

***African Journal***  
*of*  
**CROSS-CULTURAL PSYCHOLOGY AND  
SPORT FACILITATION (AJCPSF)**



**VOL. 17 (2015)  
ISSN 1119-7056**

## **Quantitative Assessment of Provisions for the Right of Access to Education of Persons with Disabilities**

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### **Abstract**

The quantitative method was applied in gleaning information on the type and degree of legal provisions on the rights of access to education of persons with disabilities (PWDs) in Nigeria. Using the six Geo-political zones of Nigeria, the paper reasoned that participants' perception and or opinions on rights of access to education, its acceptability, availability and affordability is not discriminatory irrespective of whether the beneficiaries are people with disabilities and or (otherwise, without disabilities). The study utilized the descriptive survey research design subsumed within the ex-post-facto method while it drew and used, through a simple random sampling technique, 399 participants from among tertiary institutions' students, teachers and administrators who voluntarily completed a Self-constructed and validated research measure tagged 'the Rights of Persons with Disabilities to Education Inventory' (RoPDEI). Multiple regression statistical methods at 0.05 alpha was applied. While the findings showed that the provision of rights to education for PWDs ( $p < 0.05$ ) and expected reforms to equal access ( $p < 0.05$ ) were statistically significant. Of the clustered variables however, only "sympathy/pity" and "empathy" accounted for approximately 25% ( $p < 0.05$ ) and 18% ( $p < 0.05$ ) contribution respectively. Furthermore, the disability-type ( $p > 0.05$ ) was not significant; even though, in considering the factor contribution, participants who submitted that "they were people without disabilities" had beta weight of 23.5% (approximately 24%) ( $p < 0.01$ ) to the variance. It thus recommended inter-alia, that the Federal Government of Nigeria should legislate specifically on the rights of PWDs in keeping with its obligation under the United Nations Convention on the Rights of Persons with Disabilities (CRPD); and that the enactment of an Act to domesticate the convention on the Rights of PWDs in Nigeria should be urgently put in place. All socio-environmental and funding barriers to legislative reforms should be mitigated.

**Keywords:** Persons with Disabilities, Discrimination, Rights to education for PWDs

## Introduction

Within the last three decades and especially from 2006 when the United Nations adopted the Convention on the rights of Persons with disabilities, to date, there has been substantial attention to the needs of persons with disabilities and the duties of governments towards them in terms of legal provisions at national and international levels (Akinbola, 2014). However, the reality of PWDs is that there is still much more that need to be done to make access to their rights under the law a reality, rather than paper tigers. The United Nations Children's Funds (UNICEF) in 2007 noted that in many countries, children and youth with disabilities are still being denied access to education, life-skills or vocational training. The UNICEF also observed that the capabilities of PWDs are neither recognized nor are their views taken into account in matters concerning their right to education. PWDs are more vulnerable to violence and abuse than their non-disabled peers. As a result, their opportunity to fully develop their potential and participate in social life is greatly jeopardized (UNICEF 2007), a situation that is easily linkable to lack of access to qualitative education.

Key elements of a right-based education are accessibility, availability, affordability and Acceptability. In Nigeria however, lack of access to education is a major challenge to the enjoyment of the human rights of persons with disabilities (PWDs). Historically, disability is viewed as a subject of charity has reflected in the area of education in Nigeria, a situation which to date has resulted in the right to education eluding many PWDs. According to UNESCO, current global trends however, indicate that educational systems can no longer continue to view PWDs as problems to be fixed rather than responding positively to the diversity of learners. The uniqueness of the new trends is that it approaches individual differences as opportunities to enrich learning for all in the view of UNESCO. Discrimination against PWDs in the area of education can no longer be sustained in view of recent legal developments especially in the area of international human rights.

Unfortunately, the importance of education has not been reflected in the actions of member states of the Convention on the Rights of Persons with Disabilities (CRPD) as evident when for instance, in October 2006, the Office of the UN Rapporteur on Disability published the results of a global Survey on the implementation of the Standard Rules, conducted by the South-North Center for Dialogue and Development, based in Amman, Jordan (UN Rapporteur, 2006). A detailed questionnaire was sent to 191 government bodies in member states of the Child's Rights Convention and two organizations representing PWDs in each country and information was received from

114 countries (cited in Akinbola, 2014). The study concluded that although some progress had been made in recognizing the right of PWDs, “*there are more good intentions world-wide that are not necessarily backed by strong political will*” and a lot still need to be done for the education of PWDs. It was concluded further in relation to the Millennium Development Goals (MDGs), that “[a]ll too often missing, however, is the political will to ensure that PWDs are automatically and explicitly included in development programmes from the outset, rather than added as an afterthought or, as so often happens, overlooked and further marginalized”. The MDGs omit mention of disability outright in its statement of goals, as an illustration of the fact that PWDs are often left out of the mainstream of important decisions, planning and action that impact positively on society, even with respect to education, as important as it is. In Nigeria, the constitutional right to education is provided for only as part of the Fundamental Objectives and Directive Principles of State Policy [Section 13-20, particularly 18 and 6(6) (c) respectively of the Constitution of the Federal Republic of Nigeria (CFRN), 1991], which means that it is ordinarily a non justiciable right. The jurisprudence on the non justiciability of the provisions in the chapter II of the CFRN 1999 is however, emerging as illustrated by judicial decisions of the Nigerian courts [Archbishop Anthony Olubunmi Okogie & others versus Attorney General of Lagos State (1981) NCLR 218] and [Uzuokwu versus Ezeonu II (1991) 6 NWLR (pt. 200) 708].

Notwithstanding the abundance of various guarantees contained in the Bill of Rights of the United Nations; the Disabilities Convention and various soft law provisions; the African charter on Human and Peoples’ Rights (ACH & PR); the national constitutional guarantee of human rights have not totally achieved full equality in the experiences of PWDs (especially in developing countries like Nigeria), where their experiences of hardship continue to challenge the reality of the right to education. This work investigated this phenomenon and the role of law to date, as well as the future prospects or potentials of law for solving the problem of denied equal access to education for PWDs. It found that the guarantees do not translate to experience for PWDs.

### **Research Hypotheses**

The two research hypotheses were tested at the 0.05 alpha levels. Prominent in use under this caption, is to understand the effects of applying socio-demographic (otherwise, personal) factors, derived from the first segment of the research instrument on the dependent variables from the standpoint of the research objectives. The essence of applying

socio-demographic factors in research of this nature was based on certain assumptions or fundamentals which are:

- That socio-economic rights are *normative*, that is, they are standards or principles deemed to be binding on members of a group, guiding and regulating acceptable behaviour in a society.
- Secondly, this study assumes that contrary to the international, regional and national provisions on the right to education, not everyone enjoy the right to education in Nigeria and PWDs are among those excluded.
- Thirdly, it is assumed further that there are measures which governments could take to effectively realize the right to education for PWDs.

### Research Methods

The study drew and utilized 399 participants from the six geo-political zones of Nigeria and was subsumed within the ex-post-facto format. Self-constructed and validated research measure tagged 'the Rights of Persons with Disabilities to Education Inventory' (RoPDEI) with eight sub-sections was applied in data gleaning. While sub-section 'A' simply typified data on bio-demographic aspect, 'B' concerned itself with issues on the provision of the right to education for persons with disabilities under the law. Others include: sub-section 'C' (expected reforms important for improving strategies to equal access to education for PWDs); 'D' (Socio-economically related conditions for creating and maintaining equal access to education of PWDs); 'E' (Definite affirmation of international/regional/national provisions on the right of access to education); 'F' (Measures of Government and Non-Governmental agencies expected to impact equal access and right to education for PWDs); 'G' (Adequacy of guarantee of right to education) and 'H' (Legal frameworks and policies on the right to education for PWDs respectively).

Research consent form was designed and administered to participants following the explanation on the intent of research while every statements of ambiguity were removed. The participants had the choice of either completing the questionnaire on target on the spot and or at their leisure period for returning the completed form to either directly to the researcher or the proctors.

## Testing of Research Question and Hypothesis

### Hypothesis one

*Participants' differential perception will not significantly affect Government provision on the right to education and expected Reforms for improving the strategies, to Equal Access to Education for Persons with Disabilities (PWDs).*

In responding to the first research hypothesis, statistical analysis was based on item '9' of the socio-demographics sub-scale derived from section 'A' and the entire sub-sections 'B' and 'C' of the research measure (The Rights of Persons with Disabilities to Education Inventory) (RoPDEI) that was applied in the study. The Multiple Regression statistical method at the 0.05 alpha level was however utilized. Gathered statistical results and findings are as summarized in tables 1 and 2 below.

**Table 1: Regression Model Summary Comparison of Socio-Demographics with Participants' Perception of Persons with Disabilities**

Model	R	R Square	Adjusted R Square	Std. Error of the Estimate
A	.081	.007	.004	.48423
B	.028	.001	-.002	.50091

**Table 2: Multiple Comparison Model of ANOVA of Socio-Demographic Factors (i.e. Participants' Perception of Persons with Disabilities)**

Variable-type		Sum of Square	DF	Mean Square	F	Sig
Provision of the Right to Education for PWDs	Regression	.613	1	.613	2.615	.047
	Residual	92.854	396	.234		
	<b>Total</b>	93.467	397			
Expected Reforms to Equal Access for PWDs	Regression	.709	1	.709	2.87	.054
	Residual	97.857	396	.247		
	<b>Total</b>	97.936	397			

a. Dependent Variable: Provision of Right to Education; Expected Reforms to Equal Access

b. Predictor (Constant) Participants' Perception of PWDs

From the gleaned information which tables 1 and 2 above depicted, it showed that the regression model summary of the Socio-Demographics that utilized the Participants' Perception of Persons with Disabilities indicated a 'low' adjusted R-Square values for both sub-sections so classified as 'a' and 'b' (see table 1) above. While sub-section 'a' represented the 'Provision of the Right to Education for PWDs' (i.e. section B in RoPDEI) that of 'b' represented the 'Expected Reforms to Equal Access for PWDs' (i.e. section C in RoPDEI). In table 2 however, the ANOVA summary showed that both sub-sections significantly influenced by the applied socio-demographics. Further statistical analysis was also carried out by using the standardized regression coefficient to show the contributions (i.e. beta weight) of each of the independent variables to the dependent variable as summarized in table 3 below.

**Table 3: Standardized Regression Coefficients Comparison of Socio-Demographics (i.e. Participants' Perception of PWDs)**

	Unstandardized Coefficients		Standardized Coefficients		
	B	Std. Error	Beta	T	Sig.
Constant	21.11	1.005		10.1	.000
Sympathy/pity	.421	.013	.248	7.06	.031
Empathy	.233	-.062	.176	4.95	.051
Dislike/Hate	.097	-.231	.072	-.085	.266
Neutral	.175	.086	.014	.072	.115
Not Sure	.149	.007	.001	.090	.320

From the summarized information derived in table 3 above, while the beta weight contribution of the participants who chose 'sympathy/pity' accounted for approximately 25% ( $p < 0.05$ ), those who ticked 'empathy' was 18% ( $p < 0.05$ ) respectively. While those of 'dislike' was inverse, that of 'neutral' (7%) and those who were 'not sure' (9%) accounted for the lowest beta weight.

### Hypothesis Two

*The second research hypothesis was stated thus: Disability type of research participants will not significantly affect the expected Reforms for improving the strategies on Equal Access to Education for people with Disabilities (PWDs).*

By way of responding to the second research question, statistical analysis was based on item '11' of the socio-demographics sub-scale derived in section 'A' and the entire sub-sections 'C' of the research measure (The Rights of Persons with Disabilities to Education Inventory) (RoPDEI) that was applied in the study. The Multiple Regression statistical method at the 0.05 alpha level was however utilized. Gathered statistical results and findings are as summarized in tables 13 and 14 below.

**Table 4: Multiple Comparison Model of ANOVA of Socio-Demographic Factors (i.e. Participants' Disability-Type on Persons with Disabilities)**

Variable-type		Sum of DF	Mean	F	Sig
		Square	Square		
Disability-Type	Regression	.079	1	.079	.316
	Residual	97.857	396	.247	
	Total	97.936	397		

a. Dependent Variable: Expected Reforms for PWDs

b. Predictor (Constant): Socio-Demographics (i.e. Participants' Disability-Type)

Gleaned information from table 4 above summarized the regression model details of the demographics (i.e. the predictor variable) that were collapsed over the dependent factor (i.e. participants' response to expected reforms for improving strategies to equal access to education of PWDs. The findings, that applied the ANOVA statistics as reflected above showed overall that it was not statistically significant at 0.05 alpha ( $P > 0.05$ ). Further statistical application was however undertaken to ascertain the level contribution of each of the categories in the independent variable as depicted in table 5 below.

**Table 5: Standardized Regression Coefficients Comparison of Socio-Demographics (i.e. Participants' Disability-Type) on PWDs**

	Unstandardized Coefficients		Standardized Coefficients		
	B	Std. Error	Beta	T	Sig.
Constant	1.583	.127		12.503	.000
I am a Person with Disability	.442	.032	.175	4.29	.042
I am a Person without Disability	.153	.201	.235	1.519	.000

a. Dependent Variable: Expected Reforms for PWDs



Information inferred from the above details encapsulated in table 5 above indicated that at the individual level of the predictor variable, they were both significant at ( $p < 0.05$ ) and ( $p < 0.01$ ) 2-tail levels respectively. Although the beta weight showed that while respondents who were persons with disabilities contributed approximately 18 % (i.e. 17.5%) of the variance, those who were people without disabilities contributed approximately 24% (i.e. 23.5%) to the variance.

## Discussion

Gleaned from the findings as reflected in the summarized details, the first hypothesized statement was not confirmed. Although the hypothesis was arguably constructed on the basis of the research objectives, socio-demographic explanations as it were, often provide useful insight into the *raison d'être* of the outcome of variable manipulation (i.e. independent and dependent factors) as it were in studies. As inferred from the findings, the differential ways or manners by which people perceive governmental provisions in terms of the educational structure and or facilities for people with disabilities (PWDs) as compared to those of the 'abled' usually affect and determine what the Government provides in facilitating their easy and equal access to education. By extension, the urgency with which people with special needs (i.e. PWDs) are supported educationally and or in policy development that advance their peculiar interest is easily the product of human rationalization. Imperatively therefore, whenever they are in need of assistance, and if they lack the support from very important significant person (or group of persons) whether in government and or the community, the needs and attention that the people with disabilities (PWDs) would have been provided with merely end as wishes. While socio-demographic factors facilitates the direction and trends of the assistance that the PWDs should have been accorded, in supporting the phenomenon, the Higher Education Quality Council of Ontario (HEQCO) (2012) posited that Socio-demographic factors like gender, ethnicity, and socio-economic status have long been recognized as influencing access to Post Secondary Education (PSE) whether or not the individual is a student with special needs.

In arguing the peculiar circumstance of the people with disabilities further, and especially as it relates with the socio-personal (socio-demographic) factors, Roehner (Chomba, M. 2012) opined that the examination of attitudes towards people with disabilities across culture suggests that societal perceptions and treatment of persons with disabilities are neither homogeneous nor static. In supporting this assertion and more importantly, with regards to the outcome of the hypothesized statement above, referring to the Greek perception of

PWDs and or the 'sick' (so labelled), they were often considered inferior (otherwise, stupid) (Barker, R.G., 2012) while in his 'Republic', Plato recommended that the deformed offspring (i.e. special needs individuals) of both the superior (the affluence) and inferior (the poor) be put away in some "mysterious unknown places (Goldberg and Lippman, 1974). Such discriminating treatment as depicted by the outcome also however supported the finding of the Committee on the Convention on the rights of the Child (CRC) in its General Comment Number Nine (CRC General Comment no. 9, 2007; and General Comment No. 1, CRC/G/2001/1, April 2001). The CRC Committee noted that discrimination was pervasive in both the formal and informal education systems. The result of this outcome further confirmed the findings of the Committee on the Convention on the rights of the child that, among the challenges that confront persons with disabilities, in realizing their right of equality to education, is the lack of access to education. Supported by the findings encapsulated in earlier tables above (see tables 3-9) but especially table 3 where the findings showed that about 98% of children with disabilities in developing countries, (including Nigeria) was the fact that they often exhibited lower quality as a consequence of inequality of access to educational facilities.

The importance of demographic factors in explaining the products of outcomes (especially as it relates to essential educational goods such as the deliberate design and construction of physical structures for special needs of PWDs, construction of ramps to facilitate easy access of the PWDs, etc) by various streams of Governments whether at Local, State and Federal levels are very dispersed and highly skewed in the favour of PWDs. Even where children with disabilities do have access to education, it is of a lower quality, following a different curriculum, in segregated settings, and is rarely beyond the primary school level. Segregation, by which many children with disabilities are sent away to special schools where they spend most of their childhood experiences and discrimination against the minority who do gain access to school, out of which significant numbers drop out in the face of discrimination, lack of appropriate resources and appropriately qualified teachers and bullying from peers are also challenges to the right to education as found by the CRC Committee. The above postulation also explains the findings of the World Bank that while the net enrolment rate in primary education in the developing world has now increased to 86 per cent over all regions, (UN Millennium Goals Development Report 2006) estimates of the number of children with disabilities attending school in developing countries range from less than 1 per cent to 5 per cent (Peters, Susan J., 2005).

The finding of the second null hypothesized statement as indicated above was confirmed. Thus, by implication, the outcome of the hypothesized statement showed that irrespective of the disability-type, the decision and or effort of the government at the different tiers (i.e. Federal, State and Local Government) to instigate and promote needed and expected reforms for improving the strategies of equal access to education for PWDs would be unaffected. This supports earlier findings of Eskay, (2012) who had found that PWDs have not benefitted from special education programme as outlined by section 8 of the Nigerian NPE (National Policy on Education). Eskay attributes this mostly to the issues of inadequate funding, cultural beliefs and negative perceptions. Findings here indicates especially the negative impact such factors have on the right and equal access to education of the PWDs.

In using the non-existence of legal mandates (Obiakor, 1992.) to conditioned the various tiers of government in ensuring the rights and equal access to education of the people with disabilities (PWDs), the reforms (i.e. provision ramps to ease movement, learning-effectiveness gadgets, etc) that might have been prompted and directed to their favour either gets oscillated and or otherwise become easily abandoned (Higher Education Quality Council of Ontario, 2012). The outcomes, also supported the preamble to the Convention on the Rights of Persons with Disabilities (CRPD) (2006) in which the States' Parties to the Convention, in item (c), reaffirmed the universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination.

Although, the same Convention in its preamble item (f), recognized the importance of the principles and policy guidelines contained in the World Programme of Action concerning Disabled Persons and in the Standard Rules on the Equalization of Opportunities for Persons with Disabilities in influencing the promotion, formulation and evaluation of the policies, plans, programmes and actions at the national, regional and international levels to further equalize opportunities for persons with disabilities, as at date, the expected reforms to improve the conditions of PWDs have continued to be somehow elusive. There have been phenomena of continuous challenges of right of access to and equality of education of people with disabilities without the slightest recourse to assistive learning aids, construction and development of ramps as well as other related reforms that should facilitated ease of learning. Though the need for equalization of opportunities is often usually canvassed as of paramount importance in the provision of the right of access to education in Nigeria, contrary to the current situation

as shown by the finding in Hypothesis two above, the PWDs are hardly in consideration in absolute terms, whether in funding and provision basic education-assistive amenities.

Even though the position of the UN CRPD (2006) is also in consonance with the Salamanca Statement of principles that inclusive education acknowledges that every child has unique characteristics, interests, abilities and learning needs. It also specified that those learners with special education needs must have access to and be accommodated in the general education system through a child-centered pedagogy. Inclusive education, by taking into account the diversity among learners, seeks to combat discriminatory attitudes, create welcoming communities, achieve education for all as well as improve the quality and effectiveness of education of mainstream learners (Salamanca Statement on Principles, Policy and Practice in Special Needs Education). Unfortunately though, and as affirmed by the outcome of the hypothesized statement above, which was also noted earlier in Eskay (2001) findings, the unequal representation and treatment of learners with disabilities has continued to be the consequence of cultural beliefs, division among ethnically diverse Nigerians as well as divisive politics.

The assertion also further corroborated the earlier findings that disability type of participants often affects the kind of interventions needed for equalization right of access to education and reforms needed for the PWDs in Laron report of 2005. In these findings, and as encapsulated in Laron report 2005, by which a public committee in Israel examined the implementation of the Equal Rights for Persons with Disabilities Act, it emphasized the crucial role of higher education in the inclusion of people with disabilities into society and in employment. Contrary to the phenomena in Nigeria however, Ramot & Feldman (2003) found that Israel's National Insurance Institute allocated substantial resources to making academic institutions accessible to all which is inclusive of people with disabilities while also granting individual students with disabilities scholarships and support services (Inbar, 1991).

In another related study which the above finding confirmed, many people do not see any significance in educating PWDs, a perception which often facilitates the existence of polarity or division among policy makers (Muuya, 2002), hence the little and or apparent lack of educational reforms. There are constant unending debates and policy manoeuvrings among education policy makers that end up defeating any funding appropriated for special education (Eskay, Eskay & Uma, 2012). Reforms in the form of increasing funding seems always to either be insufficient or not provided for the education and service delivery of learners with disabilities, the study further opined.

## Conclusion

Although the one time decision of the ECOWAS Court in Registered Trustees of the socio-economic rights and accountability Project (SERAP) versus the Federal Republic of Nigeria and Universal Basic Education Commission (Suit No: ECW/CCJ/App/0808 delivered on 27/10/2009) once had to the effect that Nigerians have the right to education, it was submitted that the court did not decide this in terms of the 1999 Nigerian Constitution but, rather, in terms of Art 17 of the African Charter on Human and Peoples' Rights. It held: "[t]he directive principles of state policy of the Federal Republic of Nigeria are not justiciable before this Court as argued by second defendant and the fact was not contested by the plaintiff. Thus, a cursory investigation as inferred from the findings has volupuously showed that the participants views on the Rights of access to education, its acceptability, availability and affordability is inter-alia, not undiscriminatory. It imperatively therefore recommend that the Federal Government of Nigeria should legislate specifically on the Rights of PWDs in adhering strictly to its obligation under the United Nations Convention on the Rights of Persons with Disabilities (CRPD) while the enactment of an Act to domesticate the convention on the Rights of PWDs in Nigeria should be an urgent pursuit to mitigate the PWDs educational challenges while impacting positively their learning outcome and psycho-emotional adjustment to life.

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The MDGs represent a blueprint agreed to by all the world's countries and leading development institutions for advancing the human rights and quality of life for the year 2015. Goal 2 of the MDGs is to achieve universal primary education.

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