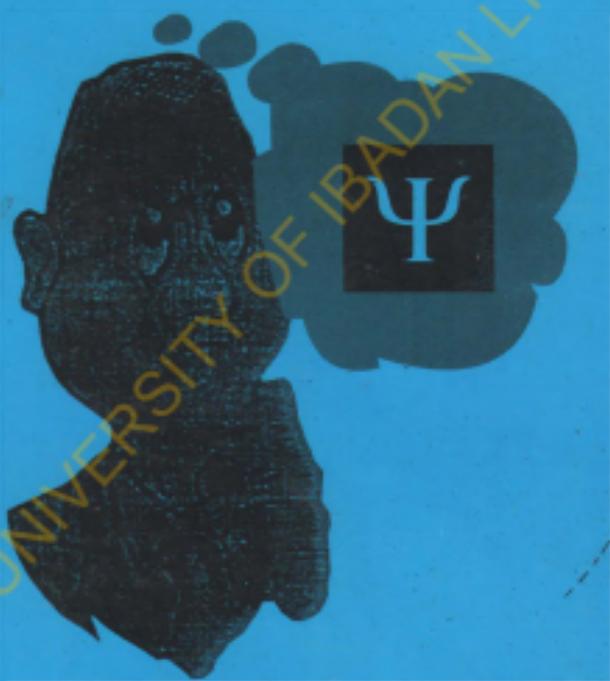


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Educational Reforms for the Actualization of the Rights of Persons with Disabilities

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Abstract

This paper examined the educational reforms on the rights of access to education (RtE) of persons with disabilities (PWDs) from the backdrop of the six Geo-political zones of Nigeria. It argued that the lack of a precise legislation regulating the RtE of PWDs, the non-domestication of the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and non-inclusion of the RtE in the Constitution of the Federal Republic of Nigeria (CFRN) as a justiciable right have created a lacuna in the implementation of de jure and de facto equality which then hinders the protection of the RtE of PWDs. The study utilized 399 participants including tertiary Institutions' students, teachers and administrators that responded to self-constructed and validated research measures in an ex-post-facto research design format. Statistical inference was taken at 0.05 alpha. Prominent among the findings showed that an approximate 76% of the participants submitted that PWDs do not have easy access to educational facilities; and subsequently impede their potential to learn. Furthermore, 73.0% of the participants said that educational policies and reforms for the right to and equal access to education is lopsided and adversely affect the PWDs. Finally, 69.0% also failed to affirm that educational policies and reforms have balance structures catering for both the PWDs and their counterpart (i.e. the people without disabilities). It therefore recommended that the constitutional provision on education should form part of the enforceable fundamental rights while the provision of existing laws, policies on education and other developmental plans in Nigeria should mainstream disability.

Keywords: Educational Reform, Rights of Access to Education Rights of Persons with Disabilities,

Introduction

The opportunity or ability to enter, approach, pass to and from, or communicate with, usually describes accessibility to education. Access is an indispensable element in providing or utilizing the right to education. For a proper recognition and discharge of its obligation to

provide education as a right, access to classrooms, libraries, restrooms and other physical facilities needed in the pursuit of education are necessary. However, access is not a matter of course for persons with disabilities (PWDs) in many schools generally, whether they are students, teachers or others. Access to literature and data in "accessible format", is also not to be taken for granted for persons who have sight impairment.

If development is about bringing excluded people into society, then disabled people belong in schools, in legislatures, at work, on buses, at the theatre and everywhere else that those who are not disabled take for granted... Unless disabled people are brought into the development mainstream, it will be impossible to cut poverty in half by 2015 or to give every girl and boy the chance to achieve a primary education by the same date-goals agreed to by more than 180 world leaders at the United Nations Millennium Summit in September 2000.

It has been estimated that, overall, between 500 and 650 million people worldwide live with a significant impairment. According to the World Health Organization (WHO), approximately 10 percent of the world's children and young people, some 200 million, have sensory, intellectual or mental health impairment and around 80 per cent of them live in developing countries. There is a general consensus that attaining an accurate measure of the global prevalence of disability is difficult because of the lack of reliable, internationally comparable data on disability. Despite the limitations on data however, the World Bank similarly estimates that around 10% of the world's population, or roughly 650 million people, live with a disability, and that persons with disabilities constitute the world's largest minority group. This figure is increasing through population growth, medical advances and the ageing process. The prevalence level of disability has risen as recent World Report on Disability estimates that the number of persons with disabilities in the world has increased and that the previous estimate of 10 per cent was revised upwards to 15 per cent, yielding a global figure of more than 1 billion persons with disabilities. The combined population of the least developed countries is 800 million, which makes the number of persons with disabilities hard to ignore. The increased emphasis on inclusive development by all stakeholders makes it imperative that decision makers at all levels include persons with disabilities in their development initiatives.

Of particular importance to current thinking and from research, is the submission that disability rates are significantly higher among groups with lower educational attainment and ninety per cent of children with disabilities in developing countries do not attend school according to

UNESCO. On the average, nineteen percent of less educated people have disabilities, compared to eleven percent among the better educated. The need for the protection of the rights of the vulnerable groups in society to education is obvious as generally, persons with disabilities (PWDs) have been described as the world's largest minority. These estimates were found to be useful in the detailed analysis of statistics on incidence and prevalence of childhood disability in the UNICEF study on Children and Disability in Transition in CEE/CIS and Baltic States and are also helpful elsewhere including efforts to equalize educational opportunities.

PWDs face isolation and exclusion in their communities and are routinely denied access to education, employment, health care services, and basic needs. Ann Elwan's World Bank-sponsored study on poverty and disability finds that:

Disabled people have lower education and income levels than the rest of the population. They are more likely to have incomes below poverty level than the non-disabled population, and they are less likely to have savings and other assets....The links between poverty and disability go two ways – not only does disability add to the risk of poverty, but conditions of poverty add to the risk of disability.

A triangular link may also be clearly established between poverty, education and disability in view of the above statement. PWDs face many barriers that limit their access to education, employment, housing, transportation, health care and rehabilitation, and recreation. Schools are often physically inaccessible and one consequence is that the global literacy rate for persons with disabilities is reported to be as low as 3%. From a gender perspective, among PWDs, disabled women and girls face even more challenges in obtaining education and have literacy rates as low as 1%. For those few who do make it to school, disabled children and adolescents are far less likely to receive science and health education, and are more likely to be excused from sex education courses. In terms of the impact of disability discrimination, it does not end once a disabled person reaches adulthood. Persons with disabilities continue to experience widespread discrimination because of their disability throughout their lives. Disabled people are furthermore often subjected to multiple and aggravated discrimination because of their status, both as disabled persons, and as members of other visible minority groups. For example, a disabled person's race, colour, sex, language, religion, political or other opinion, national, ethnic, indigenous or social origin, property, birth, age, sexual minority status, and poverty can all contribute to multiple and aggravated discrimination. These types of discrimination serve to reinforce the disadvantages already experienced by persons with

disabilities. For example, conditions impacting human health, such as poverty, lack of education, and poor and unsanitary living conditions, have a disproportionate effect on persons with disabilities.

This research evaluates the legal framework for the protection of the right to education in the recognition of its importance in dealing with other forms of discrimination. Mainstreaming of PWDs in schools through inclusive education is one of the aspects of the study which the study seeks to redress discrimination in education. Inclusive education is a human right based approach to education in contrast to segregation as the special education practice. The right to education is only complete if other human rights are respected and accorded, including the right to the freedom of association and equality.

That persons with disabilities, of both genders and all ages, have a right to education cannot now be disputed. Unfortunately, neither can it now be disputed that persons with disabilities, of both genders and all ages and in most parts of the world, suffer from a pervasive and disproportionate denial of this right.

Clearly, the disabilities of a person who has not received proper rehabilitation treatment will grow worse and, in some cases, become acute. If he is discriminated against in the work place because of his disability or he is simply afforded no employment opportunity, his dependence and his isolation will be greater. If the educational system does not provide for his specific situation, a disabled person finds himself excluded from it, and without proper instruction his disabilities worsen. If the cultural and sporting activities of society are designed solely for a standard category of person, which does not include him, he will be barred from culture and sport. If means of transport, pavements and buildings are inaccessible to such a person, he will be unable to move about freely. In short, it is such barriers and discrimination which to a large extent create or aggravate disabilities and actually set people apart from society, in many cases making them a burden to the community. This demonstrates conclusively the importance of efforts to achieve the maximum degree of autonomy and independence for disabled persons, not only for their benefit, but also for the benefit of society as a whole. (Emphasis mine)

Similarly, on the education of children with disabilities, Abang has observed that many exceptional children with talents all over the world have lived and died without formal education and many have also lived and died unknown and perhaps unwanted with their talent lost to the society. The importance of the protection of the rights of PWDs to education is obvious as generally PWDs have been described as “the world’s largest minority” and therefore too numerous to be ignored in the

planning and implementation of programmes on education. Lack of access to education as a right has been a major problem not only for the PWDs, but also for members of their families and disability rights advocates all over the world. Noting the way perceptions of difference features in relation to disability, Weber has stated that: "Xenophobic fear of the "Other" has often been used as a justification for segregation policies, attempting to exclude persons with disabilities from public view". A research from a legal perspective into the rights of PWDs to education in Nigeria is therefore a necessary exercise. Affirming the importance of giving attention to the education of PWDs, the World Education Forum reiterated the need to focus on access to education and inclusion for learners from disadvantaged or marginalized backgrounds.

Absolute statistical figures are rare and estimates are commonly used in disability discourse. The same is the case with the field of education also, where 2010 EFA Global Monitoring Report has stated that globally comparable, reliable data are notoriously difficult to obtain. In a similar note, Lord has affirmed that:

Attaining an accurate measure of the global prevalence of disability is difficult because of the lack of reliable, internationally comparable data on disability. Despite the limitations on data, the World Bank estimates that around 10% of the world's population, or roughly 650 million people, live with a disability, and that persons with disabilities constitute the world's largest minority group.

On the use of estimates, Vernor has submitted that inadequate State monitoring of the education of PWDs has led to uncertainty as to the exact level of their exclusion from education. Vernor went further to state that "nonetheless, the statistics that do exist indicate a simply unacceptable extent and breadth of such exclusion across all age ranges and both sexes and, indeed, within the disability "community" itself". The Special Rapporteur on the right to education illustrated this point in the area of education with the following two examples: First, while the net enrolment rate in primary education in the developing world has now increased to 86 per cent over all regions, estimates of the number of children with disabilities attending school in developing countries range from less than one per cent to five per cent. Secondly, literacy rates for the disabled women are one per cent, as compared to an estimate of about three per cent for PWDs as a whole as stated earlier. There appears to be a general consensus that PWDs are marginalized in terms of equality of right to education and the quality of education they get. Spanning several decades however, and despite the United Nation Convention on the Rights of Persons with Disabilities (CRPD) and the non-inclusion of

RtE in CFRN, is the notion that there is parity to socio-economic and educational amenities that Government provides to the citizenry. The study was therefore muted to ascertain and authenticate the veracity of equal access of individual rights to education irrespective of whether there is disabling and or without disabling conditions.

Research Methods

Three hundred and ninety-nine participants from twenty-eight (28) out of 36 states across Nigeria six-geopolitical zones (i.e. North-West, North-East, North-Central, South-West, South-East and South-South), through a cross-sectional multi-stage (Hybrid) sampling technique, responded to a self-constructed and validated research measure. The respondents completed the questionnaire tagged "Rights of Persons with Disabilities to Education Inventory" (RoPDEI) following the submission of consent to participate form. The sub-sectional components of the RoPDEI span eight thematic areas which are: sub-section 'A' which dealt with the Bio-demographic aspect had eleven (11) items while sub-section 'B' (i.e. 'Provision of the Right to Education for Persons with Disabilities [PWDs] under the Law) had 7 items. Sub-section 'C' (i.e. Expected Reforms Important for improving Strategies to Equal Access to Education for People with Disabilities) however had nine (9) items in all but, sub-section 'D' (i.e. Socio-economically-related conditions for creating and maintaining equal access to Education of People with Disabilities) was made up of six (6) items while sub-section 'E' (Definite Affirmation of International/Regional/National Provisions on the Right of Access to Education) had seven (7) items respectively. In sub-section 'F' (i.e. Measures of Government and Non-Governmental Agencies expected to impact equal access and Right to education for people with Disabilities) was made up of four (4) items; but sub-section 'G' (i.e. Adequacy of guarantee of Right to Education had twenty (20) items while finally, sub-section 'H' (i.e. Legal Frameworks and Policies on the Right to Education for People with Disabilities) was made up six (6t) items respectively.

The conceptualization and instrumentation of the 'Rights of Persons with Disabilities to Education Inventory' (RoPDEI) was structured on the content domain that benefitted immensely from the earlier works and studies in related disciplines (Akinbola, 2014). Apart from section of the research instrument that mainly focused on the socio-demographic aspect, others vastly articulated the assumed legal, economic, educational and social commitments of Government locally, regionally and nationally to her people as part of essential policy design and implementation.

Testing of Research Question

Applying research questions and hypotheses in Social Behaviour Studies arguably directs research focus with appropriate anchor while simultaneously preventing easy digression from original intention. For instance, a research question applied in any social behavioural investigation is an answerable (otherwise, unclouded) inquiry into specific research concern of issue on interest; even though, it is emphatically structured in a format to elicit response.

Research Question One: Is the Right to Education for People with Disabilities (PWDs) provided under the law?

In responding to the first research question, statistical analysis (i.e. based on descriptive statistics utilizing the simple percentage) was applied on the 7 items encapsulated in sub-section 'B' (i.e. Provision of the Right to Education for PWDs) of the 'Rights of Persons with Disabilities to Education Inventory (RoPDEI) in the study. The findings that utilized the descriptive statistical method of the frequency counts and percentages are as summarized in table 1 below:

Table 1: Provision of the Right to Education for Persons with Disabilities (PWDs) under the Law

S/N	ITEM-STATEMENTS	VT	NT	DK
1	Everyone, irrespective of disabilities or abilities has a right to education.	386 (97.0%)	10 (2.5%)	2 (0.5%)
2	Right to education means that all facilities are sufficiently provided to meet everyone's needs whether disabled or not.	308 (77.4%)	80 (20.1%)	10 (2.5%)
3	In our country, people with disabilities access education and learn with ease.	63 (15.8%)	301 (75.6%)	34 (8.5%)
4	Classroom sitting position and learning facilities are provided to take care of everyone's interest including those with disabilities.	104 (26.2%)	246 (62.0%)	47 (11.8%)
5	People with disabilities, like other learners are found in all institutions and / or every unit of disciplines; and do have facilities adequately provided for them.	85 (21.4%)	251 (63.1%)	62 (15.6%)

6	Sitting arrangement, building facilities and all internet facilities for equal access to educational offerings are the same for everyone, across disciplines, faculties, Department, whether among people with disabilities or not.	116 (29.1%)	233 (58.5%)	49 (12.3%)
7	Learning opportunities are easy and are the same for everyone including those with disabilities.	120 (30.2%)	249 (62.6%)	29 (7.3%)

As gleaned from the summarized information embedded in table 1 above, the findings showed that participants varied tremendously in their opinions when their responses were compared on the provision of the right to education for persons with disabilities (PWDs). The gathered information as reflected on the above table showed that 97% of the participants affirmed that everyone has right to education irrespective of whether they have disability or not. However, a lesser number (77%) (Table 1; item 2) showed that having the right to education includes the provision of sufficient facilities to cater for learners whether they have disability or not.

On the contrary, another 75.6% (approximately 76%) of the participants (in table 1) further showed that PWDs do not have easy access to education in Nigeria (i.e. with pooled responses as indicated item 3, table 1) above. To buttress this further, another 62% of the participants said that it was not true that classroom sitting position and learning facilities are provided for everyone including those with disabilities, which then confirmed a situation of lack of equal access to the right to education for PWDs. From information gathered from the field data on "*sitting arrangement, building facilities and internet access*", 58.5% (approximately 59%) of the participants (i.e. pooled participants responses as indicated in item 6), reasoned that PWDs do not enjoy equal access to the right to education. There were 62.6% (approximately 63%) of the participants (i.e. pooled responses, item 7) who confirmed that it was not true that learning opportunities were easy and that it was the same for everyone including PWDs.

Research Question Two

The second research question was stated thus: *What reforms are necessary in order to improve on the implementation strategies for equal access to the right to education in Nigeria for PWDs within the context of national, regional and international human rights standards?*

As a response to the second research question stated above, the descriptive statistical analysis that utilized the simple percentage was applied on the 9-items research sub-section that was embedded in the scale on the "Expected Reforms important for improving strategies to equal access to the Education for PWDs (i.e. sub-section 'C' of the research measure-the Rights of Persons with Disabilities to Education Inventory) (RoPDEI) in the study. The findings that utilized the descriptive statistical method of the frequency counts and percentages are as summarized in table 2 below:

Table 2: Participants' Responses to Expected Reforms Important for Improving Strategies to Equal Access to Education for People with Disabilities (PWD)

S/N	ITEM-STATEMENTS	A	DA	UD
1.	All federal/state/local government educational policies have made enough provisions to promote and ensure the education of everyone including those of people with disabilities both in principle and in practice.	108 (27.2%)	246 (62.0%)*	42 (10.6%)
2.	Whether at Local government area or state and or federal government levels, all educational enactments are usually monitored to ensure that all educational policies and reforms have come to reality especially for those with disabilities.	86 (21.7%)	256 (64.5%)*	54 (13.6%)
3.	Educational policies and reforms for the right to and equal access to education are one-sided favoring only people with disabilities	55 (13.9%)	290 (73.0%)*	51 (12.8%)
4.	People without any form of disabilities have not had privileges that did not favor those with disabilities.	92 (23.4%)	203 (51.5%)*	98 (24.9%)
5.	In every discipline whether in the arts, social sciences, sciences, education, medicine, law, technology, agriculture etc admission criteria is more beneficial to people without any form of disability.	200 (50.5%)	152 (38.4%)*	44 (11.1%)
6.	Curriculum design, development and implementation have usually taken into consideration the peculiar challenges of people with disabilities	124 (31.4%)	214 (54.2%)*	57 (14.4%)

	irrespective of the disciplines, programmes and faculties at the primary school level, secondary and or tertiary levels of education.			
7.	The selection and application of every form of learning assisted aids (such as sign language, wheel chairs, ear mode, speech text, software or speech-assisted-devices, crutches, audio-visual materials etc) are now part of educational offerings installed in every disciplines, and facilities to take care and provide for the peculiar needs of everyone including those of people with disabilities.	118 (29.7%)	234 (58.9%)*	45 (11.3%)
8.	In terms of educational policies and reforms for all category of learners, Nigeria institutions of learning can boast of having well balanced structures for everyone irrespective of whether disabled or not.	76 (19.1%)	274 (69.0%)*	47 (11.8%)
9.	Educational policies and reforms for the right to and equal access to education are one-sided favouring only people without any form of disabilities.	193 (48.6%)	153 (38.5%)	(12.6%)

The information gathered from the field data as epitomized in Table 2 showed that 62% of the participants (i.e. pooled responses item 1) reasoned that “*not all Federal, State and Local Governments have made enough provisions to promote and ensure the education of PWDs both in principle and in practice*”. Similarly, in item 2, 64.5% (approximately 65%) of the participants indicated that at the three levels of government (Federal, State and Local) Governments in Nigeria, even the existing educational enactments are not usually monitored to ensure that the policies and reforms are implemented, especially for PWDs. The situation was further attested to when 73% of the participants disagreed to item-statement (as shown in table 2, item 3) reasoned that “educational policies and reforms do not favour PWDs” while 54% of the participants (item 6) showed that Curriculum design, development and implementation have not usually taken into consideration the peculiar challenges of PWDs irrespective of the disciplines, programmes and faculties at the primary school level, secondary and or tertiary levels of education.

Moreover, in item 7 above, the gathered information from the field data showed that PWD are not provided with assistive devices/learning

aids to make the right to education accessible to them on equal basis with others. Where only 30% of the participants responded affirmatively, the 70% variance indicated that PWDs are very much denied equal access and equal opportunities to education and educational facilities.

Discussion

As presented earlier following the findings, it clearly showed that there are laws that protect PWDs generally; and specifically, protect the right to education. These laws span international, regional and national levels and even within Nigeria, some states have disability-specific laws (e.g. Lagos state). In Nigeria, the laws provide protection either by implication (for instance the fourth chapter of the CFRN, 1999 on fundamental rights which covers all persons in Nigeria) or being disability specific like the Lagos State Disability Law.

In terms of the empirical data, 97% of the total respondents affirmed that everyone has a right to education in Nigeria and that the right to education should include the provision of sufficient facilities for all, whether persons having disabilities or not (table 3, items 1 and 2). The research findings however revealed that PWDs do not access the right to education or learn with ease because the sitting arrangements, building facilities and all internet facilities are not equally accessible for equal access to educational offerings for everyone, across disciplines, Faculties, Departments, and so on, thereby excluding PWDs.

Also, classroom sitting position and learning facilities are not provided to take care of everyone's interest including those of PWDs (table 1, items 3, 4 and 6). Furthermore, it also revealed that PWDs do not have learning opportunities easily or equally with others. These findings contradict article 5 of the provision of the Convention on the Rights of Persons with Disabilities (CRPD 2006), Article 24 (1) - (5) which provide inter alia, that "*States Parties recognize the right of persons with disabilities to education. With a view to realizing this right without discrimination and on the basis of equal opportunity, States Parties shall ensure an inclusive education system at all levels and lifelong learning ...*". The African Charter on Human and Peoples' Rights, (ACHPR 1981) in article 18 (4) which provides: "*The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs*" while the African Charter on the Rights and Welfare of the Child, (ACRWC) 1990 in article 11 (1&2) guarantees the right to education and further sets out the purpose of education and the duties of States parties with regard to achieving the full realisation of the child's right to education. At national sections 33 - 46 of the constitution of the Federal Republic of Nigeria (CFRN

1999) which provides guarantee for equality and prohibits discrimination on any grounds including disability.

The finding also corroborates the finding of (Groce, . 2004; Lord, Suozzi, & Taylor 2010) that in terms of access and discrimination, PWDs face many barriers that limit their access to education, employment, housing, transportation, health care and rehabilitation, and recreation. Schools are often physically inaccessible and one of the consequences is that the global literacy rate for persons with disabilities is reported to be as low as 3%. Corroborating (Table 1, items 6 and 7) of this study, the finding also showed that Disabled women and girls face even more challenges in obtaining education and have literacy rates as low as 1%. For those few who do make it to school, disabled children and adolescents are far less likely to receive science and health education, and are more likely to be excused from sex education courses.

In the second research question being stated thus: "*What reforms are necessary in order to improve on the implementation strategies for equal access to the right to education in Nigeria for PWDs within the context of national, regional and international human rights standards?*", its findings established the fact that PWDs suffer discrimination in education, this aspect of the finding gauged the reforms that are needed to improve the strategies for equalization of the right to education for them. The research finding showed that appropriate reforms can make the right to education more accessible to PWDs. It showed that reforms should begin with the enactment of laws at the three tiers (Federal, State and Local) of governments which should enact enough provisions to promote and ensure the education of PWDs both in principle and in practice (Table 2, item 1).

Similarly, the study showed that even the existing educational legal provisions at the three tiers of government in Nigeria, are not usually adequately monitored to ensure that the policies and laws are implemented especially for PWDs (table 4, item 2). This study further emphasized that educational policies and reforms do not favour PWDs and showed that Curriculum design, development and implementation do not take the peculiar challenges of PWDs into consideration (i.e. items 3 and 6). Additionally, the findings showed that assistive devices/ learning aids such as sign language interpretation, wheel chairs, ear mode, conversion of speech to text software or speech-assisted-devices, crutches, audio-visual materials etc) are not made part of educational offerings. These are not included or installed in every discipline and facilities to take care of, and provide for the peculiar needs of everyone, including those of PWDs to make the right to education accessible to them on equal basis with others (items 7 and 8). Well balanced structures

are also not provided; corroborating the result of earlier studies by Vernor (2007) and merely placing PWDs in classrooms without needed physical facilities and curricula is not adequate inclusion in education in terms of reform and that environmental factors include a wider set of issues than simply physical and information access. Policies and service delivery systems, including the rules underlying service provision, can also be obstacles (Miller, Parker & Gillinson, 2004). This finding corroborates article 24 (3) (a, b, c) and (4) of the CRPD 2006. Unfortunately, an earlier part of the study had showed that Nigeria is yet to make the provisions of the CRPD enforceable in Nigeria because it was yet to be domesticated within the country's domestic laws.

Conclusion

The theory of equality and non-discrimination of human rights was essentially applied even though, the extent to which educational reforms on the rights of access to education especially among the PWDs would continue to attract research attention. What the findings portend is that the educational policies and the reforms for the right to and equal access to education are lop-sided favouring only the people without disabilities. Whether at the local, state and the national government levels, all educational enactments are usually unmonitored to ensure that educational policies and reforms have equal impact, without discrimination to PWDs. In consequence therefore, while the selection and application of every form of learning assisted aids (such as sign language, wheel chairs, ear mode, speech text, software or speech-assisted-devices, crutches, audio-visual materials etc) are in dire need to facilitate adequate learning of the PWDs, they are not essentially part of the amenities provided to Schools. Thus, except very drastic steps are taken to redress the imbalances as far as the educational provision for especially the right of equal access to education of PWDs, the current situation with regards to ensuring Right of equal access to education and or educational reforms as compared to the people without disabilities is still a far cry.

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