

Policies for Persons with Special Needs in Benue State: Implementation Challenges and the Way Forward

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Abstract. Persons with special needs are a group that is vulnerable to social discrimination. In Nigeria, lack of good governance has impacted negatively on people with special needs. Furthermore, the constitution of the Federal Republic of Nigeria does not contain any provision that addresses disability directly. This paper looks at efforts that have been made so far in addressing the plight of person with disabilities, as regards equal opportunities in the area of education and vocational training. The extent which the National Policy on Education is implemented and the role of the National Human Rights Commission in promoting and protecting the rights of persons with special needs are discussed. Recommendations of how to tackle the challenges faced by persons with special needs and the way forward is given.

Keywords: Special needs, disabilities, human rights, policy implementation, education.

1. Introduction

According to the World Health organization (WHO) and the World Bank, (2011) over 1 billion people, 15% of the world's populations are suffering some form of disabling conditions, and this number is likely to increase. Over decades, persons with disabilities have been subject to social discrimination, deprivation of opportunities and rude violation of their fundamental rights globally. They are not involved in major decisions that concern their

lives, they are denied participation in family and community life, and are rarely involved in national development. Women and children are mostly affected due to their position in the society. Women do suffer dual discrimination due to their gender and their disability. Children are defenseless and voiceless. This practice constitutes deprivation of fundamental human rights of this segment of society who are also human beings.

In order to address this abnormality, the international community set up relevant policy frameworks, conventions, and declarations to guide countries, institutions, and organizations on how to safeguard the rights and better treat persons with special needs and other vulnerabilities all over the world. These include, United Nations Universal Declaration of Human Rights, The International Convention on Civil and Political Rights, The International Covenant on Economic Social and Cultural Rights, The United Nations Declaration on Rights of Disabled Persons, The Convention on Rights of the Child, The Standard Rules on Equalization of Opportunities for Persons with Disabilities. Others are the ILO Convention No. 159 concerning Vocational Rehabilitation and Employment of Disabled Persons; The UNESCO Salamanca Statement and Framework for "Education for All" on Special Needs Education, and The United Nations Convention on Rights of Persons with Disabilities. (Akiko I. 2010).

Nigeria, like most countries across the world has taken positive steps towards protection of rights of persons with special needs. The Nigerian Constitution has provisions that clearly define rights of all citizens but does not specifically mention people with special needs. Details can be found in sections 33, 34, 35, 39, 40, 41, 42, & 46. Also, Nigeria is signatory to the ILO Convention No. 159, which concerns the Employment and Rehabilitation of persons with Special Needs. In order to contribute towards the achievement of the UNESCO's "Education for All", the Nigerian government developed a policy on Special Needs Education, as well as established the Universal Basic Education (UBE) law to ensure that every child has access to free primary education. In 2007, Nigeria signed to the Convention on Rights of Persons with Disabilities, which is a pillar to protect and defend the rights of persons with special needs. There is also a policy on Rehabilitation in place. However, the denial to basic rights of persons with special needs as practiced globally reflects the Nigerian situation. Even though relevant laws and policies exist, there is lack of political will to apply and enforce them. There is also the challenge of limited resources, ignorance, and genuine interest in addressing the concerns of persons with disabilities.

2. Policy Framework / Legislation for Persons with Special Needs

In Nigeria, The Federal Ministry of Education is responsible for overall educational policy formation and also ensures quality control. The State Governments are responsible for secondary schools and the Local Government is in charge of elementary schools. Overtime the country has been in a crises situation with education. According to the United Nations (2010), 8.73 million elementary school aged children did not participate in education at all, making Nigeria a country with the highest number of out of school children in the world. The school system is generally underfunded, with poor facilities and teachers not properly trained.

The National Policy on Education in Nigeria sees education as an instrument "per excellence" for affecting national development. Section 1

sub-section 4c of the policy document states, "every Nigerian child shall have a right to equal educational opportunities irrespective of any real or imagined disabilities, each according to his or her ability." Section 1 sub-section 3c of the policy states that education shall maximize the creative potentials and skills of the individual for self-fulfillment and general development of the society (NPE, 2013).

Enrollment rate in primary schools in Nigeria is at sixty eight per cent (DFID, 2008). Among children of school-going age, 8.7 million are currently out of school in Nigeria (World Bank, 2010). Five million of the aforementioned statistics are aged six to eleven years and lack access to primary education. This placed Nigeria as one of the countries unable to meet the MDGs goals set for 2015. Recently, UNESCO estimated that a total number of 10 million children have no access to primary education in Nigeria (UNESCO 2017). This shows that the number of out of school children is rather increasing in Nigeria.

In the Northern part of Nigeria, the number of children out of school is particularly high with the proportion of girls to boys in school ranging from one girl to two boys and even one to three in some states (UNICEF, 2007). With almost fifty two per cent (seventy million people) of the Nigerian population living below the poverty line (DFID, 2008), girls are often sent to work in the markets or to hawk wares on the streets. Early marriage and teenage pregnancy prevent girls from going to school. A lot of girls drop out of school before completing the first nine years of primary and junior secondary school education. Forty-three per cent of these dropouts are in rural areas (UNESCO, 2005).

Although, a detailed breakdown of statistics on the number of persons living with disabilities in Nigeria is not readily available, the National Population Commission (NPC) places the number of persons with disabilities at over 21 Million by applying the 15% of World Health Organization statistics (WHO). The outcome of the Civil war that broke out in 1967 and ended in 1970 drew the government's attention to persons living with disabilities. This was

reflected in the country's first National Policy on Education. Since then the education system in Nigeria has undergone far reaching policy changes which have so far not yielded the desired results.

The World Bank reported that less than 30% of persons with disabilities receive any formal education, especially in the global south, Nigeria being one of the countries listed. Research has shown that children with disabilities constitute more than 50% of the over 10 million out of school children in Nigeria despite the provision of the Universal Basic Education Act 2004 that basic education is free and compulsory for all children.

The rights of human beings have been an overriding issue in the world from time past. John Locke, a Social Contract theorist espoused the natural rights of man as the right to life, liberty, and property, and he was of the view that every government's purpose is to secure those rights for its nationals. He believed that the legitimacy of government relies on consent from its citizens, which is given based on equality (Adalai, 2009). Kermerman (2010) considered it as fundamental rights, especially those believed to belong to an individual and in whose exercise a government may not interfere, as the rights to speak, associate, and work.

It is a fact that human rights cannot be completely meaningful if it does not apply on all humans irrespective of their physical, psychological, social, and religious status and being. That is to say that having a disability does not play a role in determining the rights of a person.

In 1993, the United Nations gave out twenty two rules known as "Standard Rules" these rules are to see to the provision of equal human rights for persons with disabilities and to encourage the world to promote the rules (UN, 1993). These standard rules represent commitments of governments to take action to attain equalization of opportunities for persons with disabilities. They also serve as an instrument for policymaking and as a basis for technical and economic co-operation. The rules cover all aspects of life of persons with disabilities.

Nigeria is one of the signatories to the human rights laws of the United Nations. In 1993, the Federal military government of Nigeria enacted a set of laws for persons with disabilities known as Nigerians with Disability Decree 1993 (FMGN 1993). The law provided in its sections the following services for persons with disabilities to enjoy and access, they include: rehabilitation and employment, housing accessibility, transportation, supportive social services, sports, and recreation, telecommunication, voting access and legal services.

In 1995 the National Human Rights Commission was established, amongst other functions it was to:

- Deal with all matters relating to the protection of human rights as guaranteed by the constitution of the Federal Republic of Nigeria.
- Assist victims of human rights violation and seek appropriate redress and remedies on their behalf.
- Organize local and international seminars, workshops, and conferences on human rights issues for public enlightenment.
- Undertake studies on all matters pertaining to human rights and assist the government in the formulation of appropriate policies on the guarantee of human rights.

In 2011, the Lagos state government enacted the Lagos State Special Peoples law (LSSP) (Maduekwe 2014). So far 21 states have also passed legislation on the rights of persons with disabilities (Ahmad 2017). Benue state is one of the states that has not enacted any law for persons with disabilities.

The 8th Senate in June 2016 reintroduced a bill that the 6th and 7th National Assembly had passed but was not assented to by the then president Goodluck Jonathan. The Disability Bill 2016 proposes the setting up of a commission to co-ordinate, and to implement the provisions of the bill when signed into law. The main objective of the bill is to enact a law for the

social protection of persons with disabilities against any discrimination that they may suffer from and also establish a national commission for the disabled persons that will be responsible for their education, health care, social, economic, and civil rights as contained in sections 15 (political objective), 16 (economic objective), 17 (social objective), and 33 (right to life) both under the directive principles of state policy and the fundamental rights in the constitution of the Federal Republic of Nigeria. As persons with special needs in Nigeria continue to encounter various barriers including poor access, limited resources, denial of rights to public employment among others, their inclusion into the society shall continue to be a difficult challenge without them being economically empowered. Besides achieving self-development, the objective of making them become contributors to national development remains defeated without the training of majority of them in vocational skills.

3. Vocational Training for Persons with Special Needs in Benue State

Oyeseji et. al. 2013 defines vocation as an occupation one has an inclination or attitude for and has been trained to practice. A vocation is important in life because it helps the beneficiary not only to earn a living but also to contribute towards family and community development. The Nigerian government has put in place different programmes for training of youths and adults in vocational skills. Some of the programmes include, the National Directorate of Employment (NDE), Youth Empowerment Scheme (YES) and N-Power. In all these programmes, individual persons are trained in various skills and given materials to set up small-scale businesses of their own. There is no statistics to indicate the exact number of persons with special needs trained on any of these programmes, but there is evidence that many persons with special needs have benefited from such trainings.

The Nigerian education system offers a variety of options for vocational and technical education at the secondary and post-secondary levels. Holland, a vocational theorist cited in Okeke

(2007) says that different personalities can fit into different work environments, and that each individual (whether fit or unfit) has a personality, and each personality can adequately fit into an occupation where the individual has potentials. Thus, persons with disabilities should be encouraged to develop their personalities and to get work in areas where they have ability through vocational education. There are numerous career opportunities for these persons in the society but many of them are not aware of them due to ignorance, frustration, and lack of motivation. Besides, there is no legislation guaranteeing their career opportunities in Nigeria.

To ensure and improve self-reliant skills for a better and functional life in the society, strategies such as training in handicraft, environmental beautification, fabrication and welding, encouraging participation in small scale businesses; training and engagement in the production of equipment's such as wheel chairs, prosthetics, crutches, mobility canes etc. relevant to the needs of the individual and society should be given to persons with special needs.

Benue State, otherwise called the "Food Basket of the Nation" has a population of about 4,253,641 according to National Census (2006), and is endowed with mineral resources. In 1999, the government of Benue State promulgated an Edict popularly known as Edict 13 of 1999, which established a Rehabilitation Board. The functions of this Board as provided in the Edict include:

- To establish Community-Based Vocational Rehabilitation Centre's in all the local governments of the state.
- To train persons with disabilities on all vital issues relating to disability.
- To provide job placements for all disabled persons trained.
- To provide recreational and sporting activities.
- To advise the Military Governor on Rehabilitation Policy or any other Rehabilitation matter etc.

Like every other State in Nigeria, Benue State implements all relevant policies developed at the National level. The Ministry responsible for Disability and Rehabilitation issues is the Ministry of Women Affairs and Social Development, which are established in all the thirty six States. There is lack of statistics on the number of persons who need Special Education. However, the State has a limited number of seven primary schools providing Special Needs Education and seven Secondary Schools. Enrollment is quite poor especially among persons with disabilities and girls. Educational Support Materials are grossly inadequate. There is also acute shortage of professional personnel in all the educational institutions.

Besides adoption of National Programmes on Vocational Training, Benue State, through the Rehabilitation Board has developed Community-Based Vocational Rehabilitation (CBVR), which focuses on providing training especially to persons with disabilities in various vocational skills. Additional relevant trainings include Entrepreneurship training for persons who need to set up small scale businesses, education on various disabling conditions, training on rights of persons with disabilities and Advocacy. However, Vocational Training Programme in Benue state faces challenges, which, include, limited number of professional personnel, limited resources, corruption and poor participation of Organizations of Persons with Disabilities (OPDs) in planning, implementation and evaluation of training activities.

In order to achieve quality inclusive development, inclusive approaches need to be adopted, and robust advocacy programmes should be developed. This calls for involvement and participation of Organizations of Persons with Disabilities (OPDs) in planning, implementation and evaluation of all Rehabilitation Services including Education and Vocational Training, since the saying: “Nothing About Us Without Us”. Comprehensive Advocacy Activities should also be planned and executed in all countries in the Global South to educate the general public on the importance of access to quality education for persons with Special Needs and Economic Empowerment for them. By Comprehensive Advocacy, I do refer

to active involvement of not only the right holders, the duty bearers and the gate-keepers where possible. By so doing, we shall contribute to attainment of the Sustainable Development Goals as well as achieve an inclusive society.

4. Recommendations and The Way Forward

Both regular and special teachers need to be trained, the parents and the community alongside teachers are and should be responsible for the realization of inclusive education-to promote and protect the rights of the children with special needs. States should consider programmes to provide information so that awareness can be raised among communities to eliminate the misconceptions about disabilities.

Stakeholders ought to collaborate for the review of existing legal and policy frameworks including the UBE Act 2014, the draft National Policy on special needs education and the National Policy on education. State governments also need to initiate policies in this direction, while those states with policies should work towards full implementation.

The Federal and State governments should encourage and strengthen partnerships and collaborate with other stakeholders especially NGO’s, CSO’s, the media, parent forums, professional groups, the private sector, and development agencies especially with regard to funding and monitoring of the implementation.

Two of the relevant functions of the National Human Rights Commission as earlier presented in c and d above (on page 6) could be very beneficial to promotion of Advocacy.

The Commission can therefore be encouraged to liaise with associations of persons with disabilities and NGO’s that deal with such issues to advocate for better services and care for persons with disabilities.

5. Conclusion

There have been commendable efforts by the governments through legislation to see that the rights of people living with special needs are granted but despite all these, people with special

needs continue to face discrimination in virtually all areas of their lives. This is because of the lack of implementation of the policies and laws that have been put in place to protect them.

Therefore, government has to take proactive measures to ensure that the rights of persons with disabilities are respected and protected by enacting practicable and sustainable laws that will protect persons with special needs. The Federal and State Governments should set up appropriate institutional structures and processes to monitor and ensure compliance. There should be penalties for offenders of such laws, which also calls for strict and mandatory implementation.

Courts of law should attend promptly to cases of abuse of persons with disabilities without prejudice.

For the laws to be implemented successfully, schools have to be built with consideration and provision for persons with disabilities and special needs; facilities like ramps and other facilities to suit their learning. Schools already in existence should be modified to suit their needs.

The regulatory bodies should ensure that the syllabuses are strictly followed and the school curriculum well implemented.

Finally, most problems boil down to the lack of funding. Funds should be channeled to schools and proper managing of the funds must be ensured. This will guarantee proper delivery and sustainable effective impacts of protection of fundamental rights of persons with special needs in Nigeria.

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