

## CHAPTER 47

### ENHANCING CHILDREN WITH SPECIAL NEEDS RIGHTS TO ACCESS BASIC EDUCATION IN NIGERIA

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#### **Introduction**

Children with special needs constantly experience barriers to the enjoyment of their basic human rights and are overlooked. Their capacities are underestimated and their needs given low priority. It is estimated that there are over 150 million children with special needs all over the world and more that 80% of them live in developing countries with little or no access to services such as education, Uddu (2020). As at 2020, there were an estimated 25 million disabled persons in Nigeria, about one in every eight Nigerians live with at least one form of disability. Uddu (2020) continued that, most of these individuals have visual impairment, hearing impairment, physical impairment, intellectual impairment and communication impairment. Their conditions could be caused by preventable diseases, continental malformation, birth related incidents, physical injury and psychosocial dysfunction. Although statistics are scanty about the demographic distribution of disabilities in Nigeria, available literature suggest that there are significantly more disabled women than men in the country and that it is due to insurgency in the North-east. The region hosts the highest number of special needs children in the country.

Enhancing children with special needs is generally talking about the intensification of efforts to improve the lives of persons with special needs. Enhancing children with special needs refers to “improving the quality, amount or strength of something” (Cambridge dictionary (n.d)). Enhancing process involves practices and policies designed to identify and remove barriers such as physical, communication, and attitudinal acts that hampers individuals’ ability to have full participation in the society as the “normal”. It is a process that involves all the stakeholders that have direct and indirect relationships with individuals with disabilities.

The rights to access basic education are enshrined in international and national law. The right to education is a fundamental right. It is also an enabling right which is outlined in the United Nations (UN) convention on the rights of the child. This right allows children to develop their personality, talents and ability to their fullest potential and acquire the skills and knowledge they need to widely recognize not only as the basis for personal fulfillment but as the engine for social, economic, political, spiritual and cultural development. However, for many children, the right to education still remains out of school. Whilst the number of



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out of school children has been declining over the past 15 years, there are still an estimated 57 million out of school of which 53% are girls (UNESCO, 2015). Recent evidence indicates that out-of-school figures have been slowing down since 2010, a factor largely due to trends in sub-Saharan Africa, where the number of children out of school has remained at around 30 million over the last fifteen years. Unsurprisingly, recent data from UNESCO showed that the majority of countries (including Nigeria) were off-target to achieve the Education for all (EFA) goals by the year 2015 dateline, (UNESCO, 2018).

In this chapter, the author focused on basic education enshrined in the United Nations (UN) and Nigeria law and the rights of the child to education. The impacts of the laws on enhancing the education of children with special needs was also discussed. The author later examined ways of enhancing children with special needs. Not only these, the writer discussed measures to be carried out by stakeholders to enhance rights of children to basic education in Nigeria. Toward the end, implications of enhancing children with special needs rights to access basic education was later outlined before conclusion and suggestions.

### **Basic Education as Enshrined in the Law.**

#### **A. The United Nations (UN) Perspective.**

The United Nations (UN) convention on the right of the child is an important agreement by countries that promise to protect children's rights. The convention explains who children are, their rights, and was first signed in 1948. Thereafter, it was re-adopted and opened for signature, ratification and accession by the general assembly resolution 44/25 of November 1989, entry into force in September 1990, in accordance with article 49 of the UN convention. The convention was reviewed back to it earlier declaration in Geneva in 1924 and in the declaration of human right of the child adopted by the General Assembly in November 1959 and recognized in the Universal Declaration of Human Rights in the International covenant on civil and political right in the international covenant on economic, social and cultural right, and in the status and relevant instruments of specialized agencies and international organizations concerned with the welfare of children among others, Convention on the rights of the child (2002). The convention defined a child as "every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier". They resolved that; states parties shall:

1. Respect and ensure the rights set forth in the convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parents or legal guardian's, race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the



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status, activities, expressed opinions, or beliefs of the child's parents, legal guardians or family members among others.

### **The Rights of the Child to Education.**

There are 54 articles on the rights of the child. However, articles 28 and 29 discussed the roles of the states to the rights of the child on education. Article 28 stated that:

- i. states parties must recognize the right of the child to education (special needs children inclusive), and with a view of achieving these rights progressively and on the basis of equal opportunity, they shall have, in particular:
  - a. make primary education compulsory and available and free to all;
  - b. encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of needs;
  - c. make higher education accessible to all on the basis of capacity by every appropriate means;
  - d. make educational and vocational information and guidance available and accessible to all children;
  - e. take measures to encourage regular attendance at schools and the reduction of drop-out rates.
- ii. States parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present convention.
- iii. States parties shall promote and encourage international cooperation matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods in this regard, particular account shall be taken of the needs of developing countries. Not only these, article 29 also stated that:

States shall be directed to;

  - a. the development of the child's personality, talents and mental and physical abilities to their fullest potentials.
  - b. The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the charter of the UN.
  - c. The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which he is living, the country from which he or she may originate, and for civilizations different from his or her own.
  - d. The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sex and friendship among all



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- peoples, ethnic, national and religious groups and persons of indigenous origin.
- e. The development of respect for the natural environment.
  
  - i. No part of the present article (29) or article (28) shall be constructed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the state.

### **The Nigerian Perspective**

Nigeria as a country has been trying to comply with the UN Convention on education, which says that every child has the right to education, FME (2008). In trying to conform to this, policies were enacted in the education sector and other related fields. For instance, UPE in 1981, UBE in 2004. The country was represented at the Salamanca-Spain International Conference in 1994. Notwithstanding, the Millennium Development Goals (MDGS) , a blueprint jointly signed by the global community in September 2008 targeted to have been achieved by the year 2015 was geared toward improving the lives of Nigerian children. The Nigerian government left no stone unturned as the President of the Federal Republic of Nigeria (Mohammed Buhari) in December 2018 signed the disability bill into law. The signing of this bill into law gives more rights to individuals with disability in this country to be supported more than before. The discrimination against persons with disabilities law as reported by I.D.D News Team (2019) spelt out the following conditions and penalties against offenders:

1. It prohibits all forms of discrimination on grounds of disabilities and imposes a fine of one million for corporate bodies and one hundred thousand naira for individuals or a term of six months in person for violation.
2. The act also provides a five-year transitional period within which public buildings, structures or automobiles are modified to be accessible to and usable by persons with special needs.
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4. That, before erecting any public structure, its plan shall be scrutinized by the relevant authority to ensure that it conforms to the code.
5. That, any government or government agency, body or individual responsible for the approval of building plans shall not approve the plan of public buildings if the plan does not make provision for accessibility, facilities in-line with the building code.



6. The disability law added that, an officer who approves or directs the approval of a building that contravenes the building code, commits an offence and is liable on conviction to a fine of at least one million naira or a term of imprisonment of two years or both.
7. The law further added that; discrimination is prohibited in public transportation and facilities, and that service providers are to make provision for the physical, visually, hearing impaired and all other challenged cases. This applies to seaports, railways and airports.
8. The rights and privileges include: education, healthcare, priority in accommodation and emergencies.
9. Furthermore, all public organizations are to reserve at least 5% of employment opportunities for individuals with special needs.
10. The National Commission for persons with disabilities is also established with the executive secretary as the head.

### **Impacts of the Child Rights Law on Enhancing the Education of Children with Special Needs**

From the ongoing discussion, it is unequivocally clear that all measures at both the international, National and local levels are geared towards enhancing or improving the living conditions of the child (the special needs inclusive). For instance, the United Nations Convention of the rights of the child was signed in 1948 and the declaration of the child adopted by the general assembly also gives attention to children with special needs. That effort was fully intensified during the 1994 Salamanca-Spain international conference attended by 92 government representatives and 25 international organizations. There, they were able to adopt a dynamic new statement that accepts inclusive education as the norm in educating children with special needs, UNESCO (1994). The guiding principle is that schools should accommodate all children regardless of their physical, intellectual, social, emotional, linguistic or other conditions, Ozoji, Unachukwa & Kolo, (2016). Not only this, the convention resolved that states shall respect and ensure that the rights set forth should be implemented without discrimination of any kind, "irrespective of the child's or his or her parent's or legal guardian, race, colour, sex, language, religion, political or other opinion, nation, ethnic or social origin, property, disability, birth or other status". Here, the special needs child is protected, be it those with albinism or any categories of special needs children. Before now, such cases were considered taboo in society. They were either thrown in rivers or bushes and their mother humiliated as if they had done something wrong. But with the enactment of the child's right law, such practices are reduced to the barest minimum. One other key area of interest is the directive to state: "develop education at all levels and to ensure that appropriate measures such as the introduction of free education and offering financial assistance in case of need."

By this mandate, many countries key into this with the aim of seeing that every child is supported to at least attain secondary school. In this regard,



government budgetary allocation to assist persons with special needs are now considered, inclusive education is now encouraged, equipment and other related instructional materials are now given attention unlike before. Not only these, Special Education teachers are now encouraged and trained through workshops, seminars and the like. Furthermore, the convention directed states to ensure that “the development of the child’s personality, talents and moral abilities is developed to the fullest”. By this directive, the government and the general public became conscious of issues of disabilities. They were made to realize that individuals with disabilities are also gifted, talented and can function effectively in any area of human and material resources if appropriately supported. In Nigeria for instance, the education for the gifted began with the establishment of the Suleja Academic School for the gifted in 1985. Thereafter census of the gifted and talented children in Nigeria started since then. This came to be as a result of the international mandate on the rights of the special needs child to education.

Here in Nigeria a bill was recently signed into law (2019) to protect the rights of persons with disabilities. Before then, individuals with special needs were not given much priority. But by this law, every organization in the country must be very conscious on disabilities issues as every offence committed in the signed law is backed up with fines or imprisonment penalties. It is in this regard that a commission for persons with disabilities was set up with an executive secretary. Even the recent electoral acts were repealed to favour individuals with disabilities to fully participate in the electoral process.

From all these, one can say that the global negative attitudes towards persons with special needs is gradually reducing. Individuals with special needs are becoming accommodative and friendlier than before. Ozoji (2005) expressed in his book, “special needs education and rehabilitation for new beginner professionals (2<sup>nd</sup> edition)” the humiliated experience of a veteran deaf-blind genius, Helen Keller which was quoted saying, “not blindness but the attitude of the society towards blindness that is the greatest burden to bear.” From all indications, there has been a gradual shift in the attitude of persons without disabilities to the disability’s counterparts. However, more needs to be done in this regard to enable individuals with special needs to find a full sense of belonging in their communities. One key issue that needs to be addressed in this chapter is the ways of enhancing school lives of children with special needs to strategically access basic education in Nigeria.

### **Ways of Enhancing Children with Special Needs.**

Strategically, measures must be in place by all stakeholders to activate the enhancing process of children with special needs so as to enable them to feel motivated and interested in the teaching and learning process in our inclusive schools. Armstrong (2020) outlined eight ways that could be employed to ensure that individuals with special needs are carried along, which seem related to this topic. The author opined that:



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### **1. One Should Find Out Everything You Can About the Child's Strength**

Once a child is labeled with a diagnostic term, there is a tendency to focus on the things that got them labeled: not reading well, not able to pay attention, not able to socialize and so forth. In other words, the focus gets placed on the child's negatives. We know this represents a formidable obstacle to the child's sense of self-worth. To combat this, parents and teachers should do as much as they can to find out about the strengths, talents, abilities, interests, and other assets of the child.

### **2. Expose The Child to Positive Role Models with Disabilities.**

We are increasingly becoming away through the media of individuals who have been diagnosed with L.D, ADHD, autism, social and emotional disorders, sensory and physical impairment; who have succeeded in their chosen profession. Children with special needs should know about these people. These role models send a story message to them and energizes them on the principle that "if they can do it, so can I".

### **3 Use Assistive Technologies and Universal Design for Learning (UDL) Tools to Keep Children Get Around Learning Obstacles.**

There are travel riches in terms of technologies which can help people navigate around their difficulties in furthering their education. We are familiar with wheelchairs, walking canes, curb cuts in the sidewalk and braille, but there are literally millions of tools out there for people with disabilities. Dyslexics can use text-to-speech apps that translate the printed page into oral language. People with spelling disabilities can use spell checkers. Those who have difficulty communicating (for example, those with intellectual disabilities and or autism) can use augmentative alternative communication apps like Proloquo2go. Those who are prone to depression can use mood trackers apps like mood kit (for example, ADHD), can use school work organizer apps like istudiez.

### **4 Enhancing the Child's Human Resources Network.**

Every child with special needs exists in the midst of a network of human relationships at school, with friends, teachers, classmates, administrators and other individuals. Those relationships belong in one of the three categories, enhancing, debilitating, and neutral. An example of an enhancing relationship is the child's favorite teacher who responds empathetically to his or her needs. A debilitating relationship could be a bully who teases him or her with physical harm. A neutral relationship might be the school secretary. The trick is to put down on paper all the child's relationship at school (by putting the child's name in the center and then connecting him to people like spoke in a wheel), and second, to strategize how to strengthen the enhancing relationship (for instance, more time with his favorite teacher), how to eliminate the debilitating relationships (for example, implementing an anti-bullying program), and turning the neutral relationships into enhancing ones (for example, exposing the child to positive new friends through a collaborative learning group). The overall emphasis should be tweaking a child's human resources network so that it is full of positive relationships that can support him in his school experience.



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## **6. Make Environmental Accommodations.**

Sometimes it is the physical environment that a child with special needs finds himself in that needs tweaking or adjustment in some way. So, for example a child diagnosed with ADHD may need “fidget furniture” where they can wiggle around (for example; stability ball, standby desk, bouncing band, and so on). A student diagnosed with intellectual disabilities may benefit from having “way finding aids” such as color-coded storage boxes, folders, and closet compartments. Since many children on autistic spectrum have sensory sensitivities, using earphones that block out noises might be a useful accommodation. The big question to ask is: how can I change the way the classroom/school is organized so that the child can easily navigate it (physically, cognitively, emotionally, socially and otherwise?).

### **Measures to be carried out by stakeholders to enhance the rights to access basic education in Nigeria.**

For children with special needs to have their rights to access basic education in Nigeria, there must be a conscious and deliberate effort on the side of all stakeholders of education. Some of the positive steps to be taken towards enhancing quality education as it affects the rights of children with special need include:

#### **1. Taking Education as an Investment.**

It is very necessary for all stakeholders to have a look at education as an investment. By this, the budgetary allocations to education by all stakeholders should be regarded as investment on the people being educated with the notion that at one time their dividends will be realized later in life. Therefore, for any country, community, family and individuals that invest more in education, there is a high tendency for quicker growth in future. By this, the federal, state and local should as a matter of urgency increase their investment in educating both the “normal” and special needs child with future anticipation. Even at family level, parents should not expect quick returns on what they spent on their children as it is not an annual, biennial or perennial benefit, but benefits that take time to manifest.

#### **2. Provision of Basic Education Infrastructures.**

For quality learning to take place, there are things that must be put in place to facilitate the process. Some of these infrastructures include; buildings, conditions in the classrooms-that is the teacher pupil’s ratio; chairs, tables, blackboard etc. It is so sad to note that some schools do not have a good classroom block. Pupils learn under trees being exposed to; harsh weather, with constant distraction in the teaching and learning process. With these situations, teachers will find it hard to control such classes thereby affecting the quality of education hence the need to give attention to these sensitive issues.



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### **3. Provide Learning Facilities and Instructional Materials.**

By standard, pupils are expected to have a rich curriculum, text-books, learning facilities such as computers, well equipped laboratories, furnished libraries among others. It is disheartening that in most schools these learning facilities and materials are not affordable thereby affecting the rights of the child to access basic education. There is a high need in this regard for both the normal and special needs child to be given due attention on these issues.

### **4. Need for Quality Teachers.**

It is an accepted statement worldwide that children's academic and general output is the outcome of the teachers that taught them. According to Daniel (2014) teacher's problem transcends all levels of education in this country. The author added that it is acute at the lower levels where training is necessary for effective teaching. In special needs education and with the embarrassment of inclusive education in our school systems, qualitative teachers are needed in the various disabling areas; visual impairment, hearing impairment, learning disability, rehabilitation and other key areas. It is quite unfortunate that employing these specialists is a big problem these days. Even those that did self-training and empower their skills to function better, they are not employed. Some of them go to areas that have no relevance to their areas of specialization. For special needs children to have their basic right to success basic education in Nigeria qualitative teachers must be in place.

### **5. Proactive Measures by Parents and Guardians**

Parents and guardians have important roles to play in contributing to the enhancement process of the child. They look at the child as a "special gift" from God. They believe that one-day God will ask them to give account to their children. This motivated most parents to do all they could to play their roles. The reality in our society today is that, if one wants his/her child to have quality and functional education, one needs to spend money in paying school fees, buying books, uniforms and other related roles. To ensure that their children access basic education they have to go extra miles by ensuring that their kinds are not left behind.

### **Implications of enhancing children with special needs rights to access basic education**

There are enormous implications of enhancing children with special needs rights to access basic education in Nigeria. Among such are:

1. The child with disabilities finds full sense of belonging as he or she is fully accommodated within the systems.
2. It broadens the interactive capacity of the child with his or her immediate environment and the global community as the child is no longer considered disabled.



3. The roles of parents, teachers and other stakeholders will be lessened thereby increasing the overall productivity and efficiency of the child, among others.

On the other hand, if these enhancing processes are ignored, it has the capacity to:

1. Affect the emotional, social, education and other areas of the child's functioning processes as the society still sub-zoom the child as a second-class citizen.
2. It cages stakeholder roles in the community of nations.
3. The Nigerian government would tarnish her image in the community of nations looking at her roles in signing national and international treaties.

### **Conclusion**

1. In conclusion, stakeholders need to strategize more on current measures that embrace not only the acquisition of basic and qualitative reeducation rights, but other areas of their general wellbeing; social life, economic empowerment, physical wellbeing, political identity and participation and other general aspects of livelihood.
2. Stakeholders in these areas need to take a look at workable policies and programmes internationally, naturally that have meaningful impacts on the lives of persons with special needs
3. To achieve a more inclusive community, attention must be given to investment in education, improvement in infrastructure, learning facilities and materials, qualitative teachers and proactive measures by parents and guardians in children with special needs.

### **Suggestions**

1. It is suggested that international bodies like U.N, UNESCO should monitor the implementation of signed documents to ensure that member nations are complying, and punitive measures be taken on erring countries to facilitate together in implementation of signed documents.
2. Governments at all levels should increase the budgetary allocation to education as the cost of running special needs education programmes is costlier than the general education.
3. There should be more awareness on the basic rights of the child with a disability in our society as many are not quite informed on what is going on in this area.
4. Governmental bodies, spirited individuals and other philanthropic individuals should encourage families of children with disabilities by assisting them with some of the key livelihood products to serve as motivational assistance.



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