**Mandate of the Special Rapporteur on the right to education**

**Call for CONTRIBUTIONS:**

**THE RIGHT TO EDUCATION, ADVANCES AND CHALLENGES**

1. **Assessing the achievements made by the mandate of the Special Rapporteur on the right to education over the last 25 years**
   * + 1. In your country, are education issues approached through the lens of the human right to education, and if so, with what challenges and results? In your view, what is the added value of such an approach in your work?

*Within the broad context, Nigeria has accepted that education is the key to nation building and should significant component in the budgets and administration of every Government. The country similarly recognizes the Universal Declaration on Human Rights[[1]](#footnote-2) as a global instrument which provides for access to education as a fundamental human right. Although the Nigerian Government has its set of planned policies and facilities to achieve the education of its people, it has performed poorly in providing access to education for persons with disabilities in particular irrespective of the commitments made by the Country under the United Nations Convention on the Rights of Persons with Disabilities and others[[2]](#footnote-3).*

*During the last decade, the educational rights of Nigerians and other forms of rights have started to influence national development programs. Using disability lens, the approach to disability has gradually begun to change from a welfare approach[[3]](#footnote-4) focusing only on individual impairments to a social and a human rights-based approach where focus is on removing barriers in society and investing in Universal Design[[4]](#footnote-5). This paradigm shift has been underpinned by the process of drafting and adopting a UN Convention on the Rights of Persons with Disabilities (CRPD)[[5]](#footnote-6). In this Convention, the rights of persons with disabilities have been given a solid international basis and framework. Though Nigeria has ratified this convention since 2007[[6]](#footnote-7), its implementation has been a major challenge considering the ‘rights based[[7]](#footnote-8)’ demands.*

*In terms of social inclusion advancement in Nigeria since 2007, disability has not been effectively mainstreamed in the majority of the general development programs, and hence results are only few in the inclusion initiatives, especially for women and girls with disabilities in Nigeria. While the signing of discrimination against persons with disability prohibition Bill into law in 2019[[8]](#footnote-9) and a resultant National Commission for Persons with Disabilities (NCPD) represent major achievements, there has not been any significant change to allow persons with disabilities enjoy their fundamental human rights. On the other hand, collective actions by persons with disabilities in Nigeria have not been enough to push for deliberate implementation of the law to allow them enjoy their socioeconomic and educational rights. More importantly, underrepresented groups (youth and women) in the disability movements are neither strong as a collective to raise awareness and demand on their socio-political agenda, nor educationally organized to promote their issues as one of the important development priorities under national and global goals[[9]](#footnote-10).*

*From the works of the Joint national Association of Persons with Disabilities (JONAPWD)- (the umbrella federation of disable people in Nigeria), interventions have been aimed to channel strategic efforts toward the education sector. JONAPWD recognizes education as a fundamental human right and an essential condition for individual development, and the full and effective participation in society. However, too many persons with disabilities continue to be denied this fundamental right due to numerous barriers and obstacles to accessible education. Besides targeted prejudice and discrimination against those with disabilities, the lack of qualified teachers to accommodate the needs of persons with disabilities as within inaccessible schools is equally a great barrier[[10]](#footnote-11). As one of the root causes, limited and uncoordinated disaggregated data and research also impede the development of effective policies and programmes to promote inclusive education.*

*Within the context of the education sector, our work serves to play a catalytic role in supporting the disability movement to influence state government’s programs and priorities in education through based on the Discrimination against Persons with Disabilities (Prohibition) Act while amplifying the provisions in the globally based UN Convention on the Rights of Persons with Disabilities (CRPD). In this wise, JONAPWD will mobilize selected clusters organizations to stimulate accelerated policy implementation action on the following sessions as stipulated in the Disability Act Part 5.*

* + - 1. **How do you assess the 4 A’s framework of availability, accessibility, acceptability and adaptability as conditions for realizing the right to education? Is such a framework integrated in legal and policy documents relating to education in your country, as well as used in practice? If not, what are the key obstacles? Should the framework be reviewed to include other dimensions? If so, which?**

*After 10 years of the CRPD sign-ups, six years of the National Policy on Special Needs Education and four years after the existence of the Discrimination against Persons with Disabilities (Prohibition) Act, a vast majority of persons with disabilities (children and adults) in Nigeria remain excluded from the educational system due to unfriendly disability enrolment systems, in accessible school infrastructures, the lack of teaching and learning materials, and many others which could all be attributed to the lack of disability-inclusive education financing and budgeting. This schooling deficit experienced by persons with disabilities is becoming one of the most challenging impediments to demanding their rights and participation as active citizens. Largely, the Nigerian educational model for persons with disabilities mostly practiced is segregation, where persons with disabilities are educated in special schools which are not widespread. Segregation by design often reinforce discrimination and unfavorable perceptions against persons with disabilities (especially children), excluding them from socialization in a diverse society and make them vulnerable to a range of human rights abuses and inequalities.*

*One of the resultant effects of the aforementioned is that locally sourced, adapted, accessible and contextualized resources, including reading materials in children’s mother tongue are usually not ensured across disability types and their needs. More importantly, programme designs and policies aimed to complement and reinforce formal school curricula are broadly not sustained in ways that ultimately improves learning outcomes and wellbeing in a safe and inclusive learning environment that promote safety, participation and respect for all children with and without disabilities, and support their psychosocial wellbeing. Again, marginalised children and prospective programme participants as well as key community stakeholders and parents are not often prioritised in the programme design process, but usually during implementation*

*Against the above backgrounds, JONAPWD always seeks to galvanize actions to address root causes against the inclusion of persons with disabilities in practices and policies designs, especially on* ***National Budgetary Frameworks****. By building and coordinating a critical mass of young persons with disabilities who are civically-engaged and aware, gender responsive and stimulated to actively initiate and participate in problem-solving discussions of/for their communities, state, or nation, we imperatively believe that increased civic engagements by persons with disabilities will be facilitated in demanding from duty bearers on the needs and education rights of persons with disabilities vis-a-vis provisions in the Nigerian disability law.*

* + - 1. **The human right to education entails States’ obligations to respect, protect and fulfil the right to education in international human rights law. To what extent are these obligations clearly identified in your country’s legislation and in practice?**

*As aforementioned, there are existing actions in relations to legal documents and established systems (like mainstreamed through the National Commission for Persons with Disabilities). However, the extent in which the rights of person with disabilities are protected and fulfilled is still extremely insignificant. Back tracking, it has been observed that these rights are widely unknown and as such* ***identifying*** *them as human rights becomes a problem. Hence a lot more still needs to be amplified vis-a-vis capacity building across all houses that operationalizes State Obligations.*

* + - 1. Has the right to free education been progressively implemented at all levels of education in your country, based in particular on article 26 of the Universal Declaration of Human Rights, articles 13 and 14 of the International Covenant on Economic, Social and Cultural Rights, and article 28 of the Convention on the Rights of the Child? If yes, please provide examples. If not, please explain why not.

***No****[[11]](#footnote-12). The need to protect education budgets has never been more urgent in order to activate a nationwide free education scheme that are inclusive, accessible and sustainable. Current narratives show that for the past ten years the Nigerian education sector allocation has not reached the UNESCO recommended 10 to 15% of the budget in developing countries. This has led to stoppages to continued education process at all levels of education in Nigeria; A calamity that have drastically reduced competencies in education sector, and a poor international education rating standard.*

*By design, basic education in Nigeria is financed through concurrent financing from the three tiers of government—federal, state, and local government authority, with distinct financing mandates and responsibilities for each tier. The federal government provides 50% and the state and local government as 30% and 20% respectively.*

*As a result, state investment in education is heavily reliant on the federal account allocation, making its educational goals susceptible to challenges of national resource mobilization (COVID-19, international oil price fluctuation) and expenditure management. According to reports, the federal government of Nigeria allocated the sum of 568 billion naira (approx. USD 1.5 billion) to education in 2020. However, as a result of COVID, this allocation was reduced to 509 billion naira (approx. USD 1.34 billion). This has pressured public schools into dismissing hundreds of temporary staff members and skyrocketed student school fees in various institutions, thereby increasing the inequality in education.*

*In addition, the attacks on education facilities in Northeast Nigeria have destroyed infrastructure worth billions of naira and resulted in the deaths of countless students and teachers. This destruction requires funding to rebuild and to employ more teachers, as well as strengthen the security to assure the safety of teachers, learners, and a more terrible effect on children with disabilities.*

* + - 1. Is the right to education considered a justiciable right in your country and if so which aspects of that right? If so, please provide a short summary of emblematic cases.

*In Nigeria, provisions on Right to Education is clearly stated in the Chapter 2, session 18 of the 1999 Constitution of the Federal Republic of Nigeria, and it specifically mandated that Government shall direct its policy towards ensuring that there are equal and adequate educational opportunities at all levels.*

*Importantly, the National Policy on Education identified the right of disabled children to education, although it did not define what type of education they should receive and focused on separate infrastructure and training of teachers to provide special education. The Fourth Edition of the National Policy on Education (2004) and the associated Universal Basic Education Act (2004) calls for inclusive, free education for people with special needs, training of special education teachers, and regular census and monitoring of people with special needs for educational provision. Policy to address the educational needs of nomadic and cattle herding groups has been adopted at federal level and in relevant states, but minimal financial and institutional support to deliver has been allocated. No funding mechanism was associated with nomadic education.Policy to support education for girls and those affected by poverty was first enacted in the Universal Basic Education Act of 2004.*

* + - 1. To what extent are the non-discrimination and equality principles respected in implementing the right to education in your country? Have past recommendations made by the Special Rapporteur on the right to education of vulnerable and marginalized populations been taken into account? If so, can you list which ones?

*Discriminatory practices still exist to a very lager extent in Nigeria. In 2016, about 7 million children were reported to be out of school because of their inability to access primary education due to disability state according to vanguard[[12]](#footnote-13) news. The design and management of primary and secondary schools in Nigeria are reportedly non-inclusive and inaccessible to children with disabilities.*

*Broadly, Nigeria unintendedly expands the segregative model of education for persons with disabilities under the SPECIAL education, also known as special-needs education[[13]](#footnote-14).*

*No clear report of a Special Rapporteur on the right to education to Nigeria.*

* + - 1. In countries where the Special Rapporteur has undertaken visits[[14]](#footnote-15), have recommendations been implemented? If so, please list recommendations acted upon.

***None of known in Nigeria vis-à-vis education***

* + - 1. In countries to which the Special Rapporteur has sent communications (allegation letters, urgent appeals and other letters)[[15]](#footnote-16), have measures been adopted to address the issues raised and ensure their non-recurrence? Please provide specifics.

***Nigeria is not enlisted.***

You are invited to provide information only on the questions relevant to your work.

1. [*https://www.un.org/en/about-us/universal-declaration-of-human-rights*](https://www.un.org/en/about-us/universal-declaration-of-human-rights) [↑](#footnote-ref-2)
2. *https://www.blueprint.ng/2-of-people-with-disabilities-are-educated/* [↑](#footnote-ref-3)
3. [*Unconscious bias and the medical model*](file:///C:/Users/User/Downloads/Unconscious%20bias%20and%20the%20medical%20model) [↑](#footnote-ref-4)
4. [*Universal Designs*](file:///C:\Users\user\Desktop\Pro\Open\JONAPwD\Projects\SCALE\Universal%20Designs) [↑](#footnote-ref-5)
5. [*UN Convention on the Rights of Persons with Disabilities*](file:///C:/Users/User/Downloads/UN%20Convention%20on%20the%20Rights%20of%20Persons%20with%20Disabilities) [↑](#footnote-ref-6)
6. [*CRPD Ratification - Nigeria*](file:///C:/Users/User/Downloads/CRPD%20Ratification%20-%20Nigeria) [↑](#footnote-ref-7)
7. [*Right Based Approach*](file:///C:/Users/User/Downloads/Right%20Based%20Approach)  [↑](#footnote-ref-8)
8. [*Nigeria Passes Disability Right Law*](file:///C:/Users/User/Downloads/Nigeria%20Passes%20Disabilty%20RIght%20Law) [↑](#footnote-ref-9)
9. [17 goals to transform the world for persons with disabilities](file:///C:/Users/User/Downloads/17%20goals%20to%20transform%20the%20world%20for%20persons%20with%20disabilities) [↑](#footnote-ref-10)
10. [Persons with disabilities | Right to Education Initiative](file:///C:/Users/User/Downloads/Persons%20with%20disabilities%20|%20Right%20to%20Education%20Initiative) [↑](#footnote-ref-11)
11. https://www.premiumtimesng.com/opinion/498563-funding-education-a-case-of-no-money-or-no-interest-by-olabisi-deji-folutile.html [↑](#footnote-ref-12)
12. https://www.vanguardngr.com/2016/05/7m-children-disabilities-demand-review-education-policies/ [↑](#footnote-ref-13)
13. https://www.vanguardngr.com/2022/07/special-education-in-nigeria-the-journey-so-far/ [↑](#footnote-ref-14)
14. Algeria, Bhutan, Bosnia and Herzegovina, Botswana, Chile, China, Colombia, Ecuador, Fiji, Germany, Guatemala, Indonesia, Ivory Coast, Kazakhstan, Malaysia, Mexico, Mongolia, Morocco, Paraguay, Senegal, Seychelles, Tunisia, Türkiye, Uganda, United Kingdom and Northern Ireland, United States, Qatar.

    [OHCHR | Country visits](https://www.ohchr.org/en/special-procedures/sr-education/country-visits) [↑](#footnote-ref-15)
15. [Communication search (ohchr.org)](https://spcommreports.ohchr.org/Tmsearch/TMDocuments) [↑](#footnote-ref-16)