

## **From Legal Recognition to Substantive Equality: Promoting and Protecting the Rights of Persons with Disabilities in Nigeria**

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### **Abstract**

Nigerian law guarantees persons with disabilities equal rights, participation, and protection. While Nigeria has developed an enabling legal framework that protects disability rights, including the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 and other legal and international obligations, a gap remains between formal recognition and substantive equality. This paper explores how Nigeria's legal and institutional framework protects the rights of persons with disabilities, particularly equality, non-discrimination, accessibility, participation, and remedies. This is done to gauge how adequate the laws and institutions are and to suggest ways of improving inclusiveness. The study employs the library-based doctrinal research methodology and uses legislation, judicial opinions, international instruments, books, journals, and institutional materials. The study points out the discrepancy in the implementation of legislative measures, especially in relation to issues of accessibility, capacity, awareness, reasonable accommodation and remedies. Persons with disabilities continue to face from social isolation, discrimination, limited access to education and employment opportunities, inaccessibility of infrastructure and ineffective enforcement mechanisms. All these contribute towards failure in the process of transitioning from legal recognition to substantive equality. The study recommends effective implementation of disability legislation, effective enforcement institutions, access to public infrastructure, reasonable accommodation and greater public awareness. The study concludes that legal recognition, while crucial, cannot ensure equality on its own; further implementation, accountability and institutional commitment are required to achieve substantive equality and the realisation of the rights of people with disabilities in Nigeria.

**Keywords:** Disability rights, substantive equality, discrimination, accessibility, implementation, human rights, Nigeria

### **Introduction**

The protection of the rights of persons with disabilities has increasingly become an integral component of international human rights law and social justice, reflecting a shift from viewing disability primarily through charitable or medical approaches toward recognising persons with disabilities as rights holders entitled to equality, dignity, participation, and full enjoyment of human rights (United Nations, 2006; United Nations Committee on the Rights of Persons with Disabilities [CRPD Committee], 2018). Disability is no longer viewed solely as an individual

problem, the solution to which would consist in welfare actions or humanitarian assistance. According to the modern human rights approach, disability should be understood as resulting from the interaction between impairments and social, environmental, institutional, and attitudinal barriers that restrict the participation of persons with disabilities in society on an equal basis with others. Therefore, persons with disabilities require not only the recognition of their rights but also the removal of barriers that prevent them from exercising and enjoying those rights. This shift in understanding has contributed to the development of a rights-based approach to disability, reflected most prominently in the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which places equality, non-discrimination, accessibility, participation, and inclusion at the centre of disability rights protection (Arimoro, 2019).

Against this broader shift in understanding disability, the protection of the rights of persons with disabilities has become an integral component of international human rights law and social justice. This development reflects a movement away from viewing persons with disabilities primarily through charitable or medical approaches toward recognising them as rights holders entitled to equality, dignity, participation, and the full enjoyment of human rights (United Nations, 2006; United Nations Committee on the Rights of Persons with Disabilities [CRPD Committee], 2018). In Nigeria, however, the recognition of disability rights has developed alongside persistent forms of discrimination and exclusion that continue to affect the participation and opportunities of persons with disabilities. Persons with disabilities have faced barriers to education and health care, restricted employment opportunities, inaccessible public facilities, and limited participation in political and social affairs (Ndlovu & Nyoni, 2020). These challenges have persisted despite constitutional provisions protecting equality and prohibiting discrimination, as well as Nigeria's commitments under international human rights instruments. Although Section 42 of the Constitution of the Federal Republic of Nigeria guarantees freedom from discrimination on specified grounds, disability is not expressly included among those prohibited grounds (Ndlovu & Nyoni, 2020). This omission has generated debate concerning whether the Constitution's general equality and non-discrimination guarantees provide adequate protection against disability-based discrimination.

A significant legislative development occurred with the enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018. The Act prohibits discrimination on the basis of disability and establishes provisions relating to the inclusion and participation of persons with disabilities in areas such as education, employment, health, accessibility, and transportation (Etieyibo, 2020). It also established the National Commission for Persons with Disabilities to promote and protect the rights and advancement of persons with disabilities. The enactment of the law represents an important development in Nigeria's movement from a predominantly welfare-oriented approach toward a rights-based approach to disability. Nevertheless, the existence of legal protections does not, by itself, guarantee substantive equality or eliminate the social, institutional, and environmental barriers that persons with disabilities continue to encounter.

Nigeria's legislative response to disability rights must also be understood within the context of its international human rights commitments. Nigeria ratified the United Nations Convention on the Rights of Persons with Disabilities (CRPD) and its Optional Protocol in 2010, thereby undertaking international obligations to promote, protect, and ensure the full and equal enjoyment of human rights by persons with disabilities (Amucheazi & Nwankwo, 2020). Consistent with these obligations, States Parties are required to adopt appropriate legislative, administrative, and other

measures to give effect to the rights recognised in the Convention and to eliminate discrimination against persons with disabilities (Obianyo & Ater, 2025). The CRPD's emphasis on reasonable accommodation, accessibility, participation, and equality further demonstrates that equality cannot be understood simply as treating everyone in the same manner; rather, achieving equality may require the removal of barriers and the provision of appropriate supports that enable persons with disabilities to participate on an equal basis with others. This principle is also reflected in Nigeria's National Policy on Disability 2018, which recognises the inclusion and participation of persons with disabilities as important to national development and seeks to promote their participation in social, economic, and political life while addressing barriers to effective participation (Aliyu, 2018). Despite these legislative and policy commitments, however, significant challenges remain in translating formal commitments into practice. Nigeria's initial report to the CRPD Committee acknowledged both the country's legislative and policy efforts toward disability inclusion and the challenges associated with implementation (Mbanugo, 2019). More recently, the CRPD Committee requested information from Nigeria regarding the implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act across all 36 states and the measures taken to harmonise domestic legislation with the Convention's human rights model of disability and principles of equality (Mohammed et al., 2025).

These continuing implementation challenges highlight an important distinction between legal recognition and substantive equality. Legal recognition refers to the formal acknowledgment and protection of rights through constitutional provisions, legislation, policies, and international commitments. Substantive equality, in contrast, concerns whether persons with disabilities can exercise and enjoy those rights in everyday life, including in education, employment, health care, transportation, political participation, access to justice, and public spaces. Accessibility is important to this distinction because barriers in the built environment, transportation, information and communication technologies (ICT), and other areas can prevent persons with disabilities from accessing rights that are formally guaranteed to them. The critical issue is not simply whether Nigeria has established laws and policies recognising the rights of persons with disabilities, but whether these measures have produced meaningful changes in the social, institutional, and structural conditions that contribute to exclusion. The gap between formal legal commitments and their practical realisation provides an important basis for examining how disability rights are translated into substantive inclusion in Nigeria. Accordingly, this paper examines the mechanisms established to promote and protect the rights of persons with disabilities and considers the extent to which these mechanisms are translated into meaningful inclusion. Attention is given to the disparity between legislative and policy commitments and their implementation, as well as the institutional, social, and structural barriers that continue to affect the effective enjoyment of disability rights.

### **Statement of the Problem**

Despite the growing recognition of disability rights in Nigeria, persons with disabilities continue to experience discrimination, exclusion, and inequality in their daily lives (Onalu et al., 2023). The implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 and Nigeria's commitments under international and regional human rights instruments represent important developments in the formal recognition and protection of disability rights. However, the existence of these legal and policy frameworks has not necessarily translated into substantive equality for persons with disabilities. Significant barriers continue to affect their access to

education, employment, health care, transportation, infrastructure, justice, and political and social participation (Akpambang & Akanle, 2024). Public buildings, spaces, and transportation systems may remain inaccessible (Amucheazi & Nwankwo, 2020), while schools may lack the facilities, educational materials, and support services necessary to facilitate inclusive education (Umeh, 2018). Discriminatory attitudes and perceptions about disability also continue to influence access to employment and broader economic and social participation (Ajegena, 2025). These conditions suggest that the formal recognition of disability rights has not, by itself, removed the social, institutional, and structural barriers that restrict their effective enjoyment.

The gap between legal recognition and realisation is further complicated by challenges in the implementation and enforcement of disability legislation and policy. Although the 2018 Act establishes important protections, factors such as limited awareness, inadequate monitoring, weak enforcement mechanisms, institutional capacity constraints, limited resources, and difficulties in coordinating disability-related responsibilities across institutions may constrain its effectiveness. Consequently, persons with disabilities may possess formally recognised rights without having the institutional support and accessible conditions necessary to exercise those rights in practice. This problem is significant when equality is understood solely in terms of identical treatment. Treating persons with disabilities in the same manner as persons without disabilities does not necessarily address the barriers that produce unequal outcomes. Substantive equality requires more than protection from discrimination; it may also require reasonable accommodation, accessible environments, appropriate supports, and other measures that address existing disadvantages and enable meaningful participation.

The problem is not the complete absence of legal recognition of disability rights in Nigeria, but the gap between the rights recognised in law and their effective realisation in practice. Although Nigeria has established constitutional, legislative, policy, and institutional mechanisms intended to promote and protect the rights of persons with disabilities, questions remain concerning the extent to which these mechanisms are effectively implemented and whether they are sufficient to address the structural, institutional, social, and environmental barriers that contribute to continued exclusion. This creates a need to examine the extent to which Nigeria's legal and institutional framework has translated formal recognition into substantive equality for persons with disabilities. Accordingly, this study examines the protection of disability rights in Nigeria, with particular attention to the gaps between legal standards and their implementation, the institutional and structural barriers that affect the enjoyment of disability rights, and the mechanisms through which formal rights may be translated into meaningful inclusion and substantive equality.

## **Literature Review**

The preceding discussion established that the primary challenge in Nigeria is not the complete absence of legal recognition of disability rights, but the gap between rights recognised in law and their effective realisation in practice. Existing literature provides evidence of this gap from legal, institutional, social, economic, and sector-specific perspectives. The studies reviewed below examine the development and protection of disability rights in Nigeria, the barriers that continue to limit their enjoyment, and the challenges associated with implementing existing legal and policy provisions. These studies jointly provide an important foundation for understanding disability rights in Nigeria, but they also reveal the need for a more integrated examination of the extent to which formal legal recognition has translated into substantive equality.

Agugua et al. (2024) examined the protection and enforcement of the rights of persons with disabilities in Nigeria from a legal and institutional perspective. Their study evaluated Nigerian and international legal frameworks relating to the protection of persons with disabilities, with particular attention to discrimination and stigmatisation. The authors identified the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, as a significant development in Nigerian disability law and examined issues concerning the enforcement of disability rights and the role of the National Commission for Persons with Disabilities. The study also emphasised greater inclusion of persons with disabilities in governance and increased awareness of their rights. This legal and institutional perspective is important because it demonstrates the development of formal mechanisms for recognising and protecting disability rights. However, its primary emphasis on legal protection, enforcement, governance, and awareness provides less attention to the broader question of how formal legal rights are translated into substantive equality across different areas of social participation.

Akpambang and Akanle (2024) examined the barriers affecting the rights and protection of persons with disabilities in Nigeria. Their study identified physical, social, economic, educational, and health-care barriers as significant constraints on the participation of persons with disabilities. The authors also recognised the existence of international and domestic legal frameworks that provide formal recognition of disability rights. Despite these legal developments, discrimination and marginalisation continue to affect persons with disabilities. The study emphasised that the enactment of legislation alone is insufficient where laws are not effectively implemented and violations are not appropriately sanctioned. This finding reinforces the distinction between formal legal recognition and practical realisation established in the Statement of the Problem. However, the study primarily identifies the barriers and implementation challenges affecting persons with disabilities rather than examining how these barriers collectively affect the achievement of substantive equality across the broader disability rights framework.

Aremu and Abiodun (2023) examined the inclusion of persons with disabilities as a prerequisite for sustainable development in Nigeria. Their study identified societal prejudice, inadequate resources, educational discrimination, employment discrimination, and policy deficiencies as major barriers to inclusion. The authors argued that the exclusion of persons with disabilities limits their participation in national development and recommended measures including awareness creation, reasonable accommodation, inclusive policies, and community-based rehabilitation. The study demonstrates that disability inclusion has implications extending beyond individual participation to broader economic, social, and political development. It also draws attention to measures such as reasonable accommodation that can help address barriers to equal participation. Nevertheless, the study approached disability inclusion primarily from the perspectives of sustainable development and social inclusion rather than through a comprehensive examination of the legal and institutional mechanisms through which substantive equality can be achieved and protected.

Onalu et al. (2023) investigated the experiences of persons with disabilities in Nigeria through an empirical study involving persons with disabilities and members of disability associations. The study identified environmental, educational, and socioeconomic challenges as significant concerns affecting participants. Its findings indicate that exclusion cannot be understood solely in terms of formal legal discrimination because social and institutional practices can also restrict the

participation of persons with disabilities. The authors therefore emphasised the importance of inclusive approaches and effective implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018. The empirical evidence provided by this study is valuable because it demonstrates how barriers to inclusion are experienced in practice. However, its primary focus on the experiences and social dimensions of disability provides limited examination of the relationship between these experiences, the legal framework, and the broader principle of substantive equality.

Ajegen (2025) examined disability employment rights in Nigeria, focusing on the relationship between statutory protections and conditions experienced in the workplace. The study considered constitutional provisions, the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, and Nigeria's obligations under the Convention on the Rights of Persons with Disabilities. The study recognised employment as an important component of dignity, economic independence, and social inclusion and found that exclusion persists despite developments in disability legislation. Its findings provide a clear illustration of the distinction between formal legal recognition and substantive equality within a specific area of disability rights. However, the study is limited to employment and therefore does not address whether similar gaps exist across other areas in which disability rights are protected, including education, health care, accessibility, political participation, and access to justice.

The literature reviewed indicates that Nigeria has made significant progress in the formal recognition of disability rights through constitutional provisions, the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, international commitments, and the establishment of institutional mechanisms for disability rights protection. At the same time, the studies identify continuing barriers to the effective enjoyment of these rights. The literature points to a recurring distinction between the existence of rights in law and the conditions required for persons with disabilities to exercise those rights in practice. Legal studies emphasise the development and enforcement of rights; empirical studies document the social, environmental, and institutional barriers experienced by persons with disabilities; and sector-specific studies demonstrate how these gaps manifest in areas such as employment and inclusion.

Despite these contributions, the literature remains fragmented across legal protection, implementation challenges, social exclusion, sustainable development, and individual areas of disability rights. There is comparatively less attention to an integrated examination of the relationship between Nigeria's legal and institutional framework and the achievement of substantive equality for persons with disabilities. Such an examination requires consideration not only of whether rights are formally recognised, but also of whether the legal and institutional framework addresses the conditions that may prevent persons with disabilities from exercising those rights on an equal basis with others. These conditions include accessibility, reasonable accommodation, affirmative measures, effective remedies, accountability, institutional capacity, and meaningful participation. Examining these elements together can provide a more comprehensive understanding of the extent to which formal disability rights protections are translated into substantive equality.

This gap provides the basis for the present study. The study examines the theoretical and conceptual foundations of disability rights, equality, and substantive equality in Nigeria; the legal and institutional mechanisms established to promote and protect disability rights; the extent to

which existing laws and policies support substantive equality and non-discrimination; the obstacles affecting their implementation and enforcement; and the effectiveness of existing mechanisms for protecting disability rights. The study also considers measures through which the gap between formal legal recognition and substantive equality may be addressed.

Accordingly, the study is guided by the following research questions: i. What are the theoretical and conceptual foundations of disability rights, equality, and substantive equality in Nigeria? ii. What legal and institutional mechanisms promote and protect the rights of persons with disabilities in Nigeria? iii. To what extent are existing laws and policies in Nigeria capable of promoting substantive equality and non-discrimination for persons with disabilities? iv. What are the major obstacles associated with the implementation and protection of the rights of persons with disabilities in Nigeria? v. How effective are existing mechanisms for enforcing disability rights in Nigeria, and what measures may strengthen the achievement of substantive equality?

### **Definition of Terms**

The literature reviewed above shows that understanding disability rights requires attention not only to the formal recognition of rights but also to the barriers that may restrict the participation of persons with disabilities on an equal basis with others. Since the present study examines disability rights, equality, and substantive equality in Nigeria, it is important to clarify how disability is understood within the study. The concept of disability has evolved from approaches that primarily located disability within an individual's impairment toward approaches that recognise the interaction between impairments and the social, institutional, physical, and attitudinal environments in which individuals live and participate.

Disability can be understood as a complex and dynamic concept arising from the interaction between an individual's impairment and barriers within the environment. This understanding is reflected in the United Nations Convention on the Rights of Persons with Disabilities (CRPD), which recognises that persons with disabilities include those who have long-term physical, mental, intellectual, or sensory impairments that, in interaction with various barriers, may hinder their full and effective participation in society on an equal basis with others (United Nations, 2006). The CRPD therefore moves beyond an understanding of disability based solely on medical or individual characteristics and draws attention to the role of environmental and social barriers in restricting participation. Such barriers may include inaccessible buildings and transportation systems, communication barriers, discriminatory attitudes, and institutional practices that limit access, inclusion, and equality (United Nations, 2006).

This understanding is also reflected in Nigeria's Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, which defines a person with a disability as an individual with a long-term physical, mental, intellectual, or sensory impairment that, in interaction with various barriers, may hinder full and effective participation in society on an equal basis with others (Discrimination Against Persons with Disabilities [Prohibition] Act, 2018). The similarity between the CRPD and the Nigerian legislative definition is significant because it demonstrates that Nigerian disability law recognises disability as involving not only impairment but also the interaction between impairment and barriers to participation. In this study, therefore, disability is understood within a rights-based framework that recognises the importance of removing barriers and creating conditions that enable persons with disabilities to participate fully and equally in society.

A complementary perspective is provided by the International Classification of Functioning, Disability and Health (ICF) developed by the World Health Organization (WHO, 2001). The ICF provides a framework for understanding functioning and disability in relation to health conditions, individual factors, and environmental factors. Rather than treating disability as a characteristic located exclusively within the individual, the framework considers how functioning is affected by the interaction between the person and the surrounding environment (WHO, 2001). Three concepts within the ICF are particularly relevant to understanding disability in this study:

1. **Impairments:** Impairments refer to problems in body functions or structures, including significant loss or deviation from established physiological or anatomical functions or structures (WHO, 2001). Examples may include loss of vision, hearing loss, paralysis, or amputation. An impairment, however, does not necessarily result in disability in isolation; its effects may depend partly on environmental and social conditions.
2. **Activity Limitations:** Activity limitations refer to difficulties an individual may experience in carrying out activities or tasks. These may include difficulties with walking, communicating, eating, reading, or performing other activities of daily living (WHO, 2001). Activity limitations therefore concern the interaction between an individual's functioning and the demands associated with activities.
3. **Participation Restrictions:** Participation restrictions refer to difficulties an individual may experience in involvement in life situations, including education, employment, family life, community activities, and other social roles (WHO, 2001). Participation restrictions are relevant to a rights-based understanding of disability because they draw attention to the conditions within society that may prevent persons with disabilities from participating on an equal basis with others. Environmental barriers, stigma, inaccessible services, and discriminatory policies or practices can contribute to such restrictions.

The ICF perspective complements the rights-based understanding reflected in the CRPD and Nigerian disability legislation. Together, these perspectives provide a basis for understanding disability as involving the interaction between individual functioning and the social, institutional, and environmental conditions in which participation occurs. This understanding is important to the present study because disability rights cannot be considered solely in terms of whether a person has an impairment or whether a right has been formally recognised in law. Attention must also be given to whether the conditions necessary for persons with disabilities to exercise those rights and participate on an equal basis with others are in place. This conceptual understanding of disability provides the basis for examining how Nigerian law recognises, protects, and seeks to promote the rights of persons with disabilities. The following section therefore examines the national legal framework governing disability rights in Nigeria, with particular attention to the constitutional and statutory provisions established to address discrimination, accessibility, participation, and equality.

## **National Legal Framework**

The preceding discussion defined disability as an interaction between impairment and environmental, social, institutional, and attitudinal barriers that may restrict participation on an equal basis with others. This understanding provides an important foundation for examining Nigeria's legal framework because the protection of disability rights depends not only on the recognition of individual rights but also on the legal measures established to remove barriers, prevent discrimination, promote accessibility, and support meaningful participation. The Nigerian legal framework comprises constitutional provisions, disability-specific legislation, sector-specific laws, and regional human rights instruments that collectively provide varying levels of protection for persons with disabilities. Examining these provisions is therefore important for understanding the extent to which Nigeria's legal system provides a basis for substantive equality.

### ***Constitution of the Federal Republic of Nigeria 1999 (as Amended)***

The Constitution of the Federal Republic of Nigeria 1999 (as amended) provides the broader constitutional foundation for the protection of fundamental rights and equality. Section 42 guarantees freedom from discrimination on specified grounds, including community, ethnic group, place of origin, sex, religion, and political opinion. Disability, however, is not expressly identified among the prohibited grounds in Section 42. This omission is significant in the context of disability rights because it means that the Constitution's explicit non-discrimination provision does not specifically identify disability as a protected ground. Other constitutional provisions nevertheless provide a broader basis for protecting the dignity, welfare, and equality of citizens. Section 17 establishes social-order principles founded on freedom, equality, and justice and directs the State toward policies concerning employment opportunities, health and welfare, and the protection of vulnerable groups. Sections 33, 34, and 35 provide fundamental rights to life, respect for human dignity, and personal liberty, respectively. These provisions are relevant to persons with disabilities because they establish general constitutional principles and rights that apply to citizens, although they do not constitute a comprehensive disability-rights framework. The constitutional position therefore provides an important foundation for disability rights but also highlights the significance of subsequent disability-specific legislation.

### ***Discrimination Against Persons with Disabilities (Prohibition) Act 2018***

The most comprehensive federal legislation specifically addressing disability rights is the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018. The Act establishes a broad statutory framework for prohibiting discrimination and promoting the inclusion and participation of persons with disabilities. Section 1 prohibits discrimination on the basis of disability, while subsequent provisions address accessibility, transportation, education, health care, employment, and other areas of social participation. The Act's provisions on physical accessibility are particularly relevant to the concept of substantive equality developed earlier in this study. Sections 3 to 8 address access to public premises and accessibility requirements relating to public buildings, roads, sidewalks, pedestrian crossings, and related facilities. Sections 9 to 15 address access to goods, services, transportation, seaports, railways, airports, and related assistance. The Act also contains provisions addressing education and health, including the right to free education, inclusive education, appropriate modes of education, and free health care. The significance of the Act therefore extends beyond a general prohibition of discrimination. It establishes legal obligations intended to address specific barriers that may prevent persons with disabilities from

participating in society. In this respect, the Act provides an important statutory basis for examining substantive equality because it recognises that equal participation may require accessibility measures, accommodations, and other forms of support rather than identical treatment.

### ***Electoral Act 2022***

Political participation is another area in which Nigerian legislation contains disability-specific provisions. The Electoral Act 2022, particularly Section 54, provides measures to support voters with disabilities. A voter with visual impairment or another disability who requires assistance may be accompanied into the voting compartment by a person chosen by the voter, subject to the statutory procedure. Section 54(2) further requires the Independent National Electoral Commission to take reasonable steps to assist persons with disabilities, persons with special needs, and vulnerable persons at polling places through suitable means of communication, including Braille, large embossed print, electronic devices, sign-language interpretation, and, where appropriate, off-site voting. These provisions illustrate the practical meaning of substantive equality in political participation. The legal right to vote is not sufficient if a voter with a disability cannot independently access voting information, enter a polling location, or communicate a voting choice. The Electoral Act therefore provides an example of legislation that seeks to supplement formal equality with measures intended to facilitate effective participation.

### ***Labour Act and Employment Rights***

Employment rights form another component of Nigeria's legal framework. The Labour Act provides the general statutory framework governing employment relationships, including matters relating to contracts, conditions of employment, wages, and termination. It is not, however, a disability-specific statute and therefore does not provide the same comprehensive disability-related protections found in the 2018 Disability Act. For persons with disabilities, protection against discrimination in employment is therefore considered alongside the more specific provisions of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018. The relationship between the general employment framework and disability-specific legislation is important because formal employment rights must operate together with measures that prevent disability-based discrimination and address barriers to equal participation in the workplace.

### ***Compulsory, Free Universal Basic Education Act 2004***

Education is also addressed within Nigeria's statutory framework. The Compulsory, Free Universal Basic Education Act 2004 requires government to provide free, compulsory, and universal basic education for children of primary and junior secondary school age. Section 15 defines a child or ward within the relevant age range as a person “whether disabled or not,” and the Act's definition of universal basic education includes education for special groups, including disabled groups. These provisions establish a legislative basis for including children with disabilities within the universal basic education system. However, the Act does not provide the same breadth of disability-specific provisions concerning accessibility, reasonable accommodation, or inclusive educational support as the 2018 Disability Act. The relationship between general education legislation and disability-specific legislation is therefore important when considering whether formal educational rights are accompanied by the conditions necessary for their effective enjoyment.

### ***Child Rights Act 2003***

The Child Rights Act 2003 provides another relevant component of the legal framework, particularly concerning the rights of children with disabilities. Section 15 establishes the right of a child to free, compulsory, and universal basic education and places corresponding responsibilities on government, parents, and guardians. The Act also contains provisions concerning the protection and welfare of children and should therefore be considered alongside disability-specific legislation when examining the legal protection of children with disabilities. The interaction between the Child Rights Act and disability legislation is particularly relevant to educational inclusion because children with disabilities may require additional measures to exercise their right to education on an equal basis with other children. The existence of a general right to education therefore represents an important legal foundation, but the realisation of that right may depend on accessibility, appropriate educational support, and other measures provided through the broader legal and institutional framework.

### ***National Health Act 2014***

The National Health Act 2014 provides the principal statutory framework for the regulation of Nigeria's health system and establishes broader rights and responsibilities relating to health services. In the context of disability rights, health legislation is relevant because access to appropriate and non-discriminatory health services forms an important component of the effective enjoyment of rights by persons with disabilities. The 2018 Disability Act complements the broader health framework by expressly addressing health-related rights of persons with disabilities, including access to free health care under its disability-specific provisions. The interaction between general health legislation and disability-specific legislation therefore demonstrates an important feature of Nigeria's legal framework: disability rights are not contained in a single statute but are distributed across disability-specific and sectoral laws.

### ***African Charter on Human and Peoples' Rights***

Nigeria's disability-rights framework is also situated within the regional African human rights system. The African Charter on Human and Peoples' Rights, incorporated into Nigerian law through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, provides a regional human rights foundation relevant to the protection of persons with disabilities. Article 18(4) provides for special measures of protection for persons with disabilities in accordance with their physical or moral needs. This regional framework complements Nigeria's domestic constitutional and statutory provisions by situating disability rights within broader African human rights commitments. Together, the constitutional, statutory, and regional provisions demonstrate that Nigeria has established multiple legal mechanisms relevant to equality, non-discrimination, accessibility, education, health, employment, and participation.

### ***Synthesis of the National Legal Framework***

The Nigerian legal framework shows a movement from general constitutional protection toward more specific statutory recognition of disability rights. The Constitution provides the broader foundation of fundamental rights and equality, although disability is not expressly listed among the prohibited grounds of discrimination in Section 42. The Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, provides the principal disability-specific framework and

addresses discrimination, accessibility, education, health care, transportation, and other areas of participation. Sector-specific legislation, including the Electoral Act 2022, the Compulsory, Free Universal Basic Education Act 2004, the Child Rights Act 2003, and employment and health legislation, provides additional protections within areas of social life. The African Charter further situates these protections within Nigeria's regional human rights obligations.

These provisions jointly establish a substantial legal basis for the protection of disability rights in Nigeria. They also illustrate an important distinction fundamental to this study: the existence of legal rights does not necessarily establish that those rights are accessible or effectively enjoyed in practice. The legal framework contains provisions addressing discrimination, accessibility, assistance, education, health care, and participation, but the extent to which these provisions are implemented, enforced, coordinated, and experienced by persons with disabilities remains an important question. This distinction connects the national legal framework directly to the principal problem identified earlier in this study, the gap between formal legal recognition and substantive equality. The following sections therefore examine the institutional mechanisms responsible for implementing and protecting these rights and the extent to which they contribute to the practical realisation of disability rights in Nigeria.

### **International Legal Instruments**

The national legal framework demonstrates that Nigeria has established constitutional and statutory provisions for the protection of persons with disabilities. These domestic provisions, however, do not operate in isolation. Nigeria's approach to disability rights is also shaped by international and regional human rights instruments that establish standards for equality, non-discrimination, accessibility, participation, and the protection of human dignity. Examining these instruments is important because they provide the broader human rights standards against which Nigeria's domestic legal framework can be understood. They also reinforce the distinction between the formal recognition of rights and the measures required to enable persons with disabilities to enjoy those rights in practice.

The United Nations Convention on the Rights of Persons with Disabilities (CRPD), 2006 is the principal international human rights instrument specifically addressing the rights of persons with disabilities. The Convention adopts a human rights-based approach that recognises persons with disabilities as rights holders and emphasises equality, non-discrimination, accessibility, participation, inclusion, and respect for individual autonomy and dignity (United Nations, 2006). Its provisions address a wide range of areas relevant to the enjoyment of disability rights, including education, employment, health, political participation, accessibility, and independent living. The CRPD is particularly significant to the present study because it recognises that achieving equality may require measures that address environmental and social barriers rather than simply providing identical treatment to persons with and without disabilities.

Nigeria signed the CRPD in 2007 and ratified it in 2008, thereby accepting international obligations to promote, protect, and ensure the full and equal enjoyment of human rights by persons with disabilities. Nigeria subsequently ratified the Optional Protocol to the CRPD in 2010. The principles and obligations contained in the Convention are relevant to the development of Nigeria's domestic disability-rights framework and provide an important international context for the enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018. The

relationship between the CRPD and the 2018 Act is therefore important to this study because it illustrates how international disability-rights standards can be reflected in domestic legislation.

The Universal Declaration of Human Rights (UDHR), 1948 provides a broader foundation for the international protection of human rights. The UDHR affirms that all human beings are entitled to rights and freedoms without distinction and recognises principles of human dignity, equality, and non-discrimination (United Nations, 1948). Although the Declaration predates the development of disability-specific international human rights instruments, its principles provide an important foundation for understanding disability rights as part of universal human rights rather than as matters of charity or welfare. For persons with disabilities, these principles support the recognition that disability does not diminish entitlement to the rights and freedoms enjoyed by other members of society.

The International Covenant on Civil and Political Rights (ICCPR), 1966 further establishes protections relevant to persons with disabilities through its provisions concerning equality, non-discrimination, equal protection before the law, and participation in public affairs (United Nations, 1966a). These provisions are particularly relevant to disability rights because political and civic participation may be restricted when persons with disabilities encounter inaccessible information, physical barriers, discriminatory practices, or inadequate support. The ICCPR therefore provides a broader human rights foundation for considering whether persons with disabilities can exercise civil and political rights on an equal basis with others.

Similarly, the International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 recognises rights that are directly relevant to the social and economic participation of persons with disabilities. These include the rights to work, education, health, and an adequate standard of living (United Nations, 1966b). Although the Covenant does not constitute a disability-specific instrument, its recognition of these rights is important to the present study because persons with disabilities may encounter barriers in accessing education, employment, health services, and other social and economic opportunities. The Covenant therefore reinforces the principle that the enjoyment of these rights must extend to persons with disabilities without discrimination.

At the regional level, the African Charter on Human and Peoples' Rights, 1981 provides an important foundation for the protection of human rights within the African context. The Charter recognises principles of equality, human dignity, and the protection of vulnerable groups and, through Article 18(4), provides for special measures of protection for persons with disabilities in accordance with their physical or moral needs (Organisation of African Unity, 1981). Nigeria incorporated the African Charter into domestic law through the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, making its provisions relevant to the country's domestic human rights framework.

The Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa, 2018 further develops the regional framework by addressing disability rights specifically. The Protocol recognises the need to protect persons with disabilities from discrimination and promote their participation, inclusion, accessibility, and equal enjoyment of human rights within African societies (African Union, 2018). Its regional focus is particularly relevant to Nigeria because it situates the country's disability-rights obligations within the social, cultural, economic, and institutional context of the African continent.

These international and regional instruments jointly provide multiple layers of protection for the rights of persons with disabilities. The UDHR establishes the broad principles of universal human dignity and equality; the ICCPR and ICESCR extend these principles across civil, political, economic, social, and cultural rights; the CRPD provides a comprehensive disability-specific human rights framework; and the African Charter and its Disability Protocol provide corresponding regional protections. These instruments therefore establish standards that extend beyond the formal recognition of disability rights and emphasise the conditions necessary for their effective enjoyment, including non-discrimination, accessibility, participation, reasonable accommodation, and appropriate support.

For Nigeria, the significance of these instruments lies in their relationship with the domestic legal framework examined in the preceding section. International and regional commitments provide standards that can inform the interpretation, development, implementation, and enforcement of domestic disability legislation and policies. The existence of these commitments, however, does not in itself establish that persons with disabilities enjoy substantive equality in practice. The important issue is therefore how international standards are translated into domestic laws, institutional practices, policies, and measures that address the barriers affecting the everyday exercise of disability rights. This relationship between international obligations, domestic legal provisions, and their practical implementation is important to understanding the extent to which Nigeria's disability-rights framework advances substantive equality.

## Conclusion

The examination of disability rights in Nigeria shows that the country has established a substantial legal foundation for the recognition and protection of the rights of persons with disabilities. At the national level, constitutional provisions and legislation, including the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, the Electoral Act, the Child Rights Act, the Compulsory, Free Universal Basic Education Act, and the National Health Act, provide legal protections across different areas of social, economic, civil, and political life. These domestic provisions are reinforced by Nigeria's commitments under international and regional human rights instruments, particularly the Convention on the Rights of Persons with Disabilities (CRPD), the African Charter on Human and Peoples' Rights, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa.

These legal and international commitments jointly demonstrate that disability rights have moved beyond a purely welfare-based conception and are now recognised within a broader human rights and equality framework. The main issue identified by this study is not simply whether persons with disabilities have rights recognised in law. The more significant question is whether the legal and institutional arrangements in place enable those rights to be enjoyed on an equal basis with others. The existence of legal provisions does not, by itself, guarantee their effective realisation. Barriers relating to accessibility, reasonable accommodation, social attitudes, institutional capacity, public awareness, enforcement, and the availability of appropriate support can continue to restrict the exercise of rights even where those rights are formally protected.

This distinction is important in understanding the relationship between formal equality and substantive equality. Formal equality may require persons with and without disabilities to be treated according to the same legal rules. Such an approach, however, may be insufficient where

persons with disabilities encounter barriers that others do not experience. Substantive equality requires attention to those barriers and, where necessary, the adoption of measures that enable persons with disabilities to participate and exercise their rights on an equal basis with others. Accessibility, reasonable accommodation, appropriate support, participation, and effective remedies are therefore not peripheral considerations; they are important mechanisms through which legal equality can be translated into equality in practice.

The National Commission for Persons with Disabilities occupies an important position within this implementation framework because of its role in promoting, monitoring, and protecting the rights of persons with disabilities. The effectiveness of the Commission, however, depends on the institutional resources, technical capacity, monitoring mechanisms, and intergovernmental cooperation available to it. Effective implementation also extends beyond the Commission. Federal, state, and local government institutions, educational institutions, employers, health facilities, courts, service providers, and other relevant bodies must incorporate disability rights into their policies, practices, infrastructure, and service-delivery systems.

The conclusion shows that Nigeria has established an important legal basis for disability rights, but the transition from legal recognition to substantive equality remains an implementation challenge. The effectiveness of the disability-rights framework should consequently be assessed not only by the number of laws and policies that have been adopted, but also by the extent to which persons with disabilities can access education, employment, healthcare, transportation, public services, political participation, justice, and other opportunities on an equal basis with others. Moving from legal status to substantive equality requires sustained institutional commitment, effective enforcement, accessible environments, public awareness, inclusive services, and meaningful participation of persons with disabilities in decisions that affect their lives.

## **Recommendations**

Considering the findings and conclusions of this study, the following recommendations are proposed:

1. Strengthen implementation of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018: The enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018, represents an important step in the development of Nigeria's disability-rights framework. Its effectiveness, however, depends on the extent to which its provisions are translated into concrete programmes, institutional practices, compliance requirements, and enforcement measures. Federal, state, and local governments should establish clear implementation targets for areas such as education, healthcare, employment, transportation, accessibility, and public services. The National Commission for Persons with Disabilities should be adequately empowered and resourced to monitor compliance, investigate violations, and apply appropriate enforcement measures where institutions fail to meet their legal obligations.
2. Establish and enforce accessibility standards across Nigeria: Accessibility should be treated as a legal and practical requirement rather than an aspirational policy objective. Public offices, schools, healthcare facilities, courts, transportation systems, recreational facilities, and other public infrastructure should be designed or adapted to accommodate persons with different disabilities. Accessibility measures should include appropriate ramps, accessible washrooms,

pedestrian routes, lifts, signage, Braille materials, audio information, accessible digital systems, and other appropriate assistive technologies. New public infrastructure should meet established accessibility requirements before approval and commissioning, and existing infrastructure should be progressively adapted where accessibility barriers remain.

3. Strengthen the implementation of reasonable accommodation: Substantive equality requires more than applying the same rules to everyone. Employers, educational institutions, public bodies, and service providers should establish clear procedures for identifying and providing reasonable accommodation where it is required to enable persons with disabilities to participate effectively. Depending on the circumstances, accommodation may include flexible arrangements, accessible communication, assistive devices, modifications to physical environments, examination adjustments, and appropriate support services. Institutions should also develop clear mechanisms through which persons with disabilities can request accommodation and challenge its denial where appropriate.
4. Strengthen the National Commission for Persons with Disabilities: The National Commission for Persons with Disabilities should be provided with adequate financial, technical, and human resources to perform its statutory responsibilities effectively. Its monitoring and investigative capacity should be strengthened, and complaint procedures should be accessible, affordable, and responsive to persons with different disabilities. The Commission should also maintain systematic records of disability-related complaints, discrimination cases, accessibility violations, employment-related concerns, and other rights violations. Such information can support monitoring, policy development, enforcement, and evaluation of progress toward substantive equality.
5. Strengthen inclusive education for persons with disabilities: Government should strengthen inclusive education by ensuring that educational institutions have accessible infrastructure, appropriately trained teachers, assistive technologies, and accessible learning materials. Persons with disabilities should not be excluded from educational opportunities because of inaccessible facilities, inadequate instructional support, or the absence of reasonable accommodation. Teacher education and professional development programmes should incorporate disability rights, inclusive education, accessibility, reasonable accommodation, and appropriate use of assistive technologies. Educational institutions should also establish clear procedures for identifying and responding to accommodation and support needs.
6. Promote equal employment opportunities for persons with disabilities: Government and other employers should strengthen measures that promote equal access to employment for qualified persons with disabilities. Recruitment processes should be accessible, and discriminatory practices in recruitment, workplace participation, retention, and promotion should be identified and addressed. Public institutions should demonstrate leadership by establishing measurable disability-inclusion objectives, improving accessibility within workplaces, and ensuring that qualified persons with disabilities have equitable opportunities for recruitment, career development, and advancement.
7. Expand public awareness and legal education on disability rights: Government agencies, educational institutions, employers, civil society organisations, and the media should strengthen public education on disability rights. Awareness initiatives should address stereotypes, stigma, discrimination, and misconceptions about disability and should emphasise that persons with disabilities are rights-holders rather than recipients of charity. At the same time, persons with disabilities should have access to clear and accessible information about their legal rights, available services, complaint procedures, and mechanisms for seeking

redress. Greater awareness among both rights-holders and duty-bearers can support more effective implementation of existing legal protections.

8. Strengthen access to justice and effective remedies: Persons with disabilities should be able to access courts, tribunals, administrative bodies, and other complaint mechanisms without physical, financial, informational, or communication barriers. Justice institutions should provide accessible facilities, communication formats, procedural accommodations, and appropriate support services. Legal aid should also be strengthened for persons who cannot afford to pursue legal remedies. Effective rights protection requires mechanisms through which violations can be reported, investigated, adjudicated, and remedied.
9. Ensure meaningful participation of persons with disabilities in policymaking: Government should put the principle of “Nothing about us without us” into practice by ensuring the meaningful participation of persons with disabilities and organisations representing them in the development, implementation, monitoring, and review of disability-related laws and policies. Participation should extend beyond occasional consultation to include meaningful involvement in decision-making at federal, state, and local levels. This approach can help ensure that policies and programmes respond to the actual barriers experienced by persons with disabilities and remain consistent with the principle of participation underlying contemporary disability-rights frameworks.
10. Align Nigerian laws and policies with international and regional disability-rights standards: Nigeria should continue to review its laws, policies, and institutional practices to ensure consistency with its obligations under the CRPD and applicable regional human rights instruments. Where gaps or inconsistencies are identified, appropriate legislative, regulatory, and policy reforms should be considered. Government institutions should also translate relevant international disability-rights principles into operational policies, programmes, standards, and monitoring frameworks. Such alignment should focus not only on formal consistency between legal instruments but also on whether implementation measures effectively address barriers to equality, participation, accessibility, and non-discrimination.

## References

- African Charter on Human and Peoples' Rights (1981)
- African Union. (2018). *Protocol to the African Charter on Human and Peoples' Rights on the Rights of Persons with Disabilities in Africa*.
- Agugua, M. A., Awoyale, O. O., & Akinola, F. M. (2024). Protection and enforcement of disability rights in Nigeria: Opportunities and challenges. *Kampala International University Law Journal*, 6(1), 130–165. <https://doi.org/10.59568/kiulj-2024-6-1-07>
- Ajegena, A. D. (2025). Disability employment rights in Nigeria: Bridging the gap between law and practice. *Taraba State University LAW Journal*, 3(1), 317–327. <https://oer.tsuniversity.edu.ng/index.php/tsulj/article/view/1879>
- Akpambang, E. M. A., & Akanle, K. B. A. (2024). Constraints to the rights and protection of persons with disabilities in Nigeria. *UCC Law Journal*, 4(1), 190–224. <https://doi.org/10.47963/ucclj.v4i1.1551>
- Aliyu, M. (2018). Rights of persons living with disabilities under the discrimination against persons with disabilities (prohibition) act 2018. *International Journal of Comparative Law and Legal Philosophy (IJOCLLEP)*, 1(1).

- Amucheazi, C., & Nwankwo, C. M. (2020). Accessibility to infrastructure and disability rights in Nigeria: An analysis of the potential of the discrimination against persons with disability (prohibition) act 2018. *Commonwealth Law Bulletin*, 46(4), 689–710. <https://doi.org/10.1080/03050718.2020.1781674>
- Aremu, S. E., & Abiodun, T. A. (2023). Inclusion of persons with disabilities in Nigeria: A pre-requisite for national sustainable development. *Saudi Journal of Humanities and Social Sciences*, 8(11), 342–350. <https://doi.org/10.36348/sjhss.2023.v08i11.002>
- Arimoro, A. E. (2019). Are they not Nigerians? The obligation of the state to end discriminatory practices against persons with disabilities. *International Journal of Discrimination and the Law*, 19(2), 89–109. <https://doi.org/10.1177/1358229119846764>
- Child Rights Act Of 2003.
- Compulsory, Free Universal Basic Education Act, 2004.
- Constitution of the Federal Republic of Nigeria 1999 (as Amended).
- Discrimination Against Persons with Disabilities (Prohibition) Act, section 57 (2018).
- Electoral Act 2022.
- Equality and Human Rights Commission. (2010). *The United Nations convention on the rights of people with Disabilities Equality and Human Rights Commission guidance what does it mean for you? A guide for disabled people and disabled people's organisations*. [https://www.equalityhumanrights.com/sites/default/files/uncrpdguide\\_0.pdf](https://www.equalityhumanrights.com/sites/default/files/uncrpdguide_0.pdf)
- Etieyibo, E. (2020). Rights of persons with disabilities in Nigeria. *Afrika Focus*, 33(1). <https://doi.org/10.21825/af.v33i1.16559>
- Free Universal Basic Education Act 2004.
- International Covenant on Civil and Political Rights (ICCPR) (1966).
- International Covenant on Economic, Social and Cultural Rights, 1966.
- Labour Act 2004.
- Mbanugo, E. O. (2019). Perspectives and legal implications of inclusive access to the environment for children living with disabilities in Nigeria under the discrimination against persons with disability (prohibition) act 2018. *Journal of Law, Policy and Globalization*, 85. <https://doi.org/10.7176/jlpg/85-15>
- Mohammed, O. O., Ayeni, V. O., & Fowowe, A. I. (2025). A comparative analysis of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 and the United Kingdom Equality Act 2010: Prospects and challenges. *East African Journal of Law, Policy and Globalization*, 2(1), 24–43.
- National Health Act Of 2014.
- Ndlovu, S., & Nyoni, P. (2020). Social, educational, and cultural perspectives of disabilities in the global south. IGI Global.
- Obianyo, C. I., & Ater, S. V. (2025). A step towards equality? An analysis of the discrimination against persons with disabilities (prohibition) act, 2019. *Zenodo*, 2(4). <https://doi.org/10.5281/zenodo.15321853>
- Onalu, C., Chukwu, N., Nnama-Okechukwu, C. U., Iwuagwu, A., Agha, A., Anazonwu, N., Okah, P., & Okoye, U. O. (2023). An exploratory study of the situation of persons with disabilities in Nigeria: Practice consideration for social workers. *Journal of Evidence-Based Social Work*, 21(1), 90–103. <https://doi.org/10.1080/26408066.2023.2265920>
- Organization of African Unity. (1981). *African Charter on Human and Peoples' Rights*.

- Umeh, N. C. (2018). Progress towards inclusive primary education in selected West African countries. *African Disability Rights Yearbook*, 6, 263–276. <https://doi.org/10.29053/2413-7138/2018/v6a13>
- United Nations. (1948). *Universal Declaration of Human Rights*.
- United Nations. (1966a). *International Covenant on Civil and Political Rights*.
- United Nations. (1966b). *International Covenant on Economic, Social and Cultural Rights*.
- United Nations. (2006). *Convention on the Rights of Persons with Disabilities*. <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>
- World Health Organization. (2001). *International Classification of Functioning, Disability and Health (ICF)*. <https://www.who.int/standards/classifications/international-classification-of-functioning-disability-and-health>