

BARRIERS TO THE ENFORCEMENT OF DISCRIMINATION AGAINST PERSONS WITH DISABILITY (PROHIBITION) ACT, 2018 IN NIGERIA

By

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Abstract

Human society is heterogenous in nature. Persons with disabilities are an integral part of society. Several laws in Nigeria prohibit discrimination on the basis of disability. The Discrimination Against Persons with Disabilities (Prohibition) Act 2018 specifically provides for the rights of persons with disabilities. This paper attempts to discuss the barriers to the implementation of the Act. It adopts a theoretical approach in the discourse. The paper attempt a conceptual basis for the terms: disability and persons with disabilities. It examines the rights – based provisions contained in the Act, and the barriers to their implementation. It concludes by acknowledging that the Act contains elegant provisions aimed at promoting the rights of persons with disabilities, however, the barriers hinder their implementation. It therefore recommended the establishment of an institution of government that will be saddled with the responsibility of investigating and prosecuting violators of the provisions of the Act. Furthermore, the mass media is encouraged to engage in awareness campaigns about the capabilities and achievements of persons with disabilities so as to positively influence the perception of members of the society to persons with disabilities.

Keywords: *Disability, Persons with Disabilities, Discrimination, Enforcement, Human Rights.*

1.0 Introduction

Society is heterogeneous in nature comprising of difference in gender, socio-economic status, educational backgrounds, tribes, ethnic groups, political inclination, religious biases, physical ability or disability. Despite the differences that exist among people in the society, the Constitution of the Federal Republic of Nigeria prohibits the discrimination of a person based on such grounds that raises diversity.¹ The society consists of persons who are able bodied and without disabilities as well as people with disabilities. This diverse and heterogeneous nature of society breeds or creates room for favouritism and discrimination. Discrimination based on disability cuts across gender divide, religious and other considerations. This is because a person may suffer discrimination first as a person with disability and on another ground such as gender or socio-economic background, religious or political affiliations, and so on. It even exists within a group of people such as people of same tribe or class or even among members of the same family.

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¹ Constitution of the Federal Republic of Nigeria 1999, s.42.

Statistics has it that persons with disabilities make up over sixteen percent of the Nigerian population². These persons face one form of discrimination or the other from others by virtue of their disabilities. The Nigerian society is mainly physically structured in a way to exclude the existence or inclusion of persons with disabilities in the society. For example, the built environment such as many public buildings and roads are constructed such that they cannot easily be accessible to persons with mobility and visual impairments. Again, persons with disabilities face stigma, discrimination, oppression, subjugation and marginalization³. Sometimes they are treated with pity, other times they are treated with disrespect, contempt, or less than humans.

The United Nations Declaration on Human Rights, 1948 guarantees the rights of all and provides for the equality and protection of the rights of all irrespective of whatever differences. Although, the Declaration emphasized that the rights provided in the document applied to all humans irrespective of any differences, O. N. P. Adiola noted elsewhere that there has been other rights documents that aimed to protect the rights of specific vulnerable groups.⁴ These documents include: Convention on the Elimination of All Forms of Racial Discrimination 1969; the Convention on the Elimination of All Forms of Discrimination Against Women 1979; the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984; the Convention on the Rights of the Child 1989; and the International Covenant on the Protection of All Migrant Workers and Members of Their Families 1990.

The United Nations Convention on the Rights of Persons with Disabilities was drafted in 2006 with the aim of specifically providing for the rights of persons with disabilities. The need to protect this group is based on the principle of universality, indivisibility, interdependence and interrelatedness of all human rights and fundamental freedoms and the need for persons with disabilities to be guaranteed their full enjoyment without discrimination.

The United Nations Convention on the Rights of Persons with Disabilities 2006 has been domesticated in Nigeria by the enactment of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018. By the enactment of this law in Nigeria, one would expect that discrimination against persons with disabilities by reason of their disability would be a thing of the past. However, persons with disabilities continue to face discrimination in their everyday lives and in almost every sector of society. This article will examine barriers or challenges to the enforcement of this law in Nigeria as well as proffer solutions to overcome these barriers.

2.0 Definition of Terms

It is imperative to give clear definition to some terms. This will give the article some form of structure. These words are disability and persons with disabilities.

² World Health Organization, 'Disability', <https://who.int/news-room/fact-sheets/detail/disability-and-health#>

³ O N P Adiola, 'New Rivers Vision: Towards the Inclusion of Persons with Disabilities', *Excellence In Governance and Creativity: Legal Issues in Honour of Chief (Barr.) Nyesom Ezenwo Wike* (Princeton Associates 2018) Ed. O V C Okene, 152 – 165, 153.

⁴ O N P Adiola, 'Understanding Disability and Disability Rights in Nigeria' (2023) 11(1) *Global Journal of Politics and Law Research* 40 – 51.

2.1 Disability: This may be defined as an abnormal condition, deformity or inability to function as normal.⁵ Disability may be viewed as the ‘consequence of an impairment that may be physical, cognitive, mental, sensory, emotional, developmental, or some combination of these that result in restrictions on an individual’s ability to participate in what is considered normal in everyday society.’⁶ It is important to point out that the resultant effect of disability is marginalization, neglect, discrimination and social exclusion, as well as poverty.⁷ Adiela views disability as the existence of impairment which results in the inability to function effectively, independently and normally; and that attracts stereotype⁸. There are different types of disabilities which could be categorized based on the affected body part (example visual disability which affects the eyes and sense of seeing; speech and hearing disability which affects the sense of hearing and speaking; mental disability which affects ones’ ability to be rational in thoughts and behaviour; et cetera) or based on the onset of the disability (such as congenital disability or acquired disability). According to Adiela, one salient feature of disability is that it attracts stereotype and stigma.⁹ It sometimes evokes pity or disdain or discrimination from members of the society.

There are different types of disabilities with respect to the nature of impairment. These may be categorized into the following groups:¹⁰

- i. Mobility and physical disability – this affects the limbs such as hands or legs or both. It may be caused by congenital factors or illnesses (childhood diseases, cardiovascular diseases or aging) or accidents or man-inflicted (such as terrorists’ violence, wars or intentional physical mutilations by the “authorities”). It may also be caused by severe spinal cord injuries occasioned by accidents or birth defects resulting in the inability to move the limbs.
- ii. Head injuries resulting in brain or coordination disability – this may be caused by severe head injuries which could cause brain injuries thereby leading to brain disability. Brain injuries may be mild, moderate or severe. The causes of brain injuries may be severe physical injuries to the head and brain or emotional / traumatic injuries to the brain. It could also be caused by congenital factors or birth defects.
- iii. Vision disability - this is a disability affecting one or both of the eyes, thereby hindering vision. It may be caused by congenital factors or may occur later in life due to illness / disease or accident. Persons with this disability are referred to as blind.
- iv. Hearing disability – this is a disability that affects the sense of hearing. It may be caused by congenital factors or later in life due to illness / disease or accident. Persons suffering from this disability

⁵ O N P Adiela and M O Izzi, ‘Appraising the Human Rights of Women with Disabilities in Nigeria’ *Rivers State University Journal of Public Law*, (2023) 10 (2), 1 – 18.

⁶ n. 4.

⁷ Ibid.

⁸ O N P Adiela, ‘Appraisal of the Rivers State Persons with Disability Welfare (Enhancement) Law, 2012’, *Journal of Jurisprudence, International Law and Contemporary Legal Issues* (2023),17(3), 46 – 57.

⁹ Ibid.

¹⁰ E N Okereke, “Protecting and Promoting the Rights of Disabled Children”, *The Rights of Persons with Disabilities*, (Nigerian Institute of Advanced Legal Studies, 2011) Eds Epiphany Azinge and Chinyere Ani, 56 – 99.

are referred to as deaf. Many persons with hearing impairment move about unnoticed in the society without attracting the usual stereotypes other persons with disabilities face because their disability is not very obvious.

v. Speech disability – this disability affects one’s ability to speak / talk. This disability may occur due to congenital factors or be caused by disease / illness or accident which may occur later in life. Persons who cannot speak are referred to as dumb.

vi. Cognitive or learning disabilities – these impairments can be seen in persons suffering from dyslexia, Down syndrome, speech disorders, Attention Deficit / Hyperactivity Disorder (ADHD), et cetera. These disabilities may be caused by genetic / hereditary factors, congenital factors, problems / complications at birth, diseases during early childhood, accidents or deliberate inflictions¹¹.

vii. Albinism – this type of disability affects the skin, eyes and hair colour of the individual.¹² It is caused by the absence of melanin pigmentation in the skin. This makes them prone to skin cancer and other skin infections. Persons with albinism can easily be spotted by the colour of their skin, eyes and hair. They fall under persons with disabilities as these physical impairments create barriers and hinder them from full and effective participation in society. Their physical condition also attracts cultural myths and creates negative attitudinal perception towards them.

viii. Mental disability – Mental disability, often referred to as mental illness or psychological disability, encompasses a range of conditions that affect a person's thinking, mood, behavior, and overall functioning. Mental disabilities are characterized by alterations in cognitive functioning or emotional regulation that can lead to significant distress or impairment. These conditions can vary widely in their severity, duration, and impact on individuals. Types of mental disabilities include mood disorders, anxiety disorders, psychotic disorders, personality disorders, neurodevelopmental disorders, as well as trauma and stressor-related disorders.

2.2 Persons with Disabilities: this in simple terms means a person living with a disability. Persons with disabilities, according to the UN Convention on the Rights of Persons with Disabilities, means individuals who have long-term physical, mental, intellectual, or sensory impairments, which may hinder their full and effective participation in society on an equal basis with others.¹³ In situations of forced displacement, persons with disabilities have the same rights and basic needs as others and face the same challenges, and encounter numerous additional barriers.¹⁴ Persons with disabilities are not a homogenous group, rather are drawn from every aspect or group in society. They face multiple and compounding forms of discrimination, on the basis of disability but also on other grounds, which may lead to situations of exclusion. The challenges they face include protection risks, including a heightened risk of violence, exploitation and abuse, and high levels of stigma. They have difficulties accessing

¹¹E N Okereke, “Protecting and Promoting the Rights of Disabled Children”, *The Rights of Persons with Disabilities*, (Nigerian Institute of Advanced Legal Studies, 2011) Eds Epiphany Azinge and Chinyere Ani, 57 – 59.

¹²O. N. P. Adiola, “Legal Framework for the Protection of the Human Rights of Persons with Albinism in Nigeria”, *African Journal of Social Sciences*, 12(1), 125 – 141.

¹³United Nations Convention on the Rights of Persons with Disabilities, 2006, Art. 2.

¹⁴UNHCR, “Persons with Disabilities” *Emergency Handbook* (13th June 2024) www.emergency.unhcr.org/protection/person-risk/person-disabilities accessed 17th August 2024.

education, livelihoods, health care, and humanitarian assistance¹⁵. Sometimes, they encounter denial of certain legal rights and exclusion from decision-making processes and as well leadership opportunities. According to Kokpan,¹⁶ an air passenger with disability enjoy special protection under the Nigeria Civil Aviation Regulations, 2023. Such protection also extend to persons accompanying them in the course of flight.

3.0 Provisions of the Discrimination Against Persons with Disabilities (Prohibition) Act, 2018

The provisions of the Disability Act 2018 aim to provide for the full implementation of persons with disabilities into the society. It puts in place provisions that will see to their education, health care, social, economic and civil rights as well as other issues that pertain to and are beneficial to persons with disabilities.

The Act prohibit persons or institutions from discriminating against others on the basis of disability.¹⁷ It imposes a penalty of either a payment of fine, or imprisonment, or both to any individual or body corporate convicted for contravening the provision by discriminating on another on the basis of disability.¹⁸

The Act appreciates that people with disabilities have a right to access the physical environment as well as buildings on an equal basis with others.¹⁹ Thus, it provides for the construction of necessary accessibility aids and other facilities that can make public buildings and the physical environment accessible on an equal basis particularly to persons with mobility disabilities as well as visual disabilities.²⁰

In addition to the provision on access to the physical environment and buildings, the Act provides for the accessibility of all public transport services by persons with disabilities on an equal basis with others.²¹ Government transport service providers are mandated to provide accessible vehicles, bus stops and parks for all persons with disabilities including those using wheel chairs.²² Aircrafts, trains and sea transport vessels are also mandated to be accessible for all persons with disabilities.²³ It mandates transport service providers to provide for accessible facilities such as lifts, ramps, audio and visual displays for their vehicles, parks and bus stops, as well as maintain them regularly.²⁴ It mandates a driver of a vehicle to ensure that the vehicle comes to a halt before persons with disabilities boards or alights from a vehicle.²⁵ It allows a person with disability the opportunity to first board a vehicle before others.

¹⁵ Ibid.

¹⁶ B. S. Kokpan, A Critical Analysis of Air Passengers' Protection in the Nigeria Civil Aviation Authority Regulations (NCARs) 2023, *Journal of Commercial and Property Law*, Nnamdi Azikiwe University, Vol 11(2) 2024, pp. 1-13.

¹⁷ Discrimination Against Persons with Disabilities (Prohibition) Act 2018, s. 1(1).

¹⁸ Ibid s. 1(2).

¹⁹ Ibid s. 3.

²⁰ Ibid, ss 4 and 5.

²¹ Ibid, ss 10 and 11.

²² Ibid.

²³ Ibid, ss. 13 and 14.

²⁴ Ibid, s. 11.

²⁵ Ibid, s. 11 (4).

It provides for reservation of suitable parking spaces with clearly marked insignia at all public parking lots for persons with disabilities. Such reserved parking spaces shall only be used by persons with disabilities who have the necessary insignia on his or her vehicle, or where the vehicle carries a passenger who is a person with disability.²⁶

The Act prohibits the employment, procurement or use of persons with disability for the purpose of begging in public.²⁷ It imposes a fine or imprisonment or both on anyone who contravenes that provision.²⁸ Therefore, families and other individuals are prohibited from using persons with disabilities for begging or soliciting for alms.

The Act provides for the unfettered right to education of persons with disabilities without discrimination or segregation of any form.²⁹ It provides for free education of persons with disabilities up to secondary school level. The Disability Commission is mandated to provide educational assistive devices to persons with disabilities. All public schools, whether primary, secondary or tertiary are mandated to run inclusive education and be made accessible to all persons with disabilities.³⁰ Accessibility to education here means accessible school environment and accessible curriculum content. Public educational institutions are to have trained personnel to cater for the educational needs of these special students, as well as have special facilities to meet their educational needs. The Act provides that Braille, sign language and other skills for communicating with persons with disabilities shall be a part of the curriculum for primary, secondary and tertiary institutions.³¹ It also provides for the subsidization of the education of special education personnel.³²

Persons with disabilities have ‘unfettered access to adequate health care without discrimination on the basis of disability’.³³ However, only person with mental disability are entitled to free medical and health care services in all public institutions. It should be pointed out that the free medical health care services are only available to persons with mental disability. Public hospitals where a person with communication disability seeks medical attention must make provision for special communication.³⁴

The Act provides that in situation of risks, violence or emergencies, that government shall take necessary steps to ensure the safety and protection of person with disabilities.³⁵ However, during the COVID-19 outbreak in 2022, very little was done to ensure the safety and protection of persons with disabilities. Awareness about the virus and safety measures were not communicated in means that all persons with disabilities could understand. Awareness campaigns about the virus seemed like it was only targeted at others to the exclusion of people with communication disabilities.

²⁶ Ibid, s. 12.

²⁷ Ibid, s. 16 (1).

²⁸ Ibid, s. 16 (2).

²⁹ Ibid, s. 17.

³⁰ n. 16, s. 18.

³¹ Ibid, s. 18(2).

³² Ibid, s. 19.

³³ Ibid, s. 21.

³⁴ Ibid, s. 24.

³⁵ Ibid, s. 25.

Persons with disabilities are to be given first considerations in queues or be attended to outside the queues.³⁶ This amounts to positive discrimination to be enjoyed by persons with disabilities. It also provides that in cases where accommodation is to be provided for employers or students or for customers, persons with disabilities are to be given first consideration.³⁷

With respect to work, persons with disabilities have the right to work on an equal basis with others. Thus, they have the right to opportunity to gain a living by freely choosing and accepting a job within the labour market. This implies that there is a prohibition on discrimination of persons with disabilities on the ground of disability. The Act stipulates that all public organizations to as much as possible have persons with disabilities making up at least five percent of their work force.³⁸ Persons with disabilities are also encouraged to participate in politics and public life without discrimination.³⁹ It also provides for the establishment of the National Commission for Persons with Disabilities which is to be under the Presidency.⁴⁰ Incidentally, the Act places a responsibility on the Federal Ministry of Information to promote awareness regarding the rights, respect and dignity of persons with disabilities; as well as the capabilities, achievements and contributions of persons with disabilities.⁴¹ It is believed that the creation of this sort of awareness among members of the society will guarantee the rights, respect and dignity of persons with disabilities.

4.0 Barriers to its implementation

The Discrimination Against Persons with Disabilities (Prohibition) Act 2018 contains well-articulated provisions geared towards safeguarding the rights of persons with disabilities in virtually every facet of life including their education, health care, employment, political and social life. However, there have been several barriers to the actualization of these rights. In this segment, an attempt shall be made to itemize and discuss these barriers.

1. Failure to create a special institution or body responsible for its implementation

One major barrier to the enforcement of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 is its failure to specifically provide an institution with the responsibility of enforcing its provisions. The Act did not provide steps towards its enforcement. This means that where the rights of persons with disabilities which are provided in this Act are violated, they individually bear the burden of seeking redress for themselves in court. This lacuna creates a huge gap in the actualization of the rights provided for by the Act. Unlike in the Lagos State Special People's Law 2011, which specifically created an Office for Disability Affairs, with the responsibility of ensuring the safeguard of the rights of persons with disabilities in Lagos State.⁴² One of the responsibilities of the Office is to investigate, prosecute and sanction cases of violations. This Disability Affairs Office takes the burden of prosecuting rights violators off persons with disabilities, thus seeing to it that such violators are

³⁶ Ibid, s. 26.

³⁷ Ibid, s. 27.

³⁸ n. 16, s. 29.

³⁹ Ibid, s. 30.

⁴⁰ Ibid, s. 31.

⁴¹ Ibid, s. 2.

⁴² Lagos State Special People's Law 2011, s. 3.

brought to book legally. It is the authors position that the failure of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 to contain such office saddled with such responsibility, sort of extinguishes the ambers of safeguards intended by the Act. This is because it leaves persons with disabilities with the tall burden of enforcing their rights by prosecuting violators which is expensive, rigorous and requires a high level of knowledge and awareness. The question is does the average person with disability possess the wherewithal to enforce their rights?

2. Stigmatization

Stigmatization is one challenge that hinders the enforcement of the provisions of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018. Stigmatization occurs when a negative attitude is held with regard to a group in general, as opposed to basing one's judgments on the specific characteristics of individuals within the group.⁴³ Stigmatization of persons with disabilities is a fall out of the negative perception society has about disability. Thus, society generally stigmatizes persons with disabilities as a group not just as individuals and without respect to the type or nature of the disability.

Stigmatization has major impacts on the psychosocial life of individuals with disabilities, their families and communities. It leads to human rights violations of persons with disabilities; causes stress, anxiety and further stigma. It reduces acceptance and heightens discrimination, rejection, and social exclusion; breeds label avoidance and makes it difficult for persons with disabilities to pursue employment or access to services or even marriage; and can result in a lowering of self-esteem and self-efficacy.⁴⁴ Stigmatization has strong negative consequences of importance to public health programs, persons with disabilities, their families, and even practitioners working with persons with disabilities. Stigmatization may be extended to family members of persons with disabilities and even caregivers working with them. To most people with disabilities, stigma is a significant barrier to mainstream social participation.

Moreover, stigmatization occurs on societal, interpersonal, and individual levels, and is described differently by different individuals. Ignorance and misinformed beliefs about the condition or its causes may lead to stigma, prejudice, and discrimination and can have negative consequences for seeking help. Persons with disabilities face stigmatization from other members of the society as a result of their negative cultural perception about disability. Such negative perceptions breed stigmatization, discrimination, isolation, subjugation, oppression ad marginalization towards undergraduates with physical disabilities.

3. Negative cultural and societal perception towards disability

There are many negative cultural myths and beliefs about disability within many cultures in Nigeria. These cultures teach the avoidance of evil so as to avoid incurring disabilities upon oneself or to unborn generations. The perception of disability and about persons with disabilities differ from one culture to other; however, this ranges from them being perceived as objects of charity and pity, to having spiritual

⁴³ O. N. P. Adiola Psychosocial Challenges and Scholastic Adjustment of Undergraduate Students with Physical Disability in Rivers State owned Universities (2022) A Dissertation submitted to the Postgraduate School, Ignatius Ajuru University of Education Rumuolumeni, Port Harcourt in partial fulfilment of the requirements for the award of Degree Master in Education (M.Ed) in Special Needs Education.

⁴⁴ Ibid.

connotations or undertone⁴⁵. Superstition and cultural stereotype are factors that have heightened the discrimination meted out to persons with disability. While it is obvious that their impairments and consequent disabilities may hinder their effective performance in ordinary day to day activities, persons with disabilities may not necessarily have any disability in their reasoning ability, thus, they can function effectively like any other if given the opportunity.

It is trite that the information a child with disability receives about himself from the environment largely determines his feelings about who he is, what he can do and how he should behave. The society conditions persons with disabilities to believe that they are inferior and less than others. They are made to accept whatever society throws at them! Hence, there is the belief that persons with disabilities are inferior to able bodied persons and can be used for social and economic benefits.⁴⁶

These negative cultural perceptions can be deduced in the way persons with disabilities are treated with disdain even amongst the educated and other members of the society. Disability is sometimes synonymous with pity, charity and negative myths. Therefore, the sight of a person with disability sometimes evokes these emotions depending on the environment where the person with disability is seen. These negative perceptions ignite and fuel discrimination against persons with disabilities.

4. Lack of will power on the part of government

The Discrimination Against Persons with Disabilities (Prohibition) Act 2018 represents a significant legislative step towards safeguarding the rights of persons with disabilities. However, the effective enforcement of this Act is impeded by a notable lack of political will among government officials and policymakers. This deficit in commitment not only undermines the Act's objectives but also perpetuates systemic discrimination against persons with disabilities.

Political will refers to the determination of political leaders and institutions to prioritize and implement policies that benefit specific populations or address pressing social issues. In the context of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018, political will encompasses the commitment to enforce the law, allocate necessary resources, and create an inclusive environment for individuals with disabilities.

One of the most evident manifestations of a lack of political will is the insufficient allocation of resources for the implementation of the Act. Effective enforcement requires financial investment in training programmes, public awareness campaigns, and the establishment of monitoring bodies. When government fails to prioritize these initiatives, it renders the provisions of the Act largely theoretical, with little practical impact on the lives of persons with disabilities.

The enforcement of the Act requires robust institutional frameworks capable of addressing violations and promoting compliance. However, a lack of political will often results in the establishment of weak or ineffective enforcement mechanisms. Without dedicated agencies or personnel responsible for

⁴⁵ E. Etieyibo & O. Omiegbe 'Religion, Culture and Discrimination against Persons with Disabilities in Nigeria' African Journal of Disability (2016) 5(1) @ 192.

⁴⁶ n. 3.

monitoring compliance, persons with disabilities may find it challenging to seek redress for discrimination, thus diminishing the effectiveness of the Act.

Political will is often influenced by advocacy and public pressure. In many cases, persons with disabilities and their advocates struggle to gain political attention. This marginalization can stem from societal stigma and a lack of representation in political discourse. When the voices of persons with disabilities are not adequately heard, there is little incentive for political leaders to prioritize the enforcement of the Act. Consequently, the needs and rights of the intended population remain overlooked.

Political will is also shaped by cultural attitudes towards disability. In societies where disability is stigmatized or misunderstood, political leaders may be reluctant to champion disability rights due to fear of backlash or lack of public support. This cultural barrier can create an environment where the enforcement of the Act is not seen as a priority, further entrenching discrimination.

Unfortunately, the lack of political will to enforce the Act has profound consequences. It perpetuates a cycle of exclusion and marginalization, where persons with disabilities continue to face discrimination in various spheres of life, including employment, education, and access to public services. This not only affects their quality of life but also undermines the broader goals of social justice and equality.

5. Illiteracy

The effectiveness of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 is profoundly undermined by the pervasive issue of illiteracy, particularly among marginalized populations. Illiteracy serves as a barrier to the enforcement of the Act, impeding awareness, advocacy, and the overall realization of rights for persons with disabilities. Illiteracy is defined as the inability to read and write, and remains a critical challenge in many societies. It is often compounded by factors such as poverty, lack of access to quality education, and social stigma. In the context of disability, illiteracy can be particularly pronounced, as individuals with disabilities may face additional barriers to educational opportunities. Consequently, a significant portion of this demography may lack the knowledge necessary to understand their rights under the Discrimination Against Persons with Disabilities (Prohibition) Act 2018.

One of the primary challenges posed by illiteracy is the lack of awareness regarding legal rights and protections. Many individuals with disabilities may not be familiar with the provisions of the Act, including their entitlements to reasonable accommodations, protection from discrimination, and access to public services. Without adequate literacy skills, individuals are less likely to engage with legal texts, attend informational sessions, or comprehend advocacy materials designed to inform them of their rights.

This gap in awareness can lead to a cycle of disenfranchisement, where individuals are unable to advocate for themselves or seek redress when their rights are violated. The inability to read or understand legal documents further exacerbates this issue, as individuals may struggle to navigate the legal system or understand the processes involved in filing complaints or seeking legal assistance.

6. Poverty

Poverty, which disproportionately affects persons with disabilities is another challenge to the enforcement of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018. Poverty serves as a formidable barrier to the effective implementation of the Act, hindering access to rights, resources, and opportunities for persons with disabilities. Poverty and disability are intricately linked, forming a vicious cycle that exacerbates the challenges faced by persons with disabilities. It is foreseeable that persons with disabilities are more likely to experience poverty than their non-disabled counterparts. This disparity is often due to a combination of factors, including limited access to education, discrimination in the labour market, and increased healthcare costs associated with disability. As a result, individuals with disabilities may find themselves in a position where they are unable to fully exercise their rights under the Act.

The financial constraints faced by persons with disabilities may inhibit their ability to engage with advocacy organizations or legal services that could assist them in navigating the complexities of the legal system. Moreover, poverty often restricts access to essential services, such as education and healthcare, which are critical for the empowerment of individuals with disabilities. Without access to quality education, individuals may lack the skills and knowledge necessary to advocate for their rights effectively. Similarly, inadequate healthcare can exacerbate disabilities, further limiting a person's capacity to engage with the provisions of the Act.

The enforcement of the Discrimination Against Persons with Disabilities (Prohibition) Act 2018 requires individuals to be able to seek legal recourse when their rights are violated. However, the economic constraints faced by persons living in poverty can significantly limit their ability to pursue legal action. Legal fees, transportation costs, and the time required to engage with the legal system can be exorbitant for low-income individuals. As a result, many may choose to forgo seeking justice, perpetuating a culture of impunity for those who discriminate against persons with disabilities.

7. Ignorance of the provisions of the Act

Another significant barrier to the effective implementation of this Act is the widespread ignorance of its provisions among various stakeholders, including the general public, employers, service providers, some government officials and even persons with disabilities themselves. This lack of awareness poses a significant challenge to the realization of the objectives of the Act.

Many individuals are unaware of the rights guaranteed to persons with disabilities under the Act. This ignorance can lead to unintentional discrimination and exclusion from social, economic, educational, and political opportunities. Without knowledge of their rights, persons with disabilities may not advocate for themselves or seek redress in cases of discrimination.

Again, employers and service providers often lack training regarding the provisions of the Act. This ignorance can result in discriminatory hiring practices, inadequate accommodations in the workplace, and failure to provide accessible services for persons with disabilities within their employ or clientele. Many employers may not understand their legal obligations to accommodate employees with disabilities, leading to a workforce that is not inclusive. This not only affects persons with disabilities but also limits the potential talent pool available to businesses.

Even within government bodies responsible for enforcing the Act, there appears to be a lack of understanding of its provisions. This ignorance can hinder the implementation process, as officials may not be equipped to enforce the law effectively or provide the necessary policy directions to preserve the accessibility and inclusion of persons with disabilities. Training programs and workshops for government personnel are therefore essential to ensure that they are knowledgeable about the Act and can advocate for its enforcement.

5.0 Conclusion

The Discrimination Against Persons with Disabilities (Prohibition) Act 2018 is a beautiful piece aimed at providing the full integration of persons with disabilities. The provisions are explicit and indeed provide for the accessibility and inclusion of persons with disabilities in the society. However, there are some barriers that obstruct the enforcement of the provisions of the Act. Where these barriers are removed, the Act will be fully enforceable and will achieve the purpose of its enactment which is to guarantee the rights of persons with disabilities.

6.0 Recommendations

1. There is need for the establishment of an office that will be in charge of investigating and prosecuting violations against persons with disabilities in respect of the provisions of the Discrimination Against Persons with Disabilities (prohibition) Act 2018.
2. The media should be engaged to enlighten the society on the capabilities, achievements and contributions of persons with disabilities. This will help to change the perception of members of the society, such that they can view persons with disabilities as valuable members of the society, thus change the negative cultural perception as well as reduce stigmatization.
3. Government needs to create a political will to implement the Act because persons with disability are valuable members of the society. Again, government officials should realize that disability could occur at any time. Thus, it is important that the Act is implement so that their rights and accessibility are guaranteed should they later on suffer a disability.
4. There is need for the intentional education of persons with disabilities.
5. Government and non-governmental agencies should focus on the providing opportunities for persons with disabilities so as to pull them out of poverty line. This will help create a more inclusive society where persons with disabilities are empowered to assert their rights and participate fully in all aspects of life.
6. There is need for the mass media to be employed to enlighten the members of the society on the provisions of the Act.