the word impairment. While impairment relates to a damaged body organ or body part, disability refers to lack

¹³ National Population Commission Abuja, *Nigeria Demographic and Health Survey 2018* (The DHS Program, ICF, Rockville, Maryland, USA, 2019)

¹⁴ Browne (n 9).

¹⁵ E.M Ozoji, *Special Needs Education & Rehabilitation for Beginner Professionals* (Deka Enterprise, 2005) 2.

of ability to function independently and normally as a result of the existence of an impairment (damaged body organ or body part). Thus, it is impairment that gives rise to disability.¹⁶ Disability has also been described as a physical or visible impairment; or mental or invisible impairment; or intellectual or sensory impairment; which incapacitates a person from functioning normally in everyday activities and which attracts stereotypes from others.¹⁷ The anti-discrimination law in Nigeria defines disability as a long term physical, mental, intellectual or sensory impairment which in interaction with various barriers may hinder full and effective participation in society on equal basis with others.¹⁸

(b) Women and Girls with Disabilities

Women and girls with disabilities are a sub-set of persons with disabilities. A person with disability is simply an individual experiencing a disability.¹⁹ For purposes of this paper, women and girls with disabilities are people biologically of the female gender, who have an impairment which is either of a permanent nature or long-term nature, and who consequently suffer stereotyping therefrom.²⁰

(c) Reasonable Accommodation

Reasonable accommodation according to the Protocol to the African Charter on Human and Peoples' Rights on the Right of Persons with Disabilities in Africa means necessary and appropriate modifications and adjustments where needed in a particular case, to ensure the enjoyment or exercise of all human and peoples' rights on equal basis with others, by persons with disabilities.²¹ Reasonable accommodation may be construed to mean the process of modifying, adjusting and adapting practices, processes, surroundings, or environment to meet disability needs of an individual, to enable her function effectively and independently without causing excessive strain. It requires deliberate thoughts and plans put in place to ensure persons with disabilities can function effectively and independently within a given sphere. It promotes inclusivity and equality for persons with disabilities to thrive within the sphere they find themselves.

With regards to education, reasonable accommodation includes the modification of the curriculum; customized instructional methods and materials that meet specific disability needs; use of assistive devices or tools; and accessible classrooms and school environments. Adopting reasonable adjustments in education in Nigeria will enhance access to education for women and girls with disabilities and enable them achieve their potentials so they can contribute positively to the development of the society.

(d) Human Rights

The word human rights simply means the rights of humans. These are rights which humans have by virtue of their humanness. They are rights we have simply because we exist as humans. These are rights

¹⁶ Adiola and Nwokaee (n 2).

¹⁷ Adiola (n 1).

¹⁸ Discrimination Against Person with Disabilities (Prohibition) Act 2018, s. 57.

¹⁹ O N P Adiola, "Understanding Disability and Disability Rights in Nigeria" (2023) 11(1) Global Journal of Politics and Law Research 40-51

²⁰ DAPWDPA 2018, (n 18).

²¹ Protocol to the African Charter on Human and Peoples Rights on the Rights of Persons with Disabilities, Art. 1.

which belong to every human equally and are inherent to us all. They are universal because they apply to all equally. They are inalienable, indivisible and applicable to people everywhere in the world.²²

Human rights are fundamental rights and freedoms that belong to all individuals simply by virtue of being humans. They are universal and apply to everyone regardless of race, sex, nationality, ethnicity, language, religion or any other status. They include right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, *et cetera*.²³ Everyone is entitled to these rights without discrimination of any sort.

(e) Right to Education

Education is an empowering right in itself and one of the most powerful tools capable of lifting economically and socially marginalized children and youths out of poverty.²⁴ It is a stepping stone to other fundamental rights. According to the Universal Declaration of Human Rights 1948, everyone has the right to education.²⁵ It provides that education shall be free and compulsory at least at the elementary level. The Convention against Discrimination in Education, 1960 is the first legally binding international instrument which is dedicated to the right to education and signed by one hundred and ten State Parties (countries). Thus, the right to education is a fundamental one and essential for the exercise of other human rights.²⁶

(f) Discrimination

Discrimination means recognizing a distinction or making an unjust distinction in the treatment of different categories of people especially on the ground of race, sex, age or disability.²⁷ Black's Law Dictionary defines it as an 'established practice that confers privileges on a certain class or that denies privileges to a certain class because of race, age, sex, nationality, religion or handicap'.²⁸ The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018 defines it simply as meaning 'differential treatment'.²⁹ This differential treatment must be of a negative nature or aim to produce a disadvantage for persons with disabilities for it to constitute discrimination. It is not considered as discrimination where it performs a positive advantage for persons with disabilities. Discrimination on the basis of disability includes denial of reasonable accommodation³⁰.

(g) Inclusive Education

The term inclusive education is gotten from the root words inclusion and education. The word inclusion means to include as a part of the whole. It presupposes that something or someone who ordinarily should be a part of the group has been excluded. Inclusive education is believed to be the most effective way

²² UNICEF, "What are Human Rights" at <https://unicef.org/child-rights-convention/what-are-human-rights> accessed 15th April, 2024.

²³ United Nations, "Global Issues: Human Rights" at <https://un.org/en/global-issues/human-rights#> accessed 15th April 2024.

²⁴ UNESCO, "What you need to know about the right to education" (2023) <https://unesco.org/en/right-education/need-know> accessed 10th April 2024.

²⁵ Universal Declaration of Human Rights 1948, Art. 26

²⁶ UNESCO (n. 24).

²⁷ C Soanes and A Stevenson, *Concise Oxford English Dictionary* (11th edn, Oxford University Press, 2006) 410.

²⁸ B A Garner (ed), *Black's Law Dictionary* (7th Edn West Group, 1999) 479.

²⁹ DAPWDP 2018 (n. 18) S. 57.

³⁰ ADP (n. 21).

to give all children an equal chance to be educated and to learn skills needed to thrive. There has been the argument of inclusive education meaning having all children within the same classroom, which is the argument for mainstreaming or integrated education. The Centre for Studies on Inclusive Education defines inclusive education as ‘all children and young people - with and without disabilities - learning together in ordinary pre-primary provisions, schools, colleges and universities with appropriate networks of support’³¹. Inclusive education could also mean an educational programme or option that is purposely and carefully designed to provide for the educational needs of persons or learners with disabilities generally and girls or females with disabilities specifically, within the school community. It is the author’s position that inclusive education means meeting the educational needs of all children, including girls with disabilities, in the most accommodating environments possible, using purposely crafted educational programmes and materials. There is a close relationship between reasonable accommodation and inclusive education as both terms intend to ensure that the educational needs of persons with disabilities are met having special regards to their disability needs and challenges.

3. Theoretical framework

This paper is hinged on four theories or models of disabilities which are medical model of disability, social model of disability, rights-based model of disability and integrated model of disability. Although there are other theories that could be implored to discuss disability issue, the choice of these four is the cornerstone of this article.

(a) Medical Model of Disability

The medical theory of disability was first submitted in 1951 by T. Parsons. This model presumes that disability is connected to the individual feature of a given person and is above all their own personal tragedy.³² Thus it views disability as a medical condition requiring medical treatment and care.³³ The central focus of this model of disability is on the cause of disability. It emphasizes that disability is a result of an impairment (damaged organ or body part), and as such requiring medical treatment or care or medical management. This model of disability emphasizes the care and medical treatment needed by persons with disabilities. This model is ableist, arouses pity for persons with disabilities, promotes inequality and their exclusion.³⁴ Consequently, persons with disabilities are viewed as needy and dependent, hence always in need of pity or handouts, and should be excluded.

(b) Social Model of Disability

The social theory of disability was propounded by Mike Oliver in 1983 when he coined the phrase as an ideology. The political activism in the United States provided the basis for the movement of independent life which was the bedrock of the social movement. In the United Kingdom, from a sociological perspective, they created some theoretical basis which would at the time be known as the

³¹ E D Ozoji *Special Needs Education & Rehabilitation* (Deka Publishers, 2005) 138.

³² A Zjadacz, “ Evolution of Models of Disability as a Basis for Further Policy Change in Accessible Tourism” (2015) 1(3) *Journal of Tourism Futures*, 189-202 at <https://doi.org/10.1108/JTF-04-2015-0015>.

³³ M Johnson, “Models of Disability” (1996) 9(5) *The Psychologist* 205-210.

³⁴ Ibid.

social barrier model and would later be known as the social model of disability.³⁵ The social model views disability as a result of the barriers in the society rather than as a result of the impairment. This model does not deny the reality of the disability nor its impact on the individual with the disability. However, it challenges the physical, attitudinal, communication, and social environment to accommodate disability as an expected incident of human diversity.³⁶ Thus, disability for a woman using wheel chair exists when there are no ramps or lifts for her to access buildings. While a blind woman comes face to face with disability where she is unable to read the questions on her question paper and is left without an alternative in braille form. Apart from barriers in the physical environment, there is also the issue of barrier in the perception of members of the society as a result of their cultural beliefs.

(c) Rights-Based Model of Disability or Human Rights Model

The rights-based theory of disability was developed after the United Nations Convention on the Rights of Persons with Disabilities 2006. The Convention was adopted on the 13th of December 2006 and opened for signature on the 30th of March 2007 with 82 countries signing on its opening day. This model of disability is a political strategy which groups people with disability into an identity which is based upon membership of a minority group. The human rights model treats and respects people with their basic human rights. This includes a set of rules or principles concerned with equality and fairness and allowing individuals with disabilities live their lives free from fear, harassment or discrimination.³⁷ Entitlement into this group is based on one's ability to come under the definition of a person with disability.³⁸ This model canvasses that persons with disabilities are entitled to basic human rights which must be protected to ensure their full participation and inclusion in the society. Women and girls with disabilities are persons with disabilities, therefore entitled to the rights canvassed for persons with disabilities.

(d) Integrated Model of Disability

The integrated model of disability is the most recent of the models and was canvassed within the last decade. Martha Banks used it to advocate for 'people of colour with disabilities'. She canvassed that 'it is critical to use an integrative model that addresses medical concerns, while removing social barriers, emphasizing the right to health care and addressing programs that discriminate against them because of their disabilities.'³⁹ Thus, the integrated model of disability views disability from a combination of all the other models. It views disability as a result of a medical condition, which accounts for the barriers

³⁵ A Palacios, "The Social Model of Disability and its Conception as a Human Right Issue" (2017)8(1) *Revista Columbiana de Ciencias Sociales*, 239-248.

³⁶ D Rice, "Disability, Inclusion, Practices: Human Rights Model of Disability" at <https://edi.nih.gov/blog/communities/human-rights-model-disability> accessed 14th April 2024.

³⁷ Rice (n. 36).

³⁸ O N P Adiola, "The Status of Women with Disabilities in Nigeria: A Human Rights Perspective" (2019) Unpublished Thesis submitted to the Post Graduate School, Rivers State University, Port Harcourt in partial fulfillment of the award of a Doctor of Philosophy (PhD) degree in Human Rights Law.

³⁹ M E Banks, "The Therapeutic Needs of Culturally Diverse Individuals with Physical Disabilities" *Handbook of Multicultural Mental Health: Assessment and Treatment of Diverse Populations* (2nd Ed, 2013) 463-481 at <https://doi.org/10.1016/8978-0-12-394420-7.00024-2> accessed 14th April 2024.

that they face in the society; same qualifies them to be grouped as persons with disabilities and entitled to the enjoyment of basic human rights because they are also humans.

This model of disability describes the foundation upon which the issues of disability as it relates to women and girls with disabilities should be handled to provided a holistic approach towards ensuring these ladies' rights to education are guaranteed. Granted that some disabilities are caused by impairments which may have been as a medical condition, however, girls and women with disability should not be viewed only from the lens of pity and deserving handouts. It is imperative to address social issues militating against disability such as negative cultural perception because change of individual perception towards disability will lead to positively influence on institutional perception about disability. This is because institutions are manned by individuals, and individual attitudes shape the environment and institution.⁴⁰ This implies that where the attitudes of individuals in a community are positive towards disability, persons with disability within that community will have better chances to excel and realize their potentials. It is important that by reason of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, the social issues which the social model of disability seeks to address have been included in the Act, therefore making it a 'rights' issue. Thus, these issues are of right to persons with disabilities. Reasonable accommodation is that condition or means by which these rights of persons with disabilities can be actualized. The modification of perception, environment, curriculum and instructional materials will guarantee the actualization of the right to education of women and girls with disabilities in Nigeria.

4. Legislative Framework and Global Agenda Addressing Reasonable Accommodation of Women and Girls with Disabilities Concerning their Right to Education in Nigeria

There are several legislation that relate to reasonable accommodation of women and girls with disabilities in Nigeria. This sub-issue will be devoted to discussing the Constitution of the Federal Republic of Nigeria 1999 as it relates to the education of women and girls with disabilities, the Compulsory Free Basic Universal Education Act 2004, the Child's Rights Act 2003, the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, the Road Map for the Nigerian Educational Sector 2024-2027, the Protocol of the African Charter on Human And Peoples' Rights on Rights of Persons with Disabilities in Africa 2018, the Supplementary Act Relating to Equity of Rights Between Women and Men for Sustainable Development in the ECOWAS Region 2015, ECOWAS Child Policy 2019-2030, the Africa Agenda 2063, and the United Nations Sustainable Development Goals 2030.

4.1 Constitution of the Federal Republic of Nigeria 1999

The Constitution of the Federal Republic of Nigeria 1999 is considered supreme and has binding force throughout the federation.⁴¹ The provisions of the Constitution prevails over any other law that is inconsistent with it.⁴² It clearly provides that the government shall strive to eradicate illiteracy.⁴³ It

⁴⁰ R M Martinez and V Vemura, "Social inclusion of persosn with disabilities in Nigeria: challenges and opportunities" 2020 Nasikiliza at <https://blogs.worldbank.org/en/nasikiliza/social-inclusion-persons-with-disabilities-nigeria-challenges-and-opportunities> accessed on 10th April 2024.

⁴¹ Constitution of the Federal Republic of Nigeria 1999, s. 1(2).

⁴² Ibid, s. 1(3).

⁴³ Ibid, s. 18(3).

provides that when practicable, the government shall provide for free, compulsory and universal primary education; free university education; and free adult literacy programme.⁴⁴ Unfortunately, it is still not yet practical for the government to implement all these provisions.

Section 42 of the Constitution provides for right to freedom from discrimination. It provides that no one should be subjected to an disability or deprivation merely by reason of the circumstances of his birth.⁴⁵ It states that no one shall be discriminated on the basis of his ethnic group, place of origin, sex, religion or political opinion, or circumstances of his birth.⁴⁶ Hence, women and girls with disabilities ought to enjoy their right to freedom from discrimination as provided.

4.2 Compulsory, Free Basic Universal Education Act 2004

The Compulsory, Free Basic Universal Education Act 2004 serves as an assistance to the States and Local Governments in Nigeria for the purpose of uniform and qualitative basic education throughout Nigeria.⁴⁷ It mandates every government in Nigeria to provide free, compulsory and universal basic education for every child of primary and junior secondary school age.⁴⁸ It also imposes a responsibility on every parent to ensure that their child or ward attends and completes primary and junior secondary school education by ensuring they send them to at least public primary and junior secondary school.⁴⁹ Any parent or guardian who contravenes the provision, commits a punishable offence. It imposes a punishment ranging from reprimand to two months imprisonment with or without an option of fine to first time offenders, or subsequent offenders.⁵⁰ It is important to point out that the services provided in all public primary and junior secondary schools within Nigeria are by law free of charge.⁵¹ By the Act, every girl with disability is entitled to free and compulsory education to junior secondary school level.

4.3 Child's Rights Act 2003

The Child's Right Act 2003 defines a child as a person under the age of eighteen years.⁵² Therefore, where such a person who is below the age of eighteen is biologically of the female gender, then she is a girl. The Act provides for the right of every child to the freedom from discrimination of any sort - whether by reason of his belonging to a particular community or ethnic group, or by reason of his place of origin, sex, religion or political opinion; and frowns at a child being subjected to any disability or deprivation by reason of the circumstances of his birth.⁵³

⁴⁴ Ibid.

⁴⁵ Ibid, s. 42(2)

⁴⁶ Ibid, s. 42.

⁴⁷ Compulsory, Free Universal Basic Education Act, 2004 s. 1

⁴⁸ Ibid, s. 2(1).

⁴⁹ Ibid, s. 2(2).

⁵⁰ Ibid, s. 2(4).

⁵¹ Compulsory Education Act (n. 47), s. 3.

⁵² Child's Right Act 2003, s. 277.

⁵³ Ibid, s. 10(1) and (2)

It provides for the right of every child to free, compulsory and universal basic education. It imposes a responsibility on all governments in Nigeria to provide such education.⁵⁴ It further imposes on every parent the responsibility of ensuring that his child or ward completes primary and junior secondary school education.⁵⁵ This implies that girls with disabilities (women below the age of eighteen years) are entitled to free, compulsory and universal basic education in all public schools from primary level to junior secondary level.

4.4 Road Map for the Nigerian Educational Sector 2024-2027

The Nigerian government announced an education road map for that will focus on thirteen thematic areas within the next three years. One of the problems that the road map intends to handle is to reduce the number of out-of-school children in Nigeria. Some of the thematic areas identified are: out-of-school children; entrepreneurship; financial autonomy; curriculum; teacher education; quality assurance; ICT in education; library services; Science Technology Engineering and Mathematics (STEM) and others. To confront the thematic areas identified, the document highlighted key aspects which include: prioritizing foundational and basic education; integrating non-formal schools into formal education systems; expanding adult literacy and non-formal education interventions; enhancing opportunities for girl-child education; and fostering partnerships with all levels of government and development partners.

The road map did not specifically identify women and girls with disabilities as a thematic area, nor provide specifically on ways to address issues surrounding them. The danger of not specifically capturing them as a thematic area creates the problem of not specifically catering for this special group of people. This omission in capturing and specially providing for the educational needs of these people in the 2024-2027 educational road map, leaves women and girls with disabilities bare and without educational covering for the next 3 years. This to say the least, may lead to further neglect of women and girls with disabilities especially as it relates to their inclusion in education and profiting therefrom.

4.5 Discrimination Against Persons with Disabilities (Prohibition) Act 2018

The Act provides that the building plans of public structures must be scrutinized by relevant authorities to ensure they conform with the building code⁵⁶. The essence of the scrutiny is to ensure that all public buildings provide for accessible facilities to accommodate persons with disabilities. Hence, it is the intention of the Disability Prohibition Act to ensure that public buildings being built after the commencement of the Act are accessible to all persons with disabilities including women and girls with disabilities. Since schools are public buildings, the law provides that they should have accessible facilities to accommodate persons with disabilities generally and women and girls with disabilities specifically. The Act also provides a transitory period of five years within which all public buildings and structures including educational institutions that are inaccessible to persons with disabilities be modified and made accessible to all including those using wheelchairs⁵⁷. It also provides that the

⁵⁴ Ibid, s. 15

⁵⁵ Ibid, s. 15(2).

⁵⁶ DAPWDPA 2018 (n. 18) s. 7(1)

⁵⁷ Ibid, s. 6.

approval of a building plan that contravenes the building code is an offence and attracts a fine of ₦1,000,000.00 or two years imprisonment or both⁵⁸.

The Act also provides reasonable accommodation in the area of provision of transportation services so as to accommodate persons with disabilities.⁵⁹ This is particularly important for women and girls with disabilities as many of them require transportation services to be able to access their schools. Where transportation services are discriminatory towards them, it could negatively affect their interest in education. Therefore, reasonable accommodation for women and girls with disabilities in respect to education extends to the adjustments provided in the transportation services available to them.

The Act provides that women and girls with disabilities have ‘unfettered right to education without discrimination or segregation in any form’⁶⁰ and that they are ‘entitled to free education to secondary level’⁶¹. It also provides that the Commission ‘shall provide educational assistive devices’⁶². The Act recognizes that education is an area where women and girls with disabilities experience discrimination and segregation. Thus, it specifically stipulates that it as a right and should be enjoyed free up to secondary school level. It is unclear whether the free education up to secondary school implies junior secondary as provided in the Compulsory, Free and Universal Basic Education Act 2004, or it extends to senior secondary school. However, it appreciates that one of the challenges to education of women and girls with disabilities is the lack of educational assistive devices. Therefore, it gives the Commission the responsibility of providing such devices for women and girls with disabilities.

It also imposes on every public school from primary to tertiary level, the responsibility of running an accessible and inclusive school for all persons including women and girls with disabilities⁶³. Every public school must have at least one trained personnel to handle the educational development of women and girls with disabilities, as well as have special facilities for their effective education⁶⁴. Furthermore, it provides that Braille, sign language and other skills for communicating with persons with disabilities should form part of the curricula from primary to tertiary level⁶⁵.

4.6 Protocol to the African Charter on Human and Peoples’ Right on Right to Persons with Disabilities in Africa 2018

This Protocol is also known as African Disability Protocol (ADP). The ADP imposes on State Parties in Africa the responsibility of prohibiting discrimination on the basis of disability.⁶⁶ Recall that the Protocol views denial of reasonable accommodation as part of discrimination on the basis of disability. State Parties have a responsibility of ensuring that specific and appropriate measures are provided for persons with disabilities so as to eliminate discrimination, and such measures shall not be considered

⁵⁸ Ibid, s. 7(3).

⁵⁹ Ibid, s. 10 and 11.

⁶⁰ DAPWDPA 2018 (n 18), s. 17(1).

⁶¹ Ibid, s. 17(2).

⁶² Ibid, s. 17(3).

⁶³ Ibid, s. 18(1).

⁶⁴ Ibid, s. 18(1).

⁶⁵ Ibid, s. (2).

⁶⁶ ADP (n. 21), Art. 5(2)(a)

as discrimination⁶⁷. Therefore, State Parties have a responsibility of creating modifications and adjustments, otherwise referred to as reasonable accommodation for persons with disabilities in general and women and girls with disabilities specifically, to ensure they function effectively and independently on an equal basis with others. It is interesting to note that measures taken to provide adjustments and modifications should not be considered as discrimination, but as reasonable accommodation.

Article 15 provides that every person with disability, including women and girls, has the right to barrier-free access of the physical environment, transportation, information, communication technologies, other facilities and services open to the public. State parties are charged with the responsibility of taking measures that will facilitate the full enjoyment of their rights even as it relates to buildings including schools. Consequently, State Parties have the responsibility of ensuring that transportation to school, the school building, communication and so on are accessible without barrier for women and girls with disabilities.

Furthermore, the Protocol guarantees the right to education of women with disabilities on an equal basis with others.⁶⁸ The Nigerian government is tasked with ensuring that ‘reasonable, appropriate and effective measures’ are taken to ensure ‘inclusive quality education and skills training for persons with disabilities’ generally and women with disabilities in particular.⁶⁹ The Protocol specifically provides that the government is to ensure that reasonable accommodation of each individual’s requirement and support to facilitate their effective education is provided.⁷⁰ It is also to ensure that reasonable, progressive and effective individualized support measures in the environment is provided in keeping with the goals of full inclusion. Finally, it mandates State Parties to ensure that multi-disciplinary assessments are undertaken to determine appropriate reasonable accommodation and support measures for women with disabilities which could include early intervention, regular assessments and certification of these learners irrespective of their disabilities.⁷¹

The ADP provides that it will enter into force and become legally binding across the whole African Union (AU) thirty days after being ratified by fifteen AU member states.⁷² However, any member state that ratifies it, immediately becomes bound by it.⁷³ Nigeria ratified the ADP on the 22nd of January, 2024, making it the fourteenth country to ratify it. Consequently, Nigeria is bound by the responsibilities imposed by the ADP since it has ratified it.

4.7 Supplementary Act Relating to Equality of Rights Between Women and Men for Sustainable Development in the ECOWAS Region, 2015

One of the objectives of this Supplementary Act 2015 is to strive to strengthen the economic activities of women, eliminate discrimination and achieve gender equality and equity through the development

⁶⁷ Ibid, Art. 5(2) (b).

⁶⁸ ADP (n. 21), Art. 16 (1) and (2).

⁶⁹ Ibid, Art. 16 (3).

⁷⁰ Ibid, Art. 16 (3)(c).

⁷¹ Ibid, Art. 16 (3)(g).

⁷² Ibid, Art. 38 (1)

⁷³ Ibid, Art. 38 (3).

and effective implementation of laws and policies. It also seeks to improve the living conditions of vulnerable groups, mainly women, girls and boys, the elderly and persons with disabilities.⁷⁴

The Supplementary Act enjoins Member States to adopt laws and measures necessary for the social protection of persons with disabilities, taking into account the particular vulnerabilities of women and girls who are in this situation in all spheres of life.⁷⁵ This implies that member States ought to make laws and provide necessary social protection for women and girls with disabilities considering the fact that they are vulnerable.

It also imposes on members States the duty of eliminating all forms of discrimination against the child especially the girl child within the family, community, in institutions, and the State frameworks.⁷⁶ This implies that discrimination against girls with disabilities within the family, community or institutions based on whatever grounds is to be eliminated. It further provides that member States should adopt and implement gender-sensitive policies and educational programmes that address issues relating to gender stereotypes and gender-based violence.⁷⁷ It also provides for a special budgetary allocation to the education of girls and other vulnerable groups and put in place a mechanism to ensure the proper use of such funds.⁷⁸ Member States are tasked to encourage the participation of women in education systems especially in Science, Technology and Mathematics.⁷⁹ This implies that member States should provide special policies, programmes and funds to enhance the participation of girls and women with disabilities in education.

4.8 ECOWAS Child Policy 2019-2030

This ECOWAS Child Policy was developed to support the promotion and fulfillment of children's rights in West Africa. It focuses on survival, development, protection and participation. The Child Policy was first adopted in December 2008 by ECOWAS Heads of State and Government. The current Child Policy is the result of extensive review and update of the previous one and provides for a holistic and gender-based approach to protect and promote the rights of children in West Africa. The vision of the Child Policy is to provide a child-friendly West African region, in which member States and people collaborate to create an enabling environment for the survival, development, protection and participation of all children. One of the goals of the Policy borders on child development rights which focuses on the right of the child to develop her or his potentials. This requires adequate care and stimulation in early childhood, universal access to quality education at all levels, vocational training and a well-charted transition through adolescence to early adulthood.⁸⁰

It provides that all girls and boys have access to quality early childhood development and pre-primary programmes in readiness for primary education, to ensure that children survive and thrive during their

⁷⁴ Supplementary Act Relating to Equality of Rights Between Women and Men for Sustainable Development in the ECOWAS Region 2015, Art. 3.

⁷⁵ Ibid, Art. 8

⁷⁶ Supplementary Act (n. 72), Art. 10 (1)(a).

⁷⁷ Supplementary Act (71), Art 13(1)

⁷⁸ Ibid, Art. 13(2)

⁷⁹ Ibid, Art. 13(4).

⁸⁰ ECOWAS Child Policy 2019-2030, Goal 2

early years by 2030.⁸¹ It hopes that by 2030, all girls and boys have access to and complete free, equitable and quality primary and secondary education, leading to relevant and effective learning outcomes.⁸²

4.9 Africa Agenda 2063

Agenda 2063 is a strategic framework for inclusive growth and sustainable development in Africa over the next fifty years. It was adopted by the African Union in May 2013 during the Golden Jubilee celebration of the Organization of African Unity / African Union. It is based on Pan-Africanism and African Renaissance. The vision of the African Union is ‘an integrated, prosperous and peaceful Africa, driven by its own citizens, representing a dynamic force in the international arena’. The Agenda 2063 is a blueprint to manifest this vision within the next fifty years.⁸³

The Agenda 2063 has seven aspirations, several goals and targets. Aspiration 1 is to have a prosperous Africa, based on inclusive growth and sustainable development. The attainment of this aspiration for Africans would mean among others that Africa has ‘well educated citizens and skills revolution underpinned by science, technology and innovation for a knowledge society will be broad-based, and no child misses school due to poverty or any form of discrimination’.⁸⁴ It is important to note that African Agenda 2063 anticipates of a future where no child, not even a girl-child with disabilities misses school because of poverty or discrimination. It also envisions a future where growth and sustainable development are inclusive of all irrespective of gender or disability status.

4.10 United Nations Sustainable Development Goals 2030

It was adopted by Heads of State and Government and High Representatives meeting at the United Nations Headquarters in New York from 25 - 27 September 2015, where they decided on new global sustainable development goals and targets. The Preamble to the 2030 Agenda for Sustainable Development states that it is a plan of action for people, planet and prosperity. It recognizes that eradicating poverty in all its ramifications, is the greatest global challenge and an indispensable requirement for sustainable development. These Heads of State and Government resolved to end poverty and hunger everywhere and combat inequalities within and among countries and ensure that no one is left behind.

One of the visions of the Agenda 2030 is a world free of poverty, hunger, disease and want, where all life can thrive. The 2030 Agenda for Sustainable Development Goals comprises of 17 Goals and 169 associated targets which are integrated and indivisible. It admits that realizing gender equality and the empowerment of women and girls will make a crucial contribution to progress across all the Goals and targets.

Goal 4 commits to ensuring inclusive and equitable quality of education and promote lifelong learning opportunities for all. The goal aims that by 2030, all girls and boys would have complete free, equitable and quality primary and secondary education; and that gender disparities in education should have been

⁸¹ Ibid, Goal 2, Objective 2.

⁸² ECOWAS (n. 78), Goal 2, Objective 3.

⁸³ African Agenda 2063: The Africa We Want (Framework Document, September 2015) Executive Summary

⁸⁴ Ibid, p 12.

eliminated thereby ensuring equal access to all levels of education and vocational training for the vulnerable including persons with disabilities in general and girls with disabilities in particular.⁸⁵

Goal 5 focuses on achieving gender equality and empower all women and girls. The goal aims at ending all forms of discrimination against women and girls everywhere as well as to eliminate all forms of violence against all women and girls in public and private sphere.⁸⁶

5. Women and Girls with Disabilities and Implications for the Enjoyment of their Rights to Education

The right to education is guaranteed by several laws in Nigeria including the Constitution which provides that the government shall work towards ensuring that there are equal and adequate educational opportunities at all levels⁸⁷, and shall strive to eradicate illiteracy⁸⁸. This is in line with the philosophy of the National Policy on Education⁸⁹ which is that basic education is by law compulsory for all children of school age in Nigeria. It specifically provides that education is a right of every Nigerian irrespective of gender, social status, religion, colour, ethnic background and any peculiar individual challenge⁹⁰. This follows the position of the Compulsory, Free Universal Basic Education Act 2004 which provides that every Government in Nigeria shall provide free, compulsory and universal basic education for every child of primary and junior secondary school age⁹¹.

Suffice it to say that women and girls with disability are part of the Nigerian population or citizenry, thus entitled to the rights accruing to other citizens. The right to education is foundational to the enjoyment of other rights as education brings literacy and enlightenment. As pointed out by UNESCO, the education is a tool that is capable of pulling excluded children and adults out of poverty and enabling them participate fully in the society.⁹² Women and girls with disabilities will greatly benefit from education as it could lift them from being socially and economically marginalized to full participants in the helm of affairs in society. Education will provide women and girls with disabilities with the opportunity of actualizing their full potentials and by so doing, participating in nation building.

To ensure that women and girls with disabilities can take advantage of the opportunities education has to offer, then there must be reasonable accommodation. Reasonable accommodation is needed in the perception of members of the society and in educational institutions as well as associated institutions such as transport institutions. There is need for the adjustment and modification in the physical environments of schools, curriculum, instructional materials and methods, perception of members of the school community. Furthermore, where reasonable accommodation is made in the education sector to cater for women and girls with disabilities in Nigeria, it will reduce the number out-of-school children that exists presently. Women and girls with disabilities will be encouraged to attend schools knowing

⁸⁵ United Nations, *Transforming Our World: The 2030 Agenda for Sustainable Development*, Goal 4, at <https://sustainabledevelopment.un.org/content/document/2122030/> accessed on 10th April, 2024.

⁸⁶ Ibid, Goal 5.

⁸⁷ Constitution of the Federal Republic of Nigeria 1999, s. 18(1).

⁸⁸ Ibid, s. 18(3).

⁸⁹ Federal Republic of Nigeria, National Policy on Education (2013, 6th Edition, NERDC Publishers).

⁹⁰ Ibid, s. 3(d).

⁹¹ Compulsory, Free Universal Basic Education Act, 2004, s. 2(1).

⁹² UNESCO (n. 24).

that adjustments have been made to enable them participate fully in the educational process and ensure they succeed thereby. It will also propel Nigeria closer towards achieving the UN SDGs and the African Agenda goals especially with regards to an educational landscape that uplifts all, irrespective of gender or disability status.

6. Barriers to actualizing reasonable accommodation of women and girls with disabilities concerning their right to education

There are several barriers and challenges militating against the actualization of reasonable accommodation of women and girls with disabilities as it relates to their right to education. These barriers range from attitudinal to institutional and environmental issues.

i) Negative Cultural Perception About Disability

There are many cultural myths, beliefs and practices about disability that negatively impact on persons with disabilities in general, and women and girls with disabilities in particular. Many of these cultures hold that disability is a retribution for evil done in the after life either by the individual or her forebears. However, these are misconceptions borne from poor understanding of disability and concocted to reflect magical-religious philosophies known as superstitions⁹³. Such negative perceptions restrain some parents of female children with disability from sending them to schools. It also gives rise to the embarrassment and shame parents and care givers have for their daughters with disabilities. Parents would instead prefer use scarce resources to educate other children in the family than educate the girl-child with disabilities because of their negative perception about disability.

Again, some school personnel and other school learners display their negative attitudes towards disability by the way they marginalize and discriminate against persons with disabilities generally and women and girls with disabilities specifically. Such negative perceptions and attitudes appear to be responsible for some of the ill-treatment meted out on girls and women with disabilities by classmates, school mates and teachers. They are sometimes mocked, ridiculed, isolated, and punished for being different from their peers. This could shut the door of acceptance and equality against them among their peers and forces many to quit schooling to save themselves from all the harsh hassles caused by the cultural beliefs of members of the society.

ii) Architectural barriers

The physical environment in many schools in Nigeria is designed with only able-bodied people in mind.⁹⁴ Many public buildings are hardly accessible to persons with disabilities.⁹⁵ This is because many of them rarely have functional lifts or escalators or ramps. Many toilets in such buildings are not

⁹³ O Abosi and T L Koay, 'Attaining Development Goals of Children with Disabilities: Implications for Inclusive Education' (2008) 23(3) *International Journal of Special Education* 1-10.

⁹⁴ O B Agu, "Road and Building Approvals: The Place of Disabled Persons in Nigeria", *The Right of Persons with Disabilities* (Nigerian Institute of Advanced Legal Studies, 2011) 447-465.

⁹⁵ A M Aleh and A M Idom, "The Challenges of Schooling with Disabilities in the University of Jos, Nigeria" (2016)1(1) *FULafia Journal of Social Sciences Maiden Edition*, 1-21.

wheelchair friendly or worthy. This is not different from what is found in schools. Many school buildings do not have ramps that can be easily accessed by female learners on wheelchair. Neither are the toilets clean and accessible for female learners with disabilities. This poses a huge problem especially for females learners using wheelchair, because, while their male counterparts can easily use nature given space especially to urinate, it is not possible for her to do same. Attempting to do the same will attract more ridicule and embarrassment to herself and her ilk. Therefore, the fact that the buildings are inaccessible hinders their adjustments in school, thus impedes on their right to access education.

iii) Lack of modified transportation

The transportation system in Nigeria appears to be fit only for ‘normal’ persons⁹⁶. They are not designed to accommodate persons with disabilities. Shuttle buses that ply intra-city routes do not have ramps where women and girls with mobility challenge and using wheelchairs can easily roll in their wheelchairs. Neither do they have visual displays to show the bus stops and locations to meet the needs of women and girls with hearing impairment. Similarly, parks are not disability-friendly as there are no ramps, visual displays or evenly planned to cater for the needs of persons with different impairments.

iv) Lack of trained personnel

At all the three levels of education - primary, secondary and tertiary, there is a dearth of trained educators in special needs to teach women and girls with disabilities in Nigeria. These levels of education have mainly regular teachers who are not specially trained to handle female learners with disabilities.⁹⁷ Therefore, these teachers lack the skills to breakdown information to meet the needs of specific female learners with disabilities. They are not trained to be patient while handling these learners with disabilities, they easily pour their frustrations and negative cultural beliefs on these learners, thus making them consider dropping out of school. These regular teachers do not have the skills in providing or handling the assistive devices these learners may require to cope in their education.⁹⁸ For example, regular teachers are not trained in the use of Braille, neither can they communicate in sign language. Therefore, the dearth of trained educators in schools serves as a barrier to the actualization of the right of education of women and girls with disabilities.

v) Lack of infrastructural facilities and assistive devices

There is unavailability of infrastructural facilities and assistive devices in schools for the use and benefit of girls and women with disabilities. School facilities and laboratories are constructed to serve the educational needs of able-bodied learners or learners without disabilities to the detriment of women and girls with disabilities.⁹⁹ Classrooms and school environments are inaccessible for persons with disabilities generally and women and girls with disabilities specifically. Tape recorders, Brailles, computers with text to speech functions are not readily available in schools. Even instructional materials which could be used to enhance understanding of lesson within and outside the classroom are not available for teachers to use. Libraries do not have books or learning resources for blind learners with

⁹⁶ Ibid.

⁹⁷ E Etieyibo, “Rights of Persons with Disabilities in Nigeria” (2020) 33(1) *Afika Focus* 59-81, 70.

⁹⁸ Ibid.

⁹⁹ Etieyibo (n. 97).

disabilities. Lack of infrastructure and assistive devices is a clog in the wheels of reasonable accommodation for women and girls with disabilities in the area of actualizing the right to education.

vi) Lack of modified curriculum to meet their individual needs

Considering the type of disability, trained educators in special education know that the curriculum ought to be modified to meet the individual needs of learners with disabilities.¹⁰⁰ Also, there is the need for customized or individualized instructional materials and methods to meet the educational needs of each female learner with disability. For example, rather than emphasize on the teaching of colours to a blind female learner, a trained teacher would emphasize shapes and quantity having regards to the disability to the learner. This will be different were the learner has a physical or mobility impairment. There is also the need for adjustment not just in the curriculum, but in the evaluation and assessment of women and girls with disabilities. Special regards ought to be had with respect to their disability while subjecting them to assessment. For example, hearing and speech impaired learners need not be given oral English assessment because the different phonetic sounds mean little or nothing to them. Therefore, the lack of modified curriculum, customized instructional materials and methods to meet the needs of women and girls with disabilities aggravates their frustration and leads to them dropping out of school.

vii) Poverty

It is trite that poverty is a cause and consequence of disability. Poverty restricts one's option and intimidates one into accepting marginalization as normal. Poverty pushes one into accepting that there is no alternative to discrimination. It hinders women and girls with disabilities from enforcing their right to education when such rights are hindered because of lack of reasonable accommodation. Poverty is used as an excuse for complacency by relevant bodies for the non-implementation of modifying public buildings to accommodate women and girls with disabilities. It is also used by parents of girls with disabilities for their inability to send such children to school.¹⁰¹ It is the reason why many girls and women with disabilities do not have assistive devices to help them function better in the society.

viii) Ignorance to the existence of their right to education

Many women and girls with disabilities in Nigeria are not aware of their right to education. This ignorance prevents them from asserting their right in the face of its violation.¹⁰² This is so because one cannot assert or enforce what she is not aware of its existence. Thus, ignorance makes women and girls with disabilities complacent on their rights.

ix) Lack of political will by the government to implement their right to education

It should be pointed out that there are several laws that provide for reasonable accommodation of persons with disabilities generally and women and girls with disabilities particularly in every sphere of

¹⁰⁰ A Handreddy and D Ostlund, "Alternate Curricula as a Barrier to Inclusive Education for Students with Intellectual Disabilities (2020)12(3) *International Electronic Journal of Elementary Education*, 235-247.

¹⁰¹ O N P Adiola and C Achinewhu, "Safeguarding the Future and Rights to Education of Children with Disabilities in Nigeria", Bulgarian Comparative Education Society Conference Book (2021)(19) 231-237.

¹⁰² S Ahmad, Imram, M Islam, N M Marwa, R Gul, R Ullah, N H Shah, N Iqbal, F Hanan and K Khan, "Ignorance to Law Fails the Social Inclusion of Disabled Persons" (2021)12(3) *Oeconoma Copernicana* 1149-1166

the society, including education. However, there is no particular institution of government saddled with the responsibility of enforcing it and prosecuting violators of these rights. Herein lies the challenge.¹⁰³ Obviously, these women and girls are poor and many times illiterate, therefore, will not know how to go about enforcing these rights. Even when they know that the court is the route to enforcing their rights, they cannot bear the financial burden associated with such legal processes. The absence of an institution with the task of enforcing these rights and prosecuting violators of these rights has led to the continuous violation of their rights.

7. Conclusion

Reasonable accommodation is the modification or adjustments made to enhance the accessibility and effective participation of women and girls with disabilities in particular and persons with disabilities in general. It is provided for by legislation to ensure the inclusion of persons with disabilities in all spheres of society. In the educational sector, there are several barriers militating against the actualization of the right to education of women and girls with disabilities in Nigeria. These barriers if not checked, will truncate the realization of the UN Sustainable Development Goals and the African Agenda Goals in 2030 and 2063 respectively.

8. Recommendations

The following recommendations are hereby made to guarantee reasonable accommodation in the education sector for women and girls with disabilities in Nigeria.

i) It is imperative for government to implement all national and regional instruments on the right to education of women and girls with disabilities. These laws include the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, the African Disability Protocol 2018, the Supplementary Act Relating to Equality of Rights Between Women and Men for Sustainable Development in the ECOWAS Region 2015, and the ECOWAS Child Policy 2019-2030. The implementation of these instruments lies in the provision of reasonable accommodation for women and girls with disabilities specifically and persons with disabilities in general.

There is also the need for the implementation of the national laws such as the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, the Child's Right Act 2003 and the Compulsory, Free and Universal Basic Education Act 2004 as it relates to modification of all public buildings to be accessible for persons with disabilities generally and women and girls with disabilities in particular. Where the physical environment of schools are modified to reasonably accommodate women and girls with disabilities, these categories of persons will be encouraged to remain in school and actualize their right to education. In the same vein, transport buses should be modified to accommodate women and girls with disabilities so they can ease their daily educational journeys.

ii) The government should immediately amend the Road Map for the Nigerian Education Sector 2024-2027 to include the education of women and girls with disabilities.

¹⁰³ O N P Adiela, "Access to Justice for Persons with Disabilities in Nigeria" (2023) 13(1) *Cranbrook Law Review*, 1-12.

iii) Government should create a body charged with the responsibility of enforcing the right to education of women and girls with disabilities in Nigeria. The body should exist in the three tiers of government - the federal, state and the local government levels, so that their rights to education can be actualized. The enforcement of these rights should be at no costs at all to women and girls with disabilities specifically and persons with disabilities in general.

iv) Since society is made up of individuals who hold perceptions about disability and it reflects in the negative attitudes displayed by teachers and schoolmates, it is recommended that continuous enlightenment of members of the society including members of school communities about disability be embarked on. The media should be employed to carry out such enlightenment campaigns about disability by portraying disability in a positive light so as to change the perception about disability. Also, the successes and achievements of persons with disability should always be showcased to members of the society in general. This will positively affect the attitudes of teachers and schoolmates towards women and girls with disabilities and create a more accommodating school environment for them.

v) There is need to train and re-train teachers within the primary and secondary levels of education on Special Needs Education so as to equip them with the right skills needed in handling female learners with disabilities. Furthermore, all Colleges and Faculties of Education in Nigeria should have a Department of Special Needs Education, which will be tasked with the responsibility of training more personnel to handle learners with disabilities in Nigeria. This will enhance and equip teachers to handle women and girls with disabilities, thereby providing for their reasonable accommodation in the education sector. Again, administrators of schools with female learners with disabilities should deliberately provide a modified curriculum to meet the specific educational needs of such learners. Similarly, individualized instructional materials and methods should be clearly provided for such learners to meet their specific educational needs.

vi) There is need for government to provide completely free and compulsory education for women and girls with disabilities in Nigeria to tertiary level. The free education should not only be limited to free tuition, but should include the provision of assistive devices, other learning materials as well as free daily feeding for women and girls with disabilities. This will encourage parents to enroll their female children with disabilities in schools. The free daily feeding programme will encourage these women and girls to continue with their education despite their personal challenges.

vii) There is the need to educate women and girls with disabilities on their right to education. A good understanding of their right to education will motivate them to strive to acquire education so they can improve their social and economic stand in the society.